

1984

Session Law 84-267

Florida Senate & House of Representatives

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Fla. Stat. Chapt. No(s). 440.39(7) Job No. _____

✓	Law	Sec.	Bill No.	Comments
	84-267	7	SB 214	comp H 53, S 116 ^X

Bill History		
Bill No.	Committee	Comments
SB 214	S. Commerce	for 4/3/74
	S floor	amendments SJ 97
	H floor	sub for HB 573, amendments HJ 405, 447

Sources Examined					
Description	RG	Ser.	Box	Folder Title	#P
Senate Commerce Bill files, 1974	920	18	1401	SB 116	
				SB 214	
House Commerce Bill files, 1974	920	19	1306	HF 573	
Senate Bill files, 1974					

RESEARCH RECORDS - LEGISLATIVE HISTORY SUPPLEMENT

Job No.	Subject
Comments/Remarks	

Florida Legislature

History of Legislation 1984 Regular Session



prepared by:

Joint Legislative Management Committee

Legislative Information Division
Capitol Building, Room 826 — 488-4371

07/10/84 16 32

HISTORY OF SENATE BILLS

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HISTORY OF SENATE BILLS

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of investigative agency from public records law Amends 320.025
 Effective Date Upon becoming law
 01/24/84 SENATE Prefiled
 02/14/84 SENATE Referred to Transportation
 04/03/84 SENATE Introduced, referred to Transportation -SJ 00021
 04/16/84 SENATE Extension of time granted Committee Transportation
 04/23/84 SENATE On Committee agenda-- Transportation, 04/25/84, 2 00
 pm, Rm C
 04/25/84 SENATE Comm Report Favorable, placed on Calendar by
 Transportation -SJ 00180
 05/29/84 SENATE Placed on Special Order Calendar, Passed, YEAS 27 NAYS
 0 -SJ 00510
 05/29/84 HOUSE In Messages
 05/30/84 HOUSE Received, referred to Transportation, Judiciary
 -HJ 00844
 06/01/84 HOUSE Died in Committee on Transportation

S 0209 GENERAL BILL by Carlucci (Identical H 0748)
Motor Vehicles, specifies persons who may verify vehicle identification
 numbers on applications for certificate of title or registration,
 specifies vehicles for which verification is not required Amends
 319 23, 320 02 Effective Date Upon becoming law
 01/24/84 SENATE Prefiled
 02/14/84 SENATE Referred to Transportation
 04/03/84 SENATE Introduced, referred to Transportation -SJ 00021
 04/16/84 SENATE Extension of time granted Committee Transportation, On
 Committee agenda-- Transportation, 04/18/84, 2 00 pm,
 Rm C
 04/18/84 SENATE Comm. Report Favorable with amend., placed on Calendar
 by Transportation -SJ 00149
 06/01/84 SENATE Died on Calendar

S 0210 GENERAL BILL/CS by Economic, Community and Consumer Affairs,
 Childers, W D (Similar CS/H 0729)
Electrolysis creates Advisory Council on Electrolysis under the Medical
 Examiner Board in Professional Regulation Dept., provides membership &
 terms, requires licensure of electrologists & provides civil penalties,
 provides for application & examination for licensure, etc
 Effective Date 10/01/84
 01/24/84 SENATE Prefiled
 02/14/84 SENATE Referred to Economic, Community and Consumer Affairs,
 Governmental Operations, Appropriations
 04/03/84 SENATE Introduced, referred to Economic, Community and
 Consumer Affairs, Governmental Operations,
 Appropriations -SJ 00021
 04/09/84 SENATE On Committee agenda-- ECCA, 04/11/84, 9 00 am, Rm H
 04/11/84 SENATE Comm Report CS by Economic, Community and Consumer
 Affairs -SJ 00124, CS read first time 04/18/84
 -SJ 00133
 04/16/84 SENATE Now in Governmental Operations -SJ 00124
 04/27/84 SENATE Extension of time granted Committee Governmental
 Operations
 05/07/84 SENATE On Committee agenda-- Governmental Operations,
 05/09/84, 9 00 am, Rm. H
 05/09/84 SENATE Comm Report Favorable by Governmental Operations
 -SJ 00244
 05/10/84 SENATE Now in Appropriations -SJ 00244
 05/17/84 SENATE Withdrawn from Appropriations -SJ 00326, Placed on
 Calendar
 05/29/84 SENATE Placed on Special Order Calendar -SJ 00511, CS passed
 as amended, YEAS 31 NAYS 1 -SJ 00519
 In Messages
 05/29/84 HOUSE Received, placed on Calendar -HJ 00921
 05/31/84 HOUSE Placed on Special Order Calendar, Read second time,
 06/01/84 HOUSE Read third time, Passed, YEAS 102 NAYS 6 -HJ 01088
 06/01/84 Ordered enrolled -SJ 00975
 06/08/84 SENATE Signed by Officers and presented to Governor
 06/14/84 Vetted by Governor

S 0211 GENERAL BILL by Gersten
Motor Fuel Tax, provides for taxing commercial aviation jet fuel at
 certain percentages over certain periods of time, provides for
 retroactive operation Amends 212 70 Effective Date Upon becoming law
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Finance, Taxation and Claims
 04/03/84 SENATE Introduced, referred to Finance, Taxation and Claims
 -SJ 00021
 04/13/84 SENATE Extension of time granted Committee Finance, Taxation
 and Claims
 04/25/84 SENATE Extension of time granted Committee Finance, Taxation
 and Claims
 05/04/84 SENATE Extension of time granted Committee Finance, Taxation
 and Claims
 05/15/84 SENATE Withdrawn from Finance, Taxation and Claims,
 Indefinitely postponed -SJ 00257

S 0212 GENERAL BILL/CS by Health and Rehabilitative Services, Dunn and others
 (Similar Eng/H 0138, CS/H 0238)
Child Support; provides criteria for H.R.S. Dept to undertake actions
 for paternity determination & support obligations, provides standing for
 dept to collect certain child support payments, provides for
 continuation of income deductions, etc. Amends Chs 409, 742
 Effective Date 10/01/84
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Health and Rehabilitative Services,
 Judiciary-Civil, Appropriations
 04/03/84 SENATE Introduced, referred to Health and Rehabilitative
 Services, Judiciary-Civil, Appropriations -SJ 00021
 04/16/84 SENATE Extension of time granted Committee Health and
 Rehabilitative Services
 04/27/84 SENATE Extension of time granted Committee Health and
 Rehabilitative Services
 05/09/84 SENATE On Committee agenda-- HRS, 05/09/84, 9 00 am, Did not
 reach, Extension of time granted Committee Health and
 Rehabilitative Services
 05/17/84 SENATE On Committee agenda-- HRS, 05/17/84, Did not reach
 05/21/84 SENATE On Committee agenda-- HRS, 05/21/84, 2 00 pm, Rm A,
 Comm. Report CS by Health and Rehabilitative Services
 -SJ 00340; CS read first time 05/23/84 -SJ 00341
 05/22/84 SENATE Now in Judiciary-Civil -SJ 00340
 05/25/84 SENATE Extension of time granted Committee Judiciary-Civil
 06/01/84 SENATE Died in Committee on Judiciary-Civil

S 0213 GENERAL BILL/CS by Judiciary-Criminal, Rehm (Similar CS/H 0600)
Victims of Crimes; provides responsibilities of Crimes Compensation
 Bureau, provides procedures for filing claims; provides for reduction of
 awards in certain situations & determination of serious financial
 hardship, provides for payment of awards from certain funds, etc Amends
 Ch 960 Effective Date 07/01/84
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Judiciary-Criminal, Judiciary-Civil,
 Appropriations
 04/03/84 SENATE Introduced, referred to Judiciary-Criminal,
 Judiciary-Civil, Appropriations -SJ 00021
 04/16/84 SENATE Extension of time granted Committee Judiciary-Criminal
 04/27/84 SENATE Extension of time granted Committee Judiciary-Criminal
 05/09/84 SENATE Extension of time granted Committee Judiciary-Criminal
 05/14/84 SENATE On Committee agenda-- Judiciary-Criminal, 05/16/84,
 2:00 pm, Rm C
 05/16/84 SENATE Comm Report CS by Judiciary-Criminal -SJ 00298, CS
 read first time 05/17/84 -SJ 00299
 05/17/84 SENATE Now in Judiciary-Civil -SJ 00298
 05/25/84 SENATE Extension of time granted Committee Judiciary-Civil
 05/29/84 SENATE Withdrawn from Judiciary-Civil -SJ 00491, Now in
 Appropriations
 06/01/84 SENATE Died in Committee on Appropriations

S 0214 GENERAL BILL by Vogt (Compare H 0573, S 0116)
 CONTINUED ON NEXT PAGE

Workers' Compensation; provides maximum weekly benefit, makes employers responsible for supplemental permanent total benefits in certain cases provides for confidentiality of certain records, establishes separate self-insurance requirements for local government pools, etc Amends Ch 440 Effective Date 07/01/84

01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Commerce
 03/06/84 SENATE Comm. Report Favorable, placed on Calendar by Commerce
 04/03/84 SENATE Introduced, referred to Commerce -SJ 00021, Comm Report Favorable, placed on Calendar by Commerce -SJ 00053
 04/10/84 SENATE Placed on Special Order Calendar, Passed as amended, YEAS 34 NAYS 0 -SJ 00097
 04/12/84 HOUSE In Messages
 04/23/84 HOUSE Received, placed on Calendar -HJ 00241
 05/02/84 HOUSE Placed on Special Order Calendar
 05/14/84 HOUSE Substituted for HB 573, Read second time, Amendments adopted -HJ 00405
 05/17/84 HOUSE Read third time, Amendment adopted, Passed as amended, YEAS 107 NAYS 2 -HJ 00447
 05/18/84 SENATE In Messages
 05/23/84 SENATE Amendments to House amendments adopted, Concurred in House amendments as amended, Requested House to concur, Refused to concur in one amendment, Requested House to recede; Passed as amended, YEAS 31 NAYS 0 -SJ 00349
 05/23/84 HOUSE In Messages
 05/31/84 HOUSE Receded from one amendment Amendments to Senate am. to House am adopted, Concurred in Senate am to House am as amended, Requested Senate to concur, Passed as further amended, YEAS 105 NAYS 3 -HJ 00927
 05/31/84 SENATE In Messages, Concurred, Passed as amended, YEAS 33 NAYS 0
 05/31/84 Ordered engrossed, then enrolled -SJ 00630
 06/14/84 SENATE Signed by Officers and presented to Governor
 06/19/84 Approved by Governor Chapter No 84-267

S 0215 LOCAL BILL by Hair (Identical H 0190)
St. Johns County, changes maximum allowable term of lease of courthouse space to private persons & entities from 5 to 10 years Effective Date Upon becoming law
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Rules and Calendar
 04/03/84 SENATE Introduced, referred to Rules and Calendar -SJ 00021
 04/17/84 SENATE Extension of time granted Committee Rules and Calendar
 04/24/84 SENATE Considered, placed on Local Calendar by Rules and Calendar -SJ 00164
 04/25/84 SENATE Iden /Sim House Bill substituted; Laid on table under Rule, Iden /Sim./Compare Bill passed, refer to HB 190 (Ch 84-520) -SJ 00167

S 0216 GENERAL BILL by Malchon (Identical H 0440)
Beverage Containers, provides refund values for certain beverage containers, requires certain practices by consumers, dealers distributors, manufacturers, & vending machine operators, provides for establishment of redemption center/service, prohibits certain metal beverage containers, etc Effective Date, 10/01/84
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Economic, Community and Consumer Affairs, Commerce, Appropriations
 04/03/84 SENATE Introduced referred to Economic, Community and Consumer Affairs, Commerce, Appropriations -SJ 00022
 04/09/84 SENATE On Committee agenda-- ECCA, 04/11/84, 9 00 am, Rm H
 04/11/84 SENATE Comm Report Unfavorable, laid on table under Rule by Economic, Community and Consumer Affairs -SJ 00120

S 0217 GENERAL BILL by Malchon and others (Identical H 0463)
Clean Air Act, creates Fla Clean Indoor Air Act, provides legislative intent prohibits smoking of tobacco products in certain public places & CONTINUED ON NEXT PAGE

public meetings, provides exceptions, requires certain persons to post certain signs, provides penalties, authorizes certain local ordinances, etc Effective Date 10/01/84

01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Commerce, Governmental Operations, Rules and Calendar
 04/03/84 SENATE Introduced, referred to Commerce Governmental Operations, Rules and Calendar -SJ 00022
 04/16/84 SENATE Extension of time granted Committee Commerce
 04/30/84 SENATE Extension of time granted Committee Commerce
 05/11/84 SENATE Extension of time granted Committee Commerce
 05/24/84 SENATE Extension of time granted Committee Commerce
 06/01/84 SENATE Died in Committee on Commerce

S 0218 GENERAL BILL by Castor and others (Compare Eng/H 0542, Eng/S 0138, Eng/S 0404)
Sexual Battery; requires any person who observes sexual battery or attempted sexual battery to notify sheriff or police department, provides penalties, provides immunity from liability Creates 794 013 Effective Date: 10/01/84
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Judiciary-Criminal
 02/17/84 SENATE On Committee agenda-- Judiciary-Criminal, 03/06/84, 9:00 am, Rm C
 03/06/84 SENATE Comm Report Favorable with amend, placed on Calendar by Judiciary-Criminal
 04/03/84 SENATE Introduced, referred to Judiciary-Criminal -SJ 00022, Comm. Report Favorable with amend, placed on Calendar by Judiciary-Criminal -SJ 00053
 06/01/84 SENATE Died on Calendar, Iden /Sim /Compare Bill passed refer to SB 138 (Ch 84-86)

S 0219 GENERAL BILL by Education (Similar CS/H 0333)
Speech Pathology & Audiology, (SUNSET/SUNDOWN) changes term "speech pathology" to "speech-language pathology"; provides definitions, revises registration requirements & procedures, deletes obsolete language; provides for fees, etc Amends 624 33, 455 01, amends/revives/readopts 468 139- 149 Effective Date 10/01/84
 01/26/84 SENATE Prefiled
 02/14/84 SENATE Referred to Education
 02/17/84 SENATE On Committee agenda-- Education, 03/07/84, 9 00 am, Rm A
 03/07/84 SENATE Comm. Report Favorable with amend, placed on Calendar by Education
 04/03/84 SENATE Introduced, referred to Education -SJ 00022, Comm Report Favorable with amend, placed on Calendar by Education -SJ 00053, Placed on Special Order Calendar, Passed as amended, YEAS 37 NAYS 0 -SJ 00070, Immediately certified -SJ 00073
 04/04/84 HOUSE In Messages
 04/05/84 HOUSE Received, placed on Calendar -HJ 00125
 04/26/84 HOUSE Placed on Special Order Calendar
 05/07/84 HOUSE Substituted for CS/HB 333; Read second time, Amendments adopted -HJ 00320
 05/08/84 HOUSE Read third time, Passed as amended, YEAS 112 NAYS 0 -HJ 00326
 05/09/84 SENATE In Messages
 05/15/84 SENATE Amendments to House amendments adopted, Concurred in House amendments as amended, Requested House to concur, Passed as amended, YEAS 38 NAYS 0 -SJ 00259
 05/15/84 HOUSE In Messages
 05/16/84 HOUSE Concurred, Passed as further amended, YEAS 105 NAYS -HJ 00418
 05/16/84 Ordered engrossed, then enrolled -SJ 00300
 05/24/84 SENATE Signed by Officers and presented to Governor -SJ 00432
 05/31/84 Approved by Governor Chapter No 84-70 -SJ 00598

S 0220 GENERAL BILL by Gordon (Similar H 0956)
Postsecondary Education, requires community colleges & universities to CONTINUED ON NEXT PAGE

04/03/84 Appropriations -HJ 00058
06/01/84 HOUSE Died in Committee on Finance & Taxation

H 0572 GENERAL BILL by Hanson (Similar S 0562)
Towing, provides that local governments may enact certain ordinances re towing, prohibits towing or removal of vehicle from municipality under certain circumstances; authorizes municipalities & counties to require licenses for persons engaged in such business, etc Amends Chs 125, 166, 715 Effective Date 10/01/84.
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Community Affairs
04/03/84 HOUSE Introduced, referred to Community Affairs -HJ 00058
04/13/84 HOUSE On Committee agenda-- For subreferral, 314 HOB, 1 15pm, 04/17/84
04/23/84 HOUSE On Committee agenda-- Community Affairs, 314 HOB, 1.15pm, 04/25/84
04/27/84 HOUSE Comm Report: Favorable with amend., placed on Calendar by Community Affairs -HJ 00276
05/23/84 HOUSE Placed on Consent Calendar; Read second time, Amendments adopted, Read third time, Passed as amended, YEAS 103 NAYS 0 -HJ 00549
05/24/84 SENATE In Messages
05/28/84 SENATE Received, referred to Economic, Community and Consumer Affairs, Commerce -SJ 00457; Withdrawn from Economic, Community and Consumer Affairs, Commerce, Substituted for SB 562 -SJ 00474, Passed as amended, YEAS 33 NAYS 0 -SJ 00475
05/28/84 HOUSE In Messages
05/29/84 HOUSE Concurred; Passed as further amended, YEAS 101 NAYS 0 -HJ 00767
05/29/84 Ordered engrossed, then enrolled
05/31/84 HOUSE Signed by Officers and presented to Governor -HJ 01045
06/14/84 Vetoed by Governor

H 0573 GENERAL BILL by Danson (Compare Eng/S 0214)
Workers' Compensation, makes employers responsible for supplemental permanent total benefits in certain cases, provides for confidentiality of certain records, Amends 440 15, creates 440 515 Effective Date Upon becoming law.
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Commerce, Judiciary
02/23/84 HOUSE Subreferred to Subcommittee on Property and Casualty Insurance
04/03/84 HOUSE Introduced, referred to Commerce, Judiciary -HJ 00058, Subreferred to Subcommittee on Property and Casualty Insurance; On Committee agenda-- Subcomm., Commerce, 24 HOB, 1 15 pm, 04/04/84
04/05/84 HOUSE On Committee agenda-- For subref ratification, 21 HOB, 3:30pm, 04/09; On Committee agenda-- Commerce, 21 HOB, 3 30 pm, 04/09/84
04/11/84 HOUSE Comm. Report: Favorable with amend by Commerce -HJ 00181, Now in Judiciary
04/19/84 HOUSE Withdrawn from Judiciary -HJ 00232; Placed on Calendar
05/02/84 HOUSE Placed on Special Order Calendar
05/14/84 HOUSE Read second time, Amendments adopted, Iden./Sim Senate Bill substituted, Laid on table under Rule, Iden./Sim /Compare Bill passed, refer to SB 214 (Ch 84-267) -HJ 00405

H 0574 RESOLUTION by Williams
Locklar, Donald H; commends Donald H Locklar for outstanding accomplishments & wishes him continued success in his distinguished career
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Rules & Calendar
04/03/84 HOUSE Introduced, referred to Rules & Calendar -HJ 00058
04/23/84 HOUSE Withdrawn from Rules & Calendar, Placed on Calendar, Read second time, Adopted -HJ 00244

H 0575 LOCAL BILL by Dantzer and others (Identical S 0381)
Polk Co /Winter Haven Boat District; provides that one of Winter Haven Lake Region Boat Course District purposes shall be to maintain good water quality in lakes & canals in conjunction with other agencies, authorizes maintenance & beautification of lakes within district, etc Effective Date 10/01/84
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Community Affairs
04/03/84 HOUSE Introduced, referred to Community Affairs -HJ 00058
04/06/84 HOUSE On Committee agenda-- Community Affairs, 314 HOB, 1 15 pm, 04/10/84
04/12/84 HOUSE Comm Report Favorable, placed on Calendar by Community Affairs -HJ 00181
04/13/84 HOUSE Placed on Local Calendar; Read second and third times; Passed, YEAS 106 NAYS 0 -HJ 00195, Immediately certified
04/13/84 SENATE In Messages
04/24/84 SENATE Received, referred to Rules and Calendar -SJ 00160
04/25/84 SENATE Withdrawn from Rules and Calendar, Substituted for SB 381, Passed, YEAS 37 NAYS 0 -SJ 00168
05/01/84 Ordered enrolled
05/08/84 HOUSE Signed by Officers and presented to Governor -HJ 00336
05/16/84 Became Law without Governor's Signature Chapter No. 84-517 -HJ 00444

H 0576 GENERAL BILL by Ward (Compare CS/H 0308, S 0510, CS/S 0599)
Dogracing; provides that dogracing permitholder may withhold, for capital improvements or to reduce capital improvement debt, 1% from pari-mutuel pools on exotic wagering Amends 550.162. Effective Date: Upon becoming law.
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Regulated Industries & Licensing, Finance & Taxation, Appropriations
04/03/84 HOUSE Introduced, referred to Regulated Industries & Licensing, Finance & Taxation, Appropriations -HJ 00058
06/01/84 HOUSE Died in Committee, Iden /Sim /Compare Bill passed, refer to CS/SB 599 (Ch 84-96)

H 0577 03/07/84 HOUSE Withdrawn -HJ 00058

H 0578 03/07/84 HOUSE Withdrawn -HJ 00058

H 0579 GENERAL BILL by Reynolds (Compare S 0048)
Pari-Mutuel Wagering; authorizes conduct of Sunday operation of dogracing, horseracing, & jai alai & provides restrictions & limitations on such operation Amends Chs 550, 551 Effective Date 07/01/84.
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Regulated Industries & Licensing, Finance & Taxation, Appropriations
04/03/84 HOUSE Introduced, referred to Regulated Industries & Licensing, Finance & Taxation, Appropriations -HJ 00058
06/01/84 HOUSE Died in Committee on Regulated Industries & Licensing

H 0580 GENERAL BILL by Reynolds (Similar S 0047)
Pari-Mutuel Wagering; permits certain minors to attend horse races, greyhound dog races, or jai alai exhibitions under certain circumstances; prohibits minors from placing wagers, conforms language. Creates 550 50; amends 550 04, 41, 551 12 Effective Date Upon becoming law
02/20/84 HOUSE Prefiled
02/21/84 HOUSE Referred to Regulated Industries & Licensing, Appropriations
04/03/84 HOUSE Introduced, referred to Regulated Industries & Licensing, Appropriations -HJ 00058
06/01/84 HOUSE Died in Committee on Regulated Industries & Licensing

H 0581 GENERAL BILL by Bailey (Identical S 0006, Compare Eng/H 0003, S 0043)
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(CONTINUED)

416 03 S 0830 , H 0857
 416 04 S 0830 , H 0857
 416 05 S 0830 , H 0857
 416 06 S 0830 , H 0857
 416 07 S 0830 , H 0857
 416 08 S 0830 , H 0857

FLORIDA STATUTE CHAPTER 418

418 304 S 1056 , H 0631 , H 1126

FLORIDA STATUTE CHAPTER 420

420 011 S 0982 , H 0702
 420 101 S 0478 , S 0701 , S 0982 , H 0684 H 0702
 420 20 S 0501 , H 0146
 420 201 S 0501 , H 0146
 420 202 S 0501 , H 0146
 420 203 S 0501 , H 0146
 420 204 S 0501 , H 0146
 420.205 S 0501 , H 0146
 420 206 S 0501 , H 0146
 420.211 S 0501 , H 0146
 420 402 S 0501 , H 0146
 420 403 S 0501 , H 0146
 420 404 S 0501 , H 0146
 420 405 S 0501 , H 0146
 420 406 S 0501 , H 0146
 420 407 S 0501 , S 0761 H 0146 , H 1038
 420 413 S 0501 , H 0146
 420 507 S 0982 , H 0702
 420 5095 S 0478 , S 0701 , H 0786
 420 601 S 0982 , H 0702
 420 603 S 0982 , H 0702
 420.604 S 0982 , H 0702
 420.606 S 0982 , H 0702
 420 608 S 0982 , H 0702
 420 609 S 0982 , H 0702
 420.610 S 0982 , H 0702
 420.625 S 0982 , H 0702
 420 650 S 0982 , H 0702

FLORIDA STATUTE CHAPTER 421

421 05 S 0415 , H 0403
 421 06 S 0415 , H 0403

FLORIDA STATUTE CHAPTER 427

427 011 S 0387 , S 1047 , H 0005
 427 012 S 0387 , S 1047 , H 0005
 427.013 S 0387 , S 1047 , H 0005
 427 014 S 0387 , S 1047 , H 0005
 427 015 S 0387 , S 1047 , H 0005
 427 016 S 0387 , S 1047 , H 0005
 427 017 S 0387 , S 1047 , H 0005
 427 018 S 0387 , S 1047 , H 0005

FLORIDA STATUTE CHAPTER 440

440 02 S 0090 , S 0214 , H 0225 , H 0375
 440 021 H 0225
 440 13 H 0225
 440 15 S 0214 , H 0225 , H 0573
 440 155 S 0096 , H 0052
 440 16 H 0225
 440 17 H 0225
 440 185 H 0225
 440 19 H 0225

(BILLS UNDERLINED HAVE PASSED BOTH HOUSES)

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(CITATOR INCLUDES COMMITTEE SUBS & AMENDED BILLS)

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440 20 S 0214 , H 0225
 440 24 H 0225
 440 25 S 0096 , H 0052 , H 0225
 440 271 H 0225
 440 28 H 0225
 440 29 H 0225
 440 30 H 0225
 440 31 H 0225
 440.32 H 0225
 440.33 H 0225
 440 34 H 0225
 440 38 S 0214
 440 385 S 0214
 440.39 S 0214
 440 41 H 0225
 440 42 H 0225
 440 44 H 0225
 440 442 H 0225
 440.45 S 0214 , S 0468 , H 0225 , H 1061
 440 47 H 0225
 440 49 H 0225
 440 51 S 0116
 440 515 S 0116 S 0214 , H 0573
 440 54 H 0225
 440 575 S 0214

FLORIDA STATUTE CHAPTER 442

442 01 S 1022
 442 02 S 1022
 442 03 S 1022
 442 06 S 1022
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 442 09 S 1022
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 442 11 S 1022
 442.115 S 1022
 442 12 S 1022
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 442 15 S 1022
 442 16 S 1022
 442 17 S 1022
 442.185 S 1022
 442 19 S 1022
 442 20 S 1022
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 442 24 S 1022
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 442 271 S 1022
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(BILLS UNDERLINED HAVE PASSED BOTH HOUSES)

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(CITATOR INCLUDES COMMITTEE SUBS & AMENDED BILLS)

liability on the Division's behalf. The net fiscal impact should be zero -- the bill simply shifts the cost of paying supplemental benefits back to the employers/carriers, who have been paying them indirectly under existing law.

B. Government:

The net fiscal impact of the bill should be negligible. (See discussion in A. above.)

III. COMMENTS:

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

	<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1.	<u>Stahl</u> <i>WS</i>	<u>Martin</u> <i>JM</i>	1. <u>COM</u>	<u>FAV.</u>
2.	_____	_____	2. _____	_____
3.	_____	_____	3. _____	_____

SUBJECT:

Workers' Compensation

BILL NO. AND SPONSOR:

SB 214 by
Senator Vogt

I. SUMMARY:

A. Present Situation:

The Workers' Compensation law provides supplemental benefit payments to workers who are permanently and totally disabled. These supplemental payments are paid out of the Division of Workers' Compensation Administration Trust Fund and are equal to five percent of the worker's weekly compensation rate, as of the time of his or her injury, multiplied by the number of years since the date of the injury, subject to a maximum benefit specified by the statute.

According to the Division of Workers' Compensation, the following Supplemental Payments have been made from the Trust Fund:

Total Supplemental Payments by Fiscal Year

<u>Year</u>	<u>Totals</u>
79-80	\$2,222,604
80-81	3,113,030
81-82	3,517,994
82-83	4,785,452
83-84	5,782,000*

*Budget Amount

The Division reports that as of September 1983, 2,701 persons were receiving supplemental benefit payments as a result of being permanently disabled.

B. Effect of Proposed Changes:

This bill requires the employer/carrier to make the supplemental benefit payments directly to workers who are permanently disabled in an injury occurring on or after July 1, 1984. The Division will continue to make payments for injuries occurring prior to July 1, 1984.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

This bill will shift the cost of paying the five percent supplemental benefit payments for injuries occurring after July 1, 1984, from the Division of Workers' Compensation to the employee/carrier of the injured worker. The cost of insurance to employers may rise to reflect this increased liability, but, since the Division Trust Fund is funded through assessments on insurers, the assessment should be lower to reflect the decreased

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1401

Journal
of the
S E N A T E
State of Florida

SIXTEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 3 THROUGH JUNE 1, 1984



~~cul-de-sacs, subdivision streets, and streets with unusual characteristics or low travel frequency and shall report to the Legislature on or before March 1, 1984.~~

Amendment 3—On page 124, strike all of lines 10-31, and on page 125, strike all of lines 1-3 and renumber subsequent sections

Senator Beard moved the following amendments which were adopted.

Amendment 4—On page 123, strike line 29 and insert: additions, or deletions to the provisions of sections 336.14 through 336.40, 336.49 through 336.58, and 336.61 through 336.65 shall

Amendment 5—On page 301, strike all of lines 14 and 15 and insert: capital projects However, the provisions of s 316.091(2) 329.39(1)(f), relating to bicycles, shall not apply to this system

On motion by Senator Beard, by two-thirds vote SB 352 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was

Yeas—39

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

Nays—None

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

SB 166—A bill to be entitled An act relating to dissolution of marriage, amending s. 61.12, F.S.; providing that judgments as well as orders of the court may be enforced and satisfied by attachment or garnishment for amounts due with respect to certain dissolution, alimony, or child support proceedings, providing an effective date

—passed this day

The question recurred on the passage of SB 166 which passed and was certified to the House. The vote on passage was.

Yeas—38

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

Nays—None

SB 196—A bill to be entitled An act relating to other-personal-services employment, amending s. 110.131, F.S., deleting certain rule requirements for tasks for which there is a continuing need for a definite period of time; providing an effective date

—was read the second time by title On motion by Senator Jennings, by two-thirds vote SB 196 was read the third time by title, passed and certified to the House The vote on passage was

Yeas—37

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

Margolis	Neal	Stuart	Weinstein
McPherson	Plummer	Thomas	
Meek	Rehm	Thurman	
Myers	Scott	Vogt	

Nays—None

SB 187—A bill to be entitled An act relating to interest rates and finance charges; amending s 687.12, F.S ; specifying that parity among licensed lenders and creditors applies to finance charges as well as interest rates, providing for disclosure, providing an effective date.

—was read the second time by title. On motion by Senator W. D. Childers, by two-thirds vote SB 187 was read the third time by title, passed and certified to the House The vote on passage was

Yeas—36

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

Nays—1

Gersten

Vote after roll call:

Yea to Nay—Meek

SB 257—A bill to be entitled An act relating to insurance, amending s 626.321, F.S., providing for issuance of limited licenses to certain employees of businesses engaged in the business of vehicle rentals as agents for baggage insurance, providing an effective date.

—was read the second time by title.

The Committee on Commerce recommended the following amendment which was moved by Senator Margolis and adopted.

Amendment 1—On page 1, lines 20-22, strike “, a full-time salaried employee of a business which offers motor vehicles for rent or lease,” and on page 1, line 28, after the word “agent” insert: or a full-time salaried employee of a business which offers motor vehicles for rent or lease

On motion by Senator Margolis, by two-thirds vote SB 257 as amended was read the third time by title, passed, ordered engrossed and then certified to the House The vote on passage was.

Yeas—38

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

Nays—None

SB 214—A bill to be entitled An act relating to workers' compensation, amending s. 440.15, F.S ; making employers responsible for supplemental permanent total benefits in certain cases, creating s 440.515, F.S , providing for confidentiality of certain records, providing an effective date.

—was read the second time by title

Senators Hair, Johnston, Neal and Scott offered the following amendments which were moved by Senator Hair and adopted:

Amendment 1—On page 3, strike all of lines 1 and 2 and insert.

Section 3 Subsection (4) of section 440.45, Florida Statutes, is hereby repealed

Section 4 This act shall take effect July 1, 1984 or upon becoming a law, whichever occurs later.

Amendment 2—In title, on page 1, line 7, after the word "records," insert: repealing s 440.45(4), F.S., relating to salaries of deputy commissioners,

Senator Vogt moved the following amendments which were adopted:

Amendment 3—On page 2, between lines 23 and 24, insert:

Section 2 Subsection (3) of Section 440.385, F.S., is amended to read.

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(3) POWERS AND DUTIES.—

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association shall be obligated to the extent of covered claims existing prior to the final adjudication of insolvency and arising within 30 days after the determination of insolvency, provided the which claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this chapter. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

(Renumber subsequent sections)

Amendment 4—On page 1, lines 25-27, strike "and subject to the maximum weekly compensation rate set forth in s. 440.12(2)" and insert: *The weekly compensation payable and the additional benefits payable pursuant to this paragraph when combined shall not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s 440.12(2) and subject to the maximum weekly compensation rate set forth in s. 440.12(2).*

Amendment 5—In title, on page 1, line 3, after the semicolon (;) insert: providing a maximum weekly benefit

On motion by Senator Vogt, by two-thirds vote SB 214 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was.

Yeas—34

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

Nays—None

Vote after roll call.

Yea—Kirkpatrick

On motion by Senator Barron, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Curtus Peterson, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 706 and requests the concurrence of the Senate

Allen Morris, Clerk

By Representative Ros and others—

HCR 706—A concurrent resolution declaring April 5 through April 11, 1984, as Cuban Municipalities in Exile Week.

—which was read the first time by title and referred to the Committee on Rules and Calendar

On motions by Senator Gordon, by two-thirds vote HCR 706 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed on the special order calendar and taken up instanter.

On motion by Senator Gordon, by two-thirds vote HCR 706 was read the second time by title, adopted and certified to the House. The vote on passage was

Yeas—39

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

Nays—None

On motion by Senator W. D. Childers, the rules were waived by unanimous consent and the Senate reverted to introduction for the purpose of introducing the following resolution out of order:

INTRODUCTION AND REFERENCE OF BILLS

By Senator W D. Childers—

SR 880—A resolution honoring the Florida Tribe of Eastern Creek Indians.

—which was 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 SR 880 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 unanimous consent, SR 880 was taken up out of order and read the second time in full and adopted. The vote on adoption was:

Yeas—38

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

Nays—None

On motion by Senator W D Childers, the rules were waived and by two-thirds vote SCR 555 was withdrawn from the Committee on Rules and Calendar and taken up instanter

On motions by Senator W. D. Childers—

SCR 555—A resolution honoring the Florida Tribe of Eastern Creek Indians.

—was taken up out of order by unanimous consent and by two-thirds vote read the second time by title, adopted and certified to the House. The vote on adoption was

Yeas—38

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

Journal
of the
Florida
House of Representatives



Eighty-sixth
Regular Session

since Statehood in 1845

April 3 through June 1, 1984

Including a record of transmittal of Acts subsequent to sine die adjournment

curring subsequent to June 30, 1955 and prior to July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974. Such additional benefits shall be paid out of the Workers' Compensation Administration Trust Fund. This applies to payments due after October 1, 1974.

2 a The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1 for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier shall not be required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules.

Section 2 Paragraph (a) of subsection (3) of section 440 385, Florida Statutes, is amended to read

440 385 Florida Self-Insurers Guaranty Association, Incorporated —

(3) POWERS AND DUTIES —

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association shall be obligated to the extent of covered claims existing prior to the final adjudication of insolvency and arising within 30 days after the determination of insolvency, provided the which claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this chapter. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

Section 3. Section 440 515, Florida Statutes, is created to read

440.515 Confidentiality —The division shall maintain the reports filed in accordance with s 440 51 (6) (b) as confidential reports. The reports shall be released only for bona fide research purposes or educational purposes or after receipt of consent from the employer.

Section 4 Subsection (4) of section 440 45, Florida Statutes, is hereby repealed.

Section 5 This act shall take effect July 1, 1984 or upon becoming a law, whichever occurs later.

Rep Danson moved the adoption of the amendment, which was adopted.

Representative Danson offered the following title amendment

Amendment 3—On page 1, lines 1-7, strike the entire title and insert: A bill to be entitled An act relating to workers' compensation, amending s 440 15, F.S., providing a maximum weekly benefit, making employers responsible for supplemental permanent total benefits in certain cases, amending s 440.385, relating to the powers and duties of the Florida Self-Insurers Guaranty Association, creating s. 440 515, F.S., providing for confidentiality of certain records, repealing s 440 45 (4), F.S., relating to salaries of deputy commissioners, providing an effective date.

Rep Danson moved the adoption of the amendment, which was adopted without objection.

On motions by Rep Danson, the rules were waived and—

SB 214—A bill to be entitled An act relating to workers' compensation, amending s 440 15, F.S., providing a maximum weekly benefit, making employers responsible for supplemental permanent total benefits in certain cases, creating s 440 515, F.S., providing for confidentiality of certain records, repealing s 440 45 (4), F.S., relating to salaries of deputy commissioners; providing an effective date.

—a similar or companion measure, was taken up, read the second time by title, and substituted for HB 573. Under the rule, the House bill was laid on the table.

Representative Danson offered the following amendment

Amendment 1—On page 4, lines 1 and 2, strike all of said lines and renumber subsequent section.

Rep Danson moved the adoption of the amendment, which was adopted.

Representative Danson offered the following amendment

Amendment 2—On page 2, line 31, insert the following and renumber subsequent sections. Section 2. Paragraph (a) of subsection (12) of section 440 20, Florida Statutes, is amended to read

440 20 Payment of compensation —

(12)(a) It is the stated policy for the administration of the workers' compensation system that it is in the best interest of the injured worker that he receive disability or wage-loss payments periodically. Lump-sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, death benefits, and rehabilitation expenses other than for medical expenses, shall be allowed only under special circumstances, as when the claimant can demonstrate that lump-sum payments will definitely aid in his rehabilitation or are otherwise clearly in his best interests and that lump-sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or is about to remove himself from the state. In no case may a lump-sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses. In no case may a lump-sum settlement be allowed until 6 months after the date of maximum medical improvement has been reached, provided that such 6-month period shall be waived with respect to non-resident aliens of the United States or Canada. However, no such alien thus exempted shall be eligible for a lump-sum settlement under this exception more than one time in any 48-month period.

Rep Danson moved the adoption of the amendment, which was adopted.

Representative Danson offered the following title amendment

Amendment 3—On page 1, line 6, after "cases," insert amending s 440 385, F.S., providing for final adjudication of insolvency;

Rep Danson moved the adoption of the amendment, which was adopted without objection.

Representative Danson offered the following title amendment

Amendment 4—On page 1, lines 8 and 9, strike all of said lines and insert records, providing

Rep Danson moved the adoption of the amendment, which was adopted without objection.

Representative Danson offered the following title amendment

Amendment 5—On page 1, line 6, after the first semicolon insert amending s 440 20, F.S., providing an exception to certain

restrictions upon lump-sum settlements for non-resident aliens of the United States or Canada,

Rep Danson moved the adoption of the amendment, which was adopted without objection

Representatives Bell and Danson offered the following amendment

Amendment 6—On page 1, line 14, through page 3, line 30, strike all of said lines and insert Section 1 Paragraph (e) is added to subsection (18) of section 440 02, Florida Statutes, read

440 02 Definitions —When used in this chapter, unless the context clearly requires otherwise, the following terms shall have the following meanings

(18) "Self-insurer" means

(e) Any local government pool established pursuant to s 440 575

Section 2 Paragraph (e) of subsection (1) of section 440 15, Florida Statutes, is 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

(1) PERMANENT TOTAL DISABILITY —

(e) 1 In case of permanent total disability resulting from injuries which occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under the provisions of s 440 20 (12), the injured employee shall receive from the division additional weekly compensation benefits equal to 5 percent of the injured employee's weekly compensation rate, as established pursuant to the law in effect on the date of his injury, multiplied by the number of calendar years since the date of injury. ~~The weekly compensation payable and the additional benefits payable pursuant to this paragraph when combined shall not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s 440 12 (2) and subject to the maximum weekly compensation rate set forth in s 440 12 (2). These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955 and prior to July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974. Such additional benefits shall be paid out of the Workers' Compensation Administration Trust Fund. This applies to payments due after October 1, 1974.~~

2 a The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1 for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules

b The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier shall not be required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules

Section 3 Paragraph (d) is added to subsection (1) of section 440.38, Florida Statutes, to read

440 38 Security for compensation, insurance carriers and self-insurers —

(1) Every employer shall secure the payment of compensation under this chapter

(d) By entering into an interlocal agreement with other local governmental entities to create a local government pool pursuant to s 440 575

Section 4 Paragraph (a) of subsection (3) of section 440 385, Florida Statutes, is amended to read

440 385 Florida Self Insurers Guaranty Association, Incorporated —

(3) POWERS AND DUTIES —

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association shall be obligated to the extent of covered claims existing prior to the final adjudication of insolvency and arising within 30 days after the determination of insolvency, provided the which claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this chapter. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

Section 5 Section 440 515, Florida Statutes, is created to read

440 515 Confidentiality —The division shall maintain the reports filed in accordance with s 440 51 (6) (b) as confidential reports. The reports shall be released only for bona fide research purposes or educational purposes or after receipt of consent from the employer.

Section 6. Section 440 575, Florida Statutes, is created to read

440 575 Local government pools —Any two or more local governmental entities may enter into interlocal agreements for the purpose of securing the payment of benefits under this chapter, provided the local government pool created shall:

- (1) Have annual normal premiums in excess of \$5 million.
- (2) Maintain a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary.
- (3) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year, and
- (4) Have a governing body which is comprised entirely of local elected officials.

Any local government pool which meets the requirements of this section shall not be subject to the provisions of s 440 57 and shall not be required to file any report with the division pursuant to s 440.38 (2) (b) which report is uniquely required of group self-insurer's funds qualified under s 440 57. If any of the requirements of this section are not met, the local government pool shall be subject to the requirements of s 440 57. (Renumber subsequent sections)

Rep Bell moved the adoption of the amendment, which was adopted

Representatives Bell and Danson offered the following title amendment

Amendment 7—On page 1, lines 3-8, strike all of said lines and insert amending s. 440 02, F.S., defining "self-insurer"; amending s 440 15, F.S., providing a maximum weekly benefit; making employers responsible for supplemental permanent total benefits in certain cases, amending s 440 38, F.S., providing for securing of payment of compensation by local government entities; amending s 440 385, F.S., relating to powers and duties of the Florida Self-Insurers Guaranty Association, Incorporated, creating s 440 515.

F.S.; providing for confidentiality of certain records, creating s. 440 575, F.S.; establishing separate self-insurance requirements for local government pools, repealing s. 440 45 (4), F.S., relating

Rep Bell moved the adoption of the amendment, which was adopted without objection. Under Rule 8 19, the bill was referred to the Engrossing Clerk.

HB 916—A bill to be entitled An act relating to farm equipment manufacturers and dealers; providing a policy statement with respect to conduct in the marketing, distributing, and sale of tractors and items of farm equipment, providing definitions, providing powers and duties of manufacturers, distributors, wholesalers and dealers of tractors and farm equipment, providing for prohibited business dealings and conduct between manufacturers, distributors, wholesalers and dealers, providing for responsibilities of such manufacturers, distributors, wholesalers and dealers with respect to parts and return of parts, warranties and inventories; providing for termination of contracts between manufacturers, distributors and dealers of tractors and farm equipment, providing for the effect of the death or incapacity of a dealer, providing for the contractual agreements to which this act is applicable; providing for agreements and transactions which are void and unenforceable; providing for remedies in event of violation of this act; providing for indemnification of certain claims, providing for severability, providing an effective date

—was read the second time by title and, under Rule 8 19, referred to the Engrossing Clerk

SB 870—A bill to be entitled An act relating to the new State Regional Service Center in Lakeland, naming the center after Senator N. Curtis Peterson; authorizing and directing the Department of General Services to erect suitable markers reflecting this designation, providing an effective date

—was read the second time by title

Representatives Silver and Reynolds offered the following amendment:

Amendment 1—On page 2, lines 16 and 17, strike said lines and insert: Section 3 That portion of United States Highway 441 which extends from the Dade-Broward county line to the Golden Glades Interchange is hereby designated "John I Smith Boulevard"

Section 4. The Department of Transportation is authorized and directed to erect appropriate markers designating "John I Smith Boulevard"

Section 5. This act shall take effect upon become a law.

Rep Silver moved the adoption of the amendment. Pending consideration thereof, without objection, the amendment was withdrawn. Under Rule 8 19, the bill was referred to the Engrossing Clerk.

HB 1264—A bill to be entitled An act relating to professional regulation, amending s. 455 225, F.S., relating to the confidentiality of disciplinary proceedings and related records, removing such confidentiality provisions under certain circumstances; providing for tape recording of probable cause panel proceedings, amending s. 476 224, F.S., conforming to the act provisions relating to complaints against barbers, providing an effective date

—was read the second time by title

Representative Dudley offered the following amendment

Amendment 1—On page 6, line 2, after the period, insert: Section 3 The Department of Professional Regulation is hereby directed to prepare and submit a report to the Legislature by January 1 of each year, beginning in 1985. In addition to any other information the Legislature may require the report shall include statistical and relevant information, on a profession by profession basis, detailing:

- (1) The number of complaints received and investigated
- (2) The number of probable cause findings made
- (3) The number of no probable cause findings filed
- (4) The number of administrative complaints filed
- (5) The disposition of all administrative complaints
- (6) A description of disciplinary action taken by statutory classification (and renumber the subsequent section)

Rep Dudley moved the adoption of the amendment, which was adopted.

Representative Dudley offered the following title amendment

Amendment 2—On page 1, line 10, after the semicolon, insert requiring the Department of Professional Regulation to submit an annual report to the Legislature,

Rep Dudley moved the adoption of the amendment, which was adopted without objection. Under Rule 8.19, the bill was referred to the Engrossing Clerk

HB 1265—A bill to be entitled An act relating to open government laws, amending s. 20 19, F.S.; clarifying duties of Department of Health and Rehabilitative Services regarding confidentiality of client information, amending ss. 106 25 and 106 26, F.S.; specifying when certain records and proceedings of the Division of Elections and the Florida Elections Commission become public; amending s. 112 324, F.S., relating to the Commission on Ethics, providing for public access to all complaints upon dismissal, creating s. 155 50, F.S., providing that any organization owned or controlled by a county, district or municipal hospital shall be subject to chapter 119 and s. 286.011, F.S., amending s. 195.027, F.S.; specifying access to certain nonhomestead property tax records; amending s. 213.053, F.S., relating to confidentiality and information sharing by the Department of Revenue, amending s. 230 23, F.S., providing that expulsion hearings for public school students may be exempt from s. 286 011, F.S.; amending s. 240 253, F.S., providing for limited access records on certain university and Board of Regents employees, amending ss. 316.066 and 324 051, F.S.; removing confidentiality of motor vehicle accident reports, amending s. 320 05, F.S., relating to public inspection of motor vehicle registration records, amending s. 322 20, F.S., providing for removal of accident entries from driver history records upon proof of acquittal; amending ss. 327 03 and 327 30, F.S., removing confidentiality of boat accident reports; amending s. 624 319, F.S., authorizing the Department of Insurance to withhold investigation reports until completion of the investigation; amending s. 626 989, F.S.; providing for confidentiality of Division of Insurance Fraud investigation information until completion of the investigation, amending s. 627 371, F.S., providing for confidentiality of certain noncompliance notices to insurers, repealing s. 627.912 (3), F.S., removing confidentiality of reports of professional liability claims made to the Department of Insurance, amending ss. 633 111 and 633 175, F.S., providing that investigation records of the State Fire Marshal and information relating to fraudulent fire insurance claims be confidential until completion of the investigation, repealing s. 742.09, F.S., removing penalty for publication of names of parties to paternity actions; amending s. 960 15, F.S., relating to records regarding victims of crimes; removing reference to confidentiality by regulation; providing an effective date.

—was read the second time by title and, under Rule 8 19, referred to the Engrossing Clerk

HB 87—A bill to be entitled An act relating to public employers; amending s. 447.403, F.S., authorizing public employers and employee bargaining agents to jointly waive the appointment of a special master for the resolution of impasses; providing for resolution by the appropriate legislative body; providing an effective date.

—was read the second time by title

Journal
of the
Florida
House of Representatives



Eighty-sixth
Regular Session

since Statehood in 1845

April 3 through June 1, 1984

Including a record of transmittal of Acts subsequent to sine die adjournment

Deutsch	Jamerson	Murphy	Smith
Drage	Johnson, B L	Nergard	Spaet
Dunbar	Johnson, R C	Ogden	Stewart
Easley	Johnson, R M	Patchett	Thomas
Evans-Jones	Jones, C F.	Peeples	Thompson
Figg	Jones, D L	Press	Titone
Friedman	Kelly	Reaves	Tobiasen
Gallagher	Kutun	Reddick	Tobin
Gardner	Lawson	Reynolds	Upchurch
Gordon	Lewis	Robinson	Wallace
Grant	Lippman	Rochlin	Watt
Grindle	Locke	Ros	Webster
Hanson	Logan	Sample	Weinstock
Hargrett	Mackenzie	Sansom	Wetherell
Harris	Martinez	Selph	Williams
Hawkins, L R.	McEwan	Shackelford	Woodruff
Hawkins, M E	Meffert	Shelley	Young
Healey	Messersmith	Silver	
Hill	Metcalf	Simon	
Hollingsworth	Mitchell	Simone	

Nays—1

Dudley

Votes after roll call

Yeas—Sanderson

Nays to Yeas—Dudley

So the bill passed, as further amended by the Senate amendments to the House amendments. The action, together with the bill and amendments thereto, was immediately certified to the Senate.

The Honorable H. Lee Moffitt, Speaker

I am directed to inform the House of Representatives that the Senate has concurred in House Amendments 2, 5, 6, and 7; has refused to concur in House Amendment 3 and requests the House to recede; has amended House Amendments 1 and 4, concurred in same as amended and passed SB 214, as further amended, and requests the concurrence of the House.

Joe Brown, Secretary

By Senator Vogt—

SB 214—A bill to be entitled An act relating to workers' compensation, amending s 440 02, F S; defining "self-insurer", amending s 440 15, F S, providing a maximum weekly benefit; making employers responsible for supplemental permanent total benefits in certain cases, amending s 440 20, F S, providing an exception to certain restrictions upon lump-sum settlements for non-resident aliens of the United States or Canada, amending s. 440 38, F S, providing for securing of payment of compensation by local government entities, amending s 440.385, F.S., relating to powers and duties of the Florida Self-Insurers Guaranty Association, Incorporated, creating s 440 515, F S, providing for confidentiality of certain records; creating s. 440 575, F.S.; establishing separate self-insurance requirements for local government pools; repealing s. 440 45 (4), F S, relating to salaries of deputy commissioners; providing an effective date.

House Amendment 1—On page 4, lines 1 and 2, strike all of said lines and renumber subsequent section

Senate Amendment 1 to House Amendment 1—On page 1, line 2, strike all of said line and insert: Section 4 Notwithstanding s. 440.45(4), Florida Statutes, each full-time deputy commissioner shall receive a salary equal to that paid to a full-time county court judge payable out of the fund established in s. 440 50. The Chief Commissioner shall receive a salary of \$1,000 more per year than that paid to a full-time deputy commissioner. Provided, however, the salary of a deputy commissioner fulfilling the individual's current term of office shall not be reduced or increased until the current term has expired

Representatives Danson and Pajcic offered the following amendment to the Senate amendment to House Amendment 1

House Amendment 1 to Senate Amendment 1 to House Amendment 1—On page 1, lines 12-20, strike all of said lines and insert Section 4 Subsection (4) of section 440 45, Florida Statutes, is amended to read:

440 45 Deputy commissioners, Chief Commissioner —

(4) Effective July 1, 1984, each full-time deputy commissioner shall receive a salary in the amount equal to that which was paid for the position of deputy commissioner on October 1, 1983. Thereafter, if the salaries of employees within senior management service are increased at any time, the base salary for each full-time deputy commissioner shall be increased by the same percentage as that granted said employees ~~of \$4,000 less per year than that paid to a full-time district court of appeal judge, payable out of the fund established in s 440.50.~~ The Chief Commissioner shall receive a salary of \$1,000 more per year than that paid to a full-time deputy commissioner. These salaries shall be paid out of the fund established in s. 440 50

Rep. Danson moved the adoption of the amendment to the Senate amendment, which was adopted

Representatives Pajcic and Danson offered the following amendment to the Senate amendment to House Amendment 1

House Amendment 2 to Senate Amendment 1 to House Amendment 1—On page 1, lines 12-20, strike all of said lines and insert

Section 4 Subsection (7) is added to section 440 39, Florida Statutes, to read

440.39 Compensation for injuries where third persons are liable —

(7) The employee, employer and carrier have a duty to cooperate with each other in investigating and prosecuting claims and potential claims against third-party tortfeasors by producing non-privileged documents and allowing inspection of premises only to the extent necessary for such purpose. Such documents and the results of such inspections shall not be used or disclosed for any other purpose.

Rep. Danson moved the adoption of the amendment to the Senate amendment, which was adopted.

House Amendment 3—On page 1, in the title, line 6 after "cases," insert: amending s 440 385, F.S., providing for final adjudication of insolvency;

House Amendment 4—On page 1, in the title, lines 8 and 9, strike all of said lines and insert records, providing

Senate Amendment 1 to House Amendment 4—In title, on page 1, lines 2 and 3, strike all of said lines and insert records, providing for salaries of deputy commissioners, providing

Representatives Danson and Pajcic offered the following amendment to the Senate amendment to House Amendment 4

House Amendment 1 to Senate Amendment 1 to House Amendment 4—On page 1, lines 12 and 13, strike all of said lines and insert records, amending s. 440.45, F.S.; providing for salaries of deputy commissioners; providing

Rep. Danson moved the adoption of the amendment to the Senate amendment, which was adopted without objection

Representatives Pajcic and Danson offered the following amendment to the Senate amendment to House Amendment 4:

House Amendment 2 to Senate Amendment 1 to House Amendment 4—On page 1, lines 12 and 13, strike all of said lines and insert records; amending s 440 39, F S, requiring employees, employers, and carriers to cooperate in claims against third-party tortfeasors, providing

Rep. Danson moved the adoption of the amendment to the Senate amendment, which was adopted without objection

On motions by Rep. Danson, the House receded from House Amendment 3 and concurred in Senate amendments to House amendments, as further amended by House amendments. The question recurred on the passage of SB 214. The vote was

Yeas—106

The Chair	Deutsch	Lawson	Sample
Abrams	Drage	Lehtinen	Sanderson
Armstrong	Dudley	Lewis	Sansom
Arnold	Dunbar	Lippman	Selph
Bailey	Easley	Locke	Shelley
Bankhead	Evans-Jones	Logan	Silver
Bass	Figg	Mackenzie	Simon
Brantley	Friedman	Martin	Smith
Bronson	Gallagher	Martinez	Spaet
Brown, C.	Gardner	McEwan	Stewart
Brown, T. C.	Grant	Meffert	Thomas
Burke	Grindle	Messersmith	Thompson
Burnsed	Hanson	Metcalf	Titone
Burrall	Hargrett	Mills	Tobiassen
Carlton	Harris	Mitchell	Tobin
Carpenter	Hawkins, L. R.	Murphy	Upchurch
Casas	Hawkins, M. E.	Nergard	Wallace
Clark	Hill	Ogden	Ward
Clements	Hodges	Patchett	Watt
Combee	Hollingsworth	Peeples	Webster
Cortina	Jamerson	Press	Weinstock
Cosgrove	Johnson, B. L.	Reaves	Wetherell
Crady	Johnson, R. C.	Reddick	Williams
Crotty	Johnson, R. M.	Reynolds	Woodruff
Danson	Jones, C. F.	Robinson	Young
Dantzler	Jones, D. L.	Rochlin	
Davis	Kelly	Ros	

Nays—3

Healey Shackelford Simone

So the bill passed, as further amended. The action, together with the bill and amendments thereto, was immediately certified to the Senate after engrossment

The Honorable H. Lee Moffitt, Speaker

I am directed to inform the House of Representatives that the Senate has adopted as amended SCR 588 and requests the concurrence of the House

Joe Brown, Secretary

By Senator Grant—

SCR 588—A concurrent resolution declaring the North Florida Air Show as the Northeast Florida Air Fair.

—was read the first time by title. On motions by Rep. Hollingsworth, the rules were waived and the concurrent resolution was read the second time in full, adopted and, under the rule, immediately certified to the Senate

Special Order Calendar

*The Honorable H. Lee Moffitt
Speaker, House of Representatives*

May 30, 1984

Sir

In accordance with the vote of the House, the following report is submitted as the Special and Continuing Order Calendar beginning Thursday, May 31, 1984

I. Consideration of the following Finance & Taxation Package to be taken up at 2 PM

- CS/SBs 114 & 173—Sales Tax
- HB 1324—Sales Tax
- CS/HB 794—Sales Tax
- HB 1200—Sales Tax
- CS/HB 717—Business Entities
- HB 1260—Industrial Development Financing
- CS/HB 518—Drivers' Licenses
- SB 730—Sales Tax
- SB 731—Motor Fuel Tax
- SB 732—Estate Taxes
- SB 780—Motor & Special Fuel Tax
- CS/HB 1028—Motor Fuel Tax
- CS/SB 1001—Ad Valorem Taxation
- CS/HB 658—Educational Facilities Construction
- HB 1328—Hillsborough Co. Hospital Authority
- SB 576—Hillsborough Co. Hospital Authority

II. Consideration of the following bills together with the Senate companion measures

- HB 1266—Local Government
- CS/HB 1231—Radiologic Technologists (Sunset)
- CS/HB 536—Handicapped Concerns (Sundown)

III. Consideration of the unfinished portion of Wednesday's Special Order Calendar

IV. Consideration of the following bills together with the Senate companion measures:

- HB 1325—Bonds
- SB 580—Alcoholic Beverages
- HB 138—Dependent Children
- CS/SB 356—Professional Regulation Department
- CS/CS/HB 372—RICO Act
- CS/CS/HB 355—Educational Equity Act
- SB 79—Condominiums
- CS/HB 1251—Real Estate
- CS/HB 729—Electrolysis
- HB 918—Juvenile Proceedings
- HB 1188—Public Officers
- SB 764—Homestead Exemptions
- CS/CS/HB 970—Motor & Special Fuel Tax
- CS/HB 704—Special Officers for Carriers
- CS/HB 1145—Group Insurance

Respectfully submitted,
*James Harold Thompson, Chairman
Committee on Rules & Calendar*

On motion by Rep. Thompson, the above report was adopted.

Special Orders

HB 1266—A bill to be entitled An act relating to governmental meetings and records, creating ss. 125.355, 166.045, and 235.054, F.S.; providing for the confidentiality of appraisals, offers, and counteroffers with respect to the purchase of real property by counties, municipalities, and school boards, providing for the keeping of certain records; requiring appraisals; providing for extraordinary votes, providing for future repeal; amending s. 119.02, F.S., providing penalties, amending s. 119.07, F.S.; providing for inspection and examination of records; providing exemptions, amending s. 119.11, F.S.; providing for accelerated hearings; amending s. 119.12, F.S.; providing for attorney's fees, creating s. 119.13, F.S.; authorizing the Commission on Ethics to investigate complaints regarding violations of chapter 119, F.S.; providing grounds for punishment; creating s. 119.14, F.S., providing a short title; providing for legislative review of exemptions to s. 286.011, F.S., and chapter 119, F.S.; establishing a schedule for review; creating s. 286.0115, F.S.; authorizing the Commission on Ethics to investigate complaints regarding violations of s. 286.011, F.S., providing grounds for punishment

Journal
of the
S E N A T E
State of Florida

SIXTEENTH REGULAR SESSION
UNDER THE CONSTITUTION AS REVISED IN 1968
APRIL 3 THROUGH JUNE 1, 1984



Amendment 1—On page 1, line 28, after the period () insert *The purchaser of baggage insurance shall be provided written information disclosing that the insured's homeowners policy may provide coverage for loss of personal effects and that the purchase of such insurance is not required in connection with the purchase of tickets or in connection with the lease or rental of a motor vehicle*

Amendment 2—On page 1 in the title, line 6 after the semicolon (;) insert *requiring disclosure in connection with sale of baggage insurance,*

On motions by Senator Margolis, the Senate concurred in the House amendments

SB 257 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—32

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

Nays—None

The bill was ordered engrossed and then enrolled

The President presiding

The Honorable Curtis Peterson, President

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

SB 214—A bill to be entitled An act relating to workers' compensation, amending s 440 15, F.S., providing a maximum weekly benefit, making employers responsible for supplemental permanent total benefits in certain cases, creating s 440 515, F.S., providing for confidentiality of certain records, repealing s 440 45(4), F.S., relating to salaries of deputy commissioners, providing an effective date

—and requests the concurrence of the Senate

Allen Morris, Clerk

Amendment 1—On page 4, lines 1 and 2, strike all of said lines and renumber subsequent section

Amendment 2—On page 2, line 31, insert the following and renumber subsequent sections:

Section 2 Paragraph (a) of subsection (12) of section 440 20, Florida Statutes, is amended to read

440 20 Payment of compensation —

(12)(a) It is the stated policy for the administration of the workers' compensation system that it is in the best interests of the injured worker that he receive disability or wage-loss payments periodically. Lump-sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, death benefits, and rehabilitation expenses other than for medical expenses, shall be allowed only under special circumstances, as when the claimant can demonstrate that lump-sum payments will definitely aid in his rehabilitation or are otherwise clearly in his best interests and that lump-sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or is about to remove himself from the state. In no case may a lump-sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses. In no case may a lump-sum settlement be allowed until 6 months after the date of maximum medical improvement has been reached, provided that such 6-month period shall be waived with respect to non-resident aliens of the United States or Canada. However, no such alien thus exempted shall be eligible for a lump-sum settlement under this exception more than one time in any 48-month period

Amendment 3—On page 1 in the title, line 6, after "cases," insert amending s 440 385, F.S., providing for final adjudication of insolvency,

Amendment 4—On page 1 in the title, lines 8 and 9, strike all of said lines and insert *records, providing*

Amendment 5—On page 1 in the title, line 6, after the first semi-colon insert *amending s 440.20, FS, providing an exception to certain restrictions upon lump-sum settlements for non-resident aliens of the United States or Canada,*

Amendment 6—On page 1, line 14 through page 3, line 30, strike all of said lines and insert.

Section 1. Paragraph (e) is added to subsection (18) of section 440.02, Florida Statutes, to read:

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

(18) "Self-insurer" means

(e) Any local government pool established pursuant to s. 440 575

Section 2. Paragraph (e) of subsection (1) of section 440.15, Florida Statutes, is 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.

(1) PERMANENT TOTAL DISABILITY.—

(e)1 In case of permanent total disability resulting from injuries which occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under the provisions of s 440 20(12), the injured employee shall receive from the division additional weekly compensation benefits equal to 5 percent of the injured employee's weekly compensation rate, as established pursuant to the law in effect on the date of his injury, multiplied by the number of calendar years since the date of injury. ~~The weekly compensation payable and the additional benefits payable pursuant to this paragraph when combined shall not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s 440 12(2) and subject to the maximum weekly compensation rate set forth in s. 440 12(2). These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955 and prior to July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974. Such additional benefits shall be paid out of the Workers' Compensation Administration Trust Fund. This applies to payments due after October 1, 1974.~~

2 a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1 for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier shall not be required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules.

Section 3 Paragraph (d) is added to subsection (1) of section 440 38, Florida Statutes, to read

440 38 Security for compensation, insurance carriers and self-insurers —

(1) Every employer shall secure the payment of compensation under this chapter

(d) By entering into an interlocal agreement with other local governmental entities to create a local government pool pursuant to s 440 575

Section 4 Paragraph (a) of subsection (3) of section 440.385, Florida Statutes, is amended to read

440.385 Florida Self-Insurers Guaranty Association, Incorporated.—

(3) POWERS AND DUTIES —

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association shall be obligated to the extent of covered claims existing prior to the final adjudication of insolvency and arising within 30 days after the determination of insolvency, provided the which claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this chapter. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

Section 5. Section 440.515, Florida Statutes, is created to read:

440.515 Confidentiality.—The division shall maintain the reports filed in accordance with s. 440.51(6)(b) as confidential reports. The reports shall be released only for bona fide research purposes or educational purposes or after receipt of consent from the employer.

Section 6. Section 440.575, Florida Statutes, is created to read:

440.575 Local government pools.—Any two or more local governmental entities may enter into interlocal agreements for the purpose of securing the payment of benefits under this chapter, provided the local government pool created shall.

(1) Have annual normal premiums in excess of \$5 million;

(2) Maintain a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary,

(3) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year, and

(4) Have a governing body which is comprised entirely of local elected officials.

Any local government pool which meets the requirements of this section shall not be subject to the provisions of s. 440.57 and shall not be required to file any report with the division pursuant to s. 440.38(2)(b) which report is uniquely required of group self-insurer's funds qualified under s. 440.57. If any of the requirements of this section are not met, the local government pool shall be subject to the requirements of s. 440.57

(Renumber subsequent sections)

Amendment 7—On page 1 in the title, lines 3-8, strike all of said lines and insert: amending s. 440.02, F.S., defining "self-insurer", amending s. 440.15, F.S., providing a maximum weekly benefit, making employers responsible for supplemental permanent total benefits in certain cases, amending s. 440.38, F.S.; providing for securing of payment of compensation by local government entities; amending s. 440.385, F.S., relating to powers and duties of the Florida Self-Insurers Guaranty Association, Incorporated; creating s. 440.515, F.S.; providing for confidentiality of certain records; creating s. 440.575, F.S.; establishing separate self-insurance requirements for local government pools,

Senators Hair, Johnston and Neal offered the following amendment to House Amendment 1 which was moved by Senator Hair and adopted.

Amendment 1—On page 1, strike line 2 and insert

Section 4. Notwithstanding s. 440.45(4), Florida Statutes, each full-time deputy commissioner shall receive a salary equal to that paid to a full-time county court judge payable out of the fund established in s. 440.50. The Chief Commissioner shall receive a salary of \$1,000 more per year than that paid to a full-time deputy commissioner. Provided, however, the salary of a deputy commissioner fulfilling the individual's current term of office shall not be reduced or increased until the current term has expired.

Senators Hair, Johnston and Neal offered the following amendment to House Amendment 4 which was moved by Senator Hair and adopted

Amendment 2—In title, on page 1, strike all of lines 2 and 3 and insert records, providing for salaries of deputy commissioners, providing

On motions by Senator Vogt, the Senate concurred in House Amendments 2, 5, 6 and 7 and in House Amendments 1 and 4 as amended and the House was requested to concur in the Senate amendments

On motion by Senator Vogt, the Senate refused to concur in House Amendment 3 and the House was requested to recede.

SB 214 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—31

Mr President	Dunn	Henderson	Margolis
Barron	Fox	Hill	Meek
Beard	Frank	Jenne	Scott
Carlucci	Girardeau	Jennings	Thomas
Castor	Gordon	Johnston	Thurman
Childers, D	Grant	Langley	Vogt
Childers, W D	Grizzle	Malchon	Weinstein
Deratany	Hair	Mann	

Nays—None

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed Senate Bills 346, 466, 362, 870, CS for SB 425, CS for SB 427, SB 531, CS for SB 63, Senate Bills 188, 355, 561, CS for SB 692, and has adopted SCR 787

Allen Morris, Clerk

The bills contained in the foregoing message were ordered enrolled.

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments and passed as amended HB 677, CS for HB 487, CS for HB 132, CS for HB 899, and CS for HB 312

Allen Morris, Clerk

First Reading

The Honorable Curtis Peterson, President

I am directed to inform the Senate that the House of Representatives has passed CS for HB 257, HB 1265, and has passed as amended CS for HB 210, CS for HB 530, HB's 1166, 1264, 761, 744, 87, CS for HB 146 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Criminal Justice and Representative Wetherell—

CS for HB 257—A bill to be entitled An act relating to the Council on Organized Crime; amending s. 27.37, F.S.; expanding subpoena power, providing for enforcement of subpoena in circuit court, providing an effective date.

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

By the Committee on Judiciary and Representative Lehtinen and others—

HB 1265—A bill to be entitled An act relating to open government laws, amending s. 20.19, F.S.; clarifying duties of Department of Health and Rehabilitative Services regarding confidentiality of client information, amending ss. 106.25 and 106.26, F.S., specifying when certain records and proceedings of the Division of Elections and the Florida Elections Commission become public, amending s. 112.324, F.S., relating to the Commission on Ethics, providing for public access to all complaints upon dismissal; creating s. 155.50, F.S., providing that any organization owned or controlled by a county, district or municipal hospital shall be subject to chapter 119 and s. 286.011, F.S., amending s. 195.027, F.S., specifying access to certain nonhomestead property tax records, amending s. 213.053, F.S., relating to confidentiality and information sharing by

PARTIAL TRANSCRIPT
House Floor Debate
May 31, 1984
RE: S.B. 214

Danson: Mr. Speaker, there is also one more amendment by Mr. Pajcic and myself dealing with cooperation on tortfeasor actions.

Speaker: Is that germane, Mr. Danson?

Danson: Mr. Pajcic seems to think so.

Speaker: Take up the amendment and read it.

[Reading clerk reads amendment.]

Speaker: Mr. Danson, to the amendment.

Danson: Mr. Speaker, the reading clerk read the entire amendment. It is self-explanatory, but in a tortfeasor action it simply says that the employer, employee shall cooperate in the recovery of any provision--or any dollars that has been paid otherwise under Worker's Compensation.

Speaker: Is there objection? Without objection show the amendment adopted.



Transcriber

This benefit is paid during the continuance of the total disability, and the payments are made by the employer/carrier.

In addition to this payment, a permanently and totally disabled person is entitled to a supplemental benefit that increases the above payments by 5% annually. This supplemental benefit, however, is paid by the Division of Workers' Compensation rather than the employer/carrier. The payment is made out of the Workers' Compensation Administration Trust Fund which is funded by regulatory assessments against workers' compensation insurers and self-insurers. Only those workers injured after June 30, 1955 are entitled to the supplemental benefit and the benefits are not payable for any period prior to October 1, 1974.

The bill provides that the 5% supplemental benefit payable to permanently and totally disabled employees shall be paid directly by the employer/carrier instead of the Division of Workers' Compensation, for injuries occurring on or after July 1, 1984. The division would continue to make supplemental benefit payments for injuries occurring prior to this date. The bill has no effect on the amount of the supplemental benefit payable to any employee. The bill clarifies that the workers' compensation disability benefit plus the supplemental benefit shall not exceed the maximum compensation rate in effect at the time of payment.

Section 3. Section 440.38 is amended to add a method by which employers may secure the payment of compensation, by entering into an interlocal agreement with other local government entities to create a local government pool pursuant to s. 440.575. See Section 6 for further discussion.

Section 4. Section 440.385 is amended to clarify that the Florida Self-Insurers Guaranty Association is not obligated to cover claims of an insolvent self-insured employer until there has been a final adjudication of insolvency.

Section 5. Presently, all reports filed by self-insurers with the Division of Workers' Compensation are public records. Various reports are required to be filed by both individual self-insurers and group self-insurance funds relating to the solvency and competency of the self-insurer. One such group of reports is required to be filed by s. 440.51(6)(b), F.S., which includes the wages paid, the amount of premiums the self-insurer would have to pay if insured, and all payments of compensation made by the self-insurer. This provision also allows the division to do payroll audits of self-insurers.

The bill provides that the above reports filed in accordance with s. 440.51(6)(b) shall be maintained by the division as confidential reports. The reports shall be released only for bona fide research purposes or educational purposes or after receipt of consent from the employer.

Section 6. Section 440.575 is created to establish separate self-insurance requirements for two or more local government entities that enter into interlocal agreements to secure workers' compensation benefits.

Local government pools would be exempt from the general requirements for Group Self-Insurance Funds if they: (1) have annual premiums in excess of \$5 million, (2) maintain a continuing program of excess insurance coverage and reserve evaluation by an independent actuary, (3) submit an annual audited financial statement by a public accountant, and (4) have a governing body which is comprised entirely of local elected officials. Such government pools would not be required to file

Bill Analysis

11-5-7



Florida House of Representatives

H. Lee Moffitt, Speaker Steve Pajcic, Speaker pro tempore
Committee on Commerce

Samuel P. Bell, III
Chairman

Dexter W. Lehtinen
Vice Chairman

FINAL STAFF SUMMARY

SB 214 by Voigt _____ Date: June 25, 1984 _____
(as enacted by the Legislature)
relating to _____ Became Law: June 19, 1984 _____
workers' compensation
Committee Consideration: Ch. 84-267, Laws of Florida
Senate Commerce
Identical*/Similar Bills: Effective Date: _____
HB 573 July 1, 1984

I. SUMMARY AND PURPOSE

This bill makes the following changes to the workers' compensation law: (1) requires that the supplemental benefit payable under workers' compensation to permanently and totally disabled persons be paid directly by employer/carriers rather than the Division of Workers' Compensation; (2) provides that certain payroll information filed by self-insurers be maintained by the division as confidential records; (3) provides an exception to restrictions on lump-sum settlements for non-resident aliens; (4) establishes separate self-insurance requirements for two or more local government entities; (5) provides for salaries of deputy commissioners; and (6) provides that the Florida Self-Insurers Guaranty Association shall not be liable to pay claims until there has been a final adjudication of insolvency.

II. CURRENT LAW AND EFFECT OF CHANGES

Section 1. A new category of self-insurer is defined as any local government pool established pursuant to s. 440.575, a section created by this bill that establishes separate self-insurance requirements for such pools. See Section 6 for further discussion.

Section 2. Under the workers' compensation law, an employee who becomes permanently and totally disabled due to an employment related injury is entitled to 66 2/3% of his average weekly wages up to a maximum of 100% of the statewide average weekly wage.

division's total budget in 1982-83 (\$20,973,466) and 24.5% of its total budget in 1983-84 (\$23,598,918).

The amount of the supplemental benefits paid by the division will not decrease under this bill for a number of years. The division must still pay the supplemental benefit for injuries occurring before July 1, 1984. Not only do these benefits increase by 5% per year (until the end of the disability or death), but new individuals will be entitled to payments from the division who are as yet unknown because their workers' compensation claim has not been finally resolved.

Local government pools which qualify under newly created s. 440.575 will be relieved of certain regulatory costs.

IV. COMMENTS

V. LEGISLATIVE HISTORY

A. ENACTED BILL

Senate Bill 214 was referred to Commerce and reported favorably on March 6, 1984. The original bill dealt only with the issues of supplemental benefits and confidentiality of certain self-insurer reports.

On April 10, 1984 the Senate adopted five amendments and passed the bill, as amended, 34-0 (SJ 97). These amendments related to salaries of deputy commissioners (repealing s. 440.45(4)); the liability of the Florida Self-Insurers Guaranty Association; and the determination of the maximum compensation rate for purposes of the supplemental benefit.

On May 14, 1984 the House substituted SB 214 for HB 573, read the bill a second time, and adopted seven amendments (HJ 405). These amendments included provisions for separate self-insurance requirements for local government pools; an exception to restrictions on lump-sum settlements for alien workers; and striking the repeal of s. 440.45(4) relating to salaries of deputy commissioners. On May 17, 1984 the bill was read for a third time in the House, an additional title amendment was adopted, and the bill was passed, 107-2 (HJ 447).

On May 23, 1984 the Senate amended two of the House amendments, concurred in four additional amendments and refused to concur in one amendment. The only issue at this point was the salary of deputy commissioners. The House had deleted the Senate's repeal of s. 440.45(4), the subsection that tied deputy commissioner salaries to \$4000 less than appellate judge salaries. The new Senate amendment tied deputy commissioner salaries to that paid to county judges. SB 214 was passed, as amended, 31-0 (SJ 349).

On May 31, 1984, the House receded from one amendment, adopted four amendments to the Senate amendments to the House amendments, and receded from one previous House amendment. The new House amendments provided for future deputy commissioner salary increases to be at the same percentage as that granted to senior management personnel. Another amendment created s. 440.39(7), requiring parties to cooperate in third party tortfeasor actions. The bill was passed, as further amended, 106-3 (HJ 927).

On May 31, 1984 the Senate concurred in the House amendments and passed the bill, 33-0 (SJ 630).

On June 19, 1984 the Governor approved SB 214, which was enacted as Chapter 84-267, Laws of Florida.

any report with the Division which is uniquely required of group self-insurer's funds.

Local government pools would be exempt from the general requirements of s. 440.57 and those rules adopted by the Division pursuant to this section. This exempts such pools from prior approval of the self-insurance program; submission to the Division for actuarial review of loss reserves; security deposits or security bond; review or audit by the Division; requirements for qualified service personnel; investment restrictions; and prior approval of dividends.

Section 7. Section 440.20(12) prohibits lump-sum settlements until six months after the date maximum medical improvement has been reached. The bill provides an exception for claims by non-resident aliens of the United States or Canada, but this exception may be applied only one time in any 48-month period.

Section 8. Present section 440.45 ties the salaries of deputy commissioners to \$4000 less than that paid to district court of appeal judges. The bill strikes this provision, fixes salaries at their present level (that paid on October 1, 1983), and provides for future salary increases to be by the same percentage as that granted to employees within senior management service.

Section 9. Section 440.39 is amended to require employees, employers, and carriers to cooperate with each other in investigating and prosecuting claims against third-party tortfeasors by producing non-privileged documents and allowing inspection of premises.

Section 10. Effective date: July 1, 1984 or upon becoming law, whichever occurs later.

III. ECONOMIC IMPACT CONSIDERATIONS

A. PRIVATE SECTOR CONSIDERATIONS

Requiring the supplemental benefit to be paid directly by employer/carriers rather than the Division of Workers' Compensation will not affect payments to employees nor will it increase costs to employers in the aggregate. Employers are presently paying the supplemental benefit indirectly through the regulatory assessment against insurers and self-insurers, with the cost of an insurer's assessment being passed on to the employer in higher premiums. However, individual employers may be subject to either greater or lesser costs depending upon whether the employer has above or below the average number of employees who suffer permanent total disabilities.

Requiring that certain payroll information of self-insurers be maintained by the division as confidential reports will protect a self-insured employer from other employers seeking to take advantage of such information. However, if an employer is a member of a group-self insurance fund and the employer desires that his individual payroll and compensation data be released to another fund or to anyone else, the bill requires disclosure by the division after receipt of the employer's consent.

B. PUBLIC SECTOR CONSIDERATIONS

The Division of Workers' Compensation will be relieved of the cost of making supplemental benefit payments for injuries occurring after July 1, 1984. In FY 1982-83 these payments totaled \$4,785,452 and in FY 1983-84 the budgeted amount for these payments is \$5,782,000. This represents 22.8% of the

B. DISPOSITION OF COMPANION

House Bill 573 was originally referred to Commerce and Judiciary. In Commerce, the bill was subreferred to the Subcommittee on Property and Casualty Insurance which approved the bill with amendments on April 4, 1984. Commerce reported the bill favorably, with amendments, on April 11, 1984. On April 19, 1984, the bill was withdrawn from Judiciary.

On May 14, 1984 the House adopted amendments to HB 573 and substituted Senate Bill 214. The House bill was laid on the table.

Prepared by:

Brian Deffenbaugh
Brian Deffenbaugh

Staff Director:

Wyatt T. Martin
Wyatt T. Martin

The bill creates a new section, s.440.575, which allows local governmental entities to enter into interlocal agreements. These local government pools may be exempted from the general self-insurer provisions of s.440.57, F.S. and the filing requirements of s.440.38(s)(b), F.S., if these pools have annual normal premiums in excess of \$5 million, maintain excess insurance coverage, and submit an annual audited financial statement to the division.

The bill changes the way deputy commissioners are compensated. Currently, deputy commissioners receive \$4,000 less than the salary paid a full time district court of appeals judge. The bill deletes the linkage between deputy commissioners and judges and provides that deputies shall receive a salary equal to that paid deputy commissioners on October 1, 1983. From that date on, deputy commissioners will receive the same raises given to state employees within senior management.

II. ECONOMIC IMPACT AND FISCAL NOTE:

A. Public:

This bill will shift the cost of paying the five percent supplemental benefit payments for injuries occurring after July 1, 1984, from the Division of Workers' Compensation to the employee/carrier of the injured worker. The cost of insurance to employers may rise to reflect this increased liability, but, since the Division Trust Fund is funded through assessments on insurers, the assessment should be lower to reflect the decreased liability on the Division's behalf. The net fiscal impact should be zero -- the bill simply shifts the cost of paying supplemental benefits back to the employers/carriers, who have been paying them indirectly under existing law.

B. Government:

The net fiscal impact of the bill should be negligible. (See discussion in A. above.)

III. COMMENTS:

IV. AMENDMENTS:

None.

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

<u>ANALYST</u>	<u>STAFF DIRECTOR</u>	<u>REFERENCE</u>	<u>ACTION</u>
1. Stahl <i>AS</i>	Martin <i>DM</i>	1. COM	FAV.
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

SUBJECT:

Workers' Compensation

BILL NO. AND SPONSOR:

SB 214 by
Senator Vogt
Ordered Enrolled 5/31/84

I. SUMMARY:

A. Present Situation:

The Workers' Compensation law provides supplemental benefit payments to workers who are permanently and totally disabled. These supplemental payments are paid out of the Division of Workers' Compensation Administration Trust Fund and are equal to five percent of the worker's weekly compensation rate, as of the time of his or her injury, multiplied by the number of years since the date of the injury, subject to a maximum benefit specified by the statute.

According to the Division of Workers' Compensation, the following Supplemental Payments have been made from the Trust Fund:

18 1401

Total Supplemental Payments by Fiscal Year

<u>Year</u>	<u>Totals</u>
79-80	\$2,222,604
80-81	3,113,030
81-82	3,517,994
82-83	4,785,452
83-84	5,782,000*

*Budget Amount

The Division reports that as of September 1983, 2,701 persons were receiving supplemental benefit payments as a result of being permanently disabled.

B. Effect of Proposed Changes:

This bill requires the employer/carrier to make the supplemental benefit payments directly to workers who are permanently disabled in an injury occurring on or after July 1, 1984. The Division will continue to make payments for injuries occurring prior to July 1, 1984.

The bill requires the Florida Self-Insurers Guaranty Association to pay covered claims upon a member's final adjudication of insolvency.

The bill requires the Division of Workers' Compensation to maintain reports filed by self-insurers pursuant to s.440.51(6)(b) (e.g., payroll records, claims reports) as confidential reports. The Division may release the reports only if the employee consents to the release or for bona fide educational purposes.



**Florida
Information
Associates**

PO Box 11144
Tallahassee, Florida 32302
(904) 878-0188

REQUEST FOR AUDIO TAPE DUPLICATION
Florida Legislative Committee Meetings

Date: April 20, 1988

To: Clerk of the House of Representatives
Room 427, The Capitol
Tallahassee, FL 32399-1300

To Whom It May Concern:

I hereby request duplicate copies of the following tapes:

House Floor Debate re: SB 214 (1984 Regular Session),

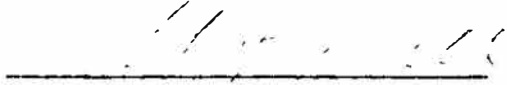
May 31, 1984 (House Journal p. no. 926)

Please call me at 878-0188 when these duplicate tapes will be available.

Thank you for your assistance.

Sincerely,


Connie J. Beane, President

by: 
Edward J. Tribble

L88-029

By Senator Vogt

17-341-84

This document was prepared at a cost of 1500 dollars to inform the public of proposed legislation.

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A bill to be entitled
An act relating to workers' compensation,
amending s 440 15, F.S ; making employers
responsible for supplemental permanent total
benefits in certain cases, creating s. 440 515,
F S , providing for confidentiality of certain
records, providing an effective date

Be It Enacted by the Legislature of the State of Florida.

Section 1 Paragraph (e) of subsection (1) of section
440 15, Florida Statutes, is 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

(1) PERMANENT TOTAL DISABILITY --

(e)1 In case of permanent total disability resulting
from injuries which occurred subsequent to June 30, 1955, and
for which the liability of the employer for compensation has
not been discharged under the provisions of s 440 20(12), the
injured employee shall receive ~~from the division~~ additional
weekly compensation benefits equal to 5 percent of the injured
employee's weekly compensation rate, as established pursuant
to the law in effect on the date of his injury, multiplied by
the number of calendar years since the date of injury and
subject to the maximum weekly compensation rate set forth in
s 440 12(2) These supplemental benefits shall be paid by
the division out of the Workers' Compensation Administration
Trust Fund when the injury occurred subsequent to June 30,
1955 and prior to July 1, 1984 These supplemental benefits
shall be paid by the employer when the injury occurred on or

1 after July 1, 1984. Supplemental benefits are not payable for
2 any period prior to October 1, 1974. Such additional benefits
3 shall be paid out of the Workers' Compensation Administration
4 Trust Fund- This applies to payments due after October 1,
5 1974.

6 2 a The division shall provide by rule for the
7 periodic reporting to the division of all earnings of any
8 nature and social security income by the injured employee
9 entitled to or claiming additional compensation under
10 subparagraph 1. Neither the division nor the employer or
11 carrier shall make any payment of those additional benefits
12 provided by subparagraph 1. for any period during which the
13 employee willfully fails or refuses to report upon request by
14 the division in the manner prescribed by such rules.

15 b The division shall provide by rule for the periodic
16 reporting to the employer or carrier of all earnings of any
17 nature and social security income by the injured employee
18 entitled to or claiming benefits for permanent total
19 disability. The employer or carrier shall not be required to
20 make any payment of benefits for permanent total disability
21 for any period during which the employee willfully fails or
22 refuses to report upon request by the employer or carrier in
23 the manner prescribed by such rules.

24 Section 2. Section 440.515, Florida Statutes, is
25 created to read

26 440 515 Confidentiality.--The division shall maintain
27 the reports filed in accordance with s 440 51(6)(b) as
28 confidential reports. The reports shall be released only for
29 bona fide research purposes or educational purposes or after
30 receipt of consent from the employer.
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Section 3. This act shall take effect upon becoming a law

SENATE SUMMARY

Makes employers responsible for paying supplemental permanent total benefits in workers' compensation cases in which the injury occurs on or after July 1, 1984
Provides that certain reports relating to wages paid and payments of compensation which the Division of Workers' Compensation may require from a self-insurer shall be maintained as confidential reports

1 A bill to be entitled

2 An act relating to workers' compensation,
3 amending s. 440.15, F.S.; providing a maximum
4 weekly benefit; making employers responsible
5 for supplemental permanent total benefits in
6 certain cases; creating s. 440.515, F.S.;
7 providing for confidentiality of certain
8 records; repealing s. 440.45(4), F.S., relating
9 to salaries of deputy commissioners; providing
10 an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Paragraph (e) of subsection (1) of section
15 440.15, Florida Statutes, is amended to read:

16 440.15 Compensation for disability.--Compensation for
17 disability shall be paid to the employee, subject to the
18 limits provided in s. 440.12(2), as follows:

19 (1) PERMANENT TOTAL DISABILITY.--

20 (e)1. In case of permanent total disability resulting
21 from injuries which occurred subsequent to June 30, 1955, and
22 for which the liability of the employer for compensation has
23 not been discharged under the provisions of s. 440 20(12), the
24 injured employee shall receive ~~from the division~~ additional
25 weekly compensation benefits equal to 5 percent of the injured
26 employee's weekly compensation rate, as established pursuant
27 to the law in effect on the date of his injury, multiplied by
28 the number of calendar years since the date of injury. The
29 weekly compensation payable and the additional benefits
30 payable pursuant to this paragraph when combined shall not
31 exceed the maximum weekly compensation rate in effect at the

1 time of payment as determined pursuant to s. 440.12(2) and
2 subject to the maximum weekly compensation rate set forth in
3 s. 440.12(2). These supplemental benefits shall be paid by
4 the division out of the Workers' Compensation Administration
5 Trust Fund when the injury occurred subsequent to June 30,
6 1955 and prior to July 1, 1984. These supplemental benefits
7 shall be paid by the employer when the injury occurred on or
8 after July 1, 1984. Supplemental benefits are not payable for
9 any period prior to October 1, 1974. Such additional benefits
10 shall be paid out of the Workers' Compensation Administration
11 Trust Fund. This applies to payments due after October 1,
12 1974.

13 2.a. The division shall provide by rule for the
14 periodic reporting to the division of all earnings of any
15 nature and social security income by the injured employee
16 entitled to or claiming additional compensation under
17 subparagraph 1. Neither the division nor the employer or
18 carrier shall make any payment of those additional benefits
19 provided by subparagraph 1. for any period during which the
20 employee willfully fails or refuses to report upon request by
21 the division in the manner prescribed by such rules.

22 b. The division shall provide by rule for the periodic
23 reporting to the employer or carrier of all earnings of any
24 nature and social security income by the injured employee
25 entitled to or claiming benefits for permanent total
26 disability. The employer or carrier shall not be required to
27 make any payment of benefits for permanent total disability
28 for any period during which the employee willfully fails or
29 refuses to report upon request by the employer or carrier in
30 the manner prescribed by such rules.
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1 Section 2. Paragraph (a) of subsection (3) of section
2 440.385, Florida Statutes, is amended to read:

3 440.385 Florida Self-Insurers Guaranty Association,
4 Incorporated.--

5 (3) POWERS AND DUTIES.--

6 (a) Upon creation of the Insolvency Fund pursuant to
7 the provisions of subsection (4), the association shall be
8 obligated to the extent of covered claims existing prior to
9 the final adjudication of insolvency and arising within 30
10 days after the determination of insolvency, provided the ~~wheseh~~
11 claims occur during the year in which such insolvent member is
12 a member of the guaranty fund and was assessable pursuant to
13 the plan of operation. Such obligation shall include only
14 that amount due the injured worker or workers of the insolvent
15 member under this chapter. In no event shall the association
16 be obligated to a claimant in an amount in excess of the
17 obligation of the insolvent employer. The association shall
18 be deemed the insolvent employer to the extent of its
19 obligation on the covered claims and, to such extent, shall
20 have all rights, duties, and obligations of the insolvent
21 employer as if the employer had not become insolvent.
22 However, in no event shall the association be liable for any
23 penalties or interest.

24 Section 3. Section 440.515, Florida Statutes, is
25 created to read:

26 440.515 Confidentiality.--The division shall maintain
27 the reports filed in accordance with s. 440.51(6)(b) as
28 confidential reports. The reports shall be released only for
29 bona fide research purposes or educational purposes or after
30 receipt of consent from the employer.

1 Section 4. Subsection (4) of section 440.45, Florida
2 Statutes, is hereby repealed.

3 Section 5. This act shall take effect July 1, 1984 or
4 upon becoming a law, whichever occurs later.

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By Representative Danson

A bill to be entitled

An act relating to workers' compensation,
amending s. 440.15, F.S.; making employers
responsible for supplemental permanent total
benefits in certain cases; creating s. 440.515,
F.S.; providing for confidentiality of certain
records; providing an effective date

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (e) of subsection (1) of section
440.15, Florida Statutes, is 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:

(1) PERMANENT TOTAL DISABILITY.--

(e)1. In case of permanent total disability resulting
from injuries which occurred subsequent to June 30, 1955, and
for which the liability of the employer for compensation has
not been discharged under the provisions of s. 440.20(12), the
injured employee shall receive ~~from the division~~ additional
weekly compensation benefits equal to 5 percent of the injured
employee's weekly compensation rate, as established pursuant
to the law in effect on the date of his injury, multiplied by
the number of calendar years since the date of injury and
subject to the maximum weekly compensation rate set forth in
s. 440.12(2). These supplemental benefits shall be paid by
the division out of the Workers' Compensation Administration
Trust Fund when the injury occurred subsequent to June 30,
1955 and prior to July 1, 1981. These supplemental benefits
shall be paid by the employer when the injury occurred on or

This public document was promulgated at an average cost of 1.6 cents per
single page for the information of members of the Legislature and the public.

1	<u>after July 1, 1984. Supplemental benefits are not payable for</u>	1.27
2	<u>any period prior to October 1, 1974. Such additional benefits</u>	1.108
3	shall be paid out of the Workers' Compensation Administration	1.30
4	Trust Fund;--This applies to payments due after October 1,	1.32
5	1974.	
6	2.a. The division shall provide by rule for the	1.34
7	periodic reporting to the division of all earnings of any	1.35
8	nature and social security income by the injured employee	
9	entitled to or claiming additional compensation under	1.36
10	subparagraph 1. Neither the division nor the employer or	1.38
11	carrier shall make any payment of those additional benefits	1.39
12	provided by subparagraph 1. for any period during which the	
13	employee willfully fails or refuses to report upon request by	1.40
14	the division in the manner prescribed by such rules.	1.41
15	b. The division shall provide by rule for the periodic	1.42
16	reporting to the employer or carrier of all earnings of any	1.43
17	nature and social security income by the injured employee	
18	entitled to or claiming benefits for permanent total	1.4
19	disability. The employer or carrier shall not be required to	1.46
20	make any payment of benefits for permanent total disability	1.47
21	for any period during which the employee willfully fails or	1.48
22	refuses to report upon request by the employer or carrier in	
23	the manner prescribed by such rules.	1.49
24	Section 2. Section 440.515, Florida Statutes, is	1.50
25	created to read:	
26	440.515 Confidentiality.--The division shall maintain	1.51
27	the reports filed in accordance with s. 440.51(6)(b) as	1.52
28	confidential reports. The reports shall be released only for	1.53
29	bona fide research purposes or educational purposes or after	
30	receipt of consent from the employer.	1.54
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1 Section 3. This act shall take effect upon becoming a 1
2 law.

3 *****
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5 SENATE SUMMARY

6 Makes employers responsible for paying supplemental
7 permanent total benefits in workers' compensation cases
8 in which the injury occurs on or after July 1, 1984.
9 Provides that certain reports relating to wages paid and
10 payments of compensation which the Division of Workers'
11 Compensation may require from a self-insurer shall be
12 maintained as confidential reports.
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An act relating to workers' compensation; amending s. 440.02, F.S.; defining "self-insurer"; amending s. 440.15, F.S.; providing a maximum weekly benefit; making employers responsible for supplemental permanent total benefits in certain cases; amending s. 440.20, F.S.; providing an exception to certain restrictions upon lump-sum settlements for non-resident aliens of the United States or Canada; amending s. 440.38, F.S.; providing for securing of payment of compensation by local government entities; amending s. 440.385, F.S., relating to powers and duties of the Florida Self-Insurers Guaranty Association, Incorporated; creating s. 440.515, F.S.; providing for confidentiality of certain records; creating s. 440.575, F.S.; establishing separate self-insurance requirements for local government pools; amending s. 440.45, F.S.; providing for salaries of deputy commissioners; amending s. 440.39, F.S.; requiring employees, employers, and carriers to cooperate in claims against third-party tortfeasors; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (e) is added to subsection (18) of section 440.02, Florida Statutes, to read:

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

(18) "Self-insurer" means:

(e) Any local government pool established pursuant to s. 440.575.

Section 2. Paragraph (e) of subsection (1) of section 440.15, Florida Statutes, is 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:

(1) PERMANENT TOTAL DISABILITY.--

(e)1. In case of permanent total disability resulting from injuries which occurred subsequent to June 30, 1955, and for which the liability of the employer for compensation has not been discharged under the provisions of s. 440.20(12), the injured employee shall receive from--the ~~division~~ additional weekly compensation benefits equal to 5 percent of the injured employee's weekly compensation rate, as established pursuant to the law in effect on the date of his injury, multiplied by the number of calendar years since the date of injury. The weekly compensation payable and the additional benefits payable pursuant to this paragraph when combined shall not exceed the maximum weekly compensation rate in effect at the time of payment as determined pursuant to s. 440.12(2) and subject--to--the--maximum--weekly--compensation--rate--set--forth--in--s--440:12(2). These supplemental benefits shall be paid by the division out of the Workers' Compensation Administration Trust Fund when the injury occurred subsequent to June 30, 1955 and prior to July 1, 1984. These supplemental benefits shall be paid by the employer when the injury occurred on or after July 1, 1984. Supplemental benefits are not payable for any period prior to October 1, 1974. Such additional benefits--shall be paid out of the Workers' Compensation Administration Trust Fund.--This applies to payments due after October 1, 1974-

2.a. The division shall provide by rule for the periodic reporting to the division of all earnings of any nature and social security income by the injured employee entitled to or claiming additional compensation under subparagraph 1. Neither the division nor the employer or carrier shall make any payment of those additional benefits provided by subparagraph 1. for any period during which the employee willfully fails or refuses to report upon request by the division in the manner prescribed by such rules.

b. The division shall provide by rule for the periodic reporting to the employer or carrier of all earnings of any nature and social security income by the injured employee entitled to or claiming benefits for permanent total disability. The employer or carrier shall not be required to make any payment of benefits for permanent total disability for any period during which the employee willfully fails or refuses to report upon request by the employer or carrier in the manner prescribed by such rules.

Section 3. Paragraph (d) is added to subsection (1) of section 440.38, Florida Statutes, to read:

440.38 Security for compensation; insurance carriers and self-insurers.--

(1) Every employer shall secure the payment of compensation under this chapter:

(d) By entering into an interlocal agreement with other local governmental entities to create a local government pool pursuant to s. 440.575.

Section 4. Paragraph (a) of subsection (3) of section 440.385, Florida Statutes, is amended to read:

440.385 Florida Self-Insurers Guaranty Association, Incorporated.--

(3) POWERS AND DUTIES.--

(a) Upon creation of the Insolvency Fund pursuant to the provisions of subsection (4), the association shall be obligated to the extent of covered claims existing prior to the final adjudication of insolvency and arising within 30 days after the determination of insolvency, provided the which claims occur during the year in which such insolvent member is a member of the guaranty fund and was assessable pursuant to the plan of operation. Such obligation shall include only that amount due the injured worker or workers of the insolvent member under this chapter. In no event shall the association be obligated to a claimant in an amount in excess of the obligation of the insolvent employer. The association shall be deemed the insolvent employer to the extent of its obligation on the covered claims and, to such extent, shall have all rights, duties, and obligations of the insolvent employer as if the employer had not become insolvent. However, in no event shall the association be liable for any penalties or interest.

Section 5. Section 440.515, Florida Statutes, is created to read:

440.515 Confidentiality.--The division shall maintain the reports filed in accordance with s. 440.51(6)(b) as confidential reports. The reports shall be released only for bona fide research purposes or educational purposes or after receipt of consent from the employer.

Section 6. Section 440.575, Florida Statutes, is created to read:

440.575 Local government pools.--Any two or more local governmental entities may enter into interlocal agreements for the purpose of securing

the payment of benefits under this chapter, provided the local government pool created shall:

- (1) Have annual normal premiums in excess of \$5 million;
- (2) Maintain a continuing program of excess insurance coverage and reserve evaluation to protect the financial stability of the fund in an amount and manner determined by a qualified and independent actuary;
- (3) Submit annually an audited fiscal year-end financial statement by an independent certified public accountant within 6 months after the end of the fiscal year; and
- (4) Have a governing body which is comprised entirely of local elected officials.

Any local government pool which meets the requirements of this section shall not be subject to the provisions of s. 440.57 and shall not be required to file any report with the division pursuant to s. 440.38(2)(b) which report is uniquely required of group self-insurer's funds qualified under s. 440.57. If any of the requirements of this section are not met, the local government pool shall be subject to the requirements of s. 440.57.

Section 7. Paragraph (a) of subsection (12) of section 440.20, Florida Statutes, is amended to read:

440.20 Payment of compensation.--

(12)(a) It is the stated policy for the administration of the workers' compensation system that it is in the best interests of the injured worker that he receive disability or wage-loss payments periodically. Lump-sum payments in exchange for the employer's or carrier's release from liability for future payments of compensation, death benefits, and rehabilitation expenses other than for medical expenses, shall be allowed only under special circumstances, as when the claimant can demonstrate that lump-sum payments will definitely aid in his rehabilitation or are otherwise clearly in his best interests and that lump-sum payments will avoid undue expense or undue hardship to any party, or that such claimant has removed himself or is about to remove himself from the state. In no case may a lump-sum payment be allowed in exchange for the release of an employer's or carrier's liability for future medical expenses. In no case may a lump-sum settlement be allowed until 6 months after the date of maximum medical improvement has been reached; provided that such 6-month period shall be waived with respect to nonresident aliens of the United States or Canada. However, no such alien thus exempted shall be eligible for a lump-sum settlement under this exception more than one time in any 48-month period.

Section 8. Subsection (4) of section 440.45, Florida Statutes, is amended to read:

440.45 Deputy commissioners; Chief Commissioner.--

(4) Effective July 1, 1984, each full-time deputy commissioner shall receive a salary in the amount equal to that which was paid for the position of deputy commissioner on October 1, 1983. Thereafter, if the salaries of employees within senior management service are increased at any time, the base salary for each full-time deputy commissioner shall be increased by the same percentage as that granted said employees of \$4,000 less per year than that paid to a full-time district court of appeal judge, payable out of the fund established in s. 440.50. The Chief Commissioner shall receive a salary of \$1,000 more per year than that

paid to a full-time deputy commissioner. These salaries shall be paid out of the fund established in s. 440.50.

Section 9. Subsection (7) is added to section 440.39, Florida Statutes, to read:

440.39 Compensation for injuries where third persons are liable.--

(7) The employee, employer and carrier have a duty to cooperate with each other in investigating and prosecuting claims and potential claims against third-party tortfeasors by producing non-privileged documents and allowing inspection of premises only to the extent necessary for such purpose. Such documents and the results of such inspections shall not be used or disclosed for any other purpose.

Section 10. This act shall take effect July 1, 1984 or upon becoming a law, whichever occurs later.

Approved by the Governor June 19, 1984.

Filed in Office Secretary of State June 20, 1984.

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