



# *The Journal* OF THE *House of Representatives*

Number 10

Thursday, March 27, 2003

The House was called to order by the Speaker at 10:00 a.m.

## **Election of Rep. Thad Altman**

The Department of State notified the Clerk of the House that Rep. Thad Altman had been elected on March 25, in a special general election, as a Member of the House of Representatives from District 30, replacing Rep. Mike Haridopolos, who had resigned effective March 11.

## **Oath of Office Administered**

On motion by Rep. Ross, the Speaker appointed Reps. Harrington, Murman, Bense, Cantens, Johnson, Spratt, and Goodlette as a committee to escort Rep. Altman and his family to the well for the administration of the Oath of Office.

Justice Kenneth B. Bell, Florida Supreme Court, administered the Oath of Office prescribed by the Constitution.

The Speaker welcomed the new Member of the Florida House of Representatives and recognized him for introductions and for brief remarks. Rep. Altman introduced his family: wife, Mary Pat; daughter, McKenzie; sons, Hunter and Sullivan; father, T. A. Altman; mother, Roberta Altman; father-in-law, Frank Sullivan; mother-in-law, Jeanette Sullivan; and special guest, Janice Futch Guilbeau, daughter of the late Senator Howard E. Futch.

## **Moment of Silence**

At the request of Rep. Kottkamp, the House observed a moment of silence in memory of Marine Lance Corporal David K. Fribley of Lee County. Cpl. Fribley was killed in action during Operation Iraqi Freedom.

## **Moment of Silence**

At the request of Rep. Kendrick, the House observed a moment of silence in memory of Marine Lance Corporal Brian Rory Buesing of Cedar Key. Cpl. Buesing was killed in action during Operation Iraqi Freedom.

## **Prayer**

The following prayer was offered by the Reverend J. Sterling Forrester of Southside Baptist Church of Bradenton, upon invitation of Rep. Galvano:

Almighty God and Father of us all, we bow first in recognition of the gift of a new day and the rich heritage of nation and state that brings this body together in a common task. We ask Your constant blessings in the lives of all who serve the State of Florida and in the lives of their families and loved ones.

May the welfare of all our citizens be considered in each deliberation of this session. We pray for wisdom and insight of mind and of heart in reaching each decision. And if there should be honest differences in challenging issues, may there yet be always unanimity of dedication to the highest ideals of the democratic process.

Today, as we pray for the concerns of this State, we also would unite with Americans everywhere in praying for our nation. In this time of military conflict we seek to uphold in prayer all who serve the cause of freedom, from the young soldier in the desert to the Commander-in-Chief in the Oval Office. Indeed, we pray for all our troops wherever in the world they may serve.

With burdened hearts we lift up to You the wounded, the prisoners of war, those missing in action, and their families. In special prayer, we bring to You those of our own State and their service and sacrifice. We are saddened so deeply as we remember and honor those who have given the last full measure of devotion. May their families know the strength of Your love and the gratitude of a nation that cares.

And now in both petition and affirmation we pray, God bless the great State of Florida and God bless America. In Your Holy Name we pray. Amen.

The following Members were recorded present:

Session Vote Sequence: 50

Speaker Byrd in the Chair.

|                     |            |            |             |
|---------------------|------------|------------|-------------|
| Adams               | Brummer    | Gannon     | Jordan      |
| Allen               | Brutus     | Garcia     | Joyner      |
| Altman              | Bucher     | Gardiner   | Justice     |
| Ambler              | Bullard    | Gelber     | Kallinger   |
| Anderson            | Byrd       | Gibson, A. | Kendrick    |
| Antone              | Carassas   | Gibson, H. | Kilmer      |
| Arza                | Clarke     | Goodlette  | Kosmas      |
| Attkisson           | Cretul     | Gottlieb   | Kottkamp    |
| Ausley              | Culp       | Green      | Kravitz     |
| Barreiro            | Cusack     | Greenstein | Kyle        |
| Baxley              | Davis, D.  | Harper     | Littlefield |
| Bean                | Davis, M.  | Harrell    | Llorente    |
| Bendross-Mindingall | Dean       | Harrington | Machek      |
| Bense               | Detert     | Hasner     | Mack        |
| Benson              | Domino     | Henriquez  | Mahon       |
| Berfield            | Evers      | Hogan      | Mayfield    |
| Bilirakis           | Farkas     | Holloway   | McInvale    |
| Bowen               | Fields     | Homan      | Meadows     |
| Brandenburg         | Fiorentino | Jennings   | Mealor      |
| Brown               | Galvano    | Johnson    | Murman      |

|           |            |          |          |
|-----------|------------|----------|----------|
| Murzin    | Quinones   | Russell  | Stansel  |
| Needelman | Reagan     | Ryan     | Stargel  |
| Negron    | Rich       | Sansom   | Troutman |
| Patterson | Richardson | Seiler   | Vana     |
| Paul      | Ritter     | Simmons  | Wiles    |
| Peterman  | Rivera     | Slosberg | Wishner  |
| Pickens   | Robaina    | Smith    | Zapata   |
| Planas    | Roberson   | Sobel    |          |
| Poppell   | Ross       | Sorensen |          |
| Prieguez  | Rubio      | Pratt    |          |

(A list of excused Members appears at the end of the *Journal*.)

A quorum was present.

## Pledge

The Members, led by Sam Neimeiser of Tallahassee, Douglas Phillips of Lakeland, Joshua S. Platt of Winter Haven, Stacy Rodriguez of Cape Coral, Jeffrey Shapiro of Longboat Key, Victoria Anne Sheets of Lakeland, Katherine Jayne Sherer of Spanish Fort, Alabama, Michael R. Treiser of Naples, Alan R. Yanuck of Palm Harbor, and Bryars Byrd of Plant City, pledged allegiance to the Flag. Sam Neimeiser served at the invitation of Rep. Arza. Douglas Phillips served at the invitation of Rep. Johnson. Joshua S. Platt served at the invitation of Rep. Bowen. Stacy Rodriguez served at the invitation of the Speaker. Jeffrey Shapiro served at the invitation of Rep. Clarke. Victoria Anne Sheets served at the invitation of Rep. Ross. Katherine Jayne Sherer served at the invitation of the Speaker. Michael R. Treiser served at the invitation of Rep. M. Davis. Alan R. Yanuck served at the invitation of Rep. Bilirakis. Bryars Byrd served at the invitation of his father, the Speaker.

## House Physician

The Speaker introduced Dr. Richard Weizenecker of Lake City, who served in the Clinic today upon invitation of Rep. Stansel.

## Correction of the *Journal*

The *Journal* of March 25 was corrected and approved as follows: On page 253, column 1, lines 4-20 from the bottom, delete all of said lines, and insert:

**HB 1767**—Withdrawn

**HB 1769**—Withdrawn

The *Journal* of March 26 was corrected and approved as follows: On page 258, column 1, line 22 from the bottom, delete “Adams” and insert: Evers

## Committee and Subcommittee Assignments

The Speaker advised that he had made the following committee appointments in addition to previous appointments: Rep. Brandenburg to the Committee on Appropriations; Rep. Patterson to the Committee on Appropriations; and Rep. Greenstein to the Committee on Health Care.

## Reports of Standing Committees

### Report of the Subcommittee on Rules

*The Honorable Johnnie Byrd*  
*Speaker, House of Representatives*

March 25, 2003

*Dear Mr. Speaker:*

Your Subcommittee on Rules herewith submits Special Orders for Thursday, March 27, 2003. Consideration of the House Bills on Special Orders shall include their Senate companion measures.

I. Consideration of the following bill(s):  
HB 1739 - Education K-20, Kilmer  
Access to Postsecondary Education  
HB 1757 - Business Regulation, Prieguez  
Florida Clean Indoor Air Act  
HB 365 CS - Ross  
Audits of State Agency Direct-Support Organizations and Citizen Support Organizations  
HB 415 - Baxley  
Obscenity  
HB 825 – D. Davis  
Controlled Substances  
HB 1703 - Public Safety & Crime Prevention, Barreiro  
Mitigating Factors in Certain Offenses  
HB 803 - Barreiro  
Special Observances

This report is submitted after consultation with the Minority Leader.

Respectfully submitted,  
*Sandra L. Murman*  
Co-Chair  
Subcommittee on Rules

*Dennis A. Ross*  
Co-Chair  
Subcommittee on Rules

On motion by Rep. Smith, the rules were waived and the above report was adopted.

## Motions Relating to Committee References

On motion by Rep. Rubio, by the required two-thirds vote, HB 1427 and HB 1429 were withdrawn from further consideration of the House.

## Bills and Joint Resolutions on Third Reading

**HB 739**—A bill to be entitled An act relating to succession to the office of Governor; amending s. 14.055, F.S.; revising provisions relating to succession to the office of Governor; reenacting s. 14.056, F.S., relating to succession as Acting Governor, to provide for the same amendments to succession in office as provided for succession to the office of Governor; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 51

Speaker Byrd in the Chair.

Yeas—115

|                     |           |            |             |
|---------------------|-----------|------------|-------------|
| Adams               | Brown     | Fiorentino | Johnson     |
| Allen               | Brummer   | Gannon     | Jordan      |
| Altman              | Brutus    | Garcia     | Joyner      |
| Ambler              | Bucher    | Gardiner   | Justice     |
| Anderson            | Bullard   | Gelber     | Kallinger   |
| Antone              | Byrd      | Gibson, A. | Kendrick    |
| Arza                | Carassas  | Gibson, H. | Kilmer      |
| Attkisson           | Clarke    | Goodlette  | Kosmas      |
| Ausley              | Cretul    | Gottlieb   | Kottkamp    |
| Barreiro            | Culp      | Green      | Kravitz     |
| Baxley              | Cusack    | Greenstein | Kyle        |
| Bean                | Davis, D. | Harper     | Littlefield |
| Bendross-Mindingall | Davis, M. | Harrell    | Llorente    |
| Bense               | Dean      | Harrington | Machek      |
| Benson              | Detert    | Hasner     | Mack        |
| Berfield            | Domino    | Henriquez  | Mahon       |
| Bilirakis           | Evers     | Hogan      | Mayfield    |
| Bowen               | Farkas    | Holloway   | McInvale    |
| Brandenburg         | Fields    | Jennings   | Meadows     |

|           |            |          |          |
|-----------|------------|----------|----------|
| Mealor    | Poppell    | Ross     | Sorensen |
| Murman    | Prieguez   | Rubio    | Spratt   |
| Murzin    | Quinones   | Russell  | Stansel  |
| Needelman | Reagan     | Ryan     | Stargel  |
| Negron    | Rich       | Sansom   | Troutman |
| Patterson | Richardson | Seiler   | Vana     |
| Paul      | Ritter     | Simmons  | Wiles    |
| Peterman  | Rivera     | Slosberg | Wishner  |
| Pickens   | Robaina    | Smith    | Zapata   |
| Planas    | Roberson   | Sobel    |          |

Nays—None

So the bill passed, as amended. On motion by Rep. Kottkamp, the rules were waived and the bill was immediately certified to the Senate.

On motion by Rep. Rivera, consideration of **HB 1627** was temporarily postponed under Rule 11.10.

Consideration of **HB 565** was temporarily postponed under Rule 11.10.

## Special Orders

### Special Order Calendar

**HB 1739**—A bill to be entitled An act relating to access to postsecondary education; creating s. 1007.02, F.S., relating to access to postsecondary education and meaningful careers for students with disabilities; defining the term “student with a disability”; amending s. 1003.43, F.S., relating to high school graduation requirements; deleting requirement that the life management skills course be taken at specific grade levels; requiring the State Board of Education to adopt rules providing for test accommodations and modifications of procedures for students with disabilities; requiring the award of a standard diploma to a student with a disability who meets certain criteria; amending s. 1007.263, F.S., relating to admissions of students to community colleges; requiring admissions counseling for students entering career credit programs; requiring the use of certain tests; providing criteria for certain students to enroll in certificate career education programs; providing eligibility for reasonable substitutions for students with documented disabilities; amending s. 1007.264, F.S.; providing eligibility for reasonable substitutions for admission to postsecondary educational institutions for certain students with disabilities; creating s. 1007.265, F.S.; providing eligibility for reasonable substitutions for requirements for graduation, study program admission, and upper-division entry for certain students with disabilities; requiring the State Board of Education to adopt rules and develop substitute requirements; amending s. 1007.27, F.S.; requiring the State Board of Education to review and report on the use of acceleration mechanisms and grading practices, including the weighting of courses, for credit and admission; amending s. 1008.22, F.S., relating to student assessment for public schools; providing a cross reference; amending s. 1002.21, F.S.; correcting a cross reference; providing an effective date.

—was read the second time by title. On motion by Rep. Kilmer, the rules were waived and the bill was read the third time by title.

On motion by Rep. Kilmer, the board was opened [Session Vote Sequence: 52] and the following Members were recorded as cosponsors of the measure along with the Committee on Education K-20 and Rep. Kilmer: Reps. Adams, Allen, Altman, Ambler, Anderson, Antone, Arza, Attkisson, Ausley, Barreiro, Baxley, Bean, Bendross-Mindingall, Bense, Benson, Berfield, Bilirakis, Bowen, Brandenburg, Brown, Brutus, Bucher, Bullard, Byrd, Carassas, Clarke, Cretul, Culp, Cusack, D. Davis, M. Davis, Dean, Detert, Domino, Evers, Farkas, Fields, Fiorentino, Galvano, Gannon, Garcia, Gardiner, Gelber, A. Gibson, H. Gibson, Goodlette, Gottlieb, Green, Greenstein, Harper, Harrell, Harrington, Hasner, Henriquez, Hogan, Holloway, Homan, Jennings, Jordan, Joyner, Justice, Kallinger, Kendrick, Kosmas, Kottkamp, Kravitz, Kyle, Littlefield, Llorente, Machek, Mack, Mahon, McInvale, Meadows, Mealor, Murman, Murzin, Needelman, Negron, Patterson, Paul, Peterman, Pickens, Planas, Poppell, Prieguez, Quinones, Reagan, Rich, Richardson,

Ritter, Rivera, Robaina, Roberson, Ross, Rubio, Russell, Ryan, Sansom, Seiler, Simmons, Slosberg, Smith, Sobel, Sorensen, Spratt, Stansel, Stargel, Troutman, Vana, Wiles, Wishner, and Zapata.

The question recurred on the passage of HB 1739. On passage, the vote was:

Session Vote Sequence: 53

Speaker Byrd in the Chair.

Yeas—116

|                     |            |             |            |
|---------------------|------------|-------------|------------|
| Adams               | Cusack     | Jennings    | Planas     |
| Allen               | Davis, D.  | Johnson     | Poppell    |
| Altman              | Davis, M.  | Jordan      | Prieguez   |
| Ambler              | Dean       | Joyner      | Quinones   |
| Anderson            | Detert     | Justice     | Reagan     |
| Antone              | Domino     | Kallinger   | Rich       |
| Arza                | Evers      | Kendrick    | Richardson |
| Attkisson           | Farkas     | Kilmer      | Ritter     |
| Ausley              | Fields     | Kosmas      | Rivera     |
| Barreiro            | Fiorentino | Kottkamp    | Robaina    |
| Baxley              | Galvano    | Kravitz     | Roberson   |
| Bean                | Gannon     | Kyle        | Ross       |
| Bendross-Mindingall | Garcia     | Littlefield | Rubio      |
| Bense               | Gardiner   | Llorente    | Ryan       |
| Benson              | Gelber     | Machek      | Sansom     |
| Berfield            | Gibson, A. | Mack        | Seiler     |
| Bilirakis           | Gibson, H. | Mahon       | Simmons    |
| Bowen               | Goodlette  | Mayfield    | Slosberg   |
| Brandenburg         | Gottlieb   | McInvale    | Smith      |
| Brown               | Green      | Meadows     | Sobel      |
| Brutus              | Greenstein | Mealor      | Sorensen   |
| Bucher              | Harper     | Murman      | Spratt     |
| Bullard             | Harrell    | Murzin      | Stansel    |
| Byrd                | Harrington | Needelman   | Stargel    |
| Cantens             | Hasner     | Negron      | Troutman   |
| Carassas            | Henriquez  | Patterson   | Vana       |
| Clarke              | Hogan      | Paul        | Wiles      |
| Cretul              | Holloway   | Peterman    | Wishner    |
| Culp                | Homan      | Pickens     | Zapata     |

Nays—None

So the bill passed and was certified to the Senate.

On motion by Rep. Ross, the House moved to the order of—

## Resolutions

### Space Industry Day

**HR 9063**—A resolution declaring March 27, 2003, "Florida Space Industry Day."

WHEREAS, Florida has been the world's premier gateway to space for human exploration, national defense, and commerce for more than fifty years, and

WHEREAS, Florida's space industry is a statewide enterprise, providing high-technology, high-paying jobs in fields including manufacturing, technology development, services, and space tourism, and

WHEREAS, Florida's military space programs develop and deliver into orbit satellites that enable intelligence gathering, national defense, and precision delivery of force, and

WHEREAS, universities throughout Florida are performing leading-edge research and technology development in a rapidly expanding number of fields, and

WHEREAS, Florida educators are applying space education to create new

opportunities for learning, discovery, and inspiring the next explorers, and

WHEREAS, Florida's space community is working tirelessly to overcome the loss of the Columbia and her crew in order to safely resume human space flight, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the Florida House of Representatives declares March 27, 2003, "Florida Space Industry Day."

BE IT FURTHER RESOLVED that the Florida House of Representatives commends Florida's space industry, federal, state, and private organizations, and educators for their contributions to the state's economy, national defense, exploration, and education.

—was read the second time by title.

On motion by Rep. Allen, the rules were waived and the privilege of the floor was granted to the following astronauts in honor of Space Industry Day: Major General Roy D. Bridges, Jr., Director of Kennedy Space Center; Bruce E. Melnick, President of Boeing Space Coast Operations; and Dr. Samuel T. Durrance, Executive Director of the Florida Space Research Institute.

The Speaker recognized Rep. Allen to approach the well, where he gave brief remarks.

On motion by Rep. Allen, the resolution was adopted.

On motion by Rep. Ross, the House moved to the order of—

## Bills and Joint Resolutions on Third Reading

**HB 565**—A bill to be entitled An act relating to Lee County; amending the Lee County Home Rule Charter to provide for the election of commissioners from single districts; providing for the creation of districts; providing an exception; providing for a referendum; providing a ballot statement; providing for the staggering of commissioner terms; providing an effective date.

—was read the third time by title. On passage, the vote was:

Session Vote Sequence: 54

Speaker Byrd in the Chair.

Yeas—112

|                     |            |             |            |
|---------------------|------------|-------------|------------|
| Adams               | Clarke     | Harrington  | Murman     |
| Allen               | Cretul     | Hasner      | Murzin     |
| Altman              | Culp       | Henriquez   | Needelman  |
| Ambler              | Cusack     | Holloway    | Negron     |
| Anderson            | Davis, D.  | Homan       | Patterson  |
| Antone              | Davis, M.  | Jennings    | Paul       |
| Arza                | Dean       | Johnson     | Peterman   |
| Ausley              | Detert     | Jordan      | Pickens    |
| Barreiro            | Domino     | Joyner      | Planas     |
| Baxley              | Evers      | Justice     | Poppell    |
| Bean                | Farkas     | Kallinger   | Prieguez   |
| Bendross-Mindingall | Fields     | Kendrick    | Quinones   |
| Bense               | Fiorentino | Kilmer      | Reagan     |
| Benson              | Galvano    | Kosmas      | Rich       |
| Berfield            | Gannon     | Kottkamp    | Richardson |
| Bilirakis           | Gardiner   | Kravitz     | Rivera     |
| Bowen               | Gelber     | Kyle        | Robaina    |
| Brandenburg         | Gibson, A. | Littlefield | Roberson   |
| Brown               | Gibson, H. | Llorente    | Ross       |
| Brummer             | Goodlette  | Machek      | Rubio      |
| Brutus              | Gottlieb   | Mack        | Russell    |
| Bucher              | Green      | Mahon       | Ryan       |
| Bullard             | Greenstein | Mayfield    | Sansom     |
| Byrd                | Harper     | McInvale    | Seiler     |
| Cantens             | Harrell    | Meadows     | Simmons    |

|          |          |          |         |
|----------|----------|----------|---------|
| Slosberg | Sorensen | Stargel  | Wiles   |
| Smith    | Spratt   | Troutman | Wishner |
| Sobel    | Stansel  | Vana     | Zapata  |

Nays—None

So the bill passed, as amended, and was immediately certified to the Senate.

On motion by Rep. Ross, the House moved to the order of—

## Special Orders

### Special Order Calendar

**HB 1757**—A bill to be entitled An act relating to the Florida Clean Indoor Air Act; revising various provisions of pt. II of ch. 386, F.S., the Florida Clean Indoor Air Act, for the purpose of implementing s. 20, Art. X of the State Constitution; amending s. 386.201, F.S.; providing a popular name; amending s. 386.202, F.S.; revising legislative intent; amending s. 386.203, F.S.; providing definitions; amending s. 386.204, F.S.; revising exceptions to the prohibition on smoking in an enclosed indoor workplace; amending s. 386.206, F.S.; providing for continuation of requirements with respect to the posting of signs stating that smoking is not permitted in an indoor workplace; providing for expiration of such provisions; requiring the proprietor or person in charge of an enclosed indoor workplace to develop and implement a policy regarding smoking prohibitions; amending s. 386.207, F.S., relating to administration, enforcement, and civil penalties; removing a cross reference, to conform; eliminating exemptions; amending s. 386.208, F.S.; clarifying language; reenacting s. 386.209, F.S., which preempts regulation of smoking to the state; amending s. 386.211, F.S., relating to public announcements in mass transportation terminals, to conform; reenacting s. 386.212, F.S., which prohibits any person under 18 years of age from smoking tobacco in, on, or within 1,000 feet of the real property comprising a public or private elementary, middle, or secondary school and provides penalties therefor; repealing s. 386.205, F.S., relating to designation of smoking areas; providing severability; providing an effective date.

—was read the second time by title.

### REPRESENTATIVE MURMAN IN THE CHAIR

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk.

**HB 365**—A bill to be entitled An act relating to citizen support organizations; amending s. 215.981, F.S.; limiting financial audits of certain citizen support organizations; deleting a limited financial audit requirement for a specific citizen support organization; providing an effective date.

The Committee on State Administration recommended the following:

**HB 365 CS**—A bill to be entitled An act relating to audits of state agency direct-support organizations and citizen support organizations; amending s. 215.981, F.S.; specifying financial audit requirements for certain direct-support organizations and citizen support organizations; excluding certain organizations from such requirements; requiring the Department of Environmental Protection to establish financial management guidelines; requiring the department to conduct operational and financial reviews of certain direct-support organizations or citizen support organizations each year; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Baxley, consideration of **HB 415** was temporarily postponed under Rule 11.10.

**HB 825** was taken up. On motion by Rep. D. Davis, CS for SB 160 was substituted for HB 825. Under Rule 5.13, the House bill was laid on the table

and—

**CS for SB 160**—A bill to be entitled An act relating to controlled substances; creating s. 893.031, F.S.; providing definitions; specifying that for purposes of certain industrial uses, 1,4-Butanediol and gamma-butyrolactone (GBL) are excepted from the schedule of controlled substances when in the possession of an authorized manufacturer or distributor or person possessing a finished product; providing circumstances under which the exceptions do not apply; reenacting s. 893.03(1)(d), F.S., relating to certain substances controlled under Schedule I; amending s. 893.13, F.S.; clarifying the hours during which it is unlawful to sell, manufacture, deliver, or possess a controlled substance within a specified distance of a child care facility or public or private elementary, middle, or secondary school; amending s. 893.135, F.S., relating to trafficking offenses; correcting a case citation; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

**HB 1703**—A bill to be entitled An act relating to mitigating factors in certain offenses; amending s. 921.0026, F.S.; providing that the fact that a victim was an initiator, willing participant, aggressor, or provoker of an incident, or consented to an incident, is not a mitigating factor to offenses under ch. 794, F.S., or s. 800.04, F.S., under certain circumstances; providing that the fact a person committed a felony level offense of driving under the influence under s. 316.193 in an unsophisticated manner is not a mitigating factor for such offense; providing an effective date.

—was read the second time by title.

Representative Barreiro offered the following:

(Amendment Bar Code: 873507)

**Amendment 1 (with title amendment)**—Remove line(s) 56-80, and insert:

remorse.

(k) At the time of the offense the defendant was too young to appreciate the consequences of the offense.

(l) The defendant is to be sentenced as a youthful offender.

(3) The defendant's substance abuse or addiction, including intoxication at the time of the offense, is not a mitigating factor under subsection (2) and does not, under any circumstances, justify a downward departure from the permissible sentencing range.

(4) In cases in which the victim is under 16 years of age, the fact that the victim was an initiator, willing participant, aggressor, or provoker of the incident, or consented to the incident, is not a mitigating factor to any offense contained in chapter 794 or s. 800.04 in which consent is not a defense if the offender was more than 4 years older than the victim at the time of the offense. Such fact, under the circumstances provided in this subsection, shall not justify a downward departure from the permissible sentencing range.

Remove line(s) 8-11, and insert:  
providing an effective date.

Rep. Barreiro moved the adoption of the amendment, which was adopted.

Under Rule 10.10(b), the bill was referred to the Engrossing Clerk and in compliance with Rule 10.11, the waiting period for passage commenced.

**HB 803**—A bill to be entitled An act relating to special observances; creating s. 683.195, Florida Statutes; designating the month of January of each year as "Florida Jewish History Month"; providing for a proclamation by the Governor to that effect; providing an effective date.

—was read the second time by title and, under Rule 10.10(b), referred to the Engrossing Clerk.

On motion by Rep. Ross, the House moved to the order of—

## Messages from the Senate

*The Honorable Johnnie Byrd, Speaker*

I am directed to inform the House of Representatives that the Senate has passed SB 1488, as amended, and requests the concurrence of the House.

*Faye W. Blanton, Secretary*

By the Committee on Banking and Insurance and Senator Atwater—

**SB 1488**—A bill to be entitled An act relating to governmental reorganization; revising various statutory provisions relating to the Cabinet and to members of the Cabinet, which provisions were affected by the amendment of Article IV, Section 4 of the State Constitution; amending s. 13.05, F.S.; providing membership of the Governor's Committee on Interstate Cooperation; creating s. 14.2001, F.S.; providing that, in a tie vote of the Governor and Cabinet, the side on which the Governor voted will be considered the prevailing side in the absence of contrary statutory intent; amending s. 14.202, F.S.; conforming provisions relating to meetings of and voting by the Administration Commission; amending s. 14.24, F.S.; providing for selection of members of the Florida Commission on the Status of Women; amending s. 114.03, F.S.; conforming provisions relating to executive officers not absenting themselves from the capital without permission; amending ss. 121.0312, 121.055, F.S.; conforming provisions relating to the State Board of Administration; amending s. 121.4501, F.S.; deleting provisions that create the Public Employee Optional Retirement Program Advisory Committee; amending s. 215.44, F.S.; conforming provisions relating to duties of the State Board of Administration; amending s. 215.62, F.S.; conforming provisions relating to the Division of Bond Finance; amending s. 215.95, F.S.; conforming provisions relating to composition of the Financial Management Information Board; amending s. 215.96, F.S.; revising the membership of the coordinating council of the State Board of Administration; amending ss. 253.02, 253.034, F.S.; conforming provisions relating to the Board of Trustees of the Internal Improvement Trust Fund; reenacting s. 259.032, F.S., to incorporate the amendment of a statute referred to therein; amending s. 259.041, F.S.; conforming provisions relating to the Board of Trustees of the Internal Improvement Trust Fund; reenacting s. 260.016, F.S., to incorporate the amendment of a statute referred to therein; amending ss. 940.01, 940.03, F.S.; conforming provisions relating to executive clemency; amending s. 985.417, F.S.; conforming provisions relating to probation for certain juvenile offenders; providing an effective date.

—was taken up and read the first time by title. On motion by Rep. Rivera, the rules were waived and SB 1488 was read the second time by title and substituted for HB 1627. Under Rule 5.13, the House bill was laid on the table. On further motion by Rep. Rivera, the rules were waived and SB 1488 was read the third time by title. On passage, the vote was:

Session Vote Sequence: 55

Rep. Murman in the Chair.

Yeas—116

|                     |             |            |            |
|---------------------|-------------|------------|------------|
| Adams               | Berfield    | Davis, D.  | Gibson, H. |
| Allen               | Bilirakis   | Davis, M.  | Goodlette  |
| Altman              | Bowen       | Dean       | Gottlieb   |
| Ambler              | Brandenburg | Detert     | Green      |
| Anderson            | Brown       | Domino     | Greenstein |
| Antone              | Brummer     | Evers      | Harper     |
| Arza                | Brutus      | Farkas     | Harrell    |
| Attkisson           | Bucher      | Fields     | Harrington |
| Ausley              | Bullard     | Fiorentino | Hasner     |
| Barreiro            | Cantens     | Galvano    | Henriquez  |
| Baxley              | Carassas    | Gannon     | Hogan      |
| Bean                | Clarke      | Garcia     | Holloway   |
| Bendross-Mindingall | Cretul      | Gardiner   | Homan      |
| Bense               | Culp        | Gelber     | Jennings   |
| Benson              | Cusack      | Gibson, A. | Johnson    |

|             |           |            |          |
|-------------|-----------|------------|----------|
| Jordan      | Mahon     | Prieguez   | Seiler   |
| Joyner      | Mayfield  | Quinones   | Simmons  |
| Justice     | McInvale  | Reagan     | Slosberg |
| Kallinger   | Meadows   | Rich       | Smith    |
| Kendrick    | Mealor    | Richardson | Sobel    |
| Kilmer      | Murzin    | Ritter     | Sorensen |
| Kosmas      | Needelman | Rivera     | Spratt   |
| Kottkamp    | Negron    | Robaina    | Stansel  |
| Kravitz     | Patterson | Roberson   | Stargel  |
| Kyle        | Paul      | Ross       | Troutman |
| Littlefield | Peterman  | Rubio      | Vana     |
| Llorente    | Pickens   | Russell    | Wiles    |
| Machek      | Planas    | Ryan       | Wishner  |
| Mack        | Poppell   | Sansom     | Zapata   |

Nays—None

So the bill passed and was certified to the Senate.

On motion by Rep. Ross, the House moved to the order of—

### Bills and Joint Resolutions on Third Reading

Rep. Wiles suggested the absence of a quorum. A quorum was present [Session Vote Sequence: 56].

THE SPEAKER IN THE CHAIR

On motion by Rep. Murman, the House moved to the order of—

### Special Orders

#### Special Order Calendar

**HB 415**—A bill to be entitled An act relating to obscenity; requiring public libraries to install and maintain computer software or equivalent technology that prohibits access to obscene materials by minors; providing that the installation of software or technology in a library having only one public-access computer is within the library's discretion; providing a finding of important state interest; providing an effective date.

—was taken up.

Under Rule 6.3, the Speaker recommitted **HB 415** to the Committee on Judiciary.

#### Immediately Certified

On motion by Rep. Murman, the rules were waived and **SB 1488**, which passed the House earlier today, was immediately certified to the Senate.

### Resolutions

**HR 9061**—A resolution designating March 27, 2003, "Florida Doctors' Day."

WHEREAS, first observed in 1933 by a group of physicians' spouses in Winder, Georgia, Doctors' Day also commemorates the first administration of anesthesia by a physician in 1842, and

WHEREAS, recognizing that most physicians endure long, unpredictable hours and many must cope with the conflicting demands of work and family life, President George Bush in 1990 designated an official day in recognition of physicians, and

WHEREAS, physicians daily devote their lives to the care of citizens in the great State of Florida and make unique, special contributions to its society and culture, and

WHEREAS, Doctors' Day provides an opportunity for physicians and patients to set aside the distractions of today's often contentious health care

environment and focus on the "extraordinary calling of medicine," and

WHEREAS, the mission of the Florida Medical Association is "to serve as an advocate for physicians and their patients to promote the public health, to ensure high standards in medical education and ethics, and to enhance the quality and availability of health care," and

WHEREAS, the Florida Medical Association has sponsored the "Doctor of the Day" program for many years, providing a volunteer physician every day of the regular legislative session, in both the Florida House of Representatives and the Florida Senate, to attend Legislators, staff, and others in the Capitol who may require medical services, and

WHEREAS, over the years, the red carnation has become the symbol of Doctors' Day, denoting the qualities of love, sacrifice, and courage, and is today being worn by physicians and their spouses who are visiting the Capitol, NOW, THEREFORE,

Be It Resolved by the House of Representatives of the State of Florida:

That the House of Representatives applaud the state's devoted medical professionals and designate March 27, 2003, "Florida Doctors' Day" in recognition of the selfless service and immense talent of Florida's physicians.

—was read the second time by title. On motion by Rep. Benson, the resolution was adopted.

On motion by Rep. Murman, the House moved to the consideration of HR 9059.

**HR 9059**—A resolution honoring Earl J. Lennard, Ph.D.

WHEREAS, Earl J. Lennard, Ph.D., was born in Hillsborough County, Florida, in 1942, received his secondary education in the public schools of that county, and was awarded bachelor and doctoral degrees from the University of South Florida, also in Hillsborough County, and

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

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

WHEREAS, Dr. Lennard is an active participant in his community in volunteer service to a number of charitable and civic organizations and works tirelessly on a number of boards, authorities, and commissions as an educational professional, and

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

Be It Resolved by the House of Representatives of the State of Florida:

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

BE IT FURTHER RESOLVED that a copy of this resolution be presented to Earl J. Lennard, Ph.D., as a tangible token of the sentiments expressed herein.

—was read the second time by title. On motion by Rep. Murman, the resolution was adopted.

### Motion to Adjourn

Rep. Bense moved that the House adjourn for the purpose of holding committee meetings and conducting other House business, to reconvene at 10:00 a.m., Tuesday, April 1, or upon call of the Chair. The motion was agreed to.

**Cosponsors**

HB 77—Berfield, Roberson  
HM 149—Roberson  
HB 195—Domino  
HB 251—Baxley, Troutman  
HB 311—Roberson  
HB 315—Murzin  
HB 391—Roberson  
HB 447—Roberson  
HB 463—Cantens, Planas  
HB 477—Littlefield, Quinones  
HB 479—Hasner  
HB 483—Roberson  
HB 491—Murzin  
HB 523—Troutman  
HB 525—Jennings  
HB 569—Roberson  
HCR 615—McInvale  
HB 651—Gannon, Roberson  
HB 719—Gannon, Ross  
HJR 737—Roberson  
HB 741—Zapata  
HB 809—Roberson  
HB 1155—Sansom  
HB 1161—Ross  
HB 1195—Gottlieb  
HB 1213—Roberson  
HJR 1269—Gottlieb  
HB 1315—Homan  
HB 1373—Clarke  
HB 1413—Roberson  
HB 1419—Bullard, Cusack, Roberson  
HB 1455—Gottlieb  
HB 1475—Harrell  
HB 1501—D. Davis

HB 1739—Bilirakis, Bullard, Needelman, Roberson, Sobel

HB 1751—Robaina, Zapata

HR 9061—Harrell

**Introduction and Reference**

By Representative H. Gibson—

**HB 1491**—A bill to be entitled An act relating to Lake County; providing procedures by which the mobile home owners' association of a residential mobile home cooperative located within the county may alter, convert, lease, or modify the common areas of the mobile home cooperative; providing requirements for voting and notice; providing requirements for absentee ballots; providing an effective date.

Proof of publication of the required notice was attached.

First reading by publication (Art. III, s. 7, Florida Constitution).

Referred to Subcommittee on Local Affairs; the Committee on Local Government & Veterans' Affairs; and the Committee on Judiciary.

By the Committee on Business Regulation; Representative Prieguez—

**HB 1781**—A bill to be entitled An act relating to pari-mutuel wagering; amending s. 550.09515, F.S.; deleting provisions that require a thoroughbred horse permit to be voided and to escheat to the state for failure to operate performances; deleting provisions for the reissuance of such escheated permit; amending s. 550.5251, F.S.; revising provisions for application and issuance of certain thoroughbred horse permits; providing for penalties for failure to operate full schedule of performances by such permitholders; providing procedures for election not to operate live performances; providing that such election shall not affect the validity of a permit; exempting from penalties thoroughbred permitholders who failed to operate full schedule of performances during specified seasons; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on Business Regulation; Representative Prieguez—

**HB 1783**—A bill to be entitled An act relating to pari-mutuel wagering; requiring dogracing permitholders to provide a greyhound adoption booth at each dogracing facility; providing for operation of such booths; requiring that certain information concerning the adoption of a greyhound be made available to the public; requiring kennel owner or operator to notify the permitholder that a greyhound is available for adoption; providing procedures for public identification of such greyhounds; authorizing the permitholder to hold an additional charity day that is designated as "Greyhound Adopt-A-Pet Day"; requiring that moneys derived from the charity day be used for certain activities; authorizing the Division of Pari-mutuel Wagering within the Department of Business and Professional Regulation to adopt rules; providing penalties; amending s. 550.1647, F.S.; defining the term "bona fide organization that promotes or encourages the adoption of greyhounds" for purposes of distribution of certain funds; providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By the Committee on State Administration; Representative Mack—

**HB 1785**—A bill to be entitled An act relating to public records; amending s. 119.07, F.S.; providing an exemption from public records requirements for personal identifying information contained in records relating to a person's health held by local governmental entities or their service providers for purposes of determining eligibility for paratransit services under Title II of the Americans with Disabilities Act or eligibility for the transportation disadvantaged program as provided in part I of ch. 427, F.S.; providing exceptions to the exemption; providing for retroactive application; providing for future review and repeal; providing a finding of public necessity;

providing an effective date.

First reading by publication (Art. III, s. 7, Florida Constitution).

By Representative Kottkamp—

**HR 9073**—A resolution designating April 2, 2003, as "F.S.U. Day" in Tallahassee.

First reading by publication (Art. III, s. 7, Florida Constitution).

## Reference

**HB 1737**—Referred to the Subcommittee on Highway Safety; the Committee on Transportation; the Committee on Public Safety & Crime Prevention; the Committee on Finance & Tax; the Committee on Appropriations.

**HB 1741**—Referred to the Subcommittee on Public Safety Appropriations and the Committee on Appropriations.

**HB 1743**—Referred to the Subcommittee on Public Safety Appropriations and the Committee on Appropriations.

**HB 1745**—Referred to the Committee on Finance & Tax; the Subcommittee on Education Appropriations; and the Committee on Appropriations.

**HB 1747**—Referred to the Calendar of the House.

**HB 1749**—Referred to the Committee on Appropriations.

**HB 1751**—Referred to Subcommittee on Health Appropriations and the Committee on Appropriations.

## Reports of Standing Committees

### Committee Reports

#### March 26

The Committee on Finance & Tax reported the following favorably:  
HB 203 with committee substitute.

**The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.**

The Committee on Natural Resources reported the following favorably:  
HB 101 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Subcommittee on Local Affairs, subject to review under Rule 6.3.**

The Committee on Natural Resources reported the following favorably:  
HB 407 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Committee on Local Government & Veterans' Affairs, subject to review under Rule 6.3.**

The Committee on Natural Resources reported the following favorably:  
HB 873

**The above bill was transmitted to the next committee of reference, the Committee on Appropriations.**

The Committee on Natural Resources reported the following favorably:  
HB 1123 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Committee on Finance & Tax, subject to review under Rule 6.3.**

The Committee on Natural Resources reported the following favorably:  
HB 1319 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Committee on Appropriations, subject to review under Rule 6.3.**

The Committee on Natural Resources reported the following favorably:  
HM 1669

**The above bill was placed on the Calendar of the House.**

The Committee on Health Care reported the following favorably:  
HB 155 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Subcommittee on Health Access & Financing, subject to review under Rule 6.3.**

The Committee on Health Care reported the following favorably:  
HB 461 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Committee on Commerce, subject to review under Rule 6.3.**

The Committee on Health Care reported the following favorably:  
HB 545 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Subcommittee on Commerce & Local Affairs Appropriations, subject to review under Rule 6.3.**

The Committee on Health Care reported the following favorably:  
HB 761

**The above bill was placed on the Calendar of the House.**

The Committee on Health Care reported the following favorably:  
HB 903

**The above bill was transmitted to the next committee of reference, the Subcommittee on Health Appropriations.**

The Committee on Health Care reported the following favorably:  
HB 953 with committee substitute.

**The above bill was placed on the Calendar of the House, subject to review under Rule 6.3.**

#### March 27

The Committee on Local Government & Veterans' Affairs reported the following favorably:  
HM 429

**The above bill was placed on the Calendar of the House.**

The Committee on Agriculture reported the following favorably:  
HB 1075 with committee substitute.

**The above bill was transmitted to the next committee of reference, the Subcommittee on Agriculture & Environment Appropriations, subject to review under Rule 6.3.**

The Committee on Agriculture reported the following favorably:  
HB 1463 with committee substitute.

**The above bill was transmitted to the next committee of reference, the**



**Committee on Natural Resources, subject to review under Rule 6.3.**

The Committee on Local Government & Veterans' Affairs reported the following favorably:

HB 1475

**The above bill was placed on the Calendar of the House**

**Excused**

Reps. Baker, Waters

**Adjourned**

Pursuant to the motion previously agreed to, the House adjourned at 12:06 p.m., to reconvene at 10:00 a.m., Tuesday, April 1, or upon call of the Chair.