



# Journal of the Senate

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## CALL TO ORDER

The Senate was called to order by President King at 2:00 p.m. A quorum present—37:

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Fasano	Saunders
Aronberg	Geller	Sebesta
Atwater	Hill	Siplin
Bennett	Jones	Smith
Bullard	Klein	Villalobos
Campbell	Lawson	Wasserman Schultz
Carlton	Lee	Webster
Clary	Lynn	Wilson
Constantine	Margolis	Wise
Cowin	Miller	
Crist	Peadar	

Excused: Senators Dawson and Garcia

## PRAYER

The following prayer was offered by the Rev. Davette Turk, Director of Reconciliation at Fresh Ministries, Jacksonville:

A great theologian said, "God speaks by silences." We are at a moment of world history that you and I are living through together. The world will never be the same. I ask you to pray in silence for a minute for our President, for the United States of America, for our troops, and for the citizens of Iraq. From your heart, pray for this world, God's gift to you.

Now with your eyes closed and visualizing your family, just visualize please your family and those closest to you, your loved ones.

Let us pray.

Lord, God, King and Creator of the universe, we ask your grace and blessing for these men and women who have been called to serve our state in this august assembly. I pray for their families, especially the children and spouses who have generously sacrificed precious time, to share them with us, as they serve the State of Florida. I believe that you, O Lord, our God, have called each one of them from their mother's womb, and prepared them, by all the events of their lives, for this ministry at this time in history to be truly servanthood leadership.

I pray this day that you, O Lord, our God, will give them abundantly the gifts of your Spirit: discernment, courage, truth, compassion and, above all, the joy of the Lord, which is our strength. May they seek consensus from a pure heart. May they seek, in prayer, the direction of your will, because your will is the will of love. May the children, the elderly, the poor, and the oppressed be their top priority. May the education they desire for their children be the education they passionately work on for all children of our state. May the care they desire for their parents, and themselves when they are elderly, be the care that they passionately work on for all the elderly of our state. May the homes they live in make them determined to care for the homeless on the streets of this great state.

May the men and women in this elected chamber remember Erasmus' words, "Bidden or not bidden, God is present." "Bidden or not bidden, God is present." And because God is present they stand on Holy Ground. (Sings *Holy Ground*)

"Holy Ground, we're standing on holy ground,  
For the Lord is present, and where He is, is holy.  
Holy Ground, we're standing on holy ground,  
For the Lord is present, and where He is, is holy." Amen.

## PLEDGE

Senate Pages Brock Anthony Bjorn of Okahumpka, Alex Bryce Boody of Valrico, Jennifer Blake of North Port and Taylor Tollerton of Sarasota, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. William J. Bibb of Madison, sponsored by Senator Lawson, as doctor of the day. Dr. Bibb specializes in Family Practice.

## ADOPTION OF RESOLUTIONS

On motion by Senator Miller—

By Senator Miller—

**SR 2510**—A resolution recognizing Earl J. Lennard, Ph.D., for his contributions to Hillsborough County and the State of Florida as a distinguished educator and for being named "State School Superintendent of the Year" by the Florida Association of School Superintendents.

WHEREAS, Earl J. Lennard, Ph.D., was born in Hillsborough County, Florida, in 1942 and received his secondary education in the public schools of that county, and

WHEREAS, Dr. Lennard was awarded bachelor and doctoral degrees from the University of South Florida, also in Hillsborough County, and

WHEREAS, Dr. Lennard has spent his professional life in service to the School District of Hillsborough County and has raised and educated his own children within the district, and

WHEREAS, Dr. Lennard was named Superintendent of the district in 1996 and has served with distinction since that time, building the district's reputation as one of innovation with positive results for the children it serves, making it an ongoing role model for the other 66 public school districts in the state, and

WHEREAS, Dr. Lennard is an active participant in his community in volunteer service to many charitable and civic organizations and works

tirelessly on a number of boards, authorities, and commissions as an educational professional, and

WHEREAS, Dr. Lennard was recognized for his professionalism and expertise by being named State School Superintendent of the Year by the Florida Association of School Superintendents during a joint conference in Tampa with the Florida School Boards Association on December 4, 2002, NOW, THEREFORE,

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

That the members of the Florida Senate salute Dr. Earl Lennard as one of Hillsborough County's consummate role models and distinguished residents and as an educator extraordinaire.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Earl J. Lennard, Ph.D., as a token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Miller, **SR 2510** was read the second time in full and adopted.

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On motion by Senator Peaden—

By Senator Peaden—

**SR 2516**—A resolution commending the National Kidney Foundation for its many contributions and recognizing March 2003 as “National Kidney Month” in the State of Florida.

WHEREAS, one in nine adults—more than 20 million Americans—has kidney disease, and most don't know it; and another 20 million Americans are at risk of developing the disease due to diabetes, high blood pressure, or a family history of kidney disease, and

WHEREAS, more than 345,000 Americans, including approximately 18,000 Floridians, suffer from chronic kidney failure and require dialysis treatments or a kidney transplant to stay alive, and

WHEREAS, the National Kidney Foundation is the major voluntary health agency seeking prevention and cures for diseases of the kidney and urinary tract nationally and in Florida, and

WHEREAS, the National Kidney Foundation is universally respected and recognized as a leader in research and in promoting public awareness of kidney disease and of the need for organ donors, and

WHEREAS, the volunteers and staff of the National Kidney Foundation of Florida spend countless hours working to help ease the plight of dialysis patients, transplant recipients, and others in our community suffering from kidney disease, NOW THEREFORE,

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

That the Florida Senate commends the invaluable contributions that the National Kidney Foundation makes to the people of this state by promoting awareness of kidney disease and assisting those who suffer from kidney disease, and recognizes March 2003 as “National Kidney Month” in the State of Florida.

—was introduced out of order and read by title. On motion by Senator Peaden, **SR 2516** was read the second time in full and adopted.

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At the request of Senator Saunders—

By Senator Saunders—

**SR 492**—A resolution recognizing and commending the Cape Youth Hurricanes Football Team for winning the 2002 Pop Warner Midget Division II Football National Championship.

WHEREAS, the 2002 Cape Youth Hurricanes Football Team is made up of young men who are 13 to 15 years of age who reside in and about the Cape Coral, Florida, area, and

WHEREAS, the team, on December 13, 2002, won the 2002 Pop Warner Midget Division II Football National Championship at Disney's

Wide World of Sports Complex, defeating a team from Bollingbrook, Illinois, by a score of 28 to 8, finishing the 2002 football season undefeated with a record of 15-0, and becoming the first Cape Coral, Florida, football team at any level to win a national football title, and

WHEREAS, the team's accomplishments in winning the 2002 Pop Warner Midget Division II Football National Championship brings distinctive honor to the State of Florida and its citizens, especially those who reside in and about Cape Coral, Florida, by exemplifying the competitive excellence a group of young men can attain by combining their talents and disciplining themselves to work together toward achieving success in playing the game of football, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends the Cape Youth Hurricanes Football Team for its outstanding accomplishments in becoming the 2002 Pop Warner Midget Division II Football National Champions.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the Cape Youth Hurricanes Football Team as a tangible token of the sentiments of the Florida Senate.

—**SR 492** was introduced, read and adopted by publication.

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At the request of Senator Saunders—

By Senator Saunders—

**SR 496**—A resolution recognizing and commending the Cape Coral Babe Ruth 9-Year-Old Baseball Team on winning 2002 State and National Regional Babe Ruth 9-Year-Old baseball tournaments.

WHEREAS, on July 8, 2002, the Cape Coral, Florida, Babe Ruth 9-Year-Old Baseball Team won the 2002 State Babe Ruth 9-Year-Old Baseball Tournament Championship game and became the first Coral Springs Babe Ruth Baseball Team at any level to win a state baseball championship in the 30-year history of the league, and

WHEREAS, on July 22, 2002, the Cape Coral, Florida, Babe Ruth 9-Year-Old Baseball Team won the 2002 National Regional Babe Ruth 9-Year-Old Baseball Tournament Championship game in Kinston, North Carolina, and

WHEREAS, the Manager of the Cape Coral, Florida, Babe Ruth 9-Year-Old Baseball Team is Ronnie Brown, the coaches of the team are Chuck Cavanaugh and Todd Manka, and the members of the Team are Bryan Bosworth, Scott Bosworth, Logan Brown, Kevin Cavanaugh, Ryan Gage, Cree Johnson, Michael King, Wade Lynch, Ryno Manka, Stanley Padfield, D. J. Schleicher, and Derek Singh, and

WHEREAS, the team's outstanding accomplishments in baseball competition bring distinctive honor to the State of Florida and its citizens, especially those who reside in Cape Coral and Lee County, by exemplifying the competitive excellence a group of young men can attain by combining their skills and strengths, and disciplining themselves to excel in playing the game of baseball, NOW, THEREFORE,

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

That the Florida Senate recognizes and commends the accomplishments of the Cape Coral Babe Ruth 9-Year-Old Baseball Team in winning the 2002 State Babe Ruth 9-Year-Old Baseball Tournament Championship game, becoming the first Coral Springs Babe Ruth Baseball Team at any level to win a state baseball championship in the 30-year history of the league, and in winning the 2002 National Regional Babe Ruth 9-Year-Old Baseball Tournament Championship game.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to the 2002 Coral Springs, Florida, Babe Ruth 9-Year-Old Baseball Team as a tangible token of the sentiments of the Florida Senate.

—**SR 496** was introduced, read and adopted by publication.

At the request of Senator Peaden—

By Senator Peaden—

**SR 2540**—A resolution recognizing the affiliated Florida Chapters of the Association for Retarded Citizens for more than 50 years of community service.

WHEREAS, the affiliated chapters of ARC/Florida have provided many years of community services and have helped hundreds of families and their loved ones, and

WHEREAS, these local chapters provide training, education, jobs, family supports, and other services that are crucial in helping persons with retardation remain with their families or provide for their own support, and

WHEREAS, these local chapters provide residential services in the form of group homes and other settings for people who can no longer remain with their families or live independently, and

WHEREAS, these services help persons with retardation remain within their communities and avoid the use of high-cost institutional care, and

WHEREAS, the ARC/Florida and its local affiliated chapters have provided more than 50 years of continuous advocacy and services to people in this state, and

WHEREAS, March has been declared Mental Retardation Month, NOW, THEREFORE,

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

That the Florida Senate recognizes ARC/Florida and its affiliates throughout the state for their exemplary contribution and encourages their continued assistance in helping persons with disabilities.

—**SR 2540** was introduced, read and adopted by publication.

At the request of Senator Miller—

By Senator Miller—

**SR 2542**—A resolution commending the Tampa Bay Buccaneers of the National Football League for their victory in the 2003 Super Bowl and for their many contributions to the economic and cultural vitality of the Tampa Bay area and the State of Florida.

WHEREAS, the City of Tampa and the State of Florida have many people to thank for the benefits that have come to us through the efforts and successes of the Tampa Bay Buccaneers, and

WHEREAS, among these people are Malcolm Glazer, who purchased the franchise for the Tampa Bay Buccaneers in 1995; Tony Dungy, who coached and developed the team from 1996 to the end of the 2001-2002 season; and Jon Gruden, who took over as head coach for the 2002-2003 season and led the team to a 12-4 win-loss record for that season and to its stunning performances in the playoffs and division championships, culminating in the Buccaneer's overwhelming defeat of the Oakland Raiders in Super Bowl XXXVII, and

WHEREAS, these two fine coaches and the magnificent athletes who make up the Tampa Bay Buccaneers Football Team have always been guided and supported in their developing excellence by the management team of Malcolm Glazer, his sons Joel, Bryan, and Edward, and General Manager Rich McKay, and

WHEREAS, the team's contributions to the vitality of the Tampa Bay area and the State of Florida include the many benefits of national visibility, increased jobs and expanded economic activity, wholesome family entertainment, and a unifying pride for Tampa Bay and Florida, NOW, THEREFORE,

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

That the Florida Senate recognizes, commends, and honors the players, the coaches, and the managers and owners of the Tampa Bay Bucca-

neers for their great victory in Super Bowl 2003 and for all the other benefits they have brought us.

BE IT FURTHER RESOLVED that copies of this resolution, with the Seal of the Senate affixed, be presented to Malcolm Glazer and his entire team as a tangible token of the sentiments of the Florida Senate.

—**SR 2542** was introduced, read and adopted by publication.

## SPECIAL ORDER CALENDAR

Consideration of **SB 1488** was deferred.

On motion by Senator Saunders—

**CS for CS for CS for SB 698**—A bill to be entitled An act relating to certified geriatric specialty nursing; providing a short title; requiring the Agency for Workforce Innovation to establish a pilot program for delivery of certified geriatric specialty nursing education; specifying eligibility requirements for certified nursing assistants to obtain certified geriatric specialty nursing education; specifying requirements for the education of certified nursing assistants to prepare for certification as a certified geriatric specialist; creating a Certified Geriatric Specialty Nursing Initiative Steering Committee; providing for the composition of and manner of appointment to the Certified Geriatric Specialty Nursing Initiative Steering Committee; providing responsibilities of the steering committee; providing for reimbursement for per diem and travel expenses; requiring the Agency for Workforce Innovation to conduct or contract for an evaluation of the pilot program for delivery of certified geriatric specialty nursing education; requiring the evaluation to include recommendations regarding the expansion of the delivery of certified geriatric specialty nursing education in nursing homes; requiring the Agency for Workforce Innovation to report to the Governor and Legislature regarding the status and evaluation of the pilot program; creating s. 464.0125, F.S.; providing definitions; providing requirements for persons to become certified geriatric specialists; specifying fees; providing for articulation of geriatric specialty nursing coursework and practical nursing coursework; providing practice standards and grounds for which certified geriatric specialists may be subject to discipline by the Board of Nursing; creating restrictions on the use of professional nursing titles; prohibiting the use of certain professional titles; providing penalties; authorizing approved nursing programs to provide education for the preparation of certified geriatric specialists without further board approval; authorizing certified geriatric specialists to supervise the activities of others in nursing home facilities according to rules by the Board of Nursing; revising terminology relating to nursing to conform to the certification of geriatric specialists; amending s. 381.00315, F.S.; revising requirements for the reactivation of the licenses of specified health care practitioners in the event of public health emergency to include certified geriatric specialists; amending s. 400.021, F.S.; including services provided by a certified geriatric specialist within the definition of nursing service; amending s. 400.211, F.S.; revising requirements for persons employed as nursing assistants to conform to the certification of certified geriatric specialists; amending s. 400.23, F.S.; specifying that certified geriatric specialists shall be considered licensed nursing staff; authorizing licensed practical nurses to supervise the activities of certified geriatric specialists in nursing home facilities according to rules adopted by the Board of Nursing; amending s. 409.908, F.S.; revising the methodology for reimbursement of Medicaid program providers to include services of certified geriatric specialists; amending s. 458.303, F.S.; revising exceptions to the practice of medicine to include services delegated to a certified geriatric specialist under specified circumstances; amending s. 1009.65, F.S.; revising eligibility for the Medical Education Reimbursement and Loan Repayment Program to include certified geriatric specialists; amending s. 1009.66, F.S.; revising eligibility requirements for the Nursing Student Loan Forgiveness Program to include certified geriatric specialists; providing an appropriation; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendment which was adopted:

**Amendment 1 (781792)(with title amendment)**—On page 21, between lines 13 and 14, insert:

Section 16. Subsection (6) is added to section 464.201, Florida Statutes, to read:

464.201 Definitions.—As used in this part, the term:

(6) *“Practice of a certified nursing assistant” means providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, post mortem care, patient socialization and reality orientation, end-of-life care, CPR and emergency care, residents’ or patients’ rights, documentation of nursing assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse. This section does not restrict the ability of any person who is otherwise trained and educated from performing such tasks.*

Section 17. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants *which specify the scope of practice authorized and level of supervision required for the practice of certified nursing assistants to enforce this part.* The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider’s application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, line 24, after the semicolon (;) insert: amending s. 464.201, F.S.; defining terms; amending s. 464.202, F.S.; authorizing the Board of Nursing to adopt rules regarding the practice and supervision of certified nursing assistants;

Pursuant to Rule 4.19, **CS for CS for CS for SB 698** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Atwater—

**CS for SB 1024**—A bill to be entitled An act relating to non-ad valorem assessments; amending s. 197.3632, F.S.; changing the time for holding the public hearing at which a non-ad valorem assessment is adopted; prescribing method of notice for non-ad valorem assessments collected for more than 1 year; providing an effective date.

—was read the second time by title.

Senator Atwater moved the following amendment which was adopted:

**Amendment 1 (820150)**—On page 2, delete line 5 and insert: the non-ad valorem assessment roll, *and shall not be required to provide individual notices to each taxpayer unless the provisions of subsection (4) apply. Notice of an assessment,*

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

On motion by Senator Pruitt—

**CS for SB 460**—A bill to be entitled An act relating to health care; amending s. 408.036, F.S.; providing an exemption from certificate-of-need requirements for certain open-heart-surgery programs; providing criteria for qualifying for the exemption; requiring the Agency for Health Care Administration to report to the Legislature; providing for expiration of the exemption; providing an effective date.

—was read the second time by title.

Senator Pruitt moved the following amendment which was adopted:

**Amendment 1 (644474)(with title amendment)**—On page 3, delete line 4.

And the title is amended as follows:

On page 1, lines 8 and 9, delete those lines and insert: to the Legislature; providing an effective date.

Pursuant to Rule 4.19, **CS for SB 460** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

**CS for SB 198**—A bill to be entitled An act relating to adult entertainment establishments; amending s. 847.0134, F.S.; revising the prohibition against locating an adult entertainment establishment within a specified distance from a school; requiring that such establishment be approved by the county or municipality and the district school board; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 198** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

**SB 1568**—A bill to be entitled An act relating to acute care hospitals; amending s. 408.043, F.S.; providing for certain acute care hospitals in high growth counties to add additional beds without the approval of the Agency for Health Care Administration; providing for notice; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1568** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey—

**SB 1488**—A bill to be entitled An act relating to governmental reorganization; revising various statutory provisions relating to the Cabinet and to members of the Cabinet, which provisions were affected by the amendment of Article IV, Section 4 of the State Constitution; amending s. 13.05, F.S.; providing membership of the Governor’s Committee on Interstate Cooperation; amending s. 14.055, F.S.; conforming provisions relating to order of succession to the office of Governor; creating s. 14.2001, F.S.; providing that, in a tie vote of the Governor and Cabinet, the side on which the Governor voted will be considered the prevailing side in the absence of contrary statutory intent; amending s. 14.202, F.S.; conforming provisions relating to meetings of and voting by the Administration Commission; amending s. 14.24, F.S.; providing for selection of members of the Florida Commission on the Status of Women; amending s. 114.03, F.S.; conforming provisions relating to executive officers not absenting themselves from the capital without permission; amending ss. 121.0312, 121.055, F.S.; conforming provisions relating to the State Board of Administration; amending s. 121.4501, F.S.; deleting

provisions that create the Public Employee Optional Retirement Program Advisory Committee; amending s. 215.44, F.S.; conforming provisions relating to duties of the State Board of Administration; amending s. 215.62, F.S.; conforming provisions relating to the Division of Bond Finance; amending s. 215.95, F.S.; conforming provisions relating to composition of the Financial Management Information Board; amending s. 215.96, F.S.; revising the membership of the coordinating council of the State Board of Administration; amending ss. 253.02, 253.034, F.S.; conforming provisions relating to the Board of Trustees of the Internal Improvement Trust Fund; reenacting s. 259.032, F.S., to incorporate the amendment of a statute referred to therein; amending s. 259.041, F.S.; conforming provisions relating to the Board of Trustees of the Internal Improvement Trust Fund; reenacting s. 260.016, F.S., to incorporate the amendment of a statute referred to therein; amending ss. 940.01, 940.03, F.S.; conforming provisions relating to executive clemency; amending s. 985.417, F.S.; conforming provisions relating to probation for certain juvenile offenders; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Posey and adopted:

**Amendment 1 (935092)(with title amendment)**—On page 21, between lines 6 and 7, insert:

Section 22. *If any provision of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 22, after the semicolon (;) insert: providing a severability clause;

Pursuant to Rule 4.19, **SB 1488** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bennett—

**SB 662**—A bill to be entitled An act relating to water and wastewater systems; amending s. 367.081, F.S.; authorizing the Florida Public Service Commission to approve rates allowing utilities to recover the full costs of alternative water supply facilities; amending s. 367.0814, F.S.; increasing the limitation on gross annual revenues under which a water or wastewater utility may qualify to obtain staff assistance from the Florida Public Service Commission in changing rates and charges; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 662** was placed on the calendar of Bills on Third Reading.

On motion by Senator Fasano—

**CS for SB 570**—A bill to be entitled An act relating to the rights of members of the United States Armed Forces; amending s. 627.7283, F.S.; requiring an insurer to refund the entire unearned premium to any member of the United States Armed Forces who cancels a policy under certain circumstances; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 570** was placed on the calendar of Bills on Third Reading.

On motion by Senator Geller—

**SB 88**—A bill to be entitled An act relating to high occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehi-

cles to travel in such lanes, regardless of occupancy; providing for a decal and registration certificate; providing for a fee; providing rulemaking authority; providing an effective date.

—was read the second time by title.

The Committee on Commerce, Economic Opportunities, and Consumer Services recommended the following amendment which was moved by Senator Geller and failed:

**Amendment 1 (275700)**—On page 1, line 29, delete “October 1, 2003” and insert: July 1, 2003

Senator Geller moved the following amendment which was adopted:

**Amendment 2 (831456)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsections (4), (5), and (6) are added to section 316.0741, Florida Statutes, to read:

316.0741 High occupancy vehicle lanes.—

(4) *Notwithstanding any other provision of this section, an inherently low-emission vehicle (ILEV) that is certified and labeled in accordance with federal regulations may be driven in an HOV lane at any time, regardless of its occupancy. In addition, upon the state’s receipt of written notice from the proper federal regulatory agency authorizing such use, a vehicle defined as a hybrid vehicle under this section may be driven in an HOV lane at any time, regardless of its occupancy. The department shall issue a decal and registration certificate, to be renewed annually, reflecting the HOV lane designation on such vehicles authorizing such use. The department may charge a fee for a decal, not to exceed the costs of designing, producing, and distributing each decal, or \$5, whichever is less. The proceeds from sale of the decals shall be deposited in the Highway Safety Operating Trust Fund.*

(5) *As used in this section, the term “hybrid vehicle” means a motor vehicle:*

(a) *That draws propulsion energy from onboard sources of stored energy which are both:*

1. *An internal combustion or heat engine using combustible fuel; and*
2. *A rechargeable energy storage system; and*

(b) *That, in the case of a passenger automobile or light truck:*

1. *Has received a certificate of conformity under the Clean Air Act, 42 U.S.C. 7401 et seq.; and*

2. *Meets or exceeds the equivalent qualifying California standards for a low-emission vehicle.*

(6) *The department may adopt rules necessary to administer this section.*

Section 2. This act shall take effect July 1, 2003.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to high occupancy vehicle lanes; amending s. 316.0741, F.S.; allowing certain energy-saving vehicles to travel in such lanes, regardless of occupancy; providing for a decal and registration certificate; providing for a fee; defining the term “hybrid vehicle”; providing rulemaking authority; providing an effective date.

Pursuant to Rule 4.19, **SB 88** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

**SB 1080**—A bill to be entitled An act relating to anhydrous ammonia; amending s. 812.014, F.S.; providing that the theft of anhydrous ammonia is grand theft and a felony of the third degree; amending s. 893.033, F.S.; adding anhydrous ammonia to the list of precursor chemicals that may be used in manufacturing a controlled substance in violation of ch.

893, F.S.; reenacting s. 893.149, F.S., relating to the unlawful possession or distribution of a listed chemical; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1080** was placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

**CS for SB 242**—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 322.27, F.S.; requiring law enforcement agencies to notify the department of any traffic fatality or the commission of an offense that requires mandatory revocation of license upon conviction; providing an effective date.

—was read the second time by title.

Senator Saunders moved the following amendments which were adopted:

**Amendment 1 (303214)(with title amendment)**—On page 1, lines 24-26, delete those lines and insert: *within 24 hours after any traffic fatality or when the law enforcement agency initiates action pursuant to s. 316.1933;*

And the title is amended as follows:

On page 1, lines 6-8, delete those lines and insert: *or when a law enforcement agency initiates action to obtain a blood test for impairment in a case of death or serious bodily injury; providing an effective date.*

**Amendment 2 (625170)(with title amendment)**—On page 2, between lines 12 and 13, insert:

Section 2. Subsection (2) of section 322.20, Florida Statutes, is amended to read:

322.20 Records of the department; fees; destruction of records.--

(2) The department shall also maintain a record of all crash reports, abstracts of court records of convictions, and notices of revocation or suspension of a person's driver's license or driving privilege. *Records of convictions of a person holding a foreign license shall be maintained by the department if the uniform traffic citation indicates an address located in this state.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 8, after the semicolon (;) insert: *amending s. 322.20, F.S.; requiring the department to maintain certain records of convictions for persons holding a foreign driver's license;*

Pursuant to Rule 4.19, **CS for SB 242** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**SB 524**—A bill to be entitled An act relating to rules of evidence; amending s. 90.104, F.S.; specifying circumstances in which claims of error relating to evidence admitted or excluded at trial are preserved for appeal; amending s. 90.803, F.S., relating to hearsay exceptions; amending conditions under which certain records of regularly conducted business activity are admissible; amending s. 90.902, F.S.; providing for circumstances in which evidence accompanied by a certification or declaration made by a records custodian or another qualified person does not require extrinsic evidence of authenticity as a condition precedent to admissibility; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Campbell:

**Amendment 1 (095740)(with title amendment)**—On page 4, between lines 15 and 16, insert:

Section 4. Section 43.195, Florida Statutes, is transferred to section 90.959, Florida Statutes.

**90.959 43-195** Disposal of physical evidence filed as exhibits.—The clerk of any circuit court or county court may dispose of items of physical evidence which have been held as exhibits in excess of 3 years in cases on which no appeal is pending or can be made. Items of evidence having no monetary value which are designated by the clerk for removal shall be disposed of as unusable refuse. Items of evidence having a monetary value which are designated for removal by the clerk shall be sold and the revenue placed in the clerk's general revenue fund.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: *renumbering s. 43.195, F.S.;*

On motion by Senator Campbell, further consideration of **SB 524** with pending **Amendment 1 (095740)** was deferred.

Consideration of **SB 1118** was deferred.

On motion by Senator Clary—

**SB 848**—A bill to be entitled An act relating to trust funds; re-creating the Minerals Trust Fund within the Department of Environmental Protection without modification; carrying forward current balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 848** was placed on the calendar of Bills on Third Reading.

The Senate resumed consideration of—

**SB 524**—A bill to be entitled An act relating to rules of evidence; amending s. 90.104, F.S.; specifying circumstances in which claims of error relating to evidence admitted or excluded at trial are preserved for appeal; amending s. 90.803, F.S., relating to hearsay exceptions; amending conditions under which certain records of regularly conducted business activity are admissible; amending s. 90.902, F.S.; providing for circumstances in which evidence accompanied by a certification or declaration made by a records custodian or another qualified person does not require extrinsic evidence of authenticity as a condition precedent to admissibility; providing an effective date.

—which was previously considered this day with pending **Amendment 1 (095740)** by the Committee on Governmental Oversight and Productivity.

**MOTION**

On motion by Senator Campbell, the rules were waived to allow the following amendment to be considered:

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

**Amendment 1A (843358)**—On page 1, delete line 20 and insert: *90.960 43-195* Disposal of physical evidence filed as

**Amendment 1** as amended was adopted.

On motion by Senator Campbell, further consideration of **SB 524** as amended was deferred.

On motion by Senator Clary—

**SB 862**—A bill to be entitled An act relating to trust funds; re-creating the Water Quality Assurance Trust Fund within the Department of Environmental Protection without modification; carrying forward cur-

rent balances and continuing current sources and uses thereof; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 862** was placed on the calendar of Bills on Third Reading.

### RECONSIDERATION OF BILL

On motion by Senator Lynn, the Senate reconsidered the vote by which—

**SB 482**—A bill to be entitled An act relating to rental agreements by members of the United States Armed Forces; amending s. 83.682, F.S.; removing provisions requiring the payment of liquidated damages to the landlord under certain circumstances upon termination of a rental agreement; amending s. 83.67, F.S.; prohibiting a landlord from discriminating against a member of the United States Armed Forces in offering a dwelling unit for rent; creating s. 83.575, F.S.; providing for the termination of a tenancy having a specific duration; requiring the tenant to give notice before vacating the premises; limiting the maximum amount of required notice; providing for liquidated damages in specified circumstances; providing tenant liability for paying additional rent in specified circumstances; providing an effective date.

—as amended passed March 19.

### MOTION

On motion by Senator Lynn, the rules were waived to allow the following amendment to be considered:

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

**Amendment 1 (841678)**—In title, on page 1, lines 2 and 3, delete those lines and insert: An act relating to rental agreements; amending s.

On motions by Senator Lynn, **SB 482** as amended was passed, ordered engrossed and then immediately certified to the House. The vote on passage was:

Yeas—36

Mr. President	Diaz de la Portilla	Peadar
Alexander	Dockery	Posey
Argenziano	Fasano	Pruitt
Aronberg	Geller	Saunders
Atwater	Hill	Sebesta
Bennett	Jones	Siplin
Bullard	Klein	Smith
Carlton	Lawson	Villalobos
Clary	Lee	Wasserman Schultz
Constantine	Lynn	Webster
Cowin	Margolis	Wilson
Crist	Miller	Wise

Nays—None

Vote after roll call:

Yea—Campbell

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

**SB 524**—A bill to be entitled An act relating to rules of evidence; amending s. 90.104, F.S.; specifying circumstances in which claims of error relating to evidence admitted or excluded at trial are preserved for appeal; amending s. 90.803, F.S., relating to hearsay exceptions; amending conditions under which certain records of regularly conducted business activity are admissible; amending s. 90.902, F.S.; providing for circumstances in which evidence accompanied by a certification or declaration made by a records custodian or another qualified person does not

require extrinsic evidence of authenticity as a condition precedent to admissibility; providing an effective date.

—which was previously considered and amended this day.

### RECONSIDERATION OF AMENDMENTS

On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 1** as amended was adopted. On motion by Senator Campbell, the Senate reconsidered the vote by which **Amendment 1A** was adopted. **Amendment 1A (843358)** failed.

The question recurred on **Amendment 1 (095740)** which failed.

Pursuant to Rule 4.19, **SB 524** was placed on the calendar of Bills on Third Reading.

### MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Pruitt, by two-thirds vote **CS for SB 62** was withdrawn from the Committee on Appropriations.

On motion by Senator Bennett, by two-thirds vote **SB 182** was withdrawn from the committees of reference and further consideration.

On motion by Senator Villalobos, by two-thirds vote **SB 1474** was withdrawn from the committees of reference and further consideration; **SB 2054** was withdrawn from the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Judiciary; Children and Families; Appropriations Subcommittee on Health and Human Services; and Appropriations; and referred to the Committees on Children and Families; Judiciary; Banking and Insurance; Governmental Oversight and Productivity; Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 2022** and **SB 2136** were also referred to the Committee on Appropriations; **SB 2332** was withdrawn from the Committee on Finance and Taxation; **CS for SB 1252** was withdrawn from the Committee on Banking and Insurance; and **CS for SB 1368** was withdrawn from the Committee on Finance and Taxation.

### REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, March 26, 2003: **SB 1488**, **CS for CS for CS for SB 698**, **CS for SB 1024**, **CS for SB 460**, **CS for SB 198**, **SB 1568**, **SB 662**, **CS for SB 570**, **SB 88**, **SB 1080**, **CS for SB 242**, **SB 524**, **SB 1118**, **SB 848**, **SB 862**

Respectfully submitted,  
*Tom Lee, Chair*

The Committee on Criminal Justice recommends the following pass: **CS for SB 1056**

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

The Committee on Criminal Justice recommends the following pass: **SB 1070**, **SB 2336**

**The bills were referred to the Appropriations Subcommittee on Criminal Justice under the original reference.**

The Committee on Health, Aging, and Long-Term Care recommends the following pass: **SB 1260**

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

The Committee on Criminal Justice recommends the following pass: **SB 1222**

The Committee on Judiciary recommends the following pass: SB 222

The Committee on Natural Resources recommends the following pass: SB 1998

**The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on General Government under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 514, CS for SB 1048, CS for SB 1216

The Committee on Governmental Oversight and Productivity recommends the following pass: CS for SB 1454

The Committee on Health, Aging, and Long-Term Care recommends the following pass: HB 1 with 2 amendments, SB 2322 with 4 amendments

**The bills contained in the foregoing reports were referred to the Appropriations Subcommittee on Health and Human Services under the original reference.**

The Committee on Natural Resources recommends the following pass: SB 1336 with 1 amendment

**The bill was referred to the Appropriations Subcommittee on Transportation and Economic Development under the original reference.**

The Committee on Judiciary recommends the following pass: SB 2450

**The bill was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Judiciary recommends the following pass: SB 1502

**The bill was referred to the Committee on Commerce, Economic Opportunities, and Consumer Services under the original reference.**

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 2164 with 3 amendments

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

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 1832 with 1 amendment

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

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 2142

The Committee on Transportation recommends the following pass: SB 614, SB 1896

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

The Committee on Education recommends the following pass: SJR 612

**The bill was referred to the Committee on Ethics and Elections under the original reference.**

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 1162

**The bill was referred to the Committee on Finance and Taxation under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 1052

The Committee on Education recommends the following pass: SB 1414

The Committee on Health, Aging, and Long-Term Care recommends the following pass: SB 290

The Committee on Judiciary recommends the following pass: SB 1986

**The bills contained in the foregoing reports were referred to the Committee on Governmental Oversight and Productivity under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 2020

The Committee on Transportation recommends the following pass: SB 1840

**The bills contained in the foregoing reports were referred to the Committee on Health, Aging, and Long-Term Care under the original reference.**

The Committee on Criminal Justice recommends the following pass: SB 82, SB 268 with 1 amendment, SB 1734

The Committee on Education recommends the following pass: SB 2306

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 1808

The Committee on Transportation recommends the following pass: CS for SB 336 with 2 amendments

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 252, SB 254, SB 256, SB 288, SB 1028

**The bills were referred to the Committee on Rules and Calendar under the original reference.**

The Committee on Natural Resources recommends the following pass: SB 732

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

The Committee on Banking and Insurance recommends the following pass: SB 594 with 1 amendment

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends the following pass: SB 1634 with 1 amendment

The Committee on Criminal Justice recommends the following pass: SB 1082

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 2412

The Committee on Judiciary recommends the following pass: SB 2214

The Committee on Natural Resources recommends the following pass: SB 174 with 1 amendment

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

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The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 1428

**The bill with committee substitute attached was referred to the Appropriations Subcommittee on Health and Human Services under the original reference.**

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The Committee on Education recommends a committee substitute for the following: SB 2212

The Committee on Judiciary recommends a committee substitute for the following: SB 2018

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

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The Committee on Health, Aging, and Long-Term Care recommends a committee substitute for the following: SB 2036

**The bill with committee substitute attached was referred to the Committee on Commerce, Economic Opportunities, and Consumer Services under the original reference.**

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The Committee on Judiciary recommends a committee substitute for the following: SB 1220

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

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The Committee on Education recommends a committee substitute for the following: SB 1854

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

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The Committee on Education recommends a committee substitute for the following: SB 2114

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

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The Committee on Regulated Industries recommends committee substitutes for the following: SB 68, SB 476, SB 1920, SB 1980

**The bills with committee substitutes attached were referred to the Committee on Finance and Taxation under the original reference.**

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 1910

**The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Productivity under the original reference.**

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1680

The Committee on Education recommends a committee substitute for the following: SB 680

The Committee on Judiciary recommends committee substitutes for the following: SB 338, SB 340

**The bills with committee substitutes attached contained in the foregoing reports were referred to the Committee on Health, Aging, and Long-Term Care under the original reference.**

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The Committee on Criminal Justice recommends committee substitutes for the following: SB 126, SB 232, CS for SB 478, SB 1480

The Committee on Regulated Industries recommends a committee substitute for the following: CS for SB 592

**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 Governmental Oversight and Productivity recommends a committee substitute for the following: SB 1992

**The bill with committee substitute attached was referred to the Committee on Military and Veterans' Affairs, Base Protection, and Spaceports under the original reference.**

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The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1924

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

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The Committee on Governmental Oversight and Productivity recommends a committee substitute for the following: CS for SB 280

The Committee on Judiciary recommends a committee substitute for the following: SJR 1494

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

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The Committee on Criminal Justice recommends a committee substitute for the following: SB 1650

The Committee on Ethics and Elections recommends a committee substitute for the following: SB 2130

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

## REPORTS OF COMMITTEES RELATING TO EXECUTIVE BUSINESS

The Committee on Commerce, Economic Opportunities, and Consumer Services recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment*

*For Term  
Ending*

Board of Directors, Enterprise Florida, Inc.  
Appointees: Clarence Otis 07/01/2006  
Howard William Habermeyer 07/01/2006

The Committee on Natural Resources recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment*

*For Term  
Ending*

Secretary of Environmental Protection  
Appointee: David B. Struhs Pleasure of Governor

The Committee on Regulated Industries recommends that the Senate confirm the following appointments made by the Governor:

*Office and Appointment*

*For Term  
Ending*

Secretary of Business and Professional Regulation  
Appointee: Diane W. Carr Pleasure of Governor

[The appointments contained in the foregoing reports were referred to the Committee on Ethics and Elections under the original reference.]

**INTRODUCTION AND REFERENCE OF BILLS**

**FIRST READING**

By Senator Cowin—

**SJR 2512**—A joint resolution proposing the creation of Section 8 of Article IX of the State Constitution, relating to education, to allow public school teachers in kindergarten through grade 12 to choose between joining a union for collective bargaining purposes or accepting a state salary established by the Legislature.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar.

By Senator Aronberg—

**SB 2514**—A bill to be entitled An act relating to the Florida Free Gift Advertising Law; amending s. 817.415, F.S.; requiring persons who offer free merchandise to charge the consumer who accepts such offer no more for shipping and handling than the actual cost incurred by the shipper; providing an effective date.

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

**SR 2516**—Not referenced.

By Senator Webster—

**SB 2518**—A bill to be entitled An act relating to insurance; amending s. 624.310, F.S.; revising definitions; conforming provisions to a revised definition; conforming provisions to certain governmental reorganization; prohibiting affiliated parties from certain activities constituting a conflict of interest; providing exceptions; authorizing the Office of Insurance Regulation to require certain disclosures of personal interest; specifying certain restrictions governing affiliated party conduct; amending s. 624.316, F.S.; deleting provisions providing for an examination of an insurer pursuant to an agreement between the Department of Financial Services and the insurer; requiring such examinations according to rules

of the department; amending s. 624.4095, F.S.; conforming provisions to certain governmental reorganization; providing for calculating certain surplus for certain insurers; amending s. 624.610, F.S.; conforming provisions to certain governmental reorganization; revising requirements for securities of a trust fund for a single assuming insurer; amending ss. 628.461 and 628.4615, F.S.; specifying additional nonapplication of acquisition of controlling stock provisions to changes of ownership of a domestic insurer or specialty insurer, respectively, under certain circumstances; creating ss. 634.042, 627.8401, 634.3076, 634.4062, and 651.029, F.S.; prohibiting certain investments by motor vehicle service agreement companies, premium finance companies, home warranty associations, service warranty associations, and continuing care providers, respectively; creating s. 641.263, F.S.; providing definitions; providing for risk-based capital for health maintenance organizations; requiring risk-based capital reports; providing reporting requirements; providing requirements for determining risk-based capital; providing legislative findings; providing for adjusting risk-based capital reports under certain circumstances; providing requirements for health maintenance organizations upon the occurrence of certain events; providing notice requirements; requiring a risk-based capital plan for such events; providing plan requirements; providing duties and responsibilities of the Office of Insurance Regulation; providing for office hearings of challenges by health maintenance organizations; providing notice requirements; providing construction; authorizing the office to adopt rules; authorizing the office to exempt certain health maintenance organizations; specifying absence of liability of the office or the Financial Services Commission for certain actions; providing for effect of certain notices; providing alternative requirements for risk-based capital reports for certain time periods; providing legislative intent for the use of risk-based capital reports and other related documents; amending s. 440.20, F.S.; correcting a cross-reference; providing an effective date.

—was referred to the Committees on Banking and Insurance; Health, Aging, and Long-Term Care; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Diaz de la Portilla—

**SB 2520**—A bill to be entitled An act relating to alcoholic beverage licenses; amending s. 561.19, F.S.; providing for the issuance of a new quota beverage license upon the revocation of an existing quota beverage license; providing protections for certain holders of perfected liens or security interests in such licenses; providing an effective date.

—was referred to the Committees on Regulated Industries; Commerce, Economic Opportunities, and Consumer Services; and Judiciary.

By Senator Crist—

**SB 2522**—A bill to be entitled An act relating to criminal justice information; amending s. 943.053, F.S.; revising entities responsible for paying criminal history information fees; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal Justice; and Appropriations.

By Senator Lawson—

**SB 2524**—A bill to be entitled An act relating to the Florida Trail Program; amending s. 334.044; creating s. 334.352, F.S.; providing for the planning, acquisition, lease, construction, and maintenance of the trail by the Department of Transportation; limiting liability of landowners for injuries resulting from third-party use of trail land for specified activities and purposes; providing for a landowner to be indemnified for injury or damage, providing for funding; providing an effective date.

—was referred to the Committees on Transportation; Judiciary; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

By Senator Campbell—

**SB 2526**—A bill to be entitled An act relating to public records; providing an exemption from public-records requirements for information contained in the Florida Putative Father Registry maintained by the Office of Vital Statistics within the Department of Health; providing for future legislative review and repeal; providing findings of public necessity; providing a contingent effective date.

—was referred to the Committees on Judiciary; Children and Families; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By Senator Webster—

**SB 2528**—A bill to be entitled An act relating to governmental reorganization; providing legislative intent; amending s. 20.04, F.S.; providing an exception to departmental structure requirements; creating s. 20.101, F.S.; creating the Department of State and Community Partnerships; providing that the department shall be headed by a secretary appointed by, and serving at the pleasure of, the Governor; providing primary policy and administrative functional areas of the department; providing that the Florida Housing Finance Corporation and the Division of Emergency Management shall be placed in the department for administrative purposes; amending s. 20.22, F.S.; providing that the secretary of the Department of Management Services shall serve as the custodian of records; repealing s. 20.10, F.S., relating to the Department of State; repealing s. 20.18, F.S., relating to the Department of Community Affairs; providing for the transfer of programs, functions, activities, powers, duties, rules, records, personnel, property, and unexpended balances among certain state agencies; providing that the Secretary of State shall become the Secretary of State and Community Partnerships without further appointment or confirmation; providing transitional provisions; directing the Division of Statutory Revision to prepare a reviser's bill for the 2004 Regular Session of the Legislature; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; Appropriations Subcommittee on Transportation and Economic Development; and Appropriations.

**SR 2530**—Not referenced.

By Senator Wise—

**SB 2532**—A bill to be entitled An act relating to education; creating s. 1002.395, F.S.; creating the Reduce Class Size Scholarship Opportunity Program; providing for eligibility; providing legislative intent; providing for scholarship funding and payment; providing for rulemaking; amending s. 220.187, F.S., relating to corporate tax credits for contributions to nonprofit scholarship-funding organizations; amending purposes to include children eligible to participate in the Reduce Class Size Scholarship Opportunity Program; redefining the term “qualified student”; revising the maximum allowable amount of total scholarship funding tax credits; providing an effective date.

—was referred to the Committees on Education; Finance and Taxation; Appropriations Subcommittee on Education; and Appropriations.

By Senator Webster—

**SB 2534**—A bill to be entitled An act relating to timeshare plans; amending s. 721.02, F.S.; revising provisions with respect to legislative purpose under the Florida Vacation Plan and Timesharing Act; amending s. 721.03, F.S.; revising provisions with respect to the scope of the act to include reference to personal property timeshare plans; amending s. 721.05, F.S.; providing definitions; amending s. 721.06, F.S.; revising provisions with respect to contracts for purchase of timeshare interests to include provisions with respect to personal property timeshare interests; amending s. 721.065, F.S.; revising provisions with respect to resale purchase agreements to include reference to certain real property and

personal property timeshare plans; amending s. 721.07, F.S.; revising provisions with respect to public offering statements; amending s. 721.075, F.S.; revising provisions with respect to incidental benefits, requiring purchasers to execute a statement indicating the source of the benefit; amending s. 721.08, F.S.; revising provisions with respect to escrow accounts; amending s. 721.09, F.S.; revising provisions with respect to reservation agreements; amending s. 721.11, F.S.; revising provisions with respect to advertising materials; correcting cross-references; amending s. 721.12, F.S.; providing for required recordkeeping by the seller of a personal property timeshare plan; amending s. 721.13, F.S.; revising provisions with respect to management; amending s. 721.14, F.S.; providing that a section of law governing the discharge of the managing entity shall not apply with respect to personal property timeshare plans; amending s. 721.15, F.S.; revising provisions with respect to assessments for common expenses; amending s. 721.16, F.S.; providing that a section of law governing certain liens does not apply to personal property timeshare plans; amending s. 721.17, F.S.; revising provisions with respect to transfer of interest; amending s. 721.18, F.S.; revising provisions with respect to exchange programs; amending s. 721.19, F.S.; including reference to personal property timeshare interests; amending s. 721.20, F.S., relating to licensing requirements; providing for the application of certain provisions to personal property timeshare plans; amending s. 721.24, F.S.; exempting accommodations and facilities of personal property timeshare plans from a provision of law governing firesafety; amending s. 721.26, F.S.; revising provisions with respect to regulation by the division; amending s. 721.27, F.S.; reducing an annual fee for each timeshare unit in a timeshare plan; amending s. 721.52, F.S.; redefining the term “multisite timeshare plan” and defining the terms “nonspecific multisite timeshare plan” and “specific multisite timeshare plan”; amending s. 721.53, F.S.; revising provisions with respect to subordination instruments; amending s. 721.54, F.S.; deleting a cross-reference; amending s. 721.55, F.S.; providing reference to filed rather than registered public offering statements; providing reference to multisite timeshare plans; amending s. 721.551, F.S.; providing for reference to filed rather than registered public offering statements; amending s. 721.552, F.S.; providing reference to multisite timeshare plans; amending s. 721.56, F.S.; providing reference to personal property timeshare plans; amending s. 721.57, F.S.; revising provisions with respect to timeshare estates in multisite timeshare plans; amending s. 721.84, F.S.; revising provisions with respect to appointment of a registered agent; amending ss. 721.96 and 721.97, F.S.; including reference to personal property timeshare interests; providing an effective date.

—was referred to the Committees on Regulated Industries; Comprehensive Planning; Judiciary; Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations.

By Senator Margolis—

**SB 2536**—A bill to be entitled An act relating to pharmacy benefit managers; creating s. 465.189, F.S.; establishing standards and criteria for regulation and licensing of pharmacy benefit managers; providing a popular name; providing purpose, intent, and applicability; providing definitions; requiring a biennial certificate of authority and an annual license; providing rulemaking authority to the Board of Pharmacy and the Office of Insurance Regulation; requiring an annual statement; providing for financial examinations; providing for assessments and fees; providing for pharmacy benefit manager contracts; providing for enforcement; providing for medication reimbursement costs; specifying prohibited practices; preserving existing contracts and providing prospective application for new contracts; providing for control over conflicting provisions of law; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Banking and Insurance; Finance and Taxation; Appropriations Subcommittee on Health and Human Services; and Appropriations.

By Senator Siplin—

**SB 2538**—A bill to be entitled An act relating to state employees; creating s. 110.1085, F.S.; requiring legislative approval for state em-

ployee compensation in excess of \$200,000 annually; providing exceptions for certain medical professionals; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar.

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**Senate Resolutions 2540-2542**—Not referenced.

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By Senator Dockery—

**SB 2544**—A bill to be entitled An act relating to the Legislative Historic Preservation Commission; creating s. 11.801, F.S.; creating the Legislative Historic Preservation Commission within the legislative branch of government; providing for membership of the commission and terms of office; providing powers and duties of the commission; providing an effective date.

—was referred to the Committees on Governmental Oversight and Productivity; Education; and Appropriations.

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By Senator Diaz de la Portilla—

**SB 2546**—A bill to be entitled An act relating to public school student assessment; amending s. 1008.22, F.S.; authorizing certain students to take the grade 10 FCAT in their native language under certain circumstances; providing an effective date.

—was referred to the Committees on Education; Governmental Oversight and Productivity; Appropriations Subcommittee on Education; and Appropriations.

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By Senator Diaz de la Portilla—

**SB 2548**—A bill to be entitled An act relating to public school assessment and accountability; amending s. 1008.34, F.S.; revising provisions relating to student assessment data used in determining school performance grade category designations; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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By Senator Sebesta—

**SB 2550**—A bill to be entitled An act relating to mobile homes; creating s. 319.261, F.S.; providing a process to retire title to a mobile home; defining “real property owned by that same person”; providing procedures; requiring the clerk of court to record certain documents and provide copies to the owner; requiring the clerk of court to provide a copy of the recorded title or manufacturers’ certificate of origin to the owner; providing for the owner or lienholder of the mobile home to file an application with the Department of Highway Safety and Motor Vehicles; providing for that department to retire the title; providing for that department to issue a new title; providing for conveyance of such mobile home; providing for perfecting, realizing, and foreclosure of security interests; providing penalties; providing for application and construction of the act; providing for severability; providing an effective date.

—was referred to the Committees on Comprehensive Planning; and Transportation.

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By Senator Campbell—

**SB 2552**—A bill to be entitled An act relating to unsupported claims or defenses at trial; amending s. 57.105, F.S.; providing certain exceptions to the requirement that a motion seeking sanctions against an

other party for raising an unsupported claim or defense be served but not immediately filed with the court; providing an effective date.

—was referred to the Committee on Judiciary.

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By Senator Campbell—

**SB 2554**—A bill to be entitled An act relating to the offense of sexual battery on a minor; amending s. 775.15, F.S.; revising the statute of limitations applicable to such offense if the offense is a third-degree felony; providing for the statute of limitations for the offense of sexual battery on a minor to be tolled during the period of a victim’s minority; specifying additional circumstances under which the statute of limitations for a civil or criminal action involving such offense is tolled; providing an effective date.

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

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Appropriations; and Senators Wise and Posey—

**CS for SB 62**—A bill to be entitled An act relating to the disposition of proceeds from the sale of forfeited property; amending s. 932.7055, F.S.; authorizing a board of county commissioners or governing body of a municipality to use the proceeds from the sale of forfeited property for drug court programs; providing requirements for expending such funds; requiring that drug court programs be included in those programs that receive funds acquired under the Florida Contraband Forfeiture Act; providing an effective date.

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By the Committee on Regulated Industries; and Senator Geller—

**CS for SB 68**—A bill to be entitled An act relating to trust funds; creating s. 550.2631, F.S.; creating the Video Lottery Purse Trust Fund within the Department of Business and Professional Regulation; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

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By the Committee on Criminal Justice; and Senators Campbell, Lynn and Argenziano—

**CS for SB 126**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from the public-records requirements for a photograph, videotape, or image of any part of the body of a victim of a sexual offense; providing for future legislative review and repeal; providing a statement of public necessity; providing an effective date.

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By the Committee on Criminal Justice; and Senators Cowin and Fasano—

**CS for SB 232**—A bill to be entitled An act relating to mitigating factors in certain offenses; amending s. 921.0026, F.S.; providing that consent is not a mitigating factor for certain sexual offenses if the defendant is more than 5 years older than the victim, unless the court makes a written finding supported by the record that the victim knowingly and intentionally deceived the defendant about the victim’s actual age; providing an effective date.

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By the Committees on Governmental Oversight and Productivity; and Banking and Insurance—

**CS for CS for SB 280**—A bill to be entitled An act relating to public records and meetings; reenacting and amending s. 627.311, F.S., relating to exemptions from public-records requirements and public-meetings requirements for the Florida Automobile Joint Underwriting

Association; designating the Florida Automobile Joint Underwriting Association as the joint underwriting plan for apportioning automobile liability among insurers; providing for a board of governors; removing the public-records exemption for matters encompassed in privileged attorney-client communications; clarifying provisions requiring the confidentiality of certain claims files and records of closed meetings; removing the repeal of s. 627.311(3)(l), F.S., scheduled under the Open Government Sunset Review Act of 1995; amending ss. 440.51 and 631.912, F.S., relating to the administration of ch. 440, F.S., and the board of directors of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated; conforming provisions to changes made by the act; providing an effective date.

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By the Committee on Judiciary; and Senators Fasano and Argenziano—

**CS for SB 338**—A bill to be entitled An act relating to emergency medical dispatch; creating s. 768.1335, F.S.; providing a short title; providing definitions; providing a presumption of non-negligence in the use of emergency medical dispatch protocols by an emergency medical dispatcher or the emergency medical dispatch agency, its agents, or employees; amending s. 401.111, F.S.; authorizing grants by the Department of Health to emergency medical dispatch agencies; providing an effective date.

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By the Committee on Judiciary; and Senator Lynn—

**CS for SB 340**—A bill to be entitled An act relating to involuntary commitment under the Baker Act; amending s. 394.463, F.S.; providing that a patient admitted for involuntary examination to a hospital may not be released without the approval of the emergency department physician and completion of a mental health screening; providing an effective date.

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By the Committee on Regulated Industries; and Senator Constantine—

**CS for SB 476**—A bill to be entitled An act relating to environmental health; creating s. 381.0069, F.S.; providing for the regulation of portable restroom contracting; providing definitions; requiring a portable restroom contractor to apply for registration with the Department of Health; providing requirements for registration, including an examination; providing for administration; providing rulemaking authority; providing for renewal of registration, including requirements for continuing education; providing for certification of partnerships and corporations; providing grounds for suspension or revocation of registration; providing fees; providing penalties and prohibitions; amending s. 381.0066, F.S.; authorizing the continuation of permit fees for system construction permits for onsite sewage treatment and disposal systems; providing an effective date.

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By the Committees on Criminal Justice; Comprehensive Planning; and Senators Posey, Argenziano, Fasano and Smith—

**CS for CS for SB 478**—A bill to be entitled An act relating to actions against law enforcement officers; providing a short title; amending s. 111.065, F.S.; redefining the term "law enforcement officer" for purposes of the payment of costs and attorney's fees in certain actions commenced against a law enforcement officer; revising circumstances under which the employing agency of a law enforcement officer has the option of paying legal costs and attorney's fees in an action arising out of the officer's official duties; requiring that an officer's employing agency pay legal costs and attorney's fees under certain circumstances involving an emergency, imminent death or bodily harm, or the pursuit or apprehension of an offender; providing for jurisdiction relating to legal costs and attorney's fees; providing certain limitations of the amount awarded; providing an effective date.

By the Committees on Regulated Industries; Commerce, Economic Opportunities, and Consumer Services; and Senator Geller—

**CS for CS for SB 592**—A bill to be entitled An act relating to corporate affairs; amending s. 617.01401, F.S.; defining the term "electronic transmission" for purposes of the Florida Not For Profit Corporation Act; amending s. 617.0141, F.S.; authorizing forms of electronic transmission of notice for domestic or foreign corporations; providing for a corporation member to revoke consent to receiving notice by electronic transmission; providing that an affidavit of notice by electronic transmission is, in the absence of fraud, prima facie evidence of the facts stated in the notice; creating s. 617.1803, F.S.; providing procedures for the domestication of foreign not-for-profit corporations; amending ss. 718.111 and 718.112, F.S.; providing for a condominium association to transmit electronic notices to unit owners; providing that the association is not liable for erroneously disclosing certain address information; revising requirements for use of proxies for voting; authorizing the association to broadcast notice via a closed-circuit television system; prohibiting notice by electronic transmission for a recall of board members; providing for association bylaws to authorize the electronic transmission of notices; exempting certain condominiums, associations, or unit owners from specified retrofitting requirements pertaining to fire safety systems; requiring a report; amending s. 718.116, F.S.; authorizing the association to charge a fee for preparation of the certificate of assessments and other moneys due; amending ss. 719.104 and 719.106, F.S.; providing for a cooperative association to transmit electronic notices to unit owners; providing that the association is not liable for erroneously disclosing certain address information; revising requirements for use of proxies for voting; authorizing the association to broadcast notice via a closed-circuit television system; prohibiting notice by electronic transmission for a recall of board members; providing for association bylaws to authorize the electronic transmission of notices; amending s. 719.108, F.S.; authorizing the association to charge a fee for preparation of the certificate of assessments and other moneys due; amending s. 720.302, F.S.; clarifying that corporations not for profit that operate residential homeowners' associations are subject to the Florida Not For Profit Corporation Act; amending s. 720.303, F.S.; authorizing a homeowners' association to broadcast notice via a closed-circuit television system; providing that the association is not liable for erroneously disclosing certain address information; providing an effective date.

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By the Committee on Education; and Senator Saunders—

**CS for SB 680**—A bill to be entitled An act relating to Florida Gulf Coast University; authorizing a bachelor of science in human performance degree program with a concentration in athletic training at the university; providing an effective date.

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By the Committee on Judiciary; and Senator Fasano—

**CS for SB 1220**—A bill to be entitled An act relating to the sale of real property; requiring disclosures by nondeveloper owners of real property in deed-restricted communities; providing an effective date.

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By the Committee on Health, Aging, and Long-Term Care; and Senator Peadar—

**CS for SB 1428**—A bill to be entitled An act relating to Medicaid audits of pharmacies; providing requirements for an audit conducted of the Medicaid-related records of a pharmacy licensed under ch. 465, F.S.; requiring that a pharmacist be provided prior notice of the audit; providing that a pharmacist is not subject to criminal penalties without proof of intent to commit fraud; providing that an underpayment or overpayment may not be based on certain projections; requiring that all pharmacies be audited under the same standards; limiting the period that may be covered by an audit; requiring that the Agency for Health Care Administration establish a procedure for conducting a preliminary review; authorizing the agency to establish peer-review panels; requiring that the agency dismiss an unfavorable audit report if it or a review panel finds that the pharmacist did not commit intentional fraud; exempting certain audits conducted by the Medicaid Fraud Control Unit of the Department of Legal Affairs; providing an effective date.

By the Committee on Criminal Justice; and Senator Alexander—

**CS for SB 1480**—A bill to be entitled An act relating to breaking or damaging fences; amending s. 810.115, F.S.; providing a felony penalty if animals are contained by the fence at the time of the offense; providing an effective date.

By the Committee on Judiciary; and Senator Smith—

**CS for SJR 1494**—A joint resolution proposing an amendment to Section 11 of Article V of the State Constitution, relating to judicial vacancies.

By the Committee on Criminal Justice; and Senator Smith—

**CS for SB 1650**—A bill to be entitled An act relating to the Criminal Justice Standards and Training Commission; amending s. 943.12, F.S.; authorizing the commission to grant and revoke the certification of agency in-service training instructors; amending s. 943.13, F.S.; adding time limitation for service in another jurisdiction to qualify for an exemption from a recruit training program; amending s. 943.131, F.S.; providing requirements for basic recruit training following employment; revising requirements for temporary employment authorizations; amending s. 943.1395, F.S.; clarifying provisions relating to reemployment of certified officers; clarifying provisions relating to disciplining individuals employed under a temporary employment authorization; amending s. 943.17, F.S.; providing that entrants in commission-approved academies are exempt from the statutory requirements relating to basic skills assessment for students entering vocational training; providing an effective date.

By the Committee on Banking and Insurance; and Senators Posey and Fasano—

**CS for SB 1680**—A bill to be entitled An act relating to the unauthorized sale of insurance; providing a short title; amending s. 624.155, F.S.; providing a civil remedy for consumers against unauthorized insurers for unpaid claims; amending s. 624.401, F.S.; providing criminal penalties for an entity transacting insurance without a certificate of authority; providing an effective date.

By the Committee on Education; and Senator Diaz de la Portilla—

**CS for SB 1854**—A bill to be entitled An act relating to school personnel; creating s. 1012.47, F.S.; requiring certain personnel in an alternative school that operates under contract with a district school system to file a set of fingerprints; requiring personnel to be subject to state and federal rules and regulations; providing an effective date.

By the Committee on Criminal Justice; and Senator Fasano—

**CS for SB 1910**—A bill to be entitled An act relating to unclaimed court-ordered payments; amending s. 945.31, F.S.; authorizing the Department of Corrections to deposit or transfer into the General Revenue Fund certain overpayments and other payments; repealing s. 960.0025, F.S., relating to the allocation of certain funds from restitution or other court-ordered payments; providing an effective date.

By the Committee on Regulated Industries; and Senators Diaz de la Portilla and Geller—

**CS for SB 1920**—A bill to be entitled An act relating to video lotteries; amending s. 24.103, F.S.; providing definitions; amending s. 24.105, F.S.; providing powers and duties of the Department of the Lottery pertaining to video lottery games; creating s. 24.125, F.S.; providing for the adoption of rules; creating s. 24.126, F.S.; prohibiting certain persons from playing video lottery games; creating s. 24.127, F.S.; providing

requirements for the operation of video lottery games; providing a payout percentage; providing for distribution of income; providing for weekly allocations; providing penalties; creating s. 24.128, F.S.; providing for the licensure of video lottery terminal vendors; creating s. 24.129, F.S.; prohibiting certain local zoning ordinances; creating s. 24.130, F.S.; providing requirements for video lottery terminals; creating s. 24.131, F.S.; requiring video lottery terminal vendors to establish training programs for employees who service such terminals; requiring departmental approval of such programs; providing certification requirements for such employees; providing for the adoption of rules; creating s. 24.132, F.S.; providing for distribution of proceeds from the Video Lottery Purse Trust Fund; providing for the adoption of rules; creating s. 24.133, F.S.; requiring operators of facilities where video lottery games are conducted to post certain warning signs regarding compulsive gambling; amending s. 212.02, F.S.; excluding video lottery terminals from the definition of “coin-operated amusement machine” for purposes of the sales and use tax; creating s. 24.134, F.S.; establishing programs for compulsive gambling within the Department of Children and Family Services; creating s. 24.136, F.S.; authorizing a caterer’s license for video lottery retailers; providing an effective date.

By the Committee on Banking and Insurance; and Senator Clary—

**CS for SB 1924**—A bill to be entitled An act relating to financial services; revising provisions relating to mortgage brokerage and mortgage lending; amending s. 494.0029, F.S.; specifying nontransferability of certain permits; providing requirements for changes in certain ownerships or controlling interests; providing for cancellation and reinstatement of certain permits; amending s. 494.00295, F.S.; clarifying certain professional education provisions as continuing education; amending s. 494.003, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0031, F.S.; authorizing the Financial Services Commission to require information from applicants for licensure; specifying nontransferability of certain licenses; providing requirements for changes in certain ownerships or controlling interests; amending s. 494.0032, F.S.; providing for electronic filing of certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0033, F.S.; revising mortgage broker licensure requirements; providing for third-party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0034, F.S.; providing for electronic filing of certain license renewal forms; providing for cancellation and reinstatement of certain licenses; amending s. 494.0036, F.S.; clarifying a provision for issuance of a mortgage brokerage business branch office license; amending s. 494.006, F.S.; clarifying types of financial institutions eligible for exemptions from application of certain provisions; amending s. 494.0061, F.S.; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third-party administration of certain tests; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0062, F.S.; authorizing the commission or the Office of Financial Institutions and Securities Regulation to require information from applicants for licensure; clarifying application of certain accounting principles; providing requirements for changes in certain ownerships or controlling interests; providing for third-party administration of certain tests; authorizing the department to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; amending s. 494.0064, F.S.; providing for electronic filing of certain license renewal forms; clarifying certain professional education provisions as continuing education; providing for cancellation and reinstatement of certain licenses; amending s. 494.0065, F.S.; clarifying application of certain accounting principles; providing education and testing requirements for principal representatives; authorizing the commission to waive an examination requirement for certain individuals under certain circumstances; authorizing the commission to assess a fee; requiring mortgage lenders to designate a principal representative for certain purposes; requiring the office to be notified of the designation and education of principal representatives; providing for cancellation and reinstatement of certain licenses; amending s. 494.0066, F.S.; providing for cancellation and reinstatement of certain licenses; amending s. 494.0067, F.S.; clarifying certain professional education provisions as continuing education; amending ss. 494.0016, 516.12, 520.997, and 537.009, F.S.; revising the authority to

regulate certain licensees; authorizing the commission to provide by rule requirements for destruction of certain information; authorizing the commission to prescribe by rule certain minimum information to be shown in certain documents; amending s. 517.12, F.S.; specifying an additional depository for certain fees and documents required for registration of certain securities licensees; providing an effective date.

By the Committee on Regulated Industries; and Senators Diaz de la Portilla and Geller—

**CS for SB 1980**—A bill to be entitled An act relating to trust funds; creating s. 24.1127, F.S.; creating the Video Lottery Administrative Trust Fund within the Department of the Lottery; providing for source of moneys and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing a contingent effective date.

By the Committee on Governmental Oversight and Productivity; and Senator Argenziano—

**CS for SB 1992**—A bill to be entitled An act relating to the Medal of Heroism; providing that designated persons are eligible to receive the Medal of Heroism; providing for application to the Governor; providing an effective date.

By the Committee on Judiciary; and Senator Diaz de la Portilla—

**CS for SB 2018**—A bill to be entitled An act relating to sales disclosures; creating s. 475.423, F.S.; specifying the transactions that are subject to the requirements of the act; providing definitions; requiring that certain disclosures be made by the transferor or his or her agent with respect to real property located within a flood hazard area, an area with severe constraints for development, an area having sinkhole activity, a wellhead protection area, a priority wetland zone, a habitat conservation area, an airport influence area, an environmental site, or a radon gas zone; providing that the waiver of such requirements is against public policy; providing certain exceptions; specifying the form to be used as the Property Identification Disclosure Statement; providing requirements for identifying information that accompanies the disclosure statement; prohibiting the use of the disclosure statement by certain entities other than the transferor, the transferor's agents, and the transferee; providing requirements for delivery of the required disclosure statement; providing a limitation with respect to liability for errors, inaccuracy, or omissions; requiring a third party that provides information with respect to the disclosure statement to maintain a specified amount of insurance protection; providing that certain subsequent inaccuracies with respect to the information disclosed are not a violation of the act; requiring that disclosures be made in good faith; providing that the act does not limit or abridge other disclosures required by law; authorizing the amendment of a disclosure; providing for delivery of disclosures; providing requirements for the licensee or broker acting as an agent in a transaction subject to the act; providing an effective date.

By the Committee on Health, Aging, and Long-Term Care; and Senator Smith—

**CS for SB 2036**—A bill to be entitled An act relating to the Uniform Commercial Code; amending s. 672.316, F.S.; revising provisions relating to implied warranties of merchantability and fitness in the procurement, processing, storage, distribution, or use of blood, plasma, blood products, and blood derivatives; providing an effective date.

By the Committee on Education; and Senator Sebesta—

**CS for SB 2114**—A bill to be entitled An act relating to voter education; requiring district school boards and county supervisors of elections jointly to provide a program of voter education for high-school seniors; providing guidelines for the content of the educational program; requiring that the program of voter education be conducted during school

hours; providing for use of county voting equipment in certain school elections; providing an effective date.

By the Committee on Ethics and Elections; and Senator Sebesta—

**CS for SB 2130**—A bill to be entitled An act relating to political advertisements; amending s. 106.143; changing the requirements for sponsorship disclaimers on candidate advertisements; providing an effective date.

By the Committee on Education; and Senator Miller—

**CS for SB 2212**—A bill to be entitled An act relating to the H. Lee Moffitt Cancer Center and Research Institute; amending s. 1004.43, F.S.; authorizing the establishment of for-profit subsidiaries of the governing corporation; providing that the contract with the State Board of Education shall permit the use of lands and facilities for research, education, treatment, prevention, and early detection of cancer; authorizing the governing corporation and its subsidiaries to obtain their own property insurance coverage; providing that certain appropriations shall be paid directly to the board of directors of the governing corporation; changing the appointing authority for certain members of the council of scientific advisors; providing an effective date.

## MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The following Executive Order was filed with the Secretary:

### EXECUTIVE ORDER NUMBER 03-55

WHEREAS, Dwayne Walker was suspended from the office of Sheriff of Lafayette County, Florida, and

WHEREAS, the basis for the suspension, as set forth in Executive Order 02-236, was that Sheriff Walker had an alcohol problem that resulted in multiple incidents of drunken public behavior and related acts constituting neglect of duty, malfeasance and misfeasance, and

WHEREAS, Sheriff Walker has since undergone treatment and counseling, and a medical professional has determined that Sheriff Walker is now fit for duty, and

WHEREAS, in a letter attached hereto and hereby incorporated as if fully set forth in this Executive Order, Sheriff Walker has: accepted responsibility for the behavior that led to his suspension; agreed not to retaliate against any of the witnesses involved in the investigation of his prior misconduct; agreed to continue his outpatient alcohol treatment and to report to the Governor on the progress of that treatment; and agreed to submit to random alcohol screenings by the healthcare professionals monitoring his sobriety.

NOW, THEREFORE, I, JEB BUSH, Governor of Florida, pursuant to the Constitution and the laws of the State of Florida, do hereby promulgate this Executive Order, effective immediately:

1. Dwayne Walker is hereby reinstated to the public office that he held at the time of the above-mentioned suspension, to wit: Sheriff of Lafayette County, Florida.
2. Executive Order 02-236 is hereby revoked and the suspension of Dwayne Walker is terminated pursuant to Article IV, Section 7(a), Florida Constitution.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 21st day of March, 2003.

Jeb Bush  
GOVERNOR



ATTEST:  
*Glenda E. Hood*  
 SECRETARY OF STATE

[Referred to the Committee on Ethics and Elections.]

**REPORT OF COMMITTEE RELATING TO EXECUTIVE SUSPENSIONS**

The Honorable James E. "Jim" King, Jr. March 25, 2003  
 President, The Florida Senate

Re: Suspension of:  
 DWAYNE WALKER  
 Sheriff  
 Lafayette County, Florida

Dear President King:

The Committee on Ethics and Elections submits this final report on the matter of the suspension of Dwayne Walker.

By Executive Order Number 02-236 filed with the Secretary of State, the Honorable Jeb Bush, Governor, suspended Dwayne Walker as Sheriff of Lafayette County, Florida. On March 21, 2003, the Honorable Jeb Bush entered an Order of Reinstatement, Executive Order Number 03-55, revoking the prior Executive Order of Suspension and reinstating the Honorable Dwayne Walker to the aforesaid county office.

In view of the foregoing, no further action by the Senate is authorized or required by the Florida Constitution. The case is now in the proper posture for the Senate to enter a formal finding that no further action is necessary, and close this suspension case.

Respectfully submitted,  
*Anna P. Cowin*, Chairman

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable James E. "Jim" King, Jr., President

I am directed to inform the Senate that the House of Representatives has passed HB 263, HB 1021, HB 1023, HB 1025, HB 1027, HB 1033, HB 1035, HB 1037, HB 1039, HB 1041; has passed as amended HB 1019; has passed by the required Constitutional two-thirds vote of the membership HB 1031 and requests the concurrence of the Senate.

*John B. Phelps*, Clerk

By Representative Ross and others—

**HB 263**—A bill to be entitled An act relating to psychotherapist-patient privilege; amending s. 90.503, F.S.; redefining the term "psychotherapist" to include certain advanced registered nurse practitioners; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Children and Families; and Judiciary.

By the Committee on State Administration; and Representative Mack—

**HB 1021**—A bill to be entitled An act relating to a public records exemption for certain information regarding an applicant for federal, state, or local housing assistance programs; amending s. 119.07, F.S.; narrowing the public records exemption; removing the exemption for bank account numbers, credit card numbers, and telephone numbers of applicants and participants in such programs; adding clarifying language; making editorial changes; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Banking and Insurance; Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1023**—A bill to be entitled An act relating to a public records exemption for county employee assistance program records; amending s. 125.585, F.S.; narrowing the exemption for records relating to an employee's participation in a county employee assistance program to provide that a county employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1025**—A bill to be entitled An act relating to a public records exemption for municipal employee assistance program records; amending s. 166.0444, F.S.; narrowing the exemption for records relating to a municipal employee's participation in a municipal employee assistance program to provide that a municipal employee's personal identifying information contained in employee assistance program records is confidential and exempt; making editorial changes; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1027**—A bill to be entitled An act relating to a public records exemption for certain records, reports, or information containing trade secret information held by the Department of Community Affairs; amending s. 252.943, F.S., relating to the exemptions from public records requirements for specified records, reports, or information contained in a risk management plan required pursuant to, and obtained from an investigation, inspection, or audit under, the Florida Accidental Release Prevention and Risk Management Planning Act, to remove the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; making editorial changes; providing clarifying language; providing an effective date.

—was referred to the Committees on Comprehensive Planning; Natural Resources; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1033**—A bill to be entitled An act relating to public records and public meetings exemptions for the Statewide Provider and Subscriber Assistance Program within the Agency for Health Care Administration; amending s. 408.7056, F.S., which provides exemptions from public records and public meetings requirements for information held by the Agency for Health Care Administration, the Department of Insurance, or the Statewide Provider and Subscriber Assistance Panel that identifies a subscriber to a managed health care entity and for portions of meetings of a provider and subscriber assistance panel during which information disclosing a subscriber's medical treatment or history or information relating to specified internal risk management programs may be revealed; narrowing the exemption; eliminating the exemption

for identifying information of a subscriber's spouse, relative, or guardian; providing an exception to the exemption; adding clarifying language; making editorial changes; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Governmental Oversight and Productivity; and Rules and Calendar.

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By the Committee on State Administration; and Representative Mack—

**HB 1035**—A bill to be entitled An act relating to a public records exemption for investigatory records relating to workers' compensation employer compliance; amending s. 440.108, F.S.; providing an exception to the exemption; adding conforming and clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

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By the Committee on State Administration; and Representative Kendrick and others—

**HB 1037**—A bill to be entitled An act relating to a public records exemption for certain information contained in a rabies vaccination certificate; amending s. 828.30, F.S.; narrowing the exemption; specifying exempt information; adding clarifying language; making editorial changes; eliminating the condition of making a written request in order to view or copy rabies vaccination certificates; removing superfluous language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Agriculture; Governmental Oversight and Productivity; and Rules and Calendar.

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By the Committee on State Administration; and Representative Mack—

**HB 1039**—A bill to be entitled An act relating to a public records exemption for investigative information held by the Division of Florida Land Sales, Condominiums, and Mobile Homes of the Department of Business and Professional Regulation; amending s. 498.047, F.S.; making conforming and editorial changes; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

—was referred to the Committees on Regulated Industries; Governmental Oversight and Productivity; and Rules and Calendar.

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By the Committee on State Administration; and Representative Mack—

**HB 1041**—A bill to be entitled An act relating to a public records and public meetings exemption for the Florida Automobile Joint Underwriting Association; amending s. 627.311, F.S.; narrowing the exemption for specified records and meetings of the association; removing the exemption for matters reasonably encompassed in privileged attorney-client communications; making editorial changes; adding conforming language; removing the October 2, 2003, repeal thereof scheduled pursuant to the Open Government Sunset Review Act of 1995; amending ss. 440.51 and 631.912, F.S.; correcting cross references, to conform; providing an effective date.

—was referred to the Committees on Banking and Insurance; Governmental Oversight and Productivity; and Rules and Calendar.

By the Committee on State Administration; and Representative Mack—

**HB 1019**—A bill to be entitled An act relating to a public records exemption for identifying information contained in a videotaped statement of a minor; amending s. 119.07, F.S., relating to the public records exemption for any information in a videotaped statement of a minor who is alleged to be or who is a victim of sexual battery, lewd acts, or other sexual misconduct which reveals the minor's identity; making editorial changes; adding clarifying language; removing the October 2, 2003, repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing an effective date.

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

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By the Committee on State Administration; and Representative Mack and others—

**HB 1031**—A bill to be entitled An act relating to a public records exemption for the Florida Kidcare program; amending s. 409.821, F.S.; expanding the exemption for identifying information of applicants to the Florida Kidcare program to provide that any information identifying a program applicant or enrollee held by the Agency for Health Care Administration, the Department of Children and Family Services, the Department of Health, and the Florida Healthy Kids Corporation is confidential and exempt; providing for disclosure of such information to governmental entities under certain circumstances; providing a penalty for unlawful disclosure of such information; adding clarifying language; making editorial changes; providing for retroactive application; removing the October 2, 2003, repeal of the exemption scheduled pursuant to the Open Government Sunset Review Act of 1995; providing for future review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was referred to the Committees on Health, Aging, and Long-Term Care; Children and Families; Governmental Oversight and Productivity; and Rules and Calendar.

## CORRECTION AND APPROVAL OF JOURNAL

The Journals of March 19 and March 24 were corrected and approved.

## CO-SPONSORS

Senators Alexander—CS for CS for SB 428; Argenziano—CS for SB 148, CS for SB 1012; Aronberg—SJR 1166; Bennett—SB 1946, SB 2248, SB 2456; Bullard—SB 1264, CS for SB 1454; Campbell—SB 1264, SB 1498; Dawson—SB 1264, SB 1422, SB 1426; Fasano—SB 1000, CS for SB 1012, SB 2412; Garcia—SB 1434; Geller—SB 1264, SB 1920, SB 1980, SB 2412; Hill—SB 1264; Klein—SB 1264, CS for SB 1454; Lawson—SB 2244, SB 2248; Lee—SB 324; Lynn—SB 1380; Miller—CS for SB 326, SB 1264; Posey—SB 62, SB 438; Siplin—SB 1264; Smith—SB 330; Wasserman Schultz—SB 1264, SB 2412; Wilson—CS for CS for SB 428; Villalobos—SB 1434

Senator Villalobos withdrew as the prime sponsor of SB 1434.

## RECESS

On motion by Senator Villalobos, the Senate recessed at 3:34 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:30 a.m., Thursday, March 27 or upon call of the President.

## SENATE PAGES

March 24-28, 2003

Erica Atalla, Bradenton; Brock Anthony Bjorn, Okahumpka; Jennifer Blake, North Port; Alex Bryce Boody, Valrico; William "Chris" Burcham, Merritt Island; Moschell "Mo" Coffey, Osprey; Zachary "Zach" Fioramanti, Lake Placid; R. "Lee" Gordon, Safety Harbor; Brittany Hall, Brandon; John-Eric Herring, Plant City; Kennedy Brandon Legler, Bradenton; Julianne Mica, Tallahassee; Rebecca "Becca" Platz, Riverview;

Caitlin Michele Roberts, Land O'Lakes; James "J.R." Rollins, Tallahassee; Taylor Tollerton, Sarasota; Robert "Trae" Utterback, Auburndale