



FROM MARCH 18, 2003

HIGHWAY SAFETY AND COMMERCIAL VEHICLES

Today the House Transportation Subcommittee on Transportation Systems voted favorably on two bills designed to improve conditions on the state's highways.

HB 497 would create a two-year highway-safety pilot project on I-95 in Palm Beach County, beginning on October 1, 2003. The bill, sponsored by Representative Irving Slosberg (D-Boca Raton), would restrict commercial vehicles with three or more axles to the two outermost lanes of traffic, except for when the driver is preparing for a left turn, avoiding a hazardous road condition, or being otherwise directed by law enforcement. Violators would be subject to a \$60 fine for a non-criminal moving violation, on top of any penalties for additional violations, such as speeding.

From 1998-2001, Florida ranked third nationwide in the number of fatal highway crashes involving commercial motor vehicles, although its percentage of fatal accidents per vehicle miles traveled has declined. Palm Beach County ranked second out of Florida's 67 counties in the number of fatal crashes involving large commercial trucks in 2001.

The second bill was HB 1205, sponsored by Representative Andy Gardiner (R-Orlando). It expands the power of the Motor Carrier Compliance Office to keep off of the highways commercial motor vehicles that violate safety and other motor-carrier laws.

AIF supports reasonable measures to improve safety on the state's highways.

Smoke-Free Workplace

Last week we reported on the House Subcommittee on Trades, Professions & Regulated Business recommendation to implement the anti-smoking amendment with language stricter than what is found in the amendment itself. Today the House Business Regulation Committee approved PCB BR 03-01, which embraces the subcommittee's recommendation to ban smoking in all restaurants and bars. The only exceptions to the amendment's ban on workplace smoking would be retail tobacco shops; tobacco manufacturing, distributing, and leaf facilities; designated hotel guest rooms; and private residences.

The House committee bill differs from the approach being taken by the Senate, which adopts a broader interpretation of permissible activities under the anti-smoking amendment.

AIF will continue to monitor the implementation of Amendment 6 to ensure that it does not place undue burdens on employers and their ability to conduct business.

MINING

Today on the Senate floor three amendments to SB 472 were adopted. The bill creates a streamlined administrative hearing and procedures process for allegations of property damage caused by the use of explosives and blasting associated with construction-materials mining. Two of the amendments were technical in nature and of little interest to the business community. The third amendment, however, fixed an objection AIF had to the bill's provisions as they relate to attorney fees. The original bill awarded attorney fees to the prevailing party, not to exceed \$15,000. The amendment awards attorney fees to the prevailing party if the suit is ruled frivolous under current law.

The bill now awaits a final vote in the Senate.

AIF supports this bill because it reduces waste by, among other things, giving both the plaintiff and the defendant incentives to avoid frivolous lawsuits.

WORKERS' COMPENSATION

The first half of the Tuesday night meeting of the House Select Committee on Workers' Compensation was devoted to testimony regarding construction industry exemptions and the recommendations of the Governor's Commission on Workers' Compensation Reform.

Most of the testimony was in favor of repealing the exemptions for the construction, while expressing concern over the details of implementation and the availability and affordability of insurance for small, family owned contractors.

Jerry Fogel then testified on behalf of the Governor's Commission on Workers' Compensation Reform, particularly the portions advocating his FairCare theory as the core of the plan. The problem with Mr. Fogel's theory, however, is that there is no written proposed legislation available to implement the policies it embodies and, therefore, no one is able to determine if they will generate the significant cost savings that Mr. Fogel claims.

The remainder of the meeting was devoted to a roundtable discussion in which each member provided their priority issues which they believe should be included in the workers' compensation reform legislation. Chairman Dennis Ross (R-Lakeland) did not participate in identifying his priorities during this portion of the meeting.

The priorities identified by members ranged across the board, from workplace safety to fraud prevention to fixing the medical fee schedule to eliminating the construction exemptions. Several members agreed with the principle reforms advocated by AIF and the Coalition of Business and Insurance Industry regarding elimination of awards of hourly fees for claimant attorneys and decreasing the frequency of permanent-total disability claims.

At the conclusion of the members' comments, the chairman indicated that more detailed proposals would be discussed at greater length in the committee's next meeting on Thursday, March 20. He also expects that the select committee will have a bill available early next week.

AIF supports legislation that will bring more employers into compliance with the workers' comp law, while reducing the amount of litigation over claims. Promoting greater fairness and efficiency in the system is necessary to curtail escalating costs for the business community, which can only come with a healthy insurance market.

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

- For more information on all of the important legislative information concerning the business community, go to our "members only" Florida Business Network web site at <http://fbnnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.