



# DAILY BRIEF

From March 9, 2010

The big news today was passage of HB 689, the “slip and fall” legislation, which is moving rather quickly in the House. The bill by Representative Gary Aubuchon (R-Cape Coral) is now ready to be considered on the House floor. This important piece of tort reform legislation seeks to bring Florida in line with our neighbors in the Southeast where business owners have greater protections from costly, frivolous litigation. HB 689’s Senate companion, SB 1224 by Senator Andy Gardiner (R-Orlando), has yet to be heard in committee.

The Senate recycling bill, SB 570 by Senator Lee Constantine (R-Altamonte Springs), also garnered a lot of attention today as it was announced that it would be temporarily passed and no vote would be taken. AIF and our Environmental Sustainability Council (ESC) has been working over the past several months to provide recommendations to Chairman Constantine that would bring market-driven solutions towards achieving the state of Florida’s 75 percent recycling goal. Currently, there are some concerns with the bill that we continue to work with Chairman Constantine and staff to resolve.

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## Legal/Judicial

Today the House Criminal & Civil Justice Policy Council passed HB 689 Relating to Negligence Lawsuits by Representative Gary Aubuchon (R-Cape Coral) by a vote of 13-2. The bill has been dubbed the “slip and fall” bill as it primarily addresses whether a business knew that some condition existed on its property that could cause injury to its invitees. The bill requires a plaintiff to prove that a business had constructive knowledge of a “transitory foreign substance” in order to hold the business responsible for payment of damages. Florida is the only state that does not already have this requirement and the bill sponsor explained that it makes the cost of doing business higher in this state. This is a result of higher litigation costs arising without such reasonable standards in the law.

The only legislators voting against this bill were Representatives Adam Fetterman (D-Port Saint Lucie) and Perry Thurston (D-Ft. Lauderdale). Representative Fetterman also sponsored an amendment to the bill which could have created greater duties of record keeping on Florida businesses. After lengthy debate, though, he withdrew the amendment prior to a vote.

HB 689 is now ready to proceed to the House floor for final consideration.

**AIF SUPPORTS legislation which protects business owners from costly and frivolous litigation. Additionally, AIF salutes Representative Aubuchon for his leadership and commitment to reducing such litigation costs for Florida businesses**

## Environmental

The Senate Environmental Preservation & Conservation Committee was originally scheduled to take-up recycling legislation of great importance to AIF. However, Chairman Lee Constantine (R-Altamonte Springs) sponsor of SB 570 Relating to Solid Waste Recycling decided to temporarily postpone his bill until the next meeting. There are several issues in the current draft that are controversial. Chairman Constantine wants all interested parties to work out the differences before voting on the bill.

The following are the sections that are still being negotiated:

- Reporting requirements: The proposed committee substitute states that a business with 50 or more employees will have to report what they recycle to DEP. Senator Constantine told the committee that he would like to see the reporting requirement changed from every year to every two years and if a company reports its recycling efforts they will receive preference when bidding on state contracts;
- If the state does not reach a recycling goal of 45% by January 1, 2014, then DEP will conduct a report showing what the impact of a bottle bill and a landfill tipping fee would have on achieving the bill's recycling goal.
- Definitions in the bill; and
- Eliminating the current local government "pre-emption" on plastic bag regulation.

The proposed committee substitute still contains the creation of the Recycling Business Assistance Center. It also requires state agencies to lead the way by implementing recycling programs.

We expect that SB 570 will be considered in next week's committee meeting scheduled for Wednesday, March 17th.

**AIF looks forward to working with Senator Constantine on finding market-driven ways to reduce waste, reuse materials, and divert waste from our landfills. Florida has an opportunity to help create markets for recyclables and beneficial reuse of key materials. By creating markets for profitable materials, we can help create jobs. (View the AIF position on this issue)**

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## Ethics & Elections

The Senate Ethics and Elections Committee considered a significant election reform proposal today, SB 880 Relating to Election Law Reform by Senator JD Alexander (R-Lake Wales). A strike-all amendment to SB 880 reenacted the regulation of electioneering communications organizations in a form consistent with a recent federal court decision that struck down the old regulatory scheme on constitutional grounds. The amendment also establishes "affiliated party committees," commonly known as "leadership funds." These funds would remain under the control of the leaders of the heads of the majority and minority caucuses of each legislative chamber and would raise and spend money on behalf of candidates for election to their respective bodies.

**AIF Special Election Law Counsel, John French**, testified in favor of the strike-all amendment as insuring transparency and accountability in these two important areas. The amendment, and subsequently the bill, was passed on an 8-3 party line vote.



Following its passage in the Senate Ethics and Elections Committee, SB 880 is scheduled for further consideration by the Senate Transportation and Economic Development Appropriations Committee. **John French**

**AIF SUPPORTS the enactment of Electioneering Communications Organizations (ECO) legislation that follows the guidelines established by federal courts. However, AIF will OPPOSE any such legislation that goes beyond these guidelines and thus infringes on the right of free speech per the First Amendment of the United States Constitution. (View the AIF position on this issue)**