

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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FROM MAY 27, 2003

Today was the longest and most productive of the 15 days of special session. This morning, the Senate began its day by spending several hours debating the budget, with Republicans on one side, Democrats on the other. The Senate Appropriations bill eventually passed on a 27 to 13 vote. The House elected to delay debate on the budget until this evening and instead started its day by taking up bills on second and third reading. At about 9:30 p.m., the House passed the budget by a vote of 78 to 38.

In addition, between 10:00 a.m., when the Senate first went into session, and 11:15 p.m., when the House adjourned sine die, the Legislature also managed to pass major bills pertaining to workers' compensation, automobile insurance reform, the workplace smoking ban, and charter schools.

Governor Bush sent a message to the House and Senate advising that he will call them back for a second special session beginning on Monday, June 16, and running through Thursday, June 19. The subject matter will be medical malpractice and maybe other bills as well.

Listed below is the final action on the bills of interest that AIF has been following.

WORKERS' COMPENSATION

The two bills that are representing workers' compensation reform this special session are SB 50A by Senators Charlie Clary (R-Destin), JD Alexander (R-Winter Haven), and Jeff Atwater (R-Palm Beach Gardens), and the House counterpart, 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).

After a long day of discussion, debate, and parliamentary maneuvers, SB 50A eventually passed the House by a vote of 81 to 34 and the Senate by a final vote of 25 to 14.

We should be thankful that the Legislature consists of two houses not one, and that the respective houses are led by Senate President Jim King (R-Jacksonville) and House Speaker Johnnie Byrd (R-Plant City), because both legislative leaders fought hard to ensure passage of a good workers' compensation bill, despite a concerted campaign of misinformation by trial attorneys and their allies who were intent on killing the bill.

In addition to President King and Speaker Byrd, the business community owes a debt of gratitude to Representatives Goodlette and Brown and Senators Alexander, Clary, and Atwater who did a great job advocating for workers' compensation reform and opposing efforts of a cabal of misguided legislators — such as Senators Anthony Hill (D-Jacksonville), Debbie Wasserman-Schultz (D-Pembroke Pines), Walter Campbell (D-Tamarac), and Steven Geller (D-Hallandale Beach) — who fail to appreciate the gravity of this problem and who argued against passage of SB 50A.

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

The motor-vehicle-reform legislation consumed several hours of debate today. CS/SB 32A, sponsored by Senator JD Alexander (R-Winter Haven), passed the Senate and was sent to the House in messages last week. 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), was ordered engrossed last week and had no further action.

Today, the House elected to hear CS/SB 32A. The bill was read a second time, an amendment was adopted, then read a third time and passed 94 to 20. CS/SB 32A was returned to the Senate in messages but the Senate refused to concur with the House amendment and the bill was returned to the House in messages. The disputed provision was passed today on two other bills, so later in the evening the House receded from the amendment and CS/SB 32A passed by a vote count of 97 to 19. The bill will now be ordered enrolled.

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

Negotiations continued throughout the day to reach an agreement between the House and Senate regarding the Florida Clean Indoor Air Act and implementation of the anti-smoking initiative contained in Article 10 of the State Constitution.

SB 44A, sponsored by Senator Alex Diaz de la Portilla (R-Miami), had amendments introduced and adopted, as did the House bill, HB 63A, by Representative Manuel Prieguez (R-Miami). The key amendments introduced today were relating to enforcement, penalties, and the smoking cessation program.

The House passed HB 63A on a vote of 106 to 10 and then sent the bill over to the Senate for consideration. The Senate laid its bill on the table and substituted it with HB 63A. After the second reading, the Senate passed an amendment revising the House language on enforcement, read it a third time, then passed the bill as amended on a 38 to 2 vote. HB 63A was returned to the House where the House refused to concur and returned the bill to the Senate and asked that it recede. The Senate agreed to recede and passed the bill with a 38 to 2 vote count. The bill will now be enrolled by the House and sent to the governor.

As passed, smoking would only be allowed in

- private residences that are not used commercially
- retail tobacco shops
- designated smoking guest rooms
- stand-alone bars with food sales that do not exceed 10 percent of revenues
- smoking-cessation programs, medical or scientific, with approval from the state
- custom smoking rooms in airports approved by the Customs Department
- membership association facilities used exclusively for noncommercial activities

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

CHARTER SCHOOLS

One issue that moved agreeably through this session was the legislation relating to the guiding principals for the establishment and operation of charter schools in Florida. The House and Senate bills mirrored each other.

HB 55A, sponsored by Representative Dennis Baxley (R-Ocala), passed the House today on an 86 to 30 vote count. The bill was immediately sent over to the Senate in messages. Upon receipt, the Senate laid its bill, SB 38A, sponsored by Senator Daniel Webster (R-Winter Garden), on the table and substituted it with HB 55A. The bill was read a second time, third time, and then passed on a 39 to 0 vote. HB 55A was returned to the House where it was ordered enrolled.

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.

Please send your comments or suggestions to us at 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.