

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
INTERIM BRIEF**



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DAILY INTERIM LEGISLATIVE BRIEF FROM FEBRUARY 6, 2001
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Workers' Compensation Reform Workshop

Representative Jerry Melvin (R-Ft. Walton) chaired a workshop today for the expressed purpose of identifying those issues that would be considered "non-controversial" as part of an effort to reform the workers' compensation system in Florida. To provide a basis for the discussion, the workshop participants drew from last year's reform bill, which was passed by the House, but was not adopted by the Senate and therefore failed to become law.

Two issues that did prove to be controversial were related to the creation of a specialized panel in the 1st District Court of Appeals to hear workers' compensation appeals and a proposal to make managed care participation, mandatory under current law in the workers' compensation system, voluntary.

Specifically, some participants advocated that workers' compensation self-insureds be allowed to opt out of the mandatory managed care. Jim Massey, a spokesman for the insurance industry, argued that he could support the idea if the *insurance carriers* could opt out, as well. All of this may be a mute discussion, if the legislature takes the Workers' Compensation Task Force recommendation that participation in the managed care system be voluntary for all, with no industry bifurcated arrangement.

The so-called Florida Workers' Advocates, an organization cobbled together by the trial attorneys who have a vested interest in keeping things just the way they are, were opposed to most of the recommended changes.

The workshop participants agreed to proceed with patching together a non-controversial bill for consideration by the House Insurance Committee.

Finally, Rep. Jerry Melvin stated to all that he was opposed to the recommendation that the Division of Workers' Compensation be moved to the Department of Insurance. He stated that he will submit a bill that will move the Division of Workers' Compensation, directly under the Governor's Office.

Long Term Care Reform

The House committee on Elder and Long Term Care, heard a report today from Lt. Governor Frank Brogan, on behalf of the Task Force on Availability and Affordability of Long Term Care. Mr. Brogan served as chairman of the Task Force this past year.

As we reported yesterday, the Task Force report is just that, a report, and is not an endorsed document by the Task Force recommending certain actions be taken to correct the problems

plaguing the long term care providers. Rather, the report merely provides the recommendations of the long term care providers, the trial attorneys and the Task Forces' expert staff.

Gratefully, the Lt. Governor spoke not just as chairman of the Task Force to the committee, but also as the No.2 man in the executive branch. Mr. Brogan made it clear, regardless of the Task Forces' report, that no reform bill could actually be a *reform bill* unless it contains litigation reform. Mr. Brogan emphasized the reform effort must contain the following three elements; quality care, alternate care and litigation reform.

Lt. Governor Brogan's presentation was compelling and put everyone on notice, the committee members, observers, the press and the trial attorney that the Governor means to aggressively pursue *real reform*.

Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

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