

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
WEEKLY UPDATE**



P.O. Box 784 • Tallahassee, FL 32302 • Phone: (850) 224-7173 • Fax: (850) 224-6532 • Internet: <http://aif.com> • fbnnet.com

FROM THE WEEK OF MAY 19-23, 2003

Officially, the special session lasts for another four days, but no legislative activity is scheduled over the three-day Memorial Day weekend. As a practical matter, therefore, only one work day remains in the session. On Tuesday, May 27, the Florida Legislature reconvenes to formally pass the budget and several other bills included in the expanded call.

What follows is a summary of legislative action this week on five bills of interest to AIF members. One of these bills passed the Legislature on Wednesday, and is now on its way to the governor. The other four are poised for passage this coming Tuesday, when the House and Senate go back into session.

ENACTED

CIVIL RIGHTS

Florida's Civil Rights Act was hotly debated in the special session. SB 46A, sponsored by Senators Alex Villalobos (R-Miami), Lesley Miller, Jr. (D-Tampa), Rod Smith (D-Gainesville), Alex Diaz de la Portilla (R-Miami), and its House counterpart, HB 143A, by Representatives Jeff Kottkamp (R-Cape Coral) and Juan Zapata (R-Miami) give the attorney general independent authority to initiate, upon reasonable cause, a civil action for damages against any group or person that allegedly commits a pattern of unlawful discrimination or a discriminatory act of great public interest.

After a favorable House vote last week, HB 143A was taken up by the Senate on Wednesday in lieu of SB 46A, which was identical. A few amendments were offered and rejected. Thereupon, the Senate approved the bill on a near unanimous vote.

The final language of the civil right bill contains provisions that alleviate concerns raised by AIF earlier in the regular session, when this legislation was first introduced and heard in committee.

AIF does not oppose the civil rights bill in its final form.

PENDING

WORKERS' COMPENSATION

The Senate workers' compensation bill is SB 50A by Senators Charlie Clary (R-Destin), JD Alexander (R-Winter Haven), and Jeff Atwater (R-Palm Beach Gardens). The House counterpart is HB 25A by Representative Dudley Goodlette (R-Naples) and co-sponsored by Representatives Bob Allen (R-Merritt Island), Kim Berfield (R-Clearwater), Don Brown (R-DeFuniak Springs), Donna Clarke (R-Sarasota), Mike Davis (R-Naples), Dennis Ross (R-Lakeland), and Juan Zapata (R-Miami).

Next Tuesday is judgment day for workers' compensation reform. Both bills will be heard on third reading in the respective chambers.

Regrettably, the bills are no longer identical following Senate adoption of an amendment on Wednesday that removed a provision seeking to correct the *Turner* decision pertaining to employer liability for civil actions under certain circumstances. Since agreement by both chambers is required for final passage, the House must either accept the Senate bill (without the "Turner fix") or the Senate must acquiesce to the House bill (which contains the "Turner fix").

AIF supports legislation that controls medical expenses, reduces litigation, and corrects inefficiencies in the workers' compensation system. Above all, AIF supports remedial legislation that will provide fairer benefits to injured workers and lower costs to employers.

AUTOMOBILE INSURANCE: PERSONAL INJURY PROTECTION REFORM

Another issue that should be resolved on the last day of the special session is motor vehicle insurance reform, embodied in CS/SB 32A, sponsored by Senator JD Alexander (R-Winter Haven); and HB 27A, by Representatives Dudley Goodlette (R-Naples), Kim Berfield (R-Clearwater), Don Brown (R-DeFuniak Springs), Donna Clarke (R-Sarasota), and Mike Davis (R-Naples).

HB 27A was ordered engrossed last week and now it sits on the House third reading calendar. This week the Senate passed CS/SB 32A on a 38 to 0 vote. The bill was then sent to the House in messages.

One amendment adopted this week on CS/SB 32A corrected a provision that had made its way into SB 2364 during the regular session. This would have increased the administrative fee that an insurance agent could collect on each auto policy from \$10 to \$20. After criticism from the media and the threat of Governor Bush to veto SB 2364, the Senate quickly passed an amendment reducing the fee back to the original \$10.

It is expected that the House will act favorably on CS/SB 32A.

AIF supports reform of Florida's automobile insurance law to return stability to the no-fault insurance market by reducing unnecessary litigation over medical and lost-wage benefits.

SMOKE-FREE WORKPLACE

The Senate's bill relating to the Florida Clean Indoor Air Act and implementation of the anti-smoking initiative contained in Article 10 of the State Constitution was ordered engrossed this week. SB 44A is sponsored by Senator Alex Diaz de la Portilla (R-Miami) and is scheduled to be read a third time on Tuesday's Senate calendar.

The House companion bill, HB 63A by Representative Manuel Prieguez (R-Miami), was temporarily postponed on its second reading last week but has been placed on the House special order calendar for Tuesday. As originally drafted, HB 63A provides for stronger smoking restrictions than the Senate bill. HB 63A would permit smoking only in private residences with no commercial activity, retail tobacco shops, and designated smoking guest rooms at public lodgings. Votes must be taken on the House floor on five amendments have been filed on HB 63A. One of the pending amendments will expand the allowable smoking locations shown in HB 63A to mirror those reflected in SB 44A. We anticipate that the final House position will be the same as SB 44A.

AIF supports legislation that clarifies the legal obligations of employers to comply with the no-smoking amendment to the State Constitution.

CHARTER SCHOOLS

The Senate and House will also address the charter school issue next Tuesday. SB 38A, sponsored by Senator Daniel Webster (R-Winter Garden), and HB 55A, by Representative Dennis Baxley (R-Ocala), are each scheduled for a third reading in their respective chambers.

These bills are identical and provide guiding principals for the establishment and operation of charter schools in Florida.

AIF supports the expansion and development of charter schools in Florida. Charter schools are a cost-efficient and educationally effective way to improve the quality of education in this state.

- 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.