



Associated Industries of Florida

VOTING RECORDS

On Key Business Issues



**1997 Regular Session
of the Florida Legislature**

June 1997



Jon L. Shebel, President & CEO

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JON L. SHEBEL
PRESIDENT & CEO

June 1997

VOTING RECORDS ARE THE KEY

The voting records contained in this booklet are of the utmost importance to your business. These records reflect how each member of the 1997 Florida Legislature voted on key issues affecting industry thus far this year.

While these are not all of the issues debated in the Legislature, they are those that had the greatest impact on the business community — either in a fiscal or a regulatory manner. Each issue required a legislator's deliberate vote, either for or against a positive economic climate.

During a campaign it matters very little what a candidate professes he or she will do regarding a particular issue if his or her voting record cannot support that stand. Your company, its employees and its stockholders have a stake in the legislative process. We hope this information will give you the insight needed to draw your own conclusions as to whether your legislators' voting patterns have been in the best interest of your business. We urge you to become involved in the electoral process by supporting those candidates who have supported you — and industry as a whole.

The AIF voting records are complete. In addition to votes on final passage for each business bill, we have also included committee and amendment votes. In many cases these votes are more crucial than votes on final passage. An amendment can completely alter the charter of a bill. A committee vote can stall a bill or send it speeding toward final passage. AIF only tallies those votes on which we had a public position. These positions will be defined in the accompanying vote keys.

All votes taken in each chamber are tallied in the respective sections of this booklet. For example, a vote taken in the Senate on a House bill is included in the Senate section.

The votes contained in the booklet are the actual votes cast, as reported in official state records. We do not include changed or paired votes. Please remember that these votes have not been corrected by the Legislature at this time. It is still possible for official corrections to be made. These will be available in the bound Senate and House Journals in October of this year; changes will not be made to this publication. AIF records positions of members of the Legislature at the time the vote is recorded.

Sincerely,

Jon L. Shebel
President & Chief Executive Officer

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THE FLORIDA SENATE
1997 REGULAR SESSION
RANKING AND RECORD ON ISSUES

SENATE — BY RANK — 1997

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	SENATOR	RANK
23	0	100	Gutman (R)	1
25	0	100	Turner (D)	1
30	1	97	Bronson (R)	3
30	1	97	Clary (R)	3
30	1	97	Cowin (R)	3
28	1	97	Dyer (D)	3
32	1	97	Harris (R)	3
28	1	97	Kirkpatrick (D)	3
28	1	97	Lee (R)	3
36	1	97	Ostalkiewicz (R)	3
25	1	96	Home (R)	11
26	1	96	Meadows (D)	11
22	1	96	Sullivan (R)	11
30	2	94	Casas (R)	14
16	1	94	Jennings (R)	14
31	2	94	Jones (D)	14
29	2	94	Myers (R)	14
31	2	94	Thomas (D)	14
25	2	93	Brown-Waite (R)	19
28	2	93	Latvala (R)	19

SENATE — BY RANK — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	SENATOR	RANK
39	3	93	Williams (D)	19
33	3	92	Kurth (D)	22
31	3	91	Crist (R)	23
29	3	91	Dantzler (D)	23
32	3	91	Dudley (R)	23
28	3	90	Holzendorf (D)	26
27	4	87	Burt (R)	27
27	4	87	Klein (D)	27
24	4	86	Bankhead (R)	29
18	3	86	Scott (R)	29
28	5	85	Diaz-Balart (R)	31
23	4	85	Jenne (D)	31
22	4	85	McKay (R)	31
26	5	84	Hargrett (D)	34
32	6	84	Rossin (D)	34
26	6	81	Campbell (D)	36
22	5	81	Silver (D)	36
28	7	80	Grant (R)	38
22	6	79	Forman (D)	39
20	6	77	Childers (R)	40
1090	111	91	TOTAL	

SENATE — BY ALPHABETICAL — 1997

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	SENATOR	RANK
24	4	86	Bankhead (R)	29
30	1	97	Bronson (R)	3
25	2	93	Brown-Waite (R)	19
27	4	87	Burt (R)	27
26	6	81	Campbell (D)	36
30	2	94	Casas (R)	14
20	6	77	Childers (R)	40
30	1	97	Clary (R)	3
30	1	97	Cowin (R)	3
31	3	91	Crist (R)	23
29	3	91	Dantzler (D)	23
28	5	85	Diaz-Balart (R)	31
32	3	91	Dudley (R)	23
28	1	97	Dyer (D)	3
22	6	79	Forman (D)	39
28	7	80	Grant (R)	38
23	0	100	Gutman (R)	1
26	5	84	Hargrett (D)	34
32	1	97	Harris (R)	3
28	3	90	Holzendorf (D)	26

SENATE — BY ALPHABETICAL — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	SENATOR	RANK
25	1	96	Horne (R)	11
23	4	85	Jenne (D)	31
16	1	94	Jennings (R)	14
31	2	94	Jones (D)	14
28	1	97	Kirkpatrick (D)	3
27	4	87	Klein (D)	27
33	3	92	Kurth (D)	22
28	2	93	Latvala (R)	19
28	1	97	Lee (R)	3
22	4	85	McKay (R)	31
26	1	96	Meadows (D)	11
29	2	94	Myers (R)	14
36	1	97	Ostalkiewicz (R)	3
32	6	84	Rossin (D)	34
18	3	86	Scott (R)	29
22	5	81	Silver (D)	36
22	1	96	Sullivan (R)	11
31	2	94	Thomas (D)	14
25	0	100	Turner (D)	1
39	3	93	Williams (D)	19
1090	111	91	TOTAL	

THE FLORIDA SENATE

ENVIRONMENTAL

1997 SENATE VOTING KEYS

ENVIRONMENTAL

**CS/HB 715 Water
Resources/Policy
Additions by
Representative
John Laurent
(R-Bartow)**

The Legislature has passed the most comprehensive water resources bill in many years. The bill includes provisions to clarify the role of Water Management Districts and local government in water supply and resource development. The bill provides for the establishment of minimum flows and levels. The bill further revises the appointments provisions relating to the Districts' Governing Board members to provide for staggered terms and for levels of expertise on the Governing Board. The issuance of 20-year water permits are provided under certain conditions. Further, the bill allows the DEP to subsidize the cost for filters in water wells in contaminated areas and provides for certification of private laboratories for testing water samples. The bill creates a Water Management District Employee Compensation Study Commission and provides for the establishment of minimum flows and levels for the Hillsborough River and bypass canal.

On March 31, 1997, the House Water and Resource Management Committee combined HBs 1249, 1321, 1339 and 715 to create CS/HB 715. The committee passed the bill as a committee substitute by a vote of 9 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

On April 15, 1997, the House General Government Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 28, 1997, the House passed the bill as amended by a vote of 74 yeas to 36 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate substituted CS/HB 715 for CS/SB 1428.

■ Record 1a: On May 1, 1997, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, the House passed the bill as amended by a vote of 114 yeas to 3 nays. A "yea" vote is a vote for the AIF position.

CS/HB 715 was signed by the Governor and became Chapter Law #97-160.

**CS/CS/HB 1119 Land
Management
Advisory Council
by Representative
Rick Minton
(D-Ft. Pierce)**

In recent years, the state has embarked on major land purchase initiatives for conservation, recreation and preservation purposes. The Department of Environmental Protection and Water Management Districts have purchased land with inadequate management plans and lack of coordination on the purchase of parcels. As Preservation 2000 winds down to its last years, the Legislature is providing additional direction for the acquisition and management of state lands purchased pursuant to the P2000 and CARL Program.

The purpose of CS/CS/HB 1119 is to improve the management of lands for conservation and recreation. The bill requires each land managing agency to submit a full report to the DEP on management costs with funding sources, and to annually assess the cost of management of purchased land. The land management agency, to the extent comparable with the purpose for which the land was purchased, may allow management of land for multiple uses. The bill also includes provisions to allow the accommodation of linear facilities on state lands.

On April 15, 1997, the House Water and Resource Management Committee combined HBs 1119 and 1577 to create CS/HB 1119. The committee passed the bill as a committee substitute by a vote of 8 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

On April 18, 1997, the House General Government Committee passed the bill as a committee substitute to the committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 29, 1997, the House passed the bill as amended by a vote of 79 yeas to 34 nays. A "yea" vote is a vote for the AIF position.

■ Record 2a: On May 2, 1997, the Senate passed the CS/CS/HB 1119 as amended by a vote of 39 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, the House concurred in the Senate Amendments and passed the bill as amended by a vote of 117 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

CS/CS/HB 1119 was signed by the Governor and became Chapter Law #97-164.

CS/CS/SB 1154
Revision of Growth
Management Laws
by Senator
Charles Williams
(R-Tallahassee)

This bill requires the Department of Environmental Protection, the Department of Community Affairs, and Water Management Districts to provide a "permit requirement checklist" to all permit applicants. The checklist must list all requirements that must be completed before a permit can be issued. A checklist requirement should reduce confusion, bureaucracy and red tape, as it will clearly make a permit applicant aware of each step they must take in order to complete the permit process.

The bill also requires that a permit application must be reviewed within thirty days after receipt. The reviewing authority must provide requests for additional information within those thirty days. Within thirty days after receipt of any additional information, the reviewing authority must re-review the permit. Finally, the bill requires that a permit shall be approved or denied within 90 days after receipt of the original application or the last item of timely requested additional material.

This bill is an important economic development measure as it will greatly reduce red tape.

- Record 3a: On March 25, 1997, the Senate Community Affairs Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 3b: On March 27, 1997, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 25 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 3c: On April 7, 1997, the Senate passed the bill as amended by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 14, 1997, the House substituted CS/CS/SB 1154 for the CS/HB 215.

On April 16, 1997, the House passed the bill by a vote of 114 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 1154 was signed by the Governor and became Chapter Law #97-28.

**SB 1268 Creates
Department of
Northwest Florida
Water Management
by Senator Charles
Bronson (R-Indian
Harbour Beach)**

Provides that the water management districts would be moved to the executive branch of state government and become state agencies. The Secretary of each water management district would be appointed by the water management department, which in turn would be appointed by the Governor and confirmed by the Senate.

- Record 4a: On March 18, 1997, the Senate Agriculture Committee passed the bill by a vote of 4 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 4b: On April 15, 1997, the Senate Natural Resources Committee passed the bill by a vote of 8 yeas to 5 nays. A "yea" vote is a vote for the AIF position.

SB 1268 died in the Senate Ways and Means Committee.

**CS/CS/SB 1306
Brownfield
Contamination Site
Rehabilitation
by Senator Jack
Latvala (R-Palm
Harbor)**

Historically, environmental policy has created disincentives for the private clean-up of old industrial sites. State and Federal cleanup laws could impose full responsibility for a site cleanup on new buyers even when they have no involvement in contaminating the property. State policies that impose liability discourage private firms, lenders and even public redevelopment authorities from getting involved in using industrial sites. The advantages in developing an old industrial site, such as its location or the availability of electric, water and sewer utilities, are frequently negated by the risk of huge unknown cleanup policy and liability, leaving many developers to choose virgin properties as an alternative to old industrial sites with contamination problems.

Brownfields legislation is designed to remove many of the barriers involving industrial sites for productive use, setting legal cleanup standards, protecting human health and the environment, providing liability when the cleanup standard is met and providing other incentives for the use of private development money to cleanup old industrial sites.

By making old industrial sites more attractive to developers, vacant eyesores can be converted to productive uses. This, in turn, relieves the pressure to develop an undeveloped site while helping economic growth.

- Record 5a: On March 19, 1997, the Senate Natural Resources Committee combined SBs 1306 and 1934 to create CS/SB 1306. The committee passed the bill as a committee substitute by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 5b: On March 27, 1997, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a

vote of 23 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

- Record 5c: On April 7, 1997, the Senate passed the bill as amended by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 24, 1997, the House substituted CS/CS/SB 1306 for HB 1067.

On April 30, 1997, the House passed the bill as amended by a vote of 112 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

- Record 5d: On May 2, 1997, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 1306 was signed by the Governor and became Chapter Law #97-277.

CS/CS/SB 1412
Water
Management/
Millage Rates/
Ombudsman
by Senator
John McKay
(R-Bradenton)

In recent years, the state has embarked on major land purchase initiatives for conservation, recreation and preservation purposes. The Department of Environmental Protection and Water Management Districts have purchased land with inadequate management plans and lack of coordination on the purchase of parcels. As Preservation 2000 winds down to its last years, the Legislature is providing additional direction for the acquisition and management of state lands purchased pursuant to the P2000 and CARL Program.

The purpose of CS/CS/SB 1412 is to improve the management of lands for conservation and recreation. The bill requires each land managing agency to submit a full report to the DEP on management cost with funding sources, and to annually assess the cost of management of purchased land. The land management agency, to the extent comparable with the purpose for which the land was purchased, may allow management of land for multiple uses. The bill also includes provisions to allow the accommodation of linear facilities on state lands.

- Record 6a: On April 18, 1997, the Senate Natural Resources Committee passed the bill as a committee substitute by a vote of 12 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 6b: On April 25, 1997, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 27 yeas to 6 nays. A "yea" vote is a vote for the AIF position.

On May 1, 1997, the Senate substituted CS/CS/HB 1119 for CS/CS/SB 1412.

CS/CS/SB 1412 was laid on the Table; refer to CS/CS/HB 1119.

**CS/SB 1428 Water
Resources
Development/
Supply by Senator
Jack Latvala
(R-Palm Harbor)**

The Legislature has passed the most comprehensive water resources bill in many years. The bill includes provisions to clarify the role of water management districts and local government in water supply and resource development. The bill provides for the establishment of the use of minimum flows and levels. The bill further revises the appointments provisions relating to the Districts' Governing Board members to provide for staggered terms and for levels of expertise on the Governing Board. The issuance of 20 year water permits are provided under certain conditions. Further, the bill allows the DEP to subsidize the cost for filters in water wells in contaminated areas and provides for certification of private laboratories for testing water samples. The bill creates a Water Management District Employee Compensation Study Commission and provides for the establishment of minimum flows and levels for the Hillsborough River and bypass canal.

- Record 7a: On April 18, 1997, the Senate Natural Resources Committee combined SBs 1428, 1388, 1562 and 1252 to create CS/SB 1428. The committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate substituted CS/HB 715 for CS/SB 1428.

CS/SB 1428 was laid on the Table; refer to CS/HB 715.

SENATE AVERAGE ON ENVIRONMENTAL ISSUES = 96%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Water Resources/Policy Additions	2a - Land Management Advisory Council	3a - Revision of Growth Management Laws	3b - Revision of Growth Management Laws	3c - Revision of Growth Management Laws	4a - Creates Dept. of NW FL Water Management	4b - Creates Dept. of NW FL Water Management	5a - Brownfield Contamination Site Rehab	5b - Brownfield Contamination Site Rehab	5c - Brownfield Contamination Site Rehab	5d - Brownfield Contamination Site Rehab	6a - Water Mgmt/Millage Rates/Ombudsman	6b - Water Mgmt/Millage Rates/Ombudsman	7a - Water Resources Development/Supply
6	0	100	Bankhead (R)	F	F		F	F					F	F			
11	0	100	Bronson (R)	F	F		F	F	F	F			F	F	F	F	F
8	0	100	Brown-Waite (R)	F	F	F	F	F				F	F	F			
6	0	100	Burt (R)	F	F			F					F	F		F	
6	1	86	Campbell (D)	F	F			F				F	F	F		A	
7	0	100	Casas (R)	F	F	F		F					F	F		F	
6	0	100	Childers (R)	F	F			F					F	F		F	
11	0	100	Clary (R)	F	F		F	F		F		F	F	F	F	F	F
12	0	100	Cowin (R)	F	F		F	F		F	F	F	F	F	F	F	F
8	0	100	Crist (R)	F	F		F	F				F	F	F		F	
12	2	86	Dantzler (D)	F	F	F	F	F	A	A	F	F	F	F	F	F	F
11	0	100	Diaz-Balart (R)	F	F		F	F		F	F	F	F	F	F	F	
8	0	100	Dudley (R)	F	F	F	F	F				F	F			F	
9	1	90	Dyer (D)	F	F	F		F		A	F		F	F	F	F	

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Water Resources/Policy Additions	2a - Land Management Advisory Council	3a - Revision of Growth Management Laws	3b - Revision of Growth Management Laws	3c - Revision of Growth Management Laws	4a - Creates Dept. of NW FL Water Management	4b - Creates Dept. of NW FL Water Management	5a - Brownfield Contamination Site Rehab	5b - Brownfield Contamination Site Rehab	5c - Brownfield Contamination Site Rehab	5d - Brownfield Contamination Site Rehab	6a - Water Mgmt/Millage Rates/Ombudsman	6b - Water Mgmt/Millage Rates/Ombudsman	7a - Water Resources Development/Supply
9	2	82	Forman (D)	F	F		F	F		A	F	F	F	F		A	F
5	0	100	Grant (R)	F	F			F					F	F			
8	0	100	Gutman (R)	F	F		F	F				F	F	F		F	
11	1	92	Hargrett (D)	F	F			F	F	A	F	F	F	F	F	F	F
6	0	100	Harris (R)	F	F			F					F	F		F	
7	0	100	Holzendorf (D)	F	F		F	F					F	F		F	
5	0	100	Home (R)	F	F			F					F	F			
4	1	80	Jenne (D)	F				F					F	F		A	
5	0	100	Jennings (R)	F	F			F					F	F			
8	0	100	Jones (D)	F	F		F	F				F	F	F		F	
10	0	100	Kirkpatrick (D)		F		F	F		F	F		F	F	F	F	F
7	1	88	Klein (D)	F	F		F	F				F	F	F		A	
10	2	83	Kurth (D)	F	F		F	F		A	F	F	F	F	F	A	F
11	1	92	Latvala (R)	F	F		F	F		F	F	F	F	F	F	A	F

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Water Resources/Policy Additions	2a - Land Management Advisory Council	3a - Revision of Growth Management Laws	3b - Revision of Growth Management Laws	3c - Revision of Growth Management Laws	4a - Creates Dept. of NW FL Water Management	4b - Creates Dept. of NW FL Water Management	5a - Brownfield Contamination Site Rehab	5b - Brownfield Contamination Site Rehab	5c - Brownfield Contamination Site Rehab	5d - Brownfield Contamination Site Rehab	6a - Water Mgmt/Millage Rates/Ombudsman	6b - Water Mgmt/Millage Rates/Ombudsman	7a - Water Resources Development/Supply
8	0	100	Lee (R)	F	F		F	F				F	F	F		F	
9	0	100	McKay (R)	F	F			F	F	F	F		F		F	F	
9	0	100	Meadows (D)	F	F	F	F	F				F	F	F		F	
10	0	100	Myers (R)	F	F		F	F		F		F	F	F	F	F	
9	0	100	Ostalkiewicz (R)	F	F		F	F	F			F	F	F		F	
8	0	100	Rossin (D)	F	F		F	F				F	F	F		F	
5	0	100	Scott (R)		F			F					F	F		F	
5	0	100	Silver (D)	F	F			F					F	F			
7	0	100	Sullivan (R)	F	F		F	F				F	F	F			
8	0	100	Thomas (D)	F	F		F	F				F	F	F		F	
6	0	100	Turner (D)	F	F			F					F	F		F	
8	0	100	Williams (D)	F	F		F	F				F	F	F		F	
319	12	96	TOTAL														

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA SENATE

HEALTH CARE

HEALTH CARE

**SB 244 Managed
Care/Dermatology/
Patient Access by
Senator Doc Myers
(R-Stuart)**

This bill amends the Exclusive Provider Organization (EPO) law and the Health Maintenance Organization (HMO) law to require such organizations, if they offer dermatological services, to provide direct access for their respective policyholders to a dermatologist under contract with the organization. Each organization would be required to develop criteria to implement the required access by July 1, 1997.

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization, and quality of care for dermatological services. It will increase the overall cost of health care.

Direct access restricts a managed care organization's ability to monitor the quality and continuity of care provided. It also reduces the primary care physician's awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost, specialty services by patients for care which may have been provided at a lower cost, and more effectively, by a primary care physician.

- Record 1a: On February 19, 1997, the Senate Health Care Committee passed the bill as amended by a vote of 8 yeas to 1 nay. A "nay" vote is a vote for the AIF position.
- Record 1b: On April 17, 1997, the Senate passed the bill by a vote of 28 yeas to 11 nays. A "nay" vote is a vote for the AIF position.

On April 30, 1997, the House passed the bill as a committee substitute by a vote of 86 yeas to 22 nays. A "nay" vote is a vote for the AIF position.

SB 244 became Law without the Governor's signature.

**SB 274 Mental
Illness/Health Care
Coverage
by Senator
John A. Grant
(R-Tampa)**

This bill would create the Mental Health Parity Act which would require insurers and health maintenance organizations (HMOs) to provide coverage for serious mental illness at the same level provided for physical illness. This bill does not contain a cap on premium increases. As a result, enactment of a mandate as broadly drafted as this would most certainly require insurance premiums to rise.

Under Kassebaum-Kennedy, a bill the Congress passed in 1996, the federal government requires that health insurers remove lifetime caps on coverage for mental health; but they do not require coverage for alcohol and substance abuse as this proposed bill would. In addition, the federal law contains a 1% cap on premium increases. AIF would support the bill with this amendment.

■ Record 2a: On March 25, 1997, Senator Tom Rossin (D-West Palm Beach) offered an amendment that would make this legislation identical to the federal mental health parity provisions contained in the Kassebaum-Kennedy legislation. The Senate Banking & Insurance Committee failed to adopt this amendment by a vote of 5 yeas to 5 nays. A "yea" vote is a vote for the AIF position.

■ Record 2b: On March 25, 1997, the Senate Banking and Insurance Committee passed the bill by a vote of 10 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

On April 17, 1997, the Senate Health Care Committee considered SB 274 and adopted an amendment that caps premium increases at 2.5%. Although this cap will still cause an immediate and irreversible premium increase, it is more acceptable than the original bill. AIF would like to continue to refine this bill; however, because the amendment moves the bill in the proper direction, a "yea" vote is a vote for the AIF position.

■ Record 2c: On April 17, 1997, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

SB 274 died on the Senate Calendar.

SENATE AVERAGE ON HEALTH CARE ISSUES = 32%

TOTAL FOR	TOTAL AGAINST	% WITH AIF	SENATOR	1a - Managed Care/Dermatology/Patient Access	1b - Managed Care/Dermatology/Patient Access	2a - Mental Illness/Health Care Coverage	2b - Mental Illness/Health Care Coverage	2c - Mental Illness/Health Care Coverage
2	3	40	Bankhead (R)	A	A	F	A	F
0	1	0	Bronson (R)		A			
1	2	33	Brown-Waite (R)	A	A			F
0	3	0	Burt (R)	A	A			A
0	1	0	Campbell (D)		A			
1	2	33	Casas (R)	A	A			F
0	4	0	Childers (R)	A	A	A	A	
0	1	0	Clary (R)		A			
0	1	0	Cowin (R)		A			
1	0	100	Crist (R)		F			
1	0	100	Dantzler (D)		F			
0	3	0	Diaz-Balart (R)		A	A	A	
0	1	0	Dudley (R)		A			
1	0	100	Dyer (D)		F			

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON HEALTH CARE ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	SENATOR	1a - Managed Care/Dermatology/Patient Access	1b - Managed Care/Dermatology/Patient Access	2a - Mental Illness/Health Care Coverage	2b - Mental Illness/Health Care Coverage	2c - Mental Illness/Health Care Coverage
3	0	100	Forman (D)	F	F			F
0	3	0	Grant (R)		A	A	A	
1	0	100	Gutman (R)		F			
0	1	0	Hargrett (D)		A			
0	1	0	Harris (R)		A			
1	2	33	Holzendorf (D)		A	F	A	
1	0	100	Home (R)		F			
1	2	33	Jenne (D)		F	A	A	
0	1	0	Jennings (R)		A			
2	0	100	Jones (D)		F			F
0	1	0	Kirkpatrick (D)		A			
1	2	33	Klein (D)	A	A			F
1	0	100	Kurth (D)		F			
0	1	0	Latvala (R)		A			

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON HEALTH CARE ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	SENATOR	1a - Managed Care/Dermatology/Patient Access	1b - Managed Care/Dermatology/Patient Access	2a - Mental Illness/Health Care Coverage	2b - Mental Illness/Health Care Coverage	2c - Mental Illness/Health Care Coverage
0	1	0	Lee (R)		A			
0	2	0	McKay (R)			A	A	
0	1	0	Meadows (D)		A			
1	2	33	Myers (R)	A	A			F
0	1	0	Ostalkiewicz (R)		A			
2	1	67	Rossin (D)		F	F	A	
0	1	0	Scott (R)		A			
1	2	33	Silver (D)	A	A			F
0	1	0	Sullivan (R)		A			
1	2	33	Thomas (D)		A	F	A	
1	0	100	Turner (D)		F			
1	2	33	Williams (D)		A	F	A	
25	52	32	TOTAL					

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA SENATE

LEGAL & JUDICIAL

LEGAL AND JUDICIAL

**SB 40 Wrongful
Death/Recovery of
Damages
by Senator Virginia
Brown-Waite
(R-Brooksville)**

This bill would allow adult children to recover damages for lost parental companionship, instruction and guidance, and for mental pain and suffering resulting from the wrongful death of a parent caused by medical malpractice, if there is no surviving spouse.

The bill would also allow for parents to be awarded damages for mental pain and suffering caused by the wrongful death of an adult child caused by a medical malpractice action if there are no other survivors.

This bill results from a 1990 amendment to Florida's Wrongful Death Act which allowed adult children and adult parents to receive these damages in wrongful death cases, except for wrongful death caused by medical malpractice.

This bill further expands the tort system and would give trial lawyers incentives to file frivolous lawsuits against doctors and hospitals. AIF opposes this bill because of its effect on the civil justice system.

■ Record 1a: On February 18, 1997, the Senate Judiciary Committee heard SB 40. After 90 minutes of debate, the Chairman called for a vote on the bill at a time certain. Several committee members objected to voting on the bill at that time. A roll call vote was taken on the motion. By a vote of 4 yeas to 7 nays, the Chairman's motion to vote at a time certain failed and the bill was temporarily passed. A "nay" vote is a vote for the AIF position.

■ Record 1b: On March 12, 1997, the Senate Judiciary Committee passed the bill by a vote of 8 yeas to 3 nays. A "nay" vote is a vote for the AIF position.

■ Record 1c: On April 8, 1997, the Senate Banking and Insurance Committee passed the bill as a committee substitute by a vote of 7 yeas to 5 nays. A "nay" vote is a vote for the AIF position. However, a Motion to Reconsider and leave pending was made.

■ Record 1d: On April 15, 1997, the Senate Banking and Insurance Committee defeated the Motion to Reconsider by a vote of 6 yeas to 7 nays. A "yea" vote is a vote for the AIF position.

SB 40 died on the Senate Calendar.

**CS/HB 461 Elections
Contributions
Restrictions
by Representative
John Thrasher
(R-Orange Park)**

This bill is an omnibus election reform bill. The bill addresses 12 specific areas: campaign financing with particular regard to political party contribution limits; earmarked funds; parties; turnbacks of contributions from candidates to parties; candidate filing fees; approval and disclaimer requirements for political advertisements; telephone and computer solicitation; initiative petitions; second primaries; solicitation at the polls; clarification of residency requirements for candidates; voter registration; creation of a central voter file; voting system audits; and, the restructuring and transfer of the Florida Elections Commission.

Associated Industries of Florida is primarily concerned with provisions regarding telephone solicitation.

In response to abuses uncovered in the 1994 gubernatorial campaign, the Legislature wished to require disclosure of the persons paying for political telephone solicitation. This is in an effort to curb the use of so-called "push polling" where voters are led to believe that a particular candidate has engaged in some unsavory behavior. Also, it is an effort to prevent campaigns from lying about sponsors of telephone solicitation campaigns.

The bill requires a disclaimer for telephone solicitation but maintains a much needed balance. It allows campaigns to carry on legitimate polling without requiring disclosure. It is important that legitimate political polls are protected because disclosure would result in invalid poll results. AIF supports the delicate balance that this bill is able to create.

On February 26, 1997, the House Election Reform Committee passed the bill as a committee substitute by a vote of 5 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

On March 6, 1997, the House passed the bill as a committee substitute by a vote of 115 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

- Record 2a: On March 20, 1997, CS/HB 461 was substituted for SB 568 on the Senate Floor. A "strike-everything" amendment was adopted and the bill passed as amended by a vote of 37 yeas to 2 nays. A "yea" vote is a vote for the AIF position. The House refused to concur and on March 21, 1997, a Conference Committee was appointed.

On April 3, 1997, the House passed the Conference Committee Report by a vote of 114 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

- Record 2b: On April 3, 1997, the Senate passed the Conference Committee Report by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 461 was signed by the Governor and became Chapter Law #97-13.

**SB 568 Elections
Restrictions/
Enforcement by
Senator Jack
Latvala (R-Palm
Harbor)**

This bill is an omnibus election reform bill. The bill addresses 12 specific areas: campaign financing with particular regard to political party contribution limits; earmarked funds; parties; turnbacks of contributions from candidates to parties; candidate filing fees; approval and disclaimer requirements for political advertisements; telephone and computer solicitation; initiative petitions; second primaries; solicitation at the polls; clarification of residency requirements for candidates; voter registration; creation of a central voter file; voting system audits; and, the restructuring and transfer of the Florida Elections Commission.

Associated Industries of Florida is primarily concerned with provisions regarding telephone solicitation.

In response to abuses uncovered in the 1994 gubernatorial campaign, the Legislature wished to require disclosure of the persons paying for political telephone solicitation. This is in an effort to curb the use of so-called "push polling" where voters are led to believe that a particular candidate has engaged in some unsavory behavior. Also, it is an effort to prevent campaigns from lying about sponsors of telephone solicitation campaigns.

The bill requires a disclaimer for telephone solicitation but maintains a much needed balance. It allows campaigns to carry on legitimate polling without requiring disclosure. It is important that legitimate political polls are protected because disclosure would result in invalid poll results. AIF supports the delicate balance that this bill is able to create.

■ Record 3a: On March 17, 1997, the Senate Executive Business, Ethics and Elections Committee passed the bill as a committee substitute by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On March 19, 1997, the Senate substituted CS/HB 461 for CS/SB 568.

CS/SB 568 was laid on the Table; refer to CS/HB 461.

**CS/SB 806 Eminent
Domain Prelitigation
Requirements
by Senator John
Grant (R-Tampa)**

CS/SB 806, as amended by the Senate Governmental Reform & Oversight Committee, requires a governmental condemning authority to make a written offer of settlement prior to instituting an action in eminent domain. The written offer is deemed rejected unless the property owner accepts in writing within 30 days after receipt.

- Record 4a: On April 2, 1997, the Senate Judiciary Committee passed the bill as a committee substitute by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4b: On April 14, 1997, the Senate Governmental Reform & Oversight Committee passed the bill as amended by a vote of 6 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

CS/SB 806 died on the Senate Calendar.

**CS/SB 1066
Educational Units/
Administrative
Weekly by Senator
Charles Williams
(D-Tallahassee)**

In 1996, the Florida Legislature passed the most significant reform to the Administrative Procedures Act (APA) since its enactment in 1974. The act as passed will significantly alter how state government interacts with private citizens in Florida. The 1996 legislation culminated four years of work devoted to a reform effort of the APA.

The new APA provides for agency flexibility through waiver and variance; provides new strength for attorney fees provisions for private litigants against state agencies in rule challenge proceedings; strengthens legislative oversight of agencies; and, includes provisions which strongly discourage the use of unadopted policies by agencies.

The new APA took effect on October 1, 1996. The new provisions of the bill relating to agencies will become effective in phases through 1998.

Even as this legislation was moving its way through the legislative process in 1996, state agencies were attempting to pass legislative exemptions from the APA provisions, ranging from exempting parts of programs, to blanket exemptions from the entire act.

However, there were numerous "glitches" which needed to be addressed in order to allow agencies to fully implement the new APA. The 1997 APA Glitch bill was limited to true glitches which needed to be implemented in order to correct inconsistencies and unworkable provisions of the new APA.

The APA Glitch bill, SB 1066, was limited to true glitches and did not allow agencies exemptions from the APA.

- Record 5a: On March 25, 1997, the Senate Governmental Reform Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

- Record 5b: On April 10, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 29, 1997, the House passed the bill by a vote of 117 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 1066 became Law without the Governor's signature.

CS/HB 1597
Exceptions Hearsay
Evidence
Prohibitions
by Representative
John Thrasher
(R-Orange Park)

This bill would create an exception to the hearsay evidence rule. It would allow evidence from a former trial or deposition to be admitted in a subsequent action so long as:

- The current plaintiff or a party to the former action with a similar motive had an opportunity to fully develop the testimony through direct or cross examination.

This exception would allow the evidence to be admitted whether or not the declarant was available to take the stand at the proceeding.

This bill simply brings Florida's evidence code in line with the current law of comparative fault. The evidence code was written at a time when each person responsible for the plaintiff damages was present in the courtroom. The current system of comparative fault, however, requires defendants to prove the fault of others who are not in the courtroom.

In any given lawsuit, the rules provide hearsay exceptions for former testimony that will allow the plaintiff to use any prior statements by any defendant, including testimony from similar prior lawsuits, to establish the fault of that defendant. Defendants, however, cannot use prior statements by settled parties or nonparties to establish their fault, even if the statement was made under oath at the trial of a nearly identical action, but involving a different plaintiff. This bill would level the playing field to allow admission of evidence of a statement against interest by a nonparty.

On April 10, 1997, the House Civil Justice and Claims Committee passed the bill as a committee substitute by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On April 28, 1997, the House passed the bill by a vote of 107 yeas to 6 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate substituted CS/HB 1597 for SB 1830.

- Record 6a: On May 1, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 1, 1997, the House passed the amended bill by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 1597 was Vetoed by the Governor.

**SB 1778 Rental Car
Companies/Liability
by Senator Locke
Burt (R-Ormond
Beach)**

This bill removes the vicarious liability of motor vehicle rental companies for injuries or damages sustained by adult occupants.

Under current law, if the owner of a motor vehicle gives express or implied permission to a third party to operate the motor vehicle, the owner can be held liable for the negligence of the operator, even if the owner exercised reasonable due care in giving permission to the third party. This is based on a court made doctrine which classifies automobiles as dangerous instrumentalities. Thus, in Florida, all motor vehicle owners are liable for injuries or damages caused by third-party operators, regardless of whether the owner is at fault. One exception under the current law applies to long-term motor vehicle lessors. Long-term lessors are not vicariously liable for injuries or damages caused by third parties, yet short-term lessors and all other owners are liable.

This bill would remove the vicarious liability of motor vehicle rental companies for injuries or damages sustained by occupants of a motor vehicle rented or leased from the company if the occupants are 16 years of age or older, unless the company's negligence or intentional misconduct caused the injuries or damages.

This bill would bring common sense to a court made law that holds property owners responsible for the negligence of others merely because they own the property.

- Record 7a: On March 17, 1997, the Senate Transportation Committee passed the bill as a committee substitute by a vote of 7 yeas to 2 nays. A "yea" vote is a vote for the AIF position.
- Record 7b: On April 7, 1997, the Senate Commerce Committee passed the bill as amended by a vote of 12 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

SB 1778 died in the Senate Judiciary Committee.

**SB 1830 Prohibition
Against Hearsay
Evidence by Senator
James W. Horne
(R-Jacksonville)**

This bill would create an exception to the hearsay evidence rule. It would allow evidence from a former trial or deposition to be admitted in a subsequent action so long as:

- The current plaintiff or a party to the former action with a similar motive had an opportunity to fully develop the testimony through direct or cross examination.

This exception would allow the evidence to be admitted whether or not the declarant was available to take the stand at the proceeding.

This bill simply brings Florida's evidence code in line with the current law of

comparative fault. The evidence code was written at a time when each person responsible for the plaintiff's damages was present in the courtroom. The current system of comparative fault, however, allows defendants to prove the fault of others who are not in the courtroom.

In any given lawsuit, the rules provide hearsay exceptions for former testimony that will allow the plaintiff to use any prior statements by any defendant, including testimony from similar prior lawsuits, to establish the fault of that defendant. Defendants, however, cannot use prior statements by settled parties or nonparties to establish their fault, even if the statement was made under oath at the trial of a nearly identical action, but involving a different plaintiff. This bill would level the playing field to allow admission of evidence of a statement against interest by a nonparty.

- Record 8a: On April 18, 1997, the Senate Judiciary Committee passed the bill as amended by a vote of 11 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate substituted CS/HB 1597 for SB 1830.

SB 1830 was laid on the Table; refer to CS/HB 1597.

SENATE AVERAGE ON LEGAL & JUDICIAL ISSUES = 87%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Wrongful Death/Recovery of Damages	1b - Wrongful Death/Recovery of Damages	1c - Wrongful Death/Recovery of Damages	1d - Wrongful Death/Recovery of Damages	2a - Elections Contributions Restrictions	2b - Elections Contributions Restrictions	3a - Elections Restrictions/Enforcement	4a - Eminent Domain Requirements	4b - Eminent Domain Requirements	5a - Educational Units/Admin. Weekly	5b - Educational Units/Admin. Weekly	6a - Except. Hearsay Evidence Prohibitions	7a - Rental Car Companies/Liability	7b - Rental Car Companies/Liability	8a - Prohibition Against Hearsay Evidence
5	1	83	Bankhead (R)			F	A	F	F					F	F			
5	0	100	Bronson (R)					F	F	F				F	F			
4	0	100	Brown-Waite (R)					F	F					F	F			
7	1	88	Burt (R)	F	A			F	F					F	F		F	F
7	2	78	Campbell (D)	A	A			F	F			F	F	F	F			F
5	0	100	Casas (R)					F	F					F	F		F	
5	2	71	Childers (R)			A	A	F	F	F				F	F			
6	0	100	Clary (R)					F	F	F				F	F	F		
5	0	100	Cowin (R)					F	F					F	F	F		
9	2	82	Crist (R)	F	F			A	F	A	F	F	F	F	F			F
4	0	100	Dantzler (D)					F	F					F	F			
3	2	60	Diaz-Balart (R)			A	A	F	F								F	
6	2	75	Dudley (R)	A	A			F	F		F			F	F			F
4	0	100	Dyer (D)					F	F	F					F			

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Wrongful Death/Recovery of Damages	1b - Wrongful Death/Recovery of Damages	1c - Wrongful Death/Recovery of Damages	1d - Wrongful Death/Recovery of Damages	2a - Elections Contributions Restrictions	2b - Elections Contributions Restrictions	3a - Elections Restrictions/Enforcement	4a - Eminent Domain Requirements	4b - Eminent Domain Requirements	5a - Educational Units/Admin. Weekly	5b - Educational Units/Admin. Weekly	6a - Except. Hearsay Evidence Prohibitions	7a - Rental Car Companies/Liability	7b - Rental Car Companies/Liability	8a - Prohibition Against Hearsay Evidence
5	0	100	Forman (D)					F	F					F	F	F		
6	4	60	Grant (R)	A	A	A	A	F	F		F			F	F			F
3	0	100	Gutman (R)						F						F		F	
4	2	67	Hargrett (D)					A	F	F				F	F	A		
9	0	100	Harris (R)			F	F	F	F			F	F	F	F		F	
5	1	83	Holzendorf (D)			A	F	F	F					F	F			
6	1	86	Home (R)	F	A			F	F					F	F			F
6	0	100	Jenne (D)				F	F	F					F	F		F	
4	0	100	Jennings (R)					F	F					F	F			
8	2	80	Jones (D)	F	A			F	F		F			F	F	A	F	F
5	0	100	Kirkpatrick (D)					F	F					F	F	F		
4	1	80	Klein (D)					F	F					F	F		A	
7	0	100	Kurth (D)					F	F			F	F	F	F		F	
6	0	100	Latvala (R)					F	F	F				F	F	F		

F - Vote for position of AIF • A - Vote against position of AIF

TAXATION

CS/SB 134
Taxpayer's Burden
of Proof by Senator
James Horne
(R-Jacksonville)

This bill revises the judicially created burden of proof and hearings concerning property tax matters. The revised burden of proof applies to any administrative or judicial action in which a taxpayer challenges a property tax assessment, the denial of an exemption, or the denial of a classified status.

The bill restates that a property appraiser's assessment is presumed to be correct. However, the presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser did not consider proper taxation criteria, or the property appraiser's assessment is based on appraisal practices which are different from those generally applied. If the presumption of correctness is lost, the taxpayer must prove by a preponderance of the evidence that the assessment is too high.

If the presumption of correctness is retained, the taxpayer may prove by clear and convincing evidence that the appraiser's assessment is in excess of just value. Most importantly, this bill states that in no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. Without this bill, the taxpayer must meet this extremely high burden.

This bill levels the playing field when it comes to challenging a property appraiser's assessment of the value of your property.

- Record 1a: On March 6, 1997, the Senate Judiciary Committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record: 1b: On April 23, 1997, the Senate Ways and Means Committee passed the bill by a vote of 27 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 28, 1997, the Senate substituted HB 445 for CS/SB 134.

CS/SB 134 was laid on the Table; refer to HB 445.

CS/CS/SB 404
Electronic
Communications/
Internet Access
by Senator
Fred Dudley
(R-Cape Coral)

This bill was filed at the urging of many groups, including AIF, to resolve an issue raised by the Department of Revenue regarding the taxation of Internet access, bulletin boards, and electronic mail service. This bill was passed as a stand alone bill and has been sent to the Governor for approval. Last year this exemption was included in SB 624, the tax train, which was vetoed by Governor Chiles.

- Record 2a: On February 18, 1997, the Senate Regulation Industry Committee combined SBs 404 and 414 to create CS/SB 404. The committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 2b: On March 11, 1997, the Senate Community Affairs Committee passed the bill by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 2c: On April 23, 1997, the Senate Ways and Means Committee passed the bill by a vote of 30 yeas to 2 nays. A "yea" vote is a vote for the AIF position.
- Record 2d: On April 28, 1997, the Senate passed the bill as a committee substitute to the committee substitute by a vote of 39 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On April 29, 1997, the House passed the bill by a vote of 111 yeas to 5 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 404 became Law without the Governor's signature.

HB 445 Ad Valorem
Tax Administration
by Representative
Bob Starks
(R-Casselberry)

This bill revises the judicially created burden of proof and hearings concerning property tax matters. The revised burden of proof applies to any administrative or judicial action in which a taxpayer challenges a property tax assessment, the denial of an exemption, or the denial of a classified status.

The bill restates that a property appraiser's assessment is presumed to be correct. However, the presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser did not consider proper taxation criteria, or the property appraiser's assessment is based on appraisal practices which are different from those generally applied. If the presumption of correctness is lost, the taxpayer must prove by a preponderance of the evidence that the assessment is too high.

If the presumption of correctness is retained, the taxpayer may prove by clear and convincing evidence that the appraiser's assessment is in excess of just value. Most importantly, this bill states that in no case shall the taxpayer have the

burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. Without this bill, the taxpayer must meet this extremely high burden.

This bill levels the playing field when it comes to challenging a property appraiser's assessment of the value of your property.

On March 5, 1997, the House Community Affairs Committee passed the bill as amended by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On March 6, 1997, the House Finance and Taxation Committee passed the bill by a vote of 14 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 2, 1997, the House passed the bill as amended by a vote of 114 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 28, 1997, the Senate substituted HB 445 for CS/SB 134.

- Record 3a: On April 28, 1997, the Senate passed the bill by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 445 was signed by the Governor and became Chapter Law #97-85.

**CS/SB 918 Ad
Valorem Taxation
"Computer
Software"
by Senator Locke
Burt (R-Ormond
Beach)**

The Florida Constitution authorizes counties, school districts, municipalities, and certain other special districts to levy ad valorem taxes on tangible personal property. Whether computer software constitutes tangible personal property and, thus, is subject to ad valorem taxation is currently being litigated in at least two cases around the state. CS/SB 918 seeks to clarify this point.

The bill specifies that "computer software" constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted. The bill further provides that once computer software is installed, it does not increase the value of the computer hardware.

Clarifying how computer software can be assessed for ad valorem taxation purposes will allow for uniform assessment and collection by local property appraisers.

- Record 4a: On March 31, 1997, the Senate Commerce and Economic Opportunities Committee passed the bill as a committee substitute by a vote of 14 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4b: On April 23, 1997, the Senate Ways and Means Committee passed the bill by a vote of 27 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

- Record 4c: On April 30, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 1, 1997, the House passed the bill by a vote of 97 yeas to 13 nays. A "yea" vote is a vote for the AIF position.

CS/SB 918 became Law without the Governor's signature.

CS/SB 1266
Resolution/Executive
Departments/
Taxation by Senator
Charles Bronson
(R-Indian Harbour
Beach)

■ In an effort to increase oversight of Water Management Districts and their budgets, SB 1266 provides a constitutional amendment that increases the number of agencies allowable under the Constitution, which would allow for the five Water Management Districts to become agencies. It would also provide that ad valorem taxation could be levied statewide for water management purposes only.

- Record 5a: On March 18, 1997, the Senate Governmental Reform Committee passed the bill by a vote of 4 yeas to 3 nays. A "yea" vote is a vote for the AIF position.

- Record 5b: On April 1, 1997, the Senate Agriculture Committee passed the bill as a committee substitute by a vote of 3 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

CS/SB 1266 died in the Senate Ways and Means Committee.

**CS/CS/SB 1660 Sales
Tax on Retail Food &
Drinks by Senator
John Ostalkiewicz
(R-Orlando)**

This bill started out as a revision and clarification of the current statute related to the taxation and exemption of food and drinks. It later was amended by the Senate Commerce and Economic Opportunities Committee to include the AIF Sponsored Research and Development language for State Universities, the sales tax exemption for the purchase and lease of commercial aircraft, and aircraft parts, and further clarification for the sales tax exemption for electricity used in manufacturing that was passed by the 1996 Legislature. In addition, other exemptions were included that will have a positive impact on the overall economy.

■ Record 6a: On March 31, 1997, the Senate Commerce Committee passed the bill as a committee substitute by a vote of 13 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 6b: On April 23, 1997, the Senate Ways & Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 22 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

■ Record 6c: On May 1, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, the House passed the bill as amended by a vote of 85 yeas to 28 nays. A "yea" vote is a vote for the AIF position.

■ Record 6d: On May 2, 1997, the Senate concurred and passed the bill as amended by a vote of 38 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 1660 was Vetoed by the Governor.

SENATE AVERAGE ON TAXATION = 96%

TOTAL FOR	TOTAL AGAINST	% WITH AIF	SENATOR	1a - Taxpayer's Burden of Proof	1b - Taxpayer's Burden of Proof	2a - Electronic Commun./Internet Access	2b - Electronic Commun./Internet Access	2c - Electronic Commun./Internet Access	2d - Electronic Commun./Internet Access	3a - Ad Valorem Tax Administration	4a - Ad Valorem Tax "Computer Software"	4b - Ad Valorem Tax "Computer Software"	4c - Ad Valorem Tax "Computer Software"	5a - Res/Executive Departments/Taxation	5b - Res/Executive Departments/Taxation	6a - Sales Tax on Retail Food & Drinks	6b - Sales Tax on Retail Food & Drinks	6c - Sales Tax on Retail Food & Drinks	6d - Sales Tax on Retail Food & Drinks
8	0	100	Bankhead (R)			F		F	F	F		F	F					F	F
10	0	100	Bronson (R)		F			F	F	F		F	F		F		F	F	F
9	0	100	Brown-Waite (R)		F	F	F	F	F	F			F					F	F
10	0	100	Burt (R)		F			F	F	F	F	F	F			F	F		F
9	2	82	Campbell (D)	F	F			F	F	F		F	F	F			A	F	A
13	0	100	Casas (R)		F	F	F	F	F	F	F	F	F			F	F	F	F
6	0	100	Childers (R)			F			F	F			F					F	F
9	0	100	Clary (R)		F			F	F	F		F	F				F	F	F
9	0	100	Cowin (R)		F			F	F	F		F	F				F	F	F
10	1	91	Crist (R)	F	F			F	F	F		F	F	A			F	F	F
9	1	90	Dantzler (D)		F		F	F	F	F		F	F		A			F	F
8	0	100	Diaz-Balart (R)					F	F	F	F					F	F	F	F
13	0	100	Dudley (R)	F	F		F	F	F	F	F	F	F			F	F	F	F
10	0	100	Dyer (D)		F		F	F	F	F		F	F				F	F	F

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON TAXATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	SENATOR	1a - Taxpayer's Burden of Proof	1b - Taxpayer's Burden of Proof	2a - Electronic Commun./Internet Access	2b - Electronic Commun./Internet Access	2c - Electronic Commun./Internet Access	2d - Electronic Commun./Internet Access	3a - Ad Valorem Tax Administration	4a - Ad Valorem Tax. "Computer Software"	4b - Ad Valorem Tax. "Computer Software"	4c - Ad Valorem Tax. "Computer Software"	5a - Res/Executive Departments/Taxation	5b - Res/Executive Departments/Taxation	6a - Sales Tax on Retail Food & Drinks	6b - Sales Tax on Retail Food & Drinks	6c - Sales Tax on Retail Food & Drinks	6d - Sales Tax on Retail Food & Drinks
2	4	33	Forman (D)					A	A	F							A	F	A
12	0	100	Grant (R)	F	F			F	F	F	F	F	F			F	F	F	F
7	0	100	Gutman (R)		F				F	F	F					F		F	F
7	1	88	Hargrett (D)		F			F	F	F		F	F		A				F
12	0	100	Harris (R)			F		F	F	F	F	F	F	F		F	F	F	F
10	0	100	Holzendorf (D)			F		F	F	F	F		F			F	F	F	F
10	0	100	Home (R)	F	F			F	F	F	F	F	F					F	F
7	1	88	Jenne (D)		F	F			F	F			F				A	F	F
5	0	100	Jennings (R)						F	F			F					F	F
10	0	100	Jones (D)	F				F	F	F	F	F	F			F		F	F
9	0	100	Kirkpatrick (D)		F			F	F	F		F	F				F	F	F
10	0	100	Klein (D)					F	F	F	F	F	F			F	F	F	F
10	1	91	Kurth (D)		F		F		F	F	F	F	F	A			F	F	F
8	0	100	Latvala (R)		F			F	F	F		F	F					F	F

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON TAXATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	SENATOR	1a - Taxpayer's Burden of Proof	1b - Taxpayer's Burden of Proof	2a - Electronic Commun./Internet Access	2b - Electronic Commun./Internet Access	2c - Electronic Commun./Internet Access	2d - Electronic Commun./Internet Access	3a - Ad Valorem Tax Administration	4a - Ad Valorem Tax. "Computer Software"	4b - Ad Valorem Tax. "Computer Software"	4c - Ad Valorem Tax. "Computer Software"	5a - Res/Executive Departments/Taxation	5b - Res/Executive Departments/Taxation	6a - Sales Tax on Retail Food & Drinks	6b - Sales Tax on Retail Food & Drinks	6c - Sales Tax on Retail Food & Drinks	6d - Sales Tax on Retail Food & Drinks
10	0	100	Lee (R)		F	F		F	F	F		F	F				F	F	F
6	0	100	McKay (R)						F	F			F		F			F	F
8	0	100	Meadows (D)		F		F		F	F			F				F	F	F
10	0	100	Myers (R)		F		F	F	F	F		F	F				F	F	F
12	0	100	Ostalkiewicz (R)	F	F			F	F	F		F	F		F	F	F	F	F
9	2	82	Rossin (D)	F	F			F	F	F		F	F	A			A	F	F
7	0	100	Scott (R)			F		F	F	F			F				F		F
6	1	86	Silver (D)					A	F	F		F	F					F	F
6	0	100	Sullivan (R)					F	F	F			F					F	F
10	0	100	Thomas (D)		F			F	F	F	F		F			F	F	F	F
9	0	100	Turner (D)		F				F	F		F	F	F			F	F	F
12	0	100	Williams (D)	F	F			F	F	F	F	F	F	F		F		F	F
357	14	96	TOTAL																

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA SENATE

UNEMPLOYMENT

COMPENSATION

UNEMPLOYMENT COMPENSATION

**CS/CS/HB 3
Unemployment
Compensation/
Yearly Rates
by Representative
Bob Starks
(R-Casselberry)**

Florida employers pay state unemployment taxes which are held in a trust fund and used to pay benefits for workers who become unemployed through no fault of their own. As of the end of the first quarter of 1997, Florida's Unemployment Compensation Trust Fund had a balance of roughly \$1.9 billion. Because of the healthy fund balance and predictions for a continued strong economy, Jeb Bush, Chairman of the Foundation for Florida's Future and former gubernatorial candidate, proposed that state lawmakers authorize a one-year, 25% reduction in state unemployment taxes. The Foundation also recommended that maximum weekly benefits be increased by \$25. The Foundation's "25/25" proposal was prefiled by Rep. Bob Starks (R-Casselberry) and became HB 3.

CS/CS/HB 3 directs the Division of Unemployment Compensation to reduce unemployment tax rates by 0.5% for calendar year 1998. Employers with 1998 tax rates of 0.5% or lower will not be liable for state unemployment taxes for one year. Employers with 1998 tax rates greater than 0.5% will have their rates reduced by that amount, which works out to be a \$35 savings per employee. For new employers, instead of paying the initial tax rate of 2.7%, such employers will be assessed at the rate of 2.0% for one year. Finally, employers who have been charged at the maximum tax rate of 5.4% for more than three years will not be eligible for a rate reduction due to federal restrictions.

On February 11, 1997, the House Business Development and International Trade Committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On March 6, 1997, the House Finance and Taxation Committee passed the bill as a committee substitute to the committee substitute by a vote of 13 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

On March 26, 1997, the House passed the bill as amended by a vote of 104 yeas to 11 nays. A "yea" vote is a vote for the AIF position.

On April 16, 1997, the Senate substituted CS/CS/HB 3 for CS/CS/SB 188.

■ Record 1a: On April 17, 1997, the Senate amended and passed HB 3 by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position. The bill was immediately certified to the House.

On April 17, 1997, the House concurred and passed the bill by a vote of 116 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

CS/CS/HB 3 was signed by the Governor and became Chapter Law #97-29.

**CS/CS/SB 188
Unemployment
Compensation
by Senators
John McKay
(R-Bradenton) and
Charles Williams
(D-Tallahassee)**

Florida employers pay state unemployment taxes which are held in a trust fund and used to pay benefits for workers who become unemployed through no fault of their own. As of the end of the first quarter of 1997, Florida's Unemployment Compensation Trust Fund had a balance of roughly \$1.9 billion. Because of the healthy fund balance and predictions for a continued strong economy, Jeb Bush, chairman of the Foundation for Florida's Future and former gubernatorial candidate, proposed that state lawmakers authorize a one-year, 25% reduction in state unemployment taxes. The Foundation also recommended that maximum weekly benefits be increased by \$25.

CS/CS/SB 188 directs the Division of Unemployment Compensation to reduce unemployment tax rates by 0.5% for calendar year 1998. Employers with 1998 tax rates of 0.5% or lower will not be liable for state unemployment taxes for one year. Employers with 1998 tax rates greater than 0.5% will have their rates reduced by that amount, which works out to be a \$35 savings per employee. For new employers, instead of paying the initial tax rate of 2.7%, such employers will be assessed at the rate of 2.0% for one year. Finally, employers who have been charged at the maximum tax rate of 5.4% for more than three years will not be eligible for a rate reduction due to federal restrictions.

■ Record 2a: On February 19, 1997, the Senate Commerce and Economic Opportunities Committee passed the bill as a committee substitute by a vote of 11 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 2b: On March 20, 1997, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 35 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 16, 1997, the Senate substituted CS/CS/HB 3 for CS/CS/SB 188.

CS/CS/SB 188 was laid on the Table; refer to CS/CS/HB 3.

SENATE AVERAGE ON UNEMPLOYMENT COMPENSATION = 100%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Unemployment Comp./Yearly Rates	2a - Unemployment Compensation	2b - Unemployment Compensation
2	0	100	Bankhead (R)	F		F
2	0	100	Bronson (R)	F		F
2	0	100	Brown-Waite (R)	F		F
2	0	100	Burt (R)	F		F
2	0	100	Campbell (D)	F		F
2	0	100	Casas (R)	F	F	
2	0	100	Childers (R)	F		F
2	0	100	Clary (R)	F		F
2	0	100	Cowin (R)	F		F
2	0	100	Crist (R)	F		F
2	0	100	Dantzler (D)	F		F
3	0	100	Diaz-Balart (R)	F	F	F
3	0	100	Dudley (R)	F	F	F
2	0	100	Dyer (D)	F		F

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Unemployment Comp./Yearly Rates	2a - Unemployment Compensation	2b - Unemployment Compensation
2	0	100	Forman (D)	F		F
2	0	100	Grant (R)	F		F
3	0	100	Gutman (R)	F	F	F
2	0	100	Hargrett (D)	F		F
2	0	100	Harris (R)	F	F	
2	0	100	Holzendorf (D)	F		F
2	0	100	Home (R)	F		F
3	0	100	Jenne (D)	F	F	F
1	0	100	Jennings (R)	F		
2	0	100	Jones (D)	F		F
2	0	100	Kirkpatrick (D)	F		F
3	0	100	Klein (D)	F	F	F
3	0	100	Kurth (D)	F	F	F
1	0	100	Latvala (R)	F		

F - Vote for position of AIF • A - Vote against position of AIF

SENATE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	SENATOR	1a - Unemployment Comp./Yearly Rates	2a - Unemployment Compensation	2b - Unemployment Compensation
2	0	100	Lee (R)	F		F
2	0	100	McKay (R)	F		F
2	0	100	Meadows (D)	F		F
2	0	100	Myers (R)	F		F
3	0	100	Ostalkiewicz (R)	F	F	F
2	0	100	Rossin (D)	F		F
1	0	100	Scott (R)	F		
2	0	100	Silver (D)	F		F
2	0	100	Sullivan (R)	F		F
3	0	100	Thomas (D)	F	F	F
2	0	100	Turner (D)	F		F
3	0	100	Williams (D)	F	F	F
86	0	100	TOTAL			

F - Vote for position of AIF • A - Vote against position of AIF

WORKERS' COMPENSATION

**CS/SB 1464 Workers'
Comp/Special
Disability Trust Fund
by Senator Mario
Diaz-Balart
(R-Miami)**

This bill prospectively abolishes the Special Disability Trust Fund by prohibiting new claims from being filed for accident dates subsequent to January 1, 1998. The bill also provides that insurance carriers must resubmit any claims they may have pending with the Trust Fund; requires a \$250 filing fee for notices of claims that are filed with the Fund; and requires a \$1,000 filing fee for all Proofs of Claims filed with the Fund, of which \$500 will be refunded upon acceptance of the claim by the Fund.

Presently, the Special Disability Trust Fund has a funding deficit; and it is estimated that it will take approximately 32 years for the Fund to become current on its obligations. Additionally, the existence of the Americans with Disabilities Act now makes the Fund obsolete; and it no longer meets the purpose for which it was created.

The bill also addresses the present insolvencies of several workers' compensation self-insurance funds and the liability of the Florida Self-Insurance Fund Guaranty Association to pay claims. This bill will mandate the payment of ten million dollars (\$10M) to the existing guaranty association and mandate the payment of assessments by the authorized market guaranty association, or Big FIGA. Additionally, this bill will place two individuals from an authorized workers' compensation insurer on the Board of Directors for Little FIGA. Finally, this bill will remove the January 1, 1994, bar for claims payments that is preventing injured workers with dates of accidents before January 1, 1994, from receiving any medical or indemnity benefits from the estate of their insolvent insurer.

- Record 1a: On April 1, 1997, the Senate Banking and Insurance Committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1b: On April 23, 1997, the Senate Ways and Means Committee passed the bill as amended by a vote of 25 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 29, 1997, the Senate substituted HB 1933 for CS/SB 1464.

CS/SB 1464 was laid on the Table; refer to HB 1933.

**THE FLORIDA HOUSE
OF REPRESENTATIVES
1997 REGULAR SESSION
RANKING AND RECORD ON ISSUES**

HOUSE — BY RANK — 1997

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
15	0	100	Garcia (R)	1
21	0	100	Harrington (R)	1
19	0	100	Morse (R)	1
24	1	96	Bainter (R)	4
24	1	96	Ball (R)	4
23	1	96	Barreiro (R)	4
24	1	96	Boyd (D)	4
24	1	96	Byrd (R)	4
25	1	96	Dockery (R)	4
22	1	96	Feeney (R)	4
26	1	96	Maygarden (R)	4
22	1	96	Putnam (R)	4
22	1	96	Rojas (R)	4
22	1	96	Sanderson (R)	4
19	1	95	Crady (D)	15
18	1	95	Crist (R)	15
19	1	95	Culp (R)	15
18	1	95	Livingston (R)	15
21	1	95	Smith (D)	15
19	1	95	Valdes (R)	15

HOUSE — BY RANK — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
16	1	94	Webster (R)	21
25	2	93	Burroughs (R)	22
26	2	93	Laurent (R)	22
23	2	92	Goode (D)	24
23	2	92	Merchant (R)	24
23	2	92	Starks (R)	24
22	2	92	Westbrook (D)	24
21	2	91	Albright (R)	28
21	2	91	Bitner (R)	28
20	2	91	Murman (D)	28
20	2	91	Peaden (D)	28
20	2	91	Rodriguez-Chomat (R)	28
21	2	91	Sembler (R)	28
21	2	91	Stabins (R)	28
20	2	91	Wiles (D)	28
19	2	90	Casey (R)	36
19	2	90	Constantine (R)	36
18	2	90	Fuller (R)	36
19	2	90	Futch (R)	36
19	2	90	Lynn (R)	36

House — By Rank — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
19	2	90	Ritchie (D)	36
18	2	90	Sublette (R)	36
19	2	90	Trovillion (R)	36
19	2	90	Wise (R)	36
25	3	89	Ogles (R)	45
17	2	89	Spratt (D)	45
22	3	88	Arnall (R)	47
14	2	88	Arnold (D)	47
23	3	88	Bradley (D)	47
21	3	88	Clemons (D)	47
23	3	88	Fasano (R)	47
21	3	88	Littlefield (R)	47
22	3	88	Mackey (D)	47
23	3	88	Minton (D)	47
23	3	88	Safley (R)	47
23	3	88	Wallace (R)	47
21	3	88	Warner (R)	47
20	3	87	Andrews (R)	58
20	3	87	Edwards (D)	58
19	3	86	Brooks (R)	60

HOUSE — BY RANK — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
18	3	86	Horan (D)	60
19	3	86	Kelly (D)	60
18	3	86	King (R)	60
18	3	86	Kosmas (D)	60
12	2	86	Meek (D)	60
18	3	86	Melvin (R)	60
19	3	86	Morrone (R)	60
18	3	86	Villalobos (R)	60
24	4	86	Ziebarth (R)	60
17	3	85	Bloom (D)	70
17	3	85	Bullard (D)	70
23	4	85	Cosgrove (D)	70
22	4	85	Hill (D)	70
23	4	85	Lacasa (R)	70
22	4	85	Posey (R)	70
16	3	84	Brown (D)	76
16	3	84	Diaz de la Portilla (R)	76
21	4	84	Eggelton (D)	76
21	4	84	Pruitt (R)	76
21	4	84	Thrasher (R)	76

HOUSE — BY RANK — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
20	4	83	Betancourt (D)	81
20	4	83	Bronson (D)	81
19	4	83	Carlton (R)	81
20	4	83	Crow (R)	81
19	4	83	Dennis (D)	81
20	4	83	Lawson (D)	81
20	4	83	Reddick (D)	81
19	4	83	Roberts-Burke (D)	81
20	4	83	Tobin (D)	81
18	4	82	Wasserman-Schultz (D)	90
17	4	81	Brennan (D)	91
22	5	81	Flanagan (R)	91
21	5	81	Gay (R)	91
17	4	81	Hafner (D)	91
17	4	81	Sindler (D)	91
16	4	80	Greene (D)	96
16	4	80	Stafford (D)	96
15	4	79	Bush (D)	98
19	5	79	Martinez (D)	98
19	5	79	Ritter (D)	98

HOUSE — BY RANK — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
18	5	78	Jones (R)	101
21	6	78	Lippman (D)	101
18	5	78	Mackenzie (D)	101
18	5	78	Saunders (R)	101
18	5	78	Turnbull (D)	101
17	5	77	Dawson-White (D)	106
16	5	76	Heyman (D)	107
16	5	76	Prewitt (D)	107
15	5	75	Frankel (D)	109
15	5	75	Logan (D)	109
18	6	75	Rayson (D)	109
20	7	74	Effman (D)	112
16	6	73	Fischer (D)	113
19	8	70	Geller (D)	114
16	7	70	Healey (D)	114
12	6	67	Chestnut (D)	116
10	5	67	Miller (D)	116
16	9	64	Argenziano (R)	118
14	8	64	Jacobs (D)	118
14	11	56	Silver (D)	120
2339	385	86	TOTAL	

HOUSE — BY ALPHABETICAL — 1997

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
21	2	91	Albright (R)	28
20	3	87	Andrews (R)	58
16	9	64	Argenziano (R)	118
22	3	88	Arnall (R)	47
14	2	88	Arnold (D)	47
24	1	96	Bainter (R)	4
24	1	96	Ball (R)	4
23	1	96	Barreiro (R)	4
20	4	83	Betancourt (D)	81
21	2	91	Bitner (R)	28
17	3	85	Bloom (D)	70
24	1	96	Boyd (D)	4
23	3	88	Bradley (D)	47
17	4	81	Brennan (D)	91
20	4	83	Bronson (D)	81
19	3	86	Brooks (R)	60
16	3	84	Brown (D)	76
17	3	85	Bullard (D)	70
25	2	93	Burroughs (R)	22
15	4	79	Bush (D)	98

HOUSE — BY ALPHABETICAL — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
24	1	96	Byrd (R)	4
19	4	83	Carlton (R)	81
19	2	90	Casey (R)	36
12	6	67	Chestnut (D)	116
21	3	88	Clemons (D)	47
19	2	90	Constantine (R)	36
23	4	85	Cosgrove (D)	70
19	1	95	Crady (D)	15
18	1	95	Crist (R)	15
20	4	83	Crow (R)	81
19	1	95	Culp (R)	15
17	5	77	Dawson-White (D)	106
19	4	83	Dennis (D)	81
16	3	84	Diaz de la Portilla (R)	76
25	1	96	Dockery (R)	4
20	3	87	Edwards (D)	58
20	7	74	Effman (D)	112
21	4	84	Eggelletion (D)	76
23	3	88	Fasano (R)	47
22	1	96	Feeney (R)	4

House — By ALPHABETICAL — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
16	6	73	Fischer (D)	113
22	5	81	Flanagan (R)	91
15	5	75	Frankel (D)	109
18	2	90	Fuller (R)	36
19	2	90	Futch (R)	36
15	0	100	Garcia (R)	1
21	5	81	Gay (R)	91
19	8	70	Geller (D)	114
23	2	92	Goode (D)	24
16	4	80	Greene (D)	96
17	4	81	Hafner (D)	91
21	0	100	Harrington (R)	1
16	7	70	Healey (D)	114
16	5	76	Heyman (D)	107
22	4	85	Hill (D)	70
18	3	86	Horan (D)	60
14	8	64	Jacobs (D)	118
18	5	78	Jones (R)	101
19	3	86	Kelly (D)	60
18	3	86	King (R)	60

HOUSE — BY ALPHABETICAL — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
18	3	86	Kosmas (D)	60
23	4	85	Lacasa (R)	70
26	2	93	Laurent (R)	22
20	4	83	Lawson (D)	81
21	6	78	Lippman (D)	101
21	3	88	Littlefield (R)	47
18	1	95	Livingston (R)	15
15	5	75	Logan (D)	109
19	2	90	Lynn (R)	36
18	5	78	Mackenzie (D)	101
22	3	88	Mackey (D)	47
19	5	79	Martinez (D)	98
26	1	96	Maygarden (R)	4
12	2	86	Meek (D)	60
18	3	86	Melvin (R)	60
23	2	92	Merchant (R)	24
10	5	67	Miller (D)	116
23	3	88	Minton (D)	47
19	3	86	Morrone (R)	60
19	0	100	Morse (R)	1

HOUSE — BY ALPHABETICAL — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
20	2	91	Murman (D)	28
25	3	89	Ogles (R)	45
20	2	91	Peaden (D)	28
22	4	85	Posey (R)	70
16	5	76	Prewitt (D)	107
21	4	84	Pruitt (R)	76
22	1	96	Putnam (R)	4
18	6	75	Rayson (D)	109
20	4	83	Reddick (D)	81
19	2	90	Ritchie (D)	36
19	5	79	Ritter (D)	98
19	4	83	Roberts-Burke (D)	81
20	2	91	Rodriguez-Chomat (R)	28
22	1	96	Rojas (R)	4
23	3	88	Safley (R)	47
22	1	96	Sanderson (R)	4
18	5	78	Saunders (R)	101
21	2	91	Sembler (R)	28
14	11	56	Silver (D)	120
17	4	81	Sindler (D)	91

HOUSE — BY ALPHABETICAL — 1997 (CONTINUED)

TOTAL FOR POSITION OF AIF	TOTAL AGAINST POSITION OF AIF	% OF VOTES WITH AIF	REPRESENTATIVE	RANK
21	1	95	Smith (D)	15
17	2	89	Spratt (D)	45
21	2	91	Stabins (R)	28
16	4	80	Stafford (D)	96
23	2	92	Starks (R)	24
18	2	90	Sublette (R)	36
21	4	84	Thrasher (R)	76
20	4	83	Tobin (D)	81
19	2	90	Trovillion (R)	36
18	5	78	Turnbull (D)	101
19	1	95	Valdes (R)	15
18	3	86	Villalobos (R)	60
23	3	88	Wallace (R)	47
21	3	88	Warner (R)	47
18	4	82	Wasserman-Schultz (D)	90
16	1	94	Webster (R)	21
22	2	92	Westbrook (D)	24
20	2	91	Wiles (D)	28
19	2	90	Wise (R)	36
24	4	86	Ziebarth (R)	60
2339	385	86	TOTAL	

THE FLORIDA HOUSE

ENVIRONMENTAL

1997 HOUSE VOTING KEYS

ENVIRONMENTAL

CS/HB 215
Environmental
Permitting/Water
Districts by
Representative
Evelyn Lynn
(R-Ormond Beach)

This bill requires that the Department of Environmental Protection and Water Management Districts provide a permit requirement checklist to all permit applicants. It also requires a permit checklist be provided by the Department of Community Affairs. The checklist must list all requirements that must be completed before a permit can be issued. This checklist requirement should reduce confusion, bureaucracy and red tape, as it will clearly make a permit applicant aware of each step they must take in order to complete the permit process.

The bill also requires that a permit application must be reviewed within thirty days after receipt. The reviewing authority must provide requests for additional information within those thirty days. In addition, within thirty days after receipt of any additional information, the reviewing authority must re-review the permit. Finally, the bill requires that a permit shall be approved or denied within 90 days after receipt of the original application or the last item of timely requested additional material.

This bill is an important economic development measure as it will greatly reduce red tape.

- Record 1a: On February 26, 1997, the House Government Rules and Regulations Committee passed the bill as amended by a vote of 4 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1b: On March 27, 1997, the House Government Rules and Regulations Committee passed the bill as a committee substitute by a vote of 4 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 14, 1997, the House substituted CS/CS/SB 1154 for CS/HB 215.

CS/HB 215 was laid on the Table; refer to CS/CS/SB 1154.

**CS/HB 715 Water
Resources/Policy
Additions
by Representative
John Laurent
(R-Bartow)**

The Legislature has passed the most comprehensive water resources bill in many years. The bill includes provisions to clarify the role of Water Management Districts and local government in water supply and resource development. The bill provides for the establishment of minimum flows and levels. The bill further revises the appointments provisions relating to the Districts' Governing Board members to provide for staggered terms and for levels of expertise on the Governing Board. The issuance of 20-year water permits are provided under certain conditions. Further, the bill allows the DEP to subsidize the cost for filters in water wells in contaminated areas and provides for certification of private laboratories for testing water samples. The bill creates a Water Management District Employee Compensation Study Commission and provides for the establishment of minimum flows and levels for the Hillsborough River and bypass canal.

■ Record 2a: On March 31, 1997, the House Water and Resource Management Committee combined HBs 1249, 1321, 1339 and 715 to create CS/HB 715. The committee passed the bill as a committee substitute by a vote of 9 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

■ Record 2b: On April 15, 1997, the House General Government Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 2c: On April 28, 1997, the House passed the bill as amended by a vote of 74 yeas to 36 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate substituted CS/HB 715 for CS/SB 1428.

On May 1, 1997, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 2d: On May 2, 1997, the House passed the bill as amended by a vote of 114 yeas to 3 nays. A "yea" vote is a vote for the AIF position.

CS/HB 715 was signed by the Governor and became Chapter Law #97-160.

**CS/CS/HB 1067
Brownfields
Redevelopment Act
of 1997 by
Representative
Lee Constantine
(R-Altamonte
Springs)**

Historically, environmental policy has created disincentives for the private cleanup of old industrial sites. State and Federal cleanup laws could impose full responsibility for a site cleanup on new buyers even when they have no involvement in contaminating the property. State policies that impose liability discourage private firms, lenders and even public redevelopment authorities from getting involved in using industrial sites. The advantages in developing an old industrial site, such as its location or the availability of electric, water and sewer utilities, are frequently negated by the risk of huge unknown cleanup policy and liability, leaving many developers to choose virgin properties as an alternative to old industrial sites with contamination problems.

Brownfields legislation is designed to remove many of the barriers involving industrial sites for productive use, setting legal cleanup standards, protecting human health and the environment, providing liability when the cleanup standard is met and providing other incentives for the use of private development money to cleanup old industrial sites.

By making old industrial sites more attractive to developers, vacant eyesores can be converted to productive uses. This, in turn, relieves the pressure to develop an undeveloped site while helping economic growth.

■ Record 3a: On April 4, 1997, the House Environmental Protection Committee combined HBs 1067 and 955 to create CS/HB 1067. The committee passed the bill as a committee substitute by a vote of 10 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

■ Record 3b: On April 18, 1997, the House General Government Committee passed the bill as a committee substitute to the committee substitute by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 24, 1997, the House substituted CS/CS/SB 1306 for CS/CS/HB 1067.

CS/CS/HB 1067 was laid on the Table; refer to CS/CS/SB 1306.

**CS/CS/HB 1119 Land
Management
Advisory Council by
Representative
Rick Minton
(D-Ft. Pierce)**

■ In Recent years, the state has embarked on major land purchase initiatives for conservation, recreation and preservation purposes. The Department of Environmental Protection and Water Management Districts have purchased land with inadequate management plans and lack of coordination on the purchase of parcels. As Preservation 2000 winds down to its last years, the Legislature is providing additional direction for the acquisition and management of state lands purchased pursuant to the P2000 and CARL Program. The purpose of CS/CS/HB 1119 is to improve the management of lands for conservation and recreation. The bill requires each land managing agency to submit a full report to the DEP on management costs with funding sources, and to annually assess the cost of management of purchased land. The land management agency, to the extent comparable with the purpose for which the land was purchased, may allow management of land for multiple uses. The bill also includes provisions to allow the accommodation of linear facilities on state lands.

■ Record 4a: On April 15, 1997, the House Water and Resource Management Committee combined HBs 1119 and 1577 to create CS/HB 1119. The committee passed the bill as a committee substitute by a vote of 8 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

■ Record 4b: On April 18, 1997, the House General Government Committee passed the bill as a committee substitute to the committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

- Record 4c: On April 29, 1997, the House passed the bill as amended by a vote of 79 yeas to 34 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, the Senate passed CS/CS/HB 1119 as amended by a vote of 39 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

- Record 4d: On May 2, 1997, the House concurred in the Senate Amendments and passed the bill as amended by a vote of 117 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

CS/CS/HB 1119 was signed by the Governor and became Chapter Law #97-164.

CS/CS/SB 1154
Revision of Growth
Management Laws
by Senator
Charles Williams
(R-Tallahassee)

This bill requires the Department of Environmental Protection, the Department of Community Affairs, and Water Management Districts to provide a "permit requirement checklist" to all permit applicants. The checklist must list all requirements that must be completed before a permit can be issued. A checklist requirement should reduce confusion, bureaucracy and red tape, as it will clearly make a permit applicant aware of each step they must take in order to complete the permit process.

The bill also requires that a permit application must be reviewed within thirty days after receipt. The reviewing authority must provide requests for additional information within those thirty days. Within thirty days after receipt of any additional information, the reviewing authority must re-review the permit. Finally, the bill requires that a permit shall be approved or denied within 90 days after receipt of the original application or the last item of timely requested additional material.

This bill is an important economic development measure as it will greatly reduce red tape.

On March 25, 1997, the Senate Community Affairs Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On March 27, 1997, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 25 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 7, 1997, the Senate passed the bill as amended by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 14, 1997, the House substituted CS/CS/SB 1154 for CS/HB 215.

- Record 5a: On April 16, 1997, the House passed CS/CS/SB 1154 by a vote of 114 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 1154 was signed by the Governor and became Chapter Law #97-28.

CS/CS/SB 1306
Brownfield
Contamination Site
Rehabilitation
by Senator
Jack Latvala
(R-Palm Harbor)

Historically, environmental policy has created disincentives for the private cleanup of old industrial sites. State and Federal cleanup laws could impose full responsibility for a site cleanup on new buyers even when they have no involvement in contaminating the property. State policies that impose liability discourage private firms, lenders and even public redevelopment authorities from getting involved in using industrial sites. The advantages in developing an old industrial site, such as its location or the availability of electric, water and sewer utilities, are frequently negated by the risk of huge unknown cleanup policy and liability, leaving many developers to choose virgin properties as an alternative to old industrial sites with contamination problems.

Brownfields legislation is designed to remove many of the barriers involving industrial sites for productive use, setting legal cleanup standards, protecting human health and the environment, providing liability when the cleanup standard is met and providing other incentives for the use of private development money to cleanup old industrial sites.

By making old industrial sites more attractive to developers, vacant eyesores can be converted to productive uses. This, in turn, relieves the pressure to develop an undeveloped site while helping economic growth.

On March 19, 1997, the Senate Natural Resources Committee combined SBs 1306 and 1934 to create CS/SB 1306. The committee passed the bill as a committee substitute by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On March 27, 1997, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 23 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 7, 1997, the Senate passed the bill as amended by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 24, 1997, the House substituted CS/CS/SB 1306 for CS/CS/HB 1067.

■ Record 6a: On April 30, 1997, the House passed the bill as amended by a vote of 112 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 1306 was signed by the Governor and became Chapter Law #97-277.

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES = 89%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
7	0	100	Albright (R)		F			F	F					F	F	F	F
5	0	100	Andrews (R)					F	F						F	F	F
2	6	25	Argenziano (R)			A		A	A			A		A	A	F	F
6	0	100	Amall (R)					F	F					F	F	F	F
4	1	80	Arnold (D)						F					A	F	F	F
6	0	100	Bainter (R)					F	F					F	F	F	F
6	0	100	Ball (R)					F	F					F	F	F	F
8	0	100	Barreiro (R)					F	F		F		F	F	F	F	F
7	1	88	Betancourt (D)			F		F	F			F		A	F	F	F
6	0	100	Bitner (R)			F			F			F		F	F	F	
4	1	80	Bloom (D)						F					A	F	F	F
8	0	100	Boyd (D)			F		F	F			F		F	F	F	F
5	1	83	Bradley (D)					A	F					F	F	F	F
4	2	67	Brennan (D)					A	F					A	F	F	F
8	0	100	Bronson (D)				F	F	F		F			F	F	F	F
6	0	100	Brooks (R)					F	F					F	F	F	F
5	1	83	Brown (D)					F	F					A	F	F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
5	0	100	Bullard (D)					F	F						F	F	F
8	1	89	Burroughs (R)				F	F	F	F			F	F	F	F	A
5	0	100	Bush (D)					F	F						F	F	F
6	0	100	Byrd (R)					F	F					F	F	F	F
6	0	100	Carlton (R)					F	F					F	F	F	F
5	1	83	Casey (R)					A	F					F	F	F	F
3	2	60	Chestnut (D)					A	F					A	F		F
6	0	100	Clemons (D)					F	F					F	F	F	F
6	0	100	Constantine (R)					F	F					F	F	F	F
4	1	80	Cosgrove (D)					A	F						F	F	F
5	0	100	Crady (D)					F	F						F	F	F
6	0	100	Crist (R)					F	F					F	F	F	F
5	2	71	Crow (R)					A	F	F				A	F	F	F
6	0	100	Culp (R)					F	F					F	F	F	F
5	1	83	Dawson-White (D)					A	F					F	F	F	F
6	0	100	Dennis (D)					F	F					F	F	F	F
4	0	100	Diaz de la Portilla (R)					F	F						F		F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
6	0	100	Dockery (R)					F	F					F	F	F	F
6	0	100	Edwards (D)					F	F					F	F	F	F
4	2	67	Effman (D)					A	F					A	F	F	F
9	0	100	Eggelletion (D)				F	F	F		F		F	F	F	F	F
5	1	83	Fasano (R)					A	F					F	F	F	F
6	0	100	Feeney (R)					F	F					F	F	F	F
5	2	71	Fischer (D)					A	F	F				A	F	F	F
5	1	83	Flanagan (R)					A	F					F	F	F	F
4	1	80	Frankel (D)						F					A	F	F	F
6	0	100	Fuller (R)					F	F					F	F	F	F
5	0	100	Futch (R)						F					F	F	F	F
5	0	100	Garcia (R)						F					F	F	F	F
8	0	100	Gay (R)				F	F	F		F			F	F	F	F
4	2	67	Geller (D)					A	F					A	F	F	F
8	0	100	Goode (D)	F	F			F	F					F	F	F	F
5	2	71	Greene (D)					A	F	F				A	F	F	F
4	2	67	Hafner (D)					A	F					A	F	F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
6	0	100	Harrington (R)					F	F					F	F	F	F
5	1	83	Healey (D)					F	F					A	F	F	F
4	2	67	Heyman (D)					A	F					A	F	F	F
6	0	100	Hill (D)					F	F					F	F	F	F
6	0	100	Horan (D)					F	F					F	F	F	F
4	2	67	Jacobs (D)					A	F					A	F	F	F
5	1	83	Jones (R)					A	F					F	F	F	F
6	0	100	Kelly (D)					F	F					F	F	F	F
7	0	100	King (R)					F	F	F				F	F	F	F
5	1	83	Kosmas (D)					A	F					F	F	F	F
4	3	57	Lacasa (R)					A	F	A				A	F	F	F
8	0	100	Laurent (R)			F		F	F			F		F	F	F	F
7	1	88	Lawson (D)					A	F		F		F	F	F	F	F
6	0	100	Lippman (D)					F	F					F	F	F	F
7	1	88	Littlefield (R)			F		A	F			F		F	F	F	F
5	1	83	Livingston (R)					A	F					F	F	F	F
3	2	60	Logan (D)					A	F					A	F		F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
6	0	100	Lynn (R)					F	F					F	F	F	F
4	2	67	Mackenzie (D)					A	F					A	F	F	F
9	0	100	Mackey (D)				F	F	F		F		F	F	F	F	F
7	0	100	Martinez (D)	F				F	F					F	F	F	F
5	1	83	Maygarden (R)					F	F					F	F	F	A
2	1	67	Meek (D)					F						A		F	
5	1	83	Melvin (R)					F	F					F	F	F	A
8	0	100	Merchant (R)			F		F	F			F		F	F	F	F
3	1	75	Miller (D)											A	F	F	F
8	0	100	Minton (D)			F		F	F			F		F	F	F	F
5	1	83	Morroni (R)					F	F					A	F	F	F
5	0	100	Morse (R)						F					F	F	F	F
7	0	100	Murman (D)					F	F	F				F	F	F	F
7	1	88	Ogles (R)	F	F			A	F					F	F	F	F
7	0	100	Peaden (D)					F	F	F				F	F	F	F
9	0	100	Posey (R)				F	F	F		F		F	F	F	F	F
4	2	67	Prewitt (D)					A	F					A	F	F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
9	0	100	Pruitt (R)				F	F	F		F		F	F	F	F	F
7	0	100	Putnam (R)					F	F	F				F	F	F	F
4	2	67	Rayson (D)					A	F					A	F	F	F
6	0	100	Reddick (D)					F	F					F	F	F	F
6	0	100	Ritchie (D)					F	F					F	F	F	F
4	2	67	Ritter (D)					A	F					A	F	F	F
7	1	88	Roberts-Burke (D)				F		F		F		F	A	F	F	F
6	0	100	Rodriguez-Chomat (R)					F	F					F	F	F	F
4	0	100	Rojas (R)					F						F	F	F	
6	2	75	Safley (R)			F		F	F			A		A	F	F	F
6	0	100	Sanderson (R)					F	F					F	F	F	F
5	2	71	Saunders (R)					F	F	A				A	F	F	F
7	0	100	Sembler (R)					F	F	F				F	F	F	F
4	2	67	Silver (D)					A	F					A	F	F	F
4	3	57	Sindler (D)			A		A	F					A	F	F	F
6	0	100	Smith (D)					F	F					F	F	F	F
5	0	100	Spratt (D)					F	F					F	F		F
5	1	83	Stabins (R)					A	F					F	F	F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON ENVIRONMENTAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Environmental Permitting/Water Districts	1b - Environmental Permitting/Water Districts	2a - Water Resources/Policy Additions	2b - Water Resources/Policy Additions	2c - Water Resources/Policy Additions	2d - Water Resources/Policy Additions	3a - Brownfields Redevelop. Act of 1997	3b - Brownfields Redevelop. Act of 1997	4a - Land Management Advisory Council	4b - Land Management Advisory Council	4c - Land Management Advisory Council	4d - Land Management Advisory Council	5a - Revision of Growth Management Laws	6a - Brownfield Contamination Site Rehab
3	1	75	Stafford (D)					A	F						F		F
5	0	100	Starks (R)					F	F					F	F	F	
5	1	83	Sublette (R)					F	F					F	A	F	F
6	0	100	Thrasher (R)					F	F					F	F	F	F
5	1	83	Tobin (D)					F	F					A	F	F	F
5	1	83	Trovillion (R)					A	F					F	F	F	F
3	3	50	Turnbull (D)					A	A					A	F	F	F
6	0	100	Valdes (R)					F	F					F	F	F	F
5	1	83	Villalobos (R)					F	A					F	F	F	F
7	1	88	Wallace (R)	F	F			F	F					A	F	F	F
6	0	100	Warner (R)					F	F					F	F	F	F
5	1	83	Wasserman-Schultz (D)					A	F					F	F	F	F
4	0	100	Webster (R)						F					F	F		F
7	1	88	Westbrook (D)			F		F	F			F		F	F	F	A
7	0	100	Wiles (D)					F	F	F				F	F	F	F
6	0	100	Wise (R)					F	F					F	F	F	F
9	0	100	Ziebarth (R)				F	F	F		F		F	F	F	F	F
673	85	89	TOTAL														

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA HOUSE

HEALTH CARE

HEALTH CARE

**HB 41 Health
Insurance/Mental
Illness by
Representative
Mary Brennan
(D-Pinellas Park)**

This bill would create the Mental Health Parity Act which would require insurers and health maintenance organizations (HMOs) to provide coverage for serious mental illness and benefits at the same level provided for physical illness. This bill does not contain a cap on premium increases. As a result, enactment of a mandate as broadly drafted as this would most certainly require insurance premiums to rise.

- Record 1a: On April 8, 1997, the House Long Term Care Committee passed the bill by a vote of 8 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 1b: On April 18, 1997, the House General Government Committee passed the bill as amended by a vote of 7 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 1c: On April 28, 1997, the House passed the bill as amended by a vote of 91 yeas to 21 nays. A “nay” vote is a vote for the AIF position.

On May 2, 1997, HB 41 was carried over to the 1998 Session pursuant to House Rule 96.

**SB 244 Managed
Care/Dermatology/
Patient Access by
Senator Doc Myers
(R-Stuart)**

This bill amends the Exclusive Provider Organization (EPO) law and the Health Maintenance Organization (HMO) law to require such organizations, if they offer dermatological services, to provide direct access for their respective policyholders to a dermatologist under contract with the organization. Each organization would be required to develop criteria to implement the required access by July 1, 1997.

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization and quality of care for dermatological services. It will increase the overall cost of health care.

Direct access restricts a managed care organization's ability to monitor the quality and continuity of care provided. It also reduces the primary care physician's awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost, specialty services by patients for care which may have been provided at a lower cost, and more effectively, by a primary care physician.

On February 19, 1997, the Senate Health Care Committee passed the bill as amended by a vote of 8 yeas to 1 nay. A "nay" vote is a vote for the AIF position.

On April 17, 1997, the Senate passed the bill by a vote of 28 yeas to 11 nays. A "nay" vote is a vote for the AIF position.

- Record 2a: On April 30, 1997, the House passed the bill as a committee substitute by a vote of 86 yeas to 22 nays. A "nay" vote is a vote for the AIF position.

SB 244 became Law without the Governor's signature.

**CS/HB 365 Managed
Care/Dermatologists
by Representative
Bill Posey
(R-Rockledge)**

This bill amends the Exclusive Provider Organization (EPO) law and the Health Maintenance Organization (HMO) law to require such organizations, if they offer dermatological services, to provide direct access for their respective policyholders to a dermatologist under contract with the organization. Each organization would be required to develop criteria to implement the required access by July 1, 1997.

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization and quality of care for dermatological services. It will increase the overall cost of health care.

Direct access restricts a managed care organization's ability to monitor the quality and continuity of care provided. It also reduces the primary care physician's awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost, specialty services by patients for care which may have been provided at a lower cost, and more effectively, by a primary care physician.

- Record 3a: On April 7, 1997, the House Health Care Reform Committee passed the bill as a committee substitute by a vote of 5 yeas to 3 nays. A "nay" vote is a vote for the AIF position.

On April 29, 1997, the Senate passed SB 244, the companion to this bill, and the House received SB 244 in messages.

On May 2, 1997, CS/HB 365 was carried over to the 1998 Session pursuant to House Rule 96.

HOUSE AVERAGE ON HEALTH CARE ISSUES = 19%

TOTAL FOR	TOTAL AGAINST	% WITH AIF	REPRESENTATIVE	1a - Health Insurance/Mental Illness	1b - Health Insurance/Mental Illness	1c - Health Insurance/Mental Illness	2a - Managed Care/Dermatology/Patient Access	3a - Managed Care/Dermatologists
0	2	0	Albright (R)			A	A	
1	1	50	Andrews (R)			F	A	
0	3	0	Argenziano (R)	A		A	A	
0	2	0	Arnall (R)			A	A	
0	1	0	Arnold (D)				A	
1	1	50	Bainter (R)			F	A	
1	1	50	Ball (R)			F	A	
2	1	67	Barreiro (R)	A		F	F	
0	2	0	Betancourt (D)			A	A	
1	0	100	Bitner (R)			F		
1	1	50	Bloom (D)			A	F	
1	1	50	Boyd (D)			A	F	
1	1	50	Bradley (D)			F	A	
1	1	50	Brennan (D)			A	F	
0	3	0	Bronson (D)		A	A	A	
0	3	0	Brooks (R)	A		A	A	
0	1	0	Brown (D)			A		

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON HEALTH CARE ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	REPRESENTATIVE	1a - Health Insurance/Mental Illness	1b - Health Insurance/Mental Illness	1c - Health Insurance/Mental Illness	2a - Managed Care/Dermatology/Patient Access	3a - Managed Care/Dermatologists
0	2	0	Bullard (D)			A	A	
1	1	50	Burroughs (R)			F	A	
0	2	0	Bush (D)			A	A	
1	1	50	Byrd (R)			F	A	
0	3	0	Carlton (R)	A		A	A	
1	1	50	Casey (R)			A	F	
0	2	0	Chestnut (D)			A	A	
2	0	100	Clemons (D)			F	F	
0	2	0	Constantine (R)			A	A	
1	1	50	Cosgrove (D)			A	F	
0	1	0	Crady (D)			A		
0	1	0	Crist (R)			A		
0	2	0	Crow (R)			A	A	
1	1	50	Culp (R)			F	A	
1	2	33	Dawson-White (D)			A	A	F
0	1	0	Dennis (D)				A	
0	2	0	Diaz de la Portilla (R)			A	A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON HEALTH CARE ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	REPRESENTATIVE	1a - Health Insurance/Mental Illness	1b - Health Insurance/Mental Illness	1c - Health Insurance/Mental Illness	2a - Managed Care/Dermatology/Patient Access	3a - Managed Care/Dermatologists
1	1	50	Dockery (R)			A	F	
0	2	0	Edwards (D)			A	A	
0	2	0	Effman (D)			A	A	
0	2	0	Eggelletion (D)		A	A		
0	2	0	Fasano (R)			A	A	
2	0	100	Feeney (R)			F	F	
0	2	0	Fischer (D)			A	A	
0	2	0	Flanagan (R)			A	A	
0	2	0	Frankel (D)			A	A	
0	1	0	Fuller (R)				A	
0	2	0	Futch (R)			A	A	
			Garcia (R)					
0	3	0	Gay (R)		A	A	A	
1	1	50	Geller (D)			A	F	
1	1	50	Goode (D)			F	A	
0	2	0	Greene (D)			A	A	
0	2	0	Hafner (D)			A	A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON HEALTH CARE ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	REPRESENTATIVE	1a - Health Insurance/Mental Illness	1b - Health Insurance/Mental Illness	1c - Health Insurance/Mental Illness	2a - Managed Care/Dermatology/Patient Access	3a - Managed Care/Dermatologists
2	0	100	Harrington (R)			F	F	
0	2	0	Healey (D)			A	A	
0	2	0	Heyman (D)			A	A	
0	2	0	Hill (D)			A	A	
0	2	0	Horan (D)			A	A	
0	3	0	Jacobs (D)	A		A	A	
0	3	0	Jones (R)			A	A	A
0	3	0	Kelly (D)	A		A	A	
1	2	33	King (R)			F	A	A
0	2	0	Kosmas (D)			A	A	
1	1	50	Lacasa (R)			A	F	
1	1	50	Laurent (R)			F	A	
0	2	0	Lawson (D)			A	A	
0	3	0	Lippman (D)			A	A	A
0	2	0	Littlefield (R)			A	A	
			Livingston (R)					
0	2	0	Logan (D)			A	A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON HEALTH CARE ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% WITH AIF	REPRESENTATIVE	1a - Health Insurance/Mental Illness	1b - Health Insurance/Mental Illness	1c - Health Insurance/Mental Illness	2a - Managed Care/Dermatology/Patient Access	3a - Managed Care/Dermatologists
0	2	0	Lynn (R)			A	A	
0	2	0	Mackenzie (D)			A	A	
0	3	0	Mackey (D)		A	A	A	
0	2	0	Martinez (D)			A	A	
3	0	100	Maygarden (R)			F	F	F
0	1	0	Meek (D)			A		
0	2	0	Melvin (R)			A	A	
0	2	0	Merchant (R)			A	A	
0	2	0	Miller (D)			A	A	
0	3	0	Minton (D)			A	A	A
0	2	0	Morrone (R)			A	A	
			Morse (R)					
0	2	0	Murman (D)			A	A	
0	2	0	Ogles (R)			A	A	
0	2	0	Peadar (D)			A	A	
0	3	0	Posey (R)		A	A	A	
0	2	0	Prewitt (D)			A	A	

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA HOUSE

LEGAL & JUDICIAL

LEGAL AND JUDICIAL

PCB FS-97-6
**Accountability/
 Individual
 Responsibility by
 House Financial
 Services Committee**

This bill is a civil justice reform bill. It creates the Florida Accountability and Individual Responsibility Act. The bill contains the following provisions:

- Creates a 12-year statute of repose;
- Abolishes vicarious liability against the owner of a dangerous instrument, provided the user of the property has liability insurance;
- Abolishes vicarious liability for punitive damages;
- Provides that a defendant in Florida shall only be subject to one punitive damage verdict;
- Requires that liability for punitive damages be proven by clear and convincing evidence;
- Abolishes vicarious liability for the intentional tort of another;
- Creates an alcohol and drug defense; and,
- Abolishes joint and several liability for cases involving damages less than \$25,000.

■ Record 1a: On April 16, 1997, the House Financial Services Committee passed the bill as amended by a vote of 9 yeas to 5 nays. A "yea" vote is a vote for the AIF position. A motion to reconsider and leave pending was made.

■ Record 1b: On April 24, 1997, the Motion to Reconsider was defeated by a vote of 6 yeas to 7 nays. A "nay" vote is a vote for the AIF position.

PCB FS-97-6 became HB 2117.

**HB 25 Wrongful
 Death/Recovery of
 Damages by
 Representative
 Mary Brennan
 (D-Pinellas Park)**

This bill would allow adult children to recover damages for lost parental companionship, instruction and guidance, and for mental pain and suffering resulting from the wrongful death of a parent in an action for medical malpractice, if there is no surviving spouse.

The bill would also allow for parents to be awarded damages for mental pain and suffering caused by the wrongful death of an adult in a medical malpractice action if there are no other survivors.

This bill results from a 1990 amendment to Florida's Wrongful Death Act which allowed adult children and adult parents to receive these damages in wrongful death cases.

However, the 1990 amendment excluded medical malpractice actions and retained the common law for damages for medical malpractice actions.

Under common law, damages for wrongful death could only be collected by a dependent child or a spouse.

This bill further expands the tort system and would give trial lawyers incentives to file frivolous lawsuits against doctors and hospitals. AIF opposes this bill because of its effect on the civil justice system.

On March 11, 1997, the House Civil Justice and Claims Committee adopted a "strike-everything" amendment. The amendment removed the civil remedy and replaced it with an administrative remedy. The amendment allowed survivors to proceed against a health care provider's license, rather than proceed in civil court for damages. This amendment provides a remedy and is acceptable to AIF.

- Record 2a: On March 11, 1997, the House Civil Justice and Claims Committee passed the bill as amended by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On May 2, 1997, HB 25 was carried over to the 1998 Session pursuant to House Rule 96.

**CS/HB 461 Elections
Contributions
Restrictions by
Representative
John Thrasher
(R-Orange Park)**

This bill is an omnibus election reform bill. The bill addresses 12 specific areas: campaign financing with particular regard to political party contribution limits; earmarked funds; parties; turnbacks of contributions from candidates to parties; candidate filing fees; approval and disclaimer requirements for political advertisements; telephone and computer solicitation; initiative petitions; second primaries; solicitation at the polls; clarification of residency requirements for candidates; voter registration; creation of a central voter file; voting system audits; and, the restructuring and transfer of the Florida Elections Commission.

Associated Industries of Florida is primarily concerned with provisions regarding telephone solicitation.

In response to abuses uncovered in the 1994 gubernatorial campaign, the Legislature wished to require disclosure of the persons paying for political telephone solicitation. This is in an effort to curb the use of so-called "push polling" where voters are led to believe that a particular candidate has engaged in some unsavory behavior. Also, it is an effort to prevent campaigns from lying about sponsors of telephone solicitation campaigns.

The bill requires a disclaimer for telephone solicitation but maintains a much needed balance. It allows campaigns to carry on legitimate polling without requiring disclosure. It is important that legitimate political polls are protected because

disclosure would result in invalid poll results. AIF supports the delicate balance that this bill is able to create.

■ Record 3a: On February 26, 1997, the House Election Reform Committee passed the bill as a committee substitute by a vote of 5 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

■ Record 3b: On March 6, 1997, the House passed the bill as a committee substitute by a vote of 115 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

On March 20, 1997, CS/HB 461 was substituted for SB 568 on the Senate Floor. A "strike-everything" amendment was adopted and the bill passed as amended by a vote of 37 yeas to 2 nays. A "yea" vote is a vote for the AIF position. The House refused to concur and on March 21, 1997, a Conference Committee was appointed.

■ Record 3c: On April 3, 1997, the House passed the Conference Committee Report by a vote of 114 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

On April 3, 1997, the Senate passed the Conference Committee Report by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 461 was signed by the Governor and became Chapter Law #97-13.

**HB 913 Eminent
Domain Action/
Compensation by
Representative
Bill Sublette
(R-Orlando)**

HB 913, as amended by the House Real Property & Probate Committee, requires a governmental condemning authority to make a written offer of settlement prior to instituting an action in eminent domain. Certain information must be contained in the written offer and such offer is deemed rejected unless the property owner accepts in writing within 30 days after receipt.

■ Record 4a: On April 8, 1997, the House Real Property & Probate Committee passed the bill as amended by a vote of 5 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On May 2, 1997, HB 913 was carried over to the 1998 Session pursuant to House Rule 96.

CS/SB 1066
Educational Units/
Administrative
Weekly by Senator
Charles Williams
(D-Tallahassee)

In 1996, the Florida Legislature passed the most significant reform to the Administrative Procedures Act (APA) since its enactment in 1974. The act as passed will significantly alter how state government interacts with private citizens in Florida. The 1996 legislation culminated four years of work devoted to a reform effort of the APA.

The new APA provides for agency flexibility through waiver and variance; provides new strength for attorney fees provisions for private litigants against state agencies in rule challenge proceedings; strengthens legislative oversight of agencies; and, includes provisions which strongly discourage the use of unadopted policies by agencies.

The new APA took effect on October 1, 1996. The new provisions of the bill relating to agencies will become effective in phases through 1998.

Even as this legislation was moving its way through the legislative process in 1996, state agencies were attempting to pass legislative exemptions from the APA provisions, ranging from exempting parts of programs, to blanket exemptions from the entire act.

However, there were numerous "glitches" which needed to be addressed in order to allow agencies to fully implement the new APA. The 1997 APA Glitch bill was limited to true glitches which needed to be implemented in order to correct inconsistencies and unworkable provisions of the new APA.

The APA Glitch bill, SB 1066, was limited to true glitches and did not allow agencies exemptions from the APA.

On March 25, 1997, the Senate Governmental Reform Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 10, 1997, the Senate passed the bill as amended by a vote of 36 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 5a: On April 29, 1997, the House substituted CS/SB 1066 for HB 1905. The House passed the bill by a vote of 117 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 1066 became Law without the Governor's signature.

**HB 1123 Medicaid
Fraud/Repayment of
Benefits
by Representative
Harry C. Goode, Jr.
(D-Melbourne)**

This bill repeals the 1994 Amendments to Florida's Medicaid Third Party Liability Act. The 1994 amendments remove defenses of any company the state chooses to sue to recover medicaid costs. These 1994 amendments are being used against tobacco companies in a suit claiming damages over \$1 billion. However, the effect of the amendments are not limited to tobacco companies and could be used against other companies in the state.

- Record 6a: On March 31, 1997, the House Government Rules and Regulations Committee passed the bill as amended by a vote of 6 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On May 2, 1997, HB 1123 was withdrawn from further consideration.

**CS/HB 1597
Exceptions Hearsay
Evidence
Prohibitions by
Representative
John Thrasher
(R-Orange Park)**

This bill would create an exception to the hearsay evidence rule. It would allow evidence from a former trial or deposition to be admitted in a subsequent action so long as:

- The current plaintiff or a party to the former action with a similar motive had an opportunity to fully develop the testimony through direct or cross examination.

This exception would allow the evidence to be admitted whether or not the declarant was available to take the stand at the proceeding.

This bill simply brings Florida's evidence code in line with the current law of comparative fault. The evidence code was written at a time when each person responsible for the plaintiff damages was present in the courtroom. The current system of comparative fault, however, requires defendants to prove the fault of others who are not in the courtroom.

In any given lawsuit, the rules provide hearsay exceptions for former testimony that will allow the plaintiff to use any prior statements by any defendant, including testimony from similar prior lawsuits, to establish the fault of that defendant. Defendants, however, cannot use prior statements by settled parties or nonparties to establish their fault, even if the statement was made under oath at the trial of a nearly identical action, but involving a different plaintiff. This bill would level the playing field to allow admission of evidence of a statement against interest by a nonparty.

- Record 7a: On April 10, 1997, the House Civil Justice and Claims Committee passed the bill as a committee substitute by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

- Record 7b: On April 28, 1997, the House passed the bill by a vote of 107

yeas to 6 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate substituted CS/HB 1597 for SB 1830.

On May 1, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

- Record 7c: On May 1, 1997, the House passed the amended bill by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 1597 was Vetoed by the Governor.

**HB 1691 Tort
Liability/Rental Cars
by Representative
Mark G. Flanagan
(R-Bradenton)**

This bill removes vicarious liability for motor vehicle rental companies for injuries or damages sustained by adult occupants.

Under current law, if the owner of a motor vehicle gives express or implied permission to a third party to operate the motor vehicle, the owner can be held liable for the negligence of the operator, even if the owner exercised reasonable due care in giving permission to the third party. This is based on a court made doctrine which classifies automobiles as dangerous instrumentalities. Thus, in Florida, all motor vehicle owners are liable for injuries or damages caused by third-party operators, regardless of whether the owner is at fault. One exception under the current law applies to long-term motor vehicle lessors. Long-term lessors are not vicariously liable for injuries or damages caused by third parties, yet short-term lessors and all other owners are liable.

This bill would remove that vicarious liability for motor vehicle rental companies for injuries or damages sustained by occupants of a motor vehicle rented or leased from the company if the occupants are 16 years of age or older, unless the company's negligence or intentional misconduct caused the injuries or damages.

This bill would bring common sense to a court made law that holds property owners responsible for the negligence of others merely because they own the property.

- Record 8a: On April 10, 1997, the House Civil Justice and Claims Committee passed the bill as amended by a vote of 5 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, HB 1691 was carried over to the 1998 Session pursuant to House Rule 96.

HB 1905
Administrative
Procedures/State
Agencies by
Representative
Rob Wallace
(R-Tampa)

In 1996, the Florida Legislature passed the most significant reform to the Administrative Procedures Act (APA) since its enactment in 1974. The act as passed will significantly alter how state government interacts with private citizens in Florida. The 1996 legislation culminated four years of work devoted to a reform effort of the APA.

The new APA provides for agency flexibility through waiver and variance; provides new strength for attorney fees provisions for private litigants against state agencies in rule challenge proceedings; strengthens legislative oversight of agencies; and, includes provisions which strongly discourage the use of unadopted policies by agencies.

The new APA took effect on October 1, 1996. The new provisions of the bill relating to agencies will become effective in phases through 1998.

Even as this legislation was moving its way through the legislative process in 1996, state agencies were attempting to pass legislative exemptions from the APA provisions, ranging from exempting parts of programs, to blanket exemptions from the entire act.

However, there were numerous "glitches" which needed to be addressed in order to allow agencies to fully implement the new APA. The 1997 APA Glitch bill was limited to true glitches which needed to be implemented in order to correct inconsistencies and unworkable provisions of the new APA.

The APA Glitch bill, HB 1905, was limited to true glitches and did not allow agencies exemptions from the APA.

- Record 9a: On April 18, 1997, the House Government Rules and Regulations Committee passed the bill as amended by a vote of 4 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 9b: On April 25, 1997, the House passed the bill as amended by a vote of 115 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 29, 1997, the House substituted CS/SB 1066 for HB 1905.

HB 1905 was laid on the Table; refer to CS/SB 1066.

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES = 96%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
7	0	100	Albright (R)					F	F		F	F		F	F			F
6	0	100	Andrews (R)					F	F		F			F	F			F
6	0	100	Argenziano (R)					F	F		F			F	F			F
5	0	100	Arnall (R)					F			F			F	F			F
5	0	100	Arnold (D)					F	F		F				F			F
8	0	100	Bainter (R)	F	F			F	F		F			F	F			F
8	0	100	Ball (R)	F	F			F	F		F			F	F			F
6	0	100	Barreiro (R)					F	F		F			F	F			F
6	0	100	Betancourt (D)					F	F		F			F	F			F
8	0	100	Bitner (R)	F	F			F	F		F			F	F			F
6	0	100	Bloom (D)					F	F		F			F	F			F
6	0	100	Boyd (D)					F	F		F			F	F			F
8	1	89	Bradley (D)			F		F	F		F		F	A	F	F		F
6	0	100	Brennan (D)					F	F		F			F	F			F
6	0	100	Bronson (D)					F	F		F			F	F			F
6	0	100	Brooks (R)					F	F		F			F	F			F
6	1	86	Brown (D)				A	F	F		F			F	F			F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
6	0	100	Bullard (D)					F	F		F			F	F			F
9	0	100	Burroughs (R)			F		F	F		F		F	F	F	F		F
5	1	83	Bush (D)					F	F		F			A	F			F
9	0	100	Byrd (R)			F		F	F		F		F	F	F	F		F
7	0	100	Carlton (R)				F	F	F		F			F	F			F
6	0	100	Casey (R)					F	F		F			F	F			F
4	1	80	Chestnut (D)					F	F		F			A	F			
7	2	78	Clemons (D)			F		F	F		F		A	F	F	A		F
6	0	100	Constantine (R)					F	F		F			F	F			F
8	1	89	Cosgrove (D)			A		F	F		F		F	F	F	F		F
6	0	100	Crady (D)					F	F		F			F	F			F
6	0	100	Crist (R)					F	F		F			F	F			F
7	0	100	Crow (R)					F	F	F	F			F	F			F
5	0	100	Culp (R)					F			F			F	F			F
7	0	100	Dawson-White (D)						F		F	F		F	F		F	F
5	2	71	Dennis (D)	A	A			F	F		F				F			F
6	0	100	Diaz de la Portilla (R)				F		F		F			F	F			F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
6	0	100	Dockery (R)					F	F		F		F	F				F
8	1	89	Edwards (D)	F	A			F	F	F	F		F	F				F
6	2	75	Effman (D)	A	A			F	F		F		F	F				F
6	0	100	Eggelletion (D)					F	F		F		F	F				F
6	0	100	Fasano (R)					F	F		F		F	F				F
6	0	100	Feeney (R)					F	F		F		F	F				F
6	0	100	Fischer (D)					F	F		F		F	F				F
9	2	82	Flanagan (R)	F	A	F		F	F		F		F	F	F	A		F
5	1	83	Frankel (D)					F	F		F		A	F				F
6	0	100	Fuller (R)					F	F		F		F	F				F
7	0	100	Futch (R)				F	F	F		F		F	F				F
3	0	100	Garcia (R)					F	F					F				
6	0	100	Gay (R)					F	F		F		F	F				F
6	1	86	Geller (D)				A	F	F		F		F	F				F
8	0	100	Goode (D)					F	F		F	F	F	F			F	F
5	0	100	Greene (D)					F	F		F		F	F				
6	0	100	Hafner (D)					F	F		F		F	F				F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
6	0	100	Harrington (R)					F	F		F		F	F				F
5	2	71	Healey (D)					F	F	A	F		A	F				F
6	0	100	Heyman (D)					F	F		F		F	F				F
5	1	83	Hill (D)					F	A		F		F	F				F
6	0	100	Horan (D)					F	F		F		F	F				F
3	1	75	Jacobs (D)					A					F	F				F
7	0	100	Jones (R)					F	F	F	F		F	F				F
6	0	100	Kelly (D)					F	F		F		F	F				F
5	0	100	King (R)						F		F		F	F				F
6	0	100	Kosmas (D)					F	F		F		F	F				F
6	0	100	Lacasa (R)					F	F		F		F	F				F
7	0	100	Laurent (R)					F	F	F	F		F	F				F
6	1	86	Lawson (D)	A				F	F		F		F	F				F
6	2	75	Lippman (D)	A	A			F	F		F		F	F				F
6	0	100	Littlefield (R)					F	F		F		F	F				F
5	0	100	Livingston (R)					F	F		F		F	F				
6	0	100	Logan (D)					F	F		F		F	F				F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
6	0	100	Lynn (R)					F	F		F		F	F				F
6	0	100	Mackenzie (D)					F	F		F		F	F				F
6	0	100	Mackey (D)					F	F		F		F	F				F
7	1	88	Martinez (D)					F	F		F	A	F	F			F	F
8	0	100	Maygarden (R)	F	F			F	F		F		F	F				F
5	0	100	Meek (D)					F	F		F		F					F
6	0	100	Melvin (R)					F	F		F		F	F				F
6	0	100	Merchant (R)					F	F		F		F	F				F
4	1	80	Miller (D)				A	F	F					F				F
6	0	100	Minton (D)					F	F		F		F	F				F
7	0	100	Morrone (R)				F	F	F		F		F	F				F
6	0	100	Morse (R)					F	F		F		F	F				F
6	0	100	Murman (D)					F	F		F		F	F				F
7	0	100	Ogles (R)					F	F		F	F	F	F				F
6	0	100	Peaden (D)					F	F		F		F	F				F
6	0	100	Posey (R)					F	F		F		F	F				F
6	0	100	Prewitt (D)					F	F		F		F	F				F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
6	0	100	Pruitt (R)					F	F		F			F	F			F
6	0	100	Putnam (R)					F	F		F			F	F			F
7	1	88	Rayson (D)	F	A			F	F		F			F	F			F
6	0	100	Reddick (D)					F	F		F			F	F			F
6	0	100	Ritchie (D)					F	F		F			F	F			F
9	0	100	Ritter (D)			F		F	F		F		F	F	F	F		F
6	0	100	Roberts-Burke (D)					F	F		F			F	F			F
7	0	100	Rodriguez-Chomat (R)					F	F	F	F			F	F			F
6	0	100	Rojas (R)					F	F		F			F	F			F
7	0	100	Safley (R)	F	F			F	F		F				F			F
8	0	100	Sanderson (R)	F	F			F	F		F			F	F			F
6	0	100	Saunders (R)					F	F		F			F	F			F
6	0	100	Sembler (R)					F	F		F			F	F			F
3	3	50	Silver (D)				A	A	A		F				F			F
5	0	100	Sindler (D)					F	F		F			F				F
6	0	100	Smith (D)					F	F		F			F	F			F
6	0	100	Spratt (D)					F	F		F			F	F			F
7	0	100	Stabins (R)				F	F	F		F			F	F			F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON LEGAL & JUDICIAL ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Accountability/Individual Responsibility	1b - Accountability/Individual Responsibility	2a - Wrongful Death/Recovery of Damages	3a - Elections Contributions Restrictions	3b - Elections Contributions Restrictions	3c - Elections Contributions Restrictions	4a - Eminent Domain Action/Compensation	5a - Educational Units/Admin. Weekly	6a - Medicaid Fraud/Repayment of Benefits	7a - Except. Hearsay Evidence Prohibitions	7b - Except. Hearsay Evidence Prohibitions	7c - Except. Hearsay Evidence Prohibitions	8a - Tort Liability/Rental Cars	9a - Admin. Procedures/State Agencies	9b - Admin. Procedures/State Agencies
6	0	100	Stafford (D)					F	F		F			F	F			F
6	0	100	Starks (R)					F	F		F			F	F			F
5	0	100	Sublette (R)					F	F		F	F			F			
8	1	89	Thrasher (R)			F		F	F		F		F	F	F	A		F
6	0	100	Tobin (D)					F	F		F			F	F			F
6	0	100	Trovillion (R)					F	F		F			F	F			F
6	0	100	Turnbull (D)					F	F		F			F	F			F
6	0	100	Valdes (R)					F	F		F			F	F			F
5	1	83	Villalobos (R)					F	F		F			A	F			F
8	0	100	Wallace (R)					F	F		F	F		F	F		F	F
8	1	89	Warner (R)			F		F	F		F		F	F	F	A		F
6	0	100	Wasserman-Schultz (D)					F	F		F			F	F			F
5	0	100	Webster (R)					F			F			F	F			F
6	0	100	Westbrook (D)					F	F		F			F	F			F
6	0	100	Wiles (D)					F	F		F			F	F			F
6	0	100	Wise (R)					F	F		F			F	F			F
7	1	88	Ziebarth (R)	A	F			F	F		F			F	F			F
743	33	96	TOTAL															

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA HOUSE

TAXATION

TAXATION

PCB FT-97-3
Taxation by House
Finance & Taxation
Committee

This bill started out as a revision and clarification of the current statute related to the taxation and exemption of food and drinks. It later was amended by the Senate Commerce and Economic Opportunities Committee to include the AIF Sponsored Research and Development language for State Universities, the sales tax exemption for the purchase and lease of commercial aircraft, and aircraft parts, and further clarification for the sales tax exemption for electricity used in manufacturing that was passed by the 1996 Legislature. In addition, other exemptions were included that will have a positive impact on the overall economy.

- Record 1a: On April 18, 1997, the House Finance and Taxation Committee passed the bill by a vote of 11 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

PCB FT-97-3 became HB 2109. HB 2109 was read a second time on the House Floor and temporarily deferred. See CS/CS/SB 1660.

PCB FT-97-6 H/Ad
Valorem Taxation by
House Finance &
Taxation Committee

The Florida Constitution authorizes counties, school districts, municipalities, and certain other special districts to levy ad valorem taxes on tangible personal property. Whether computer software constitutes tangible personal property and, thus, is subject to ad valorem taxation is currently being litigated in at least two cases around the state. PCB FT-97-6 seeks to clarify this point.

The bill specifies that "computer software" constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted. The bill further provides that once computer software is installed, it does not increase the value of the computer hardware.

Clarifying how computer software can be assessed for ad valorem taxation purposes will allow for uniform assessment and collection by local property appraisers.

- Record 2a: On March 13, 1997, the House Finance and Taxation Committee passed the bill by a vote of 9 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

PCB FT-97-6 became HB 1723.

**HJR 337 "No Taxes
Without Voter
Approval Act" by
Representative
Tom Feeney
(R-Oviedo)**

House Joint Resolution 337 proposed amending Section 1, Article VII of the Florida Constitution to require voter approval of new or increased taxes or elimination of existing tax exemptions. An exception is made where the Legislature or local governing body, by three-fourths vote, initiates a new tax, increases an existing tax, or removes a tax exemption for a period not to exceed 12 months. The Legislature or local government must also make a finding of fact that failure to take the proscribed action would pose an imminent and particularly described threat to the public health or safety.

While AIF certainly does not favor new or increased taxes, allowing voters to set tax policy would only exacerbate the tax burden shouldered by the business community. Florida is often described as a low tax state. This may hold true for individual taxpayers; however, the same cannot be said for taxes on businesses. As the "Save Our Homes" Amendment illustrates, individual taxpayers are eager to shield themselves from taxation. Unfortunately, this leaves the business community as the only viable target whenever increased revenue is needed.

- Record 3a: On March 17, 1997, the bill failed to pass the House Rules, Resolutions & Ethics Committee on a tie vote of 5 yeas to 5 nays. A "nay" vote is a vote for the AIF position.

HJR 337 was laid on the Table.

**CS/CS/SB 404
Electronic
Communications/
Internet Access
by Senator
Fred Dudley
(R-Cape Coral)**

This bill was filed at the urging of many groups, including AIF, to resolve an issue raised by the Department of Revenue regarding the taxation of Internet access, bulletin boards, and electronic mail service. This bill was passed as a stand alone bill and has been sent to the Governor for approval. Last year this exemption was included in SB 624, the tax train, which was vetoed by Governor Chiles.

On February 18, 1997, the Senate Regulation Industry Committee combined SBs 404 and 414 to create CS/SB 404. The committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On March 11, 1997, the Senate Community Affairs Committee passed the bill by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 23, 1997, the Senate Ways and Means Committee passed the bill by a vote of 30 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

On April 28, 1997, the Senate passed the bill as a committee substitute to the

committee substitute by a vote of 39 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

- Record 4a: On April 29, 1997, the House passed the bill by a vote of 111 yeas to 5 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 404 became Law without the Governor's signature.

**HB 445 Ad Valorem
Tax Administration
by Representative
Bob Starks
(R-Casselberry)**

This bill revises the judicially created burden of proof and hearings concerning property tax matters. The revised burden of proof applies to any administrative or judicial action in which a taxpayer challenges a property tax assessment, the denial of an exemption, or the denial of a classified status.

The bill restates that a property appraiser's assessment is presumed to be correct. However, the presumption of correctness is lost if the taxpayer shows by a preponderance of the evidence that either the property appraiser did not consider proper taxation criteria, or the property appraiser's assessment is based on appraisal practices which are different from those generally applied. If the presumption of correctness is lost, the taxpayer must prove by a preponderance of the evidence that the assessment is too high.

If the presumption of correctness is retained, the taxpayer may prove by clear and convincing evidence that the appraiser's assessment is in excess of just value. Most importantly, this bill states that in no case shall the taxpayer have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis of a legal assessment. Without this bill, the taxpayer must meet this extremely high burden.

This bill levels the playing field when it comes to challenging a property appraiser's assessment of the value of your property.

- Record 5a: On March 5, 1997, the House Community Affairs Committee passed the bill as amended by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 5b: On March 6, 1997, the House Finance and Taxation Committee passed the bill by a vote of 14 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 5c: On April 2, 1997, the House passed the bill as amended by a vote of 114 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 28, 1997, the Senate substituted HB 445 for CS/SB 134.

On April 28, 1997, the Senate passed the bill by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 445 was signed by the Governor and became Chapter Law #97-85.

**CS/SB 918 Ad
Valorem Taxation
"Computer
Software"
by Senator
Locke Burt
(R-Ormond Beach)**

The Florida Constitution authorizes counties, school districts, municipalities, and certain other special districts to levy ad valorem taxes on tangible personal property. Whether computer software constitutes tangible personal property and, thus, is subject to ad valorem taxation is currently being litigated in at least two cases around the state. CS/SB 918 seeks to clarify this point.

The bill specifies that "computer software" constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted. The bill further provides that once computer software is installed, it does not increase the value of the computer hardware.

Clarifying how computer software can be assessed for ad valorem taxation purposes will allow for uniform assessment and collection by local property appraisers.

On March 31, 1997, the Senate Commerce and Economic Opportunities Committee passed the bill as a committee substitute by a vote of 14 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 23, 1997, the Senate Ways and Means Committee passed the bill by a vote of 27 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 30, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 6a: On May 1, 1997, the House passed the bill by a vote of 97 yeas to 13 nays. A "yea" vote is a vote for the AIF position.

CS/SB 918 became Law without the Governor's signature.

**HB 1417 Joint
Resolution/Executive
Departments &
Taxation by
Representative
Irlo Bronson
(D-Kissimmee)**

In an effort to increase oversight of Water Management Districts and their budgets, HB 1417 provides a constitutional amendment that increases the number of agencies allowable under the Constitution, which would allow for the five Water Management Districts to become agencies. It would also provide that ad valorem taxation could be levied statewide for water management purposes only.

■ Record 7a: On April 15, 1997, the House Water and Resource Management Committee passed the bill as amended by a vote of 6 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

On May 2, 1997, HB 1417 was carried over to the 1998 Session pursuant to House Rule 96.

**CS/HB 1489 Taxation
of Internet Access by
Representative
Bob Starks
(R-Cassleberry)**

This bill was filed at the urging of many groups, including AIF, to resolve an issue raised by the Department of Revenue regarding the taxation of Internet access, bulletin boards, and electronic mail service. This bill was passed as a stand alone bill and has been sent to the Governor for approval. Last year this exemption was included in SB 624, the tax train, which was vetoed by Governor Chiles.

■ Record 8a: On April 3, 1997, the House Utilities and Communications Committee combined HBs 1171 and 1489 to create CS/HB 1489. The committee passed the bill as a committee substitute by a vote of 11 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

■ Record 8b: On April 15, 1997, the House Finance and Taxation Committee passed the bill by a vote of 13 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, CS/HB 1489 was carried over to the 1998 Session pursuant to House Rule 96.

**CS/CS/SB 1660 Sales
Tax on Retail Food &
Drinks by Senator
John Ostalkiewicz
(R-Orlando)**

This bill started out as a revision and clarification of the current statute related to the taxation and exemption of food and drinks. It later was amended by the Senate Commerce and Economic Opportunities Committee to include the AIF Sponsored Research and Development language for State Universities, the sales tax exemption for the purchase and lease of commercial aircraft, and aircraft parts, and further clarification for the sales tax exemption for electricity used in manufacturing that was passed by the 1996 Legislature. In addition, other exemptions were included that will have a positive impact on the overall economy.

On March 31, 1997, the Senate Commerce Committee passed the bill as a committee substitute by a vote of 13 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 23, 1997, the Senate Ways & Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 22 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

On May 1, 1997, the Senate passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 9a: On May 2, 1997, the House passed the bill as amended by a vote of 85 yeas to 28 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, the Senate concurred and passed the bill as amended by a vote of 38 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 1660 was Vetoed by the Governor.

**HB 1723 Ad
Valorem Taxation/
Computer Software
by House Finance &
Taxation Committee**

The Florida Constitution authorizes counties, school districts, municipalities, and certain other special districts to levy ad valorem taxes on tangible personal property. Whether computer software constitutes tangible personal property and, thus, is subject to ad valorem taxation is currently being litigated in at least two cases around the state. HB 1723 seeks to clarify this point.

The bill specifies that "computer software" constitutes personal property only to the extent of the value of the unmounted or uninstalled medium on or in which the information, program, or routine is stored or transmitted. The bill further provides that once computer software is installed, it does not increase the value of the computer hardware.

Clarifying how computer software can be assessed for ad valorem taxation purposes will allow for uniform assessment and collection by local property appraisers.

- Record 10a: On April 15, 1997, the House Community Affairs Committee passed the bill as amended by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1997, HB 1723 was carried over to the 1998 Session pursuant to House Rule 96.

HOUSE AVERAGE ON TAXATION ISSUES = 90%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax. "Computer Software"	7a - Jt. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
4	0	100	Albright (R)				F			F	F				F	
6	1	86	Andrews (R)			A	F	F		F	F				F	F
5	0	100	Argenziano (R)				F			F	F	F			F	
8	0	100	Arnall (R)		F		F		F	F	F		F	F	F	
3	0	100	Arnold (D)				F			F	F					
4	0	100	Bainter (R)				F			F	F				F	
4	0	100	Ball (R)				F			F	F				F	
4	0	100	Barreiro (R)				F			F	F				F	
4	1	80	Betancourt (D)				F			F	F	F			A	
4	1	80	Bitner (R)			A	F			F	F				F	
3	1	75	Bloom (D)				A			F	F				F	
6	0	100	Boyd (D)				F			F	F	F	F		F	
5	0	100	Bradley (D)				F			F	F		F		F	
3	1	75	Brennan (D)				F			F	F				A	
3	1	75	Bronson (D)			A	F				F				F	
4	0	100	Brooks (R)				F			F	F				F	
3	0	100	Brown (D)				F			F	F					
3	1	75	Bullard (D)				F			F	F				A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON TAXATION ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax. "Computer Software"	7a - Jt. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
5	0	100	Burroughs (R)				F			F	F		F		F	
2	1	67	Bush (D)				F				F				A	
4	0	100	Byrd (R)				F			F	F				F	
3	1	75	Carlton (R)				F			F	F				A	
4	0	100	Casey (R)				F			F	F				F	
2	1	67	Chestnut (D)				F			F					A	
3	1	75	Clemons (D)				F			F	F		A			
4	0	100	Constantine (R)				F			F	F				F	
6	1	86	Cosgrove (D)	F			F		F	F	F			F	A	
5	0	100	Crady (D)			F	F			F	F				F	
3	0	100	Crist (R)				F			F					F	
4	0	100	Crow (R)				F			F	F				F	
4	0	100	Culp (R)				F			F	F				F	
1	2	33	Dawson-White (D)				F				A				A	
3	1	75	Dennis (D)				F			F	F				A	
3	1	75	Diaz de la Portilla (R)				F			F	F				A	
8	0	100	Dockery (R)	F	F		F		F	F	F			F	F	
3	0	100	Edwards (D)				F			F	F					

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON TAXATION ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax, "Computer Software"	7a - Jr. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
5	1	83	Effman (D)				F	F		F	A				F	F
2	2	50	Eggelletion (D)				F			F	A				A	
8	0	100	Fasano (R)	F	F		F		F	F	F			F	F	
5	0	100	Feeney (R)				F			F	F		F		F	
2	2	50	Fischer (D)				F			F	A				A	
4	0	100	Flanagan (R)				F			F	F				F	
3	1	75	Frankel (D)				F			F	F				A	
4	0	100	Fuller (R)				F			F	F				F	
4	0	100	Futch (R)				F			F	F				F	
4	0	100	Garcia (R)				F			F	F				F	
5	1	83	Gay (R)				F	F		F	F				A	F
4	4	50	Geller (D)	F	A		A		F	F	A			F	A	
3	1	75	Goode (D)				F			F	F				A	
4	0	100	Greene (D)				F			F	F				F	
4	0	100	Hafner (D)				F			F	F				F	
4	0	100	Harrington (R)				F			F	F				F	
2	2	50	Healey (D)				A			F	F				A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON TAXATION ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax, "Computer Software"	7a - Jt. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
3	1	75	Heyman (D)				F			F	F				A	
8	0	100	Hill (D)	F	F		F		F	F	F			F	F	
3	1	75	Horan (D)				F			F	F				A	
6	0	100	Jacobs (D)	F	F		F		F					F	F	
4	0	100	Jones (R)				F			F	F				F	
4	0	100	Kelly (D)				F			F	F				F	
3	0	100	King (R)				F				F				F	
4	0	100	Kosmas (D)				F	F		F	F					
8	0	100	Lacasa (R)	F	F		F		F	F	F			F	F	
6	1	86	Laurent (R)		F				F	F	F	A		F	F	
3	0	100	Lawson (D)				F			F	F					
4	1	80	Lippman (D)			F	F			F	A				F	
5	0	100	Littlefield (R)				F			F	F		F		F	
5	0	100	Livingston (R)				F			F	F				F	F
3	1	75	Logan (D)				F			F			F		A	
4	0	100	Lynn (R)				F			F	F				F	
4	1	80	Mackenzie (D)			F	F			F	F				A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON TAXATION ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax. "Computer Software"	7a - Jr. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
4	0	100	Mackey (D)				F			F	F				F	
2	2	50	Martinez (D)				F			F	A				A	
5	0	100	Maygarden (R)			F	F			F	F				F	
2	0	100	Meek (D)				F			F						
4	0	100	Melvin (R)				F			F	F				F	
5	0	100	Merchant (R)				F			F	F	F			F	
1	1	50	Miller (D)							F					A	
5	0	100	Minton (D)				F			F	F	F			F	
4	0	100	Morrone (R)				F			F	F				F	
4	0	100	Morse (R)						F	F	F				F	
4	0	100	Murman (D)				F			F	F				F	
7	0	100	Ogles (R)	F	F		F			F	F			F	F	
4	0	100	Peaden (D)				F			F	F				F	
4	1	80	Posey (R)			A	F			F	F				F	
3	1	75	Prewitt (D)				F			F	F				A	
4	0	100	Pruitt (R)				F			F	F				F	
4	0	100	Putnam (R)				F			F	F				F	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON TAXATION ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax. "Computer Software"	7a - Jt. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
1	2	33	Rayson (D)							F	A				A	
3	1	75	Reddick (D)				F			F	A				F	
4	0	100	Ritchie (D)				F			F	F				F	
3	1	75	Ritter (D)				F			F	A				F	
3	1	75	Roberts-Burke (D)				F			F	F				A	
4	0	100	Rodriguez-Chomat (R)				F			F	F				F	
8	0	100	Rojas (R)				F	F	F	F	F			F	F	F
5	0	100	Safley (R)			F	F			F	F				F	
4	0	100	Sanderson (R)				F			F	F				F	
4	0	100	Saunders (R)				F			F	F				F	
4	0	100	Sembler (R)				F			F	F				F	
4	4	50	Silver (D)	F	A		A		F	F	A			F	A	
4	0	100	Sindler (D)				F			F	F				F	
4	0	100	Smith (D)				F			F	F				F	
3	0	100	Spratt (D)				F			F					F	
5	0	100	Stabins (R)				F			F	F		F		F	
3	2	60	Stafford (D)				F			F	A		F		A	

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON TAXATION ISSUES (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Taxation	2a - H/Ad Valorem Taxation	3a - "No Taxes Without Voter Approval Act"	4a - Electronic Commun./Internet Access	5a - Ad Valorem Tax Administration	5b - Ad Valorem Tax Administration	5c - Ad Valorem Tax Administration	6a - Ad Valorem Tax, "Computer Software"	7a - Jt. Res/Exec. Department & Taxation	8a - Taxation of Internet Access	8b - Taxation of Internet Access	9a - Sales Tax on Retail Food & Drinks	10a - Ad Valorem Tax./Computer Software
8	0	100	Starks (R)	F	F		F		F	F	F			F	F	
4	0	100	Sublette (R)				F			F	F				F	
5	1	83	Thrasher (R)			A	F			F	F		F		F	
5	1	83	Tobin (D)	F			F		F	F	A				F	
4	0	100	Trovillion (R)				F			F	F				F	
5	0	100	Turnbull (D)				F	F			F				F	F
4	0	100	Valdes (R)				F			F	F				F	
4	0	100	Villalobos (R)				F			F	F				F	
4	0	100	Wallace (R)				F			F	F				F	
4	0	100	Warner (R)				F			F	F				F	
2	2	50	Wasserman-Schultz (D)				A			F			A		F	
4	0	100	Webster (R)				F			F	F				F	
5	0	100	Westbrook (D)				F			F		F	F		F	
3	0	100	Wiles (D)				F			F					F	
4	0	100	Wise (R)				F			F	F				F	
4	0	100	Ziebarth (R)				F			F	F				F	
488	56	90	TOTAL													

F - Vote for position of AIF • A - Vote against position of AIF

THE FLORIDA HOUSE

**UNEMPLOYMENT
COMPENSATION**

UNEMPLOYMENT COMPENSATION

**CS/CS/HB 3
Unemployment
Compensation/
Yearly Rates by
Representative
Bob Starks
(R-Casselberry)**

Florida employers pay state unemployment taxes which are held in a trust fund and used to pay benefits for workers who become unemployed through no fault of their own. As of the end of the first quarter of 1997, Florida's Unemployment Compensation Trust Fund had a balance of roughly \$1.9 billion. Because of the healthy fund balance and predictions for a continued strong economy, Jeb Bush, Chairman of the Foundation for Florida's Future and former gubernatorial candidate, proposed that state lawmakers authorize a one-year, 25% reduction in state unemployment taxes. The Foundation also recommended that maximum weekly benefits be increased by \$25. The Foundation's "25/25" proposal was prefiled by Rep. Bob Starks (R-Casselberry) and became HB 3.

CS/CS/HB 3 directs the Division of Unemployment Compensation to reduce unemployment tax rates by 0.5% for calendar year 1998. Employers with 1998 tax rates of 0.5% or lower will not be liable for state unemployment taxes for one year. Employers with 1998 tax rates greater than 0.5% will have their rates reduced by that amount, which works out to be a \$35 savings per employee. For new employers, instead of paying the initial tax rate of 2.7%, such employers will be assessed at the rate of 2.0% for one year. Finally, employers who have been charged at the maximum tax rate of 5.4% for more than three years will not be eligible for a rate reduction due to federal restrictions.

■ Record 1a: On February 11, 1997, the House Business Development and International Trade Committee passed the bill as a committee substitute by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 1b: On March 6, 1997, the House Finance and Taxation Committee passed the bill as a committee substitute to the committee substitute by a vote of 13 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

■ Record 1c: On March 26, 1997, the House passed the bill as amended by a vote of 104 yeas to 11 nays. A "yea" vote is a vote for the AIF position.

On April 16, 1997, the Senate substituted CS/CS/HB 3 for CS/CS/SB 188.

On April 17, 1997, the Senate amended and passed HB 3 by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position. The bill was immediately certified to the House.

■ Record 1d: On April 17, 1997, the House concurred and passed the bill by a vote of 116 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

CS/CS/HB 3 was signed by the Governor and became Chapter Law #97-29.

HOUSE AVERAGE ON UNEMPLOYMENT COMPENSATION = 95%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Unemployment Comp/Yearly Rates	1b - Unemployment Comp/Yearly Rates	1c - Unemployment Comp/Yearly Rates	1d - Unemployment Comp/Yearly Rates
2	0	100	Albright (R)			F	F
1	1	50	Andrews (R)			A	F
2	0	100	Argenziano (R)			F	F
2	1	67	Arnall (R)		F	A	F
2	0	100	Arnold (D)			F	F
2	0	100	Bainter (R)			F	F
2	0	100	Ball (R)			F	F
2	0	100	Barreiro (R)			F	F
2	0	100	Betancourt (D)			F	F
1	1	50	Bitner (R)			A	F
2	0	100	Bloom (D)			F	F
2	0	100	Boyd (D)			F	F
2	0	100	Bradley (D)			F	F
2	0	100	Brennan (D)			F	F
2	0	100	Bronson (D)			F	F
2	0	100	Brooks (R)			F	F
2	0	100	Brown (D)			F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Unemployment Comp/Yearly Rates	1b - Unemployment Comp/Yearly Rates	1c - Unemployment Comp/Yearly Rates	1d - Unemployment Comp/Yearly Rates
2	0	100	Bullard (D)			F	F
1	0	100	Burroughs (R)				F
2	0	100	Bush (D)			F	F
3	0	100	Byrd (R)	F		F	F
2	0	100	Carlton (R)			F	F
2	0	100	Casey (R)			F	F
2	0	100	Chestnut (D)			F	F
2	0	100	Clemons (D)			F	F
2	0	100	Constantine (R)			F	F
3	0	100	Cosgrove (D)		F	F	F
2	0	100	Crady (D)			F	F
2	0	100	Crist (R)			F	F
2	0	100	Crow (R)			F	F
2	0	100	Culp (R)			F	F
2	0	100	Dawson-White (D)			F	F
2	0	100	Dennis (D)			F	F
2	0	100	Diaz de la Portilla (R)	F			F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Unemployment Comp/Yearly Rates	1b - Unemployment Comp/Yearly Rates	1c - Unemployment Comp/Yearly Rates	1d - Unemployment Comp/Yearly Rates
3	0	100	Dockery (R)		F	F	F
1	0	100	Edwards (D)	-			F
2	0	100	Effman (D)			F	F
3	0	100	Eggelletion (D)	F		F	F
3	0	100	Fasano (R)		F	F	F
1	1	50	Feency (R)			A	F
2	0	100	Fischer (D)			F	F
2	0	100	Flanagan (R)			F	F
2	0	100	Frankel (D)			F	F
1	1	50	Fuller (R)			A	F
2	0	100	Futch (R)			F	F
2	0	100	Garcia (R)			F	F
1	1	50	Gay (R)			A	F
3	0	100	Geller (D)		F	F	F
2	0	100	Goode (D)			F	F
1	0	100	Greene (D)			F	
2	0	100	Hafner (D)			F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Unemployment Comp/Yearly Rates	1b - Unemployment Comp/Yearly Rates	1c - Unemployment Comp/Yearly Rates	1d - Unemployment Comp/Yearly Rates
2	0	100	Harrington (R)			F	F
2	0	100	Healey (D)			F	F
2	0	100	Heyman (D)			F	F
2	1	67	Hill (D)		A	F	F
2	0	100	Horan (D)			F	F
0	2	0	Jacobs (D)		A		A
1	1	50	Jones (R)			A	F
2	0	100	Kelly (D)			F	F
1	1	50	King (R)			A	F
2	0	100	Kosmas (D)			F	F
3	0	100	Lacasa (R)		F	F	F
3	0	100	Laurent (R)		F	F	F
1	0	100	Lawson (D)			F	
2	0	100	Lippman (D)			F	F
2	0	100	Littlefield (R)			F	F
2	0	100	Livingston (R)			F	F
2	0	100	Logan (D)			F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Unemployment Comp/Yearly Rates	1b - Unemployment Comp/Yearly Rates	1c - Unemployment Comp/Yearly Rates	1d - Unemployment Comp/Yearly Rates
2	0	100	Lynn (R)			F	F
3	0	100	Mackenzie (D)	F		F	F
2	0	100	Mackey (D)			F	F
2	0	100	Martinez (D)			F	F
2	0	100	Maygarden (R)			F	F
2	0	100	Meek (D)			F	F
2	0	100	Melvin (R)			F	F
2	0	100	Merchant (R)			F	F
2	0	100	Miller (D)			F	F
2	0	100	Minton (D)			F	F
2	0	100	Morrone (R)			F	F
3	0	100	Morse (R)		F	F	F
2	0	100	Murman (D)			F	F
3	0	100	Ogles (R)		F	F	F
2	0	100	Peaden (D)			F	F
2	0	100	Posey (R)			F	F
2	0	100	Prewitt (D)			F	F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON UNEMPLOYMENT COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - Unemployment Comp/Yearly Rates	1b - Unemployment Comp/Yearly Rates	1c - Unemployment Comp/Yearly Rates	1d - Unemployment Comp/Yearly Rates
1	1	50	Pruitt (R)			A	F
3	0	100	Putnam (R)	F		F	F
2	0	100	Rayson (D)			F	F
3	0	100	Reddick (D)	F		F	F
2	0	100	Ritchie (D)			F	F
2	0	100	Ritter (D)			F	F
2	0	100	Roberts-Burke (D)			F	F
2	0	100	Rodriguez-Chomat (R)			F	F
3	0	100	Rojas (R)		F	F	F
2	0	100	Safley (R)			F	F
1	0	100	Sanderson (R)				F
2	0	100	Saunders (R)			F	F
2	0	100	Sembler (R)			F	F
3	0	100	Silver (D)		F	F	F
2	0	100	Sindler (D)			F	F
2	0	100	Smith (D)			F	F
2	0	100	Spratt (D)			F	F
2	0	100	Stabins (R)			F	F

F - Vote for position of AIF • A - Vote against position of AIF

WORKERS' COMPENSATION

**PCB FS-97-4
H/Special Disability
Trust Fund By House
Financial Services
Committee**

This bill prospectively abolishes the Special Disability Trust Fund by prohibiting new claims from being filed for accident dates subsequent to January 1, 1998. The bill also provides that insurance carriers must resubmit any claims they may have pending with the Trust Fund; requires a \$250 filing fee for notices of claims that are filed with the Fund; and requires a \$1,000 filing fee for all Proofs of Claims filed with the Fund, of which \$500 will be refunded upon acceptance of the claim by the Fund. Finally, this bill mandates procedures for the accounting of Special Disability Trust Fund recoveries by insurance carriers and when they can be considered an asset of the insurer.

Presently, the Special Disability Trust Fund has a funding deficit; and it is estimated that it will take approximately 32 years for the Fund to become current on its obligations. Additionally, the existence of the Americans with Disabilities Act now makes the Fund obsolete; and it no longer meets the purpose for which it was created.

- Record 1a: On March 19, 1997, the House Financial Services Committee passed the bill by a vote of 13 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

PCB FS-97-4 became HB 1703.

**PCB FS-97-5
H/Florida Self-
Insurance Fund
Guaranty By House
Financial Services
Committee**

This bill will form the Workers' Compensation Guaranty Association to oversee an insolvency proceeding for an insurer transacting the business of workers' compensation insurance in Florida. The bill will merge the statutory mechanism presently used to pay claims of authorized workers' compensation insurers with that presently used to pay claims for workers' compensation self-insurance funds. Additionally, this bill will remove the January 1, 1994, bar for claims payments that is preventing injured workers with dates of accidents before January 1, 1994, from receiving any medical or indemnity benefits from the estate of their insolvent insurer.

- Record 2a: On April 1, 1997, the House Financial Services Committee passed the bill as amended by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

PCB FS-97-5 became HB 1933.

**HB 1703 Special
Disability Trust Fund
By House Financial
Services Committee**

This bill prospectively abolishes the Special Disability Trust Fund by prohibiting new claims from being filed for accident dates subsequent to January 1, 1998. The bill also provides that insurance carriers must resubmit any claims they may have pending with the Trust Fund; requires a \$250 filing fee for notices of claims that are filed with the Fund; and requires a \$1,000 filing fee for all Proofs of Claims filed with the Fund, of which \$500 will be refunded upon acceptance of the claim by the Fund. Finally, this bill mandates procedures for the accounting of Special Disability Trust Fund recoveries by insurance carriers and when they can be considered an asset of the insurer.

Presently, the Special Disability Trust Fund has a funding deficit; and it is estimated that it will take approximately 32 years for the Fund to become current on its obligations. Additionally, the existence of the Americans with Disabilities Act now makes the Fund obsolete; and it no longer meets the purpose for which it was created.

- Record 3a: On April 15, 1997, the House Transportation and Economic Development Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

This language was amended onto HB 1933.

**HB 1933 Self
Insurance Funds/
Insurance Solvency
By House Financial
Services Committee**

This bill will form the Workers' Compensation Guaranty Association to oversee an insolvency proceeding for an insurer transacting the business of workers' compensation insurance in Florida. The bill will merge the statutory mechanism presently used to pay claims of authorized workers' compensation insurers with that presently used to pay claims for workers' compensation self-insurance funds. Additionally, this bill will remove the January 1, 1994, bar for claims payments that is preventing injured workers with dates of accidents before January 1, 1994, from receiving any medical or indemnity benefits from the estate of their insolvent insurer.

On Thursday, April 24, 1997, an amendment was passed without objection on the House Floor that took all the language of HB 1703 regarding the Special Disability Trust Fund and attached it to HB 1933.

- Record 4a: On April 28, 1997, the House passed the bill as amended by a vote of 115 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 29, 1997, the Senate substituted HB 1933 for CS/SB 1464.

On April 30, 1997, the Senate passed the bill by a vote of 39 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 1933 became Law without the Governor's signature.

HOUSE AVERAGE ON WORKERS' COMPENSATION = 100%

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - H/Special Disability Trust Fund	2a - H/Florida Self-Insurance Fund Guaranty	3a - Special Disability Trust Fund	4a - Self Insurance Funds/Insurance Solvency
1	0	100	Albright (R)				F
1	0	100	Andrews (R)				F
1	0	100	Argenziano (R)				F
1	0	100	Amall (R)				F
			Arnold (D)				
3	0	100	Bainter (R)	F	F		F
3	0	100	Ball (R)	F	F		F
1	0	100	Barreiro (R)				F
1	0	100	Betancourt (D)				F
1	0	100	Bitner (R)				F
1	0	100	Bloom (D)				F
1	0	100	Boyd (D)				F
2	0	100	Bradley (D)			F	F
1	0	100	Brennan (D)				F
1	0	100	Bronson (D)				F
1	0	100	Brooks (R)				F
			Brown (D)				

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON WORKERS' COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - H/Special Disability Trust Fund	2a - H/Florida Self-Insurance Fund Guaranty	3a - Special Disability Trust Fund	4a - Self Insurance Funds/Insurance Solvency
1	0	100	Bullard (D)				F
1	0	100	Burroughs (R)				F
1	0	100	Bush (D)				F
1	0	100	Byrd (R)				F
1	0	100	Carlton (R)				F
1	0	100	Casey (R)				F
1	0	100	Chestnut (D)				F
1	0	100	Clemons (D)				F
1	0	100	Constantine (R)				F
1	0	100	Cosgrove (D)				F
1	0	100	Crady (D)				F
1	0	100	Crist (R)				F
2	0	100	Crow (R)			F	F
1	0	100	Culp (R)				F
1	0	100	Dawson-White (D)				F
3	0	100	Dennis (D)	F	F		F
1	0	100	Diaz de la Portilla (R)				F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON WORKERS' COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - H/Special Disability Trust Fund	2a - H/Florida Self-Insurance Fund Guaranty	3a - Special Disability Trust Fund	4a - Self Insurance Funds/Insurance Solvency
1	0	100	Dockery (R)				F
2	0	100	Edwards (D)	F			F
3	0	100	Effman (D)	F	F		F
1	0	100	Eggelletion (D)				F
1	0	100	Fasano (R)				F
2	0	100	Feeney (R)			F	F
1	0	100	Fischer (D)				F
2	0	100	Flanagan (R)	F			F
1	0	100	Frankel (D)				F
1	0	100	Fuller (R)				F
1	0	100	Futch (R)				F
1	0	100	Garcia (R)				F
1	0	100	Gay (R)				F
1	0	100	Geller (D)				F
1	0	100	Goode (D)				F
1	0	100	Greene (D)				F
1	0	100	Hafner (D)				F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON WORKERS' COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - H/Special Disability Trust Fund	2a - H/Florida Self-Insurance Fund Guaranty	3a - Special Disability Trust Fund	4a - Self Insurance Funds/Insurance Solvency
1	0	100	Harrington (R)				F
2	0	100	Healey (D)			F	F
1	0	100	Heyman (D)				F
1	0	100	Hill (D)				F
1	0	100	Horan (D)				F
1	0	100	Jacobs (D)				F
1	0	100	Jones (R)				F
1	0	100	Kelly (D)				F
1	0	100	King (R)				F
1	0	100	Kosmas (D)				F
1	0	100	Lacasa (R)				F
1	0	100	Laurent (R)				F
3	0	100	Lawson (D)	F	F		F
3	0	100	Lippman (D)	F	F		F
1	0	100	Littlefield (R)				F
1	0	100	Livingston (R)				F
1	0	100	Logan (D)				F

F - Vote for position of AIF • A - Vote against position of AIF

HOUSE AVERAGE ON WORKERS' COMPENSATION (CONTINUED)

TOTAL FOR	TOTAL AGAINST	% OF VOTES WITH AIF	REPRESENTATIVE	1a - H/Special Disability Trust Fund	2a - H/Florida Self-Insurance Fund Guaranty	3a - Special Disability Trust Fund	4a - Self Insurance Funds/Insurance Solvency
1	0	100	Lynn (R)				F
1	0	100	Mackenzie (D)				F
1	0	100	Mackey (D)				F
1	0	100	Martinez (D)				F
3	0	100	Maygarden (R)	F	F		F
1	0	100	Meek (D)				F
1	0	100	Melvin (R)				F
2	0	100	Merchant (R)			F	F
			Miller (D)				
2	0	100	Minton (D)			F	F
1	0	100	Morrone (R)				F
1	0	100	Morse (R)				F
1	0	100	Murman (D)				F
1	0	100	Ogles (R)				F
1	0	100	Peaden (D)				F
1	0	100	Posey (R)				F
1	0	100	Prewitt (D)				F

F - Vote for position of AIF • A - Vote against position of AIF