



Journal of the Senate

Number 6—Regular Session

Thursday, March 23, 2006

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[See end of Journal for Bill Action Summary]

CALL TO ORDER

The Senate was called to order by President Lee at 10:00 a.m. A quorum present—39:

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

Excused: Senator Argenziano

PRAYER

The following prayer was offered by the Rev. Don Roberts, Goodwill Industries Manasota of Sarasota:

President Lee, members of the Senate: Let us pray to the Lord.

Holy God, we come before you to pray for the “Has Beens;” the “Wannabes;” and the “Here and Nows.”

For the “Has Beens,” O Lord, those who have been termed out or are just tired out; from the Governor on down; we pause to give thanks for their service to the people of Florida.

For the “Wannabes,” O Lord, those who are lining up to replace the “Has Beens,” out raising some people’s money so they can have the privilege of spending all the people’s money; we pause to welcome them to the rough and tumble of politics.

And for the “Here and Nows;” that’s us, Lord; those in this Senate of the great State of Florida, who stand and serve today; we ask for your special presence.

Here and now, Lord; help us to spend wisely, the abundance of taxes you have provided.

Here and now, Lord; help us to keep our kind spirits towards one another, and especially those in the House, when the heat of legislative battle and our more base instincts call us to be and do otherwise.

Here and now, Lord; remind us that love is not a hormone, nor a feeling, nor a hope . . . remind us that love is a behavior; and empower us to always do the loving thing.

Here and now, Lord; grant us your presence and make us all like Senator Bennett and Senator Carlton; men and women of goodwill.

Here and Now, Lord; Here and Now!

And all God’s children in the Senate say . . . Amen.

PLEDGE

Senate Pages Jesse Jackson of Tallahassee; Brittany Kotchman of Seminole; Rebecca Kjeer of Plant City; and Robert “Rob” Tomczak of Valrico, 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. Rosemary Laird of Melbourne, sponsored by Senator Posey, as doctor of the day. Dr. Laird specializes in Geriatrics.

ADOPTION OF RESOLUTIONS

On motion by Senator Lawson—

By Senator Lawson—

SR 2152—A resolution recognizing March 23, 2006, as “FAMU Day in Tallahassee.”

WHEREAS, Florida Agricultural and Mechanical University (FAMU) was founded in 1887, named a land-grant institution in 1891, and designated a university in 1953, and

WHEREAS, FAMU is a 4-year, historically black university offering undergraduate, graduate, and doctoral programs, which seeks qualified students from all racial, ethnic, religious, and national groups, and

WHEREAS, FAMU has provided immeasurable educational opportunities that enhance the quality of life for young men and women, and

WHEREAS, FAMU’s academic components consist of 13 colleges and schools and two institutes: Arts and Sciences; Education; Engineering Sciences, Technology and Agriculture; Pharmacy and Pharmaceutical Sciences; Engineering; Allied Health Sciences; Architecture; Business and Industry; General Studies; Journalism and Graphic Communication; Nursing; Law; Graduate Studies and Research; Environmental Sciences Institute; and the Institute of Public Health, and

WHEREAS, FAMU is the top producer of African Americans holding baccalaureate degrees and degrees in business management, marketing, and related services, and

WHEREAS, FAMU’s School of Business and Industry’s Accounting team won first place in the 10th Annual Deloitte Foundation National Student Case Study Seminar in 2005, and

WHEREAS, FAMU has repeatedly won the Honda Campus All-Star Challenge Team Championship in 1991, 1996, 1998, 1999, 2003, and 2005, and

WHEREAS, the University’s radio station WANM 90.5, ranked No. 2 by the Princeton Review among the nation’s college radio stations, and

WHEREAS, 20 members of the “Marching 100” were invited to perform with rapper Kanye West and Comedian Jamie Foxx at the 48th Annual Grammys in Los Angeles, California, NOW, THEREFORE,

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

That the Florida Senate recognizes March 23, 2006, as “FAMU Day” in Tallahassee, in recognition of Florida Agricultural and Mechanical University’s contributions as an outstanding institution of higher education.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Dr. Castell Vaughn Bryant, Interim President of Florida Agricultural and Mechanical University, as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Lawson, **SR 2152** was read the second time in full and adopted.

On motion by Senator Crist—

By Senator Crist—

SR 2362—A resolution recognizing the 20th Anniversary of the Shriners Hospital for Children in Tampa, Florida.

WHEREAS, in 1985 the Shriners Hospital for Children in Tampa, Florida, opened its doors to care for children with orthopaedic conditions, and

WHEREAS, the hospital is a 60-bed pediatric orthopaedic hospital providing comprehensive orthopaedic care to children at no charge, without regard to race, religion, or relationship to a Shriner, and

WHEREAS, the hospital is designed to incorporate state-of-the-art equipment and advanced treatment programs with the Shriners Hospitals’ family-centered approach to care, and

WHEREAS, the hospital maintains a teaching affiliation with the University of South Florida, and

WHEREAS, the hospital staff is dedicated to helping young patients develop their capabilities at all levels - physically, emotionally, and intellectually - so they can lead fuller, more productive lives, and

WHEREAS, the hospital is involved in ongoing research and is tackling the questions of musculoskeletal diseases of children, and

WHEREAS, the hospital has spent more than \$300 million dollars in the past 20 years on medical treatment, salaries, and services to the community, and

WHEREAS, the hospital has provided care to more than 35,000 of Florida’s children in the past 20 years and will care for more and more children in the future, NOW, THEREFORE,

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

That the Florida Senate commends and celebrates the 20th Anniversary of the Shriners Hospital for Children in Tampa, Florida.

—was introduced out of order and read by title. On motion by Senator Crist, **SR 2362** was read the second in full and adopted.

At the request of Senator Hill—

By Senator Hill—

SR 290—A resolution recognizing September 2006 as “Prostate Cancer Awareness Month.”

WHEREAS, prostate cancer is the most common cancer diagnosed among men in Florida, and the American Cancer Society estimates that more than 19,650 new cases of prostate cancer will be diagnosed among Florida men during 2006, and

WHEREAS, the American Cancer Society also anticipates that there will be more than 2,570 deaths in Florida this year attributed to prostate cancer, and

WHEREAS, Florida has the second-highest number of prostate cancer cases and deaths in the United States, and

WHEREAS, African-American and black men have the highest prostate cancer death rate in the world, and a mortality rate that is twice that of white men, and

WHEREAS, the American Cancer Society recommends that annual prostate cancer testing begin at age 50, except for men at high-risk, such as African-Americans and men having a family history of the disease, who are advised to begin annual screening at age 45, and

WHEREAS, the 5-year survival rate for prostate cancer patients is 100 percent if the disease is diagnosed at the local and regional stages, otherwise known as the early stages, and

WHEREAS, the American Cancer Society supports African-American Men’s Health Summits in at least 16 major metropolitan areas across the state in an attempt to increase prostate cancer awareness and prostate screening among African-American men in Florida, and

WHEREAS, the Man-to-Man Program of the American Cancer Society attempts to increase prostate cancer awareness, education, and support during the month of September and throughout the year, NOW, THEREFORE,

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

That September 2006 is recognized as “Prostate Cancer Awareness Month” in Florida and all men are urged to understand the risks associated with prostate cancer, to take preventive steps to minimize those risks, and to talk to their doctor about annual prostate cancer screening and compliance with the prostate cancer screening guidelines recommended by the American Cancer Society.

—**SR 290** was introduced, read and adopted by publication.

At the request of Senator Hill—

By Senator Hill—

SR 1998—A resolution recognizing and commending Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of the State of Florida.

WHEREAS, on November 17, 1911, three Howard University undergraduate students, assisted by their faculty advisor, met and conceived the idea of founding Omega Psi Phi Fraternity, Inc., based on the cardinal principles of “manhood, scholarship, perseverance, and uplift,” and

WHEREAS, Omega Psi Phi Fraternity, Inc., was the first fraternity founded at a Historically Black College or University, and, since its inception, has initiated more than 130,000 members in 550 chapters in 44 states, the District of Columbia, Europe, Asia, Africa, the Bahamas, the Virgin Islands, and Panama, and

WHEREAS, Omega Psi Phi Fraternity, Inc., is committed to rendering community service that makes a difference in quality of life, and has made invaluable contributions toward improving the educational, civic, and social lives of the people it has touched in Florida and throughout the world, and

WHEREAS, Brother George H. Grace of Miami, Florida, presently leads Omega Psi Phi Fraternity, Inc., serving as the Fraternity’s 37th Grand Basileus; Brother Edgar L. Mathis, Sr., of Jacksonville, Florida, is the National Representative for District 7, which includes Florida, Georgia, Alabama, and Mississippi; and Brother Leslie Gamble of Miami, Florida, is the National Representative for the State of Florida, and

WHEREAS, other distinguished Floridians who are Brothers of Omega Psi Phi Fraternity, Inc., include United States Congressman Kendrick Meek, State Senator Anthony C. “Tony” Hill, Sr., State Senator Gary Siplin, State Representative Wilbert “Tee” Holloway, State Representative Frank Peterman, Jr., and Tallahassee Mayor John Marks, NOW, THEREFORE,

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

That the Florida Senate commends Omega Psi Phi Fraternity, Inc., for its invaluable community service to the people of Florida and recognizes March 24, 2006, as "Omega Psi Phi Fraternity, Inc., Day" in the State of Florida.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to George H. Grace, Grand Basileus of Omega Psi Phi Fraternity, Inc., as a tangible token of the sentiments of the Florida Senate.

—SR 1998 was introduced, read and adopted by publication.

At the request of Senator King—

By Senator King—

SR 2804—A resolution commending the Florida Goodwill Association for its contributions to the economic base of the State of Florida.

WHEREAS, Goodwill Industries, operating on the belief that productivity and vocation are cornerstones of life, and that all people have a right to be treated with dignity and respect without regard to race, gender, age, marital status, national origin, or state of health, is now the largest nonprofit provider of vocational training and employment services in the United States, and

WHEREAS, Goodwill Industries provides quality vocational training and employment services to people who are impaired by disabilities and to those who suffer other disadvantages, such as being undereducated or illiterate, welfare-dependent, or homeless, or having a criminal history, and

WHEREAS, through the 104 years of its existence, Goodwill Industries has successfully designed and implemented many innovative vocational training and employment programs, enabling millions of people with disabilities and disadvantages to develop career opportunities and improve the quality of their lives, and

WHEREAS, in the 2005 calendar year, 127,795 Floridians participated in the programs administered by Goodwill Industries, and 43,178 of those participants obtained gainful employment in the communities in which they live, and

WHEREAS, in the 2005 calendar year, the Florida Goodwill Association, through nine local Goodwill Industries entities operating throughout Florida, collectively generated more than \$409,721,168 in earnings realized by people placed in community employment, resulting in a significant contribution to the state's economic base and increasing its tax revenues, NOW, THEREFORE,

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

That the Senate commends the Florida Goodwill Association and the entire Goodwill organization for its valued programs, which have expanded the opportunities and occupational capabilities of millions of Floridians.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Mr. Fred Shelfer, President of the Florida Goodwill Association, as a tangible token of the sentiments of the Florida Senate.

—SR 2804 was introduced, read and adopted by publication.

BILLS ON THIRD READING

SB 1004—A bill to be entitled An act relating to personnel discipline in public schools; amending s. 1012.795, F.S.; authorizing the Education Practices Commission to penalize any person who knowingly obtained or knowingly attempted to obtain an educator certificate by fraudulent means; providing an effective date.

—was read the third time by title.

MOTION

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

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

Amendment 1 (700818)(with title amendment)—On page 2, line 10, after "law" insert: and applies prospectively

And the title is amended as follows:

On page 1, line 7, after the semicolon (;) insert: providing for prospective application of the act;

On motion by Senator Bullard, SB 1004 as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Table listing names of senators who voted 'Yeas' (38 total): Mr. President, Alexander, Aronberg, Atwater, Baker, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Crist, Dawson, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, King, Klein, Lawson, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Rich, Saunders, Sebesta, Siplin, Smith, Villalobos, Webster, Wilson, Wise.

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla

CS for SB 1370—A bill to be entitled An act relating to the Veterans' Nursing Home of Florida Act; amending s. 296.36, F.S.; authorizing the director of the Department of Veterans' Affairs to waive the residency requirement for admittance to a veterans' nursing home under certain circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Saunders, CS for SB 1370 was passed and certified to the House. The vote on passage was:

Yeas—37

Table listing names of senators who voted 'Yeas' (37 total): Mr. President, Alexander, Aronberg, Atwater, Baker, Bennett, Bullard, Campbell, Carlton, Clary, Constantine, Crist, Dawson, Dockery, Fasano, Garcia, Geller, Haridopolos, Hill, Jones, King, Klein, Lawson, Lynn, Margolis, Miller, Peaden, Posey, Pruitt, Rich, Saunders, Sebesta, Siplin, Villalobos, Webster, Wilson, Wise.

Nays—None

Vote after roll call:

Yea—Diaz de la Portilla, Smith

CS for SB 1318—A bill to be entitled An act relating to telephone solicitation; amending s. 501.059, F.S.; defining the terms "cellular telephone," "electronic serial number," and "mobile identification number"; prohibiting a telephone solicitor from making an unsolicited telephonic sales call to any telephone number assigned to a cellular telephone service without the prior consent of the subscriber to the cellular tele-

phone service; amending ss. 501.603 and 648.44, F.S., conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Crist, **CS for SB 1318** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Villalobos

CS for SB 460—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; providing for the proceeds from the sale of Police Athletic League license plates to be distributed to the State of Florida Association of Police Athletic/Activities Leagues, Inc.; authorizing the use of a portion of such fees for administrative and promotional cost; amending s. 320.08068, F.S.; revising provisions governing distribution of the proceeds from the sale of motorcycle specialty license plates; revising the amount and permissible uses of the proceeds; requiring that a portion of the proceeds be distributed to the Blind Services Foundation of Florida; providing an effective date.

—as amended March 22 was read the third time by title.

On motion by Senator Wise, **CS for SB 460** 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
Aronberg	Fasano	Posey
Atwater	Garcia	Pruitt
Baker	Geller	Rich
Bennett	Haridopolos	Saunders
Bullard	Hill	Sebesta
Campbell	Jones	Siplin
Carlton	King	Smith
Clary	Klein	Villalobos
Constantine	Lawson	Webster
Crist	Lynn	Wilson
Dawson	Margolis	Wise

Nays—None

SPECIAL GUEST

President Lee introduced former Lieutenant Governor and current Florida Atlantic University President Frank Brogan who was present in the chamber.

INTRODUCTION OF FORMER SENATOR

President Lee introduced former Senator Ron Silver who was present in the chamber.

SB 1304—A bill to be entitled An act relating to specialty license plates; amending s. 320.08058, F.S.; providing that certain proceeds from the sale of Live the Dream specialty plates shall be distributed to the Sickie Cell Disease Association of Florida, Inc.; providing an effective date.

—was read the third time by title.

On motion by Senator Bullard, **SB 1304** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Atwater

CS for SB 122—A bill to be entitled An act relating to tuition waivers; amending s. 1009.26, F.S.; requiring state universities and community colleges to waive tuition for a recipient of a Purple Heart or other combat decoration superior in precedence who fulfills specified criteria; providing a percentage cap on the number of required credit hours for which a tuition waiver may be received; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **CS for SB 122** was passed and certified to the House. The vote on passage was:

Yeas—38

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

Nays—None

Vote after roll call:

Yea—Carlton

SB 540—A bill to be entitled An act relating to drawings by chance; amending s. 849.0935, F.S.; including chambers of commerce that qualify under 26 U.S.C. s. 501(c)(6) in the organizations that may conduct drawings by chance; providing an effective date.

—was read the third time by title.

On motion by Senator Fasano, **SB 540** was passed and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

SPECIAL ORDER CALENDAR

On motion by Senator Miller—

CS for SB 640—A bill to be entitled An act relating to luring or enticing a child; amending s. 787.025, F.S.; defining the term “convicted”; providing that a person 18 years of age or older who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a misdemeanor of the first degree; providing criminal penalties; providing that a person who has previously been convicted of this offense and who intentionally lures or entices, or attempts to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose commits a felony of the third degree; providing criminal penalties; deleting a presumption regarding what constitutes other than a lawful purpose; amending ss. 775.21, 794.0115, 943.0435, 944.606, 944.607, and 948.32, F.S.; conforming cross-references; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant if there is probable cause to believe that the person is intentionally luring or enticing, or attempting to lure or entice, a child under the age of 12 into a structure, dwelling, or conveyance for other than a lawful purpose; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 640** was placed on the calendar of Bills on Third Reading.

On motion by Senator Baker—

SB 548—A bill to be entitled An act relating to specialty license plates; amending ss. 320.08056 and 320.08058, F.S.; creating the A State of Vision license plate and establishing its annual use fee; providing for the distribution of annual use fees received from the sale of such plates; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 548** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peaden—

SB 1408—A bill to be entitled An act relating to medical records; amending s. 456.057, F.S.; providing definitions; requiring a health care practitioner’s employer who is a records owner and a records custodian to comply with specified requirements for confidentiality and disclosure; amending s. 456.42, F.S.; providing requirements for prescriptions of medicinal drugs by health care practitioners which are electronically generated or transmitted; amending s. 465.025, F.S.; specifying requirements for a prescriber to prevent generic substitution of brand name drugs when a prescription is electronically transmitted or generated; providing an effective date.

—was read the second time by title.

Senator Peaden moved the following amendment:

Amendment 1 (210964)(with title amendment)—On page 2, between lines 24 and 25, insert:

Section 3. Section 456.43, Florida Statutes, is created to read:

456.43 Electronic prescribing for medicinal drugs.—

(1) *Electronic prescribing shall not interfere with a patient’s freedom to choose a pharmacy.*

(2) *Electronic prescribing software shall not use any means or permit any other person to use any means, including, but not limited to, advertising, instant messaging, and pop-up ads, to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a physician at the point of care. Such means shall not be triggered or in specific response to the input, selection, or act of a physician or his or her agent in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.*

(a) *The term “prescribing decision” means a physician’s decision to prescribe a certain pharmaceutical or direct a patient to a certain pharmacy.*

(b) *The term “point of care” means the time that a physician or his or her agent is in the act of prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.*

(3) *Electronic prescribing software may show information regarding a payor’s formulary as long as nothing is designed to preclude or make more difficult the act of a physician or patient selecting any particular pharmacy or pharmaceutical.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: creating s. 456.43, F.S.; regulating electronic prescribing for medicinal drugs; providing restrictions for electronic prescribing software; providing definitions; authorizing electronic prescribing software to show information regarding a payor’s formulary under certain circumstances;

MOTION

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

Senator Peaden moved the following substitute amendment which was adopted:

Amendment 2 (921838)(with title amendment)—On page 2, between lines 24 and 25, insert:

Section 3. Section 456.43, Florida Statutes, is created to read:

456.43 Electronic prescribing for medicinal drugs.—

(1) *Electronic prescribing shall not interfere with a patient’s freedom to choose a pharmacy.*

(2) *Electronic prescribing software shall not use any means or permit any other person to use any means, including, but not limited to, advertising, instant messaging, and pop-up ads, to influence or attempt to influence, through economic incentives or otherwise, the prescribing decision of a prescribing practitioner at the point of care. Such means shall not be triggered or in specific response to the input, selection, or act of a prescribing practitioner or his or her agent in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.*

(a) *The term “prescribing decision” means a prescribing practitioner’s decision to prescribe a certain pharmaceutical or direct a patient to a certain pharmacy.*

(b) *The term “point of care” means the time that a prescribing practitioner or his or her agent is in the act of prescribing a certain pharmaceutical or directing a patient to a certain pharmacy.*

(3) *Electronic prescribing software may show information regarding a payor’s formulary as long as nothing is designed to preclude or make*

more difficult the act of a prescribing practitioner or patient selecting any particular pharmacy or pharmaceutical.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 11, after the first semicolon (;) insert: creating s. 456.43, F.S.; regulating electronic prescribing for medicinal drugs; providing restrictions for electronic prescribing software; providing definitions; authorizing electronic prescribing software to show information regarding a payor's formulary under certain circumstances;

Senator Peaden moved the following amendment which was adopted:

Amendment 3 (115694)(with title amendment)—On page 3, between lines 20 and 21, insert:

Section 4. Paragraph (c) of subsection (7) of section 381.028, Florida Statutes, is amended to read:

381.028 Adverse medical incidents.—

(7) PRODUCTION OF RECORDS.—

(c)1. Fees charged by a health care facility for copies of records requested by a patient under s. 25, Art. X of the State Constitution may not exceed the reasonable and actual cost of complying with the request, including a reasonable charge for the staff time necessary to search for records and prevent the disclosure of the identity of any patient involved in the adverse medical incident through redaction or other means as required by the Health Insurance Portability and Accountability Act of 1996 or its implementing regulations. The health care facility may require payment, in full or in part, before acting on the records request.

2. Fees charged by a health care provider for copies of records requested by a patient under s. 25, Art. X of the State Constitution may not exceed the amount established under s. 456.057(18) ~~s. 456.057(16)~~, which may include a reasonable charge for the staff time necessary to prevent the disclosure of the identity of any patient involved in the adverse medical incident through redaction or other means as required by the Health Insurance Portability and Accountability Act of 1996 or its implementing regulations. The health care provider may require payment, in full or in part, before acting on the records request.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 15, after the semicolon (;) insert: amending s. 381.028, F.S.; conforming a cross-reference;

Pursuant to Rule 4.19, **SB 1408** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

CS for CS for SB 1322—A bill to be entitled An act relating to driver's licenses; amending s. 562.11, F.S.; providing an additional penalty for providing alcoholic beverages to a person under the age of 21; creating s. 322.057, F.S.; authorizing a court to withhold issuance of, or suspend or revoke, the driver's license of certain persons who provide alcoholic beverages to persons under the age of 21; providing an effective date.

—was read the second time by title.

On motion by Senator King, consideration of **CS for CS for SB 1322** was deferred.

On motion by Senator Haridopolos—

CS for SB 1838—A bill to be entitled An act relating to pharmacy common databases; amending s. 465.026, F.S.; deleting a provision authorizing certain community pharmacies to transfer prescriptions for Schedule II medicinal drugs under certain conditions; creating s. 465.0266, F.S.; authorizing the dispensing or refilling of a prescription without a transferred prescription under specified conditions; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1838** was placed on the calendar of Bills on Third Reading.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bullard, by two-thirds vote **SB 1734** was withdrawn from the committee of reference and further consideration.

On motion by Senator Pruitt, by two-thirds vote **SB 1980** was withdrawn from the Committee on Judiciary; **CS for SB 856** was withdrawn from the Committees on Criminal Justice; Justice Appropriations; Ways and Means; and Rules and Calendar; and referred to the Committees on Governmental Oversight and Productivity; General Government Appropriations; and Ways and Means; and **CS for SB 862** was withdrawn from the Committees on Governmental Oversight and Productivity; Ways and Means; and Rules and Calendar; and referred to the Committees on Transportation and Economic Development Appropriations; and Ways and Means.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, March 23, 2006: **CS for SB 640, SB 548, SB 1408, CS for CS for SB 1322, CS for SB 1838**

Respectfully submitted,
Ken Pruitt, Chair

The Committee on Judiciary recommends the following pass: **SB 1434** with 1 amendment

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

The Committee on Criminal Justice recommends the following pass: **SB 1950**

The bill was referred to the Committee on Children and Families under the original reference.

The Committee on Judiciary recommends the following pass: **CS for SB 1566**

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

The Committee on Community Affairs recommends the following pass: **SB 2098** with 2 amendments, **SB 2104**

The bills were referred to the Committee on Environmental Preservation under the original reference.

The Committee on Criminal Justice recommends the following pass: **CS for SB 1168**

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

The Committee on Community Affairs recommends the following pass: **SB 796, SB 1608** with 2 amendments

The Committee on Criminal Justice recommends the following pass: **SB 2322**

The Committee on Governmental Oversight and Productivity recommends the following pass: **SB 1942**

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

The Committee on Governmental Oversight and Productivity recommends the following pass: SB 676

The Committee on Judiciary recommends the following pass: SB 1076, SB 2006

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

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: CS for SB 80

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 568

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 2280

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

The Committee on Education recommends a committee substitute for the following: SB 550

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1546

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

The Committee on Commerce and Consumer Services recommends a committee substitute for the following: SB 1612

The Committee on Community Affairs recommends a committee substitute for the following: SJR 1692

The Committee on Education recommends a committee substitute for the following: CS for SB 1826

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 Criminal Justice recommends a committee substitute for the following: SB 1834

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 1622

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

The Committee on Criminal Justice recommends a committee substitute for the following: SB 476

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

The Committee on Community Affairs recommends a committee substitute for the following: SB 1774

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

The Committee on Criminal Justice recommends committee substitutes for the following: SB 484, SB 1154

The Committee on Education recommends a committee substitute for the following: SB 418

The Committee on Judiciary recommends a committee substitute for the following: CS for SB 1556

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

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Commerce and Consumer Services; Communications and Public Utilities; and Senators Aronberg and Lynn—

CS for CS for SB 80—A bill to be entitled An act relating to electronic mail; requiring certain governmental entities to post a notice on their websites that electronic mail addresses sent to them are subject to release to the public; amending s. 668.606, F.S.; providing an exemption from criminal liability for certain carriers whose equipment transmits commercial electronic mail messages that violate s. 668.603, F.S., which prohibits specified actions relating to transmission of false or misleading unsolicited commercial electronic mail messages; amending s. 668.6075, F.S., and renumbering and amending subsection (2) thereof as s. 668.610, F.S.; providing that remedies and penalties under the Electronic Mail Communications Act are cumulative; creating s. 668.608, F.S.; providing criminal penalties for violations of s. 668.603, F.S., which prohibits specified actions relating to transmission of false or misleading unsolicited commercial electronic mail messages; providing applicability; providing an effective date.

By the Committee on Education; and Senator Hill—

CS for SB 418—A bill to be entitled An act relating to child safety; requiring school boards to adopt policies regarding release of children; providing a definition; requiring that copies of the policies be provided to the Department of Education; requiring nonpublic schools, private schools, and certain child care facilities to adopt policies regarding release of children; requiring that copies of such policies be available on the premises of the schools or child care facilities; defining the term “picture identification”; providing an effective date.

By the Committee on Criminal Justice; and Senator Saunders—

CS for SB 476—A bill to be entitled An act relating to guardianship; amending s. 744.3135, F.S.; providing procedures for completing a guardian’s criminal history record check; authorizing a guardian to use electronic fingerprinting equipment that is available for criminal history record checks of public employees; providing that a guardian need not

be rescreened if he or she uses certain electronic fingerprinting equipment; requiring the Department of Law Enforcement to retain electronically submitted fingerprints and to enter them into the statewide automated fingerprint identification system; requiring the department to search all fingerprint cards received from each guardian and each employee of such guardian against fingerprints retained in the statewide automated fingerprint identification system; requiring a guardian to pay an annual fee to the clerk of court for the background investigation; requiring a guardian and each employee of such guardian to complete an investigation of his or her credit history; requiring the Statewide Public Guardianship Office to adopt a rule for credit investigations of guardians; authorizing the office to inspect the results of any criminal or credit investigation; providing an effective date.

By the Committee on Criminal Justice; and Senators Rich, Campbell, Bennett and Aronberg—

CS for SB 484—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; providing applicability; providing an effective date.

By the Committee on Education; and Senators Baker, Diaz de la Portilla and Campbell—

CS for SB 550—A bill to be entitled An act relating to scholarship programs; renaming the Florida Prepaid College Program as the “Stanley G. Tate Florida Prepaid College Program”; amending s. 1009.972, F.S.; providing for the Florida Prepaid Tuition Scholarship Program to be funded with moneys retained from certain terminated or cancelled contracts under the Florida Prepaid College Program; extending the scholarship program to students with disabilities; authorizing the Florida Prepaid College Board and Prepaid College Foundation Board to approve scholarship programs for such funding; amending s. 1009.98, F.S.; deleting a restriction on the types of postsecondary educational institutions in which a qualified beneficiary may use his or her benefits under the Florida Prepaid College Program; requiring certain advertisements to contain a disclaimer regarding the program; conforming provisions to changes made by the act; extending the scholarship program to students with disabilities; amending s. 1009.984, F.S.; expanding the Florida Prepaid Tuition Scholarship Program to provide scholarships to students with disabilities and students approved by the Florida Prepaid College Board and the Prepaid College Foundation Board; providing an effective date.

By the Committee on Criminal Justice; and Senators Baker, Posey, Haridopolos, Wise and Alexander—

CS for SB 568—A bill to be entitled An act relating to emergency management; amending s. 252.36, F.S.; providing construction with respect to the authority of the Governor to seize, take, or confiscate firearms in the event of an emergency beyond local control; amending s. 870.044, F.S.; providing construction with respect to the seizure, taking, or confiscation of firearms during a state of emergency; reenacting s. 377.703(3)(a), F.S., relating to the authority of the Governor to utilize specified emergency management powers to carry out emergency actions required by a serious shortage of energy sources under the energy emergency contingency plan of the Department of Environmental Protection, for the purpose of incorporating the amendment to s. 252.36, F.S., in a reference thereto; providing an effective date.

By the Committee on Criminal Justice; and Senator Haridopolos—

CS for SB 1154—A bill to be entitled An act relating to alcoholic beverages; creating s. 562.61, F.S.; providing a definition of the term “alcohol vaporizing device”; prohibiting the sale, offer for sale, purchase, or use of machines or devices that vaporize alcohol; providing penalties; providing a fine; providing an effective date.

By the Committee on Criminal Justice; and Senator Posey—

CS for SB 1546—A bill to be entitled An act relating to the carrying of firearms in national forests; repealing s. 790.11, F.S., which prohibits the carrying of firearms in national forests; repealing s. 790.12, F.S., which authorizes the granting of a special permit for the carrying of firearms in a national forest; repealing s. 790.14, F.S., which provides a penalty for violation of ss. 790.11 and 790.12, F.S.; amending s. 790.25, F.S.; correcting cross-references; directing the Department of Environmental Protection to amend the correlative rule in the Florida Administrative Code, to conform; providing an effective date.

By the Committees on Judiciary; Regulated Industries; and Senator Geller—

CS for CS for SB 1556—A bill to be entitled An act relating to condominiums; amending s. 718.117, F.S.; substantially revising provisions relating to the termination of the condominium form of ownership of a property; providing legislative findings; providing grounds for termination; providing powers and duties of the board of administration of the association; waiving certain notice requirements following natural disasters; providing requirements for a plan of termination; providing for the allocation of proceeds from the sale of condominium property; providing powers and duties of a termination trustee; providing notice requirements; providing a procedure for contesting a plan of termination; providing rules for the distribution of property and sale proceeds; providing for the association’s status following termination; allowing the creation of another condominium by the trustee; specifying an exclusion; providing an effective date.

By the Committee on Commerce and Consumer Services; and Senators Baker, Aronberg, Argenziano, Alexander, Bennett, Lawson, Peaden, Smith, Lynn, Bullard and King—

CS for SB 1612—A bill to be entitled An act relating to fiscally constrained counties; amending s. 212.20, F.S.; providing for a distribution of tax revenue to fiscally constrained counties; amending s. 218.65, F.S.; providing for a transitional emergency distribution from the Local Government Half-cent Sales Tax Clearing Trust Fund to certain fiscally constrained counties; revising criteria for receiving certain funds from the Local Government Half-cent Sales Tax Clearing Trust Fund; creating s. 218.67, F.S.; providing eligibility criteria to qualify as a fiscally constrained county; providing for the distribution of additional funds to certain fiscally constrained counties; providing for a phaseout period; providing for the use of funds; amending s. 288.1169, F.S.; correcting a cross-reference; amending s. 985.2155, F.S.; revising the definition of the term “fiscally constrained county” applicable to shared county and state responsibility for juvenile detention; providing an effective date.

By the Committee on Criminal Justice; and Senator Haridopolos—

CS for SB 1622—A bill to be entitled An act relating to inmate litigation costs; creating s. 945.6038, F.S.; requiring the Department of Corrections to charge inmates for specified costs relating to inmate litigation; authorizing liens on inmate trust funds; requiring rulemaking; providing for application of the act; providing an effective date.

By the Committee on Community Affairs; and Senator Clary—

CS for SJR 1692—A joint resolution proposing an amendment to Section 4 of Article VII of the State Constitution to authorize legislation that would permit counties to enact ordinances which prohibit an increase in the assessed value of homestead property owned by certain persons who are 62 years of age or older.

By the Committee on Community Affairs; and Senator Constantine—

CS for SB 1774—A bill to be entitled An act relating to building codes; authorizing the Florida Building Commission to update and modify the

standard for wind design; repealing s. 553.71(10), F.S., relating to a definition of the term “exposure category C”; amending s. 553.73, F.S.; revising the requirements for selecting codes to form the updated Florida Building Code; authorizing the Florida Building Commission to approve and publish amendments to the Florida Building Code under certain circumstances; authorizing certain authorities to enforce the amendments to the Florida Building Code; amending s. 553.775, F.S.; prohibiting certain procedures from being invoked to interpret the Florida Accessibility Code for Building Construction and chapter 11 of the Florida Building Code; amending s. 553.791, F.S.; providing for the use of private providers of building code inspection services following commencement of construction; providing an effective date.

By the Committees on Education; Health Care; and Senators Saunders and Fasano—

CS for CS for SB 1826—A bill to be entitled An act relating to biomedical research; providing legislative intent; amending s. 20.435, F.S.; authorizing the use of funds in the Biomedical Research Trust Fund for the purposes of the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; amending s. 215.5602, F.S.; revising the membership and the method for appointing members to the Biomedical Research Advisory Council; requiring the council to award grants for cancer research through the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program; authorizing the Legislature to annually appropriate funds to the James and Esther King Biomedical Research Program; providing for transition to new appointments; amending s. 381.855, F.S.; revising the membership of the advisory council for the Florida Center for Universal Research to Eradicate Disease; providing for terms of office and the filling of vacancies; providing for officers, meetings, and procedures; authorizing the Legislature to annually appropriate funds to the Florida Center for Universal Research to Eradicate Disease; providing for transition to new appointments; amending s. 381.921, F.S.; revising a goal of the Florida Cancer Council; creating s. 381.922, F.S.; establishing the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program within the Department of Health; providing the purpose of the program; requiring the program to provide grants for cancer research; providing procedures for awarding cancer research grants; providing for peer-review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; requiring an annual report; amending s. 561.121, F.S.; redistributing certain funds collected from taxes on alcoholic beverages; amending s. 1004.445, F.S.; revising the method of appointing and filling vacancies on the board of directors of the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute; requiring certain information in the annual report; requiring an annual operating budget; providing procedures for awarding of Alzheimer’s disease research grants; providing for peer-review panels; providing requirements with respect to ethical conduct and conflicts of interest; providing for public records and meetings; authorizing the Legislature to annually appropriate funds to the Johnnie B. Byrd, Sr., Alzheimer’s Center and Research Institute; providing for transition to new appointments; providing appropriations; providing effective dates.

By the Committee on Criminal Justice; and Senator Baker—

CS for SB 1834—A bill to be entitled An act relating to sexual predators; creating s. 794.075, F.S.; prohibiting a sexual predator from possessing prescription drugs for the purpose of treating erectile dysfunction; providing criminal penalties; providing an effective date.

By the Committee on Criminal Justice; and Senator Argenziano—

CS for SB 2280—A bill to be entitled An act relating to high-risk offenders; amending s. 322.141, F.S.; requiring distinctive markings for driver’s licenses and identification cards issued to persons who are designated as sexual predators or subject to registration as sexual offenders; amending s. 322.212, F.S.; prohibiting the alteration of sexual predator or sexual offender markings on driver’s licenses or identification cards,

for which there are criminal penalties; amending s. 775.21, F.S.; requiring sexual predators to obtain a distinctive driver’s license or identification card; amending s. 943.0435, F.S.; requiring sexual offenders to obtain a distinctive driver’s license or identification card; amending s. 944.607, F.S.; requiring specified offenders who are under the supervision of the Department of Corrections but are not incarcerated to obtain a distinctive driver’s license or identification card; amending s. 1012.465, F.S.; amending background screening requirements for certain noninstructional school district employees and contractors; adding noninstructional contractors to those who must meet the screening requirements; defining the terms “noninstructional contractor,” “convicted,” and “school grounds”; creating s. 1012.467, F.S.; providing for the submission of fingerprints; requiring school districts to screen results of criminal records checks; requiring the cost of background screening requirements to be borne by certain parties; providing a cap on fees that may be charged; providing a list of violations that such persons must not have committed if they are to satisfy the screening requirements; providing sanctions for failure to meet requirements; providing grounds for contesting denial of access to school grounds; providing reporting requirements; providing that the failure to meet requirements is a misdemeanor of the first degree; allowing certain educational entities to share information derived from checks of criminal history records; authorizing the Department of Law Enforcement to adopt rules; providing immunity from civil or criminal liability; creating s. 1012.468, F.S.; specifying exemptions for contractors; providing criteria and conditions; providing that exempted contractors are subject to a search of certain databases that list sexual predators and sexual offenders; providing consequences of a failure to meet the screening requirements; prohibiting school districts from conducting additional criminal history checks; providing effective dates.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 22 was corrected and approved.

CO-INTRODUCERS

Senators Argenziano—CS for SB 1754; Atwater—CS for SB 122, CS for SB 276, SR 2768; Baker—SB 1252; Bennett—SB 206; Bullard—SB 318, SB 344, SB 558, SB 610, SB 612; Campbell—SB 2244, SB 2554; Crist—SB 690, SB 1398; Fasano—CS for SB 862, SB 1876; Geller—SB 318; Hill—SB 344, SB 558, SB 610, SB 612, SB 2648; Lawson—SB 344, SB 558, SB 612, SB 2648; Lynn—CS for SB 656; Margolis—SB 2660; Miller—SCR 204, CS for SB 366, SB 432, SB 796, SB 1406, SB 2466; Rich—SB 1396, SB 2328; Siplin—SB 910; Wilson—SB 2592, SB 2648, SB 2660

RECESS

On motion by Senator Pruitt, the Senate recessed at 11:06 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, March 29 or upon call of the President.

BILL ACTION SUMMARY

THURSDAY, MARCH 23, 2006

- S 122 Read third time; CS passed 38-0
- S 290 Read second time; Adopted
- S 460 Read third time; CS passed as amended 39-0
- S 540 Read third time; Passed 39-0
- S 548 Read second time
- S 640 Read second time
- S 1004 Read third time; Passed as amended 38-0
- S 1304 Read third time; Passed 38-0
- S 1318 Read third time; CS passed 38-0
- S 1322 Read second time
- S 1370 Read third time; CS passed 37-0
- S 1408 Read second time
- S 1734 Withdrawn from further consideration
- S 1838 Read second time
- S 1998 Read second time; Adopted
- S 2152 Read second time; Adopted
- S 2362 Read second time; Adopted
- S 2804 Read second time; Adopted

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CR — Committee Report

CS — Committee Substitute, First Reading
FR — First Reading
MO — Motion

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