

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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**FOR APRIL 11, 2001**

**CIVIL LIABILITY/GUN MANUFACTURERS**

SB 412 by *Sen. Charlie Bronson (R-Indian Harbour Beach)* was read a second time on the Senate floor and awaits third and final consideration by the Senate. The bill prohibits civil actions against firearms and ammunition manufacturers, distributors, dealers and trade associations by certain governmental entities under certain circumstances. The right to sue the firearm entities for damages, abatement, or injunctive relief resulting from the lawful design, marketing, or sale of firearms to the public is prohibited. The specified entities prohibited from bringing such suits are the state or its agencies and counties, municipalities, special districts, or other political subdivisions of the state. The bill does not prohibit an individual person from bringing a suit for breach of contract, breach of express warranty, or injuries resulting from a defect in materials or workmanship.

After national and state governments, including Florida, looted tobacco manufacturers for selling a legal product, it has become clear that gun manufacturers were next on the "hit list" of municipal, county and state governments and their trial attorney friends. In a cultural and legal environment where personal responsibility and accountability has been virtually eliminated, the tempting target of gun manufacturers demands protection.

**AIF supports the bill and Sen. Bronson's continued efforts on its behalf. Protecting gun manufacturers from a legal assault is only the first step in insuring that our own governments, lacking the political will or wherewithal to ban or regulate products, which is their rightful jurisdiction, will not use legal artifice to plunder industries such as alcoholic beverage manufacturers, fast food chains, and any other business that has, at some time, produced something that may have been subject to misuse or abuse.**

*Rep. Allan Bense (R-Panama City)* is the sponsor of the House companion bill HB 449, it awaits consideration on the House Special Order Calendar.

## CABINET REORGANIZATION

*Rep. Ron Greenstein (D-Coconut Creek)*, co-chair of the centrist Florida Democratic Leadership Council (FDLC), announced today the group had formally taken the position of supporting Comptroller Robert Milligan's recommended reorganization of the Florida Cabinet. The FDLC is an organization of Florida Senate and House Democrats who are seeking to establish policies that feature responsibility and accountability. The FDLC takes a dimmer view of "big government" proposals than some of its more liberal colleagues in the party and makes an effort to work with Republicans where they can agree on issues that offer no simple solution at either end of the spectrum.

The FDLC is backing a reorganization of the Florida Cabinet that would feature an elected Chief Financial Officer who would execute the constitutional duties currently held by the Comptroller and Treasurer & Insurance Commissioner. The regulatory duties would be performed by three appointed department heads, each overseeing insurance, banking and financial services, respectively. An executive director, appointed by the Governor and Cabinet and approved by the Senate would nominate the three department heads with final approval given by the Governor and Cabinet. HB 681 by *Rep. Leslie Waters (R-Largo)* was passed by the House two weeks ago and largely embraces this arrangement. The bill awaits consideration by the Senate.

<p><b>AIF is grateful for the FDLC's position on this very important issue. AIF agrees with the FDLC that this arrangement best implements the will of the voters as expressed in their approval of the 1998 constitutional revision.</b></p>
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## COURT REFORM

The House Judicial Oversight Committee ran out of time to vote on a proposed amendment to the Florida Constitution, HJR 827 by *Rep. Fred Brummer (R-Apopka)*, which would reduce Judicial Nominating Commissions, and the Florida Bar, to ministerial roles in selection of judges. The amendment, if approved by the Legislature and voters, would require the nominating commissions to forward to the governor **all applicants** for judicial appointments that the commissions find qualified. Currently the Commission takes applicants and recommends selected candidates to the Governor. The governor's appointments would be subject to Senate confirmation.

Brummer is also the sponsor of HB 367 that would have the governor make all appointments to the nominating commissions, rather than the governor make three, the Florida Bar three and those six appoint another three. It passed the House 65-50 on March 22.

**AIF supports HJR 827 as another important piece in “checking” a judicial branch that has become overrun with the influence of attorneys and their interests to the exclusion of its broader responsibilities to the public. The judicial branch has taken on the trappings of an ancient priesthood, exceeding its role as a third branch of the government by consistently “writing law” as opposed to simply interpreting the constitutionality of the law.**

### Other Issues

- The House Criminal Justice Appropriations Committee voted Wednesday approved HB 1055 by *Rep. Mitch Needleman (R-Melbourne)*. The bill expands workers’ compensation to cover law enforcement officers when they are driving patrol cars between home and work and when driving the cars on personal errands between home and work if local government policy or a union contract allows the side trips.
- In reaction to last year’s voter approval of the high speed rail constitutional amendment, the House Judicial Oversight Committee approved a proposed constitutional amendment, HJR 571 by *Rep. Randy Johnson (R-Winter Park)*, to require economic impact statements to accompany proposed constitutional amendments on the ballot. Voters approved creation of the rail system without being informed that the actual cost of the system defies concrete estimate and will run the billions of dollars.

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**This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF) and Jere Moore, AIF Reporter. Please send your comments or suggestions to us at [aif@aif.com](mailto:aif@aif.com) or call the Governmental Affairs department at (850)224-7173.**

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