

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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FROM JULY 21, 2003

The last day of Special Session C was a non-event, to no one's surprise.

Expectations are that Governor Jeb Bush will schedule a fourth special session beginning on August 5 and lasting 10 days to two weeks.

Reportedly the governor intends to ratchet up the pressure on the Senate holdouts during the intervening period by carrying out his threat to take the battle to grass-roots Republican organizations. The negotiations between the Senate and the House will continue, mostly behind the smokescreen of the intra-party struggle between the GOP factions.

While the public-relations battle plays the loudest, there is an ongoing and serious dispute over the nature of the problem — and the solution. Late Friday, the House of Representatives released copies of a letter to Senate President Jim King (R-Jacksonville) from House Speaker Johnnie Byrd (R-Plant City) outlining his concerns with the Senate's latest damage cap proposal. Those sentiments were echoed in another longer letter from Representatives Dudley Goodlette (R-Naples) and Allan Bense (R-Panama City) to their fellow negotiators, Senators Rod Smith (D-Gainesville) and Tom Lee (R-Brandon).

Please go to <http://www.fbnnet.com/2003-Articles/byrdMedmalletter.htm>
to read Representative Byrd's letter.

Please go to <http://www.fbnnet.com/2003-Articles/BenseMedmalletter.htm>
to read the letter from Representatives Goodlette and Bense.

Both Byrd and his negotiating team expressed some frustration with a lack of movement from "concepts" to specific language on certain contentious provisions of the medical-liability bills, specifically with respect to bad faith and caps on non-economic damages.

Representatives Goodlette and Bense open their letter, "A careful review of the language you provided yesterday afternoon reinforces what we have been saying about the need to provide specific language for all parties to review when we are in discussion of these highly complex issues. We are now aware that we are much further apart than any of us might have realized based on assertions made during our conversations."

As the old saying goes, "The devil is in the details." In the case of the medical-liability devil, the details appear to have left the negotiations in a helluva fix. The two letters do serve as a reminder that, contrary to the media portrayal, the House is an active and engaged partner in this debate, with a set of assumptions and objectives that are independent of — albeit aligned with — those of Governor Bush. This isn't simply a showdown between the Senate and the governor. Legislation has yet to pass because the two chambers have yet to agree on its design.

Earlier today the Senate published the three-volume, 354-page transcript of last week's Senate Judiciary hearings on the Internet. Senate Judiciary staffers inform us that Senator Alex Villalobos (R-Miami), Judiciary Committee chairman, has decided against releasing a report summarizing the testimony presented.

Please go to <http://www.flsenate.gov/Welcome/index.cfm>
to read about the Senate Judiciary Committee hearings.

Please go to <http://www.fbnet.com/DailyBriefs/2003Dailybriefs/dailybrief54.htm>
to read the outline of the Senate's legislative proposal

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