



VOTING RECORDS

On Key Business Issues

*Regular Session &
Special Sessions A-D
of the 2003 Florida
Legislature*



Jon L. Shebel
President & CEO

Associated Industries of Florida

Dear Employer:

It is my pleasure to provide you with this tabulation of the voting conduct of each member of the Florida Legislature during the 2003 Legislative Session.

Voting Records reports on the votes made by every single legislator on bills that were lobbied, advocated, promoted, or opposed by Associated Industries of Florida. The tally includes committee and floor votes on bills and amendments. By reporting on 6,599 votes cast on 74 bills, this publication embodies the most exhaustive and complete record of the Legislature's approach to the concerns of Florida's employers.

This publication provides you with the overall rankings and scores of the members of the Legislature. AIF will be posting the complete *Voting Records* on our Web sites in September. When that report is available, you'll be able to find out how lawmakers cast their votes in annual rankings and by subject category (i.e., health care, taxes, insurance, etc.) for every session from 1979 to 2003.

You might think of *Voting Records* as a legislative report card. It gives you a guide to each lawmaker's performance on the issues that affect your ability to succeed in business. It assists you in monitoring your own senator or representative, to find out whether or not they represented you well. If they did, send them a thank you. If they did not, send them a polite reminder that you expect better — as a voter, as a taxpayer, as a campaign contributor, and as an engine of this state's economy.

Voting Records is an important resource for business people, but it's not the only one available from AIF. I urge you to visit AIF's Web sites to gain a more in-depth understanding of the issues confronting Florida's employers and of the elected officials who make the decisions that shape the state's business future.

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516 North Adams Street • Post Office Box 784 • Tallahassee, FL 32301-0784
Phone: (850) 224-7173 • Fax: (850) 224-6532 • E-mail: aif@aif.com • Internet: <http://aif.com>



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Mark Foley,
House Photographer

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<http://aif.com>
to access the
complete
**Voting
Records**
report

A Better Showing for Business

The first thing you'll probably notice on this page is an uptick in the red line on the chart below, a sight pleasing to the eye of every employer who does business in the state of Florida.

In 2002, the Florida Senate recorded a stunning 45 percent score on key business legislation. The recklessly anti-business mood of last year's Senate stands in sharp contrast to the attitude of this year's Senate, due mostly to the change in leadership. Over the years, Senate President Jim King (R-Jacksonville) has always been fair and open-minded. When he worked in unison with the business community this year he proved himself a stalwart and dependable leader.

This year's *Voting Records* are a reflection of the pressing issues faced by the 2003 Legislature. Looming crises in workers' comp, medical malpractice, and no-fault

auto insurance forced lawmakers to craft complex reform packages in the face of hard-charging opposition from the plaintiff lawyer bar and the self-styled consumer groups that they fund.

There were a hundred points of compromise along the way — and the final vote tallies represent the give and take of the legislative process — but in the end, the members of the House and the Senate sent Gov. Jeb Bush sweeping legislation that will help alleviate the unacceptable inflation in premiums for these three lines of insurance. The governor and House Speaker Johnnie Byrd (R-Plant City) were unrelenting in the insistence that action be taken in these areas and the business community owes thanks to both leaders.

It is our opinion that a legislator never has the excuse of ignorance when it comes to AIF's position on any given issue. All legislators are

provided with extensive information on what bills we are following and what our position on those bills will be. A complete set of our *Issue Pages* is sent to each member at the beginning of the session to outline in detail the views taken by the business community.

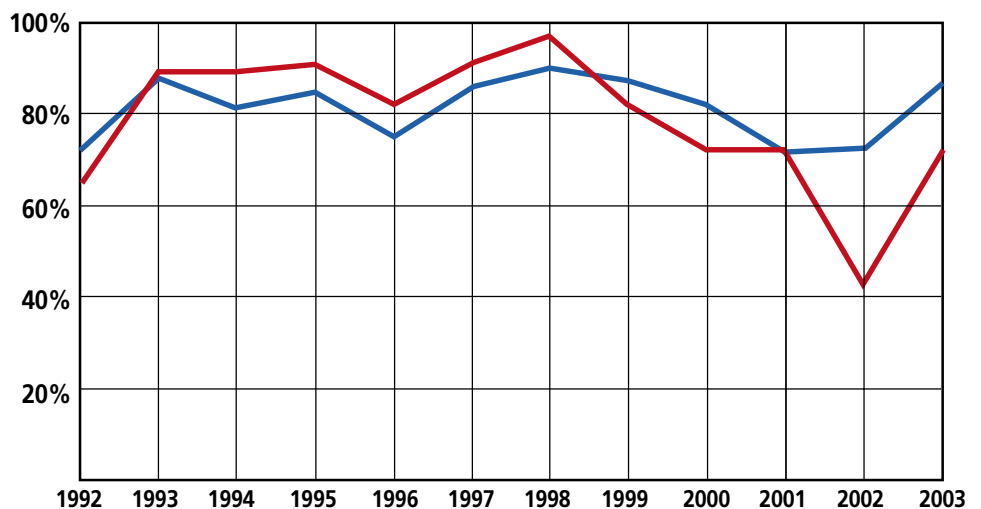
Throughout the session all legislators receive via e-mail a copy of each edition of *Daily Brief* and *Weekly Update*, reports published by AIF that outline the progress of bills on which we have taken a position. Finally, our team of 10 lobbyists is in the Capitol every day, testifying in committee meetings and discussing our positions with individual members. This massive communications effort on our part ensures that all the members of the Florida Legislature are crystal clear on our positions, so that if they vote against the business community they do so knowingly.

The Florida Legislature 1992-2003

CUMULATIVE PRO-BUSINESS TOTALS

House Average —

Senate Average —





2003 FLORIDA LEGISLATURE

VOTING RECORDS

On Key Business Issues by Rank

Voting Records is compiled using actual votes cast as reported in official state records. It does not include changed or paired votes. Some votes may be corrected by the Legislature at a later date, but those changes will not be reflected in *Voting Records*, which relies on the positions of members of the Legislature at the time the votes are recorded. Each vote cast is measured equally, with no added points to certain bills.

FLORIDA SENATE									
Rank	Name/Party	For	Against	w/AIF	Rank	Name/Party	For	Against	w/AIF
1	Constantine (R)	47	2	96%	20	Villalobos (R)	45	12	79%
1	Wise (R)	45	2	96%	22	Crist (R)	35	10	78%
3	Haridopolos (R)	37	2	95%	23	Posey (R)	55	16	77%
4	Cowin (R)	45	3	94%	24	Smith (D)	37	12	76%
5	Bennett (R)	41	3	93%	25	Bullard (D)	38	13	75%
5	Sebesta (R)	43	3	93%	25	Carlton (R)	44	15	75%
7	Alexander (R)	47	5	90%	27	Peaden (R)	49	20	71%
7	Clary (R)	43	5	90%	27	Siplin (D)	27	11	71%
7	King (R)	28	3	90%	29	Diaz de la Portilla (R)	50	21	70%
7	Pruitt (R)	43	5	90%	29	Geller (D)	37	16	70%
11	Argenziano (R)	45	6	88%	31	Klein (D)	37	17	69%
11	Lynn (R)	38	5	88%	32	Campbell (D)	45	23	66%
11	Webster (R)	46	6	88%	33	Margolis (D)	39	21	65%
14	Garcia (R)	33	5	87%	34	Hill (D)	30	18	63%
15	Saunders (R)	49	9	84%	35	Aronberg (D)	33	21	61%
16	Dockery (R)	49	10	83%	36	Dawson (D)	37	25	60%
17	Atwater (R)	42	10	81%	36	Lawson (D)	31	21	60%
17	Lee (R)	44	10	81%	36	Miller (D)	27	18	60%
19	Fasano (R)	41	10	80%	39	Wilson (D)	30	21	59%
20	Jones (R)	45	12	79%	40	Wasserman Schultz (D)	29	32	48%

Total Votes With AIF/Business = 77%

HOUSE OF REPRESENTATIVES

Rank	Name/Party	For	Against	w/AIF	Rank	Name/Party	For	Against	w/AIF	Rank	Name/Party	For	Against	w/AIF
1	Carroll (R)	11	0	100%	32	Farkas (R)	38	2	95%	81	Garcia (R)	28	6	82%
2	Davis, D (R)	40	1	98%	32	Gardiner (R)	36	2	95%	82	Holloway (D)	29	8	78%
2	Davis, M (R)	39	1	98%	32	Johnson (R)	40	2	95%	82	McInvale (D)	28	8	78%
2	Kallinger (R)	43	1	98%	32	Llorente (R)	41	2	95%	84	Kendrick (D)	26	8	76%
2	Kottkamp (R)	39	1	98%	32	Mayfield (R)	39	2	95%	84	Stansel (D)	29	9	76%
2	Littlefield (R)	39	1	98%	32	Mealor (R)	42	2	95%	86	Brandenburg (D)	32	11	74%
2	Ross (R)	39	1	98%	32	Negron (R)	35	2	95%	86	Henriquez (D)	31	11	74%
2	Sansom (R)	41	1	98%	32	Patterson (R)	38	2	95%	86	Ritter (D)	31	11	74%
9	Adams (R)	34	1	97%	32	Russell (R)	36	2	95%	89	Sobel (D)	24	9	73%
9	Berfield (R)	38	1	97%	32	Simmons (R)	36	2	95%	90	Bullard (D)	24	10	71%
9	Bowen (R)	37	1	97%	32	Sorensen (R)	35	2	95%	90	Rich (D)	29	12	71%
9	Byrd (R)	30	1	97%	32	Spratt (R)	35	2	95%	92	Bendross-Mindingall (D)	25	12	68%
9	Carassas (R)	32	1	97%	53	Ambler (R)	34	2	94%	92	Wishner (D)	25	12	68%
9	Clarke (R)	37	1	97%	53	Anderson (R)	31	2	94%	94	Ausley (D)	22	11	67%
9	Cretul (R)	33	1	97%	53	Bean (R)	34	2	94%	94	Fields (D)	26	13	67%
9	Culp (R)	34	1	97%	53	Bilirakis (R)	30	2	94%	96	Gibson, A (D)	27	14	66%
9	Dean (R)	37	1	97%	53	Fiorentino (R)	33	2	94%	96	Kosmas (D)	27	14	66%
9	Detert (R)	35	1	97%	53	Goodlette (R)	32	2	94%	98	Jennings (D)	27	15	64%
9	Gibson, H (R)	34	1	97%	53	Green (R)	34	2	94%	98	Ryan (D)	29	16	64%
9	Harrington (R)	34	1	97%	53	Harrell (R)	33	2	94%	100	Gannon (D)	25	15	63%
9	Jordan (R)	33	1	97%	53	Kyle (R)	34	2	94%	100	Harper (D)	22	13	63%
9	Pickens (R)	38	1	97%	53	Mahon (R)	34	2	94%	100	Richardson (D)	24	14	63%
9	Poppell (R)	35	1	97%	53	Murman (R)	34	2	94%	103	Slosberg (D)	22	14	61%
9	Reagan (R)	37	1	97%	53	Rubio (R)	33	2	94%	104	Antone (D)	20	14	59%
9	Troutman (R)	32	1	97%	53	Waters (R)	33	2	94%	105	Brutus (D)	21	15	58%
26	Brown (R)	49	2	96%	53	Zapata (R)	34	2	94%	105	Greenstein (D)	21	15	58%
26	Hogan (R)	25	1	96%	67	Paul (R)	41	3	93%	105	Seiler (D)	23	17	58%
26	Kilmer (R)	44	2	96%	67	Robaina (R)	37	3	93%	108	Meadows (D)	19	15	56%
26	Mack (R)	47	2	96%	69	Attkisson (R)	35	3	92%	109	Machek (D)	19	16	54%
26	Murzin (R)	44	2	96%	69	Cantens (R)	33	3	92%	109	Peterman (D)	21	18	54%
26	Stargel (R)	46	2	96%	69	Galvano (R)	35	3	92%	111	Gelber (D)	20	18	53%
32	Allen (R)	37	2	95%	69	Hasner (R)	34	3	92%	112	Wiles (D)	16	15	52%
32	Altman (R)	35	2	95%	69	Kravitz (R)	36	3	92%	113	Cusack (D)	20	19	51%
32	Arza (R)	35	2	95%	69	Rivera (R)	23	2	92%	113	Justice (D)	20	19	51%
32	Baxley (R)	42	2	95%	75	Prieguez (R)	29	3	91%	113	Roberson (D)	21	20	51%
32	Bense (R)	35	2	95%	76	Barreiro (R)	33	4	89%	116	Smith (D)	17	17	50%
32	Benson (R)	36	2	95%	76	Needelman (R)	32	4	89%	116	Vana (D)	17	17	50%
32	Brummer (R)	41	2	95%	76	Quinones (R)	33	4	89%	118	Joyner (D)	20	21	49%
32	Domino (R)	38	2	95%	79	Homan (R)	37	5	88%	119	Bucher (D)	18	21	46%
32	Evers (R)	35	2	95%	80	Planas (R)	31	5	86%	120	Gottlieb (D)	18	22	45%

Total Votes With AIF/Business = 84%



2003 FLORIDA LEGISLATURE

VOTING RECORDS

On Key Business Issues Alphabetically

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FLORIDA SENATE									
Name/Party	Rank	For	Against	w/AIF	Name/Party	Rank	For	Against	w/AIF
Alexander (R)	7	47	5	90%	Jones (R)	20	45	12	79%
Argenziano (R)	11	45	6	88%	King (R)	7	28	3	90%
Aronberg (D)	35	33	21	61%	Klein (D)	31	37	17	69%
Atwater (R)	17	42	10	81%	Lawson (D)	36	31	21	60%
Bennett (R)	5	41	3	93%	Lee (R)	17	44	10	81%
Bullard (D)	25	38	13	75%	Lynn (R)	11	38	5	88%
Campbell (D)	32	45	23	66%	Margolis (D)	33	39	21	65%
Carlton (R)	25	44	15	75%	Miller (D)	36	27	18	60%
Clary (R)	7	43	5	90%	Peaden (R)	27	49	20	71%
Constantine (R)	1	47	2	96%	Posey (R)	23	55	16	77%
Cowin (R)	4	45	3	94%	Pruitt (R)	7	43	5	90%
Crist (R)	22	35	10	78%	Saunders (R)	15	49	9	84%
Dawson (D)	36	37	25	60%	Sebesta (R)	5	43	3	93%
Diaz de la Portilla (R)	29	50	21	70%	Siplin (D)	27	27	11	71%
Dockery (R)	16	49	10	83%	Smith (D)	24	37	12	76%
Fasano (R)	19	41	10	80%	Villalobos (R)	20	45	12	79%
Garcia (R)	14	33	5	87%	Wasserman Schultz (D)	40	29	32	48%
Geller (D)	29	37	16	70%	Webster (R)	11	46	6	88%
Haridopolos (R)	3	37	2	95%	Wilson (D)	39	30	21	59%
Hill (D)	34	30	18	63%	Wise (R)	1	45	2	96%

Total Votes With AIF/Business = 77%

H O U S E O F R E P R E S E N T A T I V E S

Name/Party	Rank	For	Against	w/AIF	Name/Party	Rank	For	Against	w/AIF	Name/Party	Rank	For	Against	w/AIF
Adams (R)	9	34	1	97%	Fiorentino (R)	53	33	2	94%	Mealor (R)	32	42	2	95%
Allen (R)	32	37	2	95%	Galvano (R)	69	35	3	92%	Murman (R)	53	34	2	94%
Altman (R)	32	35	2	95%	Gannon (D)	100	25	15	63%	Murzin (R)	26	44	2	96%
Ambler (R)	53	34	2	94%	Garcia (R)	81	28	6	82%	Needelman (R)	76	32	4	89%
Anderson (R)	53	31	2	94%	Gardiner (R)	32	36	2	95%	Negron (R)	32	35	2	95%
Antone (D)	104	20	14	59%	Gelber (D)	111	20	18	53%	Patterson (R)	32	38	2	95%
Arza (R)	32	35	2	95%	Gibson, A (D)	96	27	14	66%	Paul (R)	67	41	3	93%
Attkisson (R)	69	35	3	92%	Gibson, H (R)	9	34	1	97%	Peterman (D)	109	21	18	54%
Ausley (D)	94	22	11	67%	Goodlette (R)	53	32	2	94%	Pickens (R)	9	38	1	97%
Barreiro (R)	76	33	4	89%	Gottlieb (D)	120	18	22	45%	Planas (R)	80	31	5	86%
Baxley (R)	32	42	2	95%	Green (R)	53	34	2	94%	Poppell (R)	9	35	1	97%
Bean (R)	53	34	2	94%	Greenstein (D)	105	21	15	58%	Prieguez (R)	75	29	3	91%
Bendross-Mindingall (D)	92	25	12	68%	Harper (D)	100	22	13	63%	Quinones (R)	76	33	4	89%
Bense (R)	32	35	2	95%	Harrell (R)	53	33	2	94%	Reagan (R)	9	37	1	97%
Benson (R)	32	36	2	95%	Harrington (R)	9	34	1	97%	Rich (D)	90	29	12	71%
Berfield (R)	9	38	1	97%	Hasner (R)	69	34	3	92%	Richardson (D)	100	24	14	63%
Bilirakis (R)	53	30	2	94%	Henriquez (D)	86	31	11	74%	Ritter (D)	86	31	11	74%
Bowen (R)	9	37	1	97%	Hogan (R)	26	25	1	96%	Rivera (R)	69	23	2	92%
Brandenburg (D)	86	32	11	74%	Holloway (D)	82	29	8	78%	Robaina (R)	67	37	3	93%
Brown (R)	26	49	2	96%	Homan (R)	79	37	5	88%	Roberson (D)	113	21	20	51%
Brummer (R)	32	41	2	95%	Jennings (D)	98	27	15	64%	Ross (R)	2	39	1	98%
Brutus (D)	105	21	15	58%	Johnson (R)	32	40	2	95%	Rubio (R)	53	33	2	94%
Bucher (D)	119	18	21	46%	Jordan (R)	9	33	1	97%	Russell (R)	32	36	2	95%
Bullard (D)	90	24	10	71%	Joyner (D)	118	20	21	49%	Ryan (D)	98	29	16	64%
Byrd (R)	9	30	1	97%	Justice (D)	113	20	19	51%	Sansom (R)	2	41	1	98%
Cantens (R)	69	33	3	92%	Kallinger (R)	2	43	1	98%	Seiler (D)	105	23	17	58%
Carassas (R)	9	32	1	97%	Kendrick (D)	84	26	8	76%	Simmons (R)	32	36	2	95%
Carroll (R)	1	11	0	100%	Kilmer (R)	26	44	2	96%	Slosberg (D)	103	22	14	61%
Clarke (R)	9	37	1	97%	Kosmas (D)	96	27	14	66%	Smith (D)	116	17	17	50%
Cretul (R)	9	33	1	97%	Kottkamp (R)	2	39	1	98%	Sobel (D)	89	24	9	73%
Culp (R)	9	34	1	97%	Kravitz (R)	69	36	3	92%	Sorensen (R)	32	35	2	95%
Cusack (D)	113	20	19	51%	Kyle (R)	53	34	2	94%	Spratt (R)	32	35	2	95%
Davis, D (R)	2	40	1	98%	Littlefield (R)	2	39	1	98%	Stansel (D)	84	29	9	76%
Davis, M (R)	2	39	1	98%	Llorente (R)	32	41	2	95%	Stargel (R)	26	46	2	96%
Dean (R)	9	37	1	97%	Machek (D)	109	19	16	54%	Troutman (R)	9	32	1	97%
Detert (R)	9	35	1	97%	Mack (R)	26	47	2	96%	Vana (D)	116	17	17	50%
Domino (R)	32	38	2	95%	Mahon (R)	53	34	2	94%	Waters (R)	53	33	2	94%
Evers (R)	32	35	2	95%	Mayfield (R)	32	39	2	95%	Wiles (D)	112	16	15	52%
Farkas (R)	32	38	2	95%	McInvale (D)	82	28	8	78%	Wishner (D)	92	25	12	68%
Fields (D)	94	26	13	67%	Meadows (D)	108	19	15	56%	Zapata (R)	53	34	2	94%

Total Votes With AIF/Business = 84%



Jon L. Shebel –
President & CEO
of Associated
Industries of Florida
and affiliated
corporations ... more
than 33 years as a
lobbyist for AIF ...
directs AIF's
legislative efforts
based on AIF Board
of Directors'
positions ...
graduated from
The Citadel and
attended Stetson
University College
of Law.
Issues: General Issues

The Bills

Voting Records was compiled
floor votes cast on each of the

BUSINESS REGULATION

👍 **CS/SB 472 - Mining Activities by the Senate Banking & Insurance Committee and Sen. Rod Smith (D-Gainesville)**

Over the last several years there has been a rapid growth in the number of lawsuits arising from the use of explosives in the mining of material used in the construction of roads, highway embankments, and pavements. CS/SB 472 provides an exclusive administrative remedy in the Division of Administrative Hearings for recovery of damages to real and personal property caused by construction mining activities, including mandatory nonbinding mediation, an optional expedited summary hearing, and limited recovery of costs and attorney fees. This bill recognizes that citizens should receive damages for harm caused by this important activity but that the judicial system provides an expensive and ineffi-

cient method for resolving these issues. Administrative hearings offer a cost-efficient, expedient, and mutually beneficial alternative to the traditional judicial process for resolution of damages arising from explosives in construction-materials mining activities.

CS/SB 472 approved by governor (Chapter No. 2003-62); Companion bill: CS/HB 673 laid on table

👍 **CS/HB 1595 - Food Safety by the House Business Regulation Committee and Rep. Jerry Paul (R-Port Charlotte)**

This bill authorized the Division of Hotels and Restaurants to develop and implement a recognition program for restaurants that demonstrated a commitment to ensuring food safety by requiring that employees are trained and by meeting other best practices standards established by the state. Establishments that earned recognition

Unless otherwise noted, AIF took the same position on the bills listed in the summary at the end of each write-up as it did on the bill in the write-up.





Art Simon, Esq., Ph.D. – Senior vice president of governmental affairs of Associated Industries of Florida ... responsible for the daily operation of the governmental affairs department ... former bank regulator and deputy comptroller for state of Florida ... state representative from 1982 to 1994 ... expertise in workers' compensation, banking, civil justice reform, and insurance ... B.B.A. and J.D. from the University of Miami, masters from Harvard University, and Ph.D. from Florida State University.
Issues: Civil Justice, Insurance, Legal & Judicial, Medical Malpractice, Taxation

using committee and following bills.

would have been subject to fewer inspections as long as they maintained the standards required to earn the designation. The division still would have been able to reinspect a facility in order to verify the correction of any violations noted during an inspection. The bill also would not have limited inspections that are carried out in response to a documented public complaint or a suspected outbreak of a food-borne illness.

CS/HB 1595 removed from calendar

👍 **SB 2826 - Tobacco Settlement Agreement by Sen. Mike Haridopolos (R-Melbourne)**

SB 2826 places a \$100-million limit on the amount of an appeal bond, regardless of the total value of the judgment that may be ordered, in any civil action involving one of the defendants involved in the 1995 settlement between the state of Florida and the tobacco companies. Under the terms of this settlement, and a later global settlement with other states, Florida is to receive almost \$14 billion from the tobacco companies during the first 25 years of the life of the settlement. In negotiating the terms of these settlements, however, the state governments never contemplated the size of recent awards against tobacco companies for claims filed by individuals, separately or in class actions. The terms of SB 2826 were revealed as necessary in March when an Illinois circuit court judge ordered Philip Morris to put up a \$12 million bond before it could file an appeal in a class-action tobacco lawsuit. The Draconian amount raised fears that Philip Morris would not be able to post the bond, might default on its next installment under the global settlement, and might seek bankruptcy protection. SB 2826

👍 Bill supported by AIF; 🙅 Bill opposed by AIF

was enacted to protect the funds that the state expects to receive from the tobacco companies, but it also protects tobacco companies from making the untenable choice between bankruptcy (if they choose to post a bond in order to appeal a ridiculously bloated award of damages) and bankruptcy (if they choose to accept a ridiculously bloated award of damages).

SB 2826 approved by governor; (Chapter No. 2003-133)

CIVIL JUSTICE

👍 **CS/SB 1164 - Private Property Rights Protection by the Senate Comprehensive Planning Committee and Sen. Ken Pruitt (R-Port St. Lucie)**

The Bert J. Harris Jr. Private Property Rights Protection Act of 1995 was designed to protect the rights of property owners whose use of their property had been “inordinately burdened” by state or local government actions that might not rise to the level of a “taking” under the state or federal constitutions. If a governmental agency, for example, told a landowner that he could not build a home on his property even though the area was zoned for residential use at the time the property was purchased, the landowner could sue under the Harris Act either to receive compensation for the limitation or to have it lifted. The primary purpose of CS/SB 1164 was to correct a 2002 circuit court decision that a municipality’s liability for payment of compensation under the Harris Act was limited by sovereign immunity. In other words, the decision would have limited the damages paid by a municipality under a Harris Act claim to \$100,000 for any one person, thus stripping it of its potential to protect citizens against government encroachment on the right to use property. If it had passed, CS/SB 1164 would have waived sovereign immunity for claims arising under the Harris Act. Although CS/SB 1164 died on the final day of the regular session, the circuit court decision was reversed by the Third District Court of Appeal in July.

CS/SB 1164 died on calendar



Mary Ann Stiles, Esq. – General counsel of Associated Industries of Florida ... managing partner in the law firm of Stiles, Taylor, & Grace, P.A. ... more than 30 years of legislative and lobbying expertise before the Legislature and other branches of government ... graduate of Hillsborough Community College, Florida State University and Antioch Law School.
Issues: Workers' Compensation Reform

EDUCATION

SB 30A - Quality Education by Sen. Lee Constantine (R-Altamonte Springs)

SB 30A implements the constitutional amendment enacted by voters in 2002 that mandates limits in the number of students in Florida classrooms. It is of special interest to the business community because it increases from \$50 million to \$88 million the total amount of contributions to the Corporate Tax Credit Scholarship Program, which provides up to \$3,500 each to poor students who want to switch to a better public or private school. The program is funded by contributions that are then deducted dollar for dollar from the corporate income tax paid by the contributors, and provides a cost-efficient alternative to the construction of new classrooms. **SB 30A approved by governor (Chapter No. 2003-391); Companion bill: HB 57A died in Senate messages; Similar bills: CS/SB 2062 (supported by AIF) died in House messages**

HB 55A - Charter Schools by Rep. Dennis Baxley (R-Ocala)

In 1996, the Florida Legislature authorized the formation of charter schools, which operate as public schools under a charter (or contract). Charter schools are free of many state and local regulations but are still subject to laws designed to promote the health and welfare of children, as well as standards for accountability and performance. HB 55A formulates guidelines for the creation and operation of charter schools that are designed to increase accountability while raising standards of achievement and putting a greater emphasis on reading. The bill also abolishes the limits that had existed in state law on the number of charter schools per district; a school district may implement a local charter-school cap, subject to the approval of the State Board of Education.

HB 55A approved by governor (Chapter No. 2003-393); Companion bill, SB 38A laid on table; CS/SB 2170 died in House messages; CS/CS/SB 1279 laid on table; CS/CS/SB 2242 died in House messages

ELECTIONS

CS/SB 114 - Advertising Campaign Exposure Act by the Senate Ethics & Elections Committee and Sen. Lee Constantine (R-Altamonte Springs)

The self-styled “Florida Advertising Campaign Exposure Act” established reporting and sponsorship disclaimer requirements for issue advocacy groups that run certain types of “electioneering advertisements.” Particularly offensive was the requirement that each person funding or sponsoring an issue advocacy ad must file periodic campaign finance reports detailing contributions and expenditures. Any attempt to regulate non-ballot issue advertisements — whether in the form of regulation, reporting, or requirements for sponsorship disclaimer — infringe on rights protected by the First Amendment to the Constitution of the United States. Such legislation would have had a chilling effect on individual rights, because persons who otherwise might be willing to support an unpopular cause would now be subject to possible harassment and retaliation.

CS/SB 114 died on calendar

EMPLOYMENT

CS/SB 54 - Local Government/Minimum Wage by the Senate Comprehensive Planning Committee and Sen. Lee Constantine (R-Altamonte Springs)

Florida currently has no statewide minimum wage. CS/SB 54 prohibits local governments from establishing a minimum wage that exceeds the federal standard. The bill does, allow political subdivisions to establish minimum wages for their employees, for employees of private employers under contract with the political subdivision, and for employees of employers receiving direct tax abatements or subsidies from the political subdivision.

CS/SB 54 approved by governor (Chapter No. 2003-87); Companion bill: HB 321 laid on table



Chris Verlander – Senior vice president - corporate development of Associated Industries of Florida ... more than 23 years of expertise in insurance lobbying activities ... former president (1994-1997) and vice chairman (1997-1999) of American Heritage Life Insurance Company ... B.S. from Georgia Tech and M.B.A. from the University of Florida.

Issues: General Issues

👍 CS/HB 13 - Workplace Assault/Arrest by House Judiciary Committee and Rep. Mark Mahon (R-Jacksonville)

CS/HB 13 would have allowed an officer to arrest a person without a warrant when there was probable cause to believe that the person had committed an assault upon another individual in that person's workplace. Law enforcement officers already have this authority in specific situations, such as those involving domestic violence or child abuse.

CS/HB 13 died on House calendar



ENVIRONMENT

👍 CS/SB 956 - Drycleaning Solvent Cleanup Program by Senate Natural Resources Committee and Sen. Dennis Jones (R-Seminole)

SB 956 expands the civil-immunity provisions of the Drycleaning Solvent Cleanup Program, which relies on taxes and fees levied on drycleaners to rehabilitate sites and drinking water supplies that are contaminated by drycleaning solvents. Prior to the passage of this bill, the program's exemption from liability for cleanup costs was limited to eligible drycleaning and wholesale supply facilities, provided that the facilities met the requirements of the law and regulations. SB 956 extends that exemption to owners of property who lease it to the owners of the facilities from which drycleaning solvent contamination originates. The immunity provisions cover property damage claims of any kind from any person unless that person sells, transfers, or changes the land use of the contaminated property or demonstrates that actual economic damage has occurred as a result of the contamination. The bill will prevent "double dipping" by affected property owners who recover damages for the lost value of the contaminated property and then recover more damages for rehabilitation of the property to its pre-contamination status. Now those affected property owners will not be able to recover damages for the lost value of their contaminated properties, but their properties will be rehabilitated at no cost to them.

CS/SB 956 approved by governor (Chapter No. 2003-276); Companion bill: HB 741 laid on table

👍 HB 63A - Florida Clean Indoor Air Act by Rep. Manuel Prieguez (R-Miami) HB 63A implements Constitutional

HB 63A implements Constitutional Amendment 6, which was enacted by Florida voters in last year's general election to ban smoking in the workplace. Cigarette smoking is no longer allowed in any workplace, with the following exceptions:

👍 Bill supported by AIF; **👎** Bill opposed by AIF


Robert P. Asztalos

Buigas, Asztalos & Associates ... more than 16 years of experience as lobbyist on the state and national level ... instrumental in passage of 2000 long-term-care liability reform act ... Areas of expertise: long-term care and medical delivery systems ... Bachelor's and master's degrees from The George Washington University.

Issues: Health Care, Medical Malpractice

- Stand-alone bars, where food sales account for 10 percent or less of the establishment's gross revenues.
- Retail tobacco shops
- Designated guest rooms at public lodging establishments
- Private residences that are not being used commercially to provide child care, adult care, or health care

Employers will no longer be allowed to designate rooms where smoking is allowed. If employees want to light up, it will have to be outdoors. Violations could result in fines ranging from \$250 to \$2,000. The fines will only be levied if a complaint is filed and the business refuses to comply.

HB 63A approved by governor (Chapter No. 2003-398); Companion bill, CS/SB 44A laid on table

CS/HB 1123 - Contaminated Site Rehabilitation by Rep. Donna Clarke (R-Sarasota)

Over the last five years lawmakers have adopted legislation applying the principles of risk-based corrective action (RCBA) to the cleanup of specific kinds of contaminated sites. HB 1123, sponsored by the House Natural Resources Committee and Representative Donna Clarke (R-Sarasota), applies RCBA principles to the remediation of all contaminated sites in the state of Florida. RCBA uses realistic objectives for the cleanup of sites, as opposed to the idealistic objective currently used. For example, the Environmental Protection Agency often requires elimination of exposure at a contaminated site to a cancer risk range of one in one million. RCBA allows greater flexibility in determining the goals for remediation, which allows pollution to be removed more effectively at a lower cost, thereby bringing more land back to health and to fruitful use more quickly.

CS/HB 1123 approved by governor (Chapter No. 2003-173); Companion bill: SB 2726 laid on table

GENERAL GOVERNMENT

CS/HB 847 - Citizens' Right to Honest Government by the House Procedures Committee and Rep. Dudley Goodlette (R-Naples)

CS/HB 847 is the end product of the work of a task force convened by Gov. Bush in 1999. It is designed to crack down on public corruption by imposing stiffer penalties for bribery, bid-tampering, and using a public-service job for personal financial benefit, and other misdeeds by government workers.

CS/HB 847 approved by governor (Chapter No. 2003-158); Companion bill: CS/SB 2030 laid on table

HB 1017 - Florida Statutes by the House Procedures Committee and Rep. Allan Bense (R-Panama City)

HB 1017 fulfills a typically non-controversial housekeeping chore whereby the Legislature prospectively adopts the official edition of the Florida Statutes that are published after each session, incorporating the new law enacted since the publication of the previous edition. HB 1017 was made noteworthy because of a controversy that erupted last year when similar legislation was defeated. The 2002 adopter's bill became embroiled in controversy when Sen. Skip Campbell (D-Tamarac) used an arcane procedural move that had no other purpose than to delay a decision on whether or not the 1999 tort reform law was constitutional. The business community was forced to track this inconsequential bill to help protect the 1999 reforms, which are still under constitutional challenge.

HB 1017 approved by governor (Chapter No. 2003-25); Companion bill: SB 578 laid on table

Bill supported by AIF; Bill opposed by AIF



Barney T. Bishop III
 – President & CEO,
 The Windsor Group
 ... former aide to
 state Treasurer Bill
 Gunter ... former
 executive director of
 the Florida Demo-
 cratic Party ... more
 than 24 years of
 experience in
 legislative and
 political affairs ...
 areas of expertise
 include appropria-
 tions, criminal
 justice, and
 behavioral health
 care issues ... B.S. in
 political & judicial
 communication from
 Emerson College in
 Boston.
Issues: Appropriations,
 Elections, Employment,
 General Government,
 Regulated Industries,
 Taxation

HEALTH CARE

CS/SB 154 - Health Care Providers' Rights by the Senate Health, Aging, & Long-Term Care Committee and Sen. Skip Campbell (D-Tamarac)

CS/SB 154 was an attempt to dictate contract terms between managed care plans and health-care providers. This bill was an extension of a tactic used by opponents of managed care who have pursued many avenues in an attempt to undermine the concept of controlling costs while improving the quality of care. AIF opposed this bill because contracts are instruments of the free market that should be controlled by the voluntary agreements of the bargaining parties, not the restraints of government entities. Aggrieved parties still have recourse to the courts if a contract contains unconscionable provisions. **CS/SB 154 died in the Senate Appropriations Subcommittee on Health & Human Services**

HMO'S

SB 436 - Health Care Services/Managed Care Organizations by Sen. Skip Campbell (D-Tamarac)

SB 436 was the 2003 incarnation of "any willing provider" legislation, an annual attack on the ability of managed care health plans to build networks of participating physicians. Any-willing-provider

laws force HMOs and PPOs to allow their subscribers to seek treatment from any physician who is willing to accept the fees payable to doctors in the managed-care network. By doing so, the HMOs and PPOs lose their ability to offer doctors in their networks the benefit of higher patient volume in return for lower fees. If a patient can go anywhere outside the network, doctors have no incentive to join a network, which, in turn, guarantees that fees will rise, and shortly thereafter premiums will too.

SB 436 died in the Senate Committee on Judiciary

INSURANCE

SB 84 - Insurance/Autism Spectrum Disorder by Sen. Steve Geller (D-Hallandale Beach)

Under the provisions of this bill, every health insurer or HMO that offered major medical coverage would be required to include coverage for treating autism spectrum disorder. In other words, the bill sought to lengthen the already lengthy list of mandated benefits that increase the cost of health insurance for employers and employees. In the final analysis, this additional benefit provides no benefit at all to persons who can no longer afford adequate health insurance.

SB 84 died in the Senate Committee on Health, Aging, & Long-Term Care; Companion Bill: HB 169 died in House Committee on Health Care





Ronald L. Book, Esq. – Principal shareholder of Ronald L. Book, P.A. ... former special counsel in cabinet and legislative affairs for Gov. Bob Graham ... over 30 years of experience in government and legislative activities ... areas of expertise include legislative and governmental affairs with an emphasis on sports, health care, appropriations, insurance, and taxation ... graduate of the University of Florida, Florida International University, and Tulane Law School.

Issues:
Appropriations, Business Regulation, Economic Development, Education, Employment, General Government

SB 2174 - Insurance/Infant Eye Care by Sen. Alex. Villalobos (R-Miami)

This bill required eye examinations for all infants born in Florida hospitals. It further mandated that health insurance policies and HMO contracts cover the cost of these examinations. At a time when the state needs to foster containment of health care costs, this bill, and others like it, would have added to those costs. AIF will continue to oppose this legislation, absent credible actuarial data that the increased cost associated with infant eye examinations would be counterbalanced by a decrease in costs of treatment of otherwise undetected infant eye disorders.

SB 2174 died in the Senate Committee on Banking & Insurance; Companion Bill: HB 115 died in the House Committee on Health Care

SB 636 - Insurance/Arbitration Proceedings by Sen. Charlie Clary (R-Destin)

This bill would have repealed a provision in the insurance code requiring arbitration procedures in cases of disputes over rate filings with the Office of Insurance Regulation, particularly with respect to windstorm insurance risk apportionment. The current arbitration process is fair for all affected parties. Passage of this bill would have sent an unfortunate signal to insurance carriers that Florida may be reverting once again to an overly politicized rate-approval process.

SB 636 died in the Senate Committee on Commerce, Economic Opportunities, & Consumer Services

CS/SB 32A - Motor Vehicle Insurance Reform Act by the Senate Banking & Insurance Committee and Sen. JD Alexander (R-Winter Haven)

The Florida Motor Vehicle Insurance Affordability Reform Act passed after extensive deliberation and debate. Although some of the strongest provisions in the original bill were watered down in the

Bill supported by AIF; Bill opposed by AIF

amendatory process, this version, which passed in the first special session, still represents a positive response to the increasing cost of automobile insurance.

CS/SB 32A approved by governor; Similar bills: CS/SB 1202 died on House calendar; CS/HB 1819 died on House calendar

CS/HB 1573 - Relating to Health Insurance by the House Committees on Insurance & Health Care and Rep. Frank Farkas (R-St. Petersburg)

CS/HB 1573 was a complex bill with a number of provisions that AIF supported because their end result would have been expanded access to health insurance and to patient information that would help consumers make better health care choices.

CS/HB 1573 died on House calendar; Similar bill: CS/SB 1796 (opposed by AIF) died in the Senate Committee on Health, Aging, and Long-Term Care

CS/SB 1796 - Health Insurance by the Senate Banking and Insurance Committee and Sen. Skip Campbell (D-Tamarac)

While CS/SB 1796 was similar to another bill that AIF supported, CS/HB 1573, it contained one provision that made it unacceptable. The bill would have banned mandatory arbitration as an unfair and deceptive act or practice for certain insurers and managed care providers. AIF favors alternative dispute settlement mechanisms, such as mandatory arbitration, as an effective means to quickly resolve bona fide disputes between contracting parties.

CS/SB 1796 died in the Senate Committee on Health, Aging, and Long-Term Care; Similar bill: CS/HB 1573 (supported by AIF) died on House calendar

LEGAL & JUDICIAL

SB 464 - Constitutional Amendments by Sen. Rod Smith (D-Gainesville)

SB 464 would have required a fiscal impact statement to appear on the ballot alongside any constitutional amendment



Keyna Cory – President, Public Affairs Consultants, a public affairs and governmental relations consulting firm ... almost two decades of experience representing a variety of clients, from small entrepreneurs to Fortune 500 companies, before the Florida Legislature ... majored in political science at the University of Florida.
Issues: Environment, Finance, Natural Resources, Taxation, Transportation

placed before the voters. Only citizen initiatives are now required to carry a fiscal impact statement. This provision would have helped Floridians fulfill their electoral duties more intelligently and competently by giving them information that was vital to weighing the pros and cons of any proposed amendment.

SB 464 died in the Senate Committee on Rules & Calendar; Companion Bill: HB 1883 died Senate Messages

MEDICAL MALPRACTICE

👍 SB 2D - Medical Malpractice by the Senate Health, Aging & Long-Term Care Committee and Sen. Dennis Jones (R-Seminole)

SB 2D is a complex package of insurance, litigation, licensing, and patient safety reforms that are designed to decrease the

costs and increase the availability of medical-liability insurance. Florida doctors pay rates that are among the highest in the nation, which threatens Floridians' access to quality health care. Many doctors are finding malpractice insurance unaffordable and are threatening to curtail their practices or close their doors altogether. Among the bill's many provisions to help alleviate the crisis, one of the most important is the cap on non-economic damages for victims of medical negligence, which will help insurance companies keep premiums lower by returning predictability to the rate-setting process. There is no cap on damages paid to compensate victims for actual economic losses, such as lost wages and income, medical treatment, attendant care, etc. The bill should also help reduce costs by eliminating the uncertainty insurers face when they determine





Jim Rathbun – President of Rathbun & Associates ... more than 14 years of experience representing individuals and entities before the Legislature, state agencies, and the governor and Cabinet ... formerly worked with the Florida House of Representatives and served as staff director of the House Republican Office ... B.S. from Florida State University.
Issues: Agriculture, Business Regulation, Ethics & Elections, General Government

whether or not to settle a claim or hazard a court trial. In addition, the bill puts a new emphasis on patient safety through initiatives designed to eliminate preventable errors that lead to bad outcomes and malpractice lawsuits.

SB 2D approved by governor (Chapter No. 2003-416); Similar bills: HB 1713 (supported by AIF) died in the Senate Committee on Health, Aging & Long-Term Care; CS/CS/SB 560 & CS/SB 2080 (opposed by AIF) died in House messages; CS/SB 1154 (opposed by AIF) died in the Senate Committee on Judiciary; SB 1912 (supported by AIF) combined with CS 562 by Senate Committee on Judiciary, laid on table (AIF did not support or oppose CS/CS/SB 562, which died in House messages); CS/CS/SB 564 (opposed by AIF) combining CS/SB 564, SB 2120 & SB 2620, died in House messages; SB 558 (supported by AIF) laid on table; CS/SB 2B (opposed by AIF) died in House messages; Companion Bill, HB 63B (supported by AIF) died in Senate messages



TAXATION

CS/SB 116 - Community Contribution Tax Credits by the Senate Committee on Commerce, Economic Opportunities & Consumer Services and Sen. Stephen Wise (R-Jacksonville)

The community contribution tax credit program authorizes corporations, insurance companies, and persons who collect sales or use taxes to receive community contribution tax credits for donations to certain projects. Eligible projects must provide low-income housing community development, or broadband capability for rural enterprise zones. These tax credits may be used against corporate income taxes, insurance premium taxes, and sales or use taxes. Currently, \$10 million in community contribution tax credits are available per year. This bill would have promoted economic development by doubling the annual limitation on the amount of permissible tax credits.

CS/SB 116 died in the Senate Committee on Finance & Taxation; Companion bill: CS/HB 239 died in the House Committee on Finance & Tax

SB 1430 - Gross Receipts Tax/Manufactured Gas by Sen. JD Alexander (R-Winter Haven)

This bill provides an exemption from the public service tax for the sale of manufactured gas to a public or private utility for resale or use as a fuel in the generation of electricity. This bill will be of benefit to any utility that chooses to generate electricity with purchased manufactured gas. AIF actively supports legislation to eliminate taxes on inputs used in the manufacturing process.

SB 1430 approved by governor (Chapter No. 2003-17) Companion Bill: CS/CS/HB 329 laid on table

SB - 1162 Taxation by Sen. Ken Pruitt (R-Port St. Lucie)

Given the importance of the tourism sector to the state's economy, it was necessary for the Legislature to abrogate the repeal of laws regarding the tourist devel-

Bill supported by AIF; Bill opposed by AIF



Gerald Wester—
President of Capital City Consulting, LLC ... former chief deputy over Florida Department of Insurance's regulatory staff ... more than 26 years of lobbying experience ... expertise in insurance, banking, and health care issues ... Bachelor's and master's degrees from Florida State University.
Issues: Health Care, Health Maintenance Organizations, Insurance, Medical Malpractice

opment tax. In addition, this bill assures continuation of the Florida Taxpayer's Bill of Rights, notwithstanding repeal previously scheduled by law.

HB 1162 approved by governor (Chapter No. 2003-34); Similar Bill: HB 333 laid on table

👍 CS/HB 809 - Economic Stimulus by Rep. Bev Kilmer (R-Marianna)

Economic development would have been furthered by certain provisions in this bill to expand the urban job tax credit program. Also, the bill would have clarified the definition of the term "Department of Defense contract" under Florida's tax refund program for qualified defense contractors. Moreover, it would have provided for special consideration to be given to defense and homeland security under a tax refund program for qualified target industry businesses.

CS/HB 809 died on calendar; Similar bill: CS/CS/CS/SB 2328 laid on table

👍 HB 1173 - Work Opportunity Tax Credit by Rep. Hank Harper (D-West Palm Beach)

This was a constructive initiative to promote job training in the private sector through corporate income tax credits for businesses hiring certain persons under specified circumstances. AIF believes that corporate tax credits are an appropriate means to develop partnerships between the public and private sectors for the common purpose of job creation and economic development.

HB 1173 died on House calendar; Companion bill

👎 HB 1793 - Excise Tax on Documents by House Appropriations Committee and Rep. Bruce Kyle (R-Fort Myers)

SB 1793 would have eliminated distributions to various trust funds of proceeds of excise taxes on documents. Instead, tax dollars would have been redirected to the general revenue fund. The business community generally opposes legislative meddling with trust funds that are deemed essential for proper planning and timely funding of important pro-business en-

deavors, such as decontamination of polluted property, highway construction, and support for low income housing. Redirecting trust-fund dollars to general revenue constitutes a breach of trust by state government, because industry groups generally support in good faith the imposition of certain new taxes on the premise that the funds would be protected in trust accounts and used solely for purposes stated in the enabling legislation.

HB 1793 died in Senate messages

👍 HB 1839 - Corporate Income Tax by House Finance & Tax Committee and Rep. Randy Johnson (R-Winter Garden)

This bill provides for adoption of the 2003 version of Internal Revenue Code. AIF has always supported piggybacking of the federal corporate income tax code as necessary to avoid higher state taxes and wasteful compliance costs by the corporate sector.

HB 1839 approved by governor (Chapter No. 2003-85); Similar bill: SB 1002 laid on table

👍 CS/CS/SB 1776 - Streamlined Sales and Use Tax by Senate Committees on Appropriations and Finance & Taxation and Sen. Evelyn Lynn (R-Ormond Beach)

This bill was strongly supported by AIF. Presently, sales and use tax is hardly ever collected from remote sellers (such as those who market products over the Internet), even though the tax is clearly due and owing under Florida law. This represents a major compliance issue, which CS/CS/SB 1776 sought to address, by simply leveling the playing field to assure fair competition to all retailers selling goods in the Florida market. It is fundamentally unfair that brick-and-mortar retailers in Florida are increasingly placed at a competitive disadvantage with respect to businesses in other states selling goods for delivery to Florida residents, simply because Florida-based companies comply with state law by imposing and remitting state and local sales tax.

CS/CS/SB 1776 died in House messages

TRANSPORTATION

HB 1833 - Secure Airports for Florida Act by House Transportation Committee and Rep. Dorothy Bendross-Mindingall (D-Miami)

HB 1833 creates the Secure Airports for Florida Economy (SAFE) Council, which will recommend transportation facility projects to the Legislature that will promote safety at the airports while promoting Florida's economic development, which is dependent on the ability of people to move into, around, and out of the state.

HB 1833 approved by governor (Chapter No. 2003-288; Companion Bill: CS/CS/SB 2578 Laid on Table

WORKERS' COMPENSATION

SB 50A - Workers' Compensation by Sen. Charlie Clary (R-Destin)

SB 50A is the most comprehensive package of workers' compensation reform enacted by the Florida Legislature since 1993. Thanks to the bill's provisions, the Office of Insurance Regulation recently approved a 14-percent average decrease in premiums. SB 50A helped reduce costs in the



system while increasing protection to injured workers. Among the key provisions of the 2003 reform law are the following:

- Abolishes hourly attorney fees in most cases and requires contingency fees instead, which will help lower costs by eliminating the incentive to prolong litigation rather than working to settle cases quickly in the best interests of the injured worker.
- Restricts the construction industry exemption from purchasing coverage to a maximum of three corporate officers who each own at least 10 percent of the corporation.
- Reforms Florida's costly and misused system of permanent and total disability by eliminating the Social Security definition of permanent and total disability, which allowed injured workers who were capable of working to stay at home and collect workers' comp benefits; also eliminates loopholes that allowed workers to continue collecting workers' compensation benefits long after retirement age.
- Increases impairment-income benefits from 50 percent of the employee's compensation rate to 75 percent, which should help reduce litigation over disability by claimants who are truly injured but have not been receiving benefits that were adequate enough to support them until they reached full recovery.
- Increases penalties for employer and carrier fraud, such as misrepresenting payroll in order to avoid payment of full premiums, or for any actions that unreasonably delay the receipt of benefits by an injured worker.

SB 50A approved by governor (Chapter No. 2003-412); Companion bill HB 25A died in Senate messages; Similar bills HB 1837 (supported by AIF) died in Senate messages; CS/CS/SB 1132 (opposed by AIF) laid on table.

AIF Voting Records On-Line

The annual legislative voting records and rankings has been a mainstay of AIF's services for many years. Now, that service has reached a new level that will allow the business community not only to see how their legislators are voting on business issues in the current session, but how they have voted throughout their entire legislative career.

Available on the "Members Only" Web site at (<http://fbnnet.com>) is a historical voting record section that allows you to research trends in the Florida Legislature back over 25 years. There are several search methods available, including:

- by Session Year
- by Subject Category
- by Chamber (House or Senate)
- by Legislator's Name

To access the AIF vote records simply go to <http://fbnnet.com> or access the Florida Business Network (FBN) via the AIF home page (<http://aif.com>). Use your unique user name and password to log on, then click on the "Main Information Center" option. Scroll down to "AIF Vote Records." Click on this option, then click on the session year that you desire and you will see the options available.

The AIF vote record is also available on the AIF home page (<http://aif.com>). From the AIF home page, click on "AIF Information Center" and in the lefthand menu you can click on "Voting Records." The entire vote record for the previous two years is available via this option.



Why is this such a great tool for the business community? Because all of the votes cast in one year doesn't always give a total indication of the voting habits of a legislator. However, when you are able to see what percentage of the time a legislator voted for the business position over multiple years on various bills, then you truly have the kind of information you need to decide if your legislator is pro-business or not.

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