



# Journal of the Senate

Number 12

Tuesday, April 26, 1983

## BILL ACTION SUMMARY

Tuesday, April 26, 1983

- H 75 Substituted for CS/SB 15; passed
- H 93 Substituted for SB 131; passed
- S 15 Companion Bill passed, refer to CS/HB 75
- S 30 Passed as amended
- S 83 C/S passed as amended
- S 107 C/S passed
- S 126 Passed
- S 131 Companion Bill passed, refer to CS/HB 93
- S 216 Passed as amended
- S 264 Passed as amended
- S 340 Passed as amended
- S 350 Passed as amended
- S 354 Passed as amended
- S 363 Reconsidered; passed as amended
- S 370 Passed
- S 376 C/S passed as amended
- S 580 Passed
- S 741 Adopted

## INTRODUCTION AND REFERENCE OF BILLS

### First Reading

### MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 75 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Appropriations and Representative Gordon and others—

**CS for HB 75**—A bill to be entitled An act relating to sexual battery; amending s. 960.28(1), Florida Statutes, 1982 Supplement; requiring the Bureau of Crimes Compensation of the Division of Workers' Compensation of the Department of Labor and Employment Security to pay the medical expenses for the initial physical examination of a victim of sexual battery; providing for payment regardless of health insurance coverage; providing an effective date.

—was referred to the Committees on Judiciary-Criminal and Appropriations.

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has passed HB 443 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representatives Ward and B. L. Johnson—

**HB 443**—A bill to be entitled An act relating to road designation; designating that portion of State Highway System Route 85 which consists of the railroad overpass in the City of Crestview, Okaloosa County, in honor of Hayward T. Hayes; providing for the erection of appropriate signs and markers; providing an effective date.

—was referred to the Committee on Transportation.

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has adopted HCR 1122 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By Representative Pajcic—

**HCR 1122**—A concurrent resolution recognizing Children and Youth Day, April 21, 1983.

—was referred to the Committee on Rules and Calendar.

## FIRST READING OF COMMITTEE SUBSTITUTES ON THE CALENDAR

By the Committee on Judiciary-Civil and Senator Langley—

**CS for SB 103**—A bill to be entitled An act relating to former justices and judges assigned to duty in a court; amending s. 25.073, Florida Statutes; providing a definition; repealing Rule 2.030(a)(3)(B) of the Florida Rules of Judicial Administration, which defines the term "retired judge" for purposes of judicial administration; providing an effective date.

By the Committee on Personnel, Retirement and Collective Bargaining and Senator Jennings—

**CS for SB 195**—A bill to be entitled An act relating to retirement; amending s. 121.011(3)(f), Florida Statutes; clarifying the applicability of the preservation of rights of members transferring into the Florida Retirement System; amending s. 121.021(19)(d), Florida Statutes; revising the dates applicable to certain prior service by Florida highway patrolmen; amending s. 121.031, Florida Statutes; revising the frequency of actuarial studies of the Florida Retirement System; authorizing the Division of Retirement to require oaths and acknowledgments; adding s. 121.051(1)(c), Florida Statutes; authorizing optional membership in the Florida Retirement System for any member of an existing system who returns to work after termination of employment; amending s. 121.071(5), Florida Statutes, 1982 Supplement; increasing the interest charge on delinquent contributions to the Florida Retirement System; amending s. 121.091(4)(d), (6)(a), (9)(b), Florida Statutes; providing for optional forms of calculation of disability benefits, and providing for the use of actuarial equivalency tables for such calculations, and providing for the reinstatement of membership in the Florida Retirement System of certain retirees who are elected or appointed to office; amending s. 121.121(4), Florida Statutes; revising the criteria for purchase of credit for authorized leaves of absence; amending s. 121.24(1)(a), Florida Statutes; revising the voting requirements for the conduct of business of the State Retirement Commission; amending s. 321.17(5), Florida Statutes; revising the hiring dates applicable to persons who may purchase certain service credit under the highway patrol pension plan; amending s. 650.05(4), Florida Statutes; increasing the interest charge on delinquent social security contributions by political subdivisions; repealing s. 121.054, Florida Statutes, relating to the prohibition against retirees under the Florida Retirement System joining any other state or local government supported retirement system in the state; providing for retroactivity of certain provisions; providing an effective date.

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

Mr. President	Gersten	Johnston	Neal
Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Carlucci	Grant	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Fox	Jenne	Meeke	Weinstein
Frank	Jennings	Myers	

Excused: Senator Neal at 10:15 a.m., Senator D. Childers

Prayer by Father Patrick O'Neill, President, Biscayne College, Miami:

Many times when we pray, we think that we need to be at our synagogues or churches, to be on our knees and to look serious. I would like to suggest this morning that this is a holy place, that the Lord is with us in this great state.

I am asking you to look up to the skies and claim a smile on your face.

And when we come before our Heavenly Father to pray, there should be joy and laughter in our hearts and hands: A sign of God's life within us. And so, Heavenly Father, we thank you for our homeland, for the men and women of this state who have already begun to bring new hope for a paradise reclaimed. Bless our spirit, our communities and our Senators. We thank you for the continued gift of your presence. In confidence that you guide us on this journey, we pray for your continued encouragement. Amen.

The Senate pledged allegiance to the flag of the United States of America.

**REPORTS OF COMMITTEES**

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Tuesday, April 26, 1983: CS for SB 83, SB 264, SB 354, SB 370, SB 216, SB 350, SB 580, CS for SB 376, CS for SB 15, CS for SB 107, SB 30, SB 340, SB 126

Respectfully submitted,  
*Dempsey J. Barron, Chairman*

The Committee on Natural Resources and Conservation recommends committee substitutes for the following: SB 443, SB 695

**The bills with committee substitutes attached were referred to the Committee on Appropriations under the original reference.**

The Committee on Natural Resources and Conservation recommends a committee substitute for the following: SB 298

**The bill with committee substitute attached was referred to the Committee on Economic, Community and Consumer Affairs under the original reference.**

The Committee on Health and Rehabilitative Services recommends a committee substitute for the following: SB 362

**The bill with committee substitute attached was placed on the calendar.**

**REQUESTS FOR EXTENSION OF TIME**

April 25, 1983

The Committee on Commerce requests an extension of 15 days for consideration of the following: SB 349, SB 491, SB 492, SB 714, SB 496, SB 498, SB 510, SB 513, SB 518, SB 520, SB 522, SB 534, SB 538, SB 540, SB 541, SB 550, SB 562, SB 566, SB 569, SB 575, SB 581, SB 594, SB 596, SB 602, SB 606, SB 610, SB 673, SB 701, SB 708, SB 714, SB 723, SB 732, SB 739, SB 740, SB 743, SB 749, SB 764, SB 770, SB 774

The Committee on Finance, Taxation and Claims requests an extension of 15 days for consideration of the following: SB 494, SB 542, SB 598, SJR 643, SB 676, SB 702, SB 178, SB 536, HB 648, SJR 797, SB 805, SB 834, SB 837, SB 838, SB 840, SB 315, SB 885, SB 887, SB 896, SB 910, SB 912, SB 915, SJR 913, SB 916, SB 919, SB 920, SB 948, SB 970, CS for SB 464, SB 444, SB 632, CS for SB 196, SB 717, SB 1023, SJR 1027, SB 1060, SB 1067, SB 1074, SB 1095

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following: SB 516, SB 531, SB 532, SB 591, SB 592, SB 621, SB 626

The Committee on Transportation requests an extension of 15 days for consideration of the following: SB 689, SB 691, SB 698, SB 753, SB 754, SB 769

April 26, 1983

The Committee on Education requests an extension of 15 days for consideration of the following: SB 506, SB 508, SB 548, SB 556, SB 557, SB 579, SB 582, SB 600, SB 601, SB 605, SB 625, SB 635, SB 637, SB 638, SB 650, SB 652

On motion by Senator Scott, the rules were waived and by two-thirds vote SR 741 was withdrawn from the Committee on Rules and Calendar.

**SR 741**—A Senate resolution honoring secretaries for their contributions to business, industry, education and government.

—was read the second time in full. On motion by Senator Scott, SR 741 was adopted. The vote on adoption was:

Yeas—33

Mr. President	Gordon	Malchon	Scott
Beard	Grant	Mann	Stuart
Castor	Grizzle	Margolis	Thomas
Childers, W. D.	Henderson	Maxwell	Thurman
Crawford	Hill	McPherson	Vogt
Dunn	Jenne	Meek	Weinstein
Fox	Jennings	Myers	
Frank	Johnston	Neal	
Girardeau	Langley	Plummer	

Nays—None

Vote after roll call:

Yea—Hair

**MOTIONS RELATING TO COMMITTEE REFERENCE**

On motion by Senator Scott, by two-thirds vote SB 131 was placed at the end of the special order calendar.

On motions by Senator Johnston, the rules were waived and by two-thirds vote Senate Bills 114, 158, 173, 174, 192, 251, 295, 308, 316 and 472, CS for SB 195 and CS for SB 103 were withdrawn from the Committee on Appropriations.

On motions by Senator Johnston, by two-thirds vote CS for SB 362, CS for SB 705, and SB 10 were removed from the calendar and referred to the Committee on Appropriations.

On motion by Senator Neal, by two-thirds vote SB 1114 was referred to the Committee on Natural Resources and Conservation as the first committee of reference and then to the Committee on Agriculture.

On motion by Senator Neal, the rules were waived and the Committee on Natural Resources and Conservation was granted permission to consider SB 1114 on April 27.

On motions by Senator Myers, by two-thirds vote SB 734 was withdrawn from the committee of reference and indefinitely postponed.

On motions by Senator Neal, the rules were waived and by two-thirds vote SB 689 was referred to the Committee on Natural Resources and Conservation as the first committee of reference and then to the Committees on Transportation and Appropriations.

On motion by Senator Thurman, the rules were waived and the Committee on Commerce was granted permission to consider SB 875 this day.

On motions by Senator Vogt, by two-thirds vote SB 711 was withdrawn from the committee of reference and indefinitely postponed.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has concurred in Senate Amendments and passed HB 649, as amended.

*Allen Morris, Clerk*

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has passed SB 66 and SB 252.

*Allen Morris, Clerk*

The bills contained in the above message were ordered enrolled.

**MATTERS ON RECONSIDERATION**

On motion by Senator Rehm, the rules were waived and the Senate immediately reconsidered the vote by which—

**SB 363**—A bill to be entitled An act relating to emergency medical services; reviving and readopting, notwithstanding chapter 82-402, Laws of Florida, ss. 401.23(9), (11), (16), 401.265, 401.27, 401.31(2), 401.34(1)(f)-(k), (5), 401.35(1)(b), (h), 401.41(2)(a), (b), 401.411, Florida Statutes, 1982 Supplement; providing for legislative review; providing an effective date.

—as amended passed April 21.

Senator Rehm moved the following amendment which was adopted:

**Amendment 4**—In title, on page 1, line 2, after the semicolon (;) insert: amending s. 401.27(5)(a), Florida Statutes, 1982 Supplement; providing that the emergency medical technician's refresher training program may be offered in multiple presentations spread over a 3-year period;

SB 363 as amended was read by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Girardeau	Kirkpatrick	Rehm
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Castor	Grizzle	Maxwell	Thomas
Childers, W. D.	Hair	McPherson	Thurman
Crawford	Henderson	Meek	Vogt
Dunn	Hill	Myers	Weinstein
Frank	Jenne	Neal	
Gersten	Jennings	Plummer	

Nays—None

#### SPECIAL ORDER

**CS for SB 83**—A bill to be entitled An act relating to public libraries; amending ss. 257.031, 257.04(2), 257.05, 257.14-257.19, 257.191, 257.22, 257.23, 257.24, 257.25, Florida Statutes; providing for changes in the qualifications, duties, and appointment of the State Librarian; allowing the Division of Library Services to give aid to academic libraries; redefining a public document; increasing the number of public documents that state agencies shall provide for distribution by the division and for deposit in the State Library, and providing for regional depositories for state documents; providing the division with authority to adopt rules and to establish operating standards for all libraries that receive state moneys; adding certain special districts and certain municipalities to the types of political subdivisions that may receive operating grants and clarifying eligibility criteria for such grants; revising eligibility criteria for equalization grants and for establishment grants; requiring the division to allocate library grant moneys appropriated to a special district, as well as to allocate appropriations to a county or a municipality, and changing the certification date for grant funds; prescribing the officer to attest to grant applications; defining free library service; creating ss. 257.171, 257.172, Florida Statutes; providing for local governments to establish and fund regional libraries and for the division to set operating standards for such libraries and to make rules for granting state moneys to such libraries; providing for regional library grants from the state; repealing ss. 257.06, 257.08, 257.13, 257.20, Florida Statutes, relating to the requirements that the division submit an annual report and an annual budget, the definitions of "populations", "library unit", and "municipal library", and the provisions concerning determination of the municipal fiscal year; providing an effective date.

—was read the second time by title.

Senator Maxwell moved the following amendments which were adopted:

**Amendment 1**—On page 4, lines 6 and 7, strike "for official use only or"

**Amendment 2**—On page 4, line 27, strike "acts of the Legislature, both local or special and general; annotated acts of the Legislature; and revisions and compilations of the Laws of Florida." and insert: *slip laws and bound session laws, both general and special and Florida Statutes and supplements thereto.*

**Amendment 3**—On page 4, line 26, after "issued" insert: *daily and*

**Amendment 4**—On page 3, line 27, strike "Copies of reports of state departments furnished division" and insert: *Public documents; delivery to, and distribution by, division*

**Amendment 5**—On page 6, line 10, strike "reasonable—and pertinent" and insert: *reasonable and pertinent*

**Amendment 6**—On page 7, line 3, strike "a municipality" and insert: *one or more municipalities*

Senators Grizzle and Malchon offered the following amendment which was moved by Senator Grizzle and failed:

**Amendment 7**—On page 6, lines 23-25, strike "that has been designated by a county as the single library administrative unit"

On motion by Senator Maxwell, by two-thirds vote CS for SB 83 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thomas
Crawford	Henderson	Maxwell	Thurman
Dunn	Hill	McPherson	Vogt
Frank	Jenne	Meek	Weinstein
	Jennings	Myers	

Nays—2

Grizzle Malchon

**SB 264**—A bill to be entitled An act relating to elections; amending s. 98.051(3)(a), Florida Statutes, relating to the closing of registration books, to provide uniform procedure with respect to election of special taxing district officers; amending s. 99.061(1) and (2), Florida Statutes, relating to the method of qualifying for office, to provide for applicability to special taxing district offices; providing an effective date.

—was read the second time by title.

#### Senator Maxwell presiding

The Committee on Judiciary-Civil recommended the following amendments which were moved by Senator Castor and adopted:

**Amendment 1**—On page 1, line 25, and on page 3, line 5, strike "taxing"

**Amendment 2**—On page 2, between lines 11 and 12, insert:

(c) When a district, municipal, or special election is called at a time when the books are open, the supervisor shall close the books to further registration or party changes for such district, municipal, or special election on the 30th day before such election, or immediately, in the event the date of the election is less than 30 days away, but the books shall remain open for all subsequent elections. *However, if a district, municipal, or special election is called at the same time as a regularly scheduled election, then the books shall close for such district, municipal, or special election on the day designated for the books to close for the regularly scheduled election.*

**Amendment 3**—On page 2, lines 18 and 19, strike "or multicounty special taxing district"

Senator Castor moved the following amendment which was adopted:

**Amendment 4**—On page 2, between lines 11 and 12, insert: (4) *Notwithstanding any other provisions of this section, the supervisor of elections may authorize registrations to be taken on the Fourth of July, except if this date falls on a Sunday, provided proper notice of the time and place is given pursuant to subsection (1) (b).*

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

**Amendment 5**—On page 1, strike all of lines 14 and 15 and insert:

Section 1. Paragraphs (a) and (c) of subsection (3) of section 98 051, Florida Statutes, are amended to read:

Senator Castor moved the following amendments which were adopted:

**Amendment 6**—On page 1, strike all of lines 14 and 15 and insert: Section 1. Paragraphs (a) and (c) of subsection (3) of section 98.051, Florida Statutes, are amended and a new subsection (4) is added to said section to read:

**Amendment 7**—In title, on page 1, line 6, after the semicolon (;) insert: adding s. 98.051(4), Florida Statutes, to allow for registration to be accepted on the Fourth of July;

The Committee on Judiciary-Civil recommended the following amendments which were moved by Senator Castor and adopted:

**Amendment 8**—In title, on page 1, line 3, after “98.051(3)(a)” insert: and (c),

**Amendment 9**—In title, on page 1, lines 6 and 9, strike “taxing”

On motion by Senator Castor, by two-thirds vote SB 264 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

Barron	Gersten	Johnston	Scott
Beard	Girardeau	Langley	Stuart
Carlucci	Gordon	Malchon	Thomas
Castor	Grant	Mann	Thurman
Childers, W. D.	Grizzle	Margolis	Vogt
Crawford	Hair	McPherson	Weinstein
Dunn	Henderson	Meek	
Fox	Hill	Myers	
Frank	Jennings	Plummer	

Nays—None

Vote after roll call:

Yea—Jenne, Kirkpatrick, Rehm

**SB 354**—A bill to be entitled An act relating to the Administrative Procedure Act; amending s. 120.52(10), Florida Statutes, 1982 Supplement; defining “party” for purposes of administrative proceedings and judicial review of such proceedings; providing an effective date.

—was read the second time by title.

Senators Castor and Langley offered the following amendment which was moved by Senator Castor and adopted:

**Amendment 1**—On page 2, between lines 22 and 23, insert:

Section 2. Paragraph (b) of subsection (1) of section 120.57, Florida Statutes, is amended to read:

120.57 Decisions which affect substantial interests.—The provisions of this section shall apply in all proceedings in which the substantial interests of a party are determined by an agency. Unless waived by all parties, subsection (1) shall apply whenever the proceeding involves a disputed issue of material fact. Unless otherwise agreed, subsection (2) shall apply in all other cases.

(1) FORMAL PROCEEDINGS.—

(b) In cases to which this subsection is applicable, the following procedures shall apply:

1. Requests for hearings shall be granted or denied within 15 days of receipt.

2. All parties shall be afforded an opportunity for a hearing after reasonable notice of not less than 14 days; however, the 14-day notice requirement may be waived with the consent of all parties. In preliminary hearings for the revocation of parole, no less than 7 days’ notice shall be given. In parole revocation hearings pursuant to ss. 949.10 and 949.11, reasonable notice of not less than 5 days shall be given. In hearings involving student disciplinary suspensions or expulsions conducted by educational units, the 14-day notice requirement may be waived by the agency head or the hearing officer without the consent of the parties. The notice shall include:

- a. A statement of the time, place, and nature of the hearing.
- b. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- c. A reference to the particular sections of the statutes and rules involved.
- d. A short and plain statement of the matters asserted by the agency and by all parties of record at the time notice is given. If the agency or

any party is unable to state the matters in sufficient detail at the time initial notice is given, the notice may be limited to a statement of the issues involved, and thereafter, upon timely written application, a more definite and detailed statement shall be furnished not less than 3 days prior to the date set for the hearing.

3. Except for proceedings conducted as prescribed in s. 120.54(4) or s. 120.56, all petitions or requests for hearings under this section shall be filed with the agency. If the agency elects to request a hearing officer from the division, it shall notify the division within 10 days of receipt of the petition or request, requesting the assignment of a hearing officer and, with the concurrence of the division, set the time, date, and place of the hearing. On request of any agency, the division shall assign hearing officers with due regard to the expertise required for the particular matter. Any party may request the disqualification of any hearing officer by filing an affidavit with the division prior to the taking of evidence at a hearing, stating the grounds with particularity.

4. All parties shall have an opportunity to respond, to present evidence and argument on all issues involved, to conduct cross-examination and submit rebuttal evidence, to submit proposed findings of facts and orders, to file exceptions to any order or hearing officer’s recommended order, and to be represented by counsel. When appropriate, the general public may be given an opportunity to present oral or written communications. If the agency proposes to consider such material, then all parties shall be given an opportunity to cross-examine or challenge or rebut it.

5. The record in cases governed by this subsection shall consist only of:

- a. All notices, pleadings, motions, and intermediate rulings;
- b. Evidence received or considered;
- c. A statement of matters officially recognized;
- d. Questions and proffers of proof and objections and rulings thereon;
- e. Proposed findings and exceptions;
- f. Any decision, opinion, proposed or recommended order, or report by the officer presiding at the hearing;
- g. All staff memoranda or data submitted to the hearing officer during the hearing or prior to its disposition, after notice of the submission to all parties, except communications by advisory staff as permitted under s. 120.66(1), if such communications are public records;
- h. All matters placed on the record after an ex parte communication pursuant to s. 120.66(2); and
- i. The official transcript.

6. The agency shall accurately and completely preserve all testimony in the proceeding, and, on the request of any party, it shall make a full or partial transcript available at no more than actual cost. *In those proceedings before a hearing officer initiated by consumptive use permit applicants pursuant to subparagraph 13., the applicant shall bear the cost of accurately and completely preserving all testimony and providing full or partial transcripts to the water management district. At the request of any other party, full or partial transcripts shall be provided at no more than cost.*

7. Findings of fact shall be based exclusively on the evidence of record and on matters officially recognized.

8. Except as provided in subparagraph 12., the hearing officer shall complete and submit to the agency and all parties a recommended order consisting of his findings of fact, conclusions of law, interpretation of administrative rules, recommended penalty, if applicable, and any other information required by law or agency rule to be contained in the final order. The agency shall allow each party at least 10 days in which to submit written exceptions to the recommended order.

9. The agency may adopt the recommended order as the agency’s final order. The agency in its final order may reject or modify the conclusions of law and interpretation of administrative rules in the recommended order, but may not reject or modify the findings of fact unless the agency first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential require-

ments of law. The agency may accept or reduce the recommended penalty in a recommended order, but may not increase it without a review of the complete record. In the event a court reverses an agency's order, the court in its discretion may award attorney's fees and costs to the aggrieved prevailing party.

10. If the hearing officer assigned to a hearing becomes unavailable, the division shall assign another hearing officer who shall use any existing record and receive any additional evidence or argument, if any, which the new hearing officer finds necessary.

11. A hearing officer who is a member of an agency head may participate in the formulation of the agency's final order, provided he has completed all his duties as hearing officer.

12. In applications for a license or mergers pursuant to title XXXVIII which are referred by the agency to the division for hearing pursuant to this section, the hearing officer shall complete and submit to the agency and to all parties a written report consisting of findings of fact and rulings on evidentiary matters. The agency shall allow each party at least 10 days in which to submit written exceptions to the report.

13. *In applications for consumptive use permits pursuant to part II of Chapter 373, the water management district on its own motion may, or at the request of the permit applicant it shall, refer the matter to the division for the appointment of a hearing officer to conduct a hearing under this section.*

Section 3. Section 2 of this act shall apply to all consumptive use permit applications pending on the effective date of this act.

(Renumber subsequent section.)

The Committee on Corrections, Probation and Parole recommended the following amendment which was moved by Senator Langley and adopted:

**Amendment 2**—In title, on page 1, strike all of lines 4-7 and insert: 1982 Supplement; changing the types of proceedings to which a prisoner or parolee may be a party under the Administrative Procedure Act; providing an effective date.

Senators Castor and Langley offered the following amendment which was moved by Senator Castor and adopted:

**Amendment 3**—In title, on page 1, line 6, after the semicolon (;) insert: amending s. 120.57(1)(b), Florida Statutes; providing that a water management district shall refer consumptive use permit application hearings to a hearing officer assigned by the Division of Administrative Hearings when requested by the applicant or the governing board; providing that an applicant so requesting shall bear the cost of preserving testimony and providing transcripts to the district; providing for application to pending permit applications;

On motion by Senator Langley, by two-thirds vote SB 354 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Barron	Gersten	Johnston	Plummer
Beard	Girardeau	Kirkpatrick	Rehm
Carlucci	Gordon	Langley	Scott
Castor	Grant	Malchon	Stuart
Childers, W. D.	Grizzle	Mann	Thomas
Crawford	Hair	Margolis	Thurman
Dunn	Henderson	McPherson	Vogt
Fox	Hill	Meek	Weinstein
Frank	Jennings	Myers	

Nays—None

Vote after roll call:

Yea—Jenne

**SB 370**—A bill to be entitled An act relating to the State Comprehensive Health Association Act; amending s. 627.6482(3), (4), Florida Statutes, 1982 Supplement, and adding subsection (8) to said section; defining "agent" and making certain technical changes in definition of "health insurance," "insurer" and "plan"; amending s. 627.6484, Florida Statutes, 1982 Supplement; providing clarifying language that insurers are not required to provide the comprehensive health insurance plan; providing

policies to be available for sale September 1, 1983; amending s. 627.6486(2)(e), Florida Statutes, 1982 Supplement; substituting "insurer" for "carrier"; amending s. 627.6488(2)(a)(c), (3), (4), Florida Statutes, 1982 Supplement; providing technical changes; deleting the requirement that the association provide for reinsurance; providing for an organizational assessment; amending ss. 627.649(3)(d), 627.6492(1), 627.6494(3), 627.6498(2)(b), (3)(a), (5), (6), (7), Florida Statutes, 1982 Supplement; providing each insurer shall be annually assessed a portion of operating losses; providing for family deductibles; requiring the association to establish standard rates; providing technical changes; providing clarifying language; amending s. 817.234(1)(a), Florida Statutes; providing penalty for fraudulent claims; providing an effective date.

—was read the second time by title. On motion by Senator Thomas, by two-thirds vote SB 370 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

Barron	Girardeau	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Carlucci	Grant	Mann	Scott
Castor	Hair	Margolis	Stuart
Childers, W. D.	Henderson	Maxwell	Thomas
Crawford	Hill	McPherson	Thurman
Frank	Jennings	Meek	Vogt
Gersten	Johnston	Myers	Weinstein

Nays—None

Vote after roll call:

Yea—Jenne

**SB 216**—A bill to be entitled An act relating to the state group health insurance plans; redesignating s. 110.123(3)(d), (e), Florida Statutes, and adding a new paragraph (d) to said subsection; providing for a percentage refund of moneys recovered from hospital overcharges; providing an effective date.

—was read the second time by title.

Senator Fox moved the following amendments which were adopted:

**Amendment 1**—On page 1, line 19, after "hospital" insert: , physician, clinical lab, and other health-care providers,

**Amendment 2**—On page 1, line 7, after "hospital" insert: , physician, clinical lab, or other health-care provider

On motion by Senator Gordon, by two-thirds vote SB 216 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Barron	Girardeau	Kirkpatrick	Rehm
Beard	Gordon	Langley	Scott
Carlucci	Grant	Malchon	Stuart
Castor	Grizzle	Mann	Thomas
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Hill	McPherson	Weinstein
Fox	Jenne	Meek	
Frank	Jennings	Myers	
Gersten	Johnston	Plummer	

Nays—None

**SB 350**—A bill to be entitled An act relating to workers' compensation; amending s. 440.13(1) and (2), Florida Statutes, 1982 Supplement, relating to medical services and supplies; providing that the health care providers providing remedial treatment, care, and attendance to an injured employee shall be selected by the employee from a list of names provided by the employer; providing conditions; providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Fox:

Amendment 1—On page 1, lines 23-31 and on page 2, lines 1 and 2, strike all of said lines and insert 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. The carrier shall not deauthorize a health care provider furnished by the employer to provide remedial treatment, care, and attendance, without the agreement of the employer, unless a deputy commissioner determines the deauthorization of the health care provider is in the best interests of the injured employee. Any list of health care providers developed by a carrier from which health care providers are selected to provide remedial treatment, care and attendance shall include representation of each type of health care providers defined in s. 440.13(3)(d)1.d., and shall not discriminate against any of the types of health care providers as a class. If the employer fails to

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

Amendment 1A—On page 1, line 26, after "providers as a class." insert: Notwithstanding the foregoing, an employer or carrier shall not be permitted to determine, select, or choose which pharmacist health care provider an injured employee may elect to use for the purpose of obtaining any treatment, care, and attendance as provided for in this chapter.

Amendment 1 as amended was adopted.

The Committee on Commerce recommended the following amendment which was moved by Senator Fox and adopted:

Amendment 2—In title, on page 1, strike all of lines 8-11 and insert: employee shall be selected by the employer; providing any list of health care providers from which health care providers are selected to provide remedial treatment, care, and attendance shall not discriminate against any type of health care providers defined in s. 440.13(3)(d)1.d. as a class; providing an effective date.

On motion by Senator Fox, by two-thirds vote SB 350 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Barron, Beard, Carlucci, Castor, Childers, W. D., Crawford, Dunn, Fox, Frank, Gersten, Girardeau, Gordon, Grant, Grizzle, Hair, Henderson, Hill, Jenne, Jennings, Johnston, Kirkpatrick, Langley, Malchon, Mann, Margolis, Maxwell, McPherson, Meek, Myers, Plummer, Rehm, Scott, Stuart, Thomas, Thurman, Vogt, Weinstein

Nays—None

SB 580—A bill to be entitled An act relating to remote financial service units; amending s. 658.65(1)(a), (9), Florida Statutes; redefining "bank"; providing that out-of-state banks may use in this state remote financial service units under certain limited conditions; providing an effective date.

—was read the second time by title. On motion by Senator Grant, by two-thirds vote SB 580 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Table with 4 columns: Barron, Beard, Carlucci, Castor, Childers, W. D., Crawford, Dunn, Fox, Frank, Gersten, Girardeau, Gordon, Grant, Grizzle, Hair, Henderson, Hill, Jenne, Jennings, Johnston, Kirkpatrick, Langley, Malchon, Mann, Margolis, Maxwell, McPherson, Meek, Myers, Plummer, Rehm, Scott, Stuart, Thomas, Thurman, Vogt, Weinstein

Nays—None

CS for SB 376—A bill to be entitled An act relating to motor vehicle title and registration certificates; amending s. 319.23(3), Florida Statutes, 1982 Supplement; specifying persons who are to verify vehicle identification numbers for applications for title certificates; specifying those vehicles for which verification is not required; amending s. 320.02(3), Florida Statutes; specifying persons who are to verify vehicle identification numbers for applications for vehicle registration certificates; specifying those vehicles for which verification is not required; providing an effective date.

—was read the second time by title.

Senator Carlucci moved the following amendment which was adopted:

Amendment 1—On page 2, lines 7 and 31, after "owner and by" insert: any employee of the department designated by the Executive Director;

On motion by Senator Carlucci, by two-thirds vote CS for SB 376 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Table with 4 columns: Beard, Carlucci, Castor, Childers, W. D., Crawford, Dunn, Fox, Frank, Gersten, Girardeau, Gordon, Grant, Grizzle, Hair, Henderson, Hill, Jenne, Jennings, Johnston, Langley, Malchon, Mann, Margolis, Maxwell, McPherson, Meek, Myers, Plummer, Rehm, Scott, Stuart, Thomas, Thurman, Vogt, Weinstein

Nays—None

On motions by Senator Scott, by two-thirds vote CS for HB 75 was withdrawn from the Committees on Judiciary-Criminal and Appropriations.

On motion by Senator Scott—

CS for HB 75—A bill to be entitled An act relating to sexual battery; amending s. 960.28(1), Florida Statutes, 1982 Supplement; requiring the Bureau of Crimes Compensation of the Division of Workers' Compensation of the Department of Labor and Employment Security to pay the medical expenses for the initial physical examination of a victim of sexual battery; providing for payment regardless of health insurance coverage; providing an effective date.

—a companion measure, was substituted for CS for SB 15. On motions by Senator Scott, by two-thirds vote CS for HB 75 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—35

Table with 4 columns: Beard, Carlucci, Castor, Crawford, Dunn, Fox, Frank, Gersten, Girardeau, Gordon, Grant, Grizzle, Hair, Henderson, Hill, Jenne, Jennings, Johnston, Kirkpatrick, Langley, Malchon, Mann, Margolis, Maxwell, McPherson, Meek, Myers, Plummer, Rehm, Scott, Stuart, Thomas, Thurman, Vogt, Weinstein

Nays—None

Vote after roll call:

Yea—W. D. Childers

CS for SB 15 was laid on the table.

The President presiding

CS for SB 107—A bill to be entitled An act relating to other-personal-services employment; amending s. 216.011(1)(o), Florida Statutes; modifying the definition of "other personal services"; providing definitions; prohibiting certain unapproved employment; providing for the adoption of rules; providing for the preparation and distribution of written material explaining terms and conditions of other-personal-services employment; providing for an annual report; providing for exceptions; providing an effective date.

—was read the second time by title. On motion by Senator Henderson, by two-thirds vote CS for SB 107 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

Mr. President	Girardeau	Johnston	Myers
Beard	Gordon	Kirkpatrick	Rehm
Carlucci	Grant	Langley	Stuart
Castor	Grizzle	Malchon	Thomas
Crawford	Hair	Mann	Thurman
Dunn	Henderson	Margolis	Vogt
Fox	Hill	Maxwell	Weinstein
Frank	Jenne	McPherson	
Gersten	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—W. D. Childers, Plummer

**SB 30**—A bill to be entitled An act relating to powers, duties, and functions of the Division of Purchasing; amending s. 287.042(1), Florida Statutes; providing for establishment and maintenance of an approved vendor list; authorizing removal and reinstatement of sources of supply from the approved vendor list under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Henderson and adopted:

**Amendment 1**—On page 1, line 18, strike “an approved” and insert: a

**Amendment 2**—On page 1, line 28, strike “approved”

Senator Henderson moved the following amendments which were adopted:

**Amendment 3**—On page 1, line 31, after the period (.) insert: *For the purpose of this paragraph, default shall mean failure to fulfill duties specified in the contract with the state.*

**Amendment 4**—On page 1, strike line 23 and insert: *any agency the state government or any of its agencies under competitive*

**Amendment 5**—In title, on page 1, line 9, after the semicolon (;) insert: providing a definition;

The Committee on Governmental Operations recommended the following amendments which were moved by Senator Henderson and adopted:

**Amendment 6**—In title, on page 1, line 6, strike “an approved” and insert: a

**Amendment 7**—In title, on page 1, line 8, strike “approved”

On motion by Senator Henderson, by two-thirds vote SB 30 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Gersten	Johnston	Myers
Barron	Gordon	Kirkpatrick	Plummer
Beard	Grant	Langley	Scott
Carlucci	Grizzle	Malchon	Stuart
Castor	Hair	Mann	Thomas
Childers, W.D.	Henderson	Margolis	Thurman
Crawford	Hill	Maxwell	Vogt
Fox	Jenne	McPherson	Weinstein
Frank	Jennings	Meek	

Nays—None

**SB 340**—A bill to be entitled An act relating to the waiver of sovereign immunity; adding paragraph (c) to s. 768.28(9), Florida Statutes, excluding actions arising from the performance of certain federally prescribed duties of Florida National Guard members from those actions which may be lawfully brought against the state for damages; reenacting s. 252.36(5)(l), Florida Statutes, to incorporate the amendment to s. 768.28(9), Florida Statutes, in a reference thereto; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations recommended the following amendment which was moved by Senator Hair and adopted:

**Amendment 1**—On page 2, line 4, after the word “such” insert: *federal*

On motion by Senator Hair, by two-thirds vote SB 340 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

Mr. President	Frank	Jennings	Myers
Barron	Gersten	Johnston	Plummer
Beard	Gordon	Kirkpatrick	Rehm
Carlucci	Grant	Langley	Scott
Castor	Grizzle	Malchon	Stuart
Childers, W. D.	Hair	Mann	Thomas
Crawford	Henderson	Margolis	Thurman
Dunn	Hill	Maxwell	Vogt
Fox	Jenne	McPherson	Weinstein

Nays—None

**SB 126**—A bill to be entitled An act relating to state employment; amending s. 110.205(2), Florida Statutes, 1982 Supplement, exempting time-limited positions from the Career Service System regardless of whether the positions report to a position in the system; exempting chiefs of bureaus; providing that the salaries of institute directors of mental health institutes authorized for Tampa and Miami shall be approved by the Board of Regents; providing that salaries of the military personnel of the Department of Military Affairs shall be set in accordance with the military pay schedule; amending s. 110.207(1), Florida Statutes; deleting limitation on the number of classes of positions in the career service; deleting the requirement that the Governor’s office prepare a plan for reducing the number of classes; providing an effective date.

—was read the second time by title. On motion by Senator Margolis, by two-thirds vote SB 126 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

Mr. President	Frank	Johnston	Myers
Barron	Gersten	Kirkpatrick	Plummer
Beard	Gordon	Langley	Rehm
Carlucci	Grant	Malchon	Scott
Castor	Grizzle	Mann	Stuart
Childers, W. D.	Hair	Margolis	Thurman
Crawford	Henderson	Maxwell	Vogt
Dunn	Jenne	McPherson	Weinstein
Fox	Jennings	Meek	

Nays—None

Vote after roll call:

Yea—Girardeau, Hill, Thomas

**SB 131**—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.14(1), (2), Florida Statutes; providing eligibility requirements for certain contractors; providing an effective date.

—was read the second time by title.

The Committee on Transportation recommended the following amendment which was moved by Senator Beard and adopted:

**Amendment 1**—On page 2, strike all of lines 13 and 14 and insert: *contracts that do not relate to the construction of highways, bridges or public transportation projects for the construction of buildings, rest areas, or*

Pending further consideration of SB 131, as amended, on motion by Senator Beard, the rules were waived and the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

*The Honorable Curtis Peterson, President*

I am directed to inform the Senate that the House of Representatives has passed CS for HB 93 and requests the concurrence of the Senate.

*Allen Morris, Clerk*

By the Committee on Transportation and Representatives Hargrett and C. Brown—

**CS for HB 93**—A bill to be entitled An act relating to the Department of Transportation; amending s. 337.14(1) and (2), Florida Statutes, changing the types of construction contracts let by the department for which the contractor is exempt from department certification requirements; providing an effective date.

—was read the first time by title. On motions by Senator Beard, the rules were waived and by two-thirds vote the bill was placed on the special order calendar.

**SPECIAL ORDER, continued**

On motion by Senator Beard, by two-thirds vote CS for HB 93, a companion measure, was substituted for SB 131. On motions by Senator Beard, by two-thirds vote CS for HB 93 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—36

Mr. President	Dunn	Grizzle	Johnston
Barron	Fox	Hair	Kirkpatrick
Beard	Frank	Henderson	Langley
Carlucci	Gersten	Hill	Malchon
Castor	Gordon	Jenne	Mann
Childers, W. D.	Grant	Jennings	Margolis

Maxwell	Myers	Scott	Thurman
McPherson	Plummer	Stuart	Vogt
Meek	Rehm	Thomas	Weinstein

Nays—None

Vote after roll call:

Yea—Crawford

SB 131 was laid on the table.

**ENROLLING REPORTS**

Senate Bills 66 and 252 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on April 26, 1983.

*Joe Brown, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of April 22 and 21 were corrected and approved.

**CO-INTRODUCERS**

Senator Gordon—SJR 79; Senator Grizzle—SB 206; Senators Jennings, Dunn, Henderson, Grant—SB 320; Senator Hill—SB 491; Senator Beard—SB 551; Senator Grizzle—SB 674; Senator Johnston—SB 1032; Senator Margolis—SB 1156

On motion by Senator Barron, the Senate adjourned at 11:30 a.m. to reconvene at 10:00 a.m., Thursday, April 28.