



Journal of the Senate

Number 1—Special Session E

Monday, March 23, 1992

At a Special Session of the Florida Legislature convened under Article III, Section 3(c), of the Constitution of the State, as revised in 1968, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

CALL TO ORDER

The Senate was called to order by the President at 1:30 p.m. A quorum present—37:

Madam President	Diaz-Balart	Kiser	Thomas
Beard	Dudley	Kurth	Thurman
Bruner	Forman	Langley	Walker
Burt	Gardner	Malchon	Weinstein
Casas	Girardeau	McKay	Weinstock
Childers	Gordon	Meek	Wexler
Crenshaw	Grant	Myers	Yancey
Crotty	Jenne	Plummer	
Dantzler	Johnson	Scott	
Davis	Kirkpatrick	Souto	

Excused: Senators Grizzle and Jennings

PRAYER

The following prayer was offered by James C. Vaughn, Jr., Reading Clerk:

Spirit of the living God, fall afresh upon this legislative body; spirit of the living God, melt their attitudes, mold their convictions, and then move their spirits once again to diligently perform the mandates that they must address within the next few days.

As they confront perplexing issues, give them your guidance; when they are confronted with political dangers, give them your ubiquitous protection; and when a day's work leaves them feeling sorrow, please grant them your peace.

This we ask in your name. Shalom.

PLEDGE

Senator Weinstein led the Senate in the pledge of allegiance to the flag of the United States of America.

By direction of the President, the following proclamation was read by the Secretary:

THE FLORIDA LEGISLATURE JOINT PROCLAMATION

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

We, Gwen Margolis, President of the Florida Senate, and T. K. Wetherell, Speaker of the Florida House of Representatives, by virtue of the authority vested in us by Article III, Section 3(c), Florida Constitution, and Section 11.011, Florida Statutes, do hereby proclaim:

1. That the Legislature of the State of Florida is convened in Special Session pursuant to Article III, Section 3(c), Florida Constitution and Section 11.011, Florida Statutes, at the Capitol in Tallahassee, Florida beginning at 1:30 p.m., on Monday, the 23rd day of March, 1992, for a period of 12 days, ending at 11:59 p.m. on Friday, the 3rd day of April, 1992.
2. That the Legislature is convened for the sole and exclusive purpose of considering the following:

- a) Congressional Reapportionment
- b) Regulation of Bingo as provided in Section 849.093, Florida Statutes
- c) Regulation of Financial Institutions as provided in Chapters 655 through 665, Florida Statutes, and of mortgage lending and foreclosures
- d) Regulation of Insurance as provided in Chapter 627 and Part V of Chapter 626, Florida Statutes
- e) Regulation of medical facilities as provided in Chapter 395, Florida Statutes
- f) Merit Retention of Judges
- g) Local Bills:
 - 1) Jacksonville Beach Retirement System
 - 2) Palm Beach County Health Care Act
 - 3) Orlando Fire Department Pension Fund

Gwen Margolis
President,
The Florida Senate

March 18, 1992

T. K. Wetherell
Speaker, The Florida House
of Representatives

March 18, 1992



Duly filed with and received by the Florida Department of State this 18th day of March, 1992

Jim Smith
Secretary of State

COMMUNICATION FROM THE GOVERNOR

March 20, 1992

The Honorable Gwen Margolis
President of the Florida Senate

The Honorable T. K. Wetherell
Speaker of the Florida House
of Representatives

Dear Madam President and Mr. Speaker:

Pursuant to the provisions of Section 11.011, Florida Statutes, I request that the purpose of the Special Session of the Legislature of the State of Florida, convened by your Joint Proclamation, dated March 18, 1992, include, in addition to the matters set forth in your Joint Resolution, the following:

1. Transferring to the Department of Community Affairs the responsibility as the lead state agency under the Federal Coastal Zone Management Act, and revising the method for consistency determination;
2. Enacting a Partners for a Better Florida Act as provided in House Bill 1815 filed in the Regular Session of the 1992 Legislature;
3. Establishing Enterprise Florida, Inc., substantially similar to Sections 1 through 8, Sections 15 and 16, Sections 20, 21 and 22 of Senate Bill 2206 filed in the Regular Session of the 1992 Legislature.

4. Abolishing the Department of Administration and transferring its duties to the Department of General Services and other agencies; renaming the Department of General Services as the Department of Management Services; transferring certain duties thereof to other agencies; and providing for the appointment of the Secretary of the Department of Management Services by the Governor.
5. Creating the Workers' Compensation Reform Act, the Florida Workplace Safety and Health Act, and revising Sections of Chapter 627, Florida Statutes, relating to workers' compensation insurance.
6. Consideration of an appropriations bill for operating and capital expenses of the State for the fiscal year 1992-1993, including sufficient revenue to balance the budget.

Thank you for including these matters in the Special Session to be convened on March 23, 1992.

With kind regards, I am

Respectfully,
Lawton Chiles
Governor

MOTIONS

On motion by Senator Thomas, all proposed bills not within the purview of the call were referred to the Committee on Rules and Calendar.

On motions by Senator Thomas, provisions of Rule 13.3 relating to committee meeting notices and provisions of Rule 2.39 relating to two-hour notice of amendments to be considered by a committee were waived; and the Committee on Commerce was granted permission to meet at 3:00 p.m. this day.

INTRODUCTION AND REFERENCE OF BILLS

FIRST READING

By Senators Davis and Johnson—

SJR 2-E—A joint resolution proposing amendments to Sections 10 and 11 of Article V of the State Constitution relating to the selection of judges.

—was referred to the Committees on Judiciary; and Rules and Calendar.

By Senator Crotty—

SB 4-E—A bill to be entitled An act relating to the City of Orlando, Orange County, and the pension fund of the Orlando Fire Department; amending and restating the pension fund and retirement plan created by chapter 23444, Laws of Florida, 1945, as amended; providing severability; providing an effective date.

—was referred to the Committee on Rules and Calendar.

By Senator Kirkpatrick—

SB 6-E—A bill to be entitled An act relating to coastal resources; transferring administration of the state coastal management program to the Department of Community Affairs; providing for the position of Coastal Zone Administrator to be included in the program; amending ss. 380.21, 380.22, F.S.; transferring lead agency authority under the Coastal Zone Management Act from the Department of Environmental Regulation to the Department of Community Affairs; deleting provisions that have had their effect; amending s. 380.23, F.S.; providing for the transfer of authority; providing procedures for consistency review and determination of federal licenses, permits, activities, and projects; amending s. 380.31, F.S.; adding the Secretary of Labor and Employment Security to the membership of the Coastal Resources Interagency Management Committee; amending s. 380.33, F.S.; designating the Secretary of Community Affairs as the chairperson of the Coastal Resources Interagency Management Committee and the Secretary of Environmental Regulation as the vice chairperson; requiring the Department of Community Affairs to provide staff to the committee; repealing s. 13(2), ch. 91-286, Laws of Florida, to continue ss. 380.31, 380.32, 380.33, F.S., relating to the Coastal Resources Interagency Management Committee, which sections are repealed by that subsection October 1, 1992; repealing those sections

effective October 1, 1994; providing for review of those sections prior thereto; repealing ss. 380.19, 380.28, F.S., relating to the Florida Coastal Coordinating Council and to the South Atlantic and Gulf States Coastal Protection Compact; providing for construction of laws enacted at the 1992 Regular Session in relation to this act; providing an effective date.

—was referred to the Committee on Natural Resources and Conservation.

By Senators Thomas, Margolis and Kurth—

SB 8-E—A bill to be entitled An act relating to economic and trade development; providing that the Governor is the principal economic development officer of the state; creating Enterprise Florida, Inc., a corporation not for profit; providing for membership of the board of directors of the corporation, terms of office, removal of members, meetings and organization, per diem and travel expenses, and financial disclosure; creating the Enterprise Florida Nominating Council to nominate private-sector members for appointment to the Board of Directors of Enterprise Florida, Inc.; requiring certain geographical and other representation on the board; providing for an executive director and employees; providing powers of the board; providing for immunity from liability for certain acts and omissions of members, agents, employees, and departmental employees; providing powers of the board; requiring the board to coordinate the state's economic development and to develop an economic development plan; requiring the board to make recommendations; requiring an annual audit and annual report; providing for confidentiality of the identity of donors and prospective donors; providing for the establishment of a seaport employment training grants program and for a trust fund within the Department of Commerce; providing for rulemaking; directing the department, the Florida International Affairs Commission, and the Florida Seaport Transportation and Economic Development Council to establish the International Trade Data Resource and Research Center; providing for contracting with the center to develop a trade information system; amending ss. 288.012, 288.025, 288.03, F.S.; authorizing the department to gather trade data, information, and research and to assist in gathering, storing, promoting, packaging, and selling trade data, information, and research; providing for construction of laws enacted at the 1992 Regular Session in relation to this act; providing an effective date.

—was referred to the Committee on Commerce.

By Senator Yancey—

SB 10-E—A bill to be entitled An act relating to mortgage foreclosure; amending s. 45.031, F.S.; changing the time for sale of property by the clerk of the court; creating s. 45.0315, F.S.; providing for right of redemption; providing for limitations upon such rights; amending s. 48.021, F.S.; providing for process to be served by a party or party's attorney; amending s. 48.193, F.S.; expanding the jurisdiction of courts of the state to persons holding a mortgage or lien on certain property; amending s. 48.194, F.S.; providing for alternative service of process in foreclosure proceedings; amending s. 48.23, F.S.; providing for exceptions to the application of lis pendens; amending s. 49.021, F.S.; providing for a cross-reference; amending s. 49.09, F.S.; revising provisions with respect to the return day notice of action; providing a time limit; amending s. 49.10, F.S.; reducing the required number of publications of notice in foreclosure proceedings; amending s. 55.01, F.S.; providing for social security numbers to be included on judgments; amending s. 55.10, F.S.; providing for the address of the person holding a lien to be recorded; providing for application; amending s. 55.505, F.S.; providing for inclusion of social security numbers in notice of recording; amending s. 494.0019, F.S.; revising provisions with respect to liability in the case of an unlawful mortgage transaction; limiting liability; amending s. 494.006, F.S.; providing an exemption from mortgage lending licensing requirements for insurance companies; amending s. 697.07, F.S.; providing for rents to be assigned to a mortgagee; providing a process for rents to be deposited; providing for distribution of rents; amending s. 702.09, F.S.; providing definitions; creating s. 702.10, F.S.; providing for an order to show cause in foreclosure proceedings; providing for entry of final judgment in foreclosure proceedings; creating s. 702.11, F.S.; providing for defenses in foreclosure proceedings; providing for construction of laws enacted at the 1992 Regular Session in relation to this act; providing severability; providing an effective date.

—was referred to the Committees on Commerce and Judiciary.

By Senator Malchon—

SB 12-E—A bill to be entitled An act relating to health care; revising and reorganizing ch. 395, F.S., relating to licensing and regulation of hospitals and similar facilities; amending s. 395.002, F.S.; revising definitions related thereto; amending s. 395.003, F.S.; revising licensure provisions; amending s. 395.004, F.S.; revising procedures for application for license; providing for disposition of fees; transferring, renumbering, and amending s. 395.006, F.S.; revising provisions relating to licensure inspection; providing criteria; deleting the public records exemption provided for certain inspection reports; transferring, renumbering, and amending s. 395.008, F.S., relating to inspection reports; providing a maximum copying fee; transferring, renumbering, and amending s. 395.007, F.S.; providing for disposition of fees; deleting authority to delegate review of plans and specifications to a county or municipality; transferring, renumbering, and amending s. 395.011, F.S.; modifying provisions relating to staff membership and clinical privileges; transferring, renumbering, and amending s. 395.0115, F.S.; revising provisions related to peer review and disciplinary powers; transferring, renumbering, and amending s. 395.014, F.S.; revising provisions providing for access by chiropractors to diagnostic reports; transferring, renumbering, and amending s. 395.041, F.S., relating to internal risk management programs; limiting responsibilities of part-time risk managers; providing for annual, rather than quarterly, reports to the Department of Professional Regulation; changing procedure for reports of adverse or untoward incidents; requiring the Department of Health and Rehabilitative Services to publish an annual summary of incident reports; deleting a requirement relating to information bulletins; transferring, renumbering, and amending s. 395.0172, F.S., relating to private utilization review; deleting duplicate provisions; authorizing the department to adopt rules; transferring, renumbering, and amending s. 395.0101, F.S.; revising provisions related to the treatment of biomedical waste; transferring, renumbering, and amending s. 395.0201, F.S.; requiring certain facilities to treat and protect the anonymity of sexual assault victims; transferring, renumbering, and amending s. 395.0205, F.S.; requiring protocols for the treatment of victims of child abuse or neglect; transferring and renumbering s. 395.0147, F.S., relating to notification to emergency medical personnel of exposure to infectious diseases; transferring, renumbering, and amending s. 395.038, F.S., relating to regional poison control centers; creating s. 395.103, F.S.; requiring hospital emergency departments to be capable of specified communications with life support vehicles and aircraft and municipal aid channels; transferring, renumbering, and amending s. 395.0142, F.S.; expanding requirements for providing access to emergency services; providing for inventory of hospital emergency services; revising provisions relating to legislative intent, medically necessary transfers, discrimination, liability, and records; prohibiting retaliation for patient transfers; providing penalties; providing for civil actions; requiring reports; providing for treatment of emergency medical conditions of certain psychiatric patients; providing procedure for further psychiatric treatment; transferring, renumbering, and amending s. 395.0141, F.S., relating to inventory of hospitals with emergency departments; deleting an obsolete reporting provision; transferring, renumbering, and amending s. 395.0175, F.S.; revising complaint investigation procedures; providing access to certain records; transferring, renumbering, and amending s. 395.005, F.S., relating to rules and enforcement; providing for standards for the use of seclusion and restraint; providing for hospital quality improvement programs; transferring, renumbering, and amending s. 395.018, F.S.; increasing fines for operating without a license; increasing administrative fines; transferring, renumbering, and amending s. 395.015, F.S., relating to itemized patient bills; requiring certain hospitals to notify patients of their right to an itemized bill upon request; requiring hospitals to provide itemized bills when requested; providing for a copy to the physician, upon request; revising applicability; providing certain liability; transferring and renumbering s. 395.016, F.S., relating to form and content of patient records; transferring, renumbering, and amending s. 395.0165, F.S., relating to penalties for altering patient records; improving grammar; transferring, renumbering, and amending s. 395.017, F.S.; revising requirements for disclosure of patient records; providing charges for copies and searches of records; providing exemptions; limiting use and disclosure of such records; providing for additional regulatory studies to be conducted by the Department of Health and Rehabilitative Services; requiring a report; transferring, renumbering, and amending s. 395.031, F.S.; revising definitions applicable to trauma care; providing additional component of trauma care system plans; specifying a period for approval of plans; providing for hearings; transferring and renumbering s. 395.032, F.S., relating to state regional trauma planning; transferring, renumbering, and amending s. 395.033, F.S., relating to trauma service areas; conforming a

cross-reference; transferring, renumbering, and amending s. 395.0335, F.S.; revising provisions relating to selection of state-approved trauma centers; revising provisions relating to notice of termination of operation; providing certain immunity from liability for out-of-state experts; transferring, renumbering, and amending s. 395.034, F.S.; revising provisions relating to reimbursement of state-sponsored trauma centers; transferring and renumbering s. 395.0345, F.S., relating to the Trauma Services Trust Fund; transferring, renumbering, and amending s. 395.035, F.S., relating to review of trauma registry data; providing for trauma transport protocols for use of air ambulance service; transferring, renumbering, and amending s. 395.036, F.S., relating to transport of trauma victims to centers; providing for trauma transport protocols for use of air ambulance service; transferring, renumbering, and amending s. 395.037, F.S., relating to rulemaking authority; conforming cross-references; transferring, renumbering, and amending s. 395.102, F.S., relating to rural hospitals; providing definitions; deleting certain limitations on rural hospital swing-bed length of stay; transferring, renumbering, and amending s. 395.103, F.S., relating to rural hospital impact statements; providing for a process by which certain rural hospitals may deactivate general hospital beds; providing for reactivation of such beds; transferring, renumbering, and amending ss. 395.104, 395.01465, F.S., relating to other rural hospital programs and emergency care hospitals, respectively; conforming cross-references; transferring, renumbering, and amending s. 395.101, F.S., relating to hospital annual assessments; providing liability for fines, penalties, and assessments upon transfer or termination of a facility; providing alternative payment method for certain statutory teaching hospitals; transferring, renumbering, and amending s. 395.1015, F.S., relating to annual assessments of other health care entities; providing an exclusion from annual assessments for certain out-of-state revenues; clarifying an exemption for blood and plasma centers; transferring, renumbering, and amending s. 395.60, F.S., relating to the short title for the Medical Education and Tertiary Care Act; conforming cross-references; transferring and renumbering s. 395.61, F.S., relating to legislative intent with respect to that act; transferring, renumbering, and amending s. 395.62, F.S., relating to the Medical Education and Tertiary Care Trust Fund; conforming a cross-reference; transferring and renumbering s. 395.63, F.S., relating to distribution of trust fund moneys; repealing ss. 395.012, 395.013, F.S., relating to prohibitions against interference with the prescription of amygdalin (laetrile) or dimethyl sulfoxide (DMSO); repealing s. 395.0143, F.S., relating to denial of emergency treatment; repealing s. 395.0144, F.S., relating to duty to admit or transfer emergency patients; repealing s. 395.0146, F.S., relating to certificates of need for termination or reduction of emergency services; saving ss. 394.4787(4), 394.4788(2), (3), 395.001, 395.002, 395.003, 395.004, 395.005, 395.006, 395.007, 395.008, 395.009, 395.0101, 395.011, 395.0115, 395.014, 395.0141, 395.0142, 395.01465, 395.015, 395.016, 395.0165, 395.017, 395.0172, 395.0175, 395.018, 395.0185, 395.0201, 395.0205, 395.031, 395.032, 395.033, 395.0335, 395.034, 395.035, 395.036, 395.037, 395.038, 395.041, 395.101, 395.102, 395.103, 395.104, 395.63, F.S., from repeal October 1, 1992; amending ss. 119.07, 240.4067, 320.0801, 322.0602, 381.004, 381.026, 381.703, 381.706, 383.336, 394.4787, 394.4789, 401.425, 401.48, 407.002, 407.51, 409.918, 427.708, 440.185, 458.331, 459.015, 461.013, 468.505, 626.941, 626.943, 627.912, 641.55, 766.101, 766.110, 766.314, F.S.; conforming cross-references; amending s. 394.463, F.S., relating to involuntary examination; conforming cross-references; revising provisions related to patient transfers with respect to emergency medical conditions; revising detainment period for involuntary examination of certain patients; creating s. 15.0463, F.S.; designating Mount Sinai Brain Dementia Bank as the official State of Florida Regional Dementia Brain Bank; amending s. 154.235, F.S.; authorizing health facilities authorities to refund any revenue bonds or debt obligations issued in connection with a project; providing for the use of proceeds; amending s. 154.331, F.S.; providing procedures for dissolving county health and mental health care special districts; amending s. 196.012, F.S.; revising the definition of "nursing home" in provisions relating to property tax exemptions; providing an appropriation; providing for construction of laws enacted at the 1992 Regular Session in relation to this act; providing effective dates.

—was referred to the Committee on Health and Rehabilitative Services.

RECESS

On motion by Senator Thomas, the Senate recessed at 2:07 p.m. for the purpose of holding committee meetings and conducting other Senate business until 10:00 a.m., Wednesday, March 25.