

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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

**FOR APRIL 12, 2001**

*The legislature wrapped up work today in anticipation of the “Easter break.”  
Work by the legislature will not pick up again until late Monday, April 16.*

### **GUN MANUFACTURER’S CIVIL LIABILITY**

Today, the Senate passed SB 412 by *Sen. Charlie Bronson (R-Indian Harbour Beach)* by a vote of 27 yeas and 12 nays. *Sen. Rod Smith (D-Gainesville)* was the lone Democratic vote in favor of the bill.

As we reported last week, 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 its passage by the Senate. 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.**

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

## MOTOR VEHICLE CRASH REPORTS

HB 1805 received a favorable vote from the House Committee on State Administration today. This bill, formerly PCB IN 01-02, is one of the suggestions that came from the Grand Jury report dealing with insurance fraud relating to personal injury protection released last fall. According to a statewide grand jury report issued last year, approximately \$1.1 billion in fraudulent auto insurance claims are being filed annually and a large portion of that sum is directly attributable to Personal Injury Protection (PIP) fraud.

An unholy alliance of doctors, chiropractors and lawyers has conspired to solicit openly and aggressively victims of car accidents to file fraudulent PIP claims. The conspirators hire runners to monitor police reports and find reported car accidents. Car accident victims, no matter how minor the accident, are solicited by the runner to participate in a claim or claims for medical services needed as a result of the accident. Personal hectoring and repeated phone calls shortly after the accident are not uncommon. Kickbacks of as much as \$600 are used by the runners to entice accident victims into seeking “therapy” at clinics set-up for the express purpose of treating accident victims, known as “crash clinics.” Some “crash clinics” also cooperate with lawyers who may file personal injury lawsuits on behalf of the crash victims. Florida’s no-fault auto insurance law guarantees up to \$10,000 in medical care to anyone injured in a crash. This provides the ingredient for a soup of illegal solicitation of accident victims, billing for unnecessary services and patient brokering. Eating the cost of this fraud is the average Florida family, which, according to the Department of Insurance, is paying an estimated additional \$246 a year on their auto insurance policy.

Existing statutes make it a crime to use police reports to solicit for commercial purposes. In addition, Florida Bar rules also prohibit telephone solicitations and impose other restrictions on lawyers, such as requiring them to wait 30 days before contacting a crash victims. As is usually the case, the Bar has not even remotely done anything to enforce or sanction lawyers in violation of these rules.

This bill defines “personally-identifying information” in motor vehicle crash reports and requires the Department of Highway Safety and Motor Vehicles (DHSMV) and law enforcement agencies to hold these records, making them confidential for a specific period of time. Only authorized parties listed may obtain crash reports with personal identity information during the exempted period. With the reduction in this ugly fraud, insurance rates should decrease.

**Rampant fraud against auto insurance carriers has an enormous ripple effect throughout Florida’s economy, costing employers and employees hundreds and thousands of dollars in additional expenses per year. Such corruption, if unchecked, breeds contempt for the law and, in addition, diminishes the peoples’ respect for the government and the medical and legal professions.**

## **“ANTI-HMO BILLS”**

A whole slew of “anti-HMO” bills were introduced again this year. “Anti-HMO” can mean any number of things, but chiefly it’s legislation that invariably makes it more difficult and expensive for HMO’s to administer and execute care. As a result, “anti-HMO” legislation, although in many cases it is politically attractive, will, if implemented, drive up costs to Florida’s employers offering health insurance and ultimately add to the number of uninsured citizens. Thankfully, due to the efforts of the Senate and House leadership, few of the bills have seen little more than cursory consideration in the committee process. They include; HB’s 23, 117, 307, 317, 327, 677, 703 and SB’s 142, 222, 464, 482, 700 and 1782. While well intended, much of the legislation seeks to either weaken HMO’s authority and decision-making in the “managing of care” or to mandate certain types of coverage, regardless of the actual cost. Substantive and sweeping reforms were adopted last year by the legislature and governor aptly titled the “Patient’s Bill of Rights.”

**AIF welcomes the fact that much of this legislation has received a cold reception this session and believes last year’s reforms should have more time to take effect before experimenting with the provision of health care anymore.**

---

**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.**

- 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.