



FROM APRIL 2, 2001

Cabinet Reorganization

Today, the Senate Banking and Insurance Committee approved CS/SB 1970 & 164 by Sen. Jack Latvala (R-St. Palm Harbor), chairman of the committee. The committee's approval of the bill was another step in the implementation of the 1998 constitutional revision merging the offices of the Comptroller and Treasurer into one position, known as the Chief Financial Officer. The bill passed on a 9 – 2 vote.

The bill implements the constitutional revision by placing the regulation of banks, insurance and financial services under the CFO. By contrast, the House bill, HB 681 by Rep. Fred Brummer (R-Apopka) would place regulation of insurance and financial services under the oversight of the governor and cabinet.

AIF supports the House version. This House proposed structure provides for the simplification and consolidation of governance, a desire expressed by the vote of the people in 1998, while at the same time providing for the necessary public and legislative oversight of the executive director and, by extension, the department deputy selection process. In addition, this structure provides for a fair and equitable regulatory environment for the insurance, securities and banking industries while in no way diminishing the historic oversight and enforcement authority practiced by the current Treasurer and Comptroller.

Student Discipline Liability

SB 1876 by Sen. Anna Cowin (R-Leesburg) was temporarily postponed today in the Senate Education Committee. "Temporarily postponed" is legi-speak meaning that the bill was not discussed or voted on by the committee.

The bill is designed to deter meritless lawsuits and to sanction deliberately false reports against educators. Sen. Cowin's legislation provides liability protection for education entities or its employees for taking action regarding control, grading suspension, expulsion or discipline of students while students are on the property of the educational entity and under the supervision of the educational entity or its employees. The Act further provides that this immunity should not apply if the educational entity violated laws, rules, regulations or a policy of the state or educational entity. The burden of proof rests with the plaintiff and must be established by clear and convincing evidence as to the court as part of its summary proceeding.

Insuring the quality of primary and secondary public education is a compelling state interest and of utmost interest to the business community. An educated populace is

essential to the political and economic health of the State of Florida. The educational environment is often not conducive to learning with criminal or disruptive behavior a constant concern of educators. As a result, educators are increasingly called upon to exercise the necessary authority to maintain safety and discipline in our public schools.

The filing of meritless lawsuits against school districts, teachers and administrators, and other school employees interferes with attempts to insure the quality of public education, particularly where such lawsuits arise out of the good faith efforts of educators to maintain classroom discipline or address threats to student safety. Further, meritless litigation diverts financial and personnel resources to litigation defense activities, and reduces the availability of such resources for educational opportunities for students.

Legislation deterring these meritless lawsuits and sanctions is a rational and appropriate method to address this compelling public interest.

We are disappointed that the bill was not considered today and we hope that the committee's action does not suggest a lack of support by the committee members or the sponsor.

AIF supports legislation that provides protection from liability against the filing of frivolous lawsuits against school districts, teachers and administrators and other school employees which interferes with our educational institutions ability to deliver a first class education. Florida businesses know that their success in doing business depends on the quality of education in Florida; an educated citizenry is also essential to the political and economic health of the State of Florida. Protection against liability for the state's educational entities and employees is essential to the maintenance of a quality education system in Florida. Educational resources are scarce and the diversion of funds from the primary purpose of education to legal protection of our schools and teachers is an inappropriate drain on educational resources.

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

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