



# Journal of the Senate

Number 10—Regular Session

Thursday, March 31, 2005

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## CALL TO ORDER

The Senate was called to order by President Lee at 9:12 a.m. A quorum present—40:

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

Senator Dawson recorded her presence at 9:50 a.m. with the Secretary.

## PRAYER

The following prayer was offered by Father Bob Morris, St. Mary's Catholic Church, Tampa:

We stand before you, Source of All Being,  
conscious of our limitations,  
but aware that we gather in your presence.

Come to us, remain with us,  
and enlighten our hearts.

Give us light and strength  
to know your will,  
to make it our own,  
and to live it in our lives.

Guide us by your wisdom,  
support us by your power.

You desire justice for all:  
enable us to uphold the rights of others;  
do not allow us to be misled by ignorance  
or corrupted by fear or favor.

Unite us to yourself in the bond of love  
and keep us faithful to all that is true.

As we gather in your name

may we temper justice with love,  
so that all our decisions  
may be pleasing to you,  
and earn the reward  
promised to good and faithful servants.  
Fill us with your grace this day  
for you are God for ever and ever.

(Adaptation of a prayer used before every session of the Second Vatican Council)

## PLEDGE

Senate Pages Caroline Caplan of Port Orange; Caitlin Daimler of Dunnellon; Nilesia Hall of Tallahassee; and Sean Heeney of Lake City, led the Senate in the pledge of allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Daniel Roberts of Rockledge, sponsored by Senator Posey, as doctor of the day. Dr. Roberts specializes in Dermatology.

## INTRODUCTION OF FORMER SENATOR

Senator Rich introduced former Senator and Congresswoman Debbie Wasserman Schultz who was present in the chamber.

## ADOPTION OF RESOLUTIONS

On motion by Senator Rich—

**SR 1564**—A resolution recognizing the 20th Anniversary of the American Cancer Society's Relay For Life.

WHEREAS, what began as one man's personal statement in the fight against cancer has led to the development of a worldwide event to help banish cancer, and

WHEREAS, Dr. Gordy Klatt, a colorectal surgeon and avid runner, took the first step of his 24-hour walk/run around a track in Tacoma, Washington, in May 1985, and clocked 83 miles, raising \$27,000 in support of the American Cancer Society, and

WHEREAS, 220 supporters in 19 teams joined Dr. Klatt in 1986 for this overnight event, and the American Cancer Society Relay For Life was born, and

WHEREAS, Relay For Life is the American Cancer Society's signature activity, offering everyone a chance to participate in the fight against cancer in their local community, and

WHEREAS, Relay For Life has spread to more than 4,100 communities in the United States and 13 foreign countries in the last 20 years, and

WHEREAS, the Florida Division of the American Cancer Society hosts Relay For Life events in more than 260 communities across the state and raised more than \$14 million in 2004, and

WHEREAS, the power of Relay For Life is that it allows a community to grieve for those lost to cancer and to celebrate the lives of those who have survived the disease while embracing the hope that one day cancer will be eliminated, and

WHEREAS, active promotion of and participation in local Relay For Life events allows Floridians to experience the power of Relay, NOW, THEREFORE,

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

That 2005 is recognized as the 20th Anniversary of the American Cancer Society's signature event, Relay For Life, and urges all Floridians to join their local community members in the fight against cancer.

—was introduced out of order and read by title. On motion by Senator Rich, SR 1564 was read the second time in full and adopted.

At the request of Senator Wilson—

By Senator Wilson—

SR 2712—A resolution commending The Links, Incorporated, for its work in Florida.

WHEREAS, The Links, Incorporated, is a highly respected international organization of more than 10,000 professional, accomplished, dedicated women of African ancestry in 274 chapters located in 42 states and three countries with a mission and purpose of friendship and community service, and

WHEREAS, members of The Links are role models, mentors, activists, and volunteers who work toward purposeful public service with educational, cultural, and civic commitments through four functional facets – International Trends and Services, National Trends and Services, The Arts, and Services to Youth, and

WHEREAS, the National Trends and Services facet of The Links, Incorporated, also encompasses service related to three Linkages including: Education; Health and Wellness; and Legislative work that highlights and addresses concerns of the organization in these areas and also impacts African-Americans and society, and

WHEREAS, major issues and needs that concern the Southern Area of The Links, Incorporated, include eliminating health disparities in conformity with the federal Healthy People 2010 program, which establishes national health objectives designed to identify the most significant preventable threats to the health of African-Americans, and targeting six focus areas that disproportionately impact the health of African-Americans – infant mortality, cancer, cardiovascular disease, diabetes, HIV/AIDS, and immunizations, and

WHEREAS, Links from around the State of Florida have assembled today to demonstrate their support for the 2004 Florida Legislature's enactment of Healthy People 2010 legislation promoting elimination of health disparities, to thank members of the Florida Legislature for their wisdom and prudent action in addressing health and wellness in terms of societal need, and to encourage Legislators to monitor, implement and seek progress through this important legislation, and

WHEREAS, Senator Frederica Wilson and Senator Mandy Dawson are members of The Links, Incorporated, NOW, THEREFORE,

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

That this body does pause in its deliberations to pay its respects to the dedicated efforts and example of the Southern Area of The Links, Incorporated, led by Margaret Thompson Johnson, in their successful campaign for the advancement and accomplishment of equitable health care policy and services for all Floridians, and to recognize the exemplary value of their work toward increasing quality and years of healthy life for the residents of this state.

—SR 2712 was introduced, read and adopted by publication.

INTRODUCTION OF FORMER SENATOR

Senator Alexander introduced former Senator Rick Dantzler who was present in the chamber.

BILLS ON THIRD READING

SENATOR PRUITT PRESIDING

SB 356—A bill to be entitled An act relating to substance abuse treatment; amending s. 394.499, F.S.; authorizing the Department of Children and Family Services to expand certain demonstration models; amending s. 397.311, F.S.; including intensive inpatient treatment within the service components provided by a licensed service provider; defining the term "medical monitoring"; amending s. 212.055, F.S., relating to the county public hospital surtax; conforming a cross-reference; reenacting ss. 397.405(8) and 397.407(1), F.S., relating to treatment providers, to incorporate the amendment to s. 397.311, F.S., in references thereto; amending ss. 397.416 and 440.102, F.S., relating to treatment services and the drug-free workplace program; conforming cross-references; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Lynn, SB 356 as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Diaz de la Portilla, Miller, Alexander, Dockery, Peaden, Argenziano, Fasano, Posey, Aronberg, Garcia, Pruitt, Atwater, Geller, Rich, Baker, Haridopolos, Saunders, Bennett, Hill, Sebasta, Bullard, Jones, Siplin, Campbell, King, Smith, Carlton, Klein, Villalobos, Clary, Lawson, Webster, Constantine, Lynn, Wilson, Crist, Margolis, Wise

Nays—None

Vote after roll call:

Yea—Dawson

SB 538—A bill to be entitled An act relating to the sentencing proceeding for a capital felony; amending s. 921.141, F.S.; clarifying that the prosecution may introduce and argue victim-impact evidence to the jury; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (763652)(with title amendment)—On page 1, line 9, insert:

Section 1. This act may be cited as the "Caroline Cody Act." (Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: providing a popular name;

On motion by Senator Smith, SB 538 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns: Mr. President, Argenziano, Atwater, Alexander, Aronberg, Baker

Bennett	Geller	Posey
Bullard	Haridopolos	Pruitt
Campbell	Hill	Rich
Carlton	Jones	Saunders
Clary	King	Sebesta
Constantine	Klein	Siplin
Crist	Lawson	Smith
Diaz de la Portilla	Lynn	Villalobos
Dockery	Margolis	Webster
Fasano	Miller	Wilson
Garcia	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Dawson

**SB 1856**—A bill to be entitled An act relating to the Commission on Ethics; amending s. 112.321, F.S.; prohibiting an individual who qualifies as a lobbyist from serving on the commission; prohibiting a member of the commission from lobbying any state or local governmental entity; providing exceptions for individuals who are members of the commission on the effective date of the act until the expiration of their current terms; providing an effective date.

—was read the third time by title.

On motion by Senator Villalobos, **SB 1856** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

**SB 1440**—A bill to be entitled An act relating to time limitations; amending s. 775.15, F.S.; reorganizing provisions establishing time limitations for prosecuting criminal offenses; clarifying certain provisions; amending s. 922.105, F.S., relating to execution of sentence; conforming a cross-reference; providing an effective date.

—was read the third time by title.

On motion by Senator Wise, **SB 1440** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Diaz de la Portilla	Klein
Baker	Dockery	Lawson
Bennett	Fasano	Lynn
Bullard	Garcia	Margolis
Campbell	Geller	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Vote after roll call:

Yea—Dawson

**CS for SB 1454**—A bill to be entitled An act relating to public lodging establishments; providing a popular name; creating s. 509.144, F.S.; providing definitions; prohibiting the distribution, and the direction of such distribution, of handbills in a public lodging establishment in certain circumstances; providing penalties; providing requirements for posting a sign that prohibits advertising or solicitation; providing an effective date.

—was read the third time by title.

On motion by Senator Webster, **CS for SB 1454** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

**SB 1020**—A bill to be entitled An act relating to police dogs, fire dogs, SAR dogs, and police horses; amending s. 843.19, F.S.; prohibiting intentionally and knowingly, without justification, causing great bodily harm to or using a deadly weapon upon a police dog, fire dog, SAR dog, or police horse; prohibiting actually and intentionally maliciously touching, striking, or causing bodily harm to a police dog, fire dog, SAR dog, or police horse; prohibiting maliciously harassing, teasing, interfering with, or attempting to interfere with a police dog, fire dog, SAR dog, or police horse while the animal is in the performance of its duties; providing penalties; providing for restitution from violators; providing application; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Haridopolos, **SB 1020** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Clary	Jones
Alexander	Constantine	King
Argenziano	Crist	Klein
Aronberg	Diaz de la Portilla	Lawson
Atwater	Dockery	Lynn
Baker	Fasano	Margolis
Bennett	Garcia	Miller
Bullard	Geller	Peaden
Campbell	Haridopolos	Posey
Carlton	Hill	Pruitt

Rich	Siplin	Webster
Saunders	Smith	Wilson
Sebesta	Villalobos	Wise

Vote after roll call:

Yea—Dawson

Nays—None

Vote after roll call:

Yea—Dawson

**SB 470**—A bill to be entitled An act relating to the indigent care surtax; reviving, reenacting, and amending s. 212.055(7), F.S.; allowing small counties having a specified population to levy an indigent care surtax; providing procedures; providing uses of the surtax; providing a maximum tax rate; providing an effective date.

—was read the third time by title.

On motion by Senator Argenziano, **SB 470** was passed and certified to the House. The vote on passage was:

Yeas—35

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

Nays—2

Baker	Haridopolos
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Vote after roll call:

Yea—Dawson, Peaden

**SB 904**—A bill to be entitled An act relating to the privatization of foster care and related services; amending s. 409.1671, F.S.; providing that a lead community-based provider and its subcontractors supplying foster care and related services are exempt from including in written contracts and other written documents certain statements required by law; providing an exception if the lead community-based provider or its subcontractors receive more than 35 percent of their total funding from the state; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Dockery, **SB 904** as amended was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—1

Rich

**SB 558**—A bill to be entitled An act relating to cruelty to animals; amending s. 828.12, F.S.; increasing certain minimum mandatory fines and periods of incarceration for certain acts of cruelty to animals; amending s. 828.121, F.S.; providing a definition; providing that it is a first-degree misdemeanor for a person to intentionally drag or fell by the tail a bovine animal in an organized sports exhibition; providing clarification regarding techniques or practices that are not prohibited; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Rich, **SB 558** as amended was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

**CS for SB 1330**—A bill to be entitled An act relating to financial institutions; amending s. 655.005, F.S.; redefining the terms “imminently insolvent” and “insolvent” with respect to credit unions; creating s. 655.0201, F.S.; prescribing methods of serving process, notice, or demand on financial institutions; amending s. 655.044, F.S.; requiring all financial institutions to use the calendar year as their fiscal year; amending s. 655.057, F.S.; deleting obsolete provisions; amending s. 655.411, F.S.; conforming a cross-reference; creating s. 655.4185, F.S.; authorizing emergency action in cases of failing financial entities; amending s. 657.002, F.S.; redefining terms with respect to credit unions and deleting obsolete and other terms; amending s. 657.005, F.S.; revising procedures applicable to applying for authority to organize a credit union; amending s. 657.0061, F.S.; providing for disapproval of a proposed bylaw amendment that is not in compliance with statutes or rules; amending s. 657.008, F.S.; revising provisions relating to changes of a credit union’s place of business and to establishing branch locations; amending s. 657.021, F.S.; revising duties of credit union boards of directors; amending s. 657.022, F.S.; changing the time within which the annual meeting of a credit union board of directors must be held; amending s. 657.023, F.S.; revising powers of a credit union with respect to a member’s rights and continued membership; amending s. 657.024, F.S.; deleting a requirement that distributing ballots in advance of a membership meeting must be done by mail; amending s. 657.026, F.S.; deleting obsolete provisions; revising standards for reporting by a supervisory or audit committee; amending s. 657.027, F.S.; revising duties of a credit union’s credit manager; amending s. 657.028, F.S.; prohibiting compensation of a credit union treasurer but authorizing compensation of its chief executive officer; revising prerequisites for serving as an officer, director, or committee member; amending s. 657.031, F.S.; revising powers of credit unions; amending s. 657.033, F.S.; changing standards for when an account is considered dormant, unclaimed, or abandoned; prescribing limits on persons from whom credit unions may accept deposits; allowing credit unions to participate in systems that allow for automated or electronic transfer, deposit, or withdrawal of funds; requiring credit unions to maintain certain insurance; amending s. 657.038, F.S.; revising credit unions’ loan powers, including the power to issue debit or

credit cards; amending s. 657.039, F.S.; increasing the amount of credit that may be extended to a credit union's own officers and employees; amending s. 657.042, F.S.; authorizing investment in stock of the Federal Home Loan Bank; revising other limits on investments; amending s. 657.043, F.S.; revising standards for an allowance-for-loan-losses account; deleting the definition of risk assets; providing guidelines for borrowing money; deleting provisions relating to reserves and guaranty assistance agreements; amending s. 657.062, F.S.; deleting obsolete provisions; providing guidelines for conservatorships; amending s. 657.063, F.S.; revising provisions relating to involuntary liquidation; amending s. 657.064, F.S.; deleting obsolete provisions; revising provisions relating to voluntary liquidation; amending s. 657.065, F.S.; revising provisions governing mergers of credit unions; amending s. 657.066, F.S.; revising provisions relating to conversion of credit unions from state to federal or from federal to state; repealing s. 657.0315, F.S., relating to contracts for providing goods, products, or services, s. 657.051, F.S., relating to fiscal year, s. 657.055, F.S., relating to retention and destruction of certain records, s. 657.068, F.S., relating to central credit unions, and s. 658.43(7), F.S., relating to powers with respect to failing financial entities; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **CS for SB 1330** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

**CS for SB 1432**—A bill to be entitled An act relating to insurance administrators; amending s. 626.88, F.S.; redefining the term “administrator” and defining the terms “affiliate,” “control,” and “GAAP”; amending s. 626.8805, F.S.; requiring additional information to accompany an application for a certificate of authority to act as an administrator; amending s. 626.8817, F.S.; detailing the responsibilities of an insurance company in its dealings with an administrator; amending s. 626.89, F.S.; prescribing information that must be submitted in an administrator's annual report; authorizing the Financial Services Commission to require electronic submission of annual reports; creating s. 626.8991, F.S.; authorizing the commission to adopt rules; providing an effective date.

—was read the third time by title.

On motion by Senator Baker, **CS for SB 1432** was passed and certified to the House. The vote on passage was:

Yeas—39

Mr. President	Carlton	Haridopolos
Alexander	Clary	Hill
Argenziano	Constantine	Jones
Aronberg	Crist	King
Atwater	Diaz de la Portilla	Klein
Baker	Dockery	Lawson
Bennett	Fasano	Lynn
Bullard	Garcia	Margolis
Campbell	Geller	Miller

Peaden	Saunders	Villalobos
Posey	Sebesta	Webster
Pruitt	Siplin	Wilson
Rich	Smith	Wise

Nays—None

Vote after roll call:

Yea—Dawson

**CS for SB 552**—A bill to be entitled An act relating to game promotion in connection with sale of consumer products or services; amending s. 849.094, F.S.; providing that the operator of a game promotion in which the total announced value of the prizes offered is greater than \$5,000 need include only the material terms of the rules and regulations of the game in all advertising copy used in connection therewith if the advertising copy contains information for obtaining the full rules and regulations of the game; providing an effective date.

—was read the third time by title.

On motion by Senator Margolis, **CS for SB 552** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

Vote after roll call:

Yea—Dawson

Consideration of **CS for SB 1130** was deferred.

**SB 878**—A bill to be entitled An act relating to the advertisement of real or personal property with delinquent taxes; amending s. 197.402, F.S.; reducing the number of required advertisements for certain tax certificate sales; specifying a minimum time period for such advertisement prior to a sale; amending s. 197.403, F.S.; revising the requirement for transmitting a copy of the published notice; providing an effective date.

—as amended March 30 was read the third time by title.

On motion by Senator Baker, further consideration of **SB 878** as amended was deferred.

**THE PRESIDENT PRESIDING**

**CS for SB 152**—A bill to be entitled An act relating to alimony; amending s. 61.14, F.S.; authorizing a court to modify payment of alimony if there is proof by a preponderance of the evidence that the recipient former spouse is in a de facto marriage with a person of the opposite sex outside of the legal bond of matrimony; prescribing factors to be considered by the court; providing for application; providing an effective date.

—was read the third time by title.

On motion by Senator Siplin, **CS for SB 152** was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Diaz de la Portilla	Posey
Alexander	Dockery	Pruitt
Argenziano	Garcia	Sebesta
Aronberg	Haridopolos	Siplin
Atwater	Hill	Villalobos
Bennett	Jones	Webster
Carlton	King	Wilson
Clary	Klein	Wise
Constantine	Miller	
Dawson	Peaden	

Nays—10

Bullard	Geller	Rich
Campbell	Lynn	Saunders
Crist	Margolis	Smith
Fasano		

Vote after roll call:

Yea—Baker, Lawson

Consideration of **SB 772** was deferred.

**SB 1798**—A bill to be entitled An act relating to the corporate income tax; amending s. 220.03, F.S.; providing for the adoption of the 2005 version of the Internal Revenue Code; providing for retroactive operation; providing an effective date.

—was read the third time by title.

On motion by Senator Atwater, **SB 1798** was passed and certified to the House. The vote on passage was:

Yeas—40

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

Nays—None

**SB 2042**—A bill to be entitled An act relating to trust funds; amending s. 250.175, F.S.; creating the Welfare Transition Trust Fund within the Department of Military Affairs; providing for sources of funds and purposes; providing for annual carryforward of funds; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was read the third time by title.

On motions by Senator Fasano, **SB 2042** was passed by the required constitutional three-fifths vote of the membership and by two-thirds vote immediately certified to the House. The vote on passage was:

Yeas—39

Mr. President	Argenziano	Atwater
Alexander	Aronberg	Baker

Bennett	Garcia	Peaden
Bullard	Geller	Pruitt
Campbell	Haridopolos	Rich
Carlton	Hill	Saunders
Clary	Jones	Sebesta
Constantine	King	Siplin
Crist	Klein	Smith
Dawson	Lawson	Villalobos
Diaz de la Portilla	Lynn	Webster
Dockery	Margolis	Wilson
Fasano	Miller	Wise

Nays—None

Vote after roll call:

Yea—Posey

**MOTIONS**

On motions by Senator Carlton, a deadline of 3:00 p.m., Tuesday, April 5, was set for filing amendments to the Appropriations Bill, **SB 2600**, and the Appropriations Implementing Bill, **SB 2602**, and a deadline of 12:00 noon, Wednesday, April 6 was set for filing amendments to amendments and substitute amendments to the Appropriations Bill and the Appropriations Implementing Bill to be considered Thursday, April 7.

**REPORTS OF COMMITTEES**

The Committee on Commerce and Consumer Services recommends the following pass: SB 2228

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

The Committee on Commerce and Consumer Services recommends the following pass: SB 1070, SB 1644 with 1 amendment, SB 2110 with 5 amendments, SB 2216

**The bills were referred to the Committee on Community Affairs under the original reference.**

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1062, SB 2278 with 1 amendment

The Committee on Domestic Security recommends the following pass: CS for SB 572

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

The Committee on Banking and Insurance recommends the following pass: SJR 1870

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

The Committee on Banking and Insurance recommends the following pass: SB 1122

The Committee on Commerce and Consumer Services recommends the following pass: SB 2312 with 1 amendment

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 102

The Committee on Judiciary recommends the following pass: CS for SJR 2200

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

The Committee on Commerce and Consumer Services recommends the following pass: SB 1238

The Committee on Criminal Justice recommends the following pass: CS for SB 454 with 1 amendment, SB 814, SB 1746

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

The Committee on Judiciary recommends the following pass: SB 720

**The bill was referred to the Committee on Health and Human Services Appropriations under the original reference.**

The Committee on Banking and Insurance recommends the following pass: SB 1030 with 1 amendment

The Committee on Commerce and Consumer Services recommends the following pass: CS for SB 1124

The Committee on Criminal Justice recommends the following pass: SB 1344

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

The Committee on Banking and Insurance recommends the following pass: SB 1816

The Committee on Criminal Justice recommends the following pass: SB 1642

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

The Committee on Judiciary recommends the following pass: CS for SJR 1210 and SJR 1362

The Committee on Rules and Calendar recommends the following pass: SCR 1468

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 2006

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

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1154

**The bill with committee substitute attached was referred to the Committee on Communications and Public Utilities under the original reference.**

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2212

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

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 2362

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1194

The Committee on Domestic Security recommends a committee substitute for the following: Senate Bills 1462 and 648

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

The Committee on Banking and Insurance recommends a committee substitute for the following: SB 1442

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1604

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

The Committee on Education recommends a committee substitute for the following: SB 890

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

The Committee on Banking and Insurance recommends committee substitutes for the following: SB 638, SB 1258, SB 1912

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 2302

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

The Committee on Community Affairs recommends committee substitutes for the following: SB 748, SB 1436

**The bills with committee substitutes attached were placed on the calendar.**

## COMMITTEE SUBSTITUTES

### FIRST READING

By the Committee on Banking and Insurance; and Senators Wise, Geller, King and Campbell—

**CS for SB 638**—A bill to be entitled An act relating to title insurance; amending s. 624.608, F.S.; redefining the term “title insurance” to include insurance for security interests in personal property; amending s. 627.7711, F.S.; redefining the term “related title services” to include the examination of searches of certain records; redefining the term “primary title services” to include search and examination of certain records; amending s. 627.7845, F.S.; prohibiting a title insurer from issuing a title insurance commitment, endorsement, or policy until there has been

an examination of certain records; requiring the title insurer to preserve and retain evidence of certain records; providing that certain policy forms may continue to be sold by property and casualty insurers until the Office of Insurance Regulation approves a title insurance form; providing an effective date.

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By the Committee on Community Affairs; and Senators Miller and Constantine—

**CS for SB 748**—A bill to be entitled An act relating to fire hydrants; amending s. 633.065, F.S.; requiring owners of fire hydrants to test hydrants in accordance with national standards; requiring nonfunctioning privately owned hydrants to be reported and repaired; providing fines for noncompliance; providing an effective date.

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By the Committee on Education; and Senator Wise—

**CS for SB 890**—A bill to be entitled An act relating to student and parent rights; amending s. 1002.20, F.S.; authorizing certain K-12 students to self-administer epinephrine by auto-injector under certain circumstances; requiring the adoption of rules; providing for indemnification; providing an effective date.

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By the Committee on Commerce and Consumer Services; and Senator Dockery—

**CS for SB 1154**—A bill to be entitled An act relating to Enterprise Florida, Inc.; amending s. 288.041, F.S.; deleting the requirement that Enterprise Florida, Inc., assist in the expansion of the solar energy industry and solar technology; amending s. 288.095, F.S.; deleting obsolete provisions; repealing s. 288.8155, F.S., relating to the International Trade Data Resource and Research Center; amending s. 288.901, F.S.; revising the membership, organization, and meetings of the board of directors of Enterprise Florida, Inc.; amending s. 288.9015, F.S.; deleting obsolete provisions regarding the Workforce Development Board of Enterprise Florida, Inc.; amending s. 288.90151, F.S.; deleting obsolete provisions; specifying moneys and contributions that may be considered as private-sector support to Enterprise Florida, Inc.; requiring that the annual report include a study; clarifying the term “economic development organization”; requiring Enterprise Florida, Inc. to hire certain firms to develop certain survey reporting; deleting a requirement that the annual report be certified; amending s. 288.904, F.S.; revising the power of the board to make and enter into contracts; providing that certain limitations do not apply to contracts awarded by another entity; providing an effective date.

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By the Committee on Community Affairs; and Senator Bennett—

**CS for SB 1194**—A bill to be entitled An act relating to homestead assessments; providing an exception to requirements to assess certain homestead property at just value under certain circumstances; providing limitations; providing an effective date.

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

**CS for SB 1258**—A bill to be entitled An act relating to certificates of release for mortgages; creating s. 701.041, F.S.; providing definitions; providing for the issuance of a certificate of release for a mortgage by a title insurer or its authorized agent for certain purposes; providing for recordation; specifying contents of a certificate of release; requiring execution, acknowledgment, and recordation of a certificate of release by certain entities; providing requirements for appointment of an agent for execution purposes; providing for effect of a certificate of release; providing for liability of title insurers under certain circumstances; providing

criteria for recording multiple certificates of release; providing application; requiring the Financial Services Commission to adopt rules establishing a minimum premium charge for certificates of release; repealing s. 701.05, F.S., relating to failing or refusing to satisfy a lien and punishment therefor; providing an effective date.

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By the Committee on Community Affairs; and Senators Geller and Lynn—

**CS for SB 1436**—A bill to be entitled An act relating to automated external defibrillators; amending s. 401.2915, F.S.; authorizing state and local law enforcement vehicles to carry an automated external defibrillator; amending s. 932.7055, F.S.; authorizing local governments to use forfeiture funds for purchasing automated external defibrillators; providing an effective date.

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

**CS for SB 1442**—A bill to be entitled An act relating to public records and meetings exemptions; creating s. 440.3851, F.S.; exempting from public-records and public-meetings requirements certain records of the Florida Self-Insurers Guaranty Association, Incorporated, and certain meetings of the board of directors of the association or any subcommittee of the board; providing for release of such records under certain circumstances; providing requirements; providing for future legislative review and repeal; providing findings of public necessity; providing an effective date.

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By the Committee on Domestic Security; and Senators Baker and Campbell—

**CS for SB's 1462 and 648**—A bill to be entitled An act relating to hurricane preparedness; providing an exemption from the tax on sales, use, and other transactions for sales of certain items of tangible personal property for a certain period for certain purposes; authorizing the Department of Revenue to adopt rules; providing an appropriation; providing an effective date.

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By the Committee on Community Affairs; and Senators Lynn and Fasano—

**CS for SB 1604**—A bill to be entitled An act relating to the Florida 211 Network; amending s. 408.918, F.S.; requiring the Florida 211 Network to provide services in each county and to coordinate services with county emergency management agencies during disasters; providing requirements for distribution of state funds appropriated for such purposes; requiring local matching funds; requiring expenditure reports to the Florida Alliance of Information and Referral Services, the Agency for Health Care Administration, and the Legislature; defining the term “211 provider”; providing an appropriation; providing an effective date.

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

**CS for SB 1912**—A bill to be entitled An act relating to insurance agents and agencies; amending s. 624.317, F.S.; including insurance agencies among entities the Department of Financial Services is authorized to investigate; amending s. 624.318, F.S.; providing for electronic scanning in the course of investigations and examinations; amending s. 624.501, F.S.; clarifying a license fee; amending s. 626.015, F.S.; redefining the term “home state”; defining the term “resident”; amending s. 626.016, F.S.; including insurance agencies among entities subject to regulation by the Chief Financial Officer; amending s. 626.025, F.S.; correcting cross-references; amending s. 626.112, F.S.; delaying the effective date by which agencies must obtain a license; providing that an

agency may file for registration in lieu of licensure, under specified conditions; imposing a fine on any agency that fails to timely apply for licensure or registration; deleting certain agency licensure requirement provisions; amending s. 626.171, F.S.; specifying licensure and registration application requirements for insurance entities other than insurance agencies; deleting a provision applying to insurance agency license application requirements; amending s. 626.172, F.S.; revising insurance agency licensure application requirements; providing procedures and limitations; providing duties of the department; amending s. 626.221, F.S.; revising examination requirements; amending s. 626.2815, F.S.; revising continuing education requirements; amending ss. 626.292 and 626.321, F.S.; correcting cross-references, to conform; amending s. 626.342, F.S.; including insurance agencies under provisions prohibiting furnishing supplies to certain unlicensed agents and imposing civil liability under certain circumstances; amending s. 626.382, F.S.; providing for renewal of licenses; amending s. 626.451, F.S.; revising requirements for appointment; amending s. 626.536, F.S.; including insurance agencies under an action reporting requirement; amending s. 626.561, F.S.; including insurance agencies under provisions providing funds reporting and accounting requirements and imposing criminal penalties; amending s. 626.572, F.S.; including insurance agencies under provision prohibiting rebating under certain circumstances; amending s. 626.601, F.S.; including insurance agencies under provisions authorizing the department to inquire into improper conduct; creating s. 626.602, F.S.; authorizing the department to disapprove the use of certain names under certain circumstances; amending s. 626.6115, F.S.; providing an additional ground for the department to take compulsory adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.6215, F.S.; providing an additional ground for the department to take discretionary adverse insurance agency license actions; providing that the existence of grounds for adverse action against a licensed agency does not constitute grounds for adverse action against another licensed agency; amending s. 626.747, F.S.; revising agent requirements for branch agencies to include life or health agents; amending s. 626.621, F.S.; revising criteria for the department's refusal, suspension or revocation of a license or appointment; amending s. 626.641, F.S.; providing requirements for reinstatement of a previously suspended license or appointment; revising criteria for reapplication and requalification for a previously revoked license or appointment; amending s. 626.7351, F.S.; revising the qualifications for a customer representative's license; amending ss. 626.7355 and 626.8411, F.S.; deleting cross-references, to conform; creating s. 626.84201, F.S.; providing for the issuance of a nonresident title insurance agent license; amending s. 648.50, F.S.; revising the persons whose license or appointment may be revoked or suspended when a bail bond's license or appointment is revoked or suspended; repealing s. 626.592, F.S., relating to primary agents; creating s. 624.1275, F.S.; providing a restriction for state agencies or political subdivisions from preventing a licensed agent from responding to a bid or negotiation for an insurance product; providing an effective date.

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

**CS for SB 2006**—A bill to be entitled An act relating to motor vehicle service agreements; amending s. 634.011, F.S.; including paintless dent-removal in the services that may be covered by a motor vehicle service agreement; amending s. 634.041, F.S.; revising requirements governing qualifications for a license to issue such agreements; providing for use of a 50-percent reserve or contractual liability coverage by certain service agreement companies; amending s. 634.136, F.S.; requiring a motor vehicle service contract company to maintain additional information relating to motor vehicle service agreements; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senator Saunders—

**CS for SB 2212**—A bill to be entitled An act relating to economic development; amending s. 212.08, F.S.; conforming provisions to the designated urban job tax credit area revision; amending s. 212.097, F.S.; revising provisions providing for an urban job tax credit program to apply to designated urban job tax credit areas rather than high-crime areas; revising and providing definitions, eligibility criteria, application procedures and requirements, and area characteristics and criteria; amending s. 220.1895, F.S., to conform; deleting an obsolete provision; amending s. 288.99, F.S.; conforming provisions to the designated urban job tax credit area revision; providing an effective date.

By the Committee on Community Affairs; and Senator Bennett—

**CS for SB 2302**—A bill to be entitled An act relating to local government land development requirements; creating s. 163.3219, F.S.; providing legislative findings, declarations, and intent relating to local government impact fees; requiring impact fees to be based upon certain available data; requiring a credit against impact fees for certain taxes, fees, assessments, liens, charges, or payments; providing criteria; specifying a time period before collecting an impact fee or fee increase; prohibiting application of an impact fee to certain building permits; requiring local governments to report certain impact fee information to the Auditor General; limiting imposition of administrative fees; requiring refund of an impact fee under certain circumstances; providing for the distribution of impact fees collected within an incorporated area; providing criteria for payment of impact fees; authorizing a local government to establish a schedule of payments; providing an exception; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Smith, Fasano and Crist—

**CS for SB 2362**—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.052, F.S.; deleting an exception to an exemption from the tax for research or development costs; amending s. 212.08, F.S.; providing an exemption for machinery and equipment used predominantly for research and development activities; defining the terms "predominantly" and "machinery and equipment"; authorizing the Department of Revenue to adopt rules to administer the exemption; providing for an affidavit to be given by a taxpayer claiming entitlement to the exemption; authorizing a business to designate one or more state universities or community colleges as recipients of part or all of the amount of the exemption under specified conditions; providing that the business retains the rights to patents, royalties, or real or intellectual property unless an agreement specifies otherwise; providing for a review of the exemption by the Office of Program Policy Analysis and Government Accountability; amending s. 1011.94, F.S.; adding cross-references and deleting the reference to a requirement for certification of the exempt business; providing an effective date.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

### RETURNING MESSAGES—FINAL ACTION

The Honorable Tom Lee, President

I am directed to inform the Senate that the House of Representatives has passed CS for SB 200.

*John B. Phelps, Clerk*

The bill contained in the foregoing message was ordered enrolled.

**ENROLLING REPORTS**

SB 1334, CS for SB 1336, SB 1338, and SB 1340 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on March 31, 2005.

*Faye W. Blanton, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 30 was corrected and approved.

**CO-INTRODUCERS**

Senators Alexander—SB 1168; Atwater—SB 612; Campbell—SB 1056; Constantine—SB 1168; Dawson—SB 1714, SB 1848; King—SB 2216

Senator Alexander withdrew as the introducer of SB 1168.

Senator Fasano withdrew as the introducer of SB 1306.

**RECESS**

On motion by Senator Pruitt, the Senate recessed at 10:09 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, April 6 or upon call of the President.