



# Journal of the Senate

Number 28

Monday, June 2, 1980

The Senate was called to order by the President for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 154 and CS for HB 745 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Fontana—

**HB 154**—A bill to be entitled An act relating to x-ray equipment; authorizing the Department of Health and Rehabilitative Services to inspect x-ray equipment installed in any hospital or other health-care facility in this state to determine compliance with departmental standards; providing for adjustment of certain equipment in order to meet such standards; requiring registration of x-ray equipment by persons entering the state who own such equipment and who plan to install and use such equipment; prohibiting the selling or offering for sale of such equipment which does not meet departmental standards; providing for enforcement by the department and for imposition of an administrative fine for violations; amending s. 290.131, Florida Statutes, authorizing the department to charge certain fees; providing an effective date.

—was read the first time by title and referred to the Committees on Health and Rehabilitative Services and Ways and Means.

By the Committee on Criminal Justice and Representative Bankhead—

**CS for HB 745**—A bill to be entitled An act relating to retail theft; amending s. 812.015(3), Florida Statutes; exempting from liability for false arrest, false imprisonment, or unlawful detention a peace officer, merchant, or merchant's employee who detains a person under certain circumstances for the purposes of attempting to recover unlawfully taken merchandise or for prosecution; providing that the activation of certain devices which operate to detect the removal of merchandise may constitute probable cause for purposes of such detention; providing for execution of a waiver of prosecution upon a merchant's acceptance of return of merchandise unlawfully taken; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1777 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Judiciary—

**HB 1777**—A bill to be entitled An act relating to the Judicial Council; repealing s. 43.15, Florida Statutes; which creates the Judicial Council of Florida; providing for a transfer of its files, furniture, equipment, personnel, and unused portion of the existing appropriation; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 484 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Health & Rehabilitative Services and Representatives Gustafson and Cox—

**CS for HB 484**—A bill to be entitled An act relating to sexual battery; creating s. 794.061, Florida Statutes; providing for medical treatment for minor victims of sexual battery in the absence of consent by a parent or guardian; removing liability therefor; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed by the required Constitutional three-fifths vote of the membership of the House, HJR 1622 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Finance & Taxation—

**HJR 1622**—A joint resolution proposing an amendment to Section 8 of Article VII and the creation of Section 18 of Article XII of the State Constitution relating to aid to local governments.

—was read the first time by title and referred to the Committees on Ways and Means and Rules and Calendar.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended HB 680 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Gordon and A. E. Johnson—

**HB 680**—A bill to be entitled An act relating to sexual battery; amending s. 794.02, Florida Statutes; abolishing the common law rule of matrimonial consent in rape cases; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1826 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Criminal Justice—

**HB 1826**—A bill to be entitled An act relating to criminal justice information and records; amending and redesignating s. 943.07, Florida Statutes, as s. 943.045, Florida Statutes; providing definitions; amending s. 943.05, Florida Statutes; extending

the duties of the Criminal Justice Information System Division; creating ss. 943.051-943.058, Florida Statutes; providing for the collection and storage of criminal justice information, dissemination of criminal history information, and disposition reporting; approving the charging of certain fees; allowing the exchange of federal criminal history records; providing for the keeping of dissemination records and audits of certain agencies; providing for personal access, review, and challenge of criminal history records; allowing access to records for research, and providing for expunction and sealing of records; amending s. 943.06(1), Florida Statutes; providing for the membership of the Criminal Justice Information Systems Council; extending the duties of the Criminal Justice Information Systems Council; repealing ss. 893.14 and 901.33, Florida Statutes, relating to expunctions of certain criminal history records; providing severability; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed HB 1749 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Criminal Justice—

**HB 1749**—A bill to be entitled An act relating to bail pending appeal; creating s. 903.133, Florida Statutes; prohibiting the granting of bail on appeal to a person adjudged guilty of a first degree felony for a violation of the Florida Comprehensive Drug Abuse Prevention and Control Act; repealing Rules 3.130(a) and 3.691(a), Florida Rules of Criminal Procedure, to the extent of their conflict with the act; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Criminal.

*The Honorable Philip D. Lewis, President*

I am directed to inform the Senate that the House of Representatives has passed as amended, HB 1677 and HB 115 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Insurance—

**HB 1677**—A bill to be entitled An act relating to insurance; amending s. 440.02(18), Florida Statutes, relating to acceleration or aggravation of a pre-existing disease or anomaly by an accident, providing for apportionment with respect to permanent impairment; amending s. 440.10(1), Florida Statutes, relating to liability for compensation, deleting references to subcontractor exemptions and to certificates of exemption; amending s. 440.12(2), Florida Statutes, conforming an effective date; amending s. 440.13(1) and (3)(a) and (d), Florida Statutes; deleting the requirement that certain reports of medical treatment be filed with the Division of Workers' Compensation of the Department of Labor and Employment Security; increasing from 5 days to 15 days the period allowed for filing certain medical reports; providing for a three-member panel to determine the medical and surgical fee schedule; including pharmacists in the definition of "health care provider" for purposes of review requirements; amending s. 440.15(3)(b) and (4)(a), Florida Statutes; providing for termination of wage-loss benefits when the injured worker reaches age 65 and becomes eligible for certain benefits; changing from "monthly" to "weekly" the basis of comparison for determination of wage loss due to temporary partial disability; amending s. 440.185(1), (2), and (4), Florida Statutes; deleting the requirement that an employee give notice of injury directly to the division; providing rulemaking authority to the division to prescribe a reporting system for certain types of injuries; providing for the monitoring of undisputed claims by the division and for prompt referral of unresolved claims to a deputy commissioner; amending s. 440.19(1) and (2)(d), Florida Statutes; providing that an advisory opinion may be considered by the deputy commissioner; adding another circumstance under which a request for hearing may be filed; requiring claims to contain specific information relative to disability claimed and benefits

sought; amending s. 440.20(6), (8), and (9), Florida Statutes; requiring a notice to controvert when benefit; are stopped after compensability was initially accepted; providing 30 days in which to pay compensation pursuant to an award; providing that carriers and servicing agents, as well as employers, shall provide certain notice to the division and shall be subject to certain penalties; amending s. 440.25(1), (2), and (3)(a) and (d), Florida Statutes, and adding paragraphs (g) and (h) to subsection (4) of said section; deleting division rule-making authority concerning claims; adding the filing of a notice to controvert as an act permitting the filing of a claim; deleting the requirement that notice sent by mail must be certified mail; limiting dismissal to interested parties; removing obsolete references to the Industrial Relations Commission; providing for an insolvency petition and for posting of a bond on appeal; amending s. 440.271, Florida Statutes, relating to appeal of an order of a deputy commissioner, providing that appeals shall be in accordance with Supreme Court rules of procedure; providing that the division shall be made a party to any such proceeding; amending ss. 440.29(2) and (3), 440.32, 440.33, and 440.442, Florida Statutes; authorizing the Chief Commissioner to contract for the reporting of hearings and requiring him to provide for certain records and transcripts; removing obsolete references to Industrial Relations Commission; exempting the Chief Commissioner and the deputy commissioners from part of the Code of Judicial Conduct; amending s. 440.34, Florida Statutes; deleting obsolete references to the Industrial Relations Commission; providing that, in awarding an attorney's fee, the deputy commissioner may consider only those benefits the attorney is responsible for securing; authorizing the award of attorney's fees at the appellate level; amending s. 440.44(3), (5), and (6), Florida Statutes; authorizing the Chief Commissioner to make certain expenditures, and to conduct hearings in the state; requiring the Chief Commissioner to maintain an office; providing for a seal for the Chief Commissioner; amending s. 440.45(3), Florida Statutes, authorizing the Chief Commissioner to appoint necessary personnel; amending s. 440.47, Florida Statutes, providing for reimbursement of travel expenses for the Chief Commissioner and employees of the department; amending s. 440.51(11), Florida Statutes; requiring the division to furnish experience to the Department of Insurance under accident year rather than policy year; amending s. 627.091(6), Florida Statutes, clarifying the purposes of the committee meetings of certain recognized rating organizations; amending s. 627.215(2), (6), (7), (8) and (9), Florida Statutes, removing, for purposes of determining whether excessive profit has been realized, consideration of certain investment income generated by loss reserves; providing for conditional repeal; providing for applicability; providing that excessive profits must be refunded unless the refund will render the insurer group insolvent; deleting the authority of the department to excuse insurers from reporting; specifying how excessive profits are to be refunded; amending s. 629.401, Florida Statutes, authorizing the creation of one or more insurance exchanges; modifying time periods regarding transmitting; the proposed constitution and bylaws of the exchange to the Insurance Commissioner and Treasurer and to the Legislature; increasing the size and composition of the initial board of governors of any exchange, giving the Governor three appointments and the Speaker of the House of Representatives and the President of the Senate an additional appointment each; providing for application of certain laws; providing for regulation of the exchange by the Department of Insurance; providing for examinations and investigations; providing duties and obligations of underwriting members; providing for hearings; providing for admissibility of examination reports as evidence; providing for confidentiality; providing for reimbursement of expenses to department; providing powers of examiners; providing for contempt and perjury penalties; providing certain immunity; requiring certain paid-in capital and surplus; providing requirements with regard to risk limitation, premium and loss reserves, profit distribution, dividends and borrowing; providing department powers to restrict or suspend certain member's or associate brokers' right to transact business; specifying prohibited conduct; providing for involuntary withdrawal, suspension, reprimand, censure, and fines; providing applicability of fees and fines of other jurisdictions; providing requirements for eligibility for export; providing for noncomplying policies; providing time limitations for judgments or decrees; providing conditions for certain tender offers, exchange offers, and purchases; providing penalties; providing for conditional repeal of said section; providing whereas clauses; amending s. 627.066, Florida Statutes; providing definitions; providing excessive profits shall be refunded unless the refund will render the insurer insolvent; deleting the authority of the Department of Insurance to excuse insurers from reporting; specifying how,

when, and to whom excessive profits are to be refunded; providing that refunds and certain data may be rounded to the nearest dollar; including prior refunds in the calculations of excessive profits; providing for retroactive application; providing for severability and legislative intent related thereto; providing for severability; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Representative Moffitt—

**HB 115**—A bill to be entitled An act for the relief of William Joseph Tucker and his minor daughter Tina; providing

an appropriation to compensate them for the death of Brenda Tucker as a result of the negligence of the Department of Transportation; providing an effective date.

—was read the first time by title and referred to the Committee on Ways and Means.

The Senate adjourned to convene at 8:30 a.m., Tuesday, June 3, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.