



# Journal of the Senate

Number 2-Special Session

Thursday, June 8, 1978

The Senate was called to order by the President at 11:00 a.m. A quorum present—39:

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Sayler	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	

Excused: Senator Zinkil after 3:00 p.m.; Senator Scarborough

Prayer by Senator Peterson:

Let us pray. Gracious Father, this morning we would like to thank you for the change in the seasons that brings us summertime. We would like to thank you for the sunshine and for the rain. We would like to thank you for the daytime and the nighttime to rest. And especially today, Father, we would like to thank you for the institutions that human beings have created in this state and in this nation. We ask that you would strengthen the institution of the home; that you would protect the institutions of religion; that you would make sure that the institutions of education are what they should be. But most of all, Father, you need to guide us in the institutions of government so that they may be responsive to the people and also responsive to you. And for all these things we ask in thy name. Amen.

By direction of the President, the following Proclamation of the Governor was read:

## PROCLAMATION

*State of Florida  
Executive Department  
Tallahassee*

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, on the 2nd day of June, 1978, a Proclamation of the Governor was issued convening a special session of the Florida Legislature commencing on the 7th day of June, 1978, and,

WHEREAS, it is necessary and in the best interest of the State to amend the Proclamation of the Governor of June 2, 1978, in order to expand the call of the special session so that the Legislature may consider the additional legislative business set forth below.

NOW, THEREFORE, I, REUBIN O'D. ASKEW, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power and authority vested in me by Article III, Section 3c(1) of the Constitution of Florida (1968), do hereby proclaim as follows:

### Section 1.

That the Legislature is convened for the sole and exclusive purpose of considering legislation relating to:

- (1) Protection of the State's lands.

(2) Items in the General Appropriations Act which are contingent upon the passage of additional legislation.

(3) Creation of a 5-member appointive Public Service Commission.

(4) Amendments to the state sales and gasoline taxes under Chapters 206 and 212, Florida Statutes, and the municipal public service tax under Chapter 166, Florida Statutes.

(5) Placing a consumer on professional and occupational boards.

(6) State comprehensive planning and coastal zone management.

(7) Workmen's compensation.

(8) Amendments to the Florida Evidence Code.

(9) Amendments to Chapter 400 relating to nursing homes and related facilities.

### Section 2.

Except as amended by this Proclamation, the Proclamation of the Governor dated June 2, 1978, is ratified and confirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed at Tallahassee, the Capitol, this 8th day of June, 1978

REUBIN O'D. ASKEW  
GOVERNOR

ATTEST:  
BRUCE A. SMATHERS  
SECRETARY OF STATE

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed SB 2-D.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed SB 4-D and SB 5-D.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed SB 1-D and SB 7-D.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 16-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Richmond and Brown—

**HB 16-D**—A bill to be entitled An act relating to the Florida Evidence Code; amending section 8 of chapter 76-237, Laws of Florida, as amended, and section 23 of House Bill 2207, 1978 Regular Session; revising the effective date of the code and of said act; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Plante, by two-thirds vote, placed on the special order calendar.

On motions by Senator Plante, by two-thirds vote HB 16-D was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Mr. President	Gorman	Myers	Thomas, Pat
Barron	Graham	Peterson	Tobiassen
Castor	Hair	Poston	Trask
Childers, Don	Henderson	Renick	Vogt
Childers, W. D.	Holloway	Scott	Ware
Dunn	Lewis	Skinner	Wilson
Gallen	MacKay	Spicola	Winn
Glisson	McClain	Thomas, Jon	Zinkil

Nays—2

Johnston	Williamson
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Votes after roll call:

Yea—Firestone, Gordon

**INTRODUCTION**

By Senators Plante and Brantley—

**SB 8-D**—A bill to be entitled An act relating to products liability actions; providing that the liability of a manufacturer or seller of a product be based on the knowledge and technology in existence at the time the product was originally sold; providing an exception; prohibiting the admission of certain evidence; providing that negligence is to be allocated on the basis of the fault of each party; providing defenses; providing an effective date.

On motions by Senator Plante, by the required constitutional two-thirds vote of the membership, SB 8-D was admitted for introduction, read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Plante, by two-thirds vote SB 8-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Plante, by two-thirds vote SB 8-D was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gorman	Peterson	Tobiassen
Barron	Graham	Plante	Trask
Castor	Hair	Poston	Vogt
Chamberlin	Henderson	Renick	Williamson
Childers, Don	Holloway	Sayler	Wilson
Childers, W. D.	Johnston	Scott	Winn
Firestone	Lewis	Skinner	Zinkil
Gallen	MacKay	Spicola	
Glisson	McClain	Thomas, Jon	
Gordon	Myers	Thomas, Pat	

Nays—1

Dunn

By Senators Wilson and W. D. Childers—

**SB 9-D**—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; adding s. 20.30(6), Florida Statutes; requiring each examining and licensing board of such department to have a lay member;

requiring the Governor to appoint a lay member; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Wilson, by two-thirds vote placed on the special order calendar.

By Senator Lewis—

**SB 10-D**—A bill to be entitled An act relating to group insurance for state officers and employees; amending s. 112-075(3)(b), Florida Statutes; requiring the Department of Administration to maintain a schedule of maximum benefit payments to be used in administering a self-insurance health insurance plan; limiting the inspection or copying of the maximum benefit schedule; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Plante, by two-thirds vote SB 10-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Lewis, by unanimous consent SB 10-D was taken up out of order and by two-thirds vote read the second time by title.

Further consideration of SB 10-D was deferred.

On motion by Senator W. D. Childers, the rules were waived and the Senate recessed at 11:40 a.m. to reconvene at 2:00 p.m.

**AFTERNOON SESSION**

The Senate was called to order by the President at 2:00 p.m. A quorum present—39:

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Sayler	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By Senator Barron and others—

**SB 3-D**—A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(1)(b), (2)(d) and (9), Florida Statutes, changing the definition of employment, excluding certain volunteers from the definition of "employee", and changing the definition of disability, under the Workmen's Compensation Law; adding a new subsection (2) to s. 440.10, Florida Statutes, providing duties of subcontractors with respect to securing payment of compensation; amending s. 440.11(1), Florida Statutes; extending the exclusiveness of liability to fellow employees with certain exceptions; amending s. 440.12(1) and (2), Florida Statutes, relating to compensation payments; amending s. 440-13(1) and (3), Florida Statutes, relating to injured employees' remedial treatment, care, and attendance; modifying procedure with respect to furnishing same; including treatment or service at hospitals and other health care providers under certain fee provisions; creating an advisory committee to aid in adoption of schedules of charges; empowering the Division of Labor of the Department of Commerce to conduct certain investigations relative thereto; amending s. 440.15(3)(u), (10)(c) and (11), Florida Statutes, relating to compensation for disability; restricting consideration of diminution of wage-earning capacity with respect to claims; providing for authorization to release unemployment compensation information; amending s. 440.185-(2), (4) and (9), Florida Statutes, decreasing time period for reporting knowledge of injury or death; requiring the division to

notify an injured employee of his rights; amending s. 440.20(5), (7) and (10), Florida Statutes, providing additional penalties for late payment; authorizing the judge of industrial claims to examine lump sum payments in excess of benefits allowable under the law; authorizing lump sum settlements without a hearing under certain circumstances; amending s. 440.25(3), Florida Statutes, specifying limitations on and considerations of judges of industrial claims conducting hearings on awards for diminution of wage-earning capacity; limiting the extent of an award for disability; requiring reports; amending s. 440.29(3), Florida Statutes, modifying provisions relating to practice and procedure before the Industrial Relations Commission and judges of industrial claims; amending s. 440.34(1) and (3), Florida Statutes; providing for determination of attorney's fees by judges of industrial claims; specifying that a portion of the attorney's fees are payable by employer or carrier under certain circumstances; limiting attorney's fees subsequent to a written offer of settlement; amending s. 440.37, Florida Statutes, specifying fraudulent activities and penalties therefor; adding a new subsection to s. 440.38, Florida Statutes, relating to security for compensation, providing for certain medical benefits policies; creating s. 440.442, Florida Statutes, providing that commissioners and judges of industrial claims shall follow the Code of Judicial Conduct; amending s. 440.45(1), Florida Statutes; providing initial procedure for appointment of judges of industrial claims; amending s. 440.49(4)(g), Florida Statutes, and adding new subsection (2) thereto, relating to rehabilitation of injured employees and certain uses of the Special Disability Trust Fund; amending s. 440.57, Florida Statutes, modifying provisions relating to pooling, by employers, of liabilities; creating s. 440.59, Florida Statutes, providing for a quarterly risk management report; amending s. 443.12(7), Florida Statutes; providing circumstances for the release of unemployment compensation records; creating s. 624.433, Florida Statutes; requiring workmen's compensation insurers to submit certain reports; specifying contents; providing for rate review; amending s. 627.091(1), Florida Statutes, and adding a subsection, providing for deductible provisions in manuals of classifications, rules, and rates; creating s. 627.092, Florida Statutes, providing for a Workmen's Compensation Administrator; amending s. 627.101(1), Florida Statutes, relating to rate filings; providing for a joint legislative study committee; requiring reports; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 4 strike everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (1), and paragraph (d) of subsection (2) of section 440.02, Florida Statutes, are amended to read:

440.02 Definitions.—When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings:

(1) "Employment."

(b) The term "employment" shall include:

1. Employment by the state and all political subdivisions thereof and all public and quasi-public corporations therein, including officers elected at the polls.

2. All private employments in which ~~three~~ one or more employees are employed by the same employer.

(2) "Employee."

(d) The term "employee" shall not include:

1. An independent contractor, including an individual who agrees in writing to perform services for a person or corporation without supervision or control as a real estate salesman or agent, if such service by such individual for such person or corporation is performed for remuneration solely by way of commission; ~~or~~

2. A person whose employment is both casual and not in the course of the trade, business, profession, or occupation of the employer; ~~or~~

3. A volunteer who falls into one of the following categories:

a. Volunteers who serve in private nonprofit agencies and who receive no compensation other than expenses in an amount less than or equivalent to the standard mileage and per diem expenses provided to salaried employees in the same agency.

b. Volunteers participating in federal programs established pursuant to Public Law 93-113.

Section 2. Subsection (1) of section 440.11, Florida Statutes, is amended to read:

440.11 Exclusiveness of liability.—

(1) The liability of an employer prescribed in s. 440.10 shall be exclusive and in place of all other liability of such employer to any third party tortfeasor and to the employee, the legal representative thereof, husband or wife, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from such employer at law or in admiralty on account of such injury or death, except that if an employer fails to secure payment of compensation as required by this chapter, an injured employee, or the legal representative thereof in case death results from the injury, may elect to claim compensation under this chapter or to maintain an action at law or in admiralty for damages on account of such injury or death. In such action the defendant may not plead as a defense that the injury was caused by negligence of a fellow servant, that the employee assumed the risk of the employment, or that the injury was due to the contributory negligence or comparative negligence of the employee. *The same immunities from liability enjoyed by an employer shall extend as well to each employee of the employer when such employee is acting in furtherance of the employer's business and the injured employee is entitled to receive benefits under this chapter. Such fellow-employee immunities shall not be applicable to an employee who acts, with respect to a fellow employee, with willful and wanton disregard or unprovoked physical aggression or with gross negligence when such acts result in injury or death, or such acts proximately cause such injury or death, nor shall such immunities be applicable to employees of the same employer when each is operating in the furtherance of the employer's business but they are assigned primarily to unrelated works within private or public employment.*

Section 3. Subsections (1) and (2) of section 440.12, Florida Statutes, are amended to read:

440.12 Time for commencement and limits on weekly rate of compensation.—

(1) No compensation shall be allowed for the first 7 days of the disability, except benefits provided for in s. 440.13; provided, however, that if the injury results in disability of more than 14 days compensation shall be allowed from the commencement of the disability. *All weekly compensation payments, except for the first week, shall be paid by check.*

(2) Compensation for disability resulting from injuries which occur after December 31, 1974, shall not be less than \$20 per week. However, if the employee's wages at the time of injury are less than \$20 per week, he shall receive his full weekly wages. If his wages at the time of the injury exceed \$20 per week, compensation shall not exceed an amount per week which is:

(a) Equal to sixty-six and two-thirds percent of the average weekly wage, determined as hereinafter provided for the year in which the injury occurred and

(b) Adjusted to the nearest dollar ~~multiple~~ \$7.

For the purpose of this subsection the "average weekly wage" means the average weekly wage paid by employers subject to the Florida Unemployment Compensation Law as reported to the department for the four calendar quarters ending each June 30, which average weekly wage shall be determined by the department on or before November 30 of each year and shall be used in determining the maximum weekly compensation rate with respect to injuries occurring in the calendar year immediately following. The average weekly wage determined by the department shall be reported annually to the Legislature.

Section 4. Subsections (1) and (3) of section 440.13, Florida Statutes, are amended to read:

440.13 Medical services and supplies; penalty for violations; limitations.—

(1) Subject to the limitations specified in paragraph (3)(b), the employer shall furnish to the employee such remedial treat-

ment, care, and attendance under the direction and supervision of a qualified physician or surgeon, or other recognized practitioner, nurse, or hospital, and for such period as the nature of the injury or the process of recovery may require, including medicines, crutches, artificial members, and other apparatus. If the employer fails to provide the same after request by the injured employee, such injured employee may do so at the expense of the employer, the reasonableness and the necessity to be approved by a judge of industrial claims. The employee shall not be entitled to recover any amount personally expended for such treatment or service unless such employee shall have requested the employer to furnish the same and the employer shall have failed, refused, or neglected to do so, or unless the nature of the injury required such treatment, nursing, and services and the employer or the superintendent or foreman thereof, having knowledge of such injury, shall have neglected to provide the same; nor shall any claim for medical, surgical, or other remedial treatment be valid and enforceable unless within 10 days following the first treatment (except in cases where first-aid only is rendered), and thereafter at such intervals as the division by regulation may prescribe, the physician or other recognized practitioner giving such treatment or treatments furnishes to the division and to the employer, or to the carrier if the employer is not self-insured, a report of such injury and treatment on forms prescribed by the division, provided that a judge of industrial claims for good cause may excuse the failure of the physician or other recognized practitioner to furnish any report within the period prescribed and may order the payment to such employee of such remuneration for treatment or service rendered as the judge of industrial claims finds equitable. *Along with such reports, the physician or other recognized practitioner shall furnish a sworn statement that the treatment or services rendered were reasonable and necessary with respect to the bodily injury sustained. Said sworn statement shall read as follows: "Under penalty of perjury, I declare that I have read the foregoing, and the facts alleged are true, to the best of my knowledge and belief and that the treatment and services rendered were reasonable and necessary with respect to the bodily injury sustained."* All medical reports obtained or received by the employer, the carrier, or the injured employee, or the attorney for any of them, with respect to the remedial treatment, care, and attendance of the injured employee, including reports of every examination, diagnosis, or disability evaluation, shall be filed with the Bureau of Workmen's Compensation within 5 days after receipt of same. A medical report not previously filed with the bureau shall not be received in evidence in a contested case unless the party offering same has furnished a copy thereof to the opposing party or his attorney at least 5 days prior to the hearing at which it is offered. The physician shall also furnish to the injured employee, or to his attorney, on demand, a copy of each such report without charge to the injured employee, except actual cost to the physician or hospital furnishing same.

(3)(a) All fees and other charges for such treatment or service, including treatment or service at any hospital or other health care provider, shall be limited to such charges as prevail in the same community for similar treatment of injured persons of like standard of living, and shall be subject to regulations by the division, which shall adopt schedules of charges for such treatment or services.

(b) *There is hereby created an advisory committee to aid and assist the Department of Commerce in adopting schedules of maximum charges for hospital treatment and services payable through workmen's compensation benefits, to be appointed by and serve at the pleasure of the Secretary of Commerce.*

(c) *The Division of Labor of the Department of Commerce shall be empowered to investigate hospitals and medical practitioners to determine if they are in compliance with the schedule of charges adopted by the division or if they are requiring unjustified treatment, hospitalization, or office visits. If the division finds that the hospital or medical practitioner has made such excessive charges or required such treatment, hospitalization, or visits, the hospital or medical practitioner shall not receive payment under this chapter from a carrier, employer, or employee for the excessive fees or unjustified treatment, hospitalization, or visits and, furthermore, the hospital or medical practitioner shall be liable to return to the carrier or self-insurer any such fees or charges already collected.*

(d) ~~(b)~~ All rights for remedial attention under this section shall be barred unless a claim therefor is filed with the division

within 2 years after the time of injury, except that if payment of compensation has been made or remedial attention has been furnished by the employer without an award on account of such injury a claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention furnished by the employer; and all rights for remedial attention under this section pursuant to the terms of an award shall be barred unless a further claim therefor is filed with the division within 2 years after the entry of such award, except that if payment of compensation has been made or remedial attention has been furnished by the employer under the terms of the award a further claim may be filed within 2 years after the date of the last payment of compensation or within 2 years after the date of the last remedial attention furnished by the employer.

Section 5. Paragraph (n) of subsection (3), paragraph (c) of subsection (10), and subsection (11) of section 440.15, Florida Statutes, are amended to read:

440.15 Compensation for disability.—Compensation for disability shall be paid to the employee, subject to the limits provided in s. 440.12(2), as follows:

(3) PERMANENT PARTIAL DISABILITY.—In case of disability partial in character but permanent in quality, the compensation shall, in addition to that provided by subsection (2), be 60 percent of the average weekly wages, and shall be paid to the employee as follows:

(u) Other cases: In all other cases in this class of disability the compensation shall be:

1. 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 175 ~~350~~ weeks when the injured employee's percentage of disability is 10 percent or less;

2. 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 350 weeks when the injured employee's percentage of disability is more than 10 percent but less than and including 50 percent;

3. 60 percent of the injured employee's average weekly wage for such number of weeks as the injured employee's percentage of disability is of 525 weeks when the injured employee's percentage of disability is more than 50 percent but less than and including 99 percent.

provided, However, that for the purpose of this paragraph "disability" means either physical impairment or diminution of wage-earning capacity, whichever is greater.

(10) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER AND FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE ACT.—

(c) No disability compensation benefits payable for any week, including those benefits provided by paragraph (1)(e), shall be reduced pursuant to this subsection until the Social Security Administration determines the amount otherwise payable to the employee under 42 U.S.C. s. 423 and s. 402 and the employee has begun receiving such social security benefit payments. The employee shall, upon demand by the division, the employer, or the carrier, authorize the Social Security Administration to release disability information relating to him, and authorize the Division of Employment Security to release unemployment compensation information relating to him, in accordance with rules to be promulgated by the division prescribing the procedure and manner for requesting the authorization and for compliance by the employee. Neither the division nor the employer or carrier shall make any payment of benefits for total disability or those additional benefits provided by paragraph (1)(e) for any period during which the employee willfully fails or refuses to authorize the release of information in the manner and within the time prescribed by said rules. The authority for release of disability information granted by an employee under this paragraph shall be effective for a period not to exceed 12 months, such authority to be renewable as the division may prescribe by rule.

(11) EMPLOYEE ELIGIBLE FOR BENEFITS UNDER THIS CHAPTER WHO HAS RECEIVED UNEMPLOYMENT COMPENSATION.—Weekly compensation benefits payable

under this chapter for temporary total disability or permanent total disability resulting from injuries to an employee who is receiving or has received unemployment compensation under chapter 443, or under the unemployment compensation law of any other state, for any week with respect to which weekly compensation benefits are payable under this chapter for temporary total disability or permanent total disability, shall be reduced by the amount of unemployment compensation received.

Section 6. Subsections (2) and (9) of section 440.185, Florida Statutes, are amended to read:

440.185 Notice of injury or death; reports; penalties for violations.—

(2) Within 7 ~~10~~ days of actual knowledge of injury or death, the employer shall report same to the carrier by letter or on a form prescribed by the division, providing the following information:

- (a) The name, address, and business of the employer;
- (b) The name, social security number, street, mailing address, and occupation of the employee;
- (c) The cause and nature of the injury or death;
- (d) The year, month, day, and hour when, and the particular locality where, the injury or death occurred; and
- (e) Such other information as the division may require.

(5) Any employer or carrier who fails or refuses to send any form, report, or notice required by this section shall be subject to a civil penalty not to exceed \$100 for each such failure or refusal. However, any employer who fails to notify the carrier of the injury on the prescribed form or by letter within the 7 ~~10~~ days required in subsection (2) shall be liable for the civil penalty, which shall be paid by the employer and not the carrier. Failure by the employer to meet its obligations under subsection (2) shall not relieve the carrier from liability for the civil penalty if it fails to comply with subsections (4) and (5).

Section 7. Subsection (5), (7), and (10) of section 440.20, Florida Statutes, are amended to read:

440.20 Payment of compensation.—

(5) If any installment of compensation payable without an award is not paid within 14 days after it becomes due, as provided in subsection (2), there shall be added to such unpaid installment an amount equal to 20 ~~10~~ percent thereof, which shall be paid at the same time as, but in addition to, such installment of compensation, unless notice is filed under subsection (4), or unless such nonpayment results from conditions over which the employer or carrier had no control. When any installment of compensation payable without an award has not been paid within 14 days after it became due and the claimant concludes the prosecution of the claim before a judge without having specifically claimed additional compensation in the nature of a penalty under this section, he will be deemed to have acknowledged, that owing to conditions over which the employer or carrier had no control, such installment could not be paid within the period prescribed for payment and to have waived his right to claim such penalty. However, during the course of a hearing, the judge on his own motion may raise the question of whether such penalty should be awarded or excused. If no claim for such penalty is presented and the judge does not raise the question on his own motion during the hearing, no penalty will be awarded, and it will be deemed that the judge has excused such delay in payment of compensation pursuant to this section. The division may assess without a hearing the above-mentioned 20 ~~10~~ percent additional payment against either the employer or the insurance carrier, depending upon who was at fault in causing the delay. However, if any party requests a hearing within 20 days of the assessment, such hearing shall be conducted before a judge of industrial claims in accordance with s. 440.25. The insurance policy cannot provide that this sum will be paid by the carrier if the division or the judge of industrial claims determines that the 20 ~~10~~ percent additional payment should be made by the employer rather than the carrier. *Any additional installment of compensation paid by the carrier pursuant to this section shall be paid directly to the employee.*

(7) *In addition to any other penalties provided by this chapter for late payment, if any installment of compensation is not paid when it becomes due, the employer or carrier shall pay interest thereon at the rate of 12 percent per annum from the date the installment becomes due until it is paid, whether such installment is payable without an order or under the terms of an order.*

(a) Within 30 days after final payment of compensation has been made, the employer shall send to the division a notice, in accordance with a form prescribed by the division stating that such final payment has been made, the total amount of compensation paid, the name of the employee and of any other person to whom compensation has been paid, the date of the injury or death, and the date to which compensation has been paid.

(b) If the employer fails to so notify the division within such time the division may assess against such employer a civil penalty in an amount not over \$100.

(10) Upon the application of any party in interest and after giving due consideration to the interests of all interested parties, if a judge of industrial claims finds that it is for the best interests of the person entitled to compensation, said judge of industrial claims may enter a compensation order requiring that the liability of the employer for compensation shall be discharged by the payment of a lump sum equal to the present value of all future payments of compensation, computed at 4 percent true discount compounded annually, or requiring that the employer make advance payment of a part of the compensation for which said employer is liable by the payment of a lump sum equal to the present value of such part of the compensation computed at 4 percent true discount compounded annually. Upon joint petition of all interested parties and after giving due consideration to the interests of all interested parties, if a judge of industrial claims finds that it is for the best interests of the person entitled to compensation, such judge of industrial claims may enter a compensation order approving and authorizing the discharge of the liability of the employer for both compensation and remedial treatment, care, and attendance by the payment of a lump sum equal to the present value of all future payments for both compensation and remedial treatment, care, and attendance; and a compensation order so entered upon joint petition of all interested parties shall not be subject to modification or review under s. 440.28. *Provided, however, that nothing in this subsection shall be construed to mean that a judge of industrial claims is required to approve any award for lump sum payment when it is determined by the judge of industrial claims that the payment being made is in excess of the value of benefits the claimant would be entitled to under this chapter.* The judge shall make or cause to be made such investigations as he considers necessary, in each case in which the parties have stipulated that a proposed final settlement of all liability of the employer shall not be subject to modification or review under s. 440.28, to determine whether such final disposition will definitely aid the rehabilitation of the injured worker or otherwise is clearly for the best interests of the person entitled to compensation, and in his discretion may have an investigation made by the Rehabilitation Section of the Bureau of Workmen's Compensation. The joint petition and the report of any investigation so made will be deemed a part of the proceeding. A judge, in his discretion, may hear testimony relating to a proposed stipulation for settlement under this subsection without having in hand the bureau file; however, he shall in no event enter an order thereon without first having reviewed the bureau file. *When the claimant is represented by counsel or when the claimant and carrier or employer are represented by counsel, final approval of the lump sum settlement agreement, as provided for in a joint petition and stipulation, shall be approved by entry of an order within 7 days of the filing of such joint petition and stipulation without a hearing unless the judge determines, at his discretion, that additional testimony is needed before such settlement can be approved or disapproved and so notifies the parties.* The probability of the death of the injured employee or other person entitled to compensation before the expiration of the period during which such person is entitled to compensation shall, in the absence of special circumstances making such course improper, be determined in accordance with the most recent United States Life Tables published by the National Office of Vital Statistics of the United States Department of Health, Education, and Welfare.

The probability of the happening of any other contingency affecting the amount or duration of the compensation, except the possibility of the remarriage of a surviving spouse, shall be disregarded. As a condition of approving a lump sum payment to a surviving spouse, the judge of industrial claims in the judge's discretion may require security which will insure that, in the event of the remarriage of such surviving spouse, any unaccrued future payments so paid may be recovered or recouped by the employer or carrier. Such applications shall be considered and determined in accordance with ss. 440.25 and 440.27 and the workmen's compensation rules of procedure prescribed by the commission and adopted by the Supreme Court.

Section 8. Subsection (3) of Section 440.25, Florida Statutes, is amended to read:

440.25 Procedure in respect to claims.—

(3)(a) The division or judge of industrial claims shall make or cause to be made such investigations as it considers necessary in respect to the claim and upon application of any interested party the judge of industrial claims shall order a hearing thereof; *provided, however, no claim for diminution of wage-earning capacity shall mature until 90 days after the employee has reached maximum medical improvement.* If a hearing on such claim is ordered, the judge of industrial claims shall give the claimant and other interested parties at least 15 days' notice of such hearing served upon the claimant and other interested parties by mail. All medical reports obtained by the carrier or employer under this section shall be furnished free of charge to the employee or the attorney thereof on demand.

(b) The hearing shall be held in the county where the injury occurred, if the same occurred in this state, unless otherwise agreed to between the parties and authorized by the judge of industrial claims in the county where the injury occurred. If the injury occurred without the state, and is one for which compensation is payable under this chapter, then the hearing above referred to may be held in the county of the employer's residence or place of business, or in any other county of the state which will at the time of forwarding the file for hearing, in the discretion of the division, be the most convenient for a hearing. Subsequent to the forwarding of the file to such county, the parties and the judge may agree to transfer such file to a county that is deemed most convenient for a hearing. The hearing shall be conducted by a judge of industrial claims, who shall within 30 days, unless otherwise agreed to by the parties, after such hearing determine the dispute in a summary manner. At such hearing the claimant and employer may each present evidence in respect of such claim and may be represented by any attorney authorized in writing for such purpose. When there is a conflict in the medical evidence submitted at the hearing the judge of industrial claims may designate a disinterested doctor to submit a report or to testify in the proceeding, after such doctor has reviewed the medical reports and evidence, examined the claimant, or otherwise made such investigation as appropriate. The report or testimony of any doctor so designated by the judge of industrial claims shall be made a part of the record of the proceeding and shall be given the same consideration by the judge of industrial claims as is accorded other medical evidence submitted in the proceeding; and all costs incurred in connection with such examination and testimony may be assessed as costs in the proceeding, subject to the provisions of s. 440.13(3)(a). *No judge of industrial claims shall either make a finding of, or award compensation for, disability for physical impairment that is greater than the greatest disability given the claimant by any examining or treating physician, except upon stipulation of the parties.*

(c) The order making an award or rejecting the claim, referred to in this chapter as a compensation order, shall set forth the findings of ultimate facts and the mandate, and the order need not include any other reason or justification for such mandate, ~~and~~. *However, in making an award for diminution of wage-earning capacity, the judge of industrial claims shall consider and make written findings of fact in the order on each of the following factors which are applicable to the specific claim before him:*

1. *Extent of claimant's actual physical impairment;*
2. *Claimant's age;*
3. *Claimant's work history;*

4. *Education of claimant;*
5. *Inability to obtain work which claimant can perform in his after-injury condition;*
6. *Wages actually being earned by claimant after the injury;*
7. *Claimant's ability to compete in the open labor market.*
8. *Claimant's continued employment in the same employment; or*
9. *Evidence of good faith work search.*

The compensation order shall be filed in the office of the division at Tallahassee. A copy of such compensation order shall be sent by mail to the parties and attorneys of record at the last known address of each, with the dates of mailing noted thereon.

(d) *Each judge of industrial claim or the Industrial Relations Commission is required to submit a special report to the Bureau of Workmen's Compensation in each contested workmen's compensation case in which the case is not determined within 30 days of final hearing or within 180 days of filing an application for review. Said form shall be provided by the bureau and shall contain the name of the judge of industrial claims, if the case is before a judge of industrial claims, the attorneys involved, and a brief explanation by the judge of industrial claims or the Industrial Relations Commissioner as to the reason for such a delay in issuing a final order. The Bureau of Workmen's Compensation shall compile these special reports into an annual public report to the Governor, the Secretary of Commerce, the Legislature, the Florida Bar, and the Appellate District Judicial Nominating Commissions.*

Section 9. Subsection (3) of section 440.29, Florida Statutes, is amended to read:

440.29 Procedure before the commission or judges of industrial claims.—

(3) The practice and procedure before the commission and the judges of industrial claims shall be governed by rules adopted by the Supreme Court *except to the extent that such rules conflict with the provisions of this chapter.*

Section 10. Subsection (1) of section 440.34, Florida Statutes, is amended to read:

440.34 Attorney's fees; costs; penalty for violations.—

(1) If the employer or carrier shall file notice of controversy as provided in s. 440.20, shall decline to pay a claim on or before the 21st day after they have notice of same, or shall otherwise resist unsuccessfully the payment of compensation, and the claimant shall have employed an attorney at law in the successful prosecution of the claim, there shall, in addition to the award for compensation, be awarded a reasonable attorney's fee of 25 percent of the first \$5,000 of the amount of the benefits secured, 20 percent of the next \$5,000 of the amount of the benefits secured, and 15 percent of the remaining amount of the benefits secured, to be approved by the judge of industrial claims, which fee may be paid direct to the attorney for the claimant in a lump sum. *With respect to attorney's fees on claims for benefits other than medical benefits, 75 percent shall be paid by the employer or carrier and 25 percent shall be paid by the claimant; however, the employer or carrier shall pay all of the attorney's fee if the claimant proves to the judge that the employer or carrier handled his claim in a negligent, arbitrary, or capricious manner.* However, the judge of industrial claims shall consider the following factors in each case and may increase or decrease the attorney's fee if in his judgment the circumstances of the particular case warrant such action:

(a) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly.

(b) The likelihood, if apparent to the claimant, that the acceptance of the particular employment will preclude employment of the lawyer by others or cause antagonisms with other clients.

(c) The fee customarily charged in the locality for similar legal services.

(d) The amount involved in the controversy and the benefits resulting to the claimant.

(e) The time limitation imposed by the claimant or the circumstances.

(f) The nature and length of the professional relationship with the claimant.

(g) The experience, reputation, and ability of the lawyer or lawyers performing the services.

(h) The contingency or certainty of a fee.

Section 11. Section 440.37, Florida Statutes, is amended to read:

440.37 Misrepresentation; fraudulent activities; penalties penalty.—

(i) Any person who willfully makes any false or misleading statement or representation for the purpose of obtaining or denying any benefit or payment under this chapter shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) Who presents or causes to be presented any written or oral statement as part of, or in support of, a claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains any false or misleading information concerning any fact or thing material to such claim, or

(b) Who prepares or makes any written or oral statement that is intended to be presented to any employer, insurance company, or self-insured program in connection with, or in support of, any claim for payment or other benefit pursuant to any provision of this chapter, knowing that such statement contains any false or misleading information concerning any fact or thing material to such claim, shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e)(a) All claims forms as provided for in this chapter shall contain a notice that clearly states in substance the following: "Any person who, knowingly and with intent to injure, defraud, or deceive any employer or employee, insurance company, or self-insured program, files a statement of claim containing any false or misleading information is guilty of a felony of the third degree."

(b)1. Any physician licensed under chapter 458, osteopath licensed under chapter 459, chiropractor licensed under chapter 460, or any other practitioner licensed under the laws of this state who knowingly and willfully assists, conspires with, or urges any person to fraudulently violate any of the provisions of this chapter, or any person who, due to such assistance, conspiracy, or urging by said physician, osteopath, chiropractor, or practitioner, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In the event that a physician, osteopath, chiropractor, or other practitioner is adjudicated guilty of a violation of this subparagraph, the State Board of Medical Examiners as set forth in chapter 458, the State Board of Osteopathic Medical Examiners as set forth in chapter 459, the Florida State Board of Chiropractic Examiners as set forth in chapter 460, or other appropriate licensing authority, whichever is appropriate, shall hold an administrative hearing to consider the imposition of administrative sanctions as provided by law against said physician, osteopath, chiropractor, or other practitioner.

2. Any attorney who knowingly and willfully assists, conspires with, or urges any claimant to fraudulently violate any of the provisions of this chapter, or any person who, due to such assistance, conspiracy, or urging on such attorney's part, knowingly and willfully benefits from the proceeds derived from the use of such fraud, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. No person or governmental unit licensed under chapter 395 to maintain or operate a hospital, and no administrator or employee of any such hospital, shall knowingly and willfully allow the use of the facilities of such hospital by any person in a scheme or conspiracy to fraudulently violate any of the provisions of this chapter. Any hospital administrator or employee who violates this subparagraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Any adjudication of guilt for a violation of this subpara-

graph, or the use of business practices demonstrating a pattern indicating that the spirit of the law set forth in this part is not being followed, shall be grounds for suspension or revocation of the license to operate the hospital or the imposition of an administrative policy of up to \$5,000 by the licensing agency as set forth in chapter 395.

(c) Any person damaged as a result of a violation of any provision of this subsection where there has been a criminal adjudication of guilt shall have a cause of action to recover compensatory damages, plus all reasonable investigation and litigation expenses, including attorney's fees at the trial and appellate courts.

(d) For the purposes of this subsection, the term "statement" includes, but is not limited to, any notice, statement, proof of injury, bill for services, diagnosis, prescription, hospital or doctor records, x-ray test result, or other evidence of loss, injury, or expense.

(e) The provisions of this subsection shall also apply with respect to any employer, insurer, self-insurer, adjusting firm, or agent or representative thereof who intentionally injures, defrauds, or deceives any claimant with regard to any claim. Such claimant shall have the right to recover the damages provided in this subsection.

(f) It is unlawful for any attorney or other person, in his individual capacity or in his capacity as a public or private employee, or for any firm, corporation, partnership, or association to unlawfully solicit any business in and about city or county hospitals, courts, or any public institution or public place, in and about private hospitals or sanitariums, or in and about any private institution, or upon private property of any character whatsoever, for the purpose of making workmen's compensation claims. Any person who violates the provisions of this paragraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. Whenever any circuit or special grievance committee acting under the jurisdiction of the Supreme Court finds probable cause to believe that an attorney is guilty of a violation of this section, such committee shall forward to the appropriate state attorney a copy of the findings of probable cause and a copy of the report being filed in the matter.

Section 12. Subsection (5) of section 440.38, Florida Statutes, is renumbered as subsection (5), and a new subsection (5) is added to said section to read:

440.38 Security for compensation.—

(5) All insurance carriers authorized to write workmen's compensation insurance in this state shall make available, at the option of the employer, an insurance policy containing a coinsurance provision which shall bind the carrier to pay 80 percent, and the employer to pay 20 percent, of the medical benefits due to an employee for an injury compensable under this chapter, up to the amount of \$5,000. One hundred percent of the medical benefits above \$5,000 due to an employee for one injury shall be paid by the carrier. Regardless of any coinsurance or deductible amount, the claim shall be paid by the applicable carrier, which shall then be reimbursed by the employer for any coinsurance or deductible amounts paid by the carrier. The employer shall be liable for such reimbursement. No insurance carrier shall be required to offer coinsurance to any employer if, as a result of a credit investigation, the carrier determines that the employer is not sufficiently financially stable to be responsible for payment of such coinsurance amounts.

Section 13. Section 440.442, Florida Statutes, is created to read:

440.442 Code of Judicial Conduct.—Industrial Relations Commissioners and judges of industrial claims shall observe and abide by the Code of Judicial Conduct adopted by the Supreme Court of Florida as of the effective date of this act, as well as all amendments thereto that are hereafter adopted by the court. Any material violation of a canon of the Code of Judicial Conduct shall constitute either malfeasance or misfeasance in office and shall be grounds for suspension and removal of such commissioner or judge pursuant to the provisions of sec. 7, Art. IV of the State Constitution, and all general laws implementing that provision.

Section 14. Subsection (1) of section 440.45, Florida Statutes, is amended to read:

#### 440.45 Judges of industrial claims.—

(1) The Governor shall appoint as many full-time judges of industrial claims as may be necessary to effectually perform the duties prescribed for them under this chapter. *The Governor shall initially appoint a judge from a list of at least three persons nominated by the Appellate District Judicial Nominating Commission for the appellate district in which the judge will principally conduct hearings.* No person shall be nominated or appointed as a full-time judge of industrial claims who has not had 3 years' experience in the practice of law in this state; and no judge of industrial claims during a term of office shall engage in the private practice of law. The Governor may appoint any former judge of industrial claims to serve as a judge of industrial claims pro hac vice to complete the proceedings on any claim with respect to which the judge had heard testimony and which remained pending at the time of the expiration of the judge's term of office. However, no former judge of industrial claims shall be appointed to serve as a judge of industrial claims pro hac vice for a period to exceed 60 successive days.

Section 15. Subsections (2) through (4) of section 440.49, Florida Statutes, are renumbered as subsections (3) through (5), respectively, new subsection (2) is added to said section, and paragraph (g) of present subsection (4) of said section is amended to read:

#### 440.49 Rehabilitation of injured employees; Special Disability Trust Fund.—

(2) *Any insurer or insurance holding company, or subsidiary of either, which offers to secure employment or help or gives information as to where employment or help may be secured, and performs such acts exclusively in conjunction with its efforts to rehabilitate injured or disabled individuals, shall be exempt from the provisions of chapter 449, relating to private employment agencies.*

#### (4) LIMITATION OF LIABILITY FOR SUBSEQUENT INJURY THROUGH SPECIAL DISABILITY TRUST FUND.—

(g) Reimbursement of employer.—The right to reimbursement as provided in this subsection shall be barred unless written notice of claim of the right to such reimbursement is filed by the employer or carrier entitled to such reimbursement with the division at Tallahassee prior to 60 days after the order awarding the excess permanent compensation with respect to which such reimbursement is claimed becomes final or, if payment of such excess permanent compensation is made by the employer or carrier without an award, prior to 60 days after the date the first payment of excess compensation for the permanent disability was made. The notice of claim shall contain such information as the division by rule or regulation may require; and the employer or carrier claiming reimbursement shall furnish such evidence in support of the claim as the division reasonably may require. *For notice of claims on the Special Disability Trust Fund filed on or after July 1, 1978, the Special Disability Trust Fund shall, within 120 days of receipt of notice that a carrier has paid, been required to pay, or accepted liability for excess compensation, serve notice of the acceptance of the claim for reimbursement. Failure of the Special Disability Trust Fund to serve the notice shall be deemed a denial of the claim by the Special Disability Trust Fund for reimbursement.* If the Special Disability Trust Fund through its representative denies or controverts the claim, the right to such reimbursement shall be barred unless an application for a hearing thereon is filed with the division at Tallahassee within 60 days after notice to the employer or carrier of such denial of controversion. When such application for a hearing is timely filed, the claim shall be heard and determined in accordance with the procedure prescribed in s. 440.25 to the extent that same is applicable, and in accordance with the workmen's compensation rules of procedure. In such proceeding on a claim for reimbursement, the Special Disability Trust Fund shall be made the party respondent, and no findings of fact made with respect to the claim of the injured employee or the dependents for compensation, including any finding made or order entered pursuant to s. 440.20(10), shall be res judicata. The Special Disability Trust Fund shall not be joined or made a party to any controversy or dispute between an employee and the dependents and the employer or between two or more employers or carriers without the written consent of the fund. When it has been determined that an employer or carrier is entitled to reimbursement in any amount, the employer or carrier shall be reimbursed periodically every 6 months from the Special Disability Trust Fund for the compensation and medical benefits paid by the employer or carrier

for which same is entitled to reimbursement, upon filing request therefor and submitting evidence of such payment in accordance with rules prescribed by the division.

Section 16. Section 440.57, Florida Statutes, is amended to read:

440.57 Pooling liabilities.—The division may, under such rules and regulations as it may prescribe, permit two or more employers to enter into agreements to pool their liabilities under this chapter for the purpose of qualifying as self-insurers and each employer member of such approved group shall be classified as a self-insurer as defined in this chapter. *The agreement entered into under this section may provide that the pool shall be liable for 80 percent, and the employer member shall be liable for 20 percent, of the medical benefits due any employee for an injury compensable under this chapter up to the amount of \$5,000. One hundred percent of the medical benefits above \$5,000 due to an employee for one injury shall be paid by the pool. The agreement may also provide that each employer member shall be responsible for the first \$100 of medical benefits due each of its employees for each injury. The claim shall be paid by the pool, regardless of its size, which shall be reimbursed by the employer for any amounts required to be paid by the employer under the agreement.*

Section 17. Section 440.59, Florida Statutes, is created to read:

440.59 Risk management report.—*The Division of Labor of the Department of Commerce shall complete on a quarterly basis an analysis of the previous quarter's injuries which resulted in workmen's compensation claims. The analysis shall be broken down by risk classification and shall show for each such risk classification the frequency and severity for the various types of injury, and shall include an analysis of the causes of such injuries. The division shall distribute to each employer and self-insurer in the state covered by the workmen's compensation law the data relevant to its work force. The report shall also be distributed to the insurers authorized to write workmen's compensation insurance in the state.*

Section 18. Subsection (7) of section 443.12, Florida Statutes, is amended to read:

443.12 Division and board; powers, duties, etc.; rules and regulations; personnel; advisory councils; records and reports; cooperation, etc.—

(7) RECORDS AND REPORTS.—Each employing unit shall keep true and accurate work records, containing such information as the [division] may prescribe. Such records shall be open to inspection and be subject to being copied by the division at any reasonable time and as often as may be necessary. The division or an appeals referee may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, deemed necessary for the effective administration of this chapter. Information thus obtained, or obtained from any individual pursuant to the administration of this chapter, shall, except to the extent necessary for the proper presentation of a claim or upon written authorization of the claimant who has a workmen's compensation claim pending, be held confidential and shall not be published or be open to public inspection (other than to public employees in the performance of their public duties), in any manner revealing the individual's or employing unit's identity, but any claimant (or his legal representative) at a hearing before an appeals referee or the [board] shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the [board] or any employee of the division who violates any provision of this subsection shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Provided, however, the division may furnish to any employee copies of any report previously submitted by such employer, upon the request of such employer, and the division is authorized to charge therefor such reasonable fee as the [division] may by regulations prescribe not to exceed the actual reasonable cost of the preparation of such copies. Fees received by the division for copies as herein provided shall be deposited to the credit of the Employment Security Administration Trust Fund.

Section 19. Section 624.435, Florida Statutes, is created to read:

624.435 Reports of information by workmen's compensation insurers required.—

(1) Any insurer authorized to write a policy of workmen's compensation insurance or self-insurer shall transmit the following information to the department each year with the annual report of such insurer, and such information shall be broken down by its nationwide and Florida insurance writings:

- (a) Direct premiums written;
- (b) Direct premiums earned;
- (c) Dividends paid or credited to policyholders;
- (d) Losses paid;
- (e) Allocated loss adjustment expenses;
- (f) The ratio of allocated loss adjustment expenses to losses paid;
- (g) Unallocated loss adjustment expenses;
- (h) The ratio of unallocated loss adjustment expenses to losses paid;
- (i) The total of losses paid and unallocated and allocated loss adjustment expenses;
- (j) The ratio of losses paid and unallocated and allocated loss adjustment expenses to premiums earned;
- (k) The number of claims outstanding as of December 31 of each year;
- (l) The total amount of losses unpaid as of December 31 of each year;
- (m) The total amount of allocated and unallocated loss adjustment expenses unpaid as of December 31 of each year; and
- (n) The total of losses paid and allocated loss adjustment expenses and unallocated loss adjustment expenses, plus the total of losses unpaid as of December 31 of each year and loss adjustment expenses unpaid as of December 31 of each year.

(2) The department shall provide a summary of information provided pursuant to subsection (1) in its annual report.

(3)(a) The first report of this information shall include the information for the last 6 months for the year ending December 31, 1978. Such report shall be filed no later than March 1, 1979. Beginning with the report for the period ending December 31, 1980, all future reports shall have all information required by subsection (1) broken down by year for the current and 2 preceding years.

(b) Within 30 days after March 1, 1980, the Department of Insurance shall commence a review of the rates of all workmen's compensation insurers in effect at the time. If, after the review, the department finds on a preliminary basis that the rate may be excessive, inadequate, or unfairly discriminatory, the department shall so notify the insurer. Upon being so notified, the filer shall within 60 days file with the department all information which the filer believes proves the reasonableness, adequacy, and fairness of the rate. In such instances, the filer shall carry the burden of proof. In the event the department finds that a rate is excessive, inadequate, or unfairly discriminatory, the department may order that a new rate schedule be thereafter filed by the filer and may further specify the manner in which noncompliance shall be corrected.

(4) There is hereby authorized one position and, for the 1978-'79 fiscal year, \$100,000 appropriated from the Insurance Commissioner's Regulatory Trust Fund to implement the provisions of this section.

Section 20. Subsection (1) of section 627.091, Florida Statutes, is amended, and subsection (5) is added to said section to read:

627.091 Rate filings; workmen's compensation and employer's liability insurances.—

(1) As to workmen's compensation and employer's liability insurances, every insurer shall file with the department every manual of classifications, rules and rates, every rating plan and every modification of any of the foregoing which it proposes to use. Every insurer is hereby authorized to include deductible provisions in its manual of classifications, rules, and

rates. Such deductibles shall in all cases be in a form and manner which is consistent with the underlying purpose of chapter 440.

(5) Pursuant to the provisions of s. 627.321, the department may examine the underlying statistical data used in such filings.

Section 21. Section 627.092, Florida Statutes, is created to read:

627.092 Workmen's Compensation Administrator.—There is created within the Division of Insurance Company Regulation of the Department of Insurance the position of Workmen's Compensation Administrator to monitor carrier practices in the field of workmen's compensation.

Section 22. Subsection (1) of section 627.101, Florida Statutes, is amended to read:

627.101 When filing becomes effective; workmen's compensation and employer's liability insurances.—

(1) The department shall review filings as to workmen's compensation and employer's liability insurances as soon as reasonably possible after they have been made in order to determine whether they meet the applicable requirements of this part. If the department determines that part of a rate filing does not meet the applicable requirements of this part, it may reject so much of the filing as does not meet these requirements, and approve the remainder of the filing.

Section 23. The presiding officer of each house of the Legislature shall, on or after July 1, 1978, designate members of each house of the Legislature to serve on a joint committee, for the purpose of receiving reports, recommendations, and supporting cost data from state officers and others with expertise and experience in the workmen's compensation system who have prepared reliable data as to the effects of the proposals on injured workers, employers, and other members of the public. The committee members so designated shall prepare recommendations and present them to their respective houses on March 1, 1979. There is hereby appropriated from the General Revenue Fund \$150,000 to carry out the provisions of this section.

Section 24. It is the intent of the Legislature, in enacting this act, that it shall not operate to supersede or repeal any changes made to the sections herein contained at the 1978 regular session of the Legislature unless a contrary intent is expressly set forth herein. To that end, the Division of Statutory Revision of the Joint Legislative Management Committee is directed to give full effect to the provisions of this act, as well as to any such changes, insofar as it is possible to do so.

Section 25. This act shall take effect July 1, 1978, and shall apply to all claims arising out of injuries which occur on or after such date.

Amendment 2—Strike entire title and insert:

A bill to be entitled An act relating to workmen's compensation; amending s. 440.02(1)(b) and (2)(d), Florida Statutes, changing the definition of employment and excluding certain volunteers from the definition of "employee"; amending s. 440.11(1), Florida Statutes, extending the exclusiveness of liability to fellow employees with certain exceptions; amending s. 440.12(1) and (2), Florida Statutes, relating to compensation payments; amending s. 440.13(1) and (3), Florida Statutes, relating to injured employees' remedial treatment, care, and attendance; modifying procedure with respect to furnishing same; including treatment or service at hospitals and other health care providers under certain fee provisions; creating an advisory committee to aid in adoption of schedules of charges; empowering the Division of Labor of the Department of Commerce to conduct certain investigations relative thereto; amending s. 440.15(3)(u), (10)(c), and (11), Florida Statutes, relating to compensation for disability; changing the basis upon which unscheduled permanent partial disability benefits are determined; providing for authorization to release unemployment compensation information; amending s. 440.185(2) and (9), Florida Statutes, decreasing the time period for reporting knowledge of injury or death; amending s. 440.20(5), (7), and (10) Florida Statutes, providing additional penalties for late payment; authorizing the judge of industrial claims to examine lump sum payments in excess of benefits allowable under the law;

authorizing lump sum settlements without a hearing under certain circumstances; amending s. 440.25(3), Florida Statutes, specifying limitations on and considerations of judges of industrial claims conducting hearings on awards for diminution of wage-earning capacity; limiting the extent of an award for disability; requiring reports; amending s. 440.29(3), Florida Statutes, modifying provisions relating to practice and procedure before the Industrial Relations Commission and judges of industrial claims; amending s. 440.34(1), Florida Statutes; providing for determination of attorney's fees by judges of industrial claims; specifying that a portion of the attorney's fees are payable by employer or carrier under certain circumstances; amending s. 440.37, Florida Statutes, specifying fraudulent activities and penalties therefor; adding a new subsection to s. 440.38, Florida Statutes, relating to security for compensation, providing for certain medical benefits policies; creating s. 440.442, Florida Statutes, providing that commissioners and judges of industrial claims shall follow the Code of Judicial Conduct; amending s. 440.45(1), Florida Statutes; providing initial procedure for appointment of judges of industrial claims; amending s. 440.49(4)(g), Florida Statutes, and adding new subsection (2) thereto, relating to rehabilitation of injured employees and certain uses of the Special Disability Trust Fund; amending s. 440.57, Florida Statutes, modifying provisions relating to pooling, by employers, of liabilities; creating s. 440.59, Florida Statutes, providing for a quarterly risk management report; amending s. 443.12(7), Florida Statutes; providing circumstances for the release of unemployment compensation records; creating s. 624.435, Florida Statutes; requiring workmen's compensation insurers to submit certain reports; specifying contents; providing for rate review; providing an appropriation; amending s. 627.091(1), Florida Statutes, and adding a subsection, providing for deductible provisions in manuals of classifications, rules, and rates; creating s. 627.092, Florida Statutes, providing for a Workmen's Compensation Administrator; amending s. 627.101(1), Florida Statutes, relating to rate filings; providing an appropriation; providing an effective date.

Senators Barron, MacKay, McClain and Dunn offered the following amendment to House Amendment 1 which was moved by Senator MacKay and adopted:

**Amendment 1A**—On page 33, strike all of lines 11 through 23 and insert: A new Section 23

**Section 23.** The foregoing sections represent the first phase of needed reform of the workmen's compensation law. Further reform, which will involve the review of the part of the law which provides compensation and other assistance for workers with a compensable, permanent partial disability, should be undertaken at such time as the proposals for such review have been refined and data as to cost and other effects have been fully developed. Accordingly, the presiding officer of each house of the legislature shall, on or before July 1, 1978, designate members of each house of the legislature to serve on a joint committee, for the purpose of receiving reports, recommendations and supporting cost data from state officers and others with expertise and experience in the workmen's compensation system who have prepared reliable data as to the effects of the proposals on injured workers, employers and other members of the public. The committee so designated shall prepare recommendations and present them to their respective houses on March 1, 1979. In recognition of the seriousness of the problems in the existing system and the urgent need for major reform, Chapter 440, Florida Statutes, is repealed as of July 1, 1979. There is hereby appropriated from the general revenue fund \$150,000 to carry out the provisions of this section.

Senator Poston moved the following amendment to House amendment 1 which failed:

**Amendment 1B**—On page 1, line 31, insert: Section 2. Notwithstanding any provision of chapter 440, Florida Statutes, the amount paid by an employer to an insurer shall be based on the first \$200 of an employee's weekly wage.

(Renumber subsequent section.)

Senators Barron, MacKay, McClain and Dunn offered the following amendment to House amendment 2 which was moved by Senator MacKay and adopted:

**Amendment 2A**—On page 3, line 25 in title, between (;) and "providing"; insert: repealing Chapter 440, Florida Statutes, effective July 1, 1979.

On motions by Senator MacKay, the Senate concurred in House Amendment 1 as amended and House Amendment 2 as amended and the House was requested to concur in the Senate amendments.

SB 3-D passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Saylor	Williamson
Dunn	Johnston	Scott	Wilson
Firestone	Lewis	Skinner	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	

Nays—None

**INTRODUCTION**

By Senator W. D. Childers—

**SB 11-D**—A bill to be entitled An act relating to cosmetology; amending section 7 of Senate Bill 564, 1978 Regular Session; changing the effective date of section 6 of Senate Bill 564, 1978 Regular Session; providing an effective date.

On motions by Senator W. D. Childers, by the required constitutional two-thirds vote of the membership, SB 11-D was admitted for introduction, read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator W. D. Childers, by two-thirds vote SB 11-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator W. D. Childers, by two-thirds vote SB 11-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Glisson	McClain	Thomas, Pat
Barron	Gorman	Myers	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Scott	Williamson
Dunn	Johnston	Skinner	Wilson
Firestone	Lewis	Spicola	Winn
Gallen	MacKay	Thomas, Jon	Zinkil

Nays—1

Gordon

Vote after roll call:

Yea—Peterson

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed with 3 amendments—

By the Committee on Judiciary-Civil—

**SB 6-D**—A bill to be entitled An act relating to state lands; creating the State Lands Study Committee; prescribing the membership and duties of such committee; providing an appropriation; providing an effective date.

—and requests the concurrence of the Senate.

*Allen Morris, Clerk*

**Amendment 1**—On page 1, line 11, strike subsection 1, and all of Section 2 on page 2 and insert: (1) The President of the Senate and the Speaker of the House of Representatives shall each appoint three members of their respective bodies to serve as a Joint Select Committee on State Lands empowered and clothed with all the powers and duties of other joint committees.

Senator Hair moved the following amendment which was adopted:

**Amendment 1A**—On page 1, strike all of lines 1 through and including line 7 and insert: (1) There is hereby created a State Lands Study Committee composed of eight members, four to be appointed by the President of the Senate, at least two of whom shall be members of the Senate, and four to be appointed by the Speaker of the House of Representatives, at least two of whom shall be members of the House of Representatives. The persons appointed shall designate one member of the committee to serve as chairman, and the committee shall meet at the call of the chairman. Members of the committee shall receive no compensation but shall be entitled to receive reimbursement for travel expenses and per diem as provided in s. 112.061, Florida Statutes.

(2) The sum of \$25,000 is hereby appropriated from the General Revenue Fund to the State Lands Study Committee to be used for the purpose of conducting the study and making the reports required by this act.

**Amendment 2**—On pages 1 and 2, lines 23 and 3 respectively, strike "State Lands Study"

**Amendment 3**—On page 1, line 3 in title, strike "State Lands Study Committee" and on line 5 "providing an appropriation" and insert: Joint Select Committee on State Lands on line 3

On motion by Senator Hair, the Senate concurred in House Amendment 1 as amended and the House was requested to concur in the Senate amendment. On motions by Senator Hair, the Senate refused to concur in House Amendments 2 and 3 and the House was requested to recede.

SB 6-D passed as amended and the action of the Senate was certified to the House. The vote on passage was:

**Yeas—37**

Mr. President	Gorman	Peterson	Trask
Barron	Graham	Plante	Vogt
Casto	Hair	Poston	Ware
Childers, Don	Henderson	Renick	Williamson
Childers, W. D.	Holloway	Scott	Wilson
Dunn	Johnston	Skinner	Winn
Firestone	Lewis	Spicola	Zinkil
Galler	MacKay	Thomas, Jon	
Glisson	McClain	Thomas, Pat	
Gordon	Myers	Tobiassen	

**Nays—1**

Chamberlin

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed as amended HB 7-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Craig and others—

**HB 7-D**—A bill to be entitled An act relating to the Florida Cemetery Act; amending s. 559.33(6), Florida Statutes; providing standards for the granting of a license to operate a cemetery; amending s. 559.37(6)(a), and (c) and (7)(b), Florida Statutes, and adding a paragraph to subsection (7) thereof; providing circumstances for the revocation or suspension of a license; authorizing a circuit court to appoint an administrator for the property and operation of a cemetery; creating ss. 559.371-559.374, Florida Statutes; providing circumstances under which the Department of Banking and

Finance may issue a cease and desist order to a cemetery company; providing for award of attorney's fees and costs in certain litigation; providing for the personal liability of cemetery owners or officers or directors of a cemetery company; providing for injunctions and civil penalties against a person who violates a cease and desist order; providing for maintenance of an abandoned cemetery by a political subdivision, county, or municipality; creating s. 559.405, Florida Statutes; prescribing authorized functions of a licensed cemetery company; amending s. 559.41, Florida Statutes; limiting the authority of a cemetery company to deposit care and maintenance trust funds in a bank or savings and loan association; amending s. 559.43(1), Florida Statutes; requiring the deposit of a certain amount into such fund for each burial right, grave, or space provided without charge; creating s. 559.43(7), Florida Statutes, providing for payment to the care and maintenance trust fund and merchandise trust fund when a contract or promissory note is sold or discounted to a third party; amending s. 559.441(3)(b) and (d), (5)(a) and (b), (7) (8), (10), and (11), Florida Statutes; authorizing the maintenance of such fund as a trust account in a bank, trust company, or savings and loan association; providing circumstances for refund of moneys from such fund or account to a purchaser or his heirs, assigns, or representative; requiring the filing of financial reports relating to such fund or account; providing for the examination by the department of certain records held by the entity in which such account is maintained; deleting a penalty; amending s. 559.481(1), Florida Statutes; requiring a licensee to record certain notice; amending s. 559.51, Florida Statutes; prohibiting the failure to make required contributions to a trust fund or account, the unlawful withdrawal of funds from such fund or account, the making of certain false reports, and the violation of any provision of the act; providing penalties; repealing ss. 559.49 and 559.50, Florida Statutes, relating to the bond required of a licensee; providing legislative intent; providing an effective date.

On motions by Senator Dunn, by the required constitutional two-thirds vote of the membership, HB 7-D was admitted for introduction, read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Dunn, by two-thirds vote HB 7-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Dunn, by two-thirds vote HB 7-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—36**

Mr. President	Glisson	MacKay	Thomas, Jon
Barron	Gordon	McClain	Thomas, Pat
Casto	Gorman	Peterson	Tobiassen
Chamberlin	Graham	Plante	Trask
Childers, Don	Hair	Poston	Vogt
Childers, W. D.	Henderson	Renick	Ware
Dunn	Holloway	Scott	Williamson
Firestone	Johnston	Skinner	Winn
Gallen	Lewis	Spicola	Zinkil

**Nays—1**

Wilson

**Abstained from Voting**

I refrain from voting on HB 7-D due to a possible conflict of interest, since I am licensed under the act to which it applies.

*Jon C. Thomas, 30th District*

I have abstained from voting on HB 7-D in view of the fact that the subject matter of the bill is the Florida Cemetery Act. Although there is nothing in this proposal that is controversial or that particularly inures to the benefit of cemeteries, I have refrained from voting, since my family and I have a controlling stockholder interest in a Florida cemetery company; I therefore wish to avoid even the appearance of a conflict, although no conflict does in fact exist.

*Kenneth M. Myers, 37th District*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 21-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Cox—

**HB 21-D**—A bill to be entitled An act relating to the Department of Professional and Occupational Regulation; adding s. 20.30(6), Florida Statutes; requiring each examining and licensing board of such department to have a lay member; requiring the Governor to appoint a lay member; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Wilson, by two-thirds vote, placed on the special order calendar.

On motions by Senator Wilson, by two-thirds vote HB 21-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—27

Mr. President	Glisson	Peterson	Tobiassen
Barron	Gordon	Plante	Vogt
Castor	Graham	Renick	Ware
Chamberlin	Hair	Skinner	Wilson
Childers, W. D.	Lewis	Spicola	Winn
Dunn	MacKay	Thomas, Jon	Zinkil
Firestone	Myers	Thomas, Pat	

Nays—10

Gallen	Holloway	Poston	Williamson
Gorman	Johnston	Scott	
Henderson	McClain	Trask	

SB 9-D was laid on the table.

**INTRODUCTION**

By Senator Peterson—

**SB 12-D**—A bill to be entitled An act relating to education; amending s. 228.195, Florida Statutes, relating to administration and funding of school food and nutrition programs; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Peterson, by two-thirds vote SB 12-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Peterson, by two-thirds vote SB 12-D was read the second time by title and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

Mr. President	Gordon	McClain	Thomas, Pat
Barron	Gorman	Myers	Tobiassen
Castor	Graham	Peterson	Trask
Chamberlin	Hair	Plante	Vogt
Childers, Don	Henderson	Poston	Ware
Childers, W. D.	Holloway	Renick	Williamson
Dunn	Johnston	Skinner	Wilson
Gallen	Lewis	Spicola	Winn
Glisson	MacKay	Thomas, Jon	Zinkil

Nays—None

On motion by Senator W. D. Childers, the Senate recessed at 2:42 p.m., awaiting the call of the President.

The Senate was called to order by the President at 3:30 p.m.

A quorum present—34:

Mr. President	Glisson	MacKay	Tobiassen
Barron	Gordon	Myers	Trask
Castor	Gorman	Peterson	Vogt
Chamberlin	Graham	Poston	Ware
Childers, Don	Hair	Renick	Wilson
Childers, W. D.	Henderson	Scott	Winn
Dunn	Holloway	Skinner	Zinkil
Firestone	Johnston	Spicola	
Gallen	Lewis	Thomas, Pat	

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed HB 23-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Sheldon—

**HB 23-D**—A bill to be entitled An act relating to nursing homes; amending s. 400.23(3) and (4), Florida Statutes; providing for evaluation of nursing home facilities; providing two rating categories; removing provision requiring inclusion of a facility's rating in advertising; removing provisions requiring that the level of state vendor payments to facilities be based on ratings received; amending s. 400.307(2)(e), Florida Statutes, and adding paragraph (f) thereto, authorizing district nursing home ombudsman committees to enter nursing homes, with or without prior notice, for certain purposes; authorizing said committees to review Medicaid patients' personal property and money accounts for certain purposes; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Myers, by two-thirds vote, placed on the special order calendar.

On motions by Senator Myers, by two-thirds vote HB 23-D was read the second time by title, and by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

Mr. President	Glisson	Lewis	Skinner
Castor	Gordon	Firestone	Spicola
Chamberlin	Gorman	McClain	Thomas, Pat
Childers, Don	Graham	Myers	Tobiassen
Childers, W. D.	Hair	Peterson	Vogt
Dunn	Henderson	Poston	Wilson
Firestone	Holloway	Renick	Winn
Gallen	Johnston	Scott	

Nays—None

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 24-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Carlton and Hodes—

**HB 24-D**—A bill to be entitled An act relating to comprehensive health education; amending s. 233.067(4), (5), Florida Statutes, renumbering subsections (8), (9), (10), (11) of said section, and adding a new subsection (8) to said section; requiring the Department of Education to take the advice of school food service personnel into consideration in its administration of the comprehensive health education program; requiring inclusion of nutrition instruction and training programs for food service personnel in such program; requiring proposals for implementation of district or school health educa-

tion projects to include certain provisions; providing for the monitoring and evaluation of comprehensive health education programs or projects and for annual reporting to the Legislature; amending s. 236.081(5), Florida Statutes; redesignating comprehensive health education as a general categorical program for funding purposes; providing an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and on motion by Senator Gordon, by two-thirds vote, placed on the special order calendar.

On motions by Senator Gordon, by two-thirds vote HB 24-D was read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Gordon	McClain	Tobiassen
Castor	Gorman	Myers	Trask
Chamberlin	Graham	Peterson	Vogt
Childers, Don	Hair	Poston	Wilson
Childers, W. D.	Henderson	Renick	Winn
Dunn	Holloway	Scott	Zinkil
Firestone	Johnston	Skinner	
Gallen	Lewis	Spicola	
Glisson	MacKay	Thomas, Pat	

Nays—None

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed HB 26-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

## By Representative Malloy and others—

**HE 26-D**—A bill to be entitled An act relating to professional occupational licensing; creating s. 455.11, Florida Statutes, to provide for licensing of certain persons who have successfully completed certain courses of study; providing an effective date.

On motions by Senator Winn, by the required constitutional two-thirds vote of the membership, HB 26-D was admitted for introduction, read the first time by title and by two-thirds vote placed on the special order calendar.

On motions by Senator Winn, by two-thirds vote HB 26-D was read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—32

Mr. President	Gallen	Johnston	Scott
Barron	Glisson	Lewis	Skinner
Castor	Gordon	McClain	Spicola
Chamberlin	Gorman	Myers	Tobiassen
Childers, Don	Graham	Peterson	Trask
Childers, W. D.	Hair	Plante	Vogt
Dunn	Henderson	Poston	Wilson
Firestone	Holloway	Renick	Winn

Nays—None

## INTRODUCTION

## By Senators Gallen and Henderson—

**SB 13-D**—A bill to be entitled An act relating to the Twelfth Judicial Circuit; providing that the employment and supervision of the bailiffs are vested in the chief circuit judge of such judicial circuit; providing for the employment, the rate of compensation, and the terms and conditions of employment of bailiffs of such circuit; providing for the number, compensation and qualifications of such bailiffs; providing for the appropriation of funds from the treasury of the counties affected by

this act for the payment of compensation of such bailiffs; providing for the repeal of all conflicting laws; providing an effective date.

On motions by Senator Gallen, by the required constitutional two-thirds vote of the membership, SB 13-D was admitted for introduction, read the first time by title and referred to the Committee on Rules and Calendar.

On motions by Senator Gallen, by two-thirds vote SB 13-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Gallen, by two-thirds vote SB 13-D was read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—33

Mr. President	Gordon	McClain	Tobiassen
Barron	Gorman	Peterson	Trask
Castor	Graham	Plante	Vogt
Childers, Don	Hair	Poston	Wilson
Childers, W. D.	Henderson	Renick	Winn
Dunn	Holloway	Scott	Zinkil
Firestone	Johnston	Skinner	
Gallen	Lewis	Spicola	
Glisson	MacKay	Thomas, Pat	

Nays—1

Myers

## Abstained from voting

I refrained from voting on SB 13-D because it was not explained what the subject of this bill was.

*Don Chamberlin, 19th District*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed HB 4-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

## By Representatives Forbes and Williams—

**HB 4-D**—A bill to be entitled An act relating to county boundaries; amending s. 7.10, Florida Statutes, amending the legal description of Clay County to include certain lands which were inadvertently left off the legal description in the 1976 revision of boundaries; providing an effective date.

On motions by Senator Hair, by the required constitutional two-thirds vote of the membership, HB 4-D was admitted for introduction, read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Hair, by two-thirds vote HB 4-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Hair, by two-thirds vote HB 4-D was read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

## Yeas—31

Mr. President	Gorman	Myers	Thomas, Pat
Barron	Graham	Peterson	Tobiassen
Castor	Hair	Plante	Trask
Childers, W. D.	Henderson	Poston	Vogt
Dunn	Holloway	Renick	Wilson
Firestone	Lewis	Scott	Winn
Glisson	MacKay	Skinner	Zinkil
Gordon	McClain	Spicola	

Nays—None

**Abstained from voting**

I refrained from voting on HB 4-D because it was not explained what the subject of this bill was.

*Don Chamberlin, 19th District*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed HB 11-D and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Moffitt and Kiser—

**HB 11-D**—A bill to be entitled An act relating to eminent domain; amending s. 74.011, Florida Statutes, adding regional water supply authorities and lawfully constituted port or aviation authorities to those entities authorized by law to take possession and title in advance of final judgment in eminent domain actions; providing an effective date.

On motions by Senator Spicola, by the required constitutional two-thirds vote of the membership, HB 11-D was admitted for introduction, read the first time by title and referred to the Committee on Rules and Calendar.

On motion by Senator Spicola, by two-thirds vote HB 11-D was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar.

On motions by Senator Spicola, by two-thirds vote HB 11-D was read the second time by title, by two-thirds vote read the third time by title, passed and certified to the House. The vote on passage was:

**Yeas—31**

Mr. President	Gorman	Myers	Thomas, Pat
Barron	Graham	Peterson	Tobiassen
Castor	Hair	Plante	Trask
Childers, Don	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Wilson
Dunn	Johnston	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Glisson	McClain	Spicola	

**Nays—2**

Gordon            Lewis

**Abstained from voting**

I refrained from voting on HB 11-D because it was not explained what the subject of this bill was.

*Don Chamberlin, 19th District*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has passed SB 12-D.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote and passed SB 11-D.

*Allen Morris, Clerk*

The bills contained in the above messages were ordered enrolled.

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments to House amendments and passed SB 3-D, as amended.

*Allen Morris, Clerk*

*The Honorable Lew Brantley, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendment to House amendment 1 and has receded from House Amendments 2 and 3 and passed SB 6-D as amended.

The bills contained in the above messages were ordered engrossed and then enrolled.

**CO-INTRODUCERS**

Senators Saylor, Johnston and Ware—SB 1-D

The Journal of June 7 was corrected and approved as follows:

Page 1, column 2, from bottom, strike lines 14 through 16 and insert: Public Service Commission shall be exempt from such tax; providing that boiler fuels including wood products used in the manufacturing process shall be exempt from such tax;

Page 2, column 1, line 10 and from bottom, line 37; and column 2, line 36, before "and" insert: , read the first time by title

Page 3, column 1, between lines 31 and 32 insert: SB 7-D was read the first time by title and on motion by Senator Vogt, by two-thirds vote placed on the special order calendar.

On motion by Senator W. D. Childers, the Senate adjourned sine die at 3:48 p. m.