



Journal of the Senate

Number 1—Special Session B

Monday, June 16, 2003

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, and subsequently amended, at the Capitol, in the City of Tallahassee, on Monday, June 16, 2003, in the State of Florida.

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CALL TO ORDER

The Senate was called to order by President King at 12:00 p.m. A quorum present—33:

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

Excused: Senators Bullard, Carlton, Dawson, Haridopolos and Margolis

PRAYER

The following prayer was offered by Senator Saunders:

As legislators, we are called upon to make very difficult decisions affecting, in dramatic ways, the lives and well-being of many of our fellow Floridians. We always hope to do what is best, often knowing that some may suffer from our difficult choices.

We are here this week to solve the medical malpractice insurance crisis facing Florida. We will be called on to make difficult choices, and we need guidance and strength.

Let us pray.

O Lord, our God, we gather here today in service to our fellow man and, in doing so, we ask that you give us the wisdom to know what is right and the strength to do that which is right.

You have entrusted to us the high vocation of leadership. Now, in this moment of prayer, renew us in spirit and inspire us to the faithful fulfillment of our responsibility.

Grant us, in these tense days when nerves are taut and many are struggling with heavy burdens of fear and foreboding, the ability to learn the secrets of patience, poise, peace and power.

Give us a patriotism that is more than flags and banners. Show us how amid chaos and distress, to help one another face life's hard experiences, not with a feeling of terror, but with a confidence of triumph.

Help us always to be mindful of the needs of our fellow man and to strive to better the lives of all our citizens. We would ask that you make us tolerant and understanding that we may debate with unity and harmony.

Lord, we pray a special prayer for our President and those who serve in our armed services. Guide them, protect them and keep them safe. Amen.

PLEDGE

Senator Posey 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 proclamations:

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 legislation on medical malpractice; and

WHEREAS, the lack of reform of medical malpractice has contributed to skyrocketing costs for health care providers, causing many doctors to practice without liability insurance, or to refuse to provide trauma care and other high risk services or to close their practices altogether; and

WHEREAS, such skyrocketing costs also have caused several hospitals throughout the state to eliminate their obstetrics/gynecology programs and many mammography practitioners to close their practices, forcing women to travel long distances to seek these critical services; and

WHEREAS, the elimination or reduction of critical medical services threatens to create a health care crisis in the state, creating an overwhelming public necessity for medical malpractice reform; and

WHEREAS, the Governor's Task Force on Healthcare Professional Liability Insurance was created to study and make recommendations to address these problems and has made such recommendations; and

WHEREAS, it is in the best interests of the people of the State of Florida that the legislature act expeditiously to complete its work to consider and enact important changes to the medical malpractice laws of the state;

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:

Section 1.

The Legislature of the State of Florida is convened in Special Session commencing at 12:00 p.m., Monday, June 16, 2003, and extending through 11:59 p.m., Thursday, June 19, 2003.

Section 2.

The Legislature of the State of Florida is convened for the sole and exclusive purpose of considering the following:

Legislation relating to the recommendations of the Governor's Task Force on Healthcare Professional Liability Insurance, and issues related to medical malpractice.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this Proclamation convening the Legislature in Special Session at the Capitol, this 29th day of May, 2003.

Jeb Bush
GOVERNOR

ATTEST:

Glenda E. Hood
SECRETARY OF STATE

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, on May 29, 2003, I called a Special Session commencing at 12:00 p.m., Monday, June 16, 2003, and extending through 11:59 p.m., Thursday, June 19, 2003; and

WHEREAS, the initial purpose of this Special Session was to convene the Legislature for the purpose of considering legislation relating to the recommendations of the Governor's Task Force on Healthcare Professional Liability Insurance, and issues related to medical malpractice; and

WHEREAS, it is in the best interests of the people of the State of Florida to expand the scope of the call for this Special Session; and

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 and exclusive purpose of considering the following: (1) HB 23-B or similar legislation introduced in the Senate relating to learning opportunities for students needing additional instruction to meet high school graduation requirements; (2) HB 29-B or similar legislation introduced in the Senate relating to election procedures, implementation of certain requirements of the Help America Vote Act of 2002 and continuing the suspension of a second primary election until January 1, 2006; (3) legislation required to implement medical malpractice legislation; and (4) specific legislation that may be required by the Florida Constitution in connection with medical malpractice legislation.



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 13th day of June, 2003.

Jeb Bush
GOVERNOR

ATTEST:

Glenda E. Hood
SECRETARY OF STATE

**INTRODUCTION AND
REFERENCE OF BILLS****FIRST READING**

By Senators Jones and Saunders—

SB 2-B—A bill to be entitled An act relating to medical malpractice; providing legislative findings; amending s. 46.015, F.S.; revising requirements for setoffs against damages in medical malpractice actions if there is a written release or covenant not to sue; creating s. 381.0409, F.S.; providing that creation of the Florida Center for Excellence in Health Care is contingent on the enactment of a public-records exemption; creating the Florida Center for Excellence in Health Care; providing goals and duties of the center; providing definitions; providing limitations on the center's liability for any lawful actions taken; requiring the center to issue patient safety recommendations; requiring the development of a statewide electronic infrastructure to improve patient care and the delivery and quality of health care services; providing requirements for development of a core electronic medical record; authorizing access to the electronic medical records and other data maintained by the center; providing for the use of computerized physician order entry systems; providing for the establishment of a simulation center for high technology intervention surgery and intensive care; providing for the immunity of specified information in adverse incident reports from discovery or admissibility in civil or administrative actions; providing limitations on liability of specified health care practitioners and facilities under specified conditions; providing requirements for the appointment of a board of directors for the center; establishing a mechanism for financing the center through the assessment of specified fees; requiring the Florida Center for Excellence in Health Care to develop a business and financing plan; authorizing state agencies to contract with the center for specified projects; authorizing the use of center funds and the use of state purchasing and travel contracts for the center; requiring the center to submit an annual report and providing requirements for the annual report; providing for the center's books, records, and audits to be open to the public; requiring the center to annually furnish an audited report to the Governor and Legislature; amending s. 395.004, F.S., relating to licensure of certain health care facilities; providing for discounted medical liability insurance based on certification of programs that reduce adverse incidents; requiring the Office of Insurance Regulation to consider certain information in reviewing discounted rates; creating s. 395.0056, F.S.; requiring the Agency for Health Care Administration to review complaints submitted if the defendant is a hospital; amending s. 395.0193, F.S., relating to peer review and disciplinary actions; providing for discipline of a physician for mental or physical abuse of staff; limiting the liability of certain participants in certain disciplinary actions at a licensed facility; amending s. 395.0197, F.S., relating to internal risk management programs; requiring a system for notifying patients that they are the subject of an adverse incident; requiring risk managers or their designees to give notice; requiring licensed facilities to annually report certain information about health care practitioners for whom they assume liability; requiring the Agency for Health Care Administration and the Department of Health to annually publish statistics about licensed facilities that assume liability for health care practitioners; requiring a licensed facility at which sexual abuse occurs to offer testing for sexually transmitted diseases at no cost to the victim; creating s. 395.1012, F.S.; requiring facilities to adopt a patient safety plan; providing requirements for a patient safety plan; requiring facilities to appoint a patient safety officer and a patient safety committee and providing duties for the patient safety officer and committee; amending s. 456.025, F.S.; eliminating certain restrictions on the setting of licensure renewal fees for health care practitioners; directing the Agency for Health Care Administration to conduct or contract for a study to determine what information to provide to the public comparing hospitals, based on inpatient quality indicators developed by the federal Agency for Healthcare Research and Quality; creating s. 395.1051, F.S.; requiring certain facilities to notify patients about adverse incidents under specified conditions; creating s. 456.0575, F.S.; requiring licensed health care practitioners to notify patients about adverse incidents under certain conditions; amending s. 456.026, F.S., relating to an annual report published by the Department of Health; requiring that the department publish the report to its website; requiring the department to include certain detailed information; amending s. 456.039, F.S.; revising requirements for the information furnished to the Department of Health for licensure purposes; amending s. 456.041, F.S., relating to practitioner profiles; requiring the Department of Health to compile

certain specified information in a practitioner profile; establishing a timeframe for certain health care practitioners to report specified information; providing for disciplinary action and a fine for untimely submissions; deleting provisions that provide that a profile need not indicate whether a criminal history check was performed to corroborate information in the profile; authorizing the department or regulatory board to investigate any information received; requiring the department to provide an easy-to-read narrative explanation concerning final disciplinary action taken against a practitioner; requiring a hyperlink to each final order on the department's website which provides information about disciplinary actions; requiring the department to provide a hyperlink to certain comparison reports pertaining to claims experience; requiring the department to include the date that a reported disciplinary action was taken by a licensed facility and a characterization of the practitioner's conduct that resulted in the action; deleting provisions requiring the department to consult with a regulatory board before including certain information in a health care practitioner's profile; providing for a penalty for failure to comply with the timeframe for verifying and correcting a practitioner profile; requiring the department to add a statement to a practitioner profile when the profile information has not been verified by the practitioner; requiring the department to provide, in the practitioner profile, an explanation of disciplinary action taken and the reason for sanctions imposed; requiring the department to include a hyperlink to a practitioner's website when requested; providing that practitioners licensed under ch. 458 or ch. 459, F.S., shall have claim information concerning an indemnity payment greater than a specified amount posted in the practitioner profile; amending s. 456.042, F.S.; providing for the update of practitioner profiles; designating a timeframe within which a practitioner must submit new information to update his or her profile; amending s. 456.049, F.S., relating to practitioner reports on professional liability claims and actions; revising requirements for a practitioner to report claims or actions that were not covered by an insurer; requiring the department to forward information on liability claims and actions to the Office of Insurance Regulation; amending s. 456.051, F.S.; establishing the responsibility of the Department of Health to provide reports of professional liability actions and bankruptcies; requiring the department to include such reports in a practitioner's profile within a specified period; amending s. 456.057, F.S.; authorizing the release of medical information to defendant health care practitioners in medical malpractice actions under specified circumstances; allowing the department to obtain patient records by subpoena without the patient's written authorization, in specified circumstances; amending s. 456.063, F.S.; authorizing regulatory boards or the department to adopt rules to implement requirements for reporting allegations of sexual misconduct; authorizing health care practitioner regulatory boards to adopt rules to establish standards of practice for prescribing drugs to patients via the Internet; amending s. 456.072, F.S.; providing for determining the amount of any costs to be assessed in a disciplinary proceeding; prescribing the standard of proof in certain disciplinary proceedings; amending s. 456.073, F.S.; authorizing the Department of Health to investigate certain paid claims made on behalf of practitioners licensed under ch. 458 or ch. 459, F.S.; amending procedures for certain disciplinary proceedings; providing a deadline for raising issues of material fact; providing a deadline relating to notice of receipt of a request for a formal hearing; amending s. 456.077, F.S.; providing a presumption related to an undisputed citation; amending s. 456.078, F.S.; revising standards for determining which violations of the applicable professional practice act are appropriate for mediation; amending s. 458.320, F.S., relating to financial responsibility requirements for medical physicians; requiring the department to suspend the license of a medical physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; amending s. 459.0085, F.S., relating to financial responsibility requirements for osteopathic physicians; requiring that the department suspend the license of an osteopathic physician who has not paid, up to the amounts required by any applicable financial responsibility provision, any outstanding judgment, arbitration award, other order, or settlement; providing civil immunity for certain participants in quality improvement processes; defining the terms "patient safety data" and "patient safety organization"; providing for use of patient safety data by a patient safety organization; providing limitations on use of patient safety data; providing for protection of patient-identifying information; providing for determination of whether the privilege applies as asserted; providing that an employer may not take retaliatory action against an employee who makes a good-faith report concerning patient safety data; requiring that a specific statement be included in each final settlement statement relating to medical malpractice actions; providing

requirements for the closed claim form of the Office of Insurance Regulation; requiring the Office of Insurance Regulation to compile annual statistical reports pertaining to closed claims; requiring historical statistical summaries; specifying certain information to be included on the closed claim form; amending s. 458.331, F.S., relating to grounds for disciplinary action against a physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against a physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 459.015, F.S., relating to grounds for disciplinary action against an osteopathic physician; redefining the term "repeated malpractice"; revising the standards for the burden of proof in an administrative action against an osteopathic physician; amending conditions that necessitate a departmental investigation of an osteopathic physician; revising the minimum amount of a claim against a licensee which will trigger a departmental investigation; amending s. 460.413, F.S., relating to grounds for disciplinary action against a chiropractic physician; revising the standards for the burden of proof in an administrative action against a chiropractic physician; providing a statement of legislative intent regarding the change in the standard of proof in disciplinary cases involving the suspension or revocation of a license; providing that the practice of health care is a privilege, not a right; providing that protecting patients overrides purported property interest in the license of a health care practitioner; providing that certain disciplinary actions are remedial and protective, not penal; providing that the Legislature specifically reverses case law to the contrary; requiring the Division of Administrative Hearings to designate administrative law judges who have special qualifications for hearings involving certain health care practitioners; amending s. 461.013, F.S., relating to grounds for disciplinary action against a podiatric physician; redefining the term "repeated malpractice"; amending the minimum amount of a claim against such a physician which will trigger a department investigation; amending s. 466.028, F.S., relating to grounds for disciplinary action against a dentist or a dental hygienist; redefining the term "dental malpractice"; revising the minimum amount of a claim against a dentist which will trigger a departmental investigation; amending s. 624.462, F.S.; authorizing health care providers to form a commercial self-insurance fund; amending s. 627.062, F.S.; providing that an insurer may not require arbitration of a rate filing for medical malpractice; providing additional requirements for medical malpractice insurance rate filings; providing that portions of judgments and settlements entered against a medical malpractice insurer for bad-faith actions or for punitive damages against the insurer, as well as related taxable costs and attorney's fees, may not be included in an insurer's base rate; providing for review of rate filings by the Office of Insurance Regulation for excessive, inadequate, or unfairly discriminatory rates; requiring insurers to apply a discount based on the health care provider's loss experience; amending s. 627.0645, F.S.; excepting medical malpractice insurers from certain annual filings; requiring the Office of Program Policy Analysis and Government Accountability to study and report to the Legislature on requirements for coverage by the Florida Birth-Related Neurological Injury Compensation Association; creating s. 627.0662, F.S.; providing definitions; requiring each medical liability insurer to report certain information to the Office of Insurance Regulation; providing for determination of whether excessive profit has been realized; requiring return of excessive amounts; amending s. 627.357, F.S.; providing guidelines for the formation and regulation of certain self-insurance funds; amending s. 627.4147, F.S.; revising certain notification criteria for medical and osteopathic physicians; requiring prior notification of a rate increase; authorizing the purchase of insurance by certain health care providers; creating s. 627.41491, F.S.; requiring the Office of Insurance Regulation to require health care providers to annually publish certain rate comparison information; creating s. 627.41492, F.S.; requiring the Office of Insurance Regulation to publish an annual medical malpractice report; creating s. 627.41493, F.S.; requiring a medical malpractice insurance rate rollback; providing for subsequent increases under certain circumstances; requiring approval for use of certain medical malpractice insurance rates; providing for a mechanism to make effective the Florida Medical Malpractice Insurance Fund in the event the rollback of medical malpractice insurance rates is not completed; creating the Florida Medical Malpractice Insurance Fund; providing purpose; providing governance by a board of governors; providing for the fund to issue medical malpractice policies to any physician regardless of specialty; providing for regulation by the Office of Insurance Regulation of the Financial Services Commission; providing applicability; providing for initial funding; providing for tax-exempt status; providing for initial capitalization; providing for termination of the fund; providing that practitioners licensed under ch. 458 or ch. 459, F.S., must, as a licensure requirement, obtain

and maintain professional liability coverage; creating s. 627.41495, F.S.; providing for consumer participation in review of medical malpractice rate changes; providing for public inspection; providing for adoption of rules by the Financial Services Commission; requiring the Office of Insurance Regulation to order insurers to make rate filings effective January 1, 2004, which reflect the impact of the act; providing criteria for such rate filing; amending s. 627.912, F.S.; amending provisions prescribing conditions under which insurers must file certain reports with the Department of Health; requiring the Financial Services Commission to adopt by rule requirements for reporting financial information; increasing the limitation on a fine imposed against insurers; creating s. 627.9121, F.S.; requiring certain claims, judgments, or settlements to be reported to the Office of Insurance Regulation; providing penalties; amending s. 766.102, F.S.; revising requirements for health care providers providing expert testimony in medical negligence actions; prohibiting contingency fees for an expert witness; amending s. 766.106, F.S.; providing for application of common law principles of good faith to an insurance company's bad-faith actions arising out of medical malpractice claims; providing that an insurer shall not be held to have acted in bad faith for certain activities during the presuit period and for a specified later period; providing legislative intent with respect to actions by insurers, insureds, and their assigns and representatives; revising requirements for presuit notice and for an insurer's or self-insurer's response to a claim; requiring that a claimant provide the Agency for Health Care Administration with a copy of the complaint alleging medical malpractice; requiring the agency to review such complaints for licensure noncompliance; permitting written questions during informal discovery; requiring a claimant to execute a medical release to authorize defendants in medical negligence actions to take unsworn statements from a claimant's treating physicians; providing for informal discovery without notice; imposing limits on such statements; amending s. 766.108, F.S.; providing for mandatory mediation; amending s. 766.110, F.S.; limiting liability of health care providers providing emergency care services in hospitals; providing for hospitals and the state to assume a certain part of liability for negligence by such providers; providing a limit on attorney's fees; amending s. 766.202, F.S.; redefining the terms "economic damages," "medical expert," "noneconomic damages," and "periodic payment"; amending s. 766.206, F.S.; providing for dismissal of a claim under certain circumstances; requiring the court to make certain reports concerning a medical expert who fails to meet qualifications; amending s. 766.207, F.S.; providing for the applicability of the Wrongful Death Act and general law to arbitration awards; amending s. 768.041, F.S.; revising requirements for setoffs against damages in medical malpractice actions if there is a written release or covenant not to sue; providing legislative intent and findings with respect to the provision of emergency medical services and care by care providers; amending s. 768.13, F.S.; revising guidelines for immunity from liability under the "Good Samaritan Act"; amending s. 768.77, F.S.; prescribing a method for itemization of specific categories of damages awarded in medical malpractice actions; amending s. 768.81, F.S.; requiring the trier of fact to apportion total fault solely among the claimant and joint tortfeasors as parties to an action; requiring the Office of Program Policy Analysis and Government Accountability and the Office of the Auditor General to conduct an audit of the health care practitioner disciplinary process and closed claims and report to the Legislature; creating ss. 1004.08 and 1005.07, F.S.; requiring schools, colleges, and universities to include material on patient safety in their curricula if the institution awards specified degrees; creating a workgroup to study the health care practitioner disciplinary process; providing for workgroup membership; providing that the workgroup deliver its report by January 1, 2004; providing appropriations and authorizing positions; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or 2003 Special Session A of the Legislature; providing for severability; providing effective dates.

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

By Senators Jones and Saunders—

SB 4-B—A bill to be entitled An act relating to public records and meetings; creating s. 381.04091, F.S.; providing that patient records obtained by, and other documents identifying a patient by name and contained in patient safety data held by, the Florida Center for Excellence in Health Care are exempt from public-record requirements; providing that meetings held by the center at which such information is

discussed are exempt from public-meeting requirements; authorizing the release of information under specified circumstances, including the release to a health care research entity or licensed health insurer; providing for future legislative review and repeal under the Open Government Sunset Review Act of 1995; providing a statement of public necessity; providing a contingent effective date.

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

By Senators Jones and Saunders—

SB 6-B—A bill to be entitled An act relating to public records; amending s. 395.0198, F.S.; which provides an exemption from public-records requirements for the information contained in the notification of an adverse incident provided to the Agency for Health Care Administration by a facility licensed under ch. 395, F.S.; specifying information covered under the exemption; authorizing the use of the information as part of certain disciplinary proceedings; reenacting the exemption and removing the repeal thereof scheduled under the Open Government Sunset Review Act of 1995; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session and 2003 Special Session A of the Legislature; providing an effective date.

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

By Senators Diaz de la Portilla and Wilson—

SB 8-B—A bill to be entitled An act relating to high school graduation; creating s. 1003.433, F.S.; providing learning opportunities for certain students to meet high school graduation requirements; providing requirements for certain transfer students; authorizing alternate assessments; authorizing rules; amending s. 1008.22, F.S., relating to student assessment for public schools; providing for alternate assessments for the grade 10 FCAT; directing the Commissioner of Education to approve certain standardized tests if determined to meet certain criteria as equivalents to the FCAT and to permit passage of such tests in lieu of passage of the grade 10 FCAT for students graduating in the 2002-2003 school year or thereafter; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or the 2003 Special Session A of the Legislature; providing an effective date.

—was referred to the Committee on Education.

By Senator Cowin—

SB 10-B—A bill to be entitled An act relating to elections; amending s. 97.012, F.S.; revising and providing duties of the Secretary of State as chief election officer; amending s. 97.021, F.S.; deleting the definition of "central voter file"; revising the definition of "provisional ballot"; amending s. 97.052, F.S.; requiring the uniform statewide voter registration application to contain a notice to first-time registrants about required identification prior to voting the first time; amending s. 97.053, F.S.; authorizing use of a driver's license or state-issued identification card number in lieu of a portion of the social security number on a voter registration application; creating s. 97.028, F.S.; providing procedures on complaints of violations of Title III of the Help America Vote Act of 2002; creating s. 97.0535, F.S.; providing registration requirements for applicants who register by mail and who haven't previously voted in the county; amending s. 98.045, F.S.; deleting a reference, to conform; repealing s. 98.097, F.S., relating to the central voter file; amending s. 98.0977, F.S.; providing for continued operation and maintenance of the statewide voter registration database until the statewide voter registration system required by the Help America Vote Act of 2002 is operational; requiring the Department of State to begin the development of a statewide voter registration system designed to meet certain requirements of the Help America Vote Act of 2002; amending s. 98.212, F.S.; removing duty of supervisors of elections relating to the central voter file, to conform; amending s. 98.461, F.S.; requiring use of a computer printout as a precinct register at the polls; requiring the precinct register to contain space for elector signatures and clerk or inspector initials; amending and renumbering s. 98.471, F.S.; providing requirements for

identification required at the polls; providing for voting a provisional ballot under certain circumstances; repealing s. 98.491, F.S., relating to intent that alternative electronic procedures for registration and elections be followed at the discretion of the supervisor of elections; amending s. 101.048, F.S.; providing for casting a provisional ballot by electronic means; requiring each supervisor of elections to create a free access system that allows each person casting a provisional ballot to find out whether the ballot was counted and, if not, why; requiring each person casting a provisional ballot to be given written instructions regarding the free access system; creating s. 101.049, F.S.; requiring voting that occurs during polling hours extended by a court or other order to be done by provisional ballot; providing requirements for casting provisional ballots under such circumstances; amending s. 101.111, F.S.; revising provisions relating to challenging the right of a person to vote; providing for voting a provisional ballot under certain circumstances; amending s. 101.62, F.S.; providing an exception to limiting an absentee ballot request to ballots for elections within a single calendar year; amending s. 101.64, F.S.; revising a reference on the Voter's Certificate; amending s. 101.65, F.S.; revising the instructions to absentee electors to include instructions to prevent overvoting; amending s. 101.657, F.S.; requiring certain persons voting absentee in person to vote a provisional ballot; creating s. 101.6921, F.S.; providing requirements for delivery of special absentee ballots for certain first-time voters; creating s. 101.6923, F.S.; providing voter instructions for such special absentee ballots; creating s. 101.6925, F.S.; providing requirements for the canvassing of special absentee ballots; amending s. 101.694, F.S.; authorizing federal postcard applicants for absentee ballots to receive ballots for two general election cycles; amending s. 102.141, F.S.; requiring the canvassing of provisional ballots cast during any extended polling-hour period to segregate the votes from such ballots from other votes; directing the Department of State to adopt uniform rules for machine recounts; amending s. 125.01, F.S.; conforming a cross reference; repealing s. 20, ch. 2002-281, Laws of Florida; eliminating future revision of a cross reference, to conform; revising the primary date in 2004; suspending operation of the second primary election until January 1, 2006; providing a date in 2004 by which candidates for Lieutenant Governor must be designated and qualified; providing campaign finance reporting dates; specifying applicability of contribution limits for the 2004 elections; providing for construction of the act in pari materia with laws enacted during the 2003 Regular Session or 2003 Special Session A of the Legislature; providing effective dates.

—was referred to the Committee on Ethics and Elections.

MOTIONS

On motions by Senator Lee, the rules were waived and committees were permitted to meet later than 7:00 p.m. if necessary; and committee meetings will be permitted to notice and meet without announcement from the floor if necessary.

On motion by Senator Lee, the rules were waived and the procedure for establishing a Special Order Calendar during Special Session B will be by distribution and publication in the calendar.

On motion by Senator Lee, the rules were waived and amendment deadlines for committee meetings and sessions will be by announcement and publication.

ANNOUNCEMENTS

Senator Lee announced the Medical Malpractice Workshop will be held from 1:00 p.m. to 8:00 p.m. this day.

Senator Lee announced the following meetings were scheduled for Tuesday, June 17: from 9:00 a.m. to 1:00 p.m., the Committee on Health, Aging, and Long-Term Care; from 2:00 p.m. to 4:00 p.m., the Committee on Education; and from 4:30 p.m. to 6:30 p.m., the Committee on Ethics and Elections. The amendment deadline for the Committee

on Health, Aging, and Long-Term Care meeting is 9:00 p.m. this day. For the other meetings, the amendment deadline is two hours prior to each meeting.

Senator Lee announced a deadline of 8:30 p.m. Tuesday, June 17 for filing amendments to be considered at the session on Wednesday, June 18.

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

VETOED BILL 2003 REGULAR SESSION

The Honorable Glenda E. Hood
Secretary of State

June 11, 2003

Dear Secretary Hood:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby withhold my approval of and transmit to you with my objections, Committee Substitute for Senate Bill 1838, enacted during the 105th Session of the Legislature, since statehood in 1845, during the Regular Session of 2003 and entitled:

An act relating to instructional materials for K-12 public education...

In general, this bill modifies the instructional materials adoption cycle by moving up deadlines relating to the appointment of members to the State Instructional Materials Committee; the advertisement of bid solicitations for instructional materials; the receipt of bids for instructional materials; the notification to the Department of Education of which materials will be requisitioned; the commencement of the six-year term of adoption for instructional materials; and the schedule authorizing school districts to issue purchase orders for instructional materials in an amount not exceeding 90 percent of the current year's allocation for instructional materials. Additionally, this bill requires publishers to provide and price adopted instructional materials on an individual basis.

I am reluctant to reduce the period of time that school districts have to thoroughly review and select instructional materials for the subsequent school year. School districts should be afforded the opportunity to carefully evaluate and select instructional materials in order to best meet the educational and curricular needs of their students. Although proponents of the bill argue that the bill should provide school districts with local control and flexibility, I believe, the opposite will occur. In fact, this bill reduces the current flexibility that school districts have to select instructional materials prior to the statutory deadline by restricting the amount of time they will have to select those materials.

For the reasons provided above, I am withholding my approval of Committee Substitute for Senate Bill 1838, and do hereby veto the same.

Sincerely,
Jeb Bush, Governor

The bill, together with the Governor's objection thereto, was referred to the Committee on Rules and Calendar.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 27, Special Session A, was corrected and approved.

RECESS

On motion by Senator Lee, the Senate recessed at 12:16 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, June 18 or upon call of the President.