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The Academy of Florida Trial Lawyers Did What?

The Academy of Florida Trial Lawyers (AFTL) pulled a rabbit out of a hat today on the Senate floor. The AFTL, through the formidable maneuvering of Senator Skip Campbell (D-Tamarac), himself a trial attorney, finessed an amendment on an arcane bill that even students of government tend to overlook. The effect of the amendment was to give continued life support to a Leon County Circuit Court judge ruling that struck down the 1999 Tort Reform Act on the Constitutional “single subject” rule. The 1999 Act was passed only with an enormous amount of hard work on the part of Florida’s business community.

The bill, SB 1344 by Senator Tom Lee (R-Tampa), represented a biennial and mundane exercise the Legislature goes through in adopting prospective law and spreading it across the statutes. In other words, the bill is designed to lay the groundwork in advance of those laws to be adopted during the current session and see to it that they are technically and soundly incorporated into the Florida Statutes upon their publication. It’s like a gentleman laying his jacket over a muddy puddle for an approaching lady. In this particular case, the bill was both retrospective and prospective, in that this legislative exercise had not been executed in 1999, 2000 and 2001. If passed, as written, SB 1344 would have had the effect of mooting the damaging Circuit Court ruling against tort reform. In other words, it was very important to the business community that the Senate, without any amendments, adopt the bill.

The AFTL, realizing what was at stake with this pedestrian bill, stirred itself and in cooperation with Senator Skip Campbell, crafted an artful amendment that preserved the legal limbo status of the 1999 Tort Reform Act. Both the AFTL and the business community heavily lobbied the Senate this week and no Senator was clueless as to the necessity of preserving the bill’s original intent.

With so much at stake, the Senate went ahead and adopted the amendment by a vote of 20 yeas and 18 nays and two abstentions.

It has to be noted that one of the abstentions was later changed to a “no” vote. Senator Jim King (R-Jacksonville) was out of the Senate chamber during the vote and for a good reason, too. Senator King was announcing to the media that he could not abide the Senate President’s latest tax plan, a \$1.1 billion tax increase, and that he would vote “no” when the plan, incorporated into the Senate’s budget, came to the floor. This was a gutsy and difficult decision for the Senator, who, serving as Senate Majority Leader for President John McKay (R-Bradenton), prizes both loyalty and the protocol incumbent upon his high office and that of the institution. Senator Jim King has worked behind “closed doors” to broker some understanding between Senator John McKay and the House, but has been unsuccessful, largely due to the alarming intransigence of Senator John McKay. Finally, Senator King had to make his break from President John McKay’s long, strange, march into the tax abyss.

The rest of the Senate has no such excuse. Here’s a roster of who was with and who was against the Florida Business Community. “Yes” votes for the amendment are BAD. “No” votes against Senator Skip Campbell’s awful amendment are GOOD.

VOTED YES - BAD

Campbell
 Carlton
 Dawson
 Geller
 Holzendorf
 Jones
 Klein
 Lawson
 Lee
 Meek
 Miller
 Mitchell
 Pruitt
 Rossin
 Silver
 Smith
 Villalobos
 Wasserman-Schultz
 President McKay
 Dyer

VOTED NO - GOOD

Brown Waite
 Burt

 Constantine
 Cowin
 Crist
 Diaz de la Portilla
 Futch
 Garcia
 Latvala
 Laurent
 Peaden
 Posey
 Sanderson
 Saunders
 Sebesta
 Sullivan
 Webster
 Wise
 King

NO VOTE

Clary (abstained - NO HELP AT ALL)

The House has yet to take up their companion bill on this issue and it rests on Second Reading on the House Calendar. Senator Skip Campbell loudly admonished the Senate that the House staff and House Representatives had worked with him on the amendment and that the House had no problem with his amendment. Of course, Senator Skip Campbell also denied that the amendment would have any effect at all on the Tort Reform case. AIF humbly disagrees and notes the following. If Senator Campbell's amendment was strictly curative, as he proclaimed on the floor, why was the entire AFTL team with extra attorneys to spare working the Senate Chamber doors as if Elvis was ready to appear? Is the AFTL that consumed with statutory construction and the arcane mechanics of Florida law? Only when something BIG is at stake. And it was.

Stay tuned to our daily brief and to our web site at www.fbnet.com as the legislature makes some very important decisions on the state's economy. These decisions will have a major impact on the business community and AIF will be reporting to you everything that happens.

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.

- 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://fbnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.