

EMPLOYER ADVOCATE

516 NORTH ADAMS STREET • P.O. BOX 784 • TALLAHASSEE, FL 32302 • PHONE (904) 224-7173 • FAX: (904) 224-6532

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Special Legislative Edition

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1992 Legislature Convenes



1993 Legislative Session, Opening Day

AIF To Concentrate On Workers' Compensation, Health Care, Taxes and Environmental Regulation

The battle over how the lines are drawn... It's that time again. Tallies of the 1990 census data are complete and the Florida Legislature is ready to redraw district lines.

Reapportionment has written some of our state legislature's most colorful chapters. This time around should prove no different. Individual legislators will work to secure election-safe districts. Political parties will seek the path to majority representation. The democrats' tentative control of the Senate is blurred by the suspect loyalties of conservative party members and the 1992 election. Florida's congressional delegation will gain four members. Republicans hope to shape congressional boundaries that will consolidate their grip in the Congress.

The dust raised by scuffles over reapportionment and election year power plays may

or may not obscure the chances for passage of other substantive legislation. But the state of our state demands immediate attention and courageous action. So this may be the year for significant government restructuring. Public sector unions are fighting it, but the times are surely changing. If it happens, career service employees will find themselves living under a whole new management style. The phrase buzzing around the capital city is "total quality management." That's supposed to translate to accountability and productivity.

Governor Lawton Chiles will push for streamlining the public sector and will seek revision of Florida's tax base. The prospects for achieving both are anyone's best guess. Any major tax increase during this current recession will do far more harm than good.

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President's Message

Associated Industries of Florida

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JON L. SHEBEL
PRESIDENT

January, 1992

Dear Member:

Total effort is a requirement for success. The complete dedication of resources, directed toward one common purpose. Total effort makes Associated Industries the undisputed representative of the business community in the state capital. This special edition of Employer Advocate previews the 1992 Legislative Session. We're also taking this opportunity to introduce you to the people at AIF who make up the business lobby team. Three full-time staff lobbyists and eight expert consultants patrol the halls of the Capitol, the offices of government agencies, and the chambers of the Supreme Court on behalf of Florida business. Respect is an item in rare supply at the state capitol, where elected officials are inundated with requests and demands. The AIF team of lobbyists combine over 135 years of legislative experience with a level of skill and knowledge that has earned them the respect and trust of legislators. Those qualities open doors that are kept closed to many others.

AIF's effective advocacy depends on the willingness of employers to keep informed on the issues and participate in the process. Our computerized Governmental Information System and the publication Know Your Legislators are two major elements of AIF's game plan. Elsewhere in this newsletter, both services are described in fuller detail. AIF's final cuase is to take part in the development of public policies that enhance the state's economic climate. The profitability and stability of Florida business create the conditions that foster the prosperity of the people who live here. To that end, all of our resources are dedicated to protecting your resources. We look forward to continued service on your behalf in 1992 and the years beyond.

Sincerely,

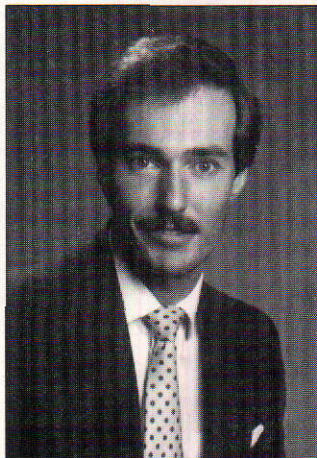
Jon L. Shebel, President



Jon L. Shebel
President

Jon L. Shebel

President of Associated Industries of Florida and affiliated corporations...22 years as a lobbyist for AIF...chief staff officer in all matters relating to legislation and corporate operations...former Executive Assistant to the Minority Leader of the Florida House of Representatives...graduated from The Citadel and attended Stetson University College of Law.



Richard M. Davis, Esq.
*Senior Vice President
General Counsel*



Jodi L. Chase
*Assistant General
Counsel*



Staff Lobbyists

Richard M. "Dick" Davis, *Senior Vice President & General Counsel*, has been with the Association for almost nine years. Throughout his employment with AIF he has spearheaded the Association's legislative effort and coordinated all legal work. Dick's background includes five years in private legal practice in Tallahassee following his legal education at Florida State University and his undergraduate work at Florida Atlantic University. His legislative experience dates back to 1976 when he served as a Legislative intern in the House Commerce Committee of the Florida Legislature.

Under the direction of the President, Dick is responsible for the daily activities of the legislative program. His expertise is in the area of labor law and health care and lobbies those issues.

Jodi L. Chase, *Assistant General Counsel*, recently joined AIF after having been employed by the Florida Chamber of Commerce. She served the Chamber for two legislative sessions as a lobbyist. Prior to the Chamber, Jodi worked as a lawyer in private practice and for the Commissioner of Agriculture for two years. Ms. Chase's educational background includes an undergraduate degree and law degree, both with honors from Florida State University.

Jodi's expertise is in the environmental area and she lobbies issues from wetlands and solid waste to growth management. In addition, she will also lobby the health care issue.

Legislature Convenes

continued from page 1

At the same time AIF's Tax Committee continues to work on developing a tax bill to be available when the recession subsides.

Help could be on the way for workers' compensation. The system is still in the hands of physicians. That means employers and employees have no control over the largest single cost element in the system. Lawyers likewise continue to take a larger and larger slice of the pie. A system originally designed to be self executing has become increasingly gummed up by litigious machinations. Steps have to be taken to forestall the costs of this medical and legal finagling. Associated Industries will focus its efforts down that street. We have developed numerous proposals and they will be filed soon as bills in the House and Senate.

The rising costs and unavailability of

health care continues to plague Floridians — with no cure in sight. The federal government is hoping the states will take the lead while the states wait for the feds to bring relief. The stalemate continues. At most, the Legislature may take a look at physician joint ventures and the accusations that these violate antitrust laws. The press has devoted attention in recent months to the magnetic resonance imagery (MRI) clinics set up by groups of physicians and other investors. There seems to be a trend toward increased referrals for diagnostic testing when the referring physician has a financial stake in the testing center. Unnecessary and expensive treatments are one big part of the spiralling increase in health care. Curbing this activity may be nothing more than putting a bandaid on a severed artery, but at least it's a step in the right direction. AIF will support specific proposals to be outlined soon.

Senator George Kirkpatrick (D-Gainesville) has made it clear that if nothing

else gets done, he intends to force through major revisions to the state's solid waste laws. Kirkpatrick, Chairman of the Senate Natural Resources Committee, has already passed out of committee a bill that requires *purchase of materials* with recycled content and mandates litter bags in cars and boats. The bill also enacts a special advance disposal fee (ADF) on every consumer item wrapped in a package. This one bears watching.

Whatever else happens, our senators and representatives can't go home until they come up with new district boundaries. While they're here, maybe they'll take the time to address some real problems facing Floridians. We can only wait and see. Speculation is that the Legislature could still be meeting this summer rather than completing its work on Friday, March 13th which is the end of the 60 day regular session.

Associated Industries of Florida Legislative

Workers' Compensation

Mary Ann Stiles, Esquire
Stiles and Taylor P.A.



Mary Ann Stiles, Esquire - Senior Partner of the law firm Stiles and Taylor in Tampa...former Vice President and General Counsel of Associated Industries of Florida...former Staff Director of the Select Committee on Workers' Compensation of the Florida House of Representatives...graduate of Florida State University and Antioch Law School...major drafter of the 1979 revisions to the Florida Workers' Compensation Law on behalf of employers...consultant to numerous state legislatures on Florida wage loss approach in workers' compensation...author of "The Employers' Handbook on the Florida Workers' Compensation Law" published by Associated Industries of Florida Service Corporation...member of Statewide Nominating Commission for Judges of Compensation Claims, Florida Bar Workers' Compensation Rules Committee...past member Governor's Oversight Board on Workers' Compensation.

Taxation

Randy Miller, CPA
Carlton, Fields, Ward,
Smith & Cutler, P.A.



Randy Miller - Senior Governmental Consultant to Carlton, Fields, Ward, Smith & Cutler, P.A., handling tax consulting, lobbying and governmental liaison activities...Bachelor of Science Degree in Accounting from Florida State University...former Executive Director of the Department of Revenue...served as Chief of the Bureau of Auditing in the Division of Accounting and Auditing and later accepted the Directorship of that Division...former Planning and Budgeting Coordinator in the Office of the State Comptroller and later promoted to Finance and Accounting Director...served as an Internal Auditor for the Department of General Services and as a Legislative Budget Analyst with the Florida Senate...former member and Chairman of the Investment Advisory Committee to the State Board of Administration...served as President of the Southeastern Association of Tax Administrators...currently serves on the Board of Directors of the National Association of Tax Administrators, Board of Directors of Florida Tax Watch.

General Legislation

Damon Smith
Mirabella, Smith &
McKinnon, Inc



Damon Smith - Partner in the Governmental Consulting Firm of Mirabella, Smith & McKinnon, Inc...former Vice President of Chiles Communications, a governmental public relations firm...the former District Administrative Assistant to then U.S. Senator Lawton Chiles...Bachelor of Science Degree in Journalism from the University of Florida.

Workers' Compensation is expected to be a major issue during the 1992 Legislative Session principally due to the fact that an average 24.9 percent rate increase on workers' compensation premiums became effective January 1, 1992. As additional causes, insurance carriers are still reluctant to write workers' compensation in Florida and many employers, if they cannot find insurance through self-insurance funds, are placed in the assigned risk pool.

While there may not be any major changes to the wage loss system, it is expected that the wage loss system will be reviewed to determine whether or not it is still workable. AIF will propose a major change to the present system.

Due to the numerous decisions of the First District Court of Appeal, some of which cause confusion among carriers, employees and employers, an Industrial Relations Commission is still needed. For example, the First District ruled approximately nine months ago that attorneys for the defense could not communicate with the claimant's treating physician without the presence of the claimant's attorney.

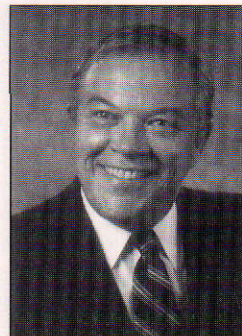
The claimants' bar has now been successful in stopping all carriers and employers from contacting the treating physician to determine the medical status. There are even some judges of compensation claims who have entered orders supporting the claimants' bar's reading of this case. This case alone will wreak havoc in workers' compensation and turn control of the system over to the claimants' attorneys and their doctors. If the em-

Imperative that the Workers' Comp

ustries of Florida

Consultants

Donald H. Reed, Jr. - Partner of the law firm Honigman Miller Schwartz and Cohn...Supreme Court Certified Circuit Court Mediator...former member of the Florida House of Representatives and House Minority Leader...served on various committees and state-wide commissions including Governor's Task Force to Promote Ethics in Government and Florida High Speed Rail Transportation Commission...Bachelor of Arts Degree from Ohio State...graduate of University of Florida College of Law...four time recipient of the Allen Morris Award for Most Effective in Debate...over 18 years lobbying experience before the legislative and executive branches of government.



Insurance and Workers' Compensation

Don Reed, Esq.
Honigman Miller
Schwartz and Cohn

Martha Edenfield - Partner of the law firm Oertel, Hoffman, Fernandez & Cole, P.A....formerly with the Office of the General Counsel of the Florida Department of Transportation...areas of expertise include environmental and administrative law...1984 graduate of Florida State University College of Law.



Environmental Law

Martha Edenfield, Esquire
Oertel, Hoffman,
Fernandez & Cole, P.A.

Frank Mirabella - Partner in the Governmental Consulting Firm of Mirabella, Smith & McKinnon, Inc...over 5 years lobbying experience before the legislative and executive branches of government...served as Executive Director (and one of three founders) of EXCEL, Inc., Excellence Campaign: An Education Lottery...former Chief Cabinet Aide and Public Information Director for the Florida Department of Education and Education Commissioner Ralph Turlington.



General Legislation

Frank Mirabella
Mirabella, Smith &
McKinnon, Inc

Legislature Address ensation

by Mary Ann Stiles

ployer and/or carrier cannot contact the physician, costs will continue to rise. A 1990 study showed that even with the employer/carrier being able to contact the doctor, it is an average of 90 days from the time that a claimant reaches maximum medical improvement until the employer/carrier is notified of such status. Of course, during that time, temporary total disability benefits have been paid gratuitously.

The entire medical system needs to be reviewed to determine whether or not the way health care is provided to injured workers makes sense. As the medical dollar takes up more and more of the claim dollar and further reduces the money available to the claimant, one has to question the way medical treatment is provided and the types of medical treatment that workers' compensation covers in Florida.

These are just some of the hot points that need to be addressed during the 1992 Legislative Session. There are many more concerns that the business community has relating to workers' compensation. While it is imperative that this law settle down and not be amended every year, the entire system must be addressed and the Legislature must come to grips with the appeals process and medical treatment in workers' compensation. Until such matters are addressed, the system will not settle down and costs will continue to rise.

AIF has drafted a major workers' compensation bill to correct the problems with the system. The bill will soon be filed in both the House and the Senate by leading legislators. Details will be forthcoming.



About The Environment. . .

by **Martha
Edenfield**

It seems in times of budget shortages, when Legislators have few tangible "plums" to bring home to voters, they instead enact an abundance of rules and regulations. This is especially true in the environmental area. Unfortunately, business usually suffers under the burden of increased regulation.

In 1992 everyone has an environmental priority. A key environmental player, Senator George Kirkpatrick (D-Gainesville) has set solid waste and wetlands as his priorities. If passed, the draft solid waste bill will forever change consumer products sold in Florida. The bill would mandate package reductions for all goods and impose a tax on every packaged item. Senator Kirkpatrick has also filed a bottle deposit bill.

The Senate and House Natural Resources

Committees are debating a comprehensive rewrite of the Warren Henderson Wetlands Act, which will propel the state into a "no net loss of existing wetlands" policy. Drafts include a completely new method of defining wetlands.

The Governor's priority is extensive reorganization of environmental agencies.

The Department of Environmental Regulation (DER) has stated that its number one priority is changing the petroleum cleanup program to more closely resemble the Federal Superfund Program, including stricter owner liability and the removal of lender protection. DER is also seeking legislation to take control of the Federal Clean Air Act and collect a fee based on emissions of certain materials into the air. DER may also seek legislation to take over the federal National Pollutant Discharge Elimination System (NPDES).

At least one bill has been filed which encourages and strengthens citizens rights to sue industry for environmental violations by removing provisions that force a losing party to pay the prevailing parties attorneys fees. While this bill has been filed in the past, this year DER has announced it will support the "drive through and sue" legislation.

In a proposal that will certainly affect the environmental area, as well as government across the board, Lt. Governor Buddy McKay has proposed changes to the Administrative Procedures Act including removal of the right to challenge a proposed rule and removal of the requirement to perform an economic impact statement. AIF will vigorously appeal both of these proposals.

Associated Industries of Florida will keep a close watch on these and other environmental and administrative issues throughout the session.

1992 **KNOW** *Your* **LEGISLATORS**

"No man can represent the will of the people unless the will of the people is made known to him."



Prepared by

**Associated Industries of Florida
Service Corporation**

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Jon L. Shebel
PRESIDENT

Look It Up **AIF's** **Governmental Directories**

To Order Contact:

**Jane Hennessy,
Communications/Video
Production
(904) 224-7173**

GUIDE TO THE **TAXATION & BUDGET REFORM COMMISSION**

"No man can represent the will of the people unless the will of the people is made known to him."



Prepared by

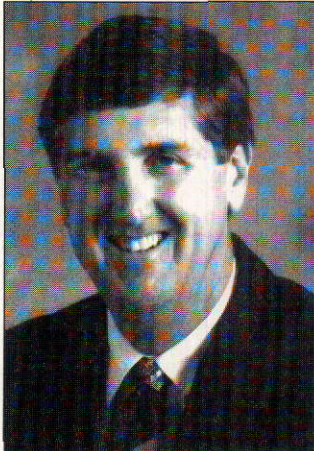
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Jon L. Shebel
PRESIDENT



Associated Industries of Florida Property & Casualty Trust



Gerald C. Wester
*Katz, Kutter, Haigler,
Alderman, Davis,
Marks & Rutledge*



Edward L. Kutter, Esq.
*Katz, Kutter, Haigler,
Alderman, Davis,
Marks & Rutledge*

The Associated Industries of Florida Property & Casualty Trust (AIFPCT) is the operation which provides workers' compensation insurance to approximately 5,000 Association members. Most are small and medium size employers. AIFPCT, as an insurance entity, must be represented in the legislative process to ensure that participants can continue to receive coverage at the lowest possible cost and be assured of financial security.

AIFPCT selected Ed Kutter and Gerald Wester to provide legislative representation based on their well known expertise, as well as the respect they have earned from members of the Legislature and the various regulators. In addition, Kutter and Wester represent AIFPCT year round before the Florida Department of Insurance and the Florida Department of Labor & Employment Security.

Don Reed is one of Florida's most well known and respected legislative lobbyists and a former Minority Leader of the Florida House of Representatives. He joins Kutter and Wester this year in representing AIFPCT.

Gerald C. Wester - Special Consultant with the firm of Katz, Kutter, Haigler, Alderman, Davis, Marks & Rutledge...undergraduate and Masters in Business Degree from Florida State University...former Chief Deputy Insurance Commissioner...served in other key management positions within the State Insurance Department...over 19 years experience working with the Legislature on insurance matters.

Edward L. Kutter - Senior partner with the law firm of Katz, Kutter, Haigler, Alderman, Davis, Marks & Rutledge...undergraduate and law degrees from Florida State University...former Assistant General Counsel of the State Insurance Department...Counsel to Associated Industries of Florida Property & Casualty Trust...over 15 years experience working with the Legislature on insurance matters.

The Governmental Information System of The Florida Business Network

The Florida Business Network, a division of Associated Industries of Florida Service Corporation, is dedicated to keeping Florida employers well informed on legislative issues of vital importance to the business community. Now, as a part of Florida Business Network, AIF is proud to announce the creation of a new and innovative legislative computer service — The Governmental Information System.

This system is the state's only computerized network that gives business instant access to legislative information. Whether a professional lobbyist or a business person who wants to stay informed, the Governmental Information System (GIS), offers a broad base of data, including:

- *Directories on all legislators*
- *Member directories on all legislative committees*
- *Complete information on all state agencies and Judicial Branch*
- *Daily agenda information for all committee meetings*
- *Expert analytical articles & summaries on meetings, proposals, and the "hot" issues*
- *Complete bill histories on all House & Senate bills and PCB's*
(includes summaries, actions, and all votes on a bill)



- *Ability to set your own personalized tracking list, and access to reports on "your" bills*
- *Access to AIF's enormous data bank of business voting records — dating back to 1979*

Despite direct access to an abundance of vital information, the ease of the system has been its success. Regardless of your computer experience, the system is easy to use.

Two pricing options are available: a flat fee for unlimited use, and a per minute fee for those who simply want to monitor legislative activity.

For additional information contact Stephen Trickey, Director, Governmental Information System at (904) 224-7173.

Associated Industries of Florida

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