



# Journal of the Senate

Number 20—Regular Session

Monday, March 18, 2002

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## CALL TO ORDER

The Senate was called to order by President McKay at 10:00 a.m. A quorum present—37:

Mr. President	Jones	Rossin
Brown-Waite	King	Sanderson
Burt	Klein	Saunders
Campbell	Latvala	Sebesta
Carlton	Laurent	Silver
Clary	Lawson	Smith
Constantine	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Dyer	Mitchell	Webster
Garcia	Peadar	Wise
Geller	Posey	
Holzendorf	Pruitt	

Excused: Senator Dawson; Senators Cowin and Futch until 12:00 noon

## PRAYER

The following prayer was offered by Chaplain William Hartman, Assembly of God Church, Wildwood:

Precious Heavenly Father, we come before you today with humble hearts. I ask you to touch each Senator here and give them the wisdom to make right decisions as they conduct the business entrusted to their care. I pray you bless each with the physical and spiritual strength they need to carry out their duties.

I ask you this morning for a special blessing on Senate employee Scott Sokol, who had a heart attack Friday. Father, I ask that you touch him just where he's at. Be with him, Father, and his family. Be with them today, Father.

Father, I ask you to bless our President and all leaders in our federal, state and local governments.

You said in your word, "There will be wars and rumors of wars." I ask you to bless and protect our soldiers as they fight this war against terrorism.

Thank you for your ever watchfulness over us as a nation. In your name, I pray. Amen.

## PLEDGE

Senate Pages Travis Lockley of Jacksonville, Durel Jones of Miami and Alexandra "Lexa" Murphy of Holmes Beach, 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. Suzanne Minor of Miami, sponsored by Senator Meek, as doctor of the day. Dr. Minor specializes in Family Practice.

## ADOPTION OF RESOLUTIONS

On motion by Senator Garcia—

By Senator Garcia—

**SR 2668**—A resolution recognizing Jennifer Rodriguez, winner of the Bronze Medal in the Women's 1000-meter Speedskating event at the 19th Olympic Winter Games in Salt Lake City.

WHEREAS, Jennifer Rodriguez was born in Miami in 1976, the daughter of a Cuban-American father, Emilio Rodriguez, who immigrated to the United States from Cuba in the 1960s and, as a commercial artist, designed the logo for Miami's Joe Robbie Stadium, and

WHEREAS, Jennifer began roller skating at the age of 4 when she attended a birthday party at a roller rink and her parents, Emilio and Barbara, recognizing her talent, took her for lessons, and

WHEREAS, Jennifer Rodriguez was competing in artistic and speed roller skating by the time she was 5, won a total of 12 World Championship medals in artistic roller skating and speed roller skating, and was named the 1991-1992 United States Roller Skating Athlete of the Year, and

WHEREAS, following her transition from roller skating to ice skating, Jennifer Rodriguez placed fourth in the 3,000-meter event at the 1998 Winter Olympic Games in Nagano, Japan, and set United States records in the 1,500-meter event and 3,000-meter event at the World Cup in Calgary in March of 2001, and

WHEREAS, Jennifer Rodriguez is the first athlete of Hispanic descent to compete in the Olympic Winter Games, adding to the diversity that contributes to the success of Olympic teams from the United States, and is also the first athlete from Miami to compete at an Olympic Winter Games, and

WHEREAS, by her accomplishments, Jennifer Rodriguez has brought honor to this state, NOW, THEREFORE,

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

That the Florida Senate commends Jennifer Rodriguez for her outstanding dedication to her sport and to the Olympic dream and for the honor that she has brought to this state.

BE IT FURTHER RESOLVED that a copy of this resolution, with the Seal of the Senate affixed, be presented to Jennifer Rodriguez as a tangible token of the sentiments of the Florida Senate.

—was introduced out of order and read by title. On motion by Senator Garcia, **SR 2668** was read the second time in full and adopted.

At the request of Senator Dawson—

By Senator Dawson—

**SR 2574**—A resolution recognizing June 2002 as Scleroderma Awareness Month.

WHEREAS, the health of the residents in our communities is the foundation for a caring and productive society, and

WHEREAS, our future depends, in great measure, upon our ability to find cures for and adequately treat individuals who are afflicted with a variety of illnesses, and

WHEREAS, hundreds of thousands of Americans are afflicted with scleroderma, a disfiguring and debilitating connective-tissue disorder that affects the vascular and immune systems, resulting in a hardening of the skin and organs, and

WHEREAS, this painful condition can strike at any age, regardless of gender or ethnicity, although women between the ages of 25 and 55 are more likely to be afflicted than are men, and

WHEREAS, the noble work of the Scleroderma Foundation has provided us all with hope that some day this disease will be eradicated and that the foundation's efforts to educate and comfort those touched by scleroderma will be justly rewarded with a cure, NOW, THEREFORE,

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

That in order to provide an opportunity to educate the public about this often life-threatening disease and the more than 300,000 Americans who suffer from it, the Florida Senate recognizes the month of June 2002 to be Scleroderma Awareness Month.

—**SR 2574** was introduced, read and adopted by publication.

**BILLS ON THIRD READING**

Consideration of **CS for CS for SB 1610** was deferred.

**CS for SB 2124**—A bill to be entitled An act relating to liability under the drycleaning solvent cleanup program; amending s. 376.301, F.S.; defining the term “nearby real property owner”; amending s. 376.3078, F.S.; providing additional findings; exempting certain real property owners and others from claims for property damage arising from contamination by drycleaning solvents; providing for retroactive application; amending s. 376.308, F.S.; revising provisions governing the statutory construction of immunity provisions; amending s. 376.313, F.S.; revising provisions governing remedies and actions for damages; amending s. 376.3079, F.S.; revising the definition of the term “third-party liability”; amending s. 376.30781, F.S.; conforming a statutory cross-reference; providing an effective date.

—as amended March 13 was read the third time by title.

On motion by Senator Laurent, **CS for SB 2124** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Jones	Pruitt
Brown-Waite	King	Sanderson
Burt	Klein	Saunders
Campbell	Latvala	Sebesta
Carlton	Laurent	Silver
Clary	Lawson	Smith
Constantine	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Garcia	Mitchell	Webster
Geller	Peaden	Wise
Holzendorf	Posey	

Nays—None

Vote after roll call:

Yea—Cowin, Dyer, Rossin

Consideration of **CS for SB 934, SB 2500, SB 2502, CS for SB 1108, CS for SB 1116, CS for CS for SB 1654** and **HJR 1987** was deferred.

**CS for CS for SB 1360**—A bill to be entitled An act relating to property tax administration; amending s. 192.0105, F.S.; providing an additional right to know the amount of special district taxes; amending s. 194.011, F.S.; authorizing the Department of Revenue to prescribe the form of a petition to the value adjustment board; providing a timeline for the exchange of information and uniform procedures for value adjustment board hearings; amending s. 194.032, F.S.; authorizing a petitioner to reschedule a hearing under certain circumstances; amending s. 194.035, F.S.; limiting counties authorized to appoint special masters; prohibiting certain persons from serving as a special master; requiring the Department of Revenue to provide certain counties with lists of qualified special masters; providing for reimbursement of payments to special masters under certain circumstances; providing procedures and requirements for reimbursements; specifying qualifications for special masters; amending s. 195.062, F.S.; authorizing the Department of Revenue to update the guidelines for tangible personal property assessment upon the approval of the executive director; amending s. 197.182, F.S.; establishing procedures and timelines for approval or denial of property tax refund claims; amending s. 200.069, F.S.; providing that the Department of Revenue may adjust the placement of required information on Truth-In-Millage forms; amending s. 163.387, F.S.; revising the list of entities exempt from making payments to a redevelopment trust fund; amending s. 193.092, F.S.; providing an exception to the requirement for assessing taxes to a current owner of property that has previously escaped taxation; amending s. 196.161, F.S.; providing a waiver of penalty and interest in specified instances wherein a taxpayer erroneously receives a homestead tax exemption; amending s. 200.065, F.S.; revising the procedure by which a property appraiser may correct an error in notices of proposed taxes; amending s. 420.5093, F.S.; prescribing how property in the State Housing Tax Credit Program shall be assessed; amending s. 420.5099, F.S.; prescribing how rent-restricted units in a low-income tax credit development shall be assessed; amending s. 197.552, F.S.; providing for survival of special district or community development district liens; amending s. 193.461, F.S.; providing that property that has received an agricultural classification is entitled to such classification until agricultural use is abandoned; providing an exception under certain circumstances; creating s. 197.1722, F.S.; providing a limited waiver of certain mandatory charges and interest for certain taxes under certain circumstances; providing criteria, procedures, and requirements; providing for a county ordinance granting such waiver; providing for future repeal; providing an appropriation; providing an effective date.

—as amended March 15 was read the third time by title.

Senator Pruitt moved the following amendments which were adopted by two-thirds vote:

**Amendment 1 (433104)**—On page 11, line 24 through page 12, line 14, delete those lines and insert: *board and a summary of evidence to be presented by witnesses.*

*(b) No later than 5 days after the petitioner provides the information required under paragraph (a), the property appraiser shall provide to the petitioner a list of evidence to be presented at the hearing, together with copies of all documentation to be considered by the value adjustment board and a summary of evidence to be presented by witnesses. The evidence list must contain the property record card if provided by the clerk.*

*(5) The department shall by rule prescribe uniform procedures for hearings before the value adjustment board which include requiring:*

*(a) Procedures for the exchange of information and evidence by the property appraiser and the petitioner consistent with s. 194.032; and*

*(b) That the value adjustment board hold an*

**Amendment 2 (491384)**—On page 22, lines 3-7, delete those lines and insert: *inaccurate or does not reflect fair market value, or if you are entitled to an exemption that is not reflected above, contact your county property appraiser at (phone number) or (location).*

If the property appraiser's office is unable to resolve the matter as to market value or an exemption, you may file a petition for

**Amendment 3 (371486)(with title amendment)**—On page 32, between lines 12 and 13, insert:

Section 16. Section 197.1722, Florida Statutes, is created to read:

197.1722 Real property taxes; limited waiver of mandatory charge.—

(1)(a) For taxes due for the 2001 tax year only, and limited to the time in which a taxpayer on application has a demonstrable inability to pay arising from a contraction in business income of 25 percent or more in the 6-month period commencing September 2001, as compared to the same period in 2000, a tax collector may extend the date of tax certificate sales by 30 days and may waive the 3-percent minimum mandatory charges and an additional 30 days' interest under s. 197.172, subject to the provisions of this section.

(b) The program must be available, upon application to the board of county commissioners, to each real property taxpayer whose real property taxes exceed \$10,000, for property defined in s. 159.27(11) and (12).

(2)(a) The board of county commissioners shall require each taxpayer who requests to participate in the program to submit an application on a form prescribed by the Department of Revenue which, at a minimum, must include the name, address, description of the property subject to real property taxes, the reason for the inability to pay, and the amount of the real property taxes owed by the taxpayer.

(b) After a taxpayer submits the required application, the board of county commissioners may implement the waiver at their discretion, by ordinance, upon a majority vote in favor of such waiver. At the time the waiver is considered, the board of county commissioners shall consider a taxpayer's ability to pay over the time period of the waiver.

(c) If the board of county commissioners implements the waiver, the 3-percent minimum mandatory charge under s. 197.172 for delinquent taxes paid prior to the sale of a tax certificate shall not apply. Further, the taxpayer shall be permitted to redeem a tax certificate within 90 days after April 1 without being subject to the 3-percent minimum mandatory charge under s. 197.172 and any tax certificate sold shall be subject to correction accordingly.

(3) Any person, firm, or corporation which desires the relief in subsection (2) shall, in the year the relief is desired to take effect, file a written request with the board of county commissioners. The request shall request the adoption of an ordinance granting the applicant a relief pursuant to this section and shall include the following information:

- (a) The name and location of the business.
- (b) A description of the property for which relief is requested.
- (c) Proof, to the satisfaction of the board of county commissioners, that the applicant is a business as described in this section.
- (d) Other information deemed necessary by the department.

(4) Before the board of county commissioners takes action on the application, the board shall deliver a copy of the application to the tax collector of the county.

(5) The board of county commissioners shall determine whether the property for which relief is requested under this section is a business as described in this section, which determination the county shall also affix to the face of the application forwarded by the tax collector. Upon request by the county, the department, property appraiser, and tax collector shall provide such information as may be available to assist the board in making such determination.

(6) An ordinance granting a relief under this section shall be adopted in the same manner as any other ordinance of the county and shall include:

- (a) The name and address of the business to which the relief is granted.
- (b) The year for which the relief will remain in effect.

(c) A finding that the business named in the ordinance meets the requirements of this section.

(7) This section is repealed April 1, 2003.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, between lines 27 and 28, insert: creating s. 197.1722, F.S.; providing a limited waiver of certain mandatory charges and interest for certain taxes under certain circumstances; providing criteria, procedures, and requirements; providing for a county ordinance granting such waiver; providing for future repeal;

On motion by Senator Pruitt, **CS for CS for SB 1360** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Holzendorf	Posey
Brown-Waite	Jones	Pruitt
Burt	King	Rossin
Campbell	Klein	Sanderson
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Smith
Crist	Lee	Sullivan
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Garcia	Mitchell	Webster
Geller	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Cowin, Silver

**CS for CS for SB 1656**—A bill to be entitled An act relating to sexual assault counselors; amending s. 90.5035, F.S.; providing a definition; providing for confidential communication between a sexual crime victim and a trained volunteer at a rape crisis center; expanding the privilege of refusal to disclose certain information to include communications between a victim and a trained volunteer; amending s. 794.024, F.S.; prohibiting disclosure of certain identifying information relating to sexual crime victims by public officers or employees; providing a penalty; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for CS for SB 1656** was passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Holzendorf	Pruitt
Brown-Waite	Jones	Rossin
Burt	King	Sanderson
Campbell	Klein	Saunders
Carlton	Latvala	Sebesta
Clary	Lawson	Smith
Constantine	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Dyer	Mitchell	Webster
Garcia	Peaden	Wise
Geller	Posey	

Nays—None

Vote after roll call:

Yea—Cowin, Laurent, Silver

**CS for SB 1994**—A bill to be entitled An act relating to insurance; amending s. 626.221, F.S.; exempting applicants for limited licenses for

communication equipment property or communication equipment inland marine insurance from certain examination requirements; amending s. 626.321, F.S.; providing for the issuance of such limited licenses; amending s. 626.732, F.S.; exempting such limited licensees from certain education requirements; providing an effective date.

—was read the third time by title.

On motion by Senator Latvala, **CS for SB 1994** was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Holzendorf	Posey
Brown-Waite	Jones	Pruitt
Burt	King	Rossin
Campbell	Klein	Sanderson
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Smith
Crist	Lee	Sullivan
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Garcia	Mitchell	Webster
Geller	Peaden	Wise

Nays—None

Vote after roll call:

Yea—Cowin, Silver

**CS for SB 1418**—A bill to be entitled An act relating to insurance; amending s. 215.555, F.S.; revising a definition; providing for certain additional coverages under the Florida Hurricane Catastrophe Fund; increasing the cap on fund liability; imposing an additional liquidity enhancement factor to reimbursement premiums; amending s. 627.351, F.S.; providing for waiver of required flood insurance under certain circumstances; specifying policyholder burden of proof under certain circumstances; authorizing an association to deny certain coverage under certain circumstances; renaming the Residential Property and Casualty Joint Underwriting Association as the Citizens Property Insurance Corporation to provide residential and commercial property insurance; requiring insurers writing property insurance to participate in the corporation; providing for dividing the revenues, assets, liabilities, losses, and expenses of the corporation into three accounts; authorizing the Department of Insurance to remove certain territories from certain eligible areas under certain circumstances; providing for emergency assessments for policyholders of participating insurers; providing a plan of operation; defining the terms “quota share primary insurance” and “eligible risks”; authorizing the corporation to enter into quota share primary insurance agreements; providing for a board of governors appointed by the Treasurer, subject to confirmation by the Cabinet; providing rate limitations and requirements; requiring the Department of Insurance to provide the corporation with certain rate information for certain purposes; requiring the corporation to certify certain rates to the department; authorizing the department to adopt rules; requiring the corporation to impose and collect an additional amount to augment the corporation’s financial resources; requiring the corporation to file quarterly statements of financial condition and submit other reports to the Department of Insurance; providing that the corporation is not required to obtain a certificate of authority from the Department of Insurance; providing that the corporation is not required to be a member of the Florida Insurance Guaranty Association; requiring the corporation to pay assessments pledged by the association to secure bonds to pay covered claims arising from insurer insolvencies caused by hurricane losses; providing for transfer of policies of the association and the Florida Windstorm Underwriting Association to the corporation; providing for a transfer of assets and liabilities; requiring the associations to take actions necessary to further the transfers; providing for the redesignation of certain coverage as the high-risk account of the corporation; providing that such account be treated as if it were a separate participating insurer for certain purposes; providing that the personal lines and commercial lines accounts be treated as a single participating insurer for certain purposes; providing that the department may postpone the July 1, 2002, effective date of transfer under the act; providing legislative intent; requiring the board to report to the Legislature on certain loss

activities; requiring the board to reduce certain eligibility boundaries under certain circumstances; providing legislative intent not to interfere with the rights of creditors, to preserve the obligation of the association, and to assure that outstanding financing agreements pass unchanged to the corporation; amending s. 627.3511, F.S.; revising certain agent commission payment policy servicing procedures and requirements; creating s. 627.3517, F.S.; preserving the right of a residual-market policyholder to select and maintain an agent of his or her own choice; providing an effective date.

—as amended March 15 was read the third time by title.

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

**Amendment 1 (771884)**—On page 71, line 5, delete “writing” and insert: *currently insuring*

On motion by Senator Garcia, **CS for SB 1418** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Mr. President	Jones	Rossin
Brown-Waite	King	Sanderson
Burt	Klein	Saunders
Campbell	Latvala	Sebesta
Carlton	Laurent	Silver
Clary	Lawson	Smith
Constantine	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Dyer	Mitchell	Webster
Garcia	Peaden	Wise
Geller	Posey	
Holzendorf	Pruitt	

Nays—None

Vote after roll call:

Yea—Cowin

**CS for SB 268**—A bill to be entitled An act relating to persons in a position of trust and confidence; amending s. 825.101, F.S.; defining the term “position of trust and confidence”; amending s. 772.11, F.S.; prescribing civil remedies for theft and other offenses in which the victim is an elderly or disabled person; providing that a violation of patient rights is not a cause of action under the act; providing for continuation of a cause of action upon the death of the elderly or disabled person; authorizing the court to advance a trial on the docket which involves a victim who is an elderly or disabled person; creating s. 744.1083, F.S.; providing guidelines for the registration of professional guardians; authorizing rulemaking; authorizing certain financial institutions to register; amending s. 744.309, F.S.; revising qualifications for trust companies that may be appointed guardians; amending s. 744.3135, F.S.; revising credit and background screening requirements for guardians; providing such requirements for employees of a professional guardian who have a fiduciary responsibility to the ward; providing applicability; amending s. 744.446, F.S.; providing for court actions to protect the ward in the event of a breach of fiduciary duty by the guardian; amending s. 744.534, F.S.; revising provisions relating to disposition of unclaimed funds; amending s. 744.703, F.S.; authorizing the establishment of public guardian offices; providing for the staffing of offices; creating s. 744.7082, F.S.; defining the term “direct-support organization”; providing for the purposes of a direct-support organization; amending s. 744.387, F.S.; increasing the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a legal guardian; amending s. 744.301, F.S.; increasing the amount of a claim that may be settled by a natural guardian of a minor without the necessity of appointment of a guardian ad litem; amending s. 765.104, F.S.; authorizing a patient whose legal disability is removed to amend or revoke the recognition of a medical proxy and any uncompleted decision made by that proxy; specifying when the amendment or revocation takes effect; amending s. 765.401, F.S.; clarifying provisions relating to medical proxies for incapacitated persons; providing priority of a guard-

ian advocate who has been authorized to consent to medical treatment for a person with a developmental disability; providing an effective date.

—as amended March 15 was read the third time by title.

On motion by Senator Carlton, **CS for SB 268** as amended was passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Holzendorf	Pruitt
Brown-Waite	Jones	Rossin
Burt	King	Sanderson
Campbell	Klein	Saunders
Carlton	Latvala	Sebesta
Clary	Laurent	Silver
Constantine	Lawson	Smith
Crist	Meek	Sullivan
Diaz de la Portilla	Miller	Villalobos
Dyer	Mitchell	Wasserman Schultz
Garcia	Peaden	Webster
Geller	Posey	Wise

Nays—None

Vote after roll call:

Yea—Cowin

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Consideration of **HB 813** was deferred.

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#### SENATOR BROWN-WAITE PRESIDING

**CS for SB 1226 and CS for SB 734**—A bill to be entitled An act relating to family court reform; creating the Commission on Family Law and Children to develop a family code; providing for membership and staffing commission; providing for repeal of the commission; creating s. 25.375, F.S.; authorizing the Supreme Court to create a system to identify cases relating to individuals and families within the court system; amending s. 25.385, F.S.; redefining the terms “domestic violence” and “family or household member”; amending s. 39.013, F.S.; providing for modifying a court order in a subsequent civil proceeding; amending s. 39.0132, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 39.502, F.S., relating to notice, process, and service; conforming a cross-reference to changes made by the act; amending s. 39.521, F.S.; providing for modifying a court order in a subsequent civil action or proceeding; amending s. 39.814, F.S.; providing for limited admissibility of evidence in subsequent civil proceedings; amending s. 44.1011, F.S.; redefining the term “family mediation”; providing definitions for voluntary mediation and presuit mediation; amending s. 44.1012, F.S., providing legislative intent regarding continuum of alternatives to litigation; creating s. 44.1025, F.S.; providing for confidentiality concerning certain disclosures in presuit and voluntary mediations; amending s. 44.108, F.S.; increasing the service charge for modification of dissolution-of-marriage petitions to deposit moneys into state mediation and arbitration trust fund; requesting the supreme court to establish a process for filing and court approval of stipulated agreements without court appearances; creating s. 44.202, F.S.; providing for the establishment of presuit-mediation pilot programs and funding; amending s. 61.13, F.S.; providing for the court to determine matters relating to child support in any proceeding under ch. 61, F.S.; eliminating provisions authorizing the court to award grandparents visitation rights; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, 61.1348, F.S., the “Uniform Child Custody Jurisdiction Act”; repealing s. 61.183, F.S., relating to mediation of certain contested issues; transferring and renumbering ss. 61.19, 61.191, F.S., relating to entry of judgment of dissolution of marriage and actions for divorce; amending s. 61.21, F.S.; revising the timeframe for completing a parenting course; creating part IV of ch. 61, F.S., the “Uniform Child Custody Jurisdiction and Enforcement Act”; providing purposes of part IV of ch. 61, F.S.; providing definitions; providing for proceedings governed under other laws; providing for application to Indian tribes; providing for international application; providing for the

effect of a determination of child custody; providing for expedited hearings; requiring notice to persons outside the state; providing for limited immunity; providing for communications between courts; authorizing the taking of testimony in another state; requiring preservation of records; providing for initial jurisdiction for determining child custody; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a determination; providing for emergency temporary jurisdiction; requiring notice; providing for an opportunity to be heard; providing for joinder of parties; providing for simultaneous proceedings; authorizing the court to decline jurisdiction; specifying the information to be submitted to the court; providing for appearance of parties and the child; providing for enforcement under the Hague Convention; providing for temporary visitation; requiring registration of a determination of child custody; providing for enforcement of a registered determination; requiring expedited enforcement of a determination of child custody; providing for a hearing and court order; providing procedures for obtaining a warrant to take physical custody of a child; providing for costs, fees, and expenses; providing for appeals; specifying duties of the state attorney and law enforcement officers; providing for application and construction of the act; providing for application of laws with respect to a motion filed before the effective date of the act; amending ss. 63.052, 63.087, 63.102, F.S., relating to adoption; conforming cross-references to the Uniform Child Custody Jurisdiction and Enforcement; transferring and renumbering s. 741.24, F.S., relating to civil actions against parents; amending s. 741.28, F.S.; redefining the terms “domestic violence” and “family household member”; amending s. 741.30, F.S.; providing for an order of temporary custody, visitation, or support to remain in effect until the court enters a permanent order; repealing ss. 753.001, 753.002, 753.004, F.S., relating to the Florida Family Visitation Network; creating ss. 753.01, 753.02, 753.03, 753.04, 753.05, 753.06, 753.07, 753.08, 753.09, F.S.; providing legislative intent with respect to administering supervised visitation programs; defining terms; providing for the development of standards for the certification of supervised visitation programs; requiring compliance with interim minimum standards; providing for security of the supervised visitation programs; requiring the Clearinghouse on Supervised Visitation to develop training materials; providing for the clearinghouse to develop and implement a mechanism for data collection; providing for the clearinghouse to develop standards for supervised visitation programs; requiring a report to the Legislature; amending s. 787.03, F.S., relating to interference with custody; conforming cross-references to changes in the act; amending s. 943.135, F.S.; requiring the Criminal Justice Standards and Training Commission to allow agencies employing law enforcement officers to authorize volunteer service as a means of fulfilling requirements for continuing education; amending s. 943.171, F.S., relating to basic skills training for handling domestic-violence cases to incorporate cross-reference to revised definitions for “domestic violence” and “family household member”; creating s. 943.254, F.S.; authorizing law enforcement agencies to administer a volunteer program for officers to provide security services during off-duty hours for certain community programs; authorizing the Department of Revenue and the Office of State Courts Administrator to obtain authorization for the courts to use specified funds for mediation services; providing an appropriation to conduct certain studies; providing legislative intent with respect to the development of a collaborative initiative with social service agencies by circuit judges; providing for goals and elements of the collaborative initiative; requesting that the Supreme Court provide guidance to the circuit courts in developing the collaborative initiatives; requiring a report to the Legislature; requiring the Department of Juvenile Justice to organize an interagency workgroup; specifying the goals of the interagency workgroup; requiring a report to the Legislature on the accomplishments of the interagency workgroup; providing for a workgroup to develop an information system for the unified family court model; providing for a report to the Legislature; providing for severability; providing an effective date.

—as amended March 15 was read the third time by title.

On motion by Senator Burt, **CS for SB 1226 and CS for SB 734** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Burt	Crist	Holzendorf
Campbell	Diaz de la Portilla	Jones
Carlton	Dyer	King
Clary	Garcia	Klein
Constantine	Geller	Latvala

Laurent	Posey	Smith
Lawson	Pruitt	Sullivan
Lee	Rossin	Villalobos
Meek	Sanderson	Wasserman Schultz
Miller	Saunders	Webster
Mitchell	Sebesta	Wise
Peaden	Silver	

Vote after roll call:

Yea—Brown-Waite, Cowin

Consideration of **CS for SB 1264** was deferred.

Nays—None

Vote after roll call:

Yea—Brown-Waite, Cowin

**SB 1946**—A bill to be entitled An act relating to public property; amending s. 255.25, F.S.; requiring certain replacement leases to contain a right-to-terminate clause except under specified circumstances; providing an effective date.

—as amended March 15 was read the third time by title.

On motion by Senator Sebesta, **SB 1946** as amended was passed and certified to the House. The vote on passage was:

Yeas—35

Burt	King	Rossin
Campbell	Klein	Sanderson
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Dyer	Miller	Villalobos
Garcia	Mitchell	Wasserman Schultz
Geller	Peaden	Webster
Holzendorf	Posey	Wise
Jones	Pruitt	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Cowin

**CS for SB 1772**—A bill to be entitled An act relating to damage or destruction of agricultural products or production systems; amending s. 604.60, F.S.; revising provisions that provide a cause of civil action for the knowing and willful damage or destruction of agricultural crops to include damage or destruction to agricultural production systems; providing for allowable damages; providing an exemption from liability; providing an effective date.

—as amended March 15 was read the third time by title.

On motion by Senator Smith, **CS for SB 1772** as amended was passed and certified to the House. The vote on passage was:

Yeas—34

Burt	King	Sanderson
Campbell	Latvala	Saunders
Carlton	Laurent	Sebesta
Clary	Lawson	Silver
Constantine	Lee	Smith
Crist	Meek	Sullivan
Diaz de la Portilla	Miller	Villalobos
Dyer	Mitchell	Wasserman Schultz
Garcia	Peaden	Webster
Geller	Posey	Wise
Holzendorf	Pruitt	
Jones	Rossin	

Nays—None

**HB 861**—A bill to be entitled An act relating to state attorneys; amending s. 27.345, F.S., relating to the State Attorney RICO Trust Fund; revising reporting requirements; amending s. 775.082, F.S.; revising requirements for explanation, submission, and maintenance of sentencing deviation reports for prison release reoffenders who do not receive the mandatory minimum sentence; repealing s. 27.365, F.S., relating to the annual report by the Florida Prosecuting Attorneys Association regarding prosecutions under ss. 794.011, 794.05, 800.04, and 827.04(3), F.S.; repealing s. 39.205(7), F.S., relating to establishment and publication of procedures for prosecution of persons under s. 39.205, F.S., and reports on the disposition of complaints relating to reporting of child abuse, abandonment, or neglect; repealing s. 415.111(6), F.S., relating to establishment and publication of procedures for prosecution of persons under s. 415.111, F.S., and reports on the disposition of complaints relating to reporting of abuse, neglect, or exploitation of vulnerable adults; amending s. 775.08401(3), F.S.; revising requirements for explanation, submission, and maintenance of sentencing deviation reports relating to eligibility criteria for sentencing of habitual offenders, habitual violent felony offenders, and violent career criminals; providing an effective date.

—was read the third time by title.

On motion by Senator Smith, **HB 861** was passed and certified to the House. The vote on passage was:

Yeas—35

Burt	King	Rossin
Campbell	Klein	Sanderson
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Dyer	Miller	Villalobos
Garcia	Mitchell	Wasserman Schultz
Geller	Peaden	Webster
Holzendorf	Posey	Wise
Jones	Pruitt	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Cowin

Consideration of **CS for CS for SB 512** was deferred.

**CS for CS for SB 640**—A bill to be entitled An act relating to criminal offenses involving health care practitioners; creating s. 456.075, F.S.; authorizing a representative of the Department of Health to appear in a criminal proceeding against a health care professional to furnish information, make recommendations, or provide other assistance; providing that the court may order the representative to appear in a criminal proceeding that relates to the qualifications, functions, or duties of a health care professional; amending s. 893.13, F.S.; increasing the penalty imposed for withholding information from a practitioner concerning a controlled substance; prohibiting a practitioner from knowingly assisting a person in obtaining a controlled substance through fraud or scheme, knowingly prescribing a controlled substance for a fictitious person, or prescribing a controlled substance for purposes of monetary benefit; providing for a permissive inference that a prescribing practitioner knowingly assisted a person to obtain a controlled substance through fraud; providing penalties; amending s. 921.0022, F.S., relating to the offense severity ranking chart of the Criminal Punishment Code;

conforming provisions to changes made by the act; amending s. 921.187, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Burt, **CS for CS for SB 640** was passed and certified to the House. The vote on passage was:

Yeas—35

Burt	King	Rossin
Campbell	Klein	Sanderson
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Dyer	Miller	Villalobos
Garcia	Mitchell	Wasserman Schultz
Geller	Peaden	Webster
Holzendorf	Posey	Wise
Jones	Pruitt	

Nays—None

Vote after roll call:

Yea—Brown-Waite, Cowin

Consideration of **CS for SB 168** was deferred.

**CS for CS for SB 1150**—A bill to be entitled An act relating to the recovery of Medicaid overpayments; amending s. 16.59, F.S.; specifying additional requirements for the Medicaid Fraud Control Unit of the Department of Legal Affairs and the Medicaid program integrity program; amending s. 112.3187, F.S.; extending whistle-blower protection to employees of Medicaid providers reporting Medicaid fraud or abuse; amending s. 400.179, F.S.; providing exceptions to bond requirements; creating s. 408.831, F.S.; allowing the Agency for Health Care Administration to take action against a licensee in certain circumstances; amending s. 409.907, F.S.; prescribing additional requirements with respect to provider enrollment; requiring that the Agency for Health Care Administration deny a provider's application under certain circumstances; amending s. 409.908, F.S.; providing additional requirements for cost-reporting; amending s. 409.910, F.S.; revising requirements for the distribution of funds recovered from third parties that are liable for making payments for medical care furnished to Medicaid recipients and in the case of recoveries of overpayments; amending s. 409.913, F.S.; requiring that the agency and Medicaid Fraud Control Unit annually submit a report to the Legislature; defining the term "complaint"; specifying additional requirements for the Medicaid program integrity program and the Medicaid Fraud Control Unit of the Department of Legal Affairs; requiring imposition of sanctions or disincentives, except under certain circumstances; providing additional sanctions and disincentives; providing additional grounds under which the agency may terminate a provider's participation in the Medicaid program; providing additional requirements for administrative hearings; providing additional grounds for withholding payments to a provider; authorizing the agency and the Medicaid Fraud Control Unit to review certain records; requiring review by the Attorney General of certain settlements; requiring review by the Auditor General of certain cost reports; requiring that the agency refund to a county any recovery of Medicaid overpayment received for hospital inpatient and nursing home services; providing a formula for calculating the credit; amending s. 409.920, F.S.; providing additional duties of the Medicaid Fraud Control Unit; requiring recommendations to the Legislature; repealing s. 414.41(5), F.S., relating to interest imposed upon the recovery amount of medical assistance overpayments; providing an effective date.

—as amended March 15 was read the third time by title.

Senator Saunders moved the following amendments which were adopted by two-thirds vote:

**Amendment 1 (403410)**—On page 9, line 27, delete "wiver" and insert: *waiver*

**Amendment 2 (570860)**—On page 49, line 26 through page 50, line 3, delete those lines and insert: *agency shall have the power to inspect, during normal business hours, the records of any pharmacy, wholesale establishment, or manufacturer, or any other place in which drugs and medical supplies are manufactured, packed, packaged, made, stored, sold, or kept for sale, for the purpose of verifying the amount of drugs and medical supplies ordered, delivered, or purchased by a provider. The agency shall provide at least 2 business days' prior notice of any such inspection. The notice must identify the provider whose records will be inspected, and the inspection shall include only records specifically related to that provider.*

On motion by Senator Saunders, **CS for CS for SB 1150** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Brown-Waite	Jones	Pruitt
Burt	King	Rossin
Campbell	Klein	Sanderson
Carlton	Latvala	Saunders
Clary	Laurent	Sebesta
Constantine	Lawson	Silver
Crist	Lee	Smith
Diaz de la Portilla	Meek	Sullivan
Dyer	Miller	Villalobos
Garcia	Mitchell	Wasserman Schultz
Geller	Peaden	Webster
Holzendorf	Posey	Wise

Nays—None

Vote after roll call:

Yea—Cowin

**SB 1574**—A bill to be entitled An act relating to enterprise zone designation; requiring designation of an enterprise zone in the City of Hialeah under certain circumstances notwithstanding certain limitations; providing requirements; providing an effective date.

—as amended March 15 was read the third time by title.

**THE PRESIDENT PRESIDING**

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

**Amendment 1 (640458)(with title amendment)**—On page 1, between lines 21 and 22, insert:

Section 2. *Limitation of enterprise zone benefits and incentives to pari-mutuels.—No person located in an area for which a permit or license has been issued authorizing pari-mutuel operations may receive benefits or incentives due to the person's location within an enterprise zone.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, line 6, after the semicolon (;) and insert: *prohibiting a racetrack or pari-mutuel facility from providing the basis for benefits or incentives due to its location within an enterprise zone;*

On motion by Senator Garcia, **SB 1574** as amended was passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Crist	Jones
Brown-Waite	Diaz de la Portilla	King
Burt	Dyer	Klein
Campbell	Garcia	Latvala
Carlton	Geller	Laurent
Constantine	Holzendorf	Lawson

Lee	Pruitt	Smith
Meek	Rossin	Sullivan
Miller	Sanderson	Villalobos
Mitchell	Saunders	Wasserman Schultz
Peaden	Sebesta	Webster
Posey	Silver	Wise

Nays—None

Vote after roll call:

Yea—Cowin

**CS for SB 1264**—A bill to be entitled An act relating to public health; amending s. 381.0011, F.S.; revising the rulemaking authority of the Department of Health with respect to its power to impose quarantine, including requiring vaccination; amending s. 381.00315, F.S.; defining the terms “public health advisory” and “public health emergency”; specifying the terms under which a public health emergency is declared; providing for consultation for, notice, and duration of a declaration of a public health emergency; authorizing the State Health Officer to take specified actions upon the declaration of a public health emergency relating to shipping of specified drugs, directing the compounding of bulk prescription drugs, and specifying the use of such drugs; authorizing the State Health Officer to reactivate the inactive licenses of certain practitioners who request such reactivation; authorizing the State Health Officer to order that an individual be examined, tested, vaccinated, treated, or quarantined for certain communicable diseases under specified circumstances; specifying benefits to be made available to volunteers acting under a public health emergency; amending s. 768.13, F.S.; providing immunity from civil damages under the Good Samaritan Act for actions taken in response to situations during a declared public health emergency; revising the circumstances under which immunity from civil damages is extended to actions taken by persons licensed to practice medicine; providing an effective date.

—as amended March 15 was read the third time by title.

On motion by Senator Brown-Waite, **CS for SB 1264** as amended was passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Jones	Rossin
Brown-Waite	King	Sanderson
Burt	Klein	Saunders
Campbell	Latvala	Sebesta
Carlton	Laurent	Silver
Clary	Lawson	Smith
Constantine	Lee	Sullivan
Crist	Meek	Villalobos
Diaz de la Portilla	Miller	Wasserman Schultz
Dyer	Mitchell	Webster
Garcia	Peaden	Wise
Geller	Posey	
Holzendorf	Pruitt	

Nays—None

Vote after roll call:

Yea—Cowin

Consideration of the following Claims Bills was deferred: **SB 8, CS for SB 10, CS for SB 24, SB 26, SB 30, CS for SB 32, CS for SB 36, SB 38, SB 44, CS for SB 46, SB 50, CS for SB 52, CS for SB 56, CS for SB 60, SB 62, CS for SB 66, SB 72 and SB 74.**

**SENATOR SILVER PRESIDING**

**RECOGNITION OF PRESIDENT**

Senator Silver introduced the following guests: Mrs. Michelle McKay, wife of the President; Tricia May, Sara McKay and Meredith McKay, daughters of the President; and Mr. Tom Sadler, portrait artist.

On motion by Senator Constantine that a committee be appointed to escort the President and his wife to the front of the chamber for the unveiling of the portrait, Senator Silver appointed Senators Campbell, Carlton, Latvala, Sullivan, Wasserman Schultz and Geller. President and Mrs. McKay were escorted to the front for the unveiling of the official portrait of President McKay.

**REMARKS**

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

**Senator Pruitt:** The placement of John McKay’s portrait in this hallowed chamber makes me reflect on two facets of his life.

John McKay, the President.

John McKay, the man.

John McKay, the President, is a leader steeped in tradition. He has reflected deeply on the portraits of the men and women who preceded him. He has always understood the importance of this institution and what it represents.

This was clearly evident in November 2000, during the presidential recount. There was great potential for dire consequences as the recount unfolded. But not with John as our leader. He guided us with a calm, sure hand. Rather than rush to judgment, our President cautioned us to proceed with prudence. His instincts and leadership served us well. His handling of the presidential election was the first glimmer of a quality we all aspire to—statesmanship.

Being Senate President is a powerful position, one of the most politically powerful in this state. Yet John McKay, the President, understands full well and has shown that the greatest leaders are the ones who possess the power but seldom use it.

He has continued the traditions of those Senate leaders before him, that every Floridian, regardless of their socio-economic status, color of their skin or ethnic origin, has a voice that is heard in the chamber of the Florida Senate.

Consistent with this, and what has impressed me the most, is that John McKay, the President, gives you the feeling that every issue important to the 39 of us is equally important to him; amazing when you consider our rich diversity.

My respect for John McKay, the President, is only surpassed by my admiration for John McKay, the man.

When John sets his sights on achieving a goal, he doesn’t waver. Some may describe this as being single-minded. I believe it illustrates a man with a conviction and compassion for doing what he believes is right for the greater good of this state.

He is, without a doubt, one of the most committed individuals I know. When he tells you that he is going to do something, he does it. When he tells you that you have his support, you can count on it.

As Senate President, he has fought for a better Florida. Over the past year, he has tirelessly urged us to think about this state’s future and that of its people. What is best for them, what is best for the generations to come? It has been a lightning rod issue, but nonetheless, he has forced a spotlight on how our government is funded. No other has made such progress on reforming this state’s tax structure in years. I believe John McKay’s quiet determination will be proven in the end.

He is an admirable, genuine, and committed individual. His admiration of this institution is clearly evident in his words and deeds. There is no mistaking that he has the Florida Senate’s best interest at heart.

Walter Lippman said, “The final test of a leader is that he leaves behind in other men (and women) the conviction and the will to carry on.” Mr. President, you have aced that test.

We are a better Senate and better Senators because of John McKay.

Mr. President, you have given us incredible opportunities and for that we will be forever grateful. Your political will, strength of conviction, and compassionate voice are an inspiration to us all.

John McKay, the President.

John McKay, the man.

Thank you for your unfailing grace and guidance to us and the people of Florida. Godspeed, my friend.

**Senator Rossin:** President McKay and I both coordinated our respective party's political campaigns in 2000, hoping we would come back to this chamber as Senate President. Clearly, neither of us could ever have imagined what the 36 days following that election would be like. On one of those 36 days, I wrote a letter to President McKay about the weighty matters before us in the Florida Senate. In that letter, I conceded I didn't envy the position he was in.

Needless to say, this President has overseen perhaps the most tumultuous two years in our history, from the 2000 election to the terrorist attacks of September 11th and beyond. He then presided over two special sessions on Florida's budget crisis. Then, after it all, he had the courage to take on tax reform in his final session, not to mention in a redistricting year.

When I thought about what remarks I would make today about President McKay, I kept coming back to the word "courage." It has taken courage for this President to defy the recklessness of the Governor and the Speaker, and to insist on scaling back and then postponing implementation of the intangibles tax cut. It has taken courage for this President to demand adequate funding for education and health and human services in the midst of budget shortfalls. Most of all, it has taken courage and vision to stand up to Governor Bush, the House of Representatives, and the entire business community, and demand meaningful tax reform in Florida.

Through it all, he has remained composed under fire.

I commend President McKay for insisting on decorum and fairness on the Senate floor. The value he places on our rules is what sets us apart from the House, and why the Senate so rightly deserves the title of "upper chamber."

I commend him for doing the right thing for the right reasons, against overwhelming odds.

Indeed, I have heard it said by members of my caucus that John McKay is as fine a President as Democrats could hope for. And that, Mr. President, is most certainly intended as a compliment. Thank you.

**Senator King:** Thank you, Mr. President, and Members. If you think back to how it all began, not just the choosing of the President, not the 36 days that went to make this chamber world famous, but even prior to that, to the dedication that Senator McKay showed as the incoming President Designate, to the time he spent to make sure there were the resources to fight the battles, to do the campaigns, to the sacrifices he made in his personal life, as well as his own businesses.

Then after that, having proven successful, and his party being the majority party in this chamber, we were dealt the blow of a tie in the presidential election. There are those of us who were prepared to do it wrong. There are those of us who advised Senator McKay to do it wrong. His perseverance, his understanding of what lay ahead, his dedication to the fact that the Senate would move slowly, regardless of what push came from other chambers or other sources. His deep and abiding feeling—that of all else, this Senate would be thinking, caring and slow to act—made each of us in this chamber the talk of a universe. Had we done it differently, who knows what the consequences would have been?

Then skip ahead just slightly to September 11th. Here, a whole world sits in the abyss, not knowing from one day until the next what would happen. Senator McKay's position was to prepare ourselves. Prepare ourselves for the worst, but make sure that we communicate that we are the best to the people who are relying on us to make those decisions. If you think about all the things that were suggested to us as a body that we should do in retaliation, all the things we should do in preparation, all the things that were said to be absolutely mandatory, things where some of which would have tread most assuredly on human rights and on personal privileges and indeed, on citizen privacy. Senator McKay was the person who kept us in sync and in control. We did only what had to be done. We met the test of what our citizens expected—to be safe, to be protected, but not to be trod upon.

Then consider some of the other factors that occurred during his tenure just this last year, two special sessions. Remember how divisive everything was and how it ended up; truly, truly in a handshake across the aisles that brought both the process and this chamber back into sync with what the citizens of this state expected. It is said by even the Senators' issue detractors that never before have any of them met anyone with as much resolve, as much determination and as much unwavering focus as Senator McKay.

If you stop to think about it, what greater assets could a Senate chamber expect in its Senate leader than those commitments that focus on that unswerving faith? I can assure you in the years that I have known him, and in the two years that I have served him, everything he has done he has believed in, not for just himself, but for the people of Florida, for the citizens he represents. He never asked for edifices. He never built giant buildings with his name. He felt strongly about citizen preparation. He leaves giant shoes. I would only hope that those of us destined to follow can come close to filling them.

**Senator Carlton:** I have known Senator McKay for a very long time. When I first met him, I was interviewing for a job. He asked me why I wanted to leave a law firm and come and work for the Florida Senate. I told him that I thought it would be interesting, that it would show me a little bit about public service, and that I thought it was probably time that I learned a little bit about public service. He said, "Well, you know the job doesn't pay very much." And I said, "Well yes, I know that. But I think it's an important job. I think I would learn a lot. I think I would do a good job for you." So he hired me.

I had the privilege of working for him for only a very short time, a little over a year. In that time, I watched him not only as a member of the Senate, but a member of the Senate during a tumultuous time and then later during a time when there was a 20-20 split in this chamber. I watched him. Then I watched the respect that other members had for him; for his opinions on issues; for his drive and desire to always do the right thing; for his ability to gather people together and listen to their ideas, solicit opinions from them and to come up with solutions, whether it was appropriations issues or issues that were in his heart—health and human service issues.

I also watched him as a father. I was very young at the time. His children were also very young. I watched him and years later, now appreciate the struggles he went through to split his life between the rigors of being in the Florida Senate and of being a father. Certainly now as a mother, I have come to understand and appreciate a little bit about what raising children is about. At the time, he had three teenage girls. He always had a calm, but firm hand with them. I think that probably later in life, they probably have appreciated that calm, firm hand, more so than they did at the time when they complained to me about their father and the things he said to them and the things that he wouldn't let them do and the things that he told them they had to do. I see them now as three young women. I think how proud he must be of them, and how proud they must be of him. Hopefully, they have grown to appreciate the firmness with which he raised them. We appreciate the time, girls, that you have given up with your father, so that the people on this floor have a little part of him, and the people of Florida have a part of him. You have made sacrifices for the good of Florida. Probably at times, it was very difficult to do so when he was here and you were there. But there was a higher calling, and the higher calling that he had here, he did a better job because he was your father.

I think the person that has probably made the ultimate sacrifice so that we might have some of John McKay is his wife, Michelle. She has made sacrifices that a lot of us on this floor as women and as wives, quite frankly, might not choose to make. She has given up personal, she has given up professional pursuits in order for Senator McKay to pursue the Senate Presidency and to be a Senate President that we all have grown to appreciate and to be privileged to serve with. She has been an example of a true, true supporter and a wife in the ultimate sense of the word, and certainly someone that is a wife and a supporter. Sometimes it is difficult to step out of that role, but she also has been able to serve in that role, but at the same time, be a close advisor in what's most important in a spouse—a friend. We thank you, Michelle, for the ultimate sacrifices that you have made so that we could serve with your husband and that the citizens of the State of Florida could have him as our Senate President.

Senator McKay's leadership style is calm and steady and it always has been. That's what has served this chamber so well and that's what has

served the people of the State of Florida so well. He marches to the beat of a different drummer. Sometimes he is unpredictable. Sometimes you are not sure what he is going to say, but there is one thing you can always be sure of, and that is, he is going to listen to you. He is going to listen to your advice, and your opinions and your suggestions. Because of your advocacy on issues that many times were un-Republican in nature, you have brought out the best in some of us. You have brought out issues that, perhaps we would have not advocated, had we not had a voice come before.

You have also served this chamber well in the way you utilize people in this chamber. You haven't been afraid to put people in positions. You haven't been hesitant to allow a person who has never served on Appropriations to be Appropriations Chair and I thank you for that. You have been a mentor of mine for many, many years. It will be difficult for me to stay in this place without you here. It has been a privilege and an honor to be your colleague, but more importantly, to be your friend. It has been a privilege for the citizens of the State of Florida to have you serve as Senate President. Thank you.

**Senator Lee:** I rise to wing it, because when it comes to friends, Mr. President, I have never been much for overly prepared remarks. Mr. President, my friend, we have made some jokes here this morning about the unveiling, or as some have termed it, the "hanging." What you do not know is that when we announced we were doing the "hanging" this morning, both the Governor and the Speaker have called three times offering to pull the lever. Big shock there.

This is an important day for you, Mr. President, and for your family, and for the Senate. As much as it is about you, it is more than that. We have portraits of Senators hanging on the walls in this Senate, displaying over a hundred years of Florida's history. Each of these individuals represents a very special place and time in the history of our state. Each of them personifies in their own special way, the issues and challenges faced in their day. Our Senate President, Senator McKay, who will soon hang next to Senator Jennings on the wall for a long, long time to come, will be marked by the challenges and issues that he faced when he led this Senate through over the last two years.

But it is more important than the issues and challenges because each of these portraits, in my opinion, reflects the image of the man, or as Senator Wasserman Schultz would put it, the person. In this case, Senator McKay.

The one thing I learned about John McKay a long, long time ago was that he did not live for this moment. This is not the day that, in his mind, he considers the culmination of his presidency, because he never wanted to be Senate President just to have his picture on the wall. In fact, we have actually had those discussions. I was always very proud of him to have that perspective.

The question really is the importance of today. And that is what will we see when we look on the walls of this Senate over the next 100 years about the man? I think what we will see, Senators, is that John McKay was a good President, for the reasons that have already been mentioned, and the challenges that he has led this chamber through. History will certainly note that he was not a lucky President, by any stretch of the imagination, with the three special sessions, the budget issues, September 11th and the presidential challenge that we had. I have already told him he should not expect to see me standing next to him in a rain shower any time soon.

But he was also a good President because he surrounded himself with people who were there to tell him the truth. It was not always what he wanted to hear. I know I have been involved in those conversations and many of you have as well. He wants a full perspective of the views of this Senate so that he can then make a decision. He is someone who stood for something, which has already been said here, the things that he believes in, and the reasons why. He didn't come to this Senate to end up with his picture on the wall. He came to this Senate to make a difference. I think history will reflect that he has done so. He has done so with the spirit of his convictions. He has done so with a sense of loyalty that I, frankly, have not seen many times in my life. I think it is a reflection of the value system of a man who was raised the right way.

Mr. President, I have always believed that we will soon forget on the days following our last days here on the Senate floor, the issues and the challenges that framed our service here in the Senate. But we will never forget the personalities and the people that we served with. They will

have enduring memories and will burn a place in our minds forever. I will tell you that we will remember you finally for all the reasons that I have said. It has been an honor and a privilege to serve with you, Mr. President, and Godspeed to you, my friend.

**Senator Miller:** I never will forget the night that I won my election. I got a phone call from Senator McKay, knowing he supported my opponent. But he called and congratulated me and said, "We welcome you aboard. It takes 39 Senators to run this Senate." I did not believe it that way, coming from the House, the way I did. But he was absolutely right. He allowed a Democratic freshman to come in and work and do some things that I do not think that I would have had the opportunity to do if I was at the other end of the hall.

I served in the Manatee County delegation with him. He is the Senate President and he has given me a lot of work to do down there, because he doesn't follow the bills, nor does he carry the projects. So my staff has to do a lot of work. But that, in itself, is meaningful because I am in an area that was out of my base before and now it has given me the opportunity to go down in Manatee County and work, and meet more people than I ever thought I would meet and have the opportunity to work with them.

I think one of the funny things that happened on this floor a couple of weeks ago—maybe it was the last session, I can't remember now—he came up to me and said, "You know, Les, we had heard some things about you when you were down in the House." He said, "You were a real—I can't use the words—when you were down there." I said, "Mr. President, this is a different chamber than the House was. I had a job to do down there in the House and it was tough down there. We were run over a lot of times. We weren't allowed sometimes to even participate in certain things, but this chamber is much different." That's because of you, Mr. President. You run this chamber differently. The Senate is a collegial body most of the time, compared to the one that is down the way. So I wanted to get up and thank you for that, Mr. President. I have enjoyed serving with you here. I've enjoyed serving with you in Manatee County.

It wasn't often that someone like me could sit down and have lunch with the leader of one of these chambers. I never did it. But I did have lunch with you many times down in Manatee County and we talked about a lot of things. I just want to thank you for that opportunity. It has been great working with you. It has been trying sometimes, and tough, but you made some decisions in this chamber that I think send a message to the people of the State of Florida that this Senate is for the betterment of the people of the State of Florida, not for political reasons, but for their lives. You are to be remembered for that. You are to be thanked for that. I just thank you for allowing me and others that came down to this chamber to have the opportunity to work with you and others in totality. Thank you.

**Senator Geller:** Thank you. Most of the remarks that you have heard have been from Republican members, and prior to Senator Miller, of course, your Democratic Leader. From a Democratic perspective I wanted to speak briefly.

I had always heard in the House, and I apologize, but I had always heard in this House about this right-wing ideologue, John McKay. When I came over here, I found that I was mistaken. I have been privileged to be one of the Democrats serving as a committee chair under President McKay, for which I am deeply grateful.

I must tell you, Mr. President, I've never mentioned this to anybody. After you called me, I was at my law office conducting a meeting, and you called me to inform me that you had just appointed me as Chairman of the Agriculture and Consumer Services Committee, I thanked you deeply. As soon as I hung up, I literally fell out of my chair, laughing. But I didn't comment on that at the time. I just thank you deeply for the opportunity. I do deeply appreciate the opportunity that you have given me. I have to tell you that Florida, and I believe that the country, has been very lucky to have President McKay as our President during these trying times. If he had done nothing else, and he's done a lot beyond that, but if he had done nothing else other than conduct himself as he did during the debacle involving the presidential election, Florida and the country would have been well served by his presidency.

A long time has passed now, a year, year-and-a-half. Some of you may not remember all of the intense details. But, if you remember, the folks down the hall had adopted a position that the will of the voters in Florida

did not matter, that it was the Legislature that could decide who would be the President, and essentially, that the votes of the public did not matter. If the President of the Florida Senate had adopted that position as well, we would have then set a precedent in this state, and perhaps the country, of saying the voters don't matter. One man, essentially, stood between us and electoral chaos. That's the man whose portrait we are going to be seeing shortly. I think the State of Florida and the country owe him a debt of gratitude for the common, deliberative approach that he took during that time saying, "No, it is going to be the will of the voters."

We have been helped by his calm and deliberative approach in other issues; the intangibles tax, and the entire budget, which I thought, again, had the potential to cast deep rifts among ourselves and between us and the body across the hall, and the man downstairs, the Governor. President McKay insisted on doing issues that would be important for the constituents of the State of Florida. I remember the first time that President McKay asked me for my vote on an important issue. He didn't ask me for my vote on the special interests. He didn't ask me for my vote on a partisan issue. He came to me and said, "You are one of my committee chairs. This is an important issue to me." It was dealing with homelessness. I don't know how many Senate Presidents would come up and say, "This issue is important to me that I need your support on homelessness." The citizens of the State of Florida, all of them, the poor ones, the ones that do not have the expensive lobbyists, have had quite a lobbyist and an effective advocate in President McKay.

Mr. President, I'm not sure how popular you are today among all of the Republican voters statewide, but you are very popular in my district. When I give speeches and I'm telling people what is happening in Tallahassee, I can tell you, you're very popular in my district because of your concerns for the people of the State of Florida. I get concerned sometimes, when we're talking about these things, that they almost sound like a eulogy. I hope that this is not the case, Mr. President. Let me tell you that I hope that you fare well in the future since this is not a eulogy. But, again, I personally appreciate your friendship. The citizens of Florida may not realize how well they have been served by you, but they have been. Thank you, Mr. President.

**Senator Klein:** Thank you, Mr. President. I think Senator Lee mentioned that one should look around the room and look at the different portraits that we see. Every one of these men and women had to achieve a political objective of getting elected by the members of the Senate at that time, the 40 members. There were probably coalitions at one point. It was a principally Democrat institution; now we have, obviously, Republicans in control, but every one of them had to do the same thing. That is, they all had to come forward on the first day of their session, the first day of their administration, and lay out what was going to be important to them, what was going to be the administration, the standards and the issues that they were going to be judged on at the end.

When we heard President McKay's comments the first day, we heard about children with special needs, we heard about the underserved in our population, we heard about tax reform, we heard a lot of things that maybe some were surprised, some were not. I know I had spoken to Senator McKay many years ago, before I was in this chamber, about tax reform. He had described our system as Swiss cheese. So this certainly wasn't a Johnny-come-lately to this issue. This was a man who talked about his issue, felt strongly about it, and when his turn came, gave it a shot, worked hard at it, and continues to work, at this moment, on this issue.

We all may not agree on every approach. These are all important issues to all of us. We may take different ways of getting to the end objective, but I think we all respect the process. I think the legacy of any leader of the Senate, and President McKay, this applies to you as well, is not necessarily the radical changes that may have occurred in policy over the two years. Sometimes it is a question of what was stopped, that may have been something that wasn't good for the state; what was controlled or modified so that the long-term vision of the state, of all of us, can be accomplished; and ultimately, keeping the process going in a calm and deliberative way. Those two terms have been mentioned many times. But I think the way you have been described in terms of your calmness, your deliberativeness are also terms that many people on the outside look at the Senate and say, "That is how the Senate operates." It operates as a collegial body. We do not go swinging from the rafters. We don't throw bombs from the back. We have a tendency to try to work through issues. We may have some lively and spirited debates, but at the

end of the day, as Senator King and I always talk about, we can always end the session and go out and have a drink and talk about it, and realize that we've done the work for the day for the people of Florida. It may take different turns at different times, but that is exactly how this process should work.

As term limits continue to evolve in this state, we have another round of members who have served with some of the greats. I see we have Senator Scott here. We all know Senator Childers, Senator Thomas, Senator Jennings, and so many of the leaders and followers that predated us. Those are people that knew the history of the institution and the culture of this institution, and why that culture is so important. I believe that Senator McKay, as our President, has fostered, enhanced, and taught that culture to all of us as members, particularly those of us who came over from the House, from a different way of doing business; and certainly to the people that are new to this process, that haven't been here before, and that didn't know what that was all about. But that is a legacy. That's a legacy that you, Senator McKay, should be proud of. It is something that will only make this body stronger in the future and will only allow it to continue to do what we believe is right in a way that the people of Florida will respect.

So, our thanks to you for being the Senate President in this past year, getting through some very difficult times, probably more difficult times than many of us have ever served under in any public office, and by doing it with dignity and grace and respect. We thank you for that.

**Senator Campbell:** Senator from the 29th, you weren't the only one that fell off your chair when Senator McKay made your appointment. I think a lot of other people in the State of Florida fell off their chairs.

When we look at someone of leadership, such as Senator McKay, it reminds me that the qualities that a leader has should be something which should be emulated by future leaders. I guess I'm going to talk to the Senator from the 8th and whomever follows in the position, unless the Democrats win our next election, which we find out after we do our maps. But you know, good athletes don't make great coaches. A great pianist or a great violinist doesn't make a great conductor. A great teacher doesn't necessarily make a great principal. Leaders have certain qualities. It's not necessarily the skill of performance, but it's the ability to lead that performance. And that's what John McKay has done.

Like Senator Lee, I was not prepared to give a speech today; but I've been sitting back here and I wrote down some things that I felt are qualities that emanate from this leader. Think about these, if you can, on the two years that John has been our leader.

Do you think he has had the thrill of the challenge? I mean, it has been pretty challenging to lead this body in these times. He is not a leader who has stuck by the status quo. He's a gentleman, and that's a big word, who we find has mental toughness. He has visions and he has values that I think he has tried to pass on to all of us. The one thing that I found, especially as a Democrat, to be especially important, is that he has developed a partnership amongst the 40 members. He has given everybody a voice to talk. He has knowledge. He dares to do anything that he feels is right for the people of the State of Florida. He's savvy.

He is, for sure, persistent. I believe that even though the pundits in the press have said that tax reform is dead, I don't believe it. I believe that John will, in fact, persist until we get some true reform of a system that needs to be reformed.

He's passionate. You all know that when he comes and brings you back to the little room and talks to you about the issues that need to be talked about. But the big thing that I have found, and I think Senator Klein mentioned it a lot, is that he has an empathetic character in him for the small folks, for the people that don't have the \$1,000-an-hour lobbyist who are out there every minute; the homeless, the disabled. I think it was this morning, I woke up and I heard again, I think for the thousandth time since I've been up here this year, about the McKay Scholarships. You know that took guts to provide children who have disabilities with the opportunity to become educated. And John, you should feel very proud of that.

He's patient. He has common sense. One thing that I have found throughout my four years of being in the Senate with Senator McKay, is that he's trustworthy. When he tells you something, you can believe it, you can go to the bank with it. He's reliable and he's creative. These

are qualities and characteristics that I hope some of the future leaders will, in fact, emulate.

John, I don't say these without meaning. You have the meaning of all these characteristics. You, in fact, have the skill of leading the performance. And hopefully, that performance will be for the betterment of the citizens of the State of Florida. I'm very proud to have served four years with you, two years as my President. I wish you and your family the best after this long, hard, arduous public service that you've committed to the people of the State of Florida. Good luck and the best to your family.

**Senator Jones:** Thank you. Senator McKay, I think of you as an inspiration. You are the "comeback kid." That's what you are. After great personal and family sacrifice, you've risen to the highest levels of leadership in the Florida Senate. I think that's outstanding.

As others have indicated, when you first became the President Designate for the Senate, a lot of folks were fearful that you would be far-right wing. I think I was among those for a while. When you made your first speech, and I've said this once before, as the Senate President, you indicated that you weren't going to run for anything else after this. I thought to myself, "Wow, that means that he can do the right thing." And you did.

You understood that Democrats weren't always right or wrong and that Republicans weren't always right or wrong. You always tried to do what was right. I know I really appreciated that as did many other people here on this floor. You talked about a lot of things, as has been indicated, that were not always Republican issues. So what that means is that you tried to represent all the people of the State of Florida. Again, that's outstanding.

You have the resolute calm, which has been used many times today, at least in my experience, of a fighter pilot. You know, people who have to remain calm under pressure no matter what the situation is. You do that in an outstanding manner as well.

I just wanted to let you know that it has been a real honor serving with you. I look forward to maintaining our friendship after you and I are no longer a part of this body. Thank you, Mr. President.

**Senator Silver:** Thank you, members. I just want to take one second from the podium, because if I was down there, I would be giving more extensive remarks; but I would agree with most everything that everybody has said.

I will just sum up what I think of President McKay. That is: he cares about others, he cares about people in general, he cares about their quality of life. I don't know of a higher calling than when you can do that.

I thank him for giving me the privilege of serving as Subcommittee Chairman of Health and Human Services because I know that you do care about other people. It has been a privilege to work with you on that issue. Would the Sergeant and the Secretary please deliver the portrait to the chamber floor?

**Senator Posey:** I did not know the President's portrait was going to be unveiled this morning, so I was unprepared to make appropriate comments about him at the time.

Inasmuch as all other comments were made by supporters of the President's plan to reform the Services Tax, I felt there should also be comments by an opponent of the plan. I would like the record to reflect that I am grateful to President McKay for making my first year in the Senate, my ninth in the Florida Legislature, my first enjoyable one. I am personally grateful to him for naming me Chairman of the Ethics and Elections Committee and empowering me to help author the Florida Elections Reform Act of 2001, which has been and is now being used as a model for other states.

I am grateful to him for naming me Chairman of the Banking and Insurance Committee this year. During my tenure as Chairman of each committee, he has allowed me, the committee members and staff freedom to perform our duties independent of direction from the President's office, but guided by, in the President's own words, "Whatever is best for the people of Florida."

I admire and respect President McKay also for keeping his promises to Florida's counties by continuing funding for new voting equipment

that will insure every vote will honestly and accurately be counted in future elections. John McKay is one of the few legislative leaders I have observed who makes his appointments based on member abilities and not backroom deals.

The Senate and the State are better because of John McKay and I am grateful to him, his wife Michelle and his daughters for the sacrifices they shared so he could lead the Florida Senate during some of the most difficult times in its history.

**ADDRESS BY PRESIDENT  
JOHN M. MCKAY**

Thank you, Senators Pruitt, Rossin, King, Carlton, Lee, Miller, Geller, Klein, Campbell, Jones, Silver and Posey for your kind words. They are quite humbling.

It is quite an honor to serve as President of The Florida Senate. It is not as great as the honor of being the husband of my wife, or being the father of my children, or being the son of my parents; but there is no doubt that this will be one of the highlights of my life, for it is the only political office to which I ever truly aspired.

Let me share with you one fact that puts this position in perspective for me. If Florida were a separate nation, our economy would rank as the 15th largest in the world.

To lead a legislative body in a government of a similar size, in addition to being an honor, is quite a responsibility; one that I have never taken lightly. As we all know, public service, while a privilege, is a sacrifice both financially and personally. The commitment required to be President of the Senate is not worth the additional sacrifices required unless one has an agenda that will make a difference in the lives of Floridians.

I believe that the agenda we have set together—one of seeking stability for those in foster care, of helping the homeless and mentally ill break the cycle of despair, of finding appropriate aid and treatment for those with disabilities, of improving long-term care for the elderly, of ridding government of institutionalized waste through zero-based budgeting, and of reforming our tax system in order to meet Florida's challenges—has made, and will continue to make, a difference long after we are gone. Finally, all of us can be proud that we have addressed these issues in a calm and reasoned manner with respect for the tradition of the Florida Senate.

Thank you for the pleasure of serving as your President.

**RECESS**

On motion by Senator Lee, the Senate recessed at 12:03 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:05 p.m. A quorum present—39:

Mr. President	Geller	Posey
Brown-Waite	Holzendorf	Pruitt
Burt	Jones	Rossin
Campbell	King	Sanderson
Carlton	Klein	Saunders
Clary	Latvala	Sebesta
Constantine	Laurent	Silver
Cowin	Lawson	Smith
Crist	Lee	Sullivan
Diaz de la Portilla	Meek	Villalobos
Dyer	Miller	Wasserman Schultz
Futch	Mitchell	Webster
Garcia	Peaden	Wise

**SPECIAL ORDER CALENDAR**

Consideration of **CS for SB 594**, **CS for SB 1312**, **CS for SJR 940** and **CS for CS for SB 370** was deferred.

## SENATOR BROWN-WAITE PRESIDING

On motion by Senator Pruitt—

**CS for SB 1620**—A bill to be entitled An act relating to workforce innovation; amending s. 445.009, F.S.; directing Workforce Florida, Inc., to develop strategies and policies for using private-sector staffing services firms; requiring a report; providing requirements for certain contracts; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1620** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**CS for SB 1882**—A bill to be entitled An act relating to the Motor Vehicle Warranty Enforcement Act; amending s. 681.103, F.S.; providing for consumer notification of the Pilot RV Mediation and Arbitration Program; amending s. 681.1096, F.S.; postponing expiration of the Pilot RV Mediation and Arbitration Program; amending 681.1097, F.S.; revising provisions relating to the screening of claims; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1882** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 2410** and **CS for SB 2262** was deferred.

On motion by Senator Silver—

**SB 2086**—A bill to be entitled An act relating to children's services; amending s. 125.901, F.S.; providing for the creation of a council on children's services in any county that has a home rule charter; providing for council membership and terms of office; providing an effective date.

—was read the second time by title.

The Committee on Children and Families recommended the following amendments which were moved by Senator Silver and adopted:

**Amendment 1 (774170)**—On page 3, delete line 11 and insert: *of public postsecondary education institutions located in the*

**Amendment 2 (684870)**—On page 3, lines 17 and 18, delete those lines and insert: *director of the county health department or the director's designee; the state attorney for*

**Amendment 3 (092286)**—On page 4, delete line 22 and insert: *demographic diversity of the population of the county. Members who are appointed to the council by reason of their position are not subject to the length of terms and limits on consecutive terms as provided in this section. The remaining*

Pursuant to Rule 4.19, **SB 2086** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

**CS for CS for SB 2006**—A bill to be entitled An act relating to household movers; defining terms; prohibiting certain actions by movers when moving household goods; providing requirements for contracts and estimates; providing penalties; prohibiting county ordinances regulating the transportation or shipment of household goods except under specified circumstances; providing an effective date.

—was read the second time by title.

Senator Campbell moved the following amendment:

**Amendment 1 (820342)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Definitions.*—For the purposes of this act, the term:

(1) “*Accessorial services*” means any service performed by a mover which results in a charge to the shipper and is incidental to the transportation service, including, but not limited to, valuation coverage; preparation of written inventory; equipment, including dollies, hand-trucks, pads, blankets, and straps; storage, packing, unpacking, or crating of articles; hoisting or lowering; waiting time; long carry, which is defined as carrying articles excessive distances between the mover's vehicle and the residence; overtime loading and unloading; reweighing; disassembly or reassembly; elevator or stair carrying; boxing or servicing of appliances; and furnishing of packing or crating materials. Accessorial services also include services not performed by the mover but by a third party at the request of the shipper or mover, if the charges for such services are to be paid to the mover by the shipper at or prior to the time of delivery.

(2) “*Advertise*” means to advise, announce, give notice of, publish, or call attention by use of oral, written, or graphic statement made in a newspaper or other publication or on radio or television, any electronic medium, or contained in any notice, handbill, sign, including signage on vehicle, flyer, catalog or letter, or printed on or contained in any tag or label attached to or accompanying any goods.

(3) “*Compensation*” means money, fee, emolument, quid pro quo, barter, remuneration, pay, reward, indemnification, or satisfaction.

(4) “*Contract for service*” or “*bill of lading*” means a written document approved by the shipper in writing prior to the performance of any service which authorizes services from the named mover and lists the services and all costs associated with the transportation of household goods and accessorial services to be performed.

(5) “*Department*” means the Department of Agriculture and Consumer Services.

(6) “*Estimate*” means a written document which sets forth the total cost and the basis of such costs related to a shipper's move, which shall include, but not be limited to, transportation or accessorial services.

(7) “*Household goods*” means personal effects or other personal property found in a home, personal residence, storage facility, or other location, including property in a storehouse or warehouse facility that is owned or rented by a shipper or shipper's agent, but does not include freight or personal property moving to or from a factory, store, or other place of business.

(8) “*Mover*” means any person who engages in the transportation or shipment of household goods for compensation.

(9) “*Shipper*” means any person who uses the services of a mover to transport or ship household goods.

(10) “*Storage*” means warehousing of the shipper's goods while under the care, custody, and control of the mover.

Section 2. *Construction; intent; application.*—

(1) *The provisions of this act shall be construed liberally to:*

(a) *Establish the law of this state governing the transportation, shipment, and affiliated storage of household goods.*

(b) *Address moving practices in this state in a manner not inconsistent with federal law relating to consumer protection.*

(2) *The provisions of this act shall apply to the operations of any mover engaged in the intrastate transportation of household goods, except this act shall not be construed to include shipments contracted by the United States, the state, or any local government or political subdivision of the state. The provisions of this act shall only apply to the transportation of household goods originating in this state and terminating in this state.*

(3) *It is the intent of this act to secure the satisfaction and confidence of shippers and members of the public when using a mover.*

(4) *Nothing in this act shall be construed to remove the authority or jurisdiction of any federal agency with respect to goods or services regulated or controlled under other provisions of law.*

Section 3. Registration.—

(1) Each mover shall annually register with the department, providing its legal business and trade name, mailing address, and business locations; the full names, addresses, telephone numbers, and social security numbers of its owners or corporate officers and directors and the Florida agent of the corporation; a statement whether it is a domestic or foreign corporation, its state and date of incorporation, its charter number, and, if a foreign corporation, the date it registered with the State of Florida, and occupational license where applicable; the date on which a mover registered its fictitious name if the mover is operating under a fictitious or trade name; the name of all other corporations, business entities, and trade names through which each owner of the mover operated, was known, or did business as a mover within the preceding 5 years; and proof of purchase of adequate bond or establishment of a letter of credit or certificate of deposit as required in this act.

(2) A certificate evidencing proof of registration shall be issued by the department and must be prominently displayed in the mover's primary place of business.

(3) Registration fees shall be \$300 per year per mover. All amounts collected shall be deposited by the Treasurer to the credit of the General Inspection Trust Fund of the department for the sole purpose of administration of this act.

(4) Any mover whose principal place of business is located in a county or municipality that requires, by local ordinance, a local license or registration to engage in the business of moving and storage of household goods shall obtain the license or registration from such county or municipality. A mover that obtains such local license or registration shall also be required to pay the state registration fee under subsection (3) and the department shall issue the mover a state certificate of registration upon submission of proof of the local license or registration by the mover.

(5) Each contract of a mover must include the phrase “ (NAME OF FIRM) is registered with the State of Florida as a Mover. Registration No. . . . .”

(6) Each advertisement of a mover must include the phrase “*Fla. Mover Reg. No. . . . .*”

(7) No registration shall be valid for any mover transacting business at any place other than that designated in its application, unless the department is first notified in writing in advance of any change of location. A registration issued under this act shall not be assignable, and the mover shall not be permitted to conduct business under more than one name except as registered. A mover desiring to change its registered name or location or designated agent for service of process at a time other than upon renewal of registration shall notify the department of such change.

(8) The department may deny or refuse to renew the registration of any mover based upon a determination that the mover, or any of its directors, officers, owners, or general partners:

(a) Has failed to meet the requirements for registration as provided in this act;

(b) Has been convicted of a crime involving fraud, dishonest dealing, or any other act of moral turpitude;

(c) Has not satisfied a civil fine or penalty arising out of any administrative or enforcement action brought by any governmental agency or private person based upon conduct involving fraud, dishonest dealing, or any violation of this act;

(d) Has pending against him or her any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude;

(e) Has had a judgment entered against him or her in any action brought by the department or the Department of Legal Affairs pursuant to this act or sections 501.201-501.213, Florida Statutes, the Florida Deceptive and Unfair Trade Practices Act; or

(f) Each mover shall provide evidence of current and valid insurance coverage as described in section 4.

Section 4. Cargo legal liability valuation and insurance coverage.—

(1) A mover operating in this state shall maintain current and valid cargo legal liability valuation and insurance coverage which includes:

(a) Coverage for cargo legal liability for loss or damage to household goods arising or resulting from the negligence of the mover, its employees, or agents, in an amount not less than \$10,000 per shipment.

(b) Motor vehicle coverage, including combined bodily injury and property damage liability coverage in the following minimum amounts:

1. \$50,000 per occurrence for a commercial motor vehicle with a gross weight of less than 35,000 pounds.

2. \$100,000 per occurrence for a commercial motor vehicle with a gross weight of more than 35,000 pounds, but less than 44,000 pounds.

3. \$300,000 per occurrence for a commercial motor vehicle with a gross weight of 44,000 pounds or more.

(c) A limitation on the release of a mover's liability for the value of a shipper's goods at a rate not less than 60 cents per pound per article. This limitation of liability shall be disclosed to the shipper in writing at the time the estimate or contract for services is executed prior to the provision of any moving or accessorial services. The disclosure shall also inform the shipper of the opportunity to reject or select additional valuation, including the cost and coverage of such additional valuation.

(2) All insurance coverages required under subsection (1) shall be issued by an insurance company or carrier duly authorized to transact business in the State of Florida. The department may require a mover to present evidence of the required coverages prior to issuance of a registration certificate, or renewal thereof, under section 3 of this act.

Section 5. Estimates and contracts for service.—Prior to providing any moving or accessorial services, a contract and estimate must be provided to a prospective shipper in writing, must be signed and dated by the shipper and the mover, and must include:

(1) The name, telephone number, and physical address where the mover's employees are available during normal business hours.

(2) The date the contract or estimate is prepared and any proposed date of the move.

(3) The name and address of the shipper, the addresses where the items are to be picked up and delivered, and a telephone number where the shipper may be reached.

(4) The name, telephone number, and physical address of any location where the goods will be held pending further transportation, including situations where the mover retains possession of goods pending resolution of a fee dispute with the shipper.

(5) An itemized breakdown and description and total of all costs and services for transportation and accessorial services to be provided during a move or storage of household goods.

(6) Acceptable forms of payment. A mover shall accept a minimum of two of the three following forms of payment:

(a) Cash, cashier's check, money order, or traveler's check;

(b) Valid personal check, showing upon its face the name and address of the shipper or authorized representative; or

(c) Valid credit card, which shall include, but not be limited to, Visa or MasterCard.

A mover shall clearly and conspicuously disclose to the shipper in the estimate and contract for services the forms of payments the mover will accept from those categories described in paragraphs (a)-(c).

Section 6. Delivery and storage of household goods.—

(1) A mover must relinquish household goods to a shipper and must place the goods inside a shipper's dwelling unless the shipper has not tendered payment in the amount specified in a written contract or estimate signed and dated by the shipper. A mover may not refuse to relinquish prescription medicines and goods for use by children, including children's furniture, clothing, or toys, under any circumstances.

(2) A mover may not refuse to relinquish household goods to a shipper or fail to place the goods inside a shipper's dwelling based on the mover's refusal to accept an acceptable form of payment.

(3) A mover that lawfully fails to relinquish a shipper's household goods may place the goods in storage until payment is tendered; however, the mover must notify the shipper of the location where the goods are stored and the amount due within 5 days after receipt of a written request for that information from the shipper, which request must include the address where the shipper may receive notice.

Section 7. *Violations.—It is a violation of this act to:*

(1) Conduct business as a mover or advertise to engage in the business of moving or offering to move without first being registered annually with the department.

(2) Knowingly make any false statement, representation, or certification in any application, document, or record required to be submitted or retained under this act.

(3) Misrepresent or deceptively represent:

(a) The contract for services, bill of lading, or inventory of household goods for the move estimated.

(b) The timeframe or schedule for delivery or storage of household goods estimated.

(c) The price, size, nature, extent, qualities, or characteristics of accessorial or moving services offered.

(d) The nature or extent of other goods, services, or amenities offered.

(e) A shipper's rights, privileges, or benefits.

(4) Fail to honor and comply with all provisions of the contract for services or bill of lading regarding the purchaser's rights, benefits, and privileges thereunder.

(5) Withhold delivery of household goods or in any way hold goods in storage against the expressed wishes of the shipper if payment has been made as delineated in the estimate or contract for services.

(6)(a) Include in any contract any provision purporting to waive or limit any right or benefit provided to shippers under this act.

(b) Seek or solicit such waiver or acceptance of limitation from a shipper concerning rights or benefits provided under this act.

(c) Use a local mailing address, registration facility, drop box, or answering service in the promotion, advertising, solicitation, or sale of contracts, unless the mover's fixed business address is clearly disclosed during any telephone solicitation and is prominently and conspicuously disclosed on all solicitation materials and on the contract.

(d) Do any other act which constitutes fraud, misrepresentation, or failure to disclose a material fact.

(e) Refuse or fail, or for any of the mover's principal officers to refuse or fail, after notice, to produce any document or record or disclose any information required to be produced or disclosed.

(f) Knowingly make a material false statement in response to any request or investigation by the department, the Department of Legal Affairs, or the state attorney.

Section 8. *Deceptive and unfair trade practice.—Acts, conduct, practices, omissions, failings, misrepresentations, or nondisclosures which constitute a violation of this act also constitute a deceptive and unfair trade practice for the purpose of ss. 501.201-501.213, Florida Statutes, the Florida Deceptive and Unfair Trade Practices Act, and administrative rules adopted thereunder.*

Section 9. *Administrative remedies; penalties.—*

(1) The department may enter an order doing one or more of the following if the department finds that a mover or person employed or contracted by a mover has violated or is operating in violation of any of the provisions of this act or the rules or orders issued thereunder:

(a) Issuing a notice of noncompliance pursuant to section 120.695, Florida Statutes.

(b) Imposing an administrative fine not to exceed \$5,000 for each act or omission.

(c) Directing that the person cease and desist specified activities.

(d) Refusing to register or revoking or suspending a registration.

(e) Placing the registrant on probation for a period of time, subject to such conditions as the department may specify.

(2) The administrative proceedings which could result in the entry of an order imposing any of the penalties specified in subsection (1) are governed by chapter 120, Florida Statutes.

(3) The department has the authority to adopt rules pursuant to chapter 120, Florida Statutes, to implement this act.

Section 10. *Civil penalties; remedies.—*

(1) The department may institute a civil action in a court of competent jurisdiction to recover any penalties or damages allowed in this act and for injunctive relief to enforce compliance with this act.

(2) The department may seek a civil penalty of up to \$5,000 for each violation of this act.

(3) The department may seek restitution for and on behalf of any shipper aggrieved or injured by a violation of this act.

(4) Any provision in a contract for services or bill of lading from a mover that purports to waive, limit, restrict, or avoid any of the duties, obligations, or prescriptions of the mover, as provided in this act, is void and unenforceable and against public policy.

(5) The remedies provided in this act are in addition to any other remedies available for the same conduct, including those provided in local ordinances.

(6) Upon motion of the department in any action brought under this act, the court may make appropriate orders, including appointment of a master or receiver or sequestration of assets, to reimburse shippers found to have been damaged, to carry out a consumer transaction in accordance with the shipper's reasonable expectations, or to grant other appropriate relief.

Section 11. *Criminal penalties.—*

(1) The refusal of a mover or a mover's employee, agent, or contractor to comply with an order from a law enforcement officer to relinquish a shipper's household goods after the officer determines that the shipper has tendered payment of the amount of a written estimate or contract, or after the officer determines that the mover did not produce a signed estimate or contract upon which demand is being made for payment, is a felony of the third degree, punishable as provided in section 775.082, section 775.083, or section 775.084, Florida Statutes. A mover's compliance with an order from a law enforcement officer to relinquish goods to a shipper is not a waiver or finding of fact regarding any right to seek further payment from the shipper.

(2) Except as provided in subsection (1), any person or business that violates this act commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

Section 12. *General Inspection Trust Fund; payments.—Any moneys recovered by the department as a penalty under this act shall be deposited in the General Inspection Trust Fund.*

Section 13. *Local regulation.—The provisions of this act are not intended to preempt local ordinances or regulations of a county or municipality that regulate transactions relating to movers of household goods. As provided in section 3(4), counties and municipalities may require, levy, or collect any registration fee or tax or require the registration or bonding in any manner of any mover. The department may enter into a cooperative agreement with any county or municipality that provides for the referral, investigation, and prosecution of consumer complaints alleging violations of this act.*

Section 14. *There is hereby appropriated six full time equivalent positions and \$200,000 from General Revenue and \$200,000 from the General Inspection Trust Fund in the Department of Agriculture to implement the provisions of this act.*

Section 15. This act shall take effect July 1, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to regulation of movers; providing definitions; providing construction, intent, and application; providing for registration with the Department of Agriculture and Consumer Services; authorizing the department to adopt rules; providing for fees; providing for display of certain information; providing for local registration; providing requirements, procedures, criteria, and limitations; authorizing the department to charge certain fees; providing for denial of or refusal to renew registration; requiring cargo legal liability valuation and insurance coverage; requiring estimates of moving costs; providing requirements and criteria; providing for delivery and storage of household goods; specifying violations; providing that certain violations constitute deceptive and unfair trade practices; providing penalties; providing for relief; providing for deposit of funds; providing for local regulation; providing for enforcement by the department under cooperative agreements with local governments; providing an appropriation; providing an effective date.

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (134160)**—On page 9, delete line 11 and insert: *include the address where the shipper may receive the notice. A mover may not require a prospective shipper to waive any rights or requirements under this section.*

On motion by Senator Campbell, further consideration of **CS for CS for SB 2006** with pending **Amendment 1 (820342)** as amended was deferred.

**CS for SB 2262**—A bill to be entitled An act relating to the Florida Fair Lending Act; providing a short title; providing legislative findings; providing purposes; providing definitions; specifying certain prohibited acts and practices relating to creditors making home loans under certain circumstances; providing limitations and prohibiting certain activities or conditions relating to creditors making high-cost home loans; providing a right to reinstate a loan under certain circumstances; specifying grounds for reinstatement; proscribing certain fees, charges, or penalties under certain circumstances; prohibiting foreclosure proceedings under certain circumstances; providing for preservation and enforcement of certain claims and defenses by borrowers; providing for liability of assignees and other holders under certain circumstances; proscribing subterfuge; providing for civil and criminal enforcement; providing penalties; providing for damages, costs, and attorney’s fees; specifying certain loan agreements as void and unenforceable under certain circumstances; protecting borrowers’ remedies; providing exceptions for corrections and unintentional violations; providing criteria; specifying certain rights and remedies as cumulative; providing powers and duties of the Department of Banking and Finance; providing severability; providing an effective date.

—was read the second time by title.

Senators Meek, Holzendorf and Miller offered the following amendment which was moved by Senator Meek:

**Amendment 1 (052916)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Short title; purposes.*—

(1) *This act may be cited as the “Florida Fair Lending Act.”*

(2)(a) *The Legislature finds that abusive mortgage lending has become a problem in this state. One of the most common forms of abusive lending is the making of loans that are equity-based rather than income-based. The financing of points and fees in these loans provides immediate income to the originator and encourages creditors to repeatedly refinance home loans. As long as there is sufficient equity in the home, an abusive*

*creditor benefits even if the borrower is unable to make the payments and is forced to refinance. The financing of high points and fees causes the loss of equity in each refinancing and often leads to foreclosure.*

(b) *Abusive lending has threatened the viability of many communities and caused decreases in home ownership. While the marketplace appears to operate effectively for conventional mortgages, too many homeowners find themselves victims of overreaching creditors who provide loans with unnecessarily high costs and terms that are unnecessary to secure repayment of the loan. The Legislature finds that as competition and self-regulation have not eliminated the abusive terms from home-secured loans, the consumer protection provisions of this act are necessary to encourage fair lending.*

Section 2. *Definitions.*—As used in this act, the term:

(1) *“Borrower” means any natural person obligated to repay the loan, including, but not limited to, a coborrower, cosigner, or guarantor.*

(2) *“Creditor” means a person who extends consumer credit that is subject to a finance charge or is payable by written agreement in more than four installments, and to whom the obligation is payable at any time. The term does not include any entity chartered by the Congress of the United States to engage in secondary market mortgage transactions or the Florida Housing Finance Corporation.*

(3) *“High-cost home loan” means a home loan the terms of which meet or exceed one or more of the thresholds defined in subsection (7).*

(4) *“Home loan” means a loan, including an open-ended credit plan, other than a reverse mortgage transaction, where the loan is secured by:*

(a) *A mortgage or deed of trust on real estate in this state upon which there is located or there is to be located a structure or structures designed principally for occupancy of from one to four families which is or will be occupied by a borrower as the borrower’s principal dwelling; or*

(b) *A security interest on a manufactured home which is or will be occupied by a borrower as the borrower’s principal dwelling,*

*and where the loan refinances an existing home loan or is a subordinate lien following one or more existing loans, or where the property securing the mortgage was, prior to the new mortgage, owned free and clear by the borrower.*

(5) *“Points and fees” means:*

(a)1. *All items listed in 15 U.S.C. s. 1605(a)(1) through (4), except interest or the time-price differential; or*

2. *All items required to be disclosed under s. 226.4(a) and (b) of Title 12 of the Code of Federal Regulations, as amended from time to time, except interest or the time-price differential.*

(b) *All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a table-funded transaction.*

(c) *The cost of all premiums financed by the creditor, directly or indirectly, for any credit life, credit disability, credit unemployment, or credit property insurance, or any other life or health insurance, or any payments financed by the creditor directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums calculated and paid on a monthly basis shall not be considered financed by the creditor.*

(d) *All prepayment fees or penalties that are charged the borrower if the loan refinances a previous loan made by the same creditor or an affiliate of the creditor.*

(e) *For open-ended loans, the sum of the total fees charged at closing plus the maximum additional fees which can be charged pursuant to the loan documents during the term of the loan.*

(6) *“Rate” means the interest rate charged on the home loan based on an annual simple interest yield.*

(7) *“Threshold” means:*

(a)1. *“Rate threshold,” which means:*

a. For a first lien mortgage loan, the trigger rate equals or exceeds 8 percentage points more than the average yield of United States Treasury securities having a comparable length to maturity; or

b. For a subordinate mortgage lien or a mortgage secured solely by a security interest in a manufactured home, the trigger rate equals or exceeds 10 percentage points more than the average yield of United States Treasury securities having a comparable length to maturity.

2. The trigger rate is calculated as follows:

a. For fixed-rate loans in which the interest rate will not vary during the term of the loan, the trigger rate is the rate as of the date of closing.

b. For loans in which the interest rate varies according to an index, the trigger rate is the sum of the index rate as of the date of loan closing plus the maximum margin permitted at any time under the loan agreement.

c. For all other loans in which the interest rate may vary at any time during the term of the loan, the trigger rate is the maximum rate that may be charged during the term of the loan.

(b) "Total points and fees threshold," which means:

1. For loans in which the total loan amount is \$30,000 or more, the total points and fees on the loan, paid by the borrower at or before closing, exceed 8 percent of the total loan amount; or

2. For loans in which the total loan amount is less than \$30,000, the total points and fees on the loan, paid by the borrower at or before closing, exceed the lesser of \$900 or 8 percent of the total loan amount.

(8) "Total loan amount" means the principal of the loan minus those points and fees as defined in subsection (5) which are included in the principal amount of the loan. For open-ended loans, the total loan amount shall be calculated using the total line of credit allowed under the home loan.

Section 3. Prohibited acts and practices for home loans.—

(1) **INSURANCE AND DEBT CANCELLATION AGREEMENTS.**—No creditor making a home loan shall finance, directly or indirectly, any credit life, credit disability, credit unemployment, or credit property insurance, or any other life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the creditor.

(2) **RECOMMENDATION OF DEFAULT.**—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a home loan that refinances all or any portion of such existing loan or debt.

(3) **LATE PAYMENT FEES.**—No creditor may charge a late payment fee except as provided in this subsection:

(a) A late payment fee may not be in excess of 5 percent of the amount of the payment past due.

(b) A late payment fee may only be assessed for a payment past due for 15 days or more.

(c) A late payment fee may not be charged more than once with respect to a single late payment. If a late payment fee is deducted from a payment made on the loan and such deduction causes a subsequent default on a subsequent payment, no late payment fee may be imposed for such default. If a late payment fee has been imposed once with respect to a particular late payment, no such fee shall be imposed with respect to any future payment which would have been timely and sufficient, but for the previous default.

(d) A late payment fee may not be charged unless the creditor notifies the borrower within 45 days following the date the payment was due that a late payment fee has been imposed for a particular late payment. No late payment fee may be collected from any borrower if the borrower informs the creditor that nonpayment of an installment is in dispute and presents proof of payment within 45 days after receipt of the creditor's notice of the late payment fee.

(4) **FEE FOR BALANCE.**—No creditor may charge a fee for informing or transmitting to any person the balance due to pay off a home loan or to provide a release upon prepayment. Payoff balances shall be provided within a reasonable time but in any event no more than 7 business days after the request.

(5) A home loan may not be made as a direct result of a potential or future creditor, or its representative, offering or selling a home loan at the residence of a potential borrower without a prearranged appointment or the expressed invitation of the potential borrower.

Section 4. Limitations and prohibited acts and practices for high-cost home loans.—A high-cost home loan shall be subject to the following additional limitations and prohibited acts and practices:

(1) **FINANCING OF FEES OR CHARGES.**—No creditor making a high-cost home loan shall directly or indirectly finance any points or fees that exceed 3 percent of the total amount of the loan.

(2) **BALLOON PAYMENT.**—No high-cost home loan may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This provision does not apply when the payment schedule is adjusted to the seasonal or irregular income of the borrower.

(3) **NEGATIVE AMORTIZATION.**—No high-cost home loan may include payment terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of interest due. This prohibition does not apply to a bridge loan. As used in this subsection, the term "bridge loan" means a loan having a maturity of less than 18 months which requires only payments of interest until the time at which the entire unpaid balance is due and payable.

(4) **INCREASED INTEREST RATE.**—No high-cost home loan may contain a provision that increases the interest rate after default. This provision does not apply to interest rate changes in a variable rate loan otherwise consistent with the provisions of the loan documents, provided the change in the interest rate is not triggered by the event of default or the acceleration of the indebtedness.

(5) **ADVANCE PAYMENTS.**—No high-cost home loan may include terms under which more than two periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the borrower.

(6) **ARBITRATION CLAUSE.**—No high-cost home loan may be subject to an arbitration clause that limits in any way the right of the borrower to seek relief through the judicial process for any claims and defenses the borrower may have against the creditor, broker, or other party involved in the loan transaction.

(7) **LENDING WITHOUT HOMEOWNERSHIP COUNSELING.**—A creditor may not make a high-cost home loan without first receiving certification from an independent counselor approved by the regulatory agency that has jurisdiction over the creditor that the borrower has received counseling on the advisability of the loan transaction.

(8) **LENDING WITHOUT DUE REGARD TO REPAYMENT ABILITY.**—A creditor may not make a high-cost home loan without due regard to repayment ability. If a creditor makes a loan for which the debt-to-income ratio is less than 50 percent (with debt including monthly payments, including payments for taxes and insurance, whether paid through the mortgage or not, plus other required homeowner's payments such as condominium or homeowner's fees, plus any other long-term obligations), and the borrower will have sufficient residual income to meet basic needs, as determined by the residual-income guidelines established with regard to Veterans Administration loans and found in 38 C.F.R. s. 36.4337(e) and VA Form 26-6393, the creditor shall benefit from a rebuttable presumption that the creditor made the loan with due regard to repayment ability.

(9) **HOME IMPROVEMENT CONTRACTS.**—A creditor may not pay a contractor under a home improvement contract from the proceeds of a high-cost home loan unless the instrument is payable to the borrower or jointly to the borrower and the contractor or, at the election of the borrower, through a third-party escrow agent in accordance with terms established in a written agreement signed by the borrower, the creditor, and the contractor prior to the disbursement.

(10) **MODIFICATION OR DEFERRAL FEES.**—A creditor may not charge a borrower any fees or other charges to modify, renew, extend, or amend a high-cost home loan or to defer any payment due under the terms of a high-cost home loan on a minimum of one modification, renewal, extension, or deferral per each 12 months of the length of the loan.

(11) **FLIPPING.**—No creditor may engage in flipping a high-cost home loan. The term “flipping” means making a home loan to a borrower that refinances an existing home loan when the new loan does not have reasonable, tangible, net benefits to the borrower considering all of the circumstances, including, but not limited to, the terms of both the new and refinanced loans, the cost of the new loan, and the borrower’s circumstances. In addition, the following home loan refinancing conditions shall be presumed to be flipping:

(a) The primary tangible benefit to the borrower is an interest rate lower than any interest rate on debts satisfied or refinanced in connection with the home loan and it will take more than 4 years for the borrower to recoup the costs of the points and fees and other closing costs through savings resulting from the lower interest rate.

(b) The new loan refinances an existing home loan that is a special mortgage which is originated, subsidized, or guaranteed by or through a state, tribal, or local government, or nonprofit organization, which bears a below-market interest rate at the time the loan was originated or has nonstandard payment terms beneficial to the borrower, such as payments that vary with income or are limited to a percentage of income, or where no payments are required under specified conditions and where, as a result of the refinancing, the borrower will lose one or more of the benefits of the special mortgage.

(12) **REQUIRED NOTICE TO PURCHASERS AND ASSIGNEES.**—Each high-cost home loan shall contain the following notice:

*Notice: This is a mortgage subject to the provisions of the Florida Fair Lending Act. Purchasers and assignees of this mortgage could be liable for all claims and defenses with respect to the mortgage which the borrower could assert against the creditor.*

(13) **SEVENTY-TWO-HOUR DISCLOSURE.**—For a high-cost home loan, the creditor must deliver all contracts, agreements, disclosures, and other documents and instruments of lending required for executing the loan to the borrower no less than 72 hours before the closing, signing, or agreement to any terms of that loan.

(14) **CALL PROVISION.**—No high-cost home loan may contain a provision that permits the creditor, in its sole discretion, to call or accelerate the indebtedness. This provision does not prohibit acceleration of the loan in good faith due to the borrower’s failure to abide by the terms of the loan.

Section 5. *Right to cure.*—

(1) **RIGHT TO REINSTATE.**—If a creditor asserts that grounds for acceleration exist and requires the payment in full of all sums secured by the security instrument, the borrower, or anyone authorized to act on the borrower’s behalf, shall have the right, during any 45-day period set forth in subsection (2), to cure the default and reinstate the home loan by tendering the amount or performance as specified in this section. Cure of default as provided in this section shall reinstate the borrower to the same position as if the default had not occurred and shall nullify, as of the date of the cure, any acceleration of any obligation under the security instrument or note arising from the default.

(2) **GROUND FOR REINSTATEMENT.**—Before any action filed to foreclose upon the home or other action is taken to seize or transfer ownership of the home, a notice of the right to cure the default must be delivered to the borrower at the address of the property upon which any security exists for the home loan by postage prepaid certified United States mail, return receipt requested, which notice is effective upon deposit in the United States mail, and shall inform the borrower:

(a) Of the nature of default claimed on the home loan and of the borrower’s right to cure the default by paying the sum of money required to cure the default. If the amount necessary to cure the default will change during the 45-day period after the effective date of the notice due to the application of a daily interest rate or the addition of late payment fees, as allowed by this act, the notice shall give sufficient information to

enable the borrower to calculate the amount at any point during the 45-day period.

(b) Of the date by which the borrower shall cure the default to avoid acceleration and initiation of foreclosure or other action to seize the home, which date shall not be less than 45 days after the date the notice is effective, and the name and address and telephone number of a person to whom the payment or tender shall be made.

(c) That if the borrower does not cure the default by the date specified, the creditor may take steps to terminate the borrower’s ownership of the property by requiring payment in full of the home loan and commencing a foreclosure proceeding or other action to seize the home.

(d) Of the name and address of the creditor and the telephone number of a representative of the creditor whom the borrower may contact if the borrower disagrees with the creditor’s assertion that a default has occurred or the correctness of the creditor’s calculation of the amount required to cure the default.

(3) **FEES.**—To cure a default under this section, a borrower shall not be required to pay any charge, fee, or penalty attributable to the exercise of the right to cure a default as provided for in this section, other than the fees specifically allowed by this section. The borrower shall not be liable for any attorney’s fees or costs relating to the borrower’s default that are incurred by the creditor prior to or during the 45-day period set forth in paragraph (2)(b).

Section 6. *Preservation and enforcement of claims and defenses; administrative penalties.*—

(1) **CLAIMS AGAINST SELLERS.**—Notwithstanding any other provision of law, if a home loan has been made, arranged, or assigned by a person performing home improvements to the dwelling of a borrower, the borrower may assert all affirmative claims and any defenses that the borrower may have against the home improvement contractor against the creditor or any assignee, holder, or servicer in any capacity if the claims and defenses relate exclusively to the loan transaction.

(2) **ADMINISTRATIVE PENALTIES.**—

(a) The Department of Banking and Finance may, after appropriate notice and opportunity for hearing, levy administrative penalties against a person who violates this act, in the amount of not more than \$5,000 for each violation. Any hearing must be held in accordance with chapter 120, Florida Statutes, the Administrative Procedure Act, and the Department of Banking and Finance shall have all the powers granted under that act.

(b) Any person who willfully and knowingly violates any provision of this act is liable for a civil penalty of not more than \$25,000 for each violation, which penalty must be assessed and recovered in a civil action brought in the name of the people of the State of Florida by the Department of Banking and Finance or the Attorney General in any court of competent jurisdiction.

(3) **LIABILITY OF ASSIGNEES IN FORECLOSURE ACTION.**—Notwithstanding any other provision of law, a borrower may assert a violation of this act:

- (a) As an original action; or
- (b) As a defense or counterclaim to an action to collect amounts owed or to obtain possession of the home secured by the home loan.

(4) **SUBTERFUGE.**—Any person who in bad faith attempts to avoid the application of this act by:

- (a) Dividing any loan transaction into separate parts for such purpose; or
  - (b) Any other such subterfuge with the intent of evading the provisions of this act
- commits a violation of this act.

Section 7. *Enforcement.*—

(1) **CIVIL.**—

(a) A borrower may be granted injunctive, declaratory, and such other equitable relief as the court deems appropriate in an action to enforce compliance with this act.

(b) Any person or the agent, officer, or other representative of any person violating the provisions of this act shall forfeit the entire interest charged in the home loan or contracted to be charged or received, and only the principal sum of such home loan can be enforced in any court in this state, either at law or in equity.

(c) The remedies provided in this section are not intended to be the exclusive remedies available to a borrower, nor must the borrower exhaust any administrative remedies provided under this act or any other applicable law before proceeding under this section.

(2) **CRIMINAL.**—Any person who knowingly violates this act commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

(3) **CORRECTIONS AND UNINTENTIONAL VIOLATIONS.**—A creditor in a home loan who, when acting in good faith, fails to comply with the provisions of this act shall not be deemed to have violated this act if the creditor establishes that within 60 days after receiving any notice from the borrower of the compliance failure, which compliance failure was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors, the borrower has been notified of the compliance failure, appropriate restitution has been made to the borrower, and appropriate adjustments are made to the loan. Bona fide errors shall include, but not be limited to, clerical, calculation, computer malfunction and programming, and printing errors. An error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

(4) **CUMULATIVE.**—The remedies provided in this section are cumulative.

Section 8. Powers and duties of the Department of Banking and Finance; investigations; injunctions; orders.—

(1)(a) The Department of Banking and Finance is responsible for the administration and enforcement of this act.

(b) The department may adopt rules pursuant to sections 120.536(1) and 120.54, Florida Statutes, to implement this act. The department may adopt rules to allow electronic submission of any forms, documents, or fees required by this act.

(2)(a) The department may conduct an investigation of any person whenever the department has reason to believe, upon complaint or otherwise, that any violation of this act has occurred.

(b) Any person having reason to believe that a provision of this act has been violated may file a written complaint with the department setting forth the details of the alleged violation.

(3)(a) The department may bring an action, through its own counsel in the name and on behalf of the state, against any person who has violated or is about to violate any provision of this act, or any rule or order of the department issued under the act, to enjoin the person from continuing in or engaging in any act in furtherance of the violation.

(b) In any injunctive proceeding, the court may, on due showing by the department, issue a subpoena or subpoena duces tecum requiring the attendance of any witness and requiring the production of any books, accounts, records, or other documents and materials that appear necessary to the expeditious resolution of the application for injunction.

(4) The department may issue and serve upon any person an order to cease and desist and to take corrective action whenever the department has reason to believe that the person is violating, has violated, or is about to violate any provision of this act, any rule or order of the department issued under this act, or any written agreement between the person and the department. All procedural matters relating to issuance and enforcement of cease and desist orders are governed by chapter 120, Florida Statutes, the Administrative Procedure Act.

Section 9. Severability.—The provisions of this act shall be severable, and if any phrase, clause, sentence, or provision is declared to be invalid or is preempted by federal law or regulation, the validity of the remainder of this act shall not be affected thereby. If any provision of this act is declared to be inapplicable to any specific category, type, or kind of loan or points and fees, the provisions of this act shall nonetheless continue to apply with respect to all other loans and points and fees.

Section 10. This act shall take effect October 2, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Fair Lending Act; providing a short title; providing legislative findings; providing purposes; providing definitions; specifying certain prohibited acts and practices relating to creditors making home loans under certain circumstances; providing limitations and prohibiting certain activities or conditions relating to creditors making high-cost home loans; providing a right to reinstate a loan under certain circumstances; specifying grounds for reinstatement; proscribing certain fees, charges, or penalties under certain circumstances; prohibiting foreclosure proceedings under certain circumstances; providing for preservation and enforcement of certain claims and defenses by borrowers; providing for liability of assignees and other holders under certain circumstances; proscribing subterfuge; providing for civil and criminal enforcement; providing penalties; providing for damages, costs, and attorney's fees; specifying certain loan agreements as void and unenforceable under certain circumstances; protecting borrowers' remedies; providing exceptions for corrections and unintentional violations; providing criteria; specifying certain rights and remedies as cumulative; providing powers and duties of the Department of Banking and Finance; providing severability; providing an effective date.

Senator Holzendorf moved the following amendment to **Amendment 1**:

**Amendment 1A (652100)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Short title; purposes.—

(1) This act may be cited as the "Florida Fair Lending Act."

(2)(a) The Legislature finds that abusive mortgage lending has become a problem in this state. One of the most common forms of abusive lending is the making of loans that are equity-based rather than income-based. The financing of points and fees in these loans provides immediate income to the originator and encourages creditors to repeatedly refinance home loans. As long as there is sufficient equity in the home, an abusive creditor benefits even if the borrower is unable to make the payments and is forced to refinance. The financing of high points and fees causes the loss of equity in each refinancing and often leads to foreclosure.

(b) Abusive lending has threatened the viability of many communities and caused decreases in home ownership. While the marketplace appears to operate effectively for conventional mortgages, too many homeowners find themselves victims of overreaching creditors who provide loans with unnecessarily high costs and terms that are unnecessary to secure repayment of the loan. The Legislature finds that as competition and self-regulation have not eliminated the abusive terms from home-secured loans, the consumer protection provisions of this act are necessary to encourage fair lending.

Section 2. Definitions.—As used in this act, the term:

(1) "Borrower" means any natural person obligated to repay the loan, including, but not limited to, a coborrower, cosigner, or guarantor.

(2) "Creditor" means a person who extends consumer credit that is subject to a finance charge or is payable by written agreement in more than four installments, and to whom the obligation is payable at any time. The term does not include any entity chartered by the Congress of the United States and engaging in secondary market mortgage transactions as assignee or in another capacity.

(3) "High-cost home loan" means a home loan the terms of which meet or exceed one or more of the thresholds defined in subsection (7).

(4) "Home loan" means a loan, including an open-ended credit plan, other than a reverse mortgage transaction, where the loan is secured by:

(a) A mortgage or deed of trust on real estate in this state upon which there is located or there is to be located a structure or structures designed principally for occupancy of from one to four families which is or will be occupied by a borrower as the borrower's principal dwelling; or

(b) A security interest on a manufactured home which is or will be occupied by a borrower as the borrower's principal dwelling,

and where the loan refinances an existing home loan or is a subordinate lien following one or more existing loans, or where the property securing the mortgage was, prior to the new mortgage, owned free and clear by the borrower.

(5) "Points and fees" means:

(a)1. All items listed in 15 U.S.C. s. 1605(a)(1) through (4), except interest or the time-price differential; or

2. All items required to be disclosed under s. 226.4(a) and (b) of Title 12 of the Code of Federal Regulations, as amended from time to time, except interest or the time-price differential.

(b) All compensation paid directly or indirectly to a mortgage broker, including a broker that originates a loan in its own name in a table-funded transaction.

(c) The cost of all premiums financed by the creditor, directly or indirectly, for any credit life, credit disability, credit unemployment, or credit property insurance, or any other life or health insurance, or any payments financed by the creditor directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums calculated and paid on a monthly basis shall not be considered financed by the creditor.

(d) All prepayment fees or penalties that are charged the borrower if the loan refinances a previous loan made by the same creditor or an affiliate of the creditor.

(e) For open-ended loans, the sum of the total fees charged at closing plus the maximum additional fees which can be charged pursuant to the loan documents during the term of the loan.

(6) "Rate" means the interest rate charged on the home loan based on an annual simple interest yield.

(7) "Threshold" means:

(a)1. "Rate threshold," which means:

a. For a first lien mortgage loan, the trigger rate equals or exceeds 8 percentage points more than the average yield of United States Treasury securities having a comparable length to maturity; or

b. For a subordinate mortgage lien or a mortgage secured solely by a security interest in a manufactured home, the trigger rate equals or exceeds 10 percentage points more than the average yield of United States Treasury securities having a comparable length to maturity.

2. The trigger rate is calculated as follows:

a. For fixed-rate loans in which the interest rate will not vary during the term of the loan, the trigger rate is the rate as of the date of closing.

b. For loans in which the interest rate varies according to an index, the trigger rate is the sum of the index rate as of the date of loan closing plus the maximum margin permitted at any time under the loan agreement.

c. For all other loans in which the interest rate may vary at any time during the term of the loan, the trigger rate is the maximum rate that may be charged during the term of the loan.

(b) "Total points and fees threshold," which means:

1. For loans in which the total loan amount is \$30,000 or more, the total points and fees on the loan, paid by the borrower at or before closing, exceed 8 percent of the total loan amount; or

2. For loans in which the total loan amount is less than \$30,000, the total points and fees on the loan, paid by the borrower at or before closing, exceed the lesser of \$900 or 8 percent of the total loan amount.

(8) "Total loan amount" means the principal of the loan minus those points and fees as defined in subsection (5) which are included in the principal amount of the loan. For open-ended loans, the total loan amount shall be calculated using the total line of credit allowed under the home loan.

Section 3. Prohibited acts and practices for home loans.—

(1) INSURANCE AND DEBT CANCELLATION AGREEMENTS.—No creditor making a home loan shall finance, directly or indirectly, any credit life, credit disability, credit unemployment, or credit property insurance, or any other life or health insurance, or any payments directly or indirectly for any debt cancellation or suspension agreement or contract, except that insurance premiums or debt cancellation or suspension fees calculated and paid on a monthly basis shall not be considered financed by the creditor.

(2) RECOMMENDATION OF DEFAULT.—No creditor shall recommend or encourage default on an existing loan or other debt prior to and in connection with the closing or planned closing of a home loan that refinances all or any portion of such existing loan or debt.

(3) LATE PAYMENT FEES.—No creditor may charge a late payment fee except as provided in this subsection:

(a) A late payment fee may not be in excess of 5 percent of the amount of the payment past due.

(b) A late payment fee may only be assessed for a payment past due for 15 days or more.

(c) A late payment fee may not be charged more than once with respect to a single late payment. If a late payment fee is deducted from a payment made on the loan and such deduction causes a subsequent default on a subsequent payment, no late payment fee may be imposed for such default. If a late payment fee has been imposed once with respect to a particular late payment, no such fee shall be imposed with respect to any future payment which would have been timely and sufficient, but for the previous default.

(d) A late payment fee may not be charged unless the creditor notifies the borrower within 45 days following the date the payment was due that a late payment fee has been imposed for a particular late payment. No late payment fee may be collected from any borrower if the borrower informs the creditor that nonpayment of an installment is in dispute and presents proof of payment within 45 days after receipt of the creditor's notice of the late payment fee.

(4) FEE FOR BALANCE.—No creditor may charge a fee for informing or transmitting to any person the balance due to pay off a home loan or to provide a release upon prepayment. Payoff balances shall be provided within a reasonable time but in any event no more than 7 business days after the request.

(5) A home loan may not be made as a direct result of a potential or future creditor, or its representative, offering or selling a home loan at the residence of a potential borrower without a prearranged appointment or the expressed invitation of the potential borrower.

Section 4. Limitations and prohibited acts and practices for high-cost home loans.—A high-cost home loan shall be subject to the following additional limitations and prohibited acts and practices:

(1) FINANCING OF FEES OR CHARGES.—No creditor making a high-cost home loan shall directly or indirectly finance any points or fees that exceed 3 percent of the total amount of the loan.

(2) BALLOON PAYMENT.—No high-cost home loan may contain a scheduled payment that is more than twice as large as the average of earlier scheduled payments. This provision does not apply when the payment schedule is adjusted to the seasonal or irregular income of the borrower.

(3) NEGATIVE AMORTIZATION.—No high-cost home loan may include payment terms under which the outstanding principal balance will increase at any time over the course of the loan because the regular periodic payments do not cover the full amount of interest due. This prohibition does not apply to a bridge loan. As used in this subsection, the term "bridge loan" means a loan having a maturity of less than 18 months which requires only payments of interest until the time at which the entire unpaid balance is due and payable.

(4) INCREASED INTEREST RATE.—No high-cost home loan may contain a provision that increases the interest rate after default. This provision does not apply to interest rate changes in a variable rate loan

otherwise consistent with the provisions of the loan documents, provided the change in the interest rate is not triggered by the event of default or the acceleration of the indebtedness.

(5) **ADVANCE PAYMENTS.**—No high-cost home loan may include terms under which more than two periodic payments required under the loan are consolidated and paid in advance from the loan proceeds provided to the borrower.

(6) **ARBITRATION CLAUSE.**—No high-cost home loan may be subject to an arbitration clause that limits in any way the right of the borrower to seek relief through the judicial process for any claims and defenses the borrower may have against the creditor, broker, or other party involved in the loan transaction.

(7) **LENDING WITHOUT HOMEOWNERSHIP COUNSELING.**—A creditor may not make a high-cost home loan without first receiving certification from an independent counselor approved by the regulatory agency that has jurisdiction over the creditor that the borrower has received counseling on the advisability of the loan transaction.

(8) **LENDING WITHOUT DUE REGARD TO REPAYMENT ABILITY.**—A creditor may not make a high-cost home loan without due regard to repayment ability. If a creditor makes a loan for which the debt-to-income ratio is less than 50 percent (with debt including monthly payments, including payments for taxes and insurance, whether paid through the mortgage or not, plus other required homeowner's payments such as condominium or homeowner's fees, plus any other long-term obligations), and the borrower will have sufficient residual income to meet basic needs, as determined by the residual-income guidelines established with regard to Veterans Administration loans and found in 38 C.F.R. s. 36.4337(e) and VA Form 26-6393, the creditor shall benefit from a rebuttable presumption that the creditor made the loan with due regard to repayment ability.

(9) **HOME IMPROVEMENT CONTRACTS.**—A creditor may not pay a contractor under a home improvement contract from the proceeds of a high-cost home loan unless the instrument is payable to the borrower or jointly to the borrower and the contractor or, at the election of the borrower, through a third-party escrow agent in accordance with terms established in a written agreement signed by the borrower, the creditor, and the contractor prior to the disbursement.

(10) **MODIFICATION OR DEFERRAL FEES.**—A creditor may not charge a borrower any fees or other charges to modify, renew, extend, or amend a high-cost home loan or to defer any payment due under the terms of a high-cost home loan on a minimum of one modification, renewal, extension, or deferral per each 12 months of the length of the loan.

(11) **FLIPPING.**—No creditor may engage in flipping a high-cost home loan. The term "flipping" means making a home loan to a borrower that refinances an existing home loan when the new loan does not have reasonable, tangible, net benefits to the borrower considering all of the circumstances, including, but not limited to, the terms of both the new and refinanced loans, the cost of the new loan, and the borrower's circumstances. In addition, the following home loan refinancing conditions shall be presumed to be flipping:

(a) The primary tangible benefit to the borrower is an interest rate lower than any interest rate on debts satisfied or refinanced in connection with the home loan and it will take more than 4 years for the borrower to recoup the costs of the points and fees and other closing costs through savings resulting from the lower interest rate.

(b) The new loan refinances an existing home loan that is a special mortgage which is originated, subsidized, or guaranteed by or through a state, tribal, or local government, or nonprofit organization, which bears a below-market interest rate at the time the loan was originated or has nonstandard payment terms beneficial to the borrower, such as payments that vary with income or are limited to a percentage of income, or where no payments are required under specified conditions and where, as a result of the refinancing, the borrower will lose one or more of the benefits of the special mortgage.

(12) **REQUIRED NOTICE TO PURCHASERS AND ASSIGNEES.**—Each high-cost home loan shall contain the following notice:

Notice: This is a mortgage subject to the provisions of the Florida Fair Lending Act. Purchasers and assignees of this mortgage could be liable

for all claims and defenses with respect to the mortgage which the borrower could assert against the creditor.

(13) **SEVENTY-TWO-HOUR DISCLOSURE.**—For a high-cost home loan, the creditor must deliver all contracts, agreements, disclosures, and other documents and instruments of lending required for executing the loan to the borrower no less than 72 hours before the closing, signing, or agreement to any terms of that loan.

(14) **CALL PROVISION.**—No high-cost home loan may contain a provision that permits the creditor, in its sole discretion, to call or accelerate the indebtedness. This provision does not prohibit acceleration of the loan in good faith due to the borrower's failure to abide by the terms of the loan.

#### Section 5. Right to cure high-cost home loans.—

(1) **RIGHT TO REINSTATE.**—If a creditor asserts that grounds for acceleration exist and requires the payment in full of all sums secured by the security instrument, the borrower, or anyone authorized to act on the borrower's behalf, shall have the right, during the 45-day period set forth in subsection (2), to cure the default and reinstate the home loan by tendering the amount or performance as specified in this section. Cure of default as provided in this section shall reinstate the borrower to the same position as if the default had not occurred and shall nullify, as of the date of the cure, any acceleration of any obligation under the security instrument or note arising from the default.

(2) **GROUND S FOR REINSTATEMENT.**—Before any action filed to foreclose upon the home or other action is taken to seize or transfer ownership of the home, a notice of the right to cure the default must be delivered to the borrower at the address of the property upon which any security exists for the home loan by postage prepaid certified United States mail, return receipt requested, which notice is effective upon deposit in the United States mail, and shall inform the borrower:

(a) Of the nature of default claimed on the home loan and of the borrower's right to cure the default by paying the sum of money required to cure the default. If the amount necessary to cure the default will change during the 45-day period after the effective date of the notice due to the application of a daily interest rate or the addition of late payment fees, as allowed by this act, the notice shall give sufficient information to enable the borrower to calculate the amount at any point during the 45-day period.

(b) Of the date by which the borrower shall cure the default to avoid acceleration and initiation of foreclosure or other action to seize the home, which date shall not be less than 45 days after the date the notice is effective, and the name and address and telephone number of a person to whom the payment or tender shall be made.

(c) That if the borrower does not cure the default by the date specified, the creditor may take steps to terminate the borrower's ownership of the property by requiring payment in full of the home loan and commencing a foreclosure proceeding or other action to seize the home.

(d) Of the name and address of the creditor and the telephone number of a representative of the creditor whom the borrower may contact if the borrower disagrees with the creditor's assertion that a default has occurred or the correctness of the creditor's calculation of the amount required to cure the default.

(3) **FEES.**—To cure a default under this section, a borrower shall not be required to pay any charge, fee, or penalty attributable to the exercise of the right to cure a default as provided for in this section, other than the fees specifically allowed by this section. The borrower shall not be liable for any attorney's fees or costs relating to the borrower's default that are incurred by the creditor prior to or during the 45-day period set forth in paragraph (2)(b).

#### Section 6. Preservation and enforcement of claims and defenses; administrative penalties.—

(1) **CLAIMS AGAINST SELLERS.**—Notwithstanding any other provision of law, if a home loan has been made, arranged, or assigned by a person performing home improvements to the dwelling of a borrower, the borrower may assert all affirmative claims and any defenses that the borrower may have against the home improvement contractor against the creditor or any assignee, holder, or servicer in any capacity if the claims and defenses relate exclusively to the loan transaction.

(2) ADMINISTRATIVE PENALTIES.—

(a) The Department of Banking and Finance may, after appropriate notice and opportunity for hearing, levy administrative penalties against a person who violates this act, in the amount of not more than \$5,000 for each violation. Any hearing must be held in accordance with chapter 120, Florida Statutes, the Administrative Procedure Act, and the Department of Banking and Finance shall have all the powers granted under that act.

(b) Any person who willfully and knowingly violates any provision of this act is liable for a civil penalty of not more than \$25,000 for each violation, which penalty must be assessed and recovered in a civil action brought in the name of the people of the State of Florida by the Department of Banking and Finance or the Attorney General in any court of competent jurisdiction.

(3) LIABILITY OF ASSIGNEES IN FORECLOSURE ACTION.—Notwithstanding any other provision of law, a borrower may assert a violation of this act:

(a) As an original action; or

(b) As a defense or counterclaim to an action to collect amounts owed or to obtain possession of the home secured by the home loan.

(4) SUBTERFUGE.—Any person who in bad faith attempts to avoid the application of this act by:

(a) Dividing any loan transaction into separate parts for such purpose; or

(b) Any other such subterfuge with the intent of evading the provisions of this act

commits a violation of this act.

Section 7. Enforcement.—

(1) CIVIL.—

(a) A borrower may be granted injunctive, declaratory, and such other equitable relief as the court deems appropriate in an action to enforce compliance with this act.

(b) Any person or the agent, officer, or other representative of any person violating the provisions of this act shall forfeit the entire interest charged in the home loan or contracted to be charged or received, and only the principal sum of such home loan can be enforced in any court in this state, either at law or in equity.

(c) The remedies provided in this section are not intended to be the exclusive remedies available to a borrower, nor must the borrower exhaust any administrative remedies provided under this act or any other applicable law before proceeding under this section.

(2) CRIMINAL.—Any person who knowingly violates this act commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, Florida Statutes.

(3) CORRECTIONS AND UNINTENTIONAL VIOLATIONS.—A creditor in a home loan who, when acting in good faith, fails to comply with the provisions of this act shall not be deemed to have violated this act if the creditor establishes that within 60 days after receiving any notice from the borrower of the compliance failure, which compliance failure was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid such errors, the borrower has been notified of the compliance failure, appropriate restitution has been made to the borrower, and appropriate adjustments are made to the loan. Bona fide errors shall include, but not be limited to, clerical, calculation, computer malfunction and programming, and printing errors. An error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

(4) CUMULATIVE.—The remedies provided in this section are cumulative.

Section 8. Powers and duties of the Department of Banking and Finance; investigations; injunctions; orders.—

(1)(a) The Department of Banking and Finance is responsible for the administration and enforcement of this act.

(b) The department may adopt rules pursuant to sections 120.536(1) and 120.54, Florida Statutes, to implement this act. The department may adopt rules to allow electronic submission of any forms, documents, or fees required by this act.

(2)(a) The department may conduct an investigation of any person whenever the department has reason to believe, upon complaint or otherwise, that any violation of this act has occurred.

(b) Any person having reason to believe that a provision of this act has been violated may file a written complaint with the department setting forth the details of the alleged violation.

(3)(a) The department may bring an action, through its own counsel in the name and on behalf of the state, against any person who has violated or is about to violate any provision of this act, or any rule or order of the department issued under the act, to enjoin the person from continuing in or engaging in any act in furtherance of the violation.

(b) In any injunctive proceeding, the court may, on due showing by the department, issue a subpoena or subpoena duces tecum requiring the attendance of any witness and requiring the production of any books, accounts, records, or other documents and materials that appear necessary to the expeditious resolution of the application for injunction.

(4) The department may issue and serve upon any person an order to cease and desist and to take corrective action whenever the department has reason to believe that the person is violating, has violated, or is about to violate any provision of this act, any rule or order of the department issued under this act, or any written agreement between the person and the department. All procedural matters relating to issuance and enforcement of cease and desist orders are governed by chapter 120, Florida Statutes, the Administrative Procedure Act.

Section 9. Severability.—The provisions of this act shall be severable, and if any phrase, clause, sentence, or provision is declared to be invalid or is preempted by federal law or regulation, the validity of the remainder of this act shall not be affected thereby. If any provision of this act is declared to be inapplicable to any specific category, type, or kind of loan or points and fees, the provisions of this act shall nonetheless continue to apply with respect to all other loans and points and fees.

Section 10. General rule.—All political subdivisions of this state, including home-rule municipalities, are prohibited from enacting and enforcing ordinances, resolutions, and rules pertaining to the financial or lending activities of persons who:

(1) Are subject to the jurisdiction of the Department of Banking and Finance, including for activities subject to this chapter;

(2) Are subject to the jurisdiction of the Office of Thrift Supervision, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Federal Deposit Insurance Corporation, the Federal Trade Commission, or the United States Department of Housing and Urban Development; or

(3) Originate, purchase, sell, assign, securitize, or service property interests or obligations created by financial transactions or loans made, executed, or originated by persons referred to in subsection (1) or subsection (2) to assist or facilitate such transactions.

The requirements of this section apply to all ordinances, resolutions, and rules pertaining to financial lending activities, including ordinances, resolutions, or rules disqualifying persons from doing business with a political subdivision based on the lending interest rates or imposing reporting requirements or any other obligations upon persons regarding financial services or lending practices. This subsection does not prohibit a requirement of compliance with the terms of this act as a condition of doing business with a county, municipality, or other political subdivision of the state.

Section 11. This act shall take effect October 2, 2002.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the Florida Fair Lending Act; providing a short title; providing legislative findings; providing purposes; providing definitions; specifying certain prohibited acts and practices relating to creditors making home loans under certain circumstances; providing

limitations and prohibiting certain activities or conditions relating to creditors making high-cost home loans; providing a right to reinstate a loan under certain circumstances; specifying grounds for reinstatement; proscribing certain fees, charges, or penalties under certain circumstances; prohibiting foreclosure proceedings under certain circumstances; providing for preservation and enforcement of certain claims and defenses by borrowers; providing for liability of assignees and other holders under certain circumstances; proscribing subterfuge; providing for civil and criminal enforcement; providing penalties; providing for damages, costs, and attorney's fees; specifying certain loan agreements as void and unenforceable under certain circumstances; protecting borrowers' remedies; providing exceptions for corrections and unintentional violations; providing criteria; specifying certain rights and remedies as cumulative; providing powers and duties of the Department of Banking and Finance; providing severability; prohibiting certain regulation of financial or lending activities by local governments; providing an effective date.

On motion by Senator Meek, further consideration of **CS for SB 2262** with pending **Amendment 1 (052916)** and **Amendment 1A (652100)** was deferred.

On motion by Senator Campbell, the Senate resumed consideration of—

**CS for CS for SB 2006**—A bill to be entitled An act relating to household movers; defining terms; prohibiting certain actions by movers when moving household goods; providing requirements for contracts and estimates; providing penalties; prohibiting county ordinances regulating the transportation or shipment of household goods except under specified circumstances; providing an effective date.

—which was previously considered and amended this day with pending **Amendment 1 (820342)** by Senator Campbell as amended.

Senator Campbell moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1B (044152)**—On page 4, lines 17-19, delete those lines and insert: *the preceding 5 years; and proof of insurance coverage as required by this act.*

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for SB 2006** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 1064** was deferred.

**CS for CS for SB 1588**—A bill to be entitled An act relating to a public-records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public-records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendment:

**Amendment 1 (702108)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 119.072, Florida Statutes, is created to read:

119.072 *Social Security number exemption.*—

(1) *Effective October 1, 2002, all social security numbers held by an agency or its agents, employees, or contractors are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This exemption applies to all social security numbers held by an agency and its agents, employees, or contractors before, on, or after the effective date of this exemption.*

(2) *Social security numbers may be disclosed to another governmental entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving governmental entity and its agents, employees, and contractors shall maintain the confidential and exempt status of such numbers.*

(3) *An agency shall not deny a commercial entity engaged in the performance of a commercial activity as defined in s. 14.203 or its agents, employees, or contractors access to social security numbers, provided the social security numbers will be used only in the normal course of business for legitimate business purposes, and provided the commercial entity makes a written request for social security numbers, verified as provided in s. 92.525, legibly signed by an authorized officer, employee, or agent of the commercial entity. The verified written request must contain the commercial entity's name, business mailing and location addresses, business telephone number, and a statement of the specific purposes for which it needs the social security numbers and how the social security numbers will be used in the normal course of business for legitimate business purposes. The aggregate of these requests shall serve as the basis for the agency report required in subsection (7). An agency may request any other information as may be reasonably necessary to verify the identity of the entity requesting the social security numbers and the specific purposes for which such numbers will be used, however, an agency has no duty to inquire beyond the information contained in the verified written request. A legitimate business purpose includes verification of the accuracy of personal information received by a commercial entity in the normal course of its business; use in a civil, criminal, or administrative proceeding; use for insurance purposes; use in law enforcement and investigation of crimes; use in identifying and preventing fraud; use in matching, verifying, or retrieving information; and use in research activities. A legitimate business purpose does not include the display or bulk sale of social security numbers to the general public or the distribution of such numbers to any customer that is not identifiable by the distributor.*

(4) *Any person who makes a false representation in order to obtain a social security number pursuant to this section, or any person who willfully and knowingly violates the provisions of this section, commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Any public officer who violates any provision of this section is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500. A commercial entity that provides access to public records containing social security numbers in accordance with this section, is not subject to the penalty provisions of this subsection.*

(5) *On or after October 1, 2002, if any final judgment, court order, or docket sheet contains a social security number, then that number shall be entered on a separate page from the rest of the judgment, order, or docket sheet and shall be maintained as a separate attachment, which shall not be filed with or recorded by the county recorder in the official records. The separate attachments containing social security numbers are available to other governmental entities and to commercial entities as provided for in this section. Except for final judgments, court orders, or docket sheets, if a social security number is or has been otherwise included in a court file before, on, or after October 1, 2002, such number may be included as part of the court record available for public inspection and copying unless redaction is requested by the holder of the social security number, or his or her attorney or legal guardian, in a legibly signed written request specifying the case name, case number, and the document heading and page number, and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the clerk of the court. The clerk of the court shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction. No fee will be charged for the redaction of a social security number pursuant to such request.*

(6)(a) *On or after October 1, 2002, no person preparing or filing a document to be recorded in the official records by the county recorder as provided for in chapter 28 may include any person's social security number in that document, unless otherwise expressly required by law. If a*

social security number is or has been included in a document presented to the county recorder for recording in the official records of the county before, on, or after October 1, 2002, it may be made available as part of the official record available for public inspection and copying.

(b) Any person, or his or her attorney or legal guardian, has the right to request that a county recorder remove, from an image or copy of an official record placed on a county recorder's publicly available Internet website or a publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public by such recorder, his or her social security number contained in that official record. Such request must be made in writing, legibly signed by the requestor and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. The county recorder shall have no duty to inquire beyond the written request to verify the identity of a person requesting redaction. No fee will be charged for the redaction of a social security number pursuant to such request.

(c) A county recorder shall immediately and conspicuously post signs throughout his or her offices for public viewing; shall immediately and conspicuously post a notice on any Internet website or remote electronic site made available by the county recorder and used for the ordering or display of official records or images or copies of official records; and shall, prior to October 1, 2002, publish on two separate dates in a newspaper of general circulation in the county where the county recorder's office is located as provided for in chapter 50, a notice, stating, in substantially similar form, the following:

1. On or after October 1, 2002, any person preparing or filing a document for recordation in the official records may not include a social security number in such document, unless required by law.

2. Any person has a right to request a county recorder to remove, from an image or copy of an official record placed on a county recorder's publicly available Internet website or on a publicly available Internet website used by a county recorder to display public records or otherwise made electronically available to the general public, any social security number contained in an official record. Such request must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person, to the county recorder. The request must specify the identification page number that contains the social security number to be redacted. No fee will be charged for the redaction of a social security number pursuant to such a request.

(7) Beginning January 31, 2004, and each January 31 thereafter, every agency must file a report with the Secretary of State, the President of the Senate, and the Speaker of the House of Representatives listing the identity of all commercial entities that have requested social security numbers during the preceding calendar year and the specific purpose or purposes stated by each commercial entity regarding its need for social security numbers. If no disclosure requests were made, the agency shall so indicate.

(8) The Legislature acknowledges that the social security number was never intended to be used for business purposes but was intended to be used solely for the administration of the federal Social Security System. The Legislature is further aware that over time this unique numeric identifier has been used extensively for identity verification purposes and other legitimate consensual purposes. The Legislature is also cognizant of the fact that the social security number can be used as a tool to perpetuate fraud against a person and to acquire sensitive personal, financial, medical, and familial information, the release of which could cause great financial or personal harm to an individual. The Legislature intends to monitor the commercial use of social security numbers held by state agencies in order to maintain a balanced public policy.

(9) An agency shall not collect an individual's social security number unless authorized by law to do so or unless the collection of the social security number is otherwise imperative for the performance of that agency's duties and responsibilities as prescribed by law. Social security numbers collected by an agency must be relevant to the purpose for which collected and shall not be collected until and unless the need for social security numbers has been clearly documented. An agency that collects social security numbers shall also segregate that number on a separate page from the rest of the record, or as otherwise appropriate, in order that the social security number be more easily redacted, if required, pursuant

to a public records request. An agency collecting a person's social security number shall, upon that person's request, at the time of or prior to the actual collection of the social security number by that agency, provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers collected by an agency shall not be used by that agency for any purpose other than the purpose stated. Social security numbers collected by an agency prior to the effective date of this act shall be reviewed for compliance with this subsection. If the collection of a social security number prior to the effective date of this act is found to be unwarranted, the agency shall immediately discontinue the collection of social security numbers for that purpose.

(10) Any affected person may petition the circuit court for an order directing compliance with this section.

(11) The provisions of this section do not supersede any other applicable public records exemptions existing prior to the effective date of this act or created thereafter.

(12) This section is subject to the Open Government Sunset Review Act of 1995 in accordance with s. 119.15, and shall stand repealed October 2, 2007, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that social security numbers held by an agency be made confidential and exempt from public disclosure because such numbers are of a sensitive personal nature and are often the link to an individual's personal, financial, medical, or familial records. The social security number is the only nationwide, unique numeric form of identification in existence in the United States. Release of a social security number is of concern due to the amount of sensitive personal information which can be acquired by its use. The disclosure of such number can provide access to private information about a person which could be used to perpetrate fraud upon that person or otherwise cause great harm to that person and his or her family. Additionally, public disclosure of the social security number constitutes an unwarranted invasion into the life and personal privacy of a person. Thus, the harm from disclosing such number outweighs any public benefit that can be derived from widespread and unregulated public access to such number. However, responsible commercial use of the social security number does not result in personal or financial harm to a person but allows more complete identity verification, thereby enhancing the mutual benefits of the commercial relationship. Accordingly, the Legislature finds that an exception to the exemption for commercial entities is warranted.

Section 3. This act shall take effect upon becoming law. For purposes of codifying the Florida Statutes 2002, the Division of Statutory Revision of the Office of Legislative Services is directed to substitute the effective date of the CS for Senate Bill 1588 or similar legislation for the language "the effective date of this act" as used in subsections (9) and (11) of this act.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to a public records exemption for social security numbers; creating s. 119.072, F.S.; creating an exemption from public records requirements for all social security numbers held by an agency or its agents, employees, or contractors; providing exceptions to the exemption; providing conditions under which social security numbers may be provided to a commercial entity; providing for civil and criminal penalties; providing requirements and restrictions with respect to collection and disclosure of social security numbers by an agency; providing for review of social security numbers collected prior to the effective date of the exemption; restricting the release of social security numbers contained in official records; providing certain notice requirements and requiring publication of notice by county recorders; requiring annual agency reports; providing for future review and repeal; providing retroactive application of the exemption; providing a statement of public necessity; providing an effective date.

On motion by Senator Burt, further consideration of **CS for CS for SB 1588** with pending **Amendment 1 (702108)** was deferred.

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Consideration of **CS for SB 1554** was deferred.

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On motion by Senator Clary—

**CS for SB 1776**—A bill to be entitled An act relating to recitation of the Declaration of Independence; creating s. 233.0659, F.S.; requiring Celebrate Freedom Week to be recognized in the public schools each September; requiring a portion of the Declaration of Independence to be recited daily by students during that week; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1776** was placed on the calendar of Bills on Third Reading.

On motion by Senator Smith—

**CS for SB 1774**—A bill to be entitled An act relating to the interception of communications; amending s. 934.02, F.S.; revising definitions; including wire communications within the meaning of an electronic communications system; redefining the terms “pen register” and “trap and trace device”; defining the terms “foreign intelligence information,” “protected computer,” and “computer trespasser”; amending s. 934.03, F.S.; authorizing the interception of certain wire or electronic communications of a computer trespasser; amending s. 934.07, F.S.; authorizing the Department of Law Enforcement to intercept wire, oral, or electronic communications for purposes of investigating certain additional offenses concerning terrorism and the attempted or threatened use of a destructive device or weapon of mass destruction; requiring a law enforcement agency to notify the Department of Law Enforcement if an intercepted communication provides evidence of certain acts of terrorism; amending s. 934.09, F.S.; providing for the interception of communications upon certain findings of activities that threaten the security of the nation or state; specifying circumstances under which the court may authorize the interception of communications outside the court’s jurisdiction; amending s. 934.08, F.S.; authorizing the disclosure of the contents of an intercepted communication to certain state and federal officials; amending s. 934.22, F.S.; prohibiting a provider of electronic communication service or a provider of remote computing service from disclosing the contents of communications or information pertaining to a subscriber or customer; specifying certain exceptions; amending s. 934.23, F.S.; providing for disclosure of information pertaining to a subscriber or customer under specified circumstances and pursuant to a warrant; amending s. 934.27, F.S.; providing that a request of an investigative or law enforcement officer to preserve records is a defense with respect to a civil or criminal action concerning unlawful access to communications; amending s. 934.31, F.S.; prohibiting the recording of the contents of communications by the use of a pen register or trap and trace device; amending s. 934.33, F.S.; requiring that a certification of an order for a pen register or a trap and trace device be provided to any person or entity not specifically named in the order; requiring that the order include information concerning location of the device and geographic limits of the order; requiring an investigative or law enforcement agency to maintain a record of the use of a pen register or trap and trace installed pursuant to an ex parte order; requiring that the record be provided to the court; amending s. 934.34, F.S.; providing for a trap and trace device to be installed on other facilities; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Smith and adopted:

**Amendment 1 (142756)**—On page 11, lines 27 and 28 and on page 13, lines 10 and 11, delete those lines and insert: *the requested interception has occurred or will likely occur, or the communication to be intercepted or expected to be*

Pursuant to Rule 4.19, **CS for SB 1774** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

Consideration of **SB 1634**, **CS for SB 1132**, **CS for CS for SB 320**, **SB 248**, **CS for SB 574** and **CS for SB’s 1842, 1124 and 498** was deferred.

On motion by Senator Burt—

**CS for CS for SB 638**—A bill to be entitled An act relating to public-records exemptions; creating s. 893.066, F.S.; creating a public-records exemption for personal identifying information regarding a patient held by the Department of Legal Affairs; providing exceptions to the exemption; providing a criminal penalty for violating the provisions of the public-records exemption; providing for future review and repeal; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for CS for SB 638** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**CS for CS for CS for SB 636**—A bill to be entitled An act relating to controlled substances; providing for specified licensing boards to adopt rules governing the prescribing of controlled substances; requiring certain health care providers to complete education courses relating to the prescription of controlled substances; providing penalties and requiring a report; providing for the emergency suspension of certain licenses for prescribing violations; requiring the Department of Health, the Department of Law Enforcement, the Statewide Prosecutor, and State Attorneys to share certain information regarding health care practitioners; requiring a report; requiring the Department of Legal Affairs to establish an electronic system to monitor the prescribing of certain controlled substances; establishing an advisory council and providing for its membership, duties, staff, and compensation; amending s. 456.033, F.S.; eliminating certain requirements for HIV and AIDS education courses; amending s. 456.072, F.S., revising penalties; amending s. 458.345, F.S.; requiring certain resident physicians, interns, and fellows to complete an educational course in prescribing controlled substances; amending s. 461.013, F.S.; prohibiting the presigning of blank prescription forms and providing penalties; amending s. 893.04, F.S.; providing additional requirements for pharmacists regarding the identification of persons to whom controlled substances are dispensed; prohibiting certain prescribing practitioners from possessing, administering, dispensing, or prescribing controlled substances; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1 (075852)**—On page 9, lines 18-31, delete those lines and insert:

(8) *The Department of Legal Affairs shall establish a 14-member prescription-monitoring program advisory council to assist it in identifying drugs of abuse for inclusion in the monitoring system and in implementing the system.*

(a) *The Governor shall appoint members to serve on the advisory council. The members of the council shall include the Attorney General or his or her designee who shall serve as the chairperson; the Secretary of Health or his or her designee; the executive director of the Department of Law Enforcement or his or her designee; the director of the Office of Drug Control within the Executive Office of Governor or his or her designee; a physician who is licensed in this state under chapter 458, Florida Statutes, who is recommended by the Florida Medical Association; a physician who is licensed in this state under chapter 458 or chapter 459, Florida Statutes, who is recommended by the Florida Academy of Pain Medicine; a physician who is licensed in*

**Amendment 2 (303666)(with title amendment)**—On page 15, between lines 25 and 26, insert:

Section 11. Section 893.065, Florida Statutes, is created to read:

*893.065 Voluntary program for counterfeit-resistant prescription blanks.—The Department of Legal Affairs, may, by rule, after consultation with the prescription monitoring program advisory council established under this act, develop a voluntary program for counterfeit-resistant prescription blanks to be used by practitioners who prescribe controlled substances or any drug of abuse under the electronic prescription-monitoring system which has been designated by the Attorney General. The Department of Legal Affairs may develop, by rule, a counterfeit-*

resistant prescription blank for voluntary use by practitioners who prescribe controlled substances or any drug of abuse under the electronic prescription monitoring system. The Department of Legal Affairs may, by rule, require the blanks to be printed on distinctive paper, serially numbered, and to bear the preprinted name, address, and category of professional licensure of the practitioner to whom they are issued and that practitioner's federal registry number for controlled substances. The prescription blanks may be issued by the Department of Legal Affairs in serially numbered groups to prescribing practitioners. If such blanks are issued by the Department of Legal Affairs to implement a voluntary program for counterfeit-resistant prescription blanks, a copy must be available for inspection by the Department of Legal Affairs, and all costs of preparing, issuing, and tracking prescription blanks may be covered by the Department of Legal Affairs.

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 2, line 5, after the semicolon (;) insert: creating s. 893.065, F.S., establishing requirements for the design, issuance, and prescription forms developed by the Department of Legal Affairs for certain controlled substances and drugs; granting rulemaking authority to the Department of Legal Affairs; providing inspection of such forms by the Department of Legal Affairs;

Senator Campbell moved the following amendment:

**Amendment 3 (673542)**—On page 9, line 17, after the period (.) insert: *The information transmitted may only be used for the specific purposes specified in this act. The information transmitted may be maintained by any department receiving it for up to 12 months before purging it from its records. Notwithstanding the foregoing, any department receiving such information may maintain it longer than 12 months if the information is pertinent to an ongoing investigation arising under this act.*

Senator Campbell moved the following amendment to **Amendment 3** which was adopted:

**Amendment 3A (515142)**—On page 1, lines 16 and 17, delete *“The information transmitted may only be used for the specific purposes specified in this act.”*

**Amendment 3** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for SB 636** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Crist—

**CS for SB 2300**—A bill to be entitled An act relating to controlled substances; creating s. 893.101, F.S.; providing legislative findings and intent; providing for affirmative defense and permissive presumption; requiring jury to be instructed on permissive presumption, if affirmative defense is raised; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 2300** was placed on the calendar of Bills on Third Reading.

On motion by Senator Cowin—

**CS for SB 2270**—A bill to be entitled An act relating to parole violations; amending ss. 947.141, 947.22, F.S.; requiring a law enforcement officer to arrest an offender whom the officer has probable cause to believe has committed a felony while on release supervision or parole; providing that a warrant need not be issued in the case; providing an effective date.

—was read the second time by title.

Senator Cowin moved the following amendment which was adopted:

**Amendment 1 (605096)(with title amendment)**—On page 1, line 12, insert:

Section 1. Subsection (16) is added to section 901.15, Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(16) *There is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or other specified officers as set forth in s. 784.07 or has committed assault or battery upon any employee of a receiving facility as defined in s. 394.455 who is engaged in the lawful performance of his or her duties.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 1, delete line 2 and insert: An act relating to arrest without warrant; amending s. 901.15, F.S.; authorizing a law enforcement officer to make an arrest without a warrant when there is probable cause to believe that the person has committed assault upon a law enforcement officer, a firefighter, an emergency medical care provider, public transit employees or agents, or certain other officers or has committed assault or battery upon any employee of a receiving facility; amending

Pursuant to Rule 4.19, **CS for SB 2270** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Campbell—

**SB 2144**—A bill to be entitled An act relating to wrongful death; amending s. 768.21, F.S.; providing a presumption relating to a minor child's recovery of damages resulting from the wrongful death of the child's parents; providing an effective date.

—was read the second time by title.

The Committee on Judiciary recommended the following amendment which was moved by Senator Campbell and adopted:

**Amendment 1 (560214)**—On page 1, lines 22-24, delete those lines and insert:

*die within 30 days of one another as a result of the same wrongful act or series of acts arising out of the same incident, each spouse is considered to have been*

Pursuant to Rule 4.19, **SB 2144** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Miller—

**SB 1998**—A bill to be entitled An act relating to the Florida Litter Law; amending s. 403.413, F.S.; requiring that the community service imposed for certain violations be performed in specified areas; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1998** was placed on the calendar of Bills on Third Reading.

On motion by Senator Peadar—

**CS for SB 1824**—A bill to be entitled An act relating to sexually violent offenders; amending s. 394.913, F.S.; requiring the agency with jurisdiction over a person convicted of a sexually violent offense to provide earlier notice of the offender's anticipated release; revising the time for preparing the assessment as to whether the offender is a sexually violent predator; amending s. 394.917, F.S.; requiring detainees to be segregated from other patients; amending s. 394.929, F.S.; revising a catchline; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 1824** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burt—

**CS for SB 306**—A bill to be entitled An act relating to unlawful activities involving driver's licenses and identification cards; amending s. 322.212, F.S.; prohibiting a person from knowingly selling, manufacturing, or delivering, or offering to sell, manufacture, or deliver, any blank, forged, stolen, counterfeit, or unlawfully issued driver's license or identification card or any instrument in the similitude of such license or such card; providing a penalty; authorizing investigations of violations of this section; providing an effective date.

—was read the second time by title.

Senator Burt moved the following amendments which were adopted:

**Amendment 1 (882498)**—On page 2, line 15, delete “*paragraph*” and insert: *section*

**Amendment 2 (033146)**—On page 3, line 10, delete “*second*” and insert: *third*

Pursuant to Rule 4.19, **CS for SB 306** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Clary—

**SB 1600**—A bill to be entitled An act relating to public records; creating ss. 458.353, 459.028, F.S.; providing exemptions from public-records requirements for information contained in reports made by physicians and osteopathic physicians of adverse incidents occurring in office practice settings; providing for future review and repeal; providing findings of public necessity; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **SB 1600** was placed on the calendar of Bills on Third Reading.

On motion by Senator Posey, by two-thirds vote **HB 585** was withdrawn from the Committees on Judiciary; and Banking and Insurance.

On motion by Senator Posey—

**HB 585**—A bill to be entitled An act relating to the Florida Uniform Principal and Income Act; creating ss. 738.101, 738.102, 738.103, 738.104, 738.1041, 738.105, 738.201, 738.202, 738.301, 738.302, 738.303, 738.401, 738.402, 738.403, 738.501, 738.502, 738.503, 738.504, 738.601, 738.602, 738.603, 738.604, 738.605, 738.606, 738.607, 738.608, 738.701, 738.702, 738.703, 738.704, 738.705, 738.706, 738.801, 738.802, 738.803, and 738.804, F.S.; providing a short title; providing definitions; specifying a fiduciary's duties; providing general principles; providing a trustee's power to adjust between principal and income; providing for a unitrust alternative to certain trusts where the power to adjust is unavailable or not exercised; providing requirements, criteria, and procedures; providing for judicial control of certain discretionary powers; providing limitations; providing for determinations and distributions of net income; providing requirements; providing for distributions to residuary and remainder beneficiaries; providing for apportionment at beginning and end of an income interest; providing for entitlement to a right to income; providing for apportionment of receipts and disbursements under certain circumstances; providing for allocation of trust receipts during administration; specifying character of receipts; providing for distributions from trust or estate; providing for separate accounting by trustee of certain businesses or activities; providing for allocation of certain receipts not normally apportioned; providing for allocation of certain normally apportioned receipts; providing for allocation of disbursements from income and principal during administration of a trust; providing for certain transfers from income under certain circumstances; providing for payment of certain taxes; providing for adjustments between principal and income due to taxes; providing for uniform application and construction; providing severability; providing for application with respect to apportionment of expenses and improvements; providing for application; repealing ss. 738.01, 738.02, 738.03, 738.04, 738.05, 738.06, 738.07, 738.08, 738.09, 738.10, 738.11, 738.12, 738.13, 738.14, and 738.15, F.S., relating to principal and income of trusts; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1166** and read the second time by title.

Pursuant to Rule 4.19, **HB 585** was placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

**CS for SB 728**—A bill to be entitled An act relating to transportation; amending s. 163.3180, F.S.; extending the period within which certain transportation facilities needed to serve new development must be in place or under actual construction; amending s. 334.044, F.S.; authorizing the Department of Transportation to expend funds to promote scenic highways; authorizing the department to delegate to other governmental entities the authority to issue drainage permits under certain circumstances; amending s. 339.135, F.S.; providing a 5-year commitment for projects on the Florida Intrastate Highway System; amending s. 479.15, F.S.; defining the term “federal-aid primary highway system” for purposes of provisions governing the alteration of certain lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements with the department which allow outdoor signs to be erected above sound barriers; providing an effective date.

—was read the second time by title.

An amendment was considered and failed and amendments were considered and adopted to conform **CS for SB 728** to **CS for HB 715**.

Pending further consideration of **CS for SB 728** as amended, on motion by Senator Latvala, by two-thirds vote **CS for HB 715** was withdrawn from the Committees on Transportation; Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on General Government; and Appropriations.

On motion by Senator Latvala, the rules were waived and—

**CS for HB 715**—A bill to be entitled An act relating to transportation; creating s. 70.20, F.S.; providing for a process for governmental entities and sign owners to enter into relocation and reconstruction agreements related to outdoor advertising signs; defining “relocation and reconstruction agreement”; providing for compensation to sign owners under certain conditions; requiring a study by the Office of Program Policy Analysis and Government Accountability and requiring a report to the Legislature; amending s. 163.3180, F.S.; extending the period within which certain transportation facilities needed to serve new development must be in place or under actual construction; amending s. 334.044, F.S.; authorizing the Department of Transportation to expend funds to promote scenic highways; authorizing the department to delegate to other governmental entities the authority to issue drainage permits under certain circumstances; amending s. 339.135, F.S.; providing a 5-year commitment for projects on the Florida Intrastate Highway System; amending s. 479.15, F.S.; defining “federal-aid primary highway system” for purposes of provisions governing the alteration of certain lawfully erected signs; creating s. 479.25, F.S.; authorizing local governments to enter into agreements with the department which allow outdoor signs to be erected above sound barriers; providing an effective date.

—a companion measure, was substituted for **CS for SB 728** as amended and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 715** was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones—

**SB 2274**—A bill to be entitled An act designating September 11 of each year as “Florida Rescue Workers’ Day”; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Jones and adopted:

**Amendment 1 (540658)(with title amendment)**—On page 1, line 30 through page 2, line 2, delete those lines and insert:

Section 1. Section 683.26, Florida Statutes, is created to read:

*683.26 Florida Rescue Workers' Day.—September 11 of each year is designated as "Florida Rescue Workers' Day," in recognition of the sacrifices made by Florida rescue workers in the face of unthinkable tragedy.*

And the title is amended as follows:

On page 1, line 3, after the semicolon (;) insert: creating section 683.26, F.S.;

Pursuant to Rule 4.19, **SB 2274** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Saunders—

**SB 626**—A bill to be entitled An act relating to the misuse of hand-held laser lighting devices; creating s. 784.062, F.S.; defining the term "laser lighting device"; providing that it is a second degree misdemeanor to knowingly and willfully shine the beam of a laser lighting device at a law enforcement officer in such a manner as to cause the law enforcement officer to believe that a firearm is pointed at him or her; providing a penalty; providing an effective date.

—was read the second time by title.

Senator Villalobos moved the following amendment which was adopted:

**Amendment 1 (103040)**—On page 1, lines 29 and 30, delete those lines and insert: *or her commits a noncriminal violation, punishable as provided in s. 775.083.*

Pursuant to Rule 4.19, **SB 626** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Lawson—

**SB 2130**—A bill to be entitled An act relating to registered contractors; amending s. 489.118, F.S.; providing for the grandfathering of certain contractors who have passed certain oral examinations; providing an effective date.

—was read the second time by title.

The Committee on Governmental Oversight and Productivity recommended the following amendment which was moved by Senator Lawson and adopted:

**Amendment 1 (295132)**—On page 1, delete line 18 and insert:

(2) Has, for that category, passed a written *or, if disabled, an oral*

Pursuant to Rule 4.19, **SB 2130** as amended was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Sebesta—

**CS for CS for HB 457**—A bill to be entitled An act relating to road and bridge designations; designating the new U.S. Highway 27 bridge in the City of Moore Haven as the "Mamie Langdale Memorial Bridge"; designating the old Nassau Sound Bridge in Nassau and Duval Counties as the "George Crady Bridge"; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of U.S. Highway 17 as the "Doyle Parker Memorial Highway"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating the New River Bridge in Bradford and Union Counties as the "John S. 'Steve' Dennard Bridge"; designating a portion of State Road 121 as the "Ed Fraser Memorial Highway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of U.S. Highway 41 in White Springs as the "Martin Luther King, Jr., Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; designating a portion of State Road 100 in

Flagler County as "Veterans Memorial Highway"; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as "Toni Jennings Boulevard"; directing the Department of Transportation to erect suitable markers; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Sebesta:

**Amendment 1 (102068)(with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Enrique Valledor Way designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of 22nd Street from 16th Avenue to 14th Avenue in the City of Miami in Miami-Dade County is hereby designated as "Enrique Valledor Way."*

(2) *The Department of Transportation is directed to erect suitable markers designating Enrique Valledor Way as described in subsection (1).*

Section 2. (1) *The new Rose Bay bridges on U.S. Highway 1, between the Cities of New Smyrna Beach and Port Orange, are dedicated in honor of United States military personnel who were prisoners of war (POW's) or who are missing in action (MIA's).*

(2) *The Department of Transportation is directed to erect suitable markers designating the dedication in honor of POW's and MIA's.*

Section 3. (1) *That portion of I-275 which begins at the Pinellas County end of the Howard Franklin Bridge and, proceeding south, ends at the beginning of the Sunshine Skyway Bridge is designated as the "St. Petersburg Parkway."*

(2) *The Department of Transportation is directed to erect suitable markers designating the "St. Petersburg Parkway" as described in subsection (1).*

Section 4. *"Bureau of Alcohol, Tobacco and Firearms Special Agent Ariel Rios Memorial Way."*

(1) *Northwest 87th Avenue in Miami-Dade County from N.W. 41st Street to N.W. 52nd Street is designated "Bureau of Alcohol, Tobacco and Firearms Special Agent Ariel Rios Memorial Way".*

(2) *The Department of Transportation is directed to erect suitable markers.*

Section 5. *"Bureau of Alcohol, Tobacco and Firearms Special Agent Eddie Benitez Memorial Way."*

(1) *Northwest 87th Avenue in Miami-Dade County from N.W. 52nd Street to N.W. 58th Street is designated "Bureau of Alcohol, Tobacco and Firearms Special Agent Eddie Benitez Memorial Way".*

(2) *The Department of Transportation is directed to erect suitable markers.*

Section 6. *Temple Terrace Parkway.—*

(1) *Notwithstanding section 334.071, Florida Statutes, and chapter 67-789, Laws of Florida, State Road 580 within the city limits of Temple Terrace, from the intersection of Busch Boulevard and Overlook Drive through 56th Street, is renamed "Temple Terrace Parkway."*

(2) *The Department of Transportation is directed to erect suitable street signs indicating that the portion of State Road 580 described in subsection (1) has been officially renamed "Temple Terrace Parkway."*

Section 7. *Martin L. King, Jr., Drive designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of State Road 50 from Ocoee to State Road 436 in Orange County is hereby designated as Martin L. King, Jr., Drive.*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating Martin L. King, Jr., Drive as described in subsection 1.*

Section 8. *“Judge Steve Levine Boulevard” designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of U.S. 1 between S.W. 216 Street and S.W. 232 Street in Miami-Dade County is hereby designated as Judge Steve Levine Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Judge Steve Levine Boulevard as described in subsection (1).*

Section 9. *Mamie Langdale Memorial Bridge designation; markers.—*

(1) *The new U.S. Highway 27 bridge in the City of Moore Haven in Glades County is hereby designated as the “Mamie Langdale Memorial Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Mamie Langdale Memorial Bridge” as described in subsection (1).*

Section 10. *George Crady Bridge designation; markers.—*

(1) *The old Nassau Sound Bridge (bridge number 750055) on State Road 105 in Nassau and Duval Counties is hereby redesignated as the “George Crady Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “George Crady Bridge” as described in subsection (1).*

Section 11. *Veterans Memorial Bridge designation; markers.—*

(1) *Bridge number 550122 on Thomasville Road in the City of Tallahassee in Leon County is hereby designated as the “Veterans Memorial Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Veterans Memorial Bridge” as described in subsection (1).*

Section 12. *Doyle Parker Memorial Highway designation; markers.—*

(1) *U.S. Highway 17 from Wauchula to Bowling Green is hereby designated as the “Doyle Parker Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Doyle Parker Memorial Highway” as described in subsection (1).*

Section 13. *Lynn Haven Parkway designation; markers.—*

(1) *That portion of State Road 77 between Baldwin Road and Mowat School Road in the City of Lynn Haven in Bay County is hereby designated as the “Lynn Haven Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Lynn Haven Parkway” as described in subsection (1).*

Section 14. *John S. “Steve” Dennard Bridge designation; markers.—*

(1) *The New River Bridge (bridge number 390031) on State Road 16 in Bradford and Union Counties is hereby designated as the “John S. ‘Steve’ Dennard Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “John S. ‘Steve’ Dennard Bridge” as described in subsection (1).*

Section 15. *Ed Fraser Memorial Highway designation; markers.—*

(1) *State Road 121, from the Georgia-Florida line in Baker County to the city limits of Lake Butler in Union County, is hereby designated as the “Ed Fraser Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Ed Fraser Memorial Highway” as described in subsection (1).*

Section 16. *Correctional Officers Memorial Highway designation; markers.—*

(1) *That portion of State Road 16 from the northwestern city limits of Starke in Bradford County to State Road 121 in Union County is hereby designated as the “Correctional Officers Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Correctional Officers Memorial Highway” as described in subsection (1).*

Section 17. *Martin Luther King, Jr., Memorial Highway designation; markers.—*

(1) *That portion of U.S. Highway 41 located in White Springs in Hamilton County is hereby designated as the “Martin Luther King, Jr., Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Martin Luther King, Jr., Memorial Highway” as described in subsection (1).*

Section 18. *Purple Heart Memorial Highway designation; markers.—*

(1) *Interstate 75 from the Georgia-Florida state line to the city limits of Ocala in Marion County is hereby designated as the “Purple Heart Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Purple Heart Memorial Highway” as described in subsection (1).*

Section 19. *Korean War Veterans Memorial Highway designation; markers.—*

(1) *Highway 417 in Seminole County is hereby designated as the “Korean War Veterans Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Korean War Veterans Memorial Highway” as described in subsection (1).*

Section 20. *Jerome A. Williams Memorial Highway designation; markers.—*

(1) *That portion of U.S. Highway 17 from Crescent City south to the Putnam/Volusia County boundary is hereby designated as the “Jerome A. Williams Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Jerome A. Williams Memorial Highway” as described in subsection (1).*

Section 21. *“Veterans Memorial Highway” designation; markers.—*

(1) *That portion of State Road 100, beginning at the western city limits of the Town of Flagler Beach in Flagler County and continuing east to the eastern city limits of the Town of Bunnell, is hereby designated as the “Veterans Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Veterans Memorial Highway” as described in subsection (1).*

Section 22. *Toni Jennings Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *That portion of Semoran Boulevard in the City of Orlando in Orange County beginning at the Bee Line Expressway (State Road 528) on the South to Curry Ford Road on the North is hereby designated as “Toni Jennings Boulevard.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Toni Jennings Boulevard” as described in subsection (1).*

Section 23. *Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway designated.*—

(1) *That portion of State Road 19 in Lake County from the north end of Lake County to the intersection of State Road 19 and Highway 441 in Eustis is hereby designated as the “Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway as described in subsection (1).*

Section 24. *“Steven Cranman Boulevard” and “Ethel Beckford Boulevard” designated; Department of Transportation to erect suitable markers.*—

(1) *That portion of U.S. 1 between S.W. 136th Street and S.W. 186th Street in Miami-Dade County is hereby designated as Steven Cranman Boulevard. The Department of Transportation is directed to erect suitable markers designating Steven Cranman Boulevard as described in this subsection.*

(2) *That portion of S.W. 186th Street between U.S. 1 and S.W. 107th Avenue in Miami-Dade County is hereby designated as Ethel Beckford Boulevard. The Department of Transportation is directed to erect suitable markers designating Ethel Beckford Boulevard as described in this subsection.*

Section 25. *“Phicol Williams Boulevard” designated; Department of Transportation to erect suitable markers.*—

(1) *That portion of State Road 5 (U.S. 1) between S.W. 312th Street and S.W. 328th Street in Miami-Dade County is hereby designated as Phicol Williams Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Phicol Williams Boulevard as described in subsection (1).*

Section 26. *“Arthur Mays Boulevard” designated; Department of Transportation to erect suitable markers.*—

(1) *That portion of S.W. 112 Avenue from U.S. 1 to S.W. 230 Street in Miami-Dade County is hereby designated as Arthur Mays Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Arthur Mays Boulevard as described in subsection (1).*

Section 27. *“Jean-Jacques Dessalines Boulevard” designated; Department of Transportation to erect suitable markers.*—

(1) *State Road 934 on N.W. 79th Street in Miami-Dade County, from the west boundary of State House District 108 to the east boundary of district 108, is hereby designated as Jean-Jacques Dessalines Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Jean-Jacques Dessalines Boulevard as described in subsection (1).*

Section 28. *“Toussaint L’Ouverture Boulevard” designated; Department of Transportation to erect suitable markers.*—

(1) *State Road 922 on N.W. 125th Street in Miami-Dade County, from N.W. 7th Avenue to Griffin Boulevard, is hereby designated as Toussaint L’Ouverture Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Toussaint L’Ouverture Boulevard as described in subsection (1).*

Section 29. *“Frederick Douglass Boulevard” designated; Department of Transportation to erect suitable markers.*—

(1) *State Road 915 on N.E. 6th Avenue in Miami-Dade County, from the north boundary of State House District 108 to U.S. 1, is hereby designated as Frederick Douglass Boulevard.*

(2) *The Department of Transportation is directed to erect suitable markers designating Frederick Douglass Boulevard as described in subsection (1).*

Section 30. *“Dr. Luis Conte-Aguero Way” designated; Department of Transportation to erect suitable markers.*—

(1) *That portion of S.W. 24th Street (Coral Way) between 25th Avenue and 28th Avenue in Miami-Dade County is hereby designated as “Dr. Luis Conte-Aguero Way”.*

(2) *The Department of Transportation is directed to erect suitable markers designating Dr. Luis Conte-Aguero Way as described in subsection (1).*

Section 31. *“Olga Choren and Tony Alvarez Way” designated; Department of Transportation to erect suitable markers.*—

(1) *That portion of S.W. 8th Street between 27th Avenue and 32nd Avenue in Miami-Dade County is hereby designated as “Olga Choren and Tony Alvarez Way”.*

(2) *The Department of Transportation is directed to erect suitable markers designating “Olga Choren and Tony Alvarez Way” as described in subsection (1).*

Section 32. *“L. E. Buie” Bridge designation; markers.*—

(1) *The Skypass Bridge (bridge number 930470) in the City of Riviera Beach in Palm Beach County is designated as the “L. E. Buie Bridge.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “L. E. Buie” Bridge as described in subsection (1).*

Section 33. *Borinquen Boulevard designation; markers.*—

(1) *That portion of North 36th Street (State Road 25) from Biscayne Boulevard to N.W. 7th Avenue is hereby designated “Borinquen Boulevard” in honor of Miami-Dade County’s Puerto Rican community.*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Borinquen Boulevard” as described in subsection (1).*

Section 34. *“Stanley Whitman Boulevard” designation; markers.*—

(1) *Designating the portion of State Road 922 (96th Street) which provides entry and exit into the Bal Harbour Shops as “Stanley Whitman Boulevard”.*

(2) *The Department of Transportation is directed to erect suitable markers designating “Stanley Whitman Boulevard” as described in subsection (1).*

Section 35. *“Ronald A. Silver Boulevard” designation; markers.*—

(1) *Designating Miami Gardens Drive from U.S. 1 to 441 as the “Ronald A. Silver Boulevard”.*

(2) *The Department of Transportation is directed to erect suitable markers designating “Ronald A. Silver Boulevard” as described in subsection (1).*

Section 36. *“South Miami All-American Parkway” designation; markers.*—

(1) *U.S. 1 from 57th Avenue to S.W. 80th Street in Miami-Dade County is designated as “South Miami All-American Parkway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating “South Miami All-American Parkway” as described in subsection (1).*

Section 37. *“Senator Ginny Brown-Waite Highway” designation; markers.*—

(1) *State Road 50 from U.S. 75 to U.S. 19 in Hernando County is designated as the “Senator Ginny Brown-Waite Highway.”*

(2) *The Department of Transportation is directed to erect suitable markers designating the “Senator Ginny Brown-Waite Highway” as described in subsection (1).*

Section 38. (1) *That portion of Golfair Boulevard from Interstate Highway 95 to Moncrief Road in the City of Jacksonville is designated "Holzendorf Boulevard."*

(2) *The Department of Transportation is directed to erect suitable markers designating "Holzendorf Boulevard."*

Section 39. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to road and bridge designations; designating a portion of a roadway in the City of Miami in Miami-Dade County as "Enrique Valledor Way"; designating N.W. 87th Street in Miami-Dade County as Bureau of Alcohol Tobacco and Firearms Special Agents Ariel Rios and Eddie Benitez Memorial Way; dedicating the new Rose Bay bridges between the Cities of New Smyrna Beach and Port Orange to honor U.S. military POW's and MIA's; designating a portion of I-275 in Pinellas County as the "St. Petersburg Parkway"; renaming a portion of State Road 580 within the city limits of Temple Terrace as the "Temple Terrace Parkway"; designating a portion of State Road 50 in Orange County as Martin L. King, Jr., Drive; designating "Judge Steve Levine Boulevard" in Miami-Dade County; designating the new U.S. Highway 27 road and bridge in the City of Moore Haven as the "Mamie Langdale Memorial Bridge"; designating the old Nassau Sound Bridge in Nassau and Duval Counties as the "George Crady Bridge"; designating bridge number 550122 in Tallahassee as the "Veterans Memorial Bridge"; designating a portion of U.S. Highway 17 as the "Doyle Parker Memorial Highway"; designating a portion of State Road 77 as the "Lynn Haven Parkway"; designating the New River Bridge in Bradford and Union Counties as the "John S. 'Steve' Dennard Bridge"; designating a portion of State Road 121 as the "Ed Fraser Memorial Highway"; designating a portion of State Road 16 as the "Correctional Officers Memorial Highway"; designating a portion of U.S. Highway 41 in White Springs as the "Martin Luther King, Jr., Memorial Highway"; designating a portion of Interstate 75 as the "Purple Heart Memorial Highway"; designating the "Korean War Veterans Memorial Highway" in Seminole County; designating a portion of U.S. Highway 17 as the "Jerome A. Williams Memorial Highway"; designating a portion of State Road 100 in Flagler County as Veterans Memorial Highway; designating a portion of Semoran Boulevard in the City of Orlando, Orange County, as "Toni Jennings Boulevard"; designating a portion of State Road 19 in Lake County as the "Private Robert M. McTureous, Jr., U.S.M.C., Medal of Honor Memorial Highway"; designating "Steven Cranman Boulevard" and "Ethel Beckford Boulevard" in Miami-Dade County; designating "Phicol Williams Boulevard" in Miami-Dade County; designating "Arthur Mays Boulevard" in Miami-Dade County; designating "Jean-Jacques Dessalines Boulevard" in Miami-Dade County; designating "Toussaint L'Ouverture Boulevard" in Miami-Dade County; designating "Frederick Douglass Boulevard" in Miami-Dade County; designating "Dr. Luis Conte-Aguero Way" in Miami-Dade County; designating "Olga Choren and Tony Alvarez Way" in Miami-Dade County; designating the "L.E. Buie bridge in Miami-Dade County; designating "Borinquen Boulevard" in Miami-Dade County; designating 96th Street in Miami-Dade County as the "Stanley Whitman Boulevard"; designating Miami Gardens Drive as the "Ronald A. Silver Boulevard"; designating the "All-American Parkway" in Miami-Dade County; directing the Department of Transportation to erect suitable markers; designating the "Senator Ginny Brown-Waite Highway" in Hernando County; directing the Department of Transportation to erect suitable markers; designating a portion of Golfair Boulevard in Jacksonville as "Holzendorf Boulevard"; providing an effective date.

Senator Sebesta moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1A (484760)**—On page 8, line 30 and on page 9, lines 8 and 16, delete "makers" and insert: *markers*

Senator Diaz de la Portilla moved the following amendment to **Amendment 1**:

**Amendment 1B (380538)(with title amendment)**—On page 11, between lines 25 and 26, insert:

Section 39. *Monsignor Bryan O. Walsh Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *Northeast 21st Street from Biscayne Boulevard to Biscayne Bay in Miami is hereby designated as "Monsignor Bryan O. Walsh Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Monsignor Bryan O. Walsh Boulevard" as described in subsection (1).*

Section 40. *Joe Celestin Boulevard; Department of Transportation to erect suitable markers.—*

(1) *Southwest 17th Avenue to Biscayne Boulevard along N.W. 125th Street in Miami is hereby designated "Joe Celestin Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Joe Celestin Boulevard" as described in subsection (1).*

Section 41. *Father Emilio Vallina Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *Flagler Street from 12th Avenue to 17th Avenue in Miami is hereby designated as "Father Emilio Vallina Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Father Emilio Vallina Boulevard" as described in subsection (1).*

Section 42. *Chris Campbell Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *Blue Road between 57th Avenue and Granada Boulevard in Miami is hereby designated as "Chris Campbell Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Chris Campbell Boulevard" as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 19, after the semicolon (;) insert: designating a portion of N.E. 21st Street in Miami as Monsignor Bryan O. Walsh Boulevard; designating a portion of S.W. Avenue to Biscayne Boulevard in Miami as "Joe Celestin Boulevard"; designating a portion of Flagler Street in Miami as "Father Emilio Vallina Boulevard"; designating a portion of Blue Road between 57th Avenue and Granada Boulevard as "Chris Campbell Boulevard";

Senator Diaz de la Portilla moved the following substitute amendment for **Amendment 1B** which was adopted:

**Amendment 1C (662772)(with title amendment)**—On page 11, between lines 25 and 26, insert:

Section 39. *Monsignor Bryan O. Walsh Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *Northeast 21st Street from Biscayne Boulevard to Biscayne Bay in Miami is hereby designated as "Monsignor Bryan O. Walsh Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Monsignor Bryan O. Walsh Boulevard" as described in subsection (1).*

Section 40. *Joe Celestin Boulevard; Department of Transportation to erect suitable markers.—*

(1) *Southwest 17th Avenue to Biscayne Boulevard along N.W. 125th Street in Miami is hereby designated "Joe Celestin Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Joe Celestin Boulevard" as described in subsection (1).*

Section 41. *Father Emilio Vallina Boulevard designated; Department of Transportation to erect suitable markers.—*

(1) *Flagler Street from 12th Avenue to 17th Avenue in Miami is hereby designated as "Father Emilio Vallina Boulevard."*

(2) *The Department of Transportation is hereby directed to erect suitable markers designating "Father Emilio Vallina Boulevard" as described in subsection (1).*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 19, after the semicolon (;) insert: designating a portion of N.E. 21st Street in Miami as Monsignor Bryan O. Walsh Boulevard; designating a portion of S.W. Avenue to Biscayne Boulevard in Miami as "Joe Celestin Boulevard"; designating a portion of Flagler Street in Miami as "Father Emilio Vallina Boulevard";

**THE PRESIDENT PRESIDING**

Senator Silver moved the following amendment to **Amendment 1** which failed:

**Amendment 1D (642850)(with title amendment)**—On page 11, between lines 25 and 26, insert:

Section 39. Subsection (2) of section 2 of chapter 88-418, Laws of Florida, is amended to read:

Section 2. Crandon Boulevard is hereby designated as a state historic highway. No public funds shall be expended for:

(2) The alteration of the physical dimensions or location of Crandon Boulevard, the median strip thereof, or the land adjacent thereto, except for:

(a) The routine or emergency utilities maintenance activities necessitated to maintain the road as a utility corridor serving the village of Key Biscayne; or

(b) *The modification or improvements made to provide for vehicular ingress and egress of governmental public safety vehicles.*

(Redesignate subsequent sections.)

And the title is amended as follows:

On page 14, line 19, after the semicolon (;) insert: amending s. 2 of ch. 88-418, Laws of Florida; allowing for expenditure of public funds for ingress and egress of governmental public safety vehicles;

Senator Pruitt moved the following amendment to **Amendment 1** which was adopted:

**Amendment 1E (204206)**—In title, on page 14, line 5, delete "Miami-Dade" and insert: Palm Beach

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 457** as amended was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 480, CS for CS for CS for SB 502, CS for SB 2430, CS for CS for SB's 1286, 1134 and 1008** and **CS for CS for SB 2338** was deferred.

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The Senate resumed consideration of—

**CS for SB 1312**—A bill to be entitled An act relating to child custody jurisdiction and enforcement; creating part IV of ch. 61, F.S., entitled the "Uniform Child Custody Jurisdiction and Enforcement Act"; providing purposes; providing definitions; specifying proceedings not governed by the act; providing application to Indian tribes; providing international application of the act; providing the effect of a child custody determination; providing priority for questions jurisdiction under the act; providing for notice to persons outside the state; providing for appearance at proceedings and limited immunity; providing for communication between courts of this state and courts of other states; providing for taking testimony in another state; providing for cooperation between courts and

the preservation of records; providing for initial child custody jurisdiction; providing for exclusive, continuing jurisdiction; providing for jurisdiction to modify a child custody determination; providing for temporary emergency jurisdiction; providing for notice, opportunity to be heard, and joinder; providing procedures with respect to simultaneous proceedings; providing for determination of an inconvenient forum; providing procedures for a court to decline jurisdiction by reason of conduct; specifying information to be submitted to the court; providing for the appearance of the parties and the child at proceedings; providing definitions relating to enforcement; providing for enforcement under the Hague Convention; providing duty of the court to enforce child custody determinations of a court of another state; providing for temporary visitation; providing for registration of out-of-state child custody determinations; providing for enforcement of registered determinations; providing procedures with respect to simultaneous proceedings; providing for expedited enforcement of a child custody determination; providing for service of petition and order; providing for hearing and order; providing for issuance of a warrant to take physical custody of a child under certain circumstances; providing for award of costs, fees, and expenses to the prevailing party; providing for recognition of enforcement orders of a court of another state; providing for appeals; providing for actions by the state attorney; providing for actions by law enforcement officers; providing for assessment of costs and expenses incurred by the state attorney and law enforcement officers; providing for application and construction of the act; providing severability; providing for transition; amending s. 61.13, F.S.; conforming a reference; providing for the posting of a bond with respect to certain orders of child custody or visitation; providing criteria for the court to use in assessing the need for a bond; providing for forfeiture of the bond under certain circumstances; providing for the posting of a bond with respect to certain orders of child custody or visitation; providing criteria for the court to use in assessing the need for a bond; providing for forfeiture of the bond under certain circumstances; amending ss. 39.502 and 741.30, F.S.; conforming references and cross references; repealing ss. 61.1302, 61.1304, 61.1306, 61.1308, 61.131, 61.1312, 61.1314, 61.1316, 61.1318, 61.132, 61.1322, 61.1324, 61.1326, 61.1328, 61.133, 61.1332, 61.1334, 61.1336, 61.1338, 61.134, 61.1342, 61.1344, 61.1346, and 61.1348, F.S., relating to the "Uniform Child Custody Jurisdiction Act"; reenacting s. 44.102, F.S., to incorporate an amendment to s. 61.13, F.S.; providing an effective date.

—which was previously considered March 15 with pending **Amendment 6 (670834)** by Senator Campbell and **Amendment 6A (833708)** by Senator Meek.

**SENATOR PRUITT PRESIDING**

**THE PRESIDENT PRESIDING**

**SENATOR BROWN-WAITE PRESIDING**

**THE PRESIDENT PRESIDING**

**Amendment 6A (833708)** was adopted.

**SENATOR BROWN-WAITE PRESIDING**

Senator Meek moved the following amendments to **Amendment 6** which were adopted:

**Amendment 6B (630842)**—On page 5, line 17 through page 7, line 12, delete those lines.

**Amendment 6C (752158)**—On page 3, lines 3 and 4, delete those lines and insert: 61.13, Florida Statutes, is amended to read:

**RECOGNITION OF FORMER SENATOR**

Senator Diaz de la Portilla recognized former Senate President Pro Tempore Roberto Casas who was present in the chamber.

**RECONSIDERATION OF AMENDMENT**

On motion by Senator Meek, the Senate reconsidered the vote by which **Amendment 6B (630842)** was adopted. **Amendment 6B** failed.

On motion by Senator Campbell, further consideration of **CS for SB 1312** with pending **Amendment 6 (670834)** as amended was deferred.

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## THE PRESIDENT PRESIDING

**CS for SJR 940**—A joint resolution proposing the creation of Section 20 of Article III of the State Constitution to authorize the proposal of legislation by citizen initiative and prescribe standards and procedures for such proposals and the amendment of Section 5 of Article XI of the State Constitution to modify the requirements for referenda to amend the Constitution.

—was read the second time by title.

Senator Smith moved the following amendment:

**Amendment 1 (484156)(with title amendment)**—Delete everything after the enacting clause and insert:

That the creation of Section 20 of Article III and the amendment of Section 10 of Article IV and Sections 3 and 5 of Article XI of the State Constitution set forth below are agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2002:

### ARTICLE III LEGISLATURE

#### SECTION 20. *Legislation by initiative.*—

(a) *The power to propose legislation by initiative is reserved to the people. The power may be invoked by filing a petition with the chief elections officer of the state that contains a copy of the proposed legislation, which petition is signed by a number of electors in each of the congressional districts of the state, and of the state as a whole, equal to four percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.*

(b) *Special laws and general laws of local application; laws that impose, eliminate, increase, or grant exemption from taxes; laws that appropriate state funds; laws that provide exemption from public records or public meetings requirements; laws that provide for the number or assignment of judges or the jurisdiction of courts; laws that the legislature is prohibited from passing or must pass by an extraordinary vote; and laws changing the boundaries of any municipality, county, or special, legislative, or congressional district may not be proposed by initiative.*

(c) *Legislation proposed by initiative must comply with the requirements of this constitution applicable to laws enacted by the legislature with respect to single subject and prohibition of amendment by reference. Laws that are enacted by initiative shall be subject to the powers of the governor and the legislature granted by this constitution, as such powers apply to any law or legislation, and shall expire four years after the date of taking effect unless reenacted by the legislature at the regular session immediately preceding the date of expiration. The enacting clause of every law proposed by initiative shall read: "Be It Enacted by the People of the State of Florida by Initiative:".*

(d) *Legislation proposed by initiative shall be submitted to the electors at the next general election held more than ninety days after the initiative petition proposing it is filed with the custodian of state records. The ballot must include a statement expressing the chief purpose of the proposed legislation, in clear and unambiguous language not exceeding 75 words in length, and a statement of the economic impact of the proposed legislation. If the legislation proposed by initiative is approved by those electors voting on the proposal, it shall be effective on the first day of July following the next regular session of the legislature held after the general election at which the legislative initiative was approved.*

(e) *The legislature shall establish by general law, no later than July 1, 2003, procedures to be used in invoking and approving legislation proposed by initiative and for providing sufficient prior public notice.*

### ARTICLE IV EXECUTIVE

SECTION 10. Attorney General.—The attorney general shall, as directed by general law, request the opinion of the justices of the supreme court as to the validity of any initiative petition proposing legislation circulated pursuant to Section 20 of Article III or any initiative petition proposing to amend or revise this constitution circulated pursuant to

Section 3 of Article XI. The justices shall, subject to their rules of procedure, permit interested persons to be heard on the questions presented and shall render their written opinion expeditiously.

### ARTICLE XI AMENDMENTS

#### SECTION 3. Initiative.—

(a) The power to propose the revision or amendment of any portion or portions of this constitution by initiative is reserved to the people, provided that, any such revision or amendment, except for those limiting the power of government to raise revenue, shall embrace but one subject and matter directly connected therewith. It may be invoked by filing with the custodian of state records a petition containing a copy of the proposed revision or amendment, signed by a number of electors in each of one-half of the congressional districts of the state, and of the state as a whole, equal to eight percent of the votes cast in each of such districts respectively and in the state as a whole in the last preceding election in which presidential electors were chosen.

(b) *Notwithstanding subsection (a), any revision or amendment of this constitution adopted by initiative petition may be repealed by initiative petition limited to that purpose only and subject to the same requirements for invoking and voter approval as were applied to the petition proposing the revision or amendment to be repealed.*

#### SECTION 5. Amendment or revision election.—

(a) A proposed amendment to or revision of this constitution, or any part of it, shall be submitted to the electors at the next general election held more than ninety days after the joint resolution, initiative petition or report of revision commission, constitutional convention or taxation and budget reform commission proposing it is filed with the custodian of state records, unless, pursuant to law enacted by the affirmative vote of three-fourths of the membership of each house of the legislature and limited to a single amendment or revision, it is submitted at an earlier special election held more than ninety days after such filing.

(b) Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment or revision, with notice of the date of election at which it will be submitted to the electors, shall be published in one newspaper of general circulation in each county in which a newspaper is published.

(c)(1) If the proposed amendment or revision is approved by vote of the electors, it shall be effective as an amendment to or revision of the constitution of the state on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment or revision.

(2) *Notwithstanding paragraph (1), if the amendment or revision is proposed by initiative petition, it must be approved by a vote of two-thirds of the electors voting on the matter and, if approved, shall be effective in the same manner as other amendments or revisions of the constitution of the state become effective.*

(d) *The ballot statement of an amendment or revision proposed by initiative petition must include a brief statement of the economic impact of the proposed amendment or revision. The legislature shall establish by general law the required content of the economic impact statement.*

BE IT FURTHER RESOLVED that in accordance with the requirements of section 101.161, Florida Statutes, the title and substance of the amendments proposed herein shall appear on the ballot as follows:

#### LEGISLATION BY INITIATIVE; AMENDMENT OR REVISION OF STATE CONSTITUTION BY INITIATIVE; PETITION REVIEW

Allows legislation to be proposed by initiative, unless it is special or local in nature, involves taxes or tax exemptions, appropriates state funds, has a significant fiscal impact on state or local government, provides exemption from public records or public meetings requirements, provides for the number or assignment of judges or the jurisdiction of courts, is constitutionally prohibited or requires passage by an extraordinary vote of the Legislature, or changes the boundaries of any municipality, county, or special, legislative, or congressional district. Prescribes standards for such initiatives and requirements to invoke and approve them. Subjects such legislation to constitutional powers of the Governor

and Legislature with respect to laws or legislation and to future expiration unless reenacted by the Legislature. Requires the Legislature to adopt procedures governing initiatives proposing legislation. Provides for Supreme Court review of initiative petitions proposing legislation. Requires signatures for initiative petitions to amend or revise the State Constitution to be gathered in all, rather than one half, of the congressional districts and of the state as a whole. Increases the number of votes required to approve amendments or revisions to the State Constitution proposed by initiative petition, but allows repeal of amendments or revisions to the State Constitution adopted by initiative petition pursuant to the same requirements as those for adoption of the amendment or revision to be repealed. Requires the ballot statement of each initiative proposing legislation or amendment or revision of the State Constitution to include a statement of economic impact.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A joint resolution proposing the creation of Section 20 of Article III and the amendment of Section 10 of Article IV and Sections 3 and 5 of Article XI of the State Constitution to authorize the proposal of legislation by initiative, to revise or provide requirements for amending the State Constitution by initiative which relate to signatures, voter approval, and economic impact, and to provide for Supreme Court review of initiative petitions proposing legislation.

On motion by Senator Smith, further consideration of CS for SJR 940 with pending Amendment 1 (484156) was deferred.

By direction of the President, the rules were waived and the Senate reverted to—

BILLS ON THIRD READING

On motion by Senator Carlton, by two-thirds vote HB 1943 was withdrawn from the Committee on Appropriations.

On motion by Senator Carlton, by two-thirds vote—

HB 1943—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2002, and ending June 30, 2003, to pay salaries, and other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date.

—a companion measure, was substituted for SB 2500 as amended and read the second time by title.

Senator Carlton moved Amendment 1.

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

Senator Clary moved the following amendments to Amendment 1 which were adopted:

Amendment 1A (995366)—

In Section: 32 On Page: 365 Specific Appropriation: Delete Insert
In Section 32 On Page 365

In the first line and in the fourth line of the narrative, DELETE in both places:

\$100

and INSERT in both places:

\$150

Amendment 1B (995367)—

In Section: 31 On Page: 365 Specific Appropriation: Delete Insert
In Section 31 On Page 365

in the second line of narrative DELETE:

\$52,700,00

and INSERT:

\$56,400,000

and INSERT at the end of the existing narrative:

AGENCY FOR WORKFORCE INNOVATION
Special Employment Security Administration Trust Fund.....\$3,700,000

Amendment 1C (995357)—

In Section: 05 On Page: 189 Specific Appropriation: 1494 Delete Insert

COMMUNITY AFFAIRS, DEPARTMENT OF
Program: Office Of The Secretary
Executive Direction And Support Services

In Section 05 On Page 189
1494 Special Categories
Risk Management Insurance

DELETE the proviso immediately following Specific Appropriation 1494:

Funds and positions in Specific Appropriations 1482 through 1494 for the Office of the Secretary Program reflect the transfer of 9 positions and \$2,516,074, comprising the Florida Coastal Management function, to the Department of Environmental Protection. This transfer is contingent upon substantive legislation becoming law. In the event such legislation does not become law the Executive Office of the Governor may restore these positions and funds within the Department of Community Affairs.

and insert in lieu thereof:

Funds and positions in Specific Appropriations 1482 through 1494 for the Office of the Secretary Program reflect the transfer of 9 positions and \$2,516,074, comprising the Florida Coastal Management function, to the Department of Environmental Protection. This transfer is contingent upon Senate Bill 1064 or identical legislation becoming law. In the event such legislation does not become law the Executive Office of the Governor may restore these positions and funds within the Department of Community Affairs.

Amendment 1D (995358)—

In Section: 05 On Page: 216 Specific Appropriation: 1770 Delete Insert

ENVIRONMENTAL PROTECTION, DEPARTMENT OF
Program: Water Resource Management
Water Resource Protection And Restoration

In Section 05 On Page 216
1770 Grants And Aids To Local Governments And
Nonstate Entities - Fixed Capital Outlay
Everglades Restoration

DELETE the proviso immediately following Specific Appropriation 1770:

Of the funds in Specific Appropriation 1770, \$75 million is contingent on SB 684 or similar legislation becoming law.

Immediately following Specific Appropriation 1770, INSERT:

Of the funds in Specific Appropriation 1770, \$100 million is contingent upon Senate Bill 684 or similar legislation becoming law.

Amendment 1E (995359)—

In Section: 05 On Page: 244 Specific Appropriation: 2093A Delete Insert

TRANSPORTATION, DEPARTMENT OF
Transportation Systems Development
Program: Public Transportation

2093A In Section 05 On Page 244  
Fixed Capital Outlay  
Reallocate Transportation Outreach  
Program Funds To Districts

at end of the first paragraph of existing proviso immediately following line item 2093A, insert the following sentence:

Use of these funds for projects on the Transportation Outreach Program (TOP) list is contingent upon Senate Bill 480 or identical legislation becoming law.

**Amendment 1F (995360)—**

In Section: 06 On Page: 260 Specific Appropriation: 2236A  
Delete Insert

AGENCY FOR WORKFORCE INNOVATION  
Program: Vocational Rehabilitation

2236A In Section 06 On Page 260  
Salaries And Benefits

In the existing proviso language before 2236A, the second paragraph right after the PROGRAM TITLE Vocational Rehabilitation, DELETE:

Of the funds in Specific Appropriations 2236A, through 2236D and 2236I and 2236J, \$8,040,606 from the Workers' Compensation Administrative Trust Fund reflects a transfer of 86 positions and budget authority from the Department of Labor and Employment Security. If legislation considered during the 2002 Regular Session which transfers funds and budget entity, does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

and, INSERT:

Of the funds in Specific Appropriations 2236A, through 2236D and 2236I and 2236J, \$8,040,606 from the Workers' Compensation Administrative Trust Fund reflects a transfer of 86 positions and budget authority from the Department of Labor and Employment Security. If SB 2340 or identical legislation which transfers funds and budget entity, does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

**Amendment 1G (995361)—**

In Section: 06 On Page: 267 Specific Appropriation: 2320  
Delete Insert

BUSINESS AND PROFESSIONAL REGULATION,  
DEPARTMENT OF  
Program: Office Of The Secretary And  
Administration  
Executive Direction And Support Services

2320 In Section 06 On Page 267  
Salaries And Benefits

In the existing proviso language before 2320, before the PROGRAM TITLE, DELETE:

Of the funds in Specific Appropriation 2320 through 2322, \$407,621 from the Administrative Trust Fund reflect a transfer of positions and budget authority from the Department of Labor and Employment Security if legislation considered during the 2002 regular Session which transfer funds and positions from the Department of Labor and Employment Security to this budget entity, does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

and, INSERT:

Of the funds in Specific Appropriation 2320 through 2322, \$407,621 from the Administrative Trust Fund reflect a transfer of positions and budget

authority from the Department of Labor and Employment Security if SB 2340 or identical legislation considered during the 2002 regular Session which transfer funds and positions from the Department of Labor and Employment Security to this budget entity, does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

**Amendment 1H (995363)—**

In Section: 06 On Page: 280 Specific Appropriation: 2481  
Delete Insert

GOVERNOR, EXECUTIVE OFFICE OF THE  
Program: Office Of Tourism, Trade And  
Economic Development  
Economic Development Programs And  
Projects

2481 In Section 06 On Page 280  
Lump Sum  
Communities With Special Needs/Economic  
Opportunities

DELETE the proviso in the fourth paragraph after Specific Appropriation 2481:

Recurring funds in Specific Appropriation 2481 for the Black Business Investment Board reflect the creation of a not-for-profit corporation to administer black business investment programs. These recurring funds are contingent upon substantive legislation becoming law creating the not-for-profit corporation. In the event that such substantive legislation does not become law, the Executive Office of the Governor is authorized to restore positions and budget within the Executive Office of the Governor to administer black business investment programs.

and insert in lieu thereof:

Recurring funds in Specific Appropriation 2481 for the Black Business Investment Board reflect the creation of a not-for-profit corporation to administer black business investment programs. These recurring funds are contingent upon Senate Bill 386 or identical legislation becoming law creating the not-for-profit corporation. In the event that such substantive legislation does not become law, the Executive Office of the Governor is authorized to restore positions and budget within the Executive Office of the Governor to administer black business investment programs.

**Amendment 1I (995377)—**

In Section: 06 On Page: 284 Specific Appropriation: 2507  
Delete Insert

HIGHWAY SAFETY AND MOTOR VEHICLES,  
DEPARTMENT OF  
Program: Florida Highway Patrol  
Highway Safety

2507 In Section 06 On Page 284  
Special Categories  
Salary Incentive Payments

Immediately following Specific Appropriation 2507, DELETE:

similar

and, INSERT:

identical

**Amendment 1J (995364)—**

In Section: 06 On Page: 298 Specific Appropriation: 2679  
Delete Insert

INSURANCE, DEPARTMENT OF, AND TREASURER  
Program: Insurance Regulation And  
Consumer Protection  
Insurance Representative Licensure, Sales  
Appointments And Oversight

2679 In Section 06 On Page 298  
Special Categories  
Risk Management Insurance

In the existing proviso language before 2681, before the PROGRAM TITLE, DELETE:

Funds in Specific Appropriations 2681, through 2692 include 318 positions and \$28,327,569, from the Workers' Compensation Administrative Trust Fund and the Workers' Compensation Special Disability Trust Fund for transfer from the Department of Labor and Employment Security to the Department of Insurance for the Workers' Compensation Program. If legislation considered during the 2002 Regular Session which transfers funds and positions from the Department of Labor and Employment Security to this budget entity does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

and, INSERT:

Funds in Specific Appropriations 2681, through 2692 include 318 positions and \$28,327,569, from the Workers' Compensation Administrative Trust Fund and the Workers' Compensation Special Disability Trust Fund for transfer from the Department of Labor and Employment Security to the Department of Insurance for the Workers' Compensation Program. If SB 2340 or identical legislation considered during the 2002 Regular Session which transfers funds and positions from the Department of Labor and Employment Security to this budget entity does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

**Amendment 1K (995365)—**

In Section: 06 On Page: 316 Specific Appropriation: 2877  
Delete Insert

MANAGEMENT SERVICES, DEPARTMENT OF  
Program: Technology Program  
State Technology Office

2877 In Section 06 On Page 316  
Special Categories  
State Portal Development

From General Revenue Fund 2,500,000

**Amendment 1L (995378)—**

In Section: 08 On Page: 356 Specific Appropriation:  
Delete Insert

In Section 08 On Page 356

After Subparagraph F. of Section 8, INSERT a new subparagraph:

G. SPECIAL PAY ISSUES

1) Effective June 1, 2003, from the funds in Specific Appropriation 2163, \$100,871 from the General Revenue Fund and \$30,538 from Trust Funds are provided to the Department of Law Enforcement to fund the Performance Based Compensation Plan, as developed by the department, to provide a 2 percent performance-based increase for those employees who exceed performance expectations outlined in employee work plans.

Senator Sullivan moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1M (995368)—**

In Section: 02 On Page: 018 Specific Appropriation: 85  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: Executive Direction Support  
Services

85 In Section 02 On Page 018  
Expenses

Insert the following new proviso following Specific Appropriation 85 on page 18:

From the funds appropriated in Specific Appropriation 85, the Secretary of Education, in conjunction with the Florida Association of School Administrators, the Florida Association of District School Superintendents, the Florida School Boards Association, the Florida Association of Elementary and Middle School Principals, and the Florida Association of Secondary School Principals shall study the current certification and professional development of school administrators. The Secretary shall deliver to the Legislature on or before February 28, 2003, a study that incorporates the following elements: (1) An analysis of current certification requirements for school administrators and an identification of the current knowledge, skills and abilities associated with sound administrative practice. The report shall recommend any necessary revisions to administrator certification to align preservice certification requirements with sound administrative practice. (2) An analysis of current professional development opportunities for school administrators. The report shall identify current professional development opportunities and analyze the delivery of professional development to school administrators. The report shall recommend necessary changes to statute and rule to ensure the timely availability of relevant professional development programs for school administrators. (3) An analysis of the feasibility of progressive certification for school administrators who demonstrate advanced school leadership skills. If determined to be feasible, the report shall delineate the criteria for each increased level of administrative certification and identify criteria through which compensation might be provided for administrators who demonstrate the highest level of skills. The report shall recommend necessary changes to statute and rule to implement recommendations regarding progressive certification.

**Amendment 1N (995369)—**

In Section: 02 On Page: 021 Specific Appropriation: 105  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants/K-12 Programs -  
FEFP

105 In Section 02 On Page 021  
Aid To Local Governments  
Grants And Aids - Florida Educational  
Finance Program

From General Revenue Fund 6,635,811,004 6,619,811,004

In the second line of the second full paragraph of proviso following Specific Appropriation 105 on page 22, delete:

\$3,522.64

and insert the following new proviso:

\$3,522.58

In the second line of the tenth full paragraph of proviso following Specific Appropriation 105 on page 22, delete:

\$4,885,429,279

and insert the following new proviso:

\$4,901,526,326

CHILDREN AND FAMILIES, DEPARTMENT OF  
Services  
Program: Persons With Disabilities  
Program  
Home And Community Services

349 In Section 03 On Page 072  
Lump Sum  
Services To The Developmentally Disabled

From General Revenue Fund	35,747,856	45,747,856
From Operations And Maintenance	107,636,081	121,808,187
Trust Fund		

At the end of existing proviso language, following Specific Appropriation 349, INSERT:

From the funds in Specific Appropriation 349, the Department may use up to \$5 million in state funds to provide respite services for non-Medicaid eligible individuals.

ELDER AFFAIRS, DEPARTMENT OF  
Program: Services To Elders Program  
Home And Community Services

463 In Section 03 On Page 088  
Special Categories  
Grants And Aids - Alzheimers Disease  
Respite Services

From General Revenue Fund	5,476,454	11,476,454
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**Amendment 10 (995371)—**

In Section: 02 On Page: 029 Specific Appropriation: 117  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Public Schools, Division Of  
Program: State Grants K/12 Program - Non  
FEFP

117 In Section 02 On Page 029  
Special Categories  
Grants And Aids - Assistance To Low  
Performing Schools

Delete the first full paragraph of proviso following Specific Appropriation 117 on page 30.

**Amendment 1P (995372)—**

In Section: 02 On Page: 037 Specific Appropriation: 161  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Community Colleges, Division Of  
Program: Community College Programs

161 In Section 02 On Page 037  
Aid To Local Governments  
Grants And Aids - Community Colleges  
Program Fund

In the proviso following Specific Appropriation 161 after the Performance Measures Box insert a new paragraph:

From the new funds provided to community colleges in Specific Appropriation 161, each community college shall place a priority on expanding access to undergraduate nursing degree programs. Each community college shall prepare a report that addresses how it plans to increase the number of nursing graduates in the state for submission to the Florida Board of Education. The Florida Board of Education shall submit a consolidated report and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 3, 2003.

**Amendment 1Q (995373)—**

In Section: 02 On Page: 046 Specific Appropriation: 166-K  
Delete Insert

EDUCATION, DEPARTMENT OF, AND  
COMMISSIONER OF EDUCATION  
Universities, Division Of  
Program: Educational And General  
Activities

In Section 02 On Page 046  
166-K Lump Sum  
University Centers of Excellence

From General Revenue Fund 50,000,000

Immediately following Specific Appropriation 166-K, INSERT:

Funds in Specific Appropriation 166-K are contingent upon Senate Bill 1844 or identical legislation becoming law. Release of funds for this purpose is contingent upon approval of an expenditure plan by the Legislative Budget Commission.

Senator Silver moved the following amendments to **Amendment 1** which were adopted:

**Amendment 1R (995374)—**

In Section: 03 On Page: 054 Specific Appropriation: 222  
Delete Insert

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

222 In Section 03 On Page 054  
Special Categories  
Hospital Inpatient Services

From Grants And Donations Trust	198,988,690	200,643,490
Fund		
From Medical Care Trust Fund	1,106,168,609	1,108,513,809

DELETE the fifth paragraph of proviso language:

and INSERT the following:

From the funds in Specific Appropriations 222, \$9,400,000 from the General Revenue Fund, \$28,426,169 from the Grants and Donations Trust Fund, and \$53,607,646 from the Medical Care Trust Fund are provided to make special Medicaid payments to hospitals which serve as a safety net in providing emergency and inpatient care to low-income and indigent individuals. These amounts shall be paid to the following:

AND ALSO, INSERT the following at the top of the list of hospitals following the fifth paragraph of proviso:

Jackson Memorial.....4,000,000

**Amendment 1S (995375)—**

In Section: 03 On Page: 062 Specific Appropriation: 259  
Delete Insert

AGENCY FOR HEALTH CARE ADMINISTRATION  
Program: Health Care Regulation  
Health Facility And Practitioner  
Regulation

In Section 03 On Page 062  
259 Salaries And Benefits

DELETE the proviso following Specific Appropriation 259:

Funds in Specific Appropriations 259 through 268 reflect a transfer of 19 positions and \$1,139,978 in budget authority from the Department of Labor and Employment Security. If legislation considered during the 2002 Regular Session which transfers funds and positions from the Department of Labor and Employment Security to this budget entity, does not become law, the Executive Office of the Governor shall transfer positions and associated funding to the Department of Labor and Employment Security or to a new budget entity prescribed by law for continued operations.

and INSERT the following new paragraph in its place.

Funds in Specific Appropriations 259 through 268 reflect a transfer of 19 positions and \$1,139,978 in budget authority from the Department of Labor and Employment Security. If Senate Bill 2340, which eliminates the Department of Labor and Employment Security, or identical legislation considered during the 2002 Regular Session does not become law, the Executive Office of the Governor shall transfer 19 positions and \$1,139,978 in budget authority to the Department of Labor and Employment Security for the Workers' Compensation Program.

**Amendment 1T (995376)—**

In Section: 03 On Page: 068 Specific Appropriation: 319A  
Delete Insert

CHILDREN AND FAMILIES, DEPARTMENT OF Services  
Program: Family Safety Program  
Child Protection And Permanency

319A In Section 03 On Page 068  
Lump Sum  
Residential Group Care Program Expansion

INSERT the following paragraph of proviso following Specific Appropriation 319A:

From the General Revenue funds in Specific Appropriation 319A, \$700,000 shall be used by the Department of Children and Family Services for a contract with C-NOW for a pilot program to implement an interactive video monitoring program in selected foster homes or residential group care facilities.

**Amendment 1** as amended was adopted.

Pursuant to Rule 4.19, **HB 1943** as amended was placed on the calendar of Bills on Third Reading.

**RECOGNITION OF FORMER SENATOR**

The President recognized former Senate President Toni Jennings who was present in the chamber.

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Lee, by two-thirds vote **CS for SB 1142, CS for SB 1844 and CS for CS for SB 1436** were withdrawn from the Committees on Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; **CS for CS for SB 432, CS for SB 624, CS for SB 1182, CS for CS for SB 1300, CS for SB 1472, CS for SB 1480, CS for CS for SB 1614, CS for SB 1822, CS for SB 1932, CS for SB 2042, CS for CS for SB 2072, CS for CS for CS for SB 2120, CS for SB 2122, CS for SB 2276, SB 1456 and CS for SB 2228** were withdrawn from the Committees on Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 510** was withdrawn from the Committee on Comprehensive Planning, Local and Military Affairs; **CS for SB 532, CS for SB's 1416 and 1884, CS for SB 1618, CS for SB 1860 and CS for SB 1874** were withdrawn from the Committees on Appropriations Subcommittee on Education; and Appropriations; **CS for CS for SB 556, CS for SB 1316, SB 1568, CS for SB 1642, SB 2088, CS for SB 2210 and SB 308** were withdrawn from the

Committees on Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 650, CS for SB 660, CS for SB 980, SJR 1084 and CS for SB 1478** were withdrawn from the Committee on Rules and Calendar; **CS for SB 966, CS for SB 1862, SB 2058, CS for SB 2246 and CS for SB 1980** were withdrawn from the Committees on Appropriations Subcommittee on Health and Human Services; and Appropriations; **SB 1030 and SB 1446** were withdrawn from the Committee on Governmental Oversight and Productivity; **CS for SB 1208** was withdrawn from the Committees on Comprehensive Planning, Local and Military Affairs; Appropriations Subcommittee on Public Safety and Judiciary; and Appropriations; **CS for SB 1350** was withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; Appropriations; and Rules and Calendar; **SB 1868** was withdrawn from the Committee on Criminal Justice; **CS for SB 2162** was withdrawn from the Committee on Finance and Taxation; **CS for CS for SB 2340 and CS for SB 2206** were withdrawn from the Committees on Governmental Oversight and Productivity; Appropriations Subcommittee on General Government; and Appropriations; **CS for SB 1552** was withdrawn from the Committees on Appropriations Subcommittee on Education; Appropriations; and Rules and Calendar; **CS for SB 2090** was withdrawn from the Committees on Finance and Taxation; Appropriations Subcommittee on General Government; and Appropriations; and **SB 2360** was withdrawn from the Committee on Ethics and Elections.

**MOTIONS**

On motion by Senator Lee, by two-thirds vote all bills remaining on the Special Order Calendar this day were placed on the Special Order Calendar for Tuesday, March 19.

On motion by Senator Lee, a deadline of 30 minutes after recess this day was set for filing amendments to Bills on Third Reading to be considered Tuesday, March 19.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Monday, March 18, 2002: **CS for SB 1620, CS for SB 1882, SB 2410, CS for SB 2262, SB 2086, CS for CS for SB 2006, CS for SB 1064, CS for CS for SB 1588, CS for SB 1554, CS for SB 1776, CS for SB 1774, SB 1634, CS for SB 1132, CS for CS for SB 320, SB 248, CS for SB 574, CS for SB's 1842, 1124 and 498, CS for CS for SB 638, CS for CS for CS for SB 636, CS for SB 2300, CS for SB 2270, SB 2144, SB 1998, CS for SB 1824, CS for SB 306, SB 1600, CS for CS for SB 1166, CS for SB 728, SB 2274, SB 626, SB 2130, CS for CS for HB 457, CS for SB 480, CS for CS for CS for SB 502, CS for SB 2430, CS for CS for SB's 1286, 1134 and 1008, CS for CS for SB 2338**

Respectfully submitted,  
Tom Lee, Chairman

**MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS**

The Governor advised that he had filed with the Secretary of State CS for SB 1926 which he approved on March 18, 2002.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**RETURNING MESSAGES—FINAL ACTION**

The Honorable John M. McKay, President

I am directed to inform the Senate that the House of Representatives has passed **CS for CS for CS for SB's 90 and 554, SB 98, CS for SB 268, CS for SB 276, CS for SB 560, CS for SB 570, SB 592, SB 612, CS for SB 622, CS for SB 682, SB 1028, CS for CS for SB 1412, SB 1636 and CS for CS for SB 1656; passed SB 910 and SB 912 by the required Constitutional three-fifths vote of the membership of the House.**

John B. Phelps, Clerk

The bills contained in the foregoing message were ordered enrolled.

**CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 15 was corrected and approved.

**CO-SPONSORS**

Senators Crist—CS for SB 614, CS for SB 1236, CS for SB 2238; Garcia—CS for SB 1132; Pruitt—CS for SB 1418; Sebesta—CS for SB 2206; Villalobos—CS for SB 1418

**RECESS**

On motion by Senator Lee, the Senate recessed at 7:16 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Tuesday, March 19 or upon call of the President.

**SENATE PAGES**

March 18-22, 2002

Adeniyi Aderibigbe, Mayo; Cody Carver, Orlando; Ashley Cook, Jacksonville; Lindsey Donoff, Boca Raton; Danielle Gilbert, Boca Raton; Jessie Harmsen, Tallahassee; Aaron Irving, Leesburg; Durel Jones, Miami; Adam Komisar, Tallahassee; Travis Lockley, Jacksonville; Elizabeth "Betsy" Manno, Orlando; Benji Mendelsohn, Hollywood; Kerri Milita, Canal Point; Alexandra "Lexa" Murphy, Holmes Beach; Lindsey Nielsen, West Palm Beach; James Ostrom, Boca Raton; Julian Reams, Miami; Joseph Salas, Palmetto; Jonathan "Jon" Salter, Wesley Chapel; Larysha Seals, Laurel Hill; Jordan Webster, Orlando; Brian Weprin, Boca Raton; Sara Wolf, Heathrow; Jonathan Woolf, Ft. Lauderdale