

ASSOCIATED INDUSTRIES OF FLORIDA

LEGISLATIVE DAILY BRIEF



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LEGAL REFORM

The House Judiciary Committee unanimously approved the introduction of proposed committee bill, HJD7 Relating to Class Actions Lawsuits. This legislation keeps many of the same provisions found in last year's class action legislation, which passed the House but ultimately died in the Senate. During the meeting, Rep. Jack Seiler (D-Pompano Beach) presented three amendments which were agreed upon by members of the Academy of Florida Trial Lawyers and representatives of the business community. The most important of the three amendments requires that in order to maintain a class action, the class must prove actual damages.

Class Action reform is part of the overall debate on legal reform. As such, AIF supports changes to the current tort system that will bring about reasonableness, fairness, and predictability.

GUNS IN THE WORKPLACE

HB 129 by Rep. Dennis Baxley (R-Ocala), the bill dealing with firearms in motor vehicles, was temporarily passed once again by the House Judiciary Committee. Again, Chairman David Simmons (R-Altamonte Springs) stated that there is a compromise in the works, whether or not a compromise is achieved remains to be seen.

AIF opposes legislation that prohibits businesses from enforcing or maintaining policies that ban guns in the workplace. Employers should be allowed to establish these types of policies and exert their rights as property owners. Maintaining a safe work environment is paramount for the longevity of any employer in Florida.

COMMUNICATIONS AND PUBLIC UTILITIES

The Senate Communications and Public Utilities Committee unanimously approved Florida's Energy Plan, SB 888 by Senator Lee Constantine (R-Altamonte Springs). The legislation creates a Florida Energy Commission and establishes membership and duties. It also provides grants to promote renewable energy technologies and rebates for certain appliances and solar installations. SB 888 also streamlines and shortens time frames for the siting of power plants, nuclear plants and transmission lines. Finally it creates the "Food to Fuel" program to provide grants to promote use of Florida grown and produced biomass to produce energy.

There were four amendments adopted. The first one increased the Florida Energy Commission's membership by adding the Secretary of Health and the Director of the Office of Insurance Regulations to the list of non-voting members. The second amendment requires the Public Service Commission to direct a study of the electric transmission grid and report the results to the Governor, President of the Senate and the Speaker of the House by March 1, 2007. The third amendment deletes a statement that the Public Service Commission may require installation or repair of distribution facilities if it determines that there is probable cause to believe that there are inadequacies in the energy grid. The last amendment requires the Department of Environmental Protection to report by November 1, 2006 on the state's leadership by example in energy conservation and efficiency with the report going to the Governor, President of the Senate and Speaker of the House.

AIF applauds the legislature for addressing this critical issue through the use of incentives and the removal of regulatory barriers, rather than using new taxes and mandates.

JESSICA LUNSFORD ACT

The Senate Education Committee unanimously approved SB 2280 by Senator Nancy Argenziano (R-Crystal River). This bill makes changes to the Jessica Lunsford Act law that deals with background screening for contractors who are permitted on school property. The following provisions are in the bill:

- Continuation of Level 2 background screening for certain school contractors
- List of offenses that disqualifies a contractor from having access to school grounds when students are present
- Exemption of certain contractors from Level 2 background screening if they are under direct supervision of persons who meet screening requirements
- Exempt contractors are subject to a search of the state and national registry of sexual predators and sexual offenders
- Immunity from civil and criminal liability for those persons who share Level 2 background check information in good faith
- Clarifies which contractors who contract directly with schools (such as athletic officials) are likewise required to undergo Level 2 background checks
- For those who have to had Level 2 background check, they must be performed every 3 years
- Fingerprinting can be taken by law enforcement, district, public school, or private entity
- Reporting to an employer or contractor within 48 hours if contractor is charged with any disqualifying offense
- Willful failure to report charges for any disqualifying offense to employer or contractor is a 1st degree misdemeanor
- Caps fees of Level 2 background checks at no more than 30% of total state and FBI costs
- Costs for background check must be borne by school board, contractor, school or individual
- Requires suspension of contractor pending appeal of decision to deny access

- Allows for contesting denial of access based on mistaken identity
- Exempts law enforcement and personnel required to have Level 2 background checks for licensure, employment, or other purposes
- Requires a person to report that he or she submitted to Level 2 background checks in another district and requires school district to use shared system to verify the information at no charge
- Requires districts to accept Level 2 background checks results from other districts
- Requires FDLE to implement a system for school districts to share results of Level 2 background checks
- Driver licenses will have certain statute markings for sexual predators and sexual offenders

The bill now goes to the Senate Governmental Oversight and Productivity Committee.

AIF supports legislation to make the implementation of the Jessica Lunsford Act workable for those companies that have working relationships with school districts while upholding the integrity of the integrity of the original law to protect our children from sexual predators.

TAXATION

The House Transportation Committee unanimously approved HB 989 Relating to Motor Fuel Taxes/Commercial Aviation by Rep Nancy Detert (R-Venice). The bill adds vehicles and equipment used exclusively for commercial aviation purposes that are not used on public streets and highways to the list of vehicles eligible for motor fuel tax refunds. The type of vehicles and equipment eligible for the refund would be "tugs" that deliver luggage, concessions, and other products to airplanes as well as trucks that never leave the airport property, generators, landscaping equipment used exclusively on airport property, and safety and rescue equipment.

AIF supports incentives designed to help private companies doing business on airport property such as airlines and independent security providers.
Affordable Housing

The House Transportation Committee passed HB 1589 by Representative Chris Smith (D-Ft. Lauderdale). This bill creates a new specialty license plate called "Homeownership for All." There is a fee of \$25 cost for the tag; this annual fee will be distributed to the Homeownership for All, Inc., a non profit organization that will use the funds for programs that will provide, promote or otherwise support affordable housing.

This concept came from the Florida Association of Realtors. As Rep. Smith said in his statement to the committee, "This is just another tool in the tool box to help find creative ways for affordable housing."

HB 1589 now goes to the Transportation & Economic Development Appropriations Committee.

The issue of affordable or “workforce” housing is a priority for our state. AIF applauds the efforts of this bi-partisan approach to finding a solution. We look forward to working with all bill sponsors on finding common sense approaches to this complex issue.

MANDATORY GENERATORS FOR GAS STATIONS

The Senate Committee on Commerce and Consumer Services approved SB 528 Relating to Emergency Management/Motor fuel. This bill combines SB 528 by Steve Geller (D-Hallandale Beach), SB 530 by Jeff Atwater (R-North Palm Beach) and SB 858 by Senator Alex Diaz del la Portilla (R-Miami). The would mandate a portable generator for every 5 gas stations owned by a company or operated by an individual and requires the installation of generator switches for all new and substantially renovated gas stations to address the shortage of gas after a hurricane or other type of emergency.

An important provision of this proposed legislation preempts local governments from enacting their own ordinances mandating generators. Having over 500 city and 67 county ordinances to deal with would be devastating and incredibly confusing for any business owner.

There was some reluctance by committee members to vote for the bill, but by doing so it allows the business community to continue to work on improving the bill’s language and intent.

AIF opposes government mandates that require gas station owners and operators to have generators at gas stations and believes that the free market place will find solutions to the problem of power outages resulting from hurricanes or other natural disasters.

ETHICS AND ELECTIONS

The senate Ethics and Elections committee unanimously approved SB 720 by Senator Bill Posey (R-Rockledge). This bill seeks to regulate the gathering of petitions for proposed constitutional amendments. SB 720 picks up where SB 1244 by Senator JD Alexander (R-Lake Wales) left off. As you may recall, Senator Alexander's bill encountered heavy opposition because of some over reaching provisions that would establish strong criminal penalties for groups engaged in the gathering of petition signatures. According to Senator Posey, SB 720 focuses more on accountability than on criminal penalties to regulate the practice of petition gathering. Among some of the more important provisions in the bill it requires:

- Paid petition gatherers to wear badges indicating that they are being paid
- It extends the time period to turn in signatures to supervisors of elections from 10 to 35 days
- Allows property owners to prohibit or permit activity which supports or opposes a particular initiative and allows property owners to select which petition gathers are allowed on their property
- It establishes a process for citizens to rescind their signature if they chose to do so

One particular provision in the new bill which caused some concern was the ability for groups to challenge the validity of signatures gathered. If signatures are challenged in multiple counties then the parties would have to travel to Leon County to hear the suit. The American Cancer Society testified in opposition to the bill because of this very issue. In their opinion, this provision could lead to more litigation because individuals whose signature was being challenged would be dragged into court to defend themselves.

SB 720 will now be heard by the Senate Judiciary Committee.

AIF applauds the efforts of Senator Posey to draft language which addresses the need for regulation in the petition gathering process, but does so without onerous provisions and criminal penalties.

OTHER BILLS OF INTEREST

Florida No-Fault System/PIP

The Senate Banking and Insurance Committee passed SB 2114 Relating to Motor Vehicle Insurance by a 7 to 1 vote. This bill was a by product of a committee interim project designed to look at reforming Florida's No-Fault law and the Personal Injury Protection insurance. In 2003, legislation was passed which provided that effective October 1, 2007, the Motor Vehicle No-Fault Law is to be repealed, unless reenacted by the Legislature during the 2006 regular session.

At the outset of the meeting Chairman Rudy Garcia (R-Miami) expressed his frustration with not having more time to deal with this complex issue, and that as Chairman he had made the conscious decision to make dealing with the Citizen's Insurance crisis his number one priority.

SB 2114 reenacts the No Fault law, but provides for future repeal on January 1, 2009 thus giving the legislature another chance at addressing any potential problems remaining with the law. Among other provisions, the bill: eliminates the contingency risk multiplier as applied to attorney fee awards in no-fault cases, increases the number of days an insurer has to respond to a pre-suit demand letter from 15 to 21 days, restricts venue for a PIP lawsuit to the jurisdiction where the injured party resides, and establishes stricter penalties for insurance fraud as well as provides for additional funds to fight fraud.

There was a lengthy debate among committee members, especially as it relates to the elimination of the contingency risk multipliers. Several amendments were drafted but withdrawn at the request of the Chairman in order to get the bill moving through the process. This prompted Senator Les Miller (D-Tampa) to voice his objection, stating that this was the bill's first committee of reference and therefore all issues with the bill should be addressed by this committee and not worked out at a later stop.

SB 2114 will now be heard by the Senate Health Care Committee.

Prosperity Campaigns

The House Community Colleges and Workforce Committee unanimously passed HB 531 Relating to Prosperity Campaigns by Rep. Ed Jennings (D-Gainesville). The bill creates the Prosperity Campaign Council to coordinate a state wide effort aimed at connecting low-wage workers to the Earned Income Tax Credit. The bill also requires financial literacy instruction to be included in the required high school life management skills course.

Educating our youngest citizens about important life skills such as financial management, savings investments, credit scores, and economics is critical to the development of a strong workforce.

HB 531 will now be heard by the House Commerce Council.

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.