



FROM APRIL 28, 2003

WORKERS' COMPENSATION

Source: Mary Ann Stiles and Tamela I. Perdue, Stiles, Taylor and Grace, P.A.

Today, the House of Representatives heard its workers' compensation bill, CS/HB 1837, co-sponsored by Representatives Bob Allen (R-Merritt Island), Kim Berfield (R-Clearwater), and Donna Clarke (R-Sarasota). The bill was read for the second time on the special order calendar on Friday, April 25, 2003 but the House adjourned before hearing all the pending amendments and without making a motion to maintain the bill on special order. Therefore, the bill rolled over to the third reading calendar, pending the two-day waiting period.

The House leadership decided to further amend the bill and inject into it the cost-saving provisions that employers of this state need. Five amendments were adopted today, the result of significant negotiations across party lines, that result in the bill promising a reduction costs of an estimated 14.75 percent. Representative Jack Seiler (D-Pompano Beach) offered three amendments to: 1) limit permanent-total disability benefits to age 75; 2) set the attorney fee schedule at 20 percent of the first \$5,000, 15 percent of the second \$5,000, 10 percent of the remaining benefits secured, and 5 percent of medical benefits after the first five years; and 3) create a retraining program paid for by assessments which will allow injured workers to earn GED certificates.

Representative Dudley Goodlette (R-Naples) sponsored an amendment to exempt public officers from the new limits on permanent-total disability benefits for purposes of determining in-line-of-duty disability. Representative Roger Wishner (D-Plantation) sponsored an amendment that retains current law and does not impose felony penalties on employers for minor administrative violations.

The business community fully supports CS/HB 1837 as it stands now. The House is expected to take a final vote on this bill as early as tomorrow.

AIF supports legislation that controls medical expenses, reduces litigation, and corrects inefficiencies in the workers' compensation system. Above all, AIF supports remedial legislation that will provide fairer benefits to injured workers and lower costs to employers.

ENVIRONMENT

HB 1123, by Representative Donna Clark (R-Sarasota), regarding contaminated site cleanup was read a third time and passed on a 113 to 4 vote. This bill applies risk-based corrective action (which is currently limited to the cleanup of brownfields as well as dry-cleaning solvent and petroleum contaminated sites) to the remediation of other contaminated sites. The Senate companion, SB 2726 sponsored by Senator Nancy Argenziano (R-Crystal River), was temporarily postponed this afternoon. Once HB 1123 passed the House, the Senate bill was laid on the table and substituted with HB 1123. The Senate approved HB 1123 on a 36 to 0 vote. It will now go to the governor.

AIF supports this legislation because it establishes a reasonable standard for remediation of contaminated property.

WATER RESOURCES

SB 1044, by Senator Nancy Argenziano (R-Crystal River), relating to the issuance of water-use and impoundment-construction permits was on the Senate floor today. After being read a third time, the bill passed on a 37 to 0 vote. This bill requires that a notice be given to affected local governments, which can be made by electronic means as well as regular mail. All permits issued under this section shall include language that the permit does not convey to the permittee any property rights or privileges other than those specified within the permit, nor does it relieve the permittee from complying with any applicable local government, state, or federal law, rule or ordinance. HB 279, sponsored by Representative Larry Cretul (R-Ocala), is the House companion. Today the bill was temporarily postponed on third reading. Presumably, the House is awaiting the Senate bill in messages.

As originally written, AIF opposed SB 1044, because it would make the permitting process more cumbersome by erecting barriers that strangle economic development in this state. As amended, AIF supports this legislation.

HOMELAND DEFENSE

HB 1833, sponsored by the House Transportation Committee and Representative David Russell (R-Spring Hill), relates to the establishment of the Secure Airports for Florida's Economy (SAFE) Council. The SAFE Council must develop a five-year master plan defining goals and objectives to develop airport facilities and an inter-modal transportation system. Today, after the adoption of a pending amendment, the bill was ordered engrossed. The Senate companion, SB 2578, by Senator Jim Sebesta (R-St. Petersburg), was withdrawn from committee assignments, placed on the special order calendar, and read a second time.

AIF supports legislation to promote homeland security in the State of Florida.

CONSTITUTIONAL AMENDMENTS

HB 1883, sponsored by the House Finance and Taxation Committee along with Representative Randy Johnson (R-Winter Garden), implements an amendment to the Florida Constitution by requiring a newly created Financial Impact Estimating Conference to prepare a clear and unambiguous 50-word financial impact statement for inclusion in the ballot summary of an amendment to the constitution proposed by initiative petition. Today the bill was read a second time and amendments were introduced from the floor but were not adopted. After discussion and debate, the bill was read a third time then passed on a 115 to 0 vote. The bill has now been sent to the Senate.

AIF supports legislation that strengthens the integrity of the constitutional amending process, especially with respect to citizen initiatives. The people retain the ultimate right to alter or revise the state constitution in accordance with fundamental precepts of democratic rule.

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.