



PRESS RELEASE

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Associated Industries of Florida Applauds Senate Legal Reforms

TALLAHASSEE – The Florida Senate today passed four bills that resolve critical legal reform issues affecting Florida businesses, including the Transparency in Private Contracting Act (SB712/HB437) and bills related to slip and fall litigation, parental authority for signing waivers and sovereign immunity. These bills are among Associated Industries of Florida (AIF) top legal reform priorities for the 2010 Legislative Session.

“Thanks to President Atwater’s pledge to resolve these matters early in the Session, senators can now focus their attention on other pressing issues such as job creation, the budget and education,” said Barney Bishop III, President and CEO of AIF. “AIF salutes President Atwater for his leadership and unwavering commitment to handling the Legislature’s business in such an efficient manner. The citizens and businesses of Florida have been well served.”

Transparency in Private Contracting Act (SB 712 / HB 437)

AIF applauds Sen. John Thrasher and the Florida Senate for passing the Transparency in Private Contracting Act today with a vote of 27-11. The legislation establishes fairness in contracting for legal representation of the State of Florida. It puts reasonable limitations on contingency fee awards to private law firms, exclusive of costs and expenses of the litigation. These limitations ensure the people of Florida get the maximum benefit from the litigation while adequately compensating attorneys who work on these cases.

Additionally, it creates an open and accountable process for the procurement and management of these private legal services. The bill requires that private legal services engaged on a contingency fee basis be competitively procured if possible. It also requires the Attorney General to post those contracts, time cards and payment records online thus providing more transparency and accountability to the people of Florida.

The Transparency in Private Contracting Act has been the top priority of Florida Attorney General Bill McCollum. Already passed by the House of Representatives, the bill is now headed to the Governor to be signed into law.

“As the state’s chief legal officer, the Attorney General needs the ability to access resources to handle certain complex cases. This bill affords the Attorney General that ability and creates a process for doing so that is accountable, transparent and reasonable,” added Bishop. “AIF commends General McCollum for his vision and tenacity on this issue.”

Negligence (SB 1224 / HB 689)

Sponsored by Sen. Andy Gardiner, SB 1224 levels the playing field and provides stability and fairness in litigated cases. The bill clarified that a plaintiff bears the burden of proving a

business owner had constructive or actual knowledge of a hazardous condition on its premises when the plaintiff sues for damages from a slip and fall injury. A 2001 Florida Supreme Court decision placed the burden of disproving an injury allegation on the business owner, which has led to a significant increase in slip and fall litigation throughout the state. Since the plaintiff initiates the lawsuit, the plaintiff should be responsible for proving the case. This bill restores that important requirement. The bill passed by a vote of 32-5. Also passed by the House of Representatives earlier, it will now proceed to the Governor's desk for his approval.

Parental Authority (SB 2440)

Sponsored by Sen. Mike Bennett, SB 2440 passed the Senate today by a vote of 38-0 and addresses an important issue affecting Florida's tourist and recreational businesses. The bill seeks to clarify a Florida Supreme Court ruling relating to a parent's ability to sign waivers for their children to participate in certain recreational activities. It provides more clarity for the use of waivers and should generate more predictability in those types of cases.

Sovereign Immunity (SB 2060)

The final bill passed by the Senate this morning increased the amount of damages a local government can pay without requiring a claims bill before the Legislature. SB 2060, also sponsored by Sen. Bennett, increases the current caps of \$100,000 per person and \$200,000 per incident to \$200,000 and \$300,000 respectively. These amounts had not been raised since 1981. The measure is supported by local governments and attorneys for the injured claimants, and provides a more efficient and equitable process for resolving disputes.

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