



Journal of the Senate

Number 3—Special Session A

Friday, May 16, 2003

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CALL TO ORDER

The Senate was called to order by President King at 10:00 a.m. A quorum present—38:

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

Excused: Senators Constantine, Wasserman Schultz; Senator Garcia after 4:30 p.m.; Senator Webster after 2:50 p.m.; Senator Wise after 3:30 p.m.

PRAYER

The following prayer was offered by Senator Fasano:

Heavenly Father, we come before you this day to ask your guidance upon all that we do. We ask for your blessing upon our discussion and deliberation. We ask that you imbue us with your wisdom as we make decisions that will have consequences far beyond the walls of this chamber. Please guide us in all that we say. May we not forget that we are here to serve the people of this great state and not our own needs. We thank you for this opportunity to be the voice of our constituents. We ask all these things in thy Name. Amen.

PLEDGE

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

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

PROCLAMATION

State of Florida
Executive Office of the Governor
Tallahassee

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

WHEREAS, the 2003 regular session of the Legislature of the State of Florida adjourned on May 2 without passing a General Appropriations Act for fiscal year 2003-2004; and

WHEREAS, I have called a Special Session commencing at 12:00 p.m. on Monday, May 12, 2003, and extending through 6:00 p.m. on Tuesday, May 27, 2003; and

WHEREAS, in addition to working diligently on the General Appropriations Act, the Legislature has reached agreement on legislation that will greatly benefit the people of our State by reforming the workers' compensation system; and

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

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

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

HB 25-A, relating to workers' compensation.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 15th day of May, 2003.

Jeb Bush
GOVERNOR

ATTEST:
Glenda E. Hood
SECRETARY OF STATE

MOTIONS

On motion by Senator Lee, by two-thirds vote the bills as printed in the calendar were established as the Special Order Calendar for this day.

INTRODUCTION OF FORMER SENATOR

Senator Carlton introduced former Senator Robert "Bob" Johnson who was present in the chamber.

SPECIAL ORDER CALENDAR

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—was read the second time by title.

Amendment 1 was withdrawn.

Senators Dawson and Wilson offered the following amendment which was moved by Senator Dawson and failed:

Amendment 2 (995065)—

In Section: 02 On Page: 030 Specific Appropriation: 109 Delete Insert

EDUCATION, DEPARTMENT OF State Board Of Education In Section 02 On Page 030 Special Categories Assessment And Evaluation From General Revenue Fund 41,240,110 458,233

Public Schools, Division Of Program: State Grants/K-12 Program - FEFP In Section 02 On Page 017 Aid To Local Governments Grants And Aids - Florida Educational Finance Program From General Revenue Fund 6,639,994,753 6,680,776,630

Amendments 3-5 were withdrawn.

Senators Lawson and Margolis offered the following amendment which was moved by Senator Lawson and failed:

Amendment 6 (995069)—

In Section: 02 On Page: 033 Specific Appropriation: 123 Delete Insert

EDUCATION, DEPARTMENT OF Universities, Division Of Program: Educational And General Activities In Section 02 On Page 033 Aid To Local Governments Grants And Aids - Education And General Activities From General Revenue Fund 1,418,293,194 1,486,538,261

Following Specific Appropriation 123, INSERT:

General Revenue funds in the amounts specified are hereby appropriated for the following specific appropriations contingent upon passage of legislation in Special Session A of 2003 that amends section 2 of Chapter 2001-371, Laws of Florida, to delay until July 1, 2004, an increase in the intangibles tax exemption for every natural person and husband and wife filing jointly, and the creation of an exemption for every taxpayer that is not a natural person: SA 123, \$68,245,067; SA 124, \$2,534,765; SA 125, \$1,354,551; SA 126, \$2,106,473; SA 127, \$420,860; and SA 128, \$67,009.

In Section 02 On Page 036 Aid To Local Governments Grants And Aids - Institute Of Food And Agricultural Science From General Revenue Fund 106,710,359 109,245,124

Aid To Local Governments Grants And Aids - University Of Florida Health Center

From General Revenue Fund 82,255,644 84,362,117 125 Aid To Local Governments Grants And Aids - University Of South Florida Medical Center

From General Revenue Fund 45,711,264 47,065,815 128 In Section 02 On Page 037 Aid To Local Governments Grants And Aids - College And University Centers

From General Revenue Fund 4,808,932 4,875,941 127 Aid To Local Governments Grants And Aids - Florida State University Medical School

From General Revenue Fund 22,762,382 23,183,242

The vote was:

Yeas—12

Aronberg Hill Miller Bullard Klein Siplin Campbell Lawson Smith Geller Margolis Wilson

Nays—24

Mr. President Crist Peaden Alexander Dockery Posey Argenziano Fasano Pruitt Atwater Garcia Saunders Bennett Haridopolos Sebesta Carlton Jones Villalobos Clary Lee Webster Cowin Lynn Wise

On motion by Senator Pruitt, further consideration of SB 2-A was deferred.

RECESS

The President declared the Senate in recess at 12:15 p.m. to reconvene at 1:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 1:00 p.m. A quorum present—38:

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

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Clary, Alexander and Atwater—

SB 50-A—A bill to be entitled An act relating to workers' compensation; amending s. 440.02, F.S.; providing, revising, and deleting defini-

tions; amending s. 440.05, F.S.; revising authorization to claim exemptions and requirements relating to submitting notice of election of exemption; specifying effect of exemption; providing a definition; amending s. 440.06, F.S.; revising provisions relating to failure to secure compensation; amending s. 440.077, F.S.; providing that a corporate officer electing to be exempt may not receive benefits; amending s. 440.09, F.S.; revising provisions relating to compensation for subsequent injuries; providing definitions; revising provisions relating to drug testing; specifying effect of criminal acts; creating s. 440.093, F.S.; providing for compensability of mental and nervous injuries; amending s. 440.10, F.S.; revising provisions relating to contractors and subcontractors with regard to liability for compensation; requiring subcontractors to provide evidence of workers' compensation coverage or proof of exemption to a contractor; deleting provisions relating to independent contractors; amending s. 440.1025, F.S.; revising requirements relating to workplace safety programs; amending s. 440.103, F.S.; providing conditions for applying for building permits; amending s. 440.105, F.S.; increasing criminal penalties for certain violations; providing sanctions for violation of stop-work orders and presentation of certain false or misleading statements as evidence; amending s. 440.1051, F.S.; increasing criminal penalty for false reports; amending s. 440.107, F.S.; providing additional powers to the Department of Financial Services relating to compliance and enforcement; providing a definition; providing penalties; amending s. 440.11, F.S.; providing exclusiveness of liability; revising provisions relating to employer and safety consultant immunity from liability; amending s. 440.13, F.S.; providing for practice parameters and treatment protocols; revising provisions relating to provider reimbursement; requiring revision of specified reimbursement schedules; providing for release of information; providing additional criteria for independent medical examinations; providing a definition; providing standards for medical care under ch. 440, F.S.; providing penalties; amending s. 440.134, F.S.; revising provisions relating to managed care arrangements; revising definitions; providing for assignment of a medical care coordinator; amending s. 440.14, F.S.; revising provisions relating to calculation of average weekly wage for injured employees; conforming cross-references; amending s. 440.15, F.S.; providing additional limitations on compensation for permanent total disability; providing a definition; specifying impairment benefits and providing for partial reduction under certain circumstances; deleting provisions relating to supplemental benefits; amending s. 440.151, F.S.; specifying compensability of occupational disease; providing a definition; amending s. 440.16, F.S.; increasing the limits on the amount of certain benefits paid as compensation for death; amending s. 440.185, F.S.; specifying duty of employer upon receipt of notice of injury or death; increasing penalties for noncompliance; amending s. 440.192, F.S.; revising procedure for resolving benefit disputes; requiring a petition for benefits to include all claims which are ripe, due, and owing; providing that the Chief Judge, rather than the Deputy Chief Judge, shall refer petitions for benefits; creating s. 440.1926, F.S.; providing for alternative dispute resolution and arbitration of claims; amending s. 440.20, F.S.; revising provisions relating to timely payment of compensation and medical bills and penalties for late payment; prohibiting the clerk of the circuit court from assessing certain fees or costs; amending s. 440.25, F.S.; revising procedures for mediation and hearings; amending s. 440.34, F.S.; revising provisions relating to the award of attorney's fees; amending s. 440.38, F.S.; providing requirement for employers with coverage provided by insurers from outside the state; amending s. 440.381, F.S.; providing criminal penalty for unlawful applications; requiring on-site audits of employers under certain circumstances; amending s. 440.42, F.S.; revising provision relating to notice of cancellation of coverage; amending s. 440.49, F.S., to conform cross-references; amending s. 440.491, F.S.; providing training and education requirements and benefits relating to reemployment of injured workers; providing for rules; amending s. 440.525, F.S.; providing for the Office of Insurance Regulation of the Financial Services Commission to conduct examinations and investigations of claims-handling entities; providing penalties; providing for rules; amending s. 627.162, F.S.; revising delinquency and collection fee for late payment of premium installments; creating s. 627.285, F.S.; providing for annual actuarial peer review of rating organization processes; requiring a report; amending s. 627.311, F.S.; revising membership of the board of governors of the workers' compensation joint underwriting plan; requiring participation in safety programs; providing for an additional subplan within the joint underwriting plan for workers' compensation insurance; providing for rates, surcharges, and assessments; limiting assessment powers; amending s. 921.0022, F.S.; revising the offense severity ranking chart to reflect changes in penalties under the act; requiring a report to the Legislature from the Department of Financial Services regarding provisions of law relating to enforcement; amending ss. 946.523 and 985.315,

F.S., to conform cross-references; establishing a Joint Select Committee on Workers' Compensation Rating Reform and specifying duties thereof; providing for termination of the committee; requiring the board of governors of the workers' compensation joint underwriting plan to submit a report to the Legislature; amending s. 443.1715, F.S.; revising provisions relating to records and reports; providing for disclosure of specified information; amending s. 625.989, F.S.; providing that the Department of Financial Services shall prepare an annual report relating to workers' compensation fraud and compliance; amending s. 626.9891, F.S.; amending reporting requirements for insurers; providing penalties for noncompliance; providing for rules; repealing s. 440.1925, F.S., relating to procedure for resolving maximum medical improvement or permanent impairment disputes; providing that amendments to ss. 440.02 and 440.15, F.S., do not affect certain disability, determination, and benefits; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

—was referred to the Committee on Banking and Insurance.

SPECIAL ORDER CALENDAR, continued

The Senate resumed consideration of—

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—which was previously considered this day.

Amendment 7 was withdrawn.

Senators Miller and Margolis offered the following amendment which was moved by Senator Miller and failed:

Amendment 8 (995071)—

In Section: 02	On Page: 027	Specific Appropriation: 101		
			Delete	Insert
		EDUCATION, DEPARTMENT OF Community Colleges, Division Of Program: Community College Programs		
101	In Section 02 On Page 027 Aid To Local Governments Grants And Aids - Community Colleges Program Fund			
		From General Revenue Fund	783,552,967	821,552,967

Immediately following Specific Appropriation 101, INSERT:

From the funds provided in Specific Appropriation 101, the amount of \$38,000,000 is hereby appropriated and is contingent upon the passage of legislation in Special Session A of 2003, increasing the annual limit on credits to non-profit scholarship funding organizations pursuant to Chapter 220.187 F.S., above the current amount of \$50 million not becoming law.

Senators Miller and Margolis offered the following amendment which was moved by Senator Miller and failed:

Amendment 9 (995072)—

In Section: 02	On Page: 017	Specific Appropriation: 59		
			Delete	Insert
		EDUCATION, DEPARTMENT OF Public Schools, Division Of Program: State Grants/K-12 Program - FEFP		
59	In Section 02 On Page 017 Aid To Local Governments Grants And Aids - Florida Educational Finance Program			

From General Revenue Fund 6,639,994,753 6,678,994,753

Following Specific Appropriation 59, on page 17, immediately following the next to last complete paragraph of proviso, INSERT:

From the funds provided in Specific Appropriation 59, \$39,000,000 is hereby appropriated in the Supplemental Academic Instruction Allocation to assist 3rd and 12th grade students who have not yet mastered the necessary skills for promotion or graduation. These funds shall be used to provide summer reading and math instruction for these students who will then have the opportunity to re-take the FCAT following such summer instruction. This appropriation is contingent upon the passage of legislation in Special Session A of 2003 that requires a portion of the amount of special depreciation allowance provided for by the Job Creation and Worker Assistance Act of 2002 be added to adjusted federal income for Florida corporate income tax purposes, and providing a credit for this addition in future years, becoming a law.

The vote was:

Yeas—14

Aronberg Hill Miller
Bullard Klein Siplin
Campbell Lawson Smith
Dawson Lynn Wilson
Geller Margolis

Nays—21

Mr. President Dockery Posey
Argenziano Fasano Pruitt
Bennett Garcia Saunders
Carlton Haridopolos Sebesta
Cowin Jones Villalobos
Crist Lee Webster
Diaz de la Portilla Peaden Wise

Vote after roll call:

Yea to Nay—Lynn

Amendments 10-11 were withdrawn.

Senators Dawson, Miller and Margolis offered the following amendment which was moved by Senator Dawson and failed:

Amendment 12 (995054)—

In Section: 02 On Page: 016 Specific Appropriation: 54
Delete Insert

EDUCATION, DEPARTMENT OF
Office Of Student Financial Assistance
Program: Student Financial Aid Program -
State

54 In Section 02 On Page 016
Financial Assistance Payments
Student Financial Aid

From General Revenue Fund 64,906,521 114,906,521

Following Specific Appropriation 54, remove from the bill:

Florida Student Assistance Grant - Public Full & Part Time. 67,548,740

and insert in lieu thereof:

Florida Student Assistance Grant - Public Full & Part Time. 117,548,740
Of this amount, \$50,000,000 is hereby appropriated and is contingent upon the passage of legislation in Special Session A of 2003 that amends Section 2 of Chapter 2001-371, Laws of Florida, to delay until July 1, 2004, an increase in the intangibles tax exemption for every natural person and husband and wife filing jointly, and the creation of an exemption for every taxpayer that is not a natural person.

The vote was:

Yeas—13

Aronberg Hill Miller
Bullard Klein Siplin
Campbell Lawson Smith
Dawson Margolis Wilson
Geller

Nays—23

Mr. President Dockery Posey
Alexander Fasano Pruitt
Argenziano Garcia Saunders
Bennett Haridopolos Sebesta
Carlton Jones Villalobos
Cowin Lee Webster
Crist Lynn Wise
Diaz de la Portilla Peaden

Senators Hill and Margolis offered the following amendment which was moved by Senator Margolis and failed:

Amendment 13 (995055)—

In Section: 03 On Page: 053 Specific Appropriation: 198
Delete Insert

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Medicaid Long Term Care

198 In Section 03 On Page 053
Special Categories
Nursing Home Care

From General Revenue Fund 878,491,811 890,490,222
From Medical Care Trust Fund 1,280,222,010 1,297,431,026

Insert the following proviso after existing proviso in Specific Appropriation 198:

From the funds in Specific Appropriation 198, \$11,998,411 from the General Revenue Fund and \$17,209,016 from the Medical Care Trust Fund are hereby appropriated to restore the certified nursing assistant staff increase to 2.9 hours of direct care per resident per day effective January 1, 2004. These additional funds are contingent upon legislation becoming law in Special Session "A" of 2003 to offset the revenue losses of state corporate income tax associated with the special depreciation allowance provided for by the Job Creation and Worker Assistance Act of 2002.

The vote was:

Yeas—14

Argenziano Geller Miller
Aronberg Hill Siplin
Bullard Klein Smith
Campbell Lawson Wilson
Dawson Margolis

Nays—20

Mr. President Fasano Posey
Bennett Garcia Pruitt
Carlton Haridopolos Sebesta
Cowin Jones Villalobos
Crist Lee Webster
Diaz de la Portilla Lynn Wise
Dockery Peaden

Senators Klein and Margolis offered the following amendment which was moved by Senator Klein and failed:

Amendment 14 (995056)—

In Section: 03 On Page: 000 Specific Appropriation: 183-AA Delete Insert

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Medicaid Services To Individuals

In Section 03 On Page 000
183-AA Lump Sum

Table with 3 columns: Position, Amount, and another Amount. Rows include From General Revenue Fund, From Administrative Trust Fund, From Grants And Donations Trust Fund, and From Medical Care Trust Fund.

Insert the following proviso after the new Specific Appropriation:

Funds in Specific Appropriation 183-AA are hereby appropriated to implement the LifeSaver Rx Program and are contingent upon approval of a federal Medicaid waiver or state plan amendment.

The vote was:

Yeas—13

Table listing names of yeas: Aronberg, Bullard, Campbell, Dawson, Geller, Hill, Klein, Lawson, Margolis, Miller, Siplin, Smith, Wilson.

Nays—25

Table listing names of nays: Mr. President, Alexander, Argenziano, Atwater, Bennett, Carlton, Clary, Cowin, Crist, Diaz de la Portilla, Dockery, Fasano, Garcia, Haridopolos, Jones, Lee, Lynn, Peaden, Posey, Pruitt, Saunders, Sebesta, Villalobos, Webster, Wise.

Senators Klein and Margolis offered the following amendment which was moved by Senator Klein and failed:

Amendment 15 (995057)—

In Section: 03 On Page: 040 Specific Appropriation: 145 Delete Insert

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Children's Special Health Care

In Section 03 On Page 040
145 Special Categories
Grants And Aids - Florida Healthy Kids Corporation

Table with 3 columns: Position, Amount, and another Amount. Rows include From General Revenue Fund and From Medical Care Trust Fund.

Insert a new paragraph of proviso following Specific Appropriation 145:

From the funds in Specific Appropriation 145, \$35,000,000 from the General Revenue Fund and \$68,953,560 from the Medical Care Trust Fund

are hereby appropriated to serve additional children in the Florida KidCare Program. These funds are contingent upon legislation becoming law in Special Session "A" of 2003 to offset the revenue losses of state corporate income tax associated with the special depreciation allowance provided for by the Job Creation and Worker Assistance Act of 2002.

Senator Hill moved the following amendment which failed:

Amendment 16 (995058)—

In Section: 03 On Page: 045 Specific Appropriation: 169 Delete Insert

AGENCY FOR HEALTH CARE ADMINISTRATION
Program: Health Care Services
Medicaid Services To Individuals

In Section 03 On Page 045
169 Special Categories
Hospital Inpatient Services

In Section 03 On Page 044

Table with 3 columns: Position, Amount, and another Amount. Rows include From General Revenue Fund and From Grants And Donations Trust Fund.

In Section 03 On Page 045

On page 46, DELETE the fifth paragraph of proviso which reads:

Funds in Specific Appropriation 169 reflect a fund shift of \$29,141,917 from the General Revenue Fund to the Grants and Donations Trust Fund to be used to assist in funding the state share of hospital expenditures.

and INSERT the following paragraph in lieu of:

Funds in Specific Appropriation 169 reflect a fund shift of \$14,141,917 from the General Revenue Fund to the Grants and Donations Trust Fund to be used to assist in funding the state share of hospital expenditures.

SENATOR CARLTON PRESIDING

Senator Lawson moved the following amendment which failed:

Amendment 17 (995059)—

In Section: 03 On Page: 077 Specific Appropriation: 410 Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF
Services
Program: Institutional Facilities
Adult Mental Health Treatment Facilities

In Section 03 On Page 077
410 Salaries And Benefits

DELETE the second paragraph of proviso following Specific Appropriation 410 that reads:

From the funds in Specific Appropriations 410 through 419, the Department of Children and Families may use a private contractor to finance, design, construct, and operate a replacement facility for the South Florida Evaluation and Treatment Center in Miami Florida.

Amendments 18-21 were withdrawn.

THE PRESIDENT PRESIDING

On motion by Senator Pruitt, by two-thirds vote SB 2-A was read the third time by title. Further consideration was deferred.

On motion by Senator Webster, by unanimous consent—

SB 16-A—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of State and the Department of Transportation; providing for disposition of balances in and revenues of those trust funds; repealing s. 15.09(4) and (5), F.S., relating to the Corporations Trust Fund and the Public Access Data Systems Trust Fund; repealing ss. 607.1901 and 607.19011, F.S., relating to the Corporations Trust Fund; amending ss. 607.193, 617.1901, 620.183, and 865.09, F.S.; deleting references to the Corporations Trust Fund; providing for deposit of certain moneys into the General Revenue Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Webster, by two-thirds vote SB 16-A was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—25

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Fasano	Saunders
Atwater	Garcia	Sebesta
Bennett	Haridopolos	Villalobos
Carlton	Hill	Webster
Clary	Jones	Wise
Cowin	Lee	
Crist	Peaden	

Nays—11

Aronberg	Geller	Miller
Bullard	Klein	Smith
Campbell	Lynn	Wilson
Dawson	Margolis	

Vote after roll call:

Yea—Lawson, Siplin

Yea to Nay—Crist

MOTION

On motion by Senator Pruitt, the House was requested to pass SB 16-A as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

On motion by Senator Webster, by unanimous consent—

SB 24-A—A bill to be entitled An act relating to the Department of Transportation; creating s. 215.617, F.S.; authorizing the department to issue revenue bonds financed by the repayment of loans from the state-funded infrastructure bank; amending s. 338.165, F.S.; providing for toll rate adjustments for certain toll roads; authorizing the department to request the Division of Bond Finance to issue bonds secured by toll revenues collected on the Beeline-East Expressway, the Sunshine Skyway Bridge, the Navarre Bridge, and the Pinellas Bayway toll facilities to provide funding for transportation projects on the State Highway System; amending s. 338.2275, F.S.; increasing the cap on the amount of bonds that may be issued to fund approved turnpike projects; amending s. 338.231, F.S.; advancing a toll rate adjustment; amending s. 339.12, F.S.; removing the limit for transportation project advances for certain inland counties for certain improvements to the State Highway System; creating s. 373.4139, F.S.; providing for mitigation planning for transportation projects; providing for an annual inventory of wetland and surface-water resources; requiring notice to other government participants; requiring responsible governments to submit the mitigation to

appropriate federal agencies; providing that certain transportation projects may be excluded from the mitigation plan; deeming an approved mitigation plan as satisfying mitigation requirements of other governmental agencies; authorizing the creation of an escrow account to fund mitigation projects; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was taken up out of order and read the second time by title.

Senator Webster moved the following amendment which was adopted:

Amendment 1 (870326)—On page 2, lines 28-30, delete those lines and insert: *accordance with s. 339.55. Each project financed with the proceeds of the bonds issued under this section in the 2003-2004 fiscal year is approved as required by s. 11(f), Art. VII of the State Constitution. In the 2004-2005 fiscal year and thereafter, legislative approval of the department's tentative work program specifying the State Infrastructure Bank project loans constitutes approval to issue bonds*

On motion by Senator Webster, by two-thirds vote SB 24-A as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

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

Nays—2

Dawson	Klein
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MOTION

On motion by Senator Pruitt, the House was requested to pass SB 24-A as amended and passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

On motion by Senator Webster, by unanimous consent—

CS for SB 26-A—A bill to be entitled An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revising fees; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.17, F.S.; revising provisions relating to the application for a replacement or duplicate driver's license; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was taken up out of order and read the second time by title. On motion by Senator Webster, by two-thirds vote CS for SB 26-A was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Atwater	Carlton
Alexander	Bennett	Clary
Argenziano	Bullard	Cowin
Aronberg	Campbell	Crist

Dawson	Jones	Saunders
Diaz de la Portilla	Lawson	Sebesta
Dockery	Lee	Smith
Fasano	Lynn	Villalobos
Garcia	Margolis	Webster
Geller	Peaden	Wise
Haridopolos	Posey	
Hill	Pruitt	

Nays—3

Klein	Miller	Wilson
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Vote after roll call:

Yea—Siplin

MOTION

On motion by Senator Pruitt, the House was requested to pass **CS for SB 26-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

The Senate resumed consideration of—

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—which was previously considered this day.

SENATOR CARLTON PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Pruitt, **SB 2-A** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Crist	Lynn
Alexander	Diaz de la Portilla	Peaden
Argenziano	Dockery	Posey
Atwater	Fasano	Pruitt
Bennett	Garcia	Saunders
Bullard	Geller	Sebesta
Campbell	Haridopolos	Smith
Carlton	Jones	Villalobos
Clary	Lawson	
Cowin	Lee	

Nays—6

Aronberg	Klein	Miller
Dawson	Margolis	Wilson

PAIR VOTES

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Webster on SB 2-A. If he were present he would vote “yea” and I would vote “nay”.

Anthony C. “Tony” Hill, Sr., 1st District

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Constantine on SB 2-A. If he were present he would vote “yea” and I would vote “nay”.

Gary Siplin, 19th District

MOTION

On motion by Senator Pruitt, the House was requested to pass **SB 2-A** as passed by the Senate, and if the House refuses, requested that a conference committee be appointed.

CONFEREES ON SB 2-A AND SB 4-A APPOINTED

The President appointed the following conferees on **SB 2-A** and **SB 4-A**: Senator Pruitt, Chair; Senator Wasserman Schultz, Vice Chair; Senators Diaz de la Portilla, Jones, Klein and Lee, At-Large Members; Subcommittee on Article V Implementation and Judiciary: Senator Smith, Chair; Senators Aronberg, Haridopolos, Villalobos and Wise; Subcommittee on Criminal Justice: Senator Crist, Chair; Senators Argenziano, Constantine, Dawson and Fasano; Subcommittee on Education: Senator Carlton, Chair; Senators Bennett, Cowin and Miller; Subcommittee on General Government: Senator Clary, Chair; Senators Bullard, Dockery, Lawson and Lynn; Subcommittee on Health and Human Services: Senator Peaden, Chair; Senators Garcia and Wilson; Subcommittee on Transportation and Economic Development: Senator Webster, Chair; Senator Sebesta, Vice Chair; Senators Alexander, Hill and Siplin.

The action of the Senate was certified to the House.

SB 4-A—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending s. 1011.71, F.S.; allowing school boards to make payments toward the cost of school buses owned by certain student transportation contract providers; providing requirements; amending s. 1011.71, F.S.; permitting school districts to pay for property and casualty insurance from specified funds; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 216.181, F.S.; authorizing the Department of Law Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees’ prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers’ and employees’ travel; amending s. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 376.3071, F.S.; permitting the transfer of moneys from the Inland Protection Trust Fund to the Water Quality Assurance Trust Fund; amending s. 378.035, F.S.; permitting expenditure of moneys appropriated for abatement of imminent hazards caused by, and for closure of, abandoned phosphogypsum stacks; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of

central administrative and financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory citrus tax rates by majority vote; amending s. 372.561, F.S.; permitting counties to retain certain hunting and fishing fees until the Fish and Wildlife Conservation Commission implements an automated licensing system; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing for future repeal or expiration; authorizing a specific exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and the City of Lakeland, various statutory provisions notwithstanding; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain funds as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; requiring the Chief Financial Officer to report on costs of court-related services provided by the counties; providing specific requirements; providing for reimbursement of certain expenses; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of 1994; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing for severability; providing for retroactive application; providing effective dates.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **SB 4-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

PAIR VOTES

The following pair was announced by the Secretary in accordance with Senate Rule 5.4:

I am paired with Senator Constantine on SB 4-A. If he were present he would vote “yea” and I would vote “nay”.

Gary Siplin, 19th District

MOTION

On motion by Senator Pruitt, the House was requested to pass **SB 4-A** as passed by the Senate, and if the House refuses, requested that a conference committee be appointed.

CS for SB 8-A—A bill to be entitled An act relating to trust funds; amending s. 215.20, F.S.; revising the formula for contribution by certain trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain trust funds and revenues from the appropriation required by s. 215.20, F.S.; amending s. 18.10, F.S.; appropriating certain earnings on investments to the General Revenue Fund; amending s. 18.125, F.S.; providing for the method of investment, and the disposition of interest earned on such investment, of certain trust fund moneys of specified agencies; amending s. 14.2015, F.S.; revising disposition of certain interest earned by the Office of Tourism, Trade, and Economic Development; amending s. 1009.66, F.S.; revising disposition of interest earned on Nursing Student Loan Forgiveness Trust Fund moneys; amending s. 385.207, F.S.; revising disposition of interest earned on Epilepsy Services Trust Fund moneys; amending s. 938.01, F.S.; revising disposition of interest earned on specified trust funds of the Department of Law Enforcement and Department of Children and Family Services; reenacting s. 215.32, F.S., relating to segregation of state funds; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Pruitt, by two-thirds vote **CS for SB 8-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

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

Nays—2

Campbell	Margolis
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MOTION

On motion by Senator Pruitt, the House was requested to pass **CS for SB 8-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

SB 10-A—A bill to be entitled An act relating to criminal history records; amending s. 943.053, F.S.; establishing a schedule of fees to be collected by the Department of Law Enforcement for producing criminal history information; authorizing the executive director of the department to reduce such fees for good cause; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Aronberg and adopted:

Amendment 1 (701728)(with title amendment)—On page 3, between lines 9 and 10, insert:

Section 3. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired to fill positions requiring direct contact with students in any district school system or university lab school shall, upon employment, file a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints. *Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(g), shall, upon employment, engagement of services, or appointment, file with the district school board for the district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement officer or an employee of the school or district who is trained to take fingerprints.* These fingerprints shall be submitted to the Department of Law Enforcement for state processing and to the Federal Bureau of Investigation for federal processing. The new employees or contractors shall be on probationary status pending fingerprint processing and determination of compliance with standards of good moral character. Employees or contractors found through fingerprint processing to have been convicted of a crime involving moral turpitude shall not be employed or engaged to provide services in any position requiring direct contact with students. Probationary employees or contractors terminated because of their criminal record shall have the right to appeal such decisions. The cost of the fingerprint processing may be borne by the district school board, the charter school, or the employee, or the contractor.

(b) Personnel who have been fingerprinted or screened pursuant to this subsection and who have not been unemployed or unengaged to provide services in a public or charter school for more than 90 days shall not be required to be refingerprinted or rescreened in order to comply with the requirements of this subsection.

(c) *Beginning July 1, 2003, all fingerprints submitted to the Department of Law Enforcement as required by paragraph (a) shall be retained by the Department of Law Enforcement and entered into the statewide automated fingerprint identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprint cards entered in the statewide automated fingerprint identification system pursuant to s. 943.051.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the semicolon (;) insert: amending s. 1012.32, F.S.; requiring both instructional and noninstructional personnel of charter schools to file fingerprints with the school board of the district within which the charter school is located; providing that contractors have the same probationary status as employees; providing duties of the Department of Law Enforcement with respect to retention and search of fingerprint records submitted on behalf of school employees and contractors; providing for fees;

Senator Crist moved the following amendment:

Amendment 2 (460448)—On page 2, line 16, through page 3, line 4 delete those lines and insert: *information provided pursuant to this subsection is \$24 per name submitted, except that the fee for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elder Affairs shall be \$12 for each name submitted and the fee for requests under the National Child Protection Act shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.*

(Redesignate subsequent sections.)

MOTION

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

Senator Pruitt moved the following substitute amendment which was adopted:

Amendment 3 (613684)—On page 2, line 16, through page 3, line 4, delete those lines and insert: *information provided pursuant to this subsection is \$24 per name submitted, except that the fee for vendors of the Department of Children and Family Services, the Department of Juvenile Justice, and the Department of Elder Affairs shall be \$12 for each name submitted; the fee for a state criminal history provided for application processing as required by law to be performed by the Department of Agriculture and Consumer Services shall be \$15 for each name submitted; and the fee for requests under the National Child Protection Act shall be \$18 for each volunteer name submitted. The state offices of the Public Defender shall not be assessed a fee for Florida criminal history information or wanted person information.*

(Redesignate subsequent sections.)

On motion by Senator Crist, by two-thirds vote **SB 10-A** as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dawson	Margolis
Alexander	Diaz de la Portilla	Miller
Argenziano	Dockery	Peaden
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Saunders
Bullard	Haridopolos	Sebesta
Campbell	Hill	Siplin
Carlton	Jones	Smith
Clary	Lawson	Villalobos
Cowin	Lee	Wilson
Crist	Lynn	

Nays—1

Klein

MOTION

On motion by Senator Pruitt, the House was requested to pass **SB 10-A** as amended and passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

SB 12-A—A bill to be entitled An act relating to state revenue programs; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **SB 12-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Cowin	Jones
Alexander	Crist	Lawson
Argenziano	Dawson	Lee
Aronberg	Diaz de la Portilla	Lynn
Atwater	Dockery	Margolis
Bennett	Fasano	Miller
Bullard	Garcia	Peaden
Campbell	Geller	Posey
Carlton	Haridopolos	Pruitt
Clary	Hill	Saunders

Sebesta Smith Wilson
 Siplin Villalobos
 Nays—1
 Klein

MOTION

On motion by Senator Pruitt the House was requested to pass **SB 12-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

SB 14-A—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of Management Services, the Department of Revenue, and the Department of Environmental Protection; providing for the disposition of balances in and revenues of such trust funds; repealing ss. 122.351 and 650.06, F.S., relating to funding by local agencies and the Social Security Contribution Trust Fund; amending ss. 121.011, 121.031, 121.141, 122.26, 122.27, 122.30, 122.35, 650.04, and 650.05, F.S., to conform; providing for payment of certain social security contributions to the Internal Revenue Service rather than the Social Security Contribution Trust Fund; amending s. 607.1901, F.S., relating to the Corporate Tax Administration Trust Fund; to conform; providing for the additional transfers into the General Revenue Fund; amending ss. 253.03 and 895.09, F.S.; repealing the Forfeited Property Trust Fund in the Department of Environmental Protection; amending s. 932.7055, F.S.; to conform; repealing s. 20.2553, F.S.; repealing the Federal Law Enforcement Trust Fund in the Department of Environmental Protection; repealing s. 110.151(7), F.S., relating to the State Employee Child Care Revolving Trust Fund; repealing s. 213.31, F.S.; terminating the Corporation Tax Administration Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Clary, by two-thirds vote **SB 14-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Diaz de la Portilla	Lynn
Alexander	Dockery	Peaden
Argenziano	Fasano	Posey
Atwater	Garcia	Pruitt
Bennett	Geller	Sebesta
Bullard	Haridopolos	Siplin
Carlton	Jones	Smith
Clary	Klein	Villalobos
Cowin	Lawson	
Crist	Lee	

Nays—7

Aronberg	Hill	Miller
Campbell	Margolis	Wilson
Dawson		

Vote after roll call:

Yea—Saunders

Nay to Yea—Aronberg

MOTION

On motion by Senator Pruitt the House was requested to pass **SB 14-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

CS for SB 18-A—A bill to be entitled An act relating to taxation; directing the Department of Revenue to develop and implement an amnesty program for taxpayers subject to the state and local taxes imposed by chapters 125, 198, 199, 201, 202, 203, 206, 211, 212, 220, 221, 336, 370, 376, 403, 538, 624, 627, and 681, F.S.; providing time periods;

providing program guidelines; providing for eligible participants; providing for waiver of penalties and interest under specified circumstances; providing for emergency rules; amending ss. 213.235, 220.807, F.S.; providing that the interest rate on certain tax deficiencies shall be an adjusted prime rate plus 4 percentage points; providing a maximum rate; providing legislative intent; providing an appropriation; amending s. 202.35, F.S.; providing a maximum interest rate on delinquent taxes; amending s. 626.932, F.S.; changing the distribution of the surplus lines tax; amending s. 626.938, F.S.; changing the distribution of the tax on independently procured coverages; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

—was read the second time by title. On motion by Senator Campbell, by two-thirds vote **CS for SB 18-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Dawson	Lynn
Alexander	Diaz de la Portilla	Margolis
Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Smith
Clary	Klein	Villalobos
Cowin	Lawson	Wilson
Crist	Lee	

Nays—None

MOTION

On motion by Senator Pruitt the House was requested to pass **CS for SB 18-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

SB 20-A—A bill to be entitled An act relating to funding for K-12 programs; amending s. 1011.62, F.S.; providing the district cost differential to be used for the 2003-2004 fiscal year; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Carlton, by two-thirds vote **SB 20-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Dawson	Lynn
Alexander	Diaz de la Portilla	Margolis
Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Hill	Sebesta
Carlton	Jones	Siplin
Clary	Klein	Smith
Cowin	Lawson	Villalobos
Crist	Lee	Wilson

Nays—None

MOTION

On motion by Senator Pruitt the House was requested to pass **SB 20-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

SB 22-A—A bill to be entitled An act relating to health care; amending s. 400.179, F.S.; deleting a repeal of provisions requiring payment of certain fees upon the transfer of the leasehold license for a nursing facility; amending s. 400.23, F.S.; delaying the effective date of certain requirements concerning hours of direct care per resident for nursing home facilities; amending s. 409.901, F.S.; defining the term “third party” to include a third-party administrator or pharmacy benefits manager; amending s. 409.904, F.S.; revising provisions governing the payment of optional medical benefits for certain Medicaid-eligible persons; amending s. 409.906, F.S.; deleting provisions authorizing payment for adult dental services; revising requirements for hearing and visual services to limit such services to persons younger than 21 years of age; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; providing for a fee to be paid to providers returning unused medications and credited to the Medicaid program; conforming a cross-reference; amending s. 409.9081, F.S.; providing a copayment under the Medicaid program for certain nonemergency hospital visits; amending ss. 409.911, 409.9112, 409.9116, and 409.9117, F.S.; revising the disproportionate share program; deleting definitions; requiring the Agency for Health Care Administration to use actual audited data to determine the Medicaid days and charity care to be used to calculate the disproportionate share payment; revising formulas for calculating payments; revising the formula for calculating payments under the disproportionate share program for regional perinatal intensive care centers; providing for estimates of the payments under the rural disproportionate share and financial assistance programs; providing a formula for calculating payments under the primary care disproportionate share program; repealing s. 409.9119, F.S., relating to disproportionate share program for specialty hospitals for children; amending s. 409.912, F.S.; providing for reimbursement of provider service networks; removing certain requirements for prior authorization for nursing home residents and institutionalized adults; prohibiting value-added rebates to a pharmaceutical manufacturer; deleting provisions authorizing certain benefits in conjunction with supplemental rebates; authorizing the agency to implement a utilization management program for certain services; amending s. 409.9122, F.S.; revising the percentage of Medicaid recipients required to be enrolled in managed care; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Peaden and adopted:

Amendment 1 (375836)—In title, on page 2, line 28, after the semicolon (;) insert: amending s. 409.815, F.S., relating to benefits coverage; specifying a maximum annual benefit for children’s dental services;

On motion by Senator Peaden, by two-thirds vote **SB 22-A** as amended was read the third time by title. Further consideration of **SB 22-A** as amended was deferred.

SB 28-A—A bill to be entitled An act relating to the Educational Enhancement Trust Fund; amending ss. 24.121 and 1010.70, F.S.; increasing amounts to be deposited into the Educational Enhancement Trust Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—was read the second time by title. On motion by Senator Lynn, by two-thirds vote **SB 28-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Campbell	Dockery
Alexander	Carlton	Fasano
Argenziano	Clary	Garcia
Aronberg	Cowin	Geller
Atwater	Crist	Haridopolos
Bennett	Dawson	Hill
Bullard	Diaz de la Portilla	Jones

Klein	Miller	Sebesta
Lawson	Peaden	Siplin
Lee	Posey	Smith
Lynn	Pruitt	Villalobos
Margolis	Saunders	Wilson

Nays—None

MOTION

On motion by Senator Pruitt the House was requested to pass **SB 28-A** as passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

The Senate resumed consideration of—

SB 22-A—A bill to be entitled An act relating to health care; amending s. 400.179, F.S.; deleting a repeal of provisions requiring payment of certain fees upon the transfer of the leasehold license for a nursing facility; amending s. 400.23, F.S.; delaying the effective date of certain requirements concerning hours of direct care per resident for nursing home facilities; amending s. 409.901, F.S.; defining the term “third party” to include a third-party administrator or pharmacy benefits manager; amending s. 409.904, F.S.; revising provisions governing the payment of optional medical benefits for certain Medicaid-eligible persons; amending s. 409.906, F.S.; deleting provisions authorizing payment for adult dental services; revising requirements for hearing and visual services to limit such services to persons younger than 21 years of age; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; providing for a fee to be paid to providers returning unused medications and credited to the Medicaid program; conforming a cross-reference; amending s. 409.9081, F.S.; providing a copayment under the Medicaid program for certain nonemergency hospital visits; amending ss. 409.911, 409.9112, 409.9116, and 409.9117, F.S.; revising the disproportionate share program; deleting definitions; requiring the Agency for Health Care Administration to use actual audited data to determine the Medicaid days and charity care to be used to calculate the disproportionate share payment; revising formulas for calculating payments; revising the formula for calculating payments under the disproportionate share program for regional perinatal intensive care centers; providing for estimates of the payments under the rural disproportionate share and financial assistance programs; providing a formula for calculating payments under the primary care disproportionate share program; repealing s. 409.9119, F.S., relating to disproportionate share program for specialty hospitals for children; amending s. 409.912, F.S.; providing for reimbursement of provider service networks; removing certain requirements for prior authorization for nursing home residents and institutionalized adults; prohibiting value-added rebates to a pharmaceutical manufacturer; deleting provisions authorizing certain benefits in conjunction with supplemental rebates; authorizing the agency to implement a utilization management program for certain services; amending s. 409.9122, F.S.; revising the percentage of Medicaid recipients required to be enrolled in managed care; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

—which was previously considered and amended this day.

On motion by Senator Peaden, **SB 22-A** as amended was passed, ordered engrossed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Diaz de la Portilla	Margolis
Argenziano	Dockery	Miller
Aronberg	Fasano	Peaden
Atwater	Garcia	Posey
Bennett	Geller	Pruitt
Bullard	Haridopolos	Saunders
Campbell	Jones	Sebesta
Carlton	Klein	Siplin
Clary	Lawson	Smith
Cowin	Lee	Villalobos
Crist	Lynn	Wilson

Nays—1

Hill

Vote after roll call:

Yea—Alexander

MOTIONS

On motion by Senator Pruitt the House was requested to pass **SB 22-A** as amended and passed by the Senate, and if the House refuses, requested that the substance of the bill be included in the budget conference committee.

On motion by Senator Smith, the rules were waived and staff of the Committee on Appropriations was instructed to make title amendments and technical changes in the Appropriations bill and the Appropriations Implementing bills as necessary and the rules were also waived to allow the Senate Conferees on Appropriations the latitude to deal with additional issues which may develop in conference.

SB 30-A—A bill to be entitled An act relating to quality education; amending s. 1003.01, F.S.; defining the terms “core-curricula courses” and “extracurricular courses”; amending s. 1003.03, F.S.; establishing the constitutional class size maximum; providing for the determination of averages; providing for the department to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Classrooms for Kids Program; providing for the allocation of funds; providing requirements for district participation in the program; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District Effort Recognition Program; providing for eligibility for school district participation; establishing a district equity ratio for purposes of calculating the allocation for the program; providing for the use of the funds; creating s. 1013.737, F.S.; establishing the Class Size Reduction Lottery Revenue Bond Program; authorizing the issuance of revenue bonds to finance or refinance the construction, acquisition, reconstruction, or renovation of educational facilities; providing legislative findings; specifying that the bonds are payable from first proceeds of lottery revenues transferred to the Educational Enhancement Trust Fund; establishing a covenant with bondholders to not materially and adversely affect their rights; providing for issuance of the bonds by the Division of Bond Finance on behalf of the Department of Education; limiting the total amount of such bonds issued; providing for deposit of bond proceeds in the Lottery Capital Outlay and Debt Service Trust Fund; providing for the filing of complaints for validation; providing for timely encumbrances of funds for authorized projects; amending s. 24.121, F.S.; removing limitations on lottery revenues that may be pledged to the payment of debt service; amending s. 121.091, F.S.; authorizing certain instructional personnel who receive authorization to extend participation in the Deferred Retirement Option Program; amending s. 220.187, F.S.; increasing the total amount of tax credit and carryforward of tax credit which may be granted each state fiscal year; requiring parental notification to the school district; allowing tax credits to be carried forward; providing procedures; amending s. 1003.02, F.S.; requiring school districts to notify parents of acceleration mechanisms; eliminating a cross-reference to conform to changes made by the act; amending s. 1003.43, F.S.; providing that parenting skills be included; removing the requirement that a life management course be offered during the 9th and 10th grade years; providing that participation in R.O.T.C. class satisfies a portion of the physical education requirement; creating s. 1003.429, F.S.; providing for accelerated high school graduation options; providing requirements; prohibiting school districts from imposing additional requirements; amending s. 1007.261, F.S.; aligning university admission standards with accelerated high school graduation options; revising credits required; amending s. 1003.436, F.S.; reducing the number of hours required for one full credit for district schools implementing block scheduling; amending s. 1011.62, F.S.; removing a date limitation to provide for categorical flexibility; revising purposes of categorical funds; amending s. 1011.69, F.S.; deleting obsolete provisions; revising allocation amount to average percent of funds generated; revising the exemption for certain charter schools; providing that Classrooms for Kids operating categorical funds are not subject to provisions requiring

equity in school funding; amending s. 1013.03, F.S.; requiring the Department of Education to review rules relating to school construction and make recommendations to the State Board of Education; amending s. 1013.31, F.S.; requiring school districts to periodically update the inventory of educational facilities; amending s. 1002.37, F.S.; providing that certain funds are internal funds; authorizing supplemental support organization; revising administrative responsibilities regarding funding and reporting requirements for the board of trustees of the Florida Virtual School; authorizing franchise agreements; providing for funding the Florida Virtual School within the Florida Education Finance Program; providing for funding based on credit completion; providing a calculation; eliminating obsolete provisions; amending s. 1011.61, F.S.; redefining the term “full-time equivalent student” to include a Florida Virtual School student; providing for membership to exceed certain maximum days of instruction; creating the Florida Business and Education in School Together (Florida BEST) Program; requiring school districts to seek business partners for Florida BEST schools; requiring each school district to create a Florida BEST school evaluation committee; defining a “Florida Business and Education in School Together (Florida BEST) school”; providing for priority in admission of students; providing parental responsibility; providing for contracts to operate Florida BEST schools; providing school district and business responsibilities for Florida BEST schools; providing exemptions from local government ordinances or regulations relating to square footage or floor area; repealing ss. 1002.33(13), 1012.41, 1012.73, and 1013.43, F.S., relating to number of charter schools, directors of career and technical education, the Florida Mentor Teacher School Pilot Program, and the small school requirement; amending s. 216.292, F.S.; requiring the Executive Office of the Governor to transfer funds for class size reduction based on recommendations of the Florida Education Finance Program Appropriation Allocation Conference or the Legislative Budget Commission; requiring notice and review; amending s. 1003.62, F.S.; making pilot program statewide; providing additional criteria for the establishment of a charter school district; providing for renewal of the charter; providing certain exemptions from law and rule; providing reporting requirements; grandfathering certain districts; amending s. 1013.64, F.S.; providing limitations on the use of certain funds; revising provisions relating to the costs per student station; requiring reports; creating s. 1000.041, F.S.; providing legislative purposes and guiding principles of Better Educated Students and Teachers (BEST) Florida Teaching; amending s. 1001.33, F.S.; requiring cooperation to apply guiding principles; amending s. 1001.42, F.S.; providing that a district school board may use certain personnel to assist teachers in noninstructional activities; requiring school district support of certain activities and programs; clarifying provisions concerning a school-within-a-school; amending ss. 1001.51 and 1001.54, F.S.; requiring cooperation and support of district school superintendents and school principals; amending s. 1002.20, F.S.; providing student rights with respect to classroom orderliness; amending s. 1002.42, F.S.; correcting a cross-reference; amending s. 1003.04, F.S.; requiring specified student conduct and attendance; requiring parental cooperation with school authority; amending s. 1003.31, F.S.; requiring support of the authority of teachers and bus drivers; amending s. 1003.32, F.S.; revising provisions relating to teacher authority and responsibility for control of students; designating a school placement review committee to determine placement for disruptive students; requiring reports; requiring Commissioner of Education review of success in achieving orderly classrooms and use of enforcement actions; requiring reporting of knowledge or suspicion of crimes of violence on school property and providing immunity; amending s. 1004.04, F.S.; revising provisions relating to state approval of teacher preparation programs; expanding State Board of Education rules establishing core curricula; requiring teacher preparation programs to incorporate certain instruction; providing for guarantee; providing for additional teacher training under certain circumstances; authorizing pay for student teacher internships; authorizing additional standards for program approval and certification; deleting the requirement that pilot programs be established at the University of Central Florida, the University of North Florida, and the University of South Florida; allowing pilot programs to be established as authorized by the Commissioner of Education at colleges and universities with state-approved teacher education programs; providing priority consideration for participation in teacher education pilot programs; amending ss. 1006.08 and 1006.09, F.S.; requiring district school superintendent and school principal support relating to student discipline; amending s. 1012.05, F.S.; requiring the Department of Education to provide for one-stop shopping for teacher career information and on-line support; authorizing use of funds to recruit and prepare teachers; creating s. 1012.231, F.S.; establishing a salary career ladder program; providing levels of

career ladder salary; providing standards; providing limitations or certain assignments; requiring the State Board of Education to develop a long-range plan; amending s. 1012.27, F.S.; requiring district school superintendents to implement district's career ladder salary program; amending s. 1012.56, F.S.; revising the time period for which an official statement of status of eligibility for certification is valid; revising requirements for mastery of general knowledge, mastery of subject area knowledge, and mastery of professional preparation and education competence; amending s. 1012.57, F.S.; requiring district school boards to adopt rules to allow for the issuance of adjunct teaching certificates; revising provisions relating to determination of expertise in the subject area to be taught; amending s. 1012.585, F.S.; revising certain requirements for renewal of professional certificates; correcting a cross-reference; creating s. 1012.586, F.S.; authorizing school districts to process certain applications via website; providing for a fee and the uses thereof; amending s. 1012.98, F.S.; revising provisions relating to the School Community Professional Development Act; deleting provisions relating to recruitment, preparation, and professional development of school administrative personnel; amending s. 1009.531, F.S.; correcting a cross-reference; creating ss. 159.831, 159.832, 159.833, 159.834, and 159.835, F.S., relating to the Florida Qualified Public Educational Facilities Private Activity Bond Allocation Act; providing definitions; providing certain state volume limitations on certain private bond activity; providing for department review; authorizing rule adoption; amending s. 1012.22, F.S.; providing that district's five-percent performance-pay policy must apply at each level of the salary career ladder program; creating s. 1012.987, F.S.; authorizing the State Board of Education to adopt rules for a principal leadership designation; requiring districts to compare certain life-cycle costs of materials used in constructing or expanding educational facilities; providing for severability; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

—was read the second time by title.

Senators Aronberg, Campbell and Bullard offered the following amendment which was moved by Senator Aronberg and failed:

Amendment 1 (952586)(with title amendment)—On page 39, line 14, through page 40, line 22, delete those lines and insert:

Section 9. Paragraph (b) of subsection (3), paragraph (c) of subsection (4), and paragraphs (a) and (d) of subsection (6) of section 220.187, Florida Statutes, are amended, and paragraphs (e) and (f) are added to subsection (5) of that section and subsections (8) through (15) are added to that section, to read:

220.187 Credits for contributions to nonprofit scholarship-funding organizations.—

(3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

(b) The total amount of tax credits and carryforward of tax credits credit which may be granted each state fiscal year under this section is \$88 ~~\$50~~ million.

(4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—

(c) The amount of a scholarship provided to any child for any single school year by all eligible nonprofit scholarship-funding organizations from eligible contributions shall not exceed the following annual limits:

1. Beginning in the 2003-2004 school year, \$3,500 ~~Three thousand five hundred dollars~~ for a scholarship awarded to a student enrolled in an eligible nonpublic school. The amount of the scholarship shall be adjusted annually based on the percentage change in the Consumer Price Index for the prior year.

2. Beginning in the 2003-2004 school year, \$500 ~~Five hundred dollars~~ for a scholarship awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides. The amount of the scholarship shall be adjusted annually based on the percentage change in the Consumer Price Index for the prior year.

(5) ELIGIBLE NONPUBLIC SCHOOL OBLIGATIONS.—An eligible nonpublic school must:

(e) Ensure that each student in grade 3 and grade 10 who receives a scholarship under this section takes the statewide assessment under s. 1008.22. The school district in which the eligible nonpublic school is located shall provide locations and times to take all statewide assessments required pursuant to s. 1008.22.

(f) Meet the requirements in subsections (10) through (15).

(6) ADMINISTRATION; RULES.—

(a) If the credit granted pursuant to this section is not fully used in any one year because of insufficient tax liability on the part of the corporation, the unused amount may not be carried forward for a period not to exceed 3 years; however, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application for allocation of tax credits or carryforward credits as required in paragraph (d) in the year that the taxpayer intends to use the carryforward. The total amount of tax credits and carryforward of tax credits granted each state fiscal year under this section is \$88 million. This carryforward applies to all approved contributions made after January 1, 2002. A taxpayer may not convey, assign, or transfer the credit authorized by this section to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

(d) The department shall adopt rules necessary to administer this section, including rules establishing application forms and procedures and governing the allocation of tax credits and carryforward credits under this section on a first-come, first-served basis.

(8) PARENT OBLIGATIONS.—As a condition for scholarship payment pursuant to paragraph (4)(g), if the parent chooses for his or her child to attend an eligible nonpublic school, the parent must inform the child's school district within 15 days after such decision.

(9) STUDENT OBLIGATIONS.—

(a) Any student receiving a scholarship under this section must earn a passing score on the grade 10 Florida Comprehensive Assessment Test in reading, writing, and mathematics, according to the passing score established by State Board of Education rules for each part of the test, to qualify for a regular high school diploma.

(b) The parents of a student receiving a scholarship under this section shall ensure the student takes all statewide assessments required pursuant to s. 1008.22.

(c) A student who fails to comply with this subsection shall forfeit the scholarship.

(10) Each private school shall establish a comprehensive program for student progression which must include:

(a) Standards for evaluating each student's performance, including how well he or she masters the performance standards approved by the State Board of Education.

(b) Specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the Commissioner of Education, below which a student must receive remediation, or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style.

(c) Appropriate alternative placement for a student who has been retained 2 or more years.

(11) Each private school shall allocate remedial and supplemental instruction resources to students in the following priority:

(a) Students who are deficient in reading by the end of grade 3.

(b) Students who fail to meet performance levels required for promotion consistent with the private school's plan for student progression required in paragraph (10)(b).

(12)(a) Each student who receives a scholarship under this section must participate in the statewide assessment tests required by s. 1008.22. Each student who does not meet specific levels of performance as determined by the Commissioner of Education on statewide assessments at

selected grade levels, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.

(b) The private school in which the student is enrolled must develop, in consultation with the student's parent, and must implement an academic improvement plan designed to assist the student in meeting state and school expectations for proficiency. Beginning with the 2003-2004 school year, if the student has been identified as having a deficiency in reading, the academic improvement plan shall identify the student's specific areas of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary; the desired levels of performance in these areas; and the instructional and support services to be provided to meet the desired levels of performance. The private school shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. The private school shall assist teachers to implement research-based reading activities that have been shown to be successful in teaching reading to low-performing students. Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

(c) Upon subsequent evaluation, if the documented deficiency has not been remediated in accordance with the academic improvement plan, the student may be retained. Each student who does not meet the minimum performance expectations defined by the Commissioner of Education for the statewide assessment tests in reading, writing, science, and mathematics must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school or is not subject to compulsory school attendance.

(13)(a) Any student who exhibits a substantial deficiency in reading, based upon statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be reassessed by school determined assessments or through teacher observations at the beginning of the grade following the intensive reading instruction. The student must continue to be provided with intensive reading instruction until the reading deficiency is remedied.

(b) Beginning with the 2003-2004 school year, if the student's reading deficiency, as identified in paragraph (a), is not remedied by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the statewide assessment test in reading for grade 3, the student must be retained.

(c) Beginning with the 2003-2004 school year, the parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading.
2. A description of the current services that are provided to the child.
3. A description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.
4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

(14)(a) No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

(b) The school may only exempt students from mandatory retention, as provided in paragraph (13)(b), for good cause. Good cause exemptions shall be limited to the following:

1. Limited English proficient students who have had less than 2 years of instruction in an English for Speakers of Other Languages program.
2. Students with disabilities for whom participation in the statewide assessment program is not appropriate, consistent with the requirements of State Board of Education rule.
3. Students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education.

4. Students who demonstrate, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT.

5. Students with disabilities who participate in the FCAT and who have received the intensive remediation in reading, as required by paragraph (12)(b), for more than 2 years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, or grade 2.

6. Students who have received the intensive remediation in reading as required by paragraph (12)(b) for 2 or more years but still demonstrate a deficiency in reading and who were previously retained in kindergarten, grade 1, or grade 2 for a total of 2 years. Intensive reading instruction for students so promoted must include an altered instructional day based upon an academic improvement plan that includes specialized diagnostic information and specific reading strategies for each student. The school shall assist teachers to implement reading strategies that research has shown to be successful in improving reading among low performing readers.

(c) Requests for good cause exemptions for students from the mandatory retention requirement as described in subparagraphs (b)3. and 4. shall be made consistent with the following:

1. Documentation shall be submitted from the student's teacher to the school principal that indicates that the promotion of the student is appropriate and is based upon the student's academic record. In order to minimize paperwork requirements, such documentation shall consist only of the existing academic improvement plan, individual educational plan, if applicable, report card, or student portfolio.

2. The school principal shall review and discuss such recommendation with the teacher and make the determination as to whether the student should be promoted or retained.

(15)(a) In addition to the requirements in paragraph (13)(b), each private school must annually report to the parent of each student the progress of the student toward achieving state and school expectations for proficiency in reading, writing, science, and mathematics. The private school must report to the parent the student's results on each statewide assessment test. The evaluation of each student's progress must be based upon the student's classroom work, observations, tests, state assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the school.

(b) Beginning with the 2003-2004 school year, each private school must annually report in writing to the parent the following information on the prior school year, unless the data reveals personally identifiable information about another individual student, pursuant to the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended:

1. The provisions of this section relating to school student progression and the school's policies and procedures on student retention and promotion.
2. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT.
3. By grade, the number and percentage of all students retained in grades 3 through 10.
4. Information on the total number of students who were promoted for good cause, by each category of good cause as specified in paragraph (14)(b).
5. Any revisions to the school's policy on student retention and promotion from the prior year.

And the title is amended as follows:

On page 2, lines 26-28, delete those lines and insert: fiscal year; requiring certain students to take the Florida Comprehensive Assessment Test; requiring a passing score to qualify for a regular high school diploma; allowing tax credits to be carried forward; requiring certain parental obligations; providing for forfeiture of scholarship under certain circumstances; requiring remediation for certain students; provid-

ing remediation exceptions; requiring retention for certain students; providing reporting requirements; amending

Senator Klein moved the following amendment which failed:

Amendment 2 (423688)(with title amendment)—On page 44, line 20, through page 49, line 7, delete those lines

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 3, lines 7-14, delete those lines and insert: physical education requirement;

On motion by Senator Carlton, by two-thirds vote **SB 30-A** was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—None

ADOPTION OF RESOLUTIONS

On motion by Senator Carlton—

By Senator Carlton—

SR 52-A—A resolution honoring the memory of Senator Doyle E. Carlton, Jr.

WHEREAS, Doyle E. Carlton, Jr., served with distinction in the Florida Senate for a decade, and

WHEREAS, it is most appropriate that the Florida Senate commemorate the passing of one of its former members who served his district and the State of Florida with distinction, NOW, THEREFORE,

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

That this legislative body does pause in its deliberations to pay its respects to the late Senator Doyle E. Carlton, Jr., and that the Florida Senate in session assembled does record this testimonial of esteem and bereavement:

IN MEMORIAM
DOYLE E. CARLTON, JR.

A sixth-generation Floridian, Doyle E. Carlton, Jr., was born in Tampa on July 4, 1922, and died on May 10, 2003, in Wauchula. From 1929-1933, his father was Governor of Florida, but during the summer, young Doyle worked on relatives' farms in Hardee County. A basketball star, president of the student body at Plant High School (class of 1940), and captain of the basketball team at the University of Florida, Doyle E. Carlton, Jr., continued his achievements throughout his life. He narrowly lost the Democratic nomination for Governor in 1960, after telling a reporter that he would not withdraw his child from the public schools if the schools were integrated, and in 1991, received the first LeRoy Collins Award for Political Courage in recognition of his 1957 opposition to closing public schools rather than comply with the U.S. Supreme Court's integration order. A State Senator for 10 years, Doyle E. Carlton, Jr., promoted the well-being of this state by persuading the Senate to fund the successful eradication of the screwworm fly, which was decimating Florida's cattle. Senator Carlton fought successfully to save the state fair from closing, was a charter member of the Florida State Fair Authority, and served as chairman of the authority for 12 years. He was devoted to his wife, the former Mildred Woodbery, whom he married in

1944 and who worked with him to help create Cracker Country at the Florida State Fair. This collection of pioneer Florida buildings includes Senator Carlton's childhood home, built in Hardee County by his grandparents in the 1880's. Together, the Carltons raised three children and contributed significantly to society, in part by supporting Hardee Memorial Hospital, Pioneer Park in Zolfo Springs, and Tampa's Joshua House for unwed mothers. Mrs. Carlton died in January of this year. Praised by friends as a generous and unassuming man, Senator Carlton was also active in the First Baptist Church of Wauchula from 1948 until his death. He served on the Southern Baptist Convention's Brotherhood Commission from 1956 to 1963, chaired that commission in 1959, and was vice president of the Florida Baptist Convention in 1960. Senator Carlton is survived by one son, Doyle E. Carlton, II; two daughters, Susan Carlton Smith and Jane Carlton Durando; one sister, Martha Carlton Ward; 6 grandchildren; and 10 great-grandchildren. In 1991, Senator Carlton expressed his clear-sighted view of life in these words: "It's so clear to me that whatever I have, I'm not taking it with me when I leave. The earth is God's, the cattle belong to Him. The greatest treasure is the love my children and grandchildren have for each other."

BE IT FURTHER RESOLVED that a copy of this resolution, signed by the President of the Senate, with the Seal of the Senate affixed, be transmitted to Doyle E. Carlton, II, as a tangible token of the sentiments expressed herein and as a lasting symbol of the respect of the members of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Carlton, **SR 52-A** was read the second time in full and adopted.

MOTION

On motion by Senator Lee, the rules were waived and time of session was extended past 7:00 p.m.

RECESS

On motion by Senator Lee, the Senate recessed at 4:58 p.m. to reconvene upon call of the President.

EVENING SESSION

The Senate was called to order by the President at 8:21 p.m. A quorum present—31:

Mr. President	Crist	Lynn
Alexander	Dawson	Margolis
Argenziano	Diaz de la Portilla	Miller
Aronberg	Dockery	Peaden
Atwater	Fasano	Pruitt
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	Klein	Smith
Clary	Lawson	
Cowin	Lee	

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

I am directed to inform the Senate that the House of Representatives has passed SB 2-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for SB 2-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reps. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reps. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reps. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reps. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reps. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reps. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reps.

Altman, Cretul, and Sanson - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reqs. Bowen, Macheck, Mack, Paul, and Spratt, and Reqs. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reqs. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reqs. Hasner, Llorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reqs. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reqs. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

SB 2-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2003, and ending June 30, 2004, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **SB 2-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed SB 4-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for SB 4-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reqs. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reqs. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reqs. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reqs. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reqs. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reqs. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reqs. Altman, Cretul, and Sanson - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reqs. Bowen, Macheck, Mack, Paul, and Spratt, and Reqs. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reqs. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reqs. Hasner, Llorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reqs. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reqs. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

SB 4-A—A bill to be entitled An act implementing the 2003-2004 General Appropriations Act; providing legislative intent; providing accounting requirements for the state universities for the 2003-2004 fiscal year; amending s. 1011.71, F.S.; allowing school boards to make payments toward the cost of school buses owned by certain student transportation contract providers; providing requirements; amending s. 1011.71, F.S.; permitting school districts to pay for property and casualty insurance from specified funds; amending ss. 430.204 and 430.205, F.S.; requiring the Department of Elderly Affairs to fund certain community care services and core services for the elderly; amending s. 216.292, F.S.; authorizing the Department of Children and Family Services to transfer funds within the family safety program; amending s. 561.121, F.S.; providing that moneys in the Children and Adolescents Substance Abuse Trust Fund may also be used for the purpose of funding programs directed at reducing and eliminating substance abuse problems among adults; authorizing the Department of Children and Family Services to enter into a contract to finance, design, construct, and operate the South Florida Evaluation and Treatment Center; providing for an extended contract period; authorizing financing for the project; amending s. 381.0066, F.S.; continuing the additional fee on new construction permits for onsite sewage treatment and disposal systems the proceeds of which are used for system research, demonstration, and training projects; amending s. 385.207, F.S.; authorizing appropriation of funds in the Epilepsy Services Trust Fund for epilepsy case management services; amending s. 216.181, F.S.; authorizing the Department of Law

Enforcement to transfer positions and associated budgets and a certain percentage of salary rate between budget entities and providing requirements with respect thereto; authorizing the Correctional Privatization Commission to make certain expenditures to defray costs incurred by a municipality or county as a result of opening or operating a facility under authority of the commission or the Department of Juvenile Justice; amending s. 16.555, F.S.; authorizing use of the Crime Stoppers Trust Fund to pay for salaries and benefits and other expenses of the Department of Legal Affairs; amending s. 985.4075, F.S.; prohibiting the use of juvenile justice appropriations made for operations as one-time startup funding for fixed capital outlay; amending s. 216.262, F.S.; providing for additional positions to operate additional prison bed capacity under certain circumstances; amending s. 287.161, F.S.; requiring the Department of Management Services to charge all persons receiving transportation from the executive aircraft pool a specified rate; amending s. 110.12315, F.S.; providing copayment requirements for the state employees' prescription drug program; amending s. 110.1239, F.S.; providing requirements for the funding of the state group health insurance program; amending s. 112.061, F.S.; providing for computation of travel time and reimbursement for public officers' and employees' travel; amending s. 468.404, F.S.; requiring talent agency license fees equal to costs of regulation; amending s. 376.3071, F.S.; permitting the transfer of moneys from the Inland Protection Trust Fund to the Water Quality Assurance Trust Fund; amending s. 378.035, F.S.; permitting expenditure of moneys appropriated for abatement of imminent hazards caused by, and for closure of, abandoned phosphogypsum stacks; amending s. 215.96, F.S.; requiring the Financial Management Information Board to provide certain policies, procedures, and processes for integration of central administrative and financial information systems; requiring a task force; specifying membership and responsibilities; requiring recommendations on specific information systems and projects; amending s. 601.15, F.S.; permitting the Florida Citrus Commission to reduce certain statutory citrus tax rates by majority vote; amending s. 372.561, F.S.; permitting counties to retain certain hunting and fishing fees until the Fish and Wildlife Conservation Commission implements an automated licensing system; amending s. 376.86, F.S.; revising certain restrictions on investing funds maintained in the Nonmandatory Land Reclamation Trust Fund; providing for a schedule for legislative review of the Brownfield Areas Loan Guarantee Program; providing for future repeal or expiration; authorizing a specific exchange of lands between the Board of Trustees of the Internal Improvement Trust Fund and the City of Lakeland, various statutory provisions notwithstanding; amending s. 252.373, F.S.; providing for use of funds of the Emergency Management, Preparedness, and Assistance Trust Fund, including the use of certain grants as state matching funds for federally approved Hazard Mitigation Grant Program projects; amending s. 402.3017, F.S.; providing for administration of the Teacher Education and Compensation Helps (TEACH) scholarship program by the Agency for Workforce Innovation; amending s. 411.01, F.S.; providing priority for placement of children in the school readiness program; amending s. 288.063, F.S.; providing for funds for certain transportation projects approved by the Office of Tourism, Trade, and Economic Development to be subject to reversion; amending s. 320.08058, F.S.; authorizing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games; amending s. 339.08, F.S.; transferring \$200 million from the State Transportation Trust Fund to the General Revenue Fund; reducing the amount transferred from certain transportation calculation requirements; amending s. 445.048, F.S.; continuing and expanding the Passport to Economic Progress demonstration project; amending s. 443.036, F.S.; providing a definition and an application of an alternative base period for unemployment compensation; providing requirements and limitations; requiring employers to respond to requests for information by the Agency for Workforce Innovation; providing a penalty for failure to respond; providing for adjustments in determinations of monetary eligibility; requiring the Chief Financial Officer to report on costs of court-related services provided by the counties; providing specific requirements; providing for reimbursement of certain expenses; amending s. 413.4021, F.S.; requiring additional revenues from the tax collection enforcement diversion program to be used for the personal care attendant pilot program and for state attorney contracts; reenacting s. 215.32(2)(b), F.S., to implement the transfer of moneys to the Working Capital Fund from certain trust funds; providing for the effect of a veto of a specific appropriation or proviso to which implementing provisions refer; providing applicability to other legislation; incorporating by reference specified performance measures and standards directly linked to the appropriations made in the 2003-2004 General Appropriations Act, as required by the Government Performance and Accountability Act of

1994; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing for severability; providing for retroactive application; providing effective dates.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **SB 4-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 8-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 8-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reps. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reps. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reps. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reps. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reps. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reps. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reps. Altman, Cretul, and Sansom - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reps. Bowen, Macheck, Mack, Paul, and Spratt, and Reps. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reps. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reps. Hasner, Llorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reps. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reps. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

CS for SB 8-A—A bill to be entitled An act relating to trust funds; amending s. 215.20, F.S.; revising the formula for contribution by certain trust funds to the General Revenue Fund; amending s. 215.22, F.S.; exempting certain trust funds and revenues from the appropriation required by s. 215.20, F.S.; amending s. 18.10, F.S.; appropriating certain earnings on investments to the General Revenue Fund; amending s. 18.125, F.S.; providing for the method of investment, and the disposition of interest earned on such investment, of certain trust fund moneys of specified agencies; amending s. 14.2015, F.S.; revising disposition of certain interest earned by the Office of Tourism, Trade, and Economic Development; amending s. 1009.66, F.S.; revising disposition of interest earned on Nursing Student Loan Forgiveness Trust Fund moneys; amending s. 385.207, F.S.; revising disposition of interest earned on Epilepsy Services Trust Fund moneys; amending s. 938.01, F.S.; revising disposition of interest earned on specified trust funds of the Department of Law Enforcement and Department of Children and Family Services; reenacting s. 215.32, F.S., relating to segregation of state funds; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **CS for SB 8-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed SB 10-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for SB 10-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reps. Berfield, Cantens, Green-

stein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reps. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reps. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reps. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reps. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reps. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reps. Altman, Cretul, and Sansom - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reps. Bowen, Macheck, Mack, Paul, and Spratt, and Reps. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reps. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reps. Hasner, Llorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reps. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reps. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

SB 10-A—A bill to be entitled An act relating to criminal history records; amending s. 943.053, F.S.; establishing a schedule of fees to be collected by the Department of Law Enforcement for producing criminal history information; authorizing the executive director of the department to reduce such fees for good cause; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **SB 10-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed SB 12-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for SB 12-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reps. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reps. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reps. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reps. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reps. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reps. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reps. Altman, Cretul, and Sansom - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reps. Bowen, Macheck, Mack, Paul, and Spratt, and Reps. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reps. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reps. Hasner, Llorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reps. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reps. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

SB 12-A—A bill to be entitled An act relating to state revenue programs; amending s. 195.022, F.S.; limiting the responsibility of the Department of Revenue to furnish certain ad valorem tax forms to specified local officials; requiring certain counties to reproduce the forms; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** and **House Amendment 2** constituted an entirely new bill and were not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendments to **SB 12-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed SB 16-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for SB 16-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reprs. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reprs. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reprs. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reprs. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reprs. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reprs. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reprs. Altman, Cretul, and Sansom - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reprs. Bowen, Macheck, Mack, Paul, and Spratt, and Reprs. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reprs. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reprs. Hasner, Lorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reprs. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reprs. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

SB 16-A—A bill to be entitled An act relating to trust funds; terminating specified trust funds within the Department of State and the Department of Transportation; providing for disposition of balances in and revenues of those trust funds; repealing s. 15.09(4) and (5), F.S., relating to the Corporations Trust Fund and the Public Access Data Systems Trust Fund; repealing ss. 607.1901 and 607.19011, F.S., relating to the Corporations Trust Fund; amending ss. 607.193, 617.1901, 620.183, and 865.09, F.S.; deleting references to the Corporations Trust Fund; providing for deposit of certain moneys into the General Revenue Fund; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **SB 16-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed SB 22-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for SB 22-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reprs. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reprs. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reprs. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reprs. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reprs. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reprs. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reprs. Altman, Cretul, and Sansom - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reprs. Bowen, Macheck, Mack, Paul, and Spratt, and Reprs. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reprs. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reprs. Hasner, Lorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reprs. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reprs. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

SB 22-A—A bill to be entitled An act relating to health care; amending s. 400.179, F.S.; deleting a repeal of provisions requiring payment of

certain fees upon the transfer of the leasehold license for a nursing facility; amending s. 400.23, F.S.; delaying the effective date of certain requirements concerning hours of direct care per resident for nursing home facilities; amending s. 409.901, F.S.; defining the term "third party" to include a third-party administrator or pharmacy benefits manager; amending s. 409.904, F.S.; revising provisions governing the payment of optional medical benefits for certain Medicaid-eligible persons; amending s. 409.906, F.S.; deleting provisions authorizing payment for adult dental services; revising requirements for hearing and visual services to limit such services to persons younger than 21 years of age; amending s. 409.908, F.S., relating to reimbursement of Medicaid providers; providing for a fee to be paid to providers returning unused medications and credited to the Medicaid program; conforming a cross-reference; amending s. 409.9081, F.S.; providing a copayment under the Medicaid program for certain nonemergency hospital visits; amending ss. 409.911, 409.9112, 409.9116, and 409.9117, F.S.; revising the disproportionate share program; deleting definitions; requiring the Agency for Health Care Administration to use actual audited data to determine the Medicaid days and charity care to be used to calculate the disproportionate share payment; revising formulas for calculating payments; revising the formula for calculating payments under the disproportionate share program for regional perinatal intensive care centers; providing for estimates of the payments under the rural disproportionate share and financial assistance programs; providing a formula for calculating payments under the primary care disproportionate share program; repealing s. 409.9119, F.S., relating to disproportionate share program for specialty hospitals for children; amending s. 409.912, F.S.; providing for reimbursement of provider service networks; removing certain requirements for prior authorization for nursing home residents and institutionalized adults; prohibiting value-added rebates to a pharmaceutical manufacturer; deleting provisions authorizing certain benefits in conjunction with supplemental rebates; authorizing the agency to implement a utilization management program for certain services; amending s. 409.9122, F.S.; revising the percentage of Medicaid recipients required to be enrolled in managed care; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **SB 22-A**. The action of the Senate was certified to the House.

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

I am directed to inform the Senate that the House of Representatives has passed CS for SB 26-A, as amended, and has acceded to the request of the Senate for the appointment of a conference committee for CS for SB 26-A.

The Speaker has appointed the following Representatives to the Conference Committee: Rep. Kyle (Chair); Reprs. Berfield, Cantens, Greenstein, Harrington, Jennings, and Murman - At Large Members; Judicial Appropriations: Rep. Negron (Chair); Reprs. Benson, Gelber, Kottkamp, Mahon, Ross, and Seiler, and Reprs. Ambler, Planas, and Roberson - alternates; Health & Human Services: Rep. Green (Chair); Reprs. Brown, Culp, Farkas, Fiorentino, Garcia, Gottlieb, Harrell, Murman, Richardson, and Slosberg, and Reprs. Domino and Murzin - alternates; Education: Rep. Simmons (Chair); Reprs. Attkisson, Arza, Baxley, Bendross-Mindingall, Kilmer, Mayfield, Mealor, Pickens, and Stansel, and Reprs. Altman, Cretul, and Sansom - alternates; General Government (Commerce & Local Affairs and Agriculture & Environment): Rep. Brummer (Chair); Reprs. Bowen, Macheck, Mack, Paul, and Spratt, and Reprs. M. Davis, Reagan, and Troutman - alternates; Transportation & Economic Development: Rep. Waters (Chair); Reprs. Clarke, Cusack, Evers, Gardiner, Kendrick, Patterson, and Russell, and Reprs. Hasner, Lorente, and Rivera; Public Safety: Rep. Bilirakis (Chair); Reprs. Barreiro, Bean, Carassas, Holloway, and Needelman, and Reprs. Adams, Carroll, and Dean - alternates.

John B. Phelps, Clerk

CS for SB 26-A—A bill to be entitled An act relating to motor vehicles; amending s. 318.15, F.S.; providing for driver's license reinstatement; providing for disposition of fees; amending s. 322.051, F.S.; revis-

ing fees; amending s. 322.12, F.S.; revising provisions relating to the subsequent testing of driving knowledge and skills; amending s. 322.17, F.S.; revising provisions relating to the application for a replacement or duplicate driver's license; amending s. 322.21, F.S.; providing driver's license reinstatement fees; providing for fee distribution; amending s. 322.251, F.S.; providing a conforming change; amending s. 322.29, F.S.; providing driver's license reinstatement fees; providing for fee distribution; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing an effective date.

Pursuant to Rule 7.6, **House Amendment 1** constituted an entirely new bill and was not published in the Journal.

On motion by Senator Pruitt, the Senate refused to concur in the House amendment to **CS for SB 26-A**. The action of the Senate was certified to the House.

REMARKS

On motion by Senator Hill the following remarks were ordered spread upon the Journal:

Senator Hill: Fat cats don't need another tax break. Floridians need the break—serious financial help for schools, our small businesses, and our health care—folks like nursing home assistants who take care of the weak and frail who can't take care of themselves.

Every campaign cycle, we've been hearing the same old promises: we'll help senior citizens with their crushing prescription drug costs. And every legislative session, we hear promises from the same folks, saying they'll get on board with serious prescription drug plans—like the Democrats' Lifesaver RX—but when the session is over, when the back slapping is finished, so is the happy talk about helping seniors.

Those promises, like others we hear again and again, went the way of the session: forgotten—but the greedy got their tax cuts. The greedy got themselves another tax break. And all we got was the bill. Well, I'm sick and tired of taking care of the greedy. I'm sick and tired of standing by and watching the state say "no" to its needy. "No" to boosting the number of nursing home assistants, but it has money for the greedy in corporate board rooms.

I'm sick and tired of taking care of the greedy that pay us back by laying off the people picking up the tab for their tax breaks. These tax cuts haven't improved the economy. Florida is still a long way from a state where the minimum wage equates to a living wage. If you doubt that, try getting by or supporting a family on \$6 an hour. Those are typical wages in fields like construction—those great, new jobs the governor keeps bragging about. And that's why I'm voting "no" on this budget.

Today, this Senate rejected amendment after amendment offered by Democrats to shift the money away from tax cuts to programs this state needs for survival, programs that improve Florida's schools, its health care programs, its small businesses. Amendments that grow our economy, not strangle it. We made our choices. We could have chosen nursing home assistants instead of the greedy.

We could have helped our seniors with prescription drug costs instead of helping the greedy keep more of their stock dividends. Most of us are still going along for the ride on a political train heading for a wreck. But this is one train ride I am not going to take today, tomorrow, next special session, or any special session to come—and Floridians shouldn't have to take it either. They've taken enough already.

REPORTS OF COMMITTEES

The Committee on Banking and Insurance recommends the following pass: SB 40-A

The Committee on Education recommends the following pass: SB 36-A with 1 amendment, SB 38-A

The Committee on Judiciary recommends the following pass: SB 34-A

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 32-A, SB 42-A

The Committee on Judiciary recommends a committee substitute for the following: SB 46-A

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

COMMITTEE SUBSTITUTES

FIRST READING

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

CS for SB 32-A—A bill to be entitled An act relating to motor vehicle insurance costs; providing a short title; providing legislative findings and purpose; amending s. 119.105, F.S.; prohibiting disclosure of confidential police reports for purposes of commercial solicitation; amending s. 316.066, F.S.; requiring the filing of a sworn statement as a condition to accessing a crash report stating the report will not be used for commercial solicitation; providing a penalty; creating part XIII of ch. 400, F.S., entitled the Health Care Clinic Act; providing for definitions and exclusions; providing for the licensure, inspection, and regulation of health care clinics by the Agency for Health Care Administration; requiring licensure and background screening; providing for clinic inspections; providing rulemaking authority; providing licensure fees; providing fines and penalties for operating an unlicensed clinic; providing for clinic responsibilities with respect to personnel and operations; providing accreditation requirements; providing for injunctive proceedings and agency actions; providing administrative penalties; amending s. 456.0375, F.S.; excluding certain entities from clinic registration requirements; providing retroactive application; amending s. 456.072, F.S.; providing that making a claim with respect to personal injury protection which is upcoded or which is submitted for payment of services not rendered constitutes grounds for disciplinary action; amending s. 627.732, F.S.; providing definitions; amending s. 627.736, F.S.; providing that benefits are void if fraud is committed; providing for award of attorney's fees in actions to recover benefits; providing that consideration shall be given to certain factors regarding the reasonableness of charges; specifying claims or charges that an insurer is not required to pay; requiring the Department of Health, in consultation with medical boards, to identify certain diagnostic tests as non-compensable; specifying effective dates; deleting certain provisions governing arbitration; providing for compliance with billing procedures; requiring certain providers to require an insured to sign a disclosure form; prohibiting insurers from authorizing physicians to change opinion in reports; providing requirements for physicians with respect to maintaining such reports; expanding provisions providing for a demand letter; authorizing the Financial Services Commission to determine cost savings under personal injury protection benefits under specified conditions; amending s. 627.739, F.S.; allowing a person who elects a deductible or modified coverage to claim the amount deducted from a person legally responsible; specifying application of a deductible amount; amending s. 817.234, F.S.; providing that it is a material omission and insurance fraud for a physician or other provider to waive a deductible or copayment or not collect the total amount of a charge; increasing the penalties for certain acts of solicitation of accident victims; providing mandatory minimum penalties; prohibiting certain solicitation of accident victims; providing penalties; prohibiting a person from participating in an intentional motor vehicle accident for the purpose of making motor vehicle tort claims; providing penalties, including mandatory minimum penalties; amending s. 817.236, F.S.; increasing penalties for false and fraudulent motor vehicle insurance application; creating s. 817.2361, F.S.; prohibiting the creation or use of false or fraudulent motor vehicle insurance cards; providing penalties; amending s. 921.0022, F.S.; revising the offense severity ranking chart of the Criminal Punishment Code to reflect changes in penalties and the creation of additional offenses under the act; providing legislative intent with respect to the retroactive application of certain provisions; repealing s. 456.0375, F.S., relating to the regulation of clinics by the Department of Health; specifying the application of any increase in benefits approved by the Financial Services Com-

mission; providing for application of other provisions of the act; requiring reports; providing an appropriation and authorizing additional positions; repealing of ss. 627.730, 627.731, 627.732, 627.733, 627.734, 627.736, 627.737, 627.739, 627.7401, 627.7403, and 627.7405, F.S., relating to the Florida Motor Vehicle No-Fault Law, unless reenacted by the 2006 Regular Session, and specifying certain effect; authorizing insurers to include in policies a notice of termination relating to such repeal; providing for construction of the act in pari materia with laws enacted during the Regular Session of the Legislature; providing effective dates.

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

CS for SB 42-A—A bill to be entitled An act relating to a public-records exemption; creating s. 627.9742, F.S.; creating a public-records exemption for credit scoring methodologies and related data and information that are trade secrets filed with the Office of Insurance Regulation; providing for future legislative review and repeal; providing a statement of public necessity; providing a contingent effective date.

By the Committee on Judiciary; and Senators Villalobos, Smith, Miller and Diaz de la Portilla—

CS for SB 46-A—A bill to be entitled An act relating to the Florida Civil Rights Act of 1992; providing a short title; creating s. 760.021, F.S.; authorizing the Attorney General to commence a civil action against a person or group perpetuating discriminatory practices; providing for damages, injunctive relief, and civil penalties; providing for venue; providing for a hearing to determine a prima facie case; providing for attorney's fees and costs; amending s. 16.57, F.S.; authorizing the Attorney General to investigate violations under the Florida Civil Rights Act of 1992; amending s. 760.02, F.S.; defining the term "public accommodations"; creating 760.08, F.S.; making unlawful discrimination or segregation in places of public accommodation; providing for construction of

the act in pari materia with laws enacted during the 2003 Regular Session of the Legislature; providing an effective date.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 14 was corrected and approved.

CO-SPONSORS

Senators Dawson—SB 22-A; Bullard—SB 20-A, SB 30-A

VOTES RECORDED

Senator Constantine was recorded as voting "yea" on the following bills which were considered this day: **CS for SB 8-A, SB 10-A, SB 12-A, SB 14-A, SB 16-A, CS for SB 18-A, SB 20-A, SB 22-A, CS for SB 26-A, SB 28-A and SB 30-A.**

Senator Garcia was recorded as voting "yea" on **SB 30-A** which was considered this day.

Senator Webster was recorded as voting "yea" on the following bills which were considered this day: **SB 4-A, CS for SB 8-A, SB 10-A, SB 12-A, SB 14-A, CS for SB 18-A, SB 20-A, SB 22-A, SB 28-A and SB 30-A.**

Senator Wise was recorded as voting "yea" on the following bills which were considered this day: **CS for SB 8-A, SB 10-A, SB 12-A, SB 14-A, CS for SB 18-A, SB 20-A, SB 22-A, SB 28-A and SB 30-A.**

RECESS

On motion by Senator Lee, the Senate recessed at 8:29 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, May 21 or upon call of the President.