

ASSOCIATED INDUSTRIES OF FLORIDA

LEGISLATIVE DAILY BRIEF



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FROM APRIL 23, 2003

PRIVATE PROPERTY RIGHTS

On Monday, we advised you that the House Local Government and Veterans Affairs Committee passed the Bert J. Harris Private Property Rights Protection Act, HB 113 by Representative Jeff Kottkamp (R-Cape Coral). This bill seeks to rectify an adverse court decision that undermines the original intent of the 1995 Act. Today, the House State Administration Committee heard and passed HB 113 with no additional amendments.

The Senate companion measure, SB 1164 by Senator Ken Pruitt (R-Port St. Lucie) and Senator Steven Geller (D-Hallandale Beach), passed today on the Senate floor today by a vote of 35 to 2.

AIF supports legislation that protects private property rights. The Harris Act provides an avenue for property owners to obtain compensation when government unreasonably interferes with private property rights. Legislative action is necessary to ensure that the Harris Act continues to work to protect Florida citizens and businesses from government over-regulation.

AUTOMOBILE INSURANCE: PERSONAL INJURY PROTECTION REFORM

The House Motor Vehicle Insurance Affordability Reform Act, HB 1819, sponsored by the House Insurance Committee and Representative Kim Berfield (R-Clearwater), is moving on a fast track. Yesterday the House Judiciary Committee heard the bill and reported it favorably. Today, similar action was taken by the House State Administration Committee. In summary, the bill

- revises provisions relating to actions and payments for no-fault personal injury protection (PIP) benefits
- creates an alternative dispute resolution organization for handling of disputes between health care practitioners and insurers
- adds new requirements for registration and regulation of clinics
- provides additional grounds for discipline of health professionals
- prohibits insurers from taking action with respect to health care provider claims and independent medical examinations
- specifies factors for court consideration in applying attorney contingency fee multipliers
- requires the Office of Insurance Regulation of the Financial Services Commission and the Division of Insurance Fraud of the Department of Financial Services to regularly report data and analysis of information to the Legislature
- expands the prohibition of and penalties for activities relating to solicitation of accident victims, insurance fraud, and staged motor vehicle accidents
- prohibits sales of used motor vehicle goods as new
- requires the Office of Insurance Regulation to report to the Legislature on the economic condition of private passenger automobile insurance in this state

Also noteworthy is the Senate companion, CS/SB 1202, sponsored by Senator JD Alexander (R-Winter Haven). Yesterday, it was reported favorably by the Senate Appropriations Committee, an important step on the pathway to Senate passage.

AIF favors 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.

ENVIRONMENT

Today the House State Administration Committee heard and unanimously passed HB 1405, sponsored by Representative Richard Machek (D-Delray Beach).

As we previously reported to you, HB 1405 revises the Surface Water Improvement and Management (SWIM) Act, which provides for the restoration and protection of water bodies of statewide and regional significance. It also directs water management districts (WMDs) to prepare lists of priority water bodies every three years and to develop water body plans.

HB 1405 retains the priority list along with the plan review and approval requirements in current law. It does, however, eliminate requirements for WMDs to develop SWIM plans, giving the districts the authority to develop such plans on an as-needed basis. This bill will help WMDs use the SWIM Program to improve water quality, restore wetlands, restore fisheries, and control invasive plants.

A similar bill in the Senate, SB 2260, sponsored by Senator Paula Dockery, (R-Lakeland), was approved by the Senate Natural Resources Committee on April 7 but no further action on the bill has occurred since that date, making prospects for final passage of this legislation unclear.

AIF opposes legislation that imposes burdensome growth management restrictions on Florida business and industry under the guise of water resource protection. As such, AIF will continue to monitor this legislation to ensure that no unfriendly amendments are added, which would adversely affect the state's economy.

FLOOR ACTION: AIF'S BILLS OF INTEREST

For the most part, legislative committees are now shutting down and the focus of attention shifts to bills on the House and Senate calendars.

In this section you will find capsule summaries of bills that are being heard in the House and Senate chambers and the status of their companion measures. Unless substantive floor amendments are added to the bills, we will only report pertinent results, whether the bill passed or failed. By clicking on the link underneath any given bill, you can always review a more detailed summary of the bill's action.

SB 2170, sponsored by Senator Bill Posey (R-Rockledge), provides an alternative method for a school district to become a charter school district. The Senate approved the bill today on a near unanimous 39 to 1 vote. A similar provision is contained in the House companion bill, HB 703, by Representative Joe Pickens (R-Palatka), which was reported favorably by the House Appropriations Committee on April 16 and has had no further activity.

Two other charter school bills were scheduled for action today. These bills are intended to ensure greater accountability for existing and future charter schools. HB 1279, sponsored by Representative Dennis Baxley (R-Ocala) was removed from the House calendar today and referred to the House Appropriations Committee. The Senate companion, SB 2242, sponsored by Senator Daniel Webster (R-Winter Garden), was heard on the Senate floor and read a second time.

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 the state.

A triumvirate of medical malpractice bills were heard on the Senate floor today. The joint sponsors of these bills are Senators Durell Peaden (R-Pensacola) and Burt Saunders (R-Naples).

CS/CS/SB 560 & 280 mandates an insurance rate rollback and provides contingent authority for a state-run medical malpractice insurance fund. The bill was read a second time, minor amendments were adopted, and the bill was ordered engrossed.

CS/CS/SB 562 & 1912 strengthens reporting and disciplinary actions against health-care providers. This bill was read a second time, minor amendments were adopted, and the bill was ordered engrossed.

CS/CS/SB 564 & 2120 & 2620 was the one bill that contained the Senate's litigation reform recommendations. The Senate passed an amendment, sponsored by Senator Rod Smith (D-Gainesville), which greatly changes how immunity for liability is granted to emergency room providers. It would require the physician to be responsible for the first \$100,000 of a claim; the hospital would be responsible for the next \$2.5 million. Reasonable amounts in excess of \$2.5 million would then be paid by the state pursuant to the claims bill process. The Senate also accepted an amendment by Senator Smith to limit the special emergency room immunity protection to doctors who have no pre-existing professional relationship with the patient. The Senate did not consider a filed amendment by Senator Dennis Jones (R-Seminole), that would have capped noneconomic damages in medical liability claims at \$500,000 per defendant, going to \$1 million per defendant in cases where the injury results in death, paralysis, coma, or significant cognitive neurological impairment. After adoption of all amendments, the bill was read a second time and ordered engrossed.

AIF supports a comprehensive package of measures designed to alleviate Florida's medical liability crisis, most notably, a \$250,000 cap on noneconomic damages and necessary revisions to Florida's bad-faith insurance law. Now is the time for the Legislature to act decisively to provide immediate and lasting relief.

SB 956, sponsored by Senator Dennis Jones (R-Seminole), relating to liability under the drycleaning solvent cleanup program was read a second time, an amendment was adopted, and the bill was ordered engrossed. In an unusual twist, however, the bill was then recalled from engrossing, and the amendment was reconsidered and withdrawn. The bill now rolls over to third reading.

The House companion, HB 741, sponsored by Representative Dennis Ross (R-Lakeland), passed all required committees, however, it has not yet been placed on the House special order calendar. It may be awaiting the Senate bill in messages, which should be coming soon.

AIF supports legislation that provides incentives for voluntary cleanup of polluted sites by property owners by offering them protection against wasteful litigation.

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.