

Mid-Session UPDATE



2004 Regular Session of the Florida Legislature

The Florida legislature is quickly approaching the midpoint of its 60 day law-making session. Below you will find a brief summary of the major issues that Associated Industries of Florida is currently working on and will continue to monitor during the remainder of the 2004 session on behalf of the business community.

HEALTH CARE CONSUMERS RIGHT TO KNOW ACT

AIF supports legislation that would allow the citizens of Florida to make better informed choices about where they get their care and how their health care dollars are spent. Increasing consumer access to pricing and performance data should drive competition between health care providers, thereby reducing the cost of health care for employers and their employees.

The Health Care Consumers Right to Know Act is an initiative designed to require the State of Florida to make the price and performance data it already collects on Florida's hospitals and outpatient facilities available to the consumer via the internet. The data made available for comparison

purposes would include average length of stay, readmission rates, mortality rates, and infection rates. HB 701 by Representative Donna Clarke (R-Sarasota) and SB 2022 by Senator JD Alexander (R-Winter Haven) would also protect consumers from unfair facility charges for non-emergency care and gives consumers the ability to audit their health care bills and patient records. AIF believes in this initiative very strongly and has joined a group called "*HealthCheck*," an advocacy coalition of organizations that support this effort and will be lobbying the Florida legislature to pass this concept into law.

As is sometimes the case with the legislative process, the original intent of the Health Care Consumers Right to Know Act was modified somewhat by a strike-all amendment offered by the bill's sponsor during a meeting of the House Health Care Committee. As amended, the proposed legislation retains a patient's right to get an estimate from health care facilities prior to using the facility and provides for price comparisons for health care facilities by establishing a website maintained by the Agency for Health Care Administration (AHCA). This website would provide user friendly data on the volume, patient charges, length of stay, readmission rates, complication rates, mortality rates, and infection rates of the 100 most common conditions. AHCA would also be charged with providing an annual public report with recommendations on how to improve this website.

(please see page 4)

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Audio and video clips of legislative debate on important business topics are now accessible to you on AIF's main Web site (<http://aif.com>).

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As campaign season heats up, we'll be posting sound bites from campaign speeches, candidate interviews, and campaign commercials.

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2004 FLORIDA LEGISLATURE

Mid-Session Voting Records On Key Business Issues

These rankings only represent the current status of each legislator's performance on business issues. Many more votes will be cast in the last half of the session, which means the final rankings could differ greatly from the following. The annual *Voting Records* will be published soon after the end of the 2004 Session.

FLORIDA SENATE					
Name/Party	Rank	% w/AIF	Name/Party	Rank	% w/AIF
ALEXANDER, JD (R)	25	80%	JONES, DENNIS (R)	1	100%
ARGENZIANO, NANCY (R)	16	91%	KING, JIM (R)	1	100%
ARONBERG, DAVE (D)	34	60%	KLEIN, RON (D)	36	50%
ATWATER, JEFF (R)	22	83%	LAWSON, AL (D)	36	50%
BENNETT, MICHAEL (R)	1	100%	LEE, TOM (R)	22	83%
BULLARD, LARCENIA (D)	25	80%	LYNN, EVELYN (R)	29	75%
CAMPBELL, SKIP (D)	24	82%	MARGOLIS, GWEN (D)	20	87%
CARLTON, LISA (R)	30	70%	MILLER, LES (D)	32	67%
CLARY, CHARLIE (R)	1	100%	PEADEN, DURELL (R)	13	93%
CONSTANTINE, LEE (R)	1	100%	POSEY, BILL (R)	12	94%
COWIN, ANNA (R)	1	100%	PRUITT, KEN (R)	1	100%
CRIST, VICTOR (R)	25	80%	SAUNDERS, BURT (R)	1	100%
DAWSON, MANDY (D)	31	69%	SEBESTA, JIM (R)	1	100%
DIAZ DE LA PORTILLA, ALEX (R)	17	89%	SIPLIN, GARY (D)	32	67%
DOCKERY, PAULA (R)	17	89%	SMITH, ROD (D)	20	87%
FASANO, MIKE (R)	14	92%	VILLALOBOS, ALEX (R)	14	92%
GARCIA, RUDY (R)	1	100%	WASSERMAN SCHULTZ, D. (D)	36	50%
GELLER, STEVEN (D)	35	57%	WEBSTER, DANIEL (R)	17	89%
HARIDOPOLOS, MIKE (R)	36	50%	WILSON, FEDERICA (D)	25	80%
HILL, TONY (D)	40	40%	WISE, STEPHEN (R)	1	100%

HOUSE OF REPRESENTATIVES

Name/Party	Rank	% w/AIF	Name/Party	Rank	% w/AIF	Name/Party	Rank	% w/AIF
ADAMS, SANDRA (R)	1	100%	FIELDS, TERRY (D)	90	67%	MURMAN, SANDRA (R)	1	100%
ALLEN, BOB (R)	1	100%	FIORANTINO, HEATHER (R)	1	100%	MURZIN, DAVE (R)	1	100%
ALTMAN, THAD (R)	1	100%	GALVANO, BILL (R)	1	100%	NEEDELMAN, MITCH (R)	1	100%
AMBLER, KEVIN (R)	1	100%	GANNON, ANNE (D)	95	50%	NEGRON, JOE (R)	82	89%
ANDERSON, TOM (R)	1	100%	GARCIA, RENE (R)	1	100%	PATTERSON, PAT (R)	1	100%
ANTONE, BRUCE (D)	112	0*	GARDINER, ANDY (R)	1	100%	PAUL, JERRY (R)	1	100%
ARZA, RAFAEL (R)	1	100%	GELBER, DAN (D)	112	0	PETERMAN, FRANK (D)	104	33%
ATTKISSON, FRANK (R)	1	100%	GIBSON, AUDREY (D)	87	75%	PICKENS, JOE (R)	1	100%
AUSLEY, LORANNE (D)	110	25%	GIBSON, HUGH (R)	1	100%	PLANAS, JUAN-CARLOS (R)	1	100%
BAKER, CAREY (R)	1	100%	GOODLETTE, J. DUDLEY (R)	1	100%	POPPELL, RALPH (R)	1	100%
BARREIRO, GUSTAVO (R)	1	100%	GOTTLIEB, KEN (D)	112	0	PRIEGUEZ, MANUEL (R)	1	100%
BAXLEY, DENNIS (R)	1	100%	GREEN, CAROLE (R)	1	100%	QUINONES, JOHN (R)	1	100%
BEAN, AARON (R)	1	100%	GREENSTEIN, RON (D)	112	0	REAGAN, RON (R)	1	100%
BENDROSS-MINDINGALL, D. (D)	110	25%	HARPER, JAMES "HANK" (D)	87	75%	RICH, NAN (D)	104	33%
BENSE, ALLAN (R)	1	100%	HARRELL, GAYLE (R)	1	100%	RICHARDSON, CURTIS (D)	90	67%
BENSON, ANNA (R)	1	100%	HARRINGTON, LINDSAY (R)	1	100%	RITTER, STACY (D)	95	50%
BERFIELD, KIM (R)	1	100%	HASNER, ADAM (R)	1	100%	RIVERA, DAVID (R)	1	100%
BILIRAKIS, GUS (R)	1	100%	HENRIQUEZ, BOB (D)	95	50%	ROBAINA, JULIO (R)	1	100%
BOGDANOFF, ELLYN (R)	1	100%	HOLLOWAY, WILBERT (D)	104	33%	ROBERSON, YOLLY (D)	86	80%
BOWEN, MARTY (R)	1	100%	HOMAN, ED (R)	1	100%	ROSS, DENNIS (R)	1	100%
BRANDENBURG, MARY (D)	95	50%	JENNINGS, ED (D)	108	28%	RUBIO, MARCO (R)	1	100%
BROWN, DON (R)	1	100%	JOHNSON, RANDY (R)	1	100%	RUSSELL, DAVID (R)	1	100%
BRUMMER, FRED (R)	1	100%	JORDAN, STAN (R)	1	100%	RYAN, TIM (D)	108	28%
BRUTUS, PHILLIP (D)	112	0	JOYNER, ARTHENIA (D)	84	83%	SANSOM, RAY (R)	1	100%
BUCHER, SUSAN (D)	87	75%	JUSTICE, CHARLIE (D)	95	50%	SEILER, JOHN (D)	112	0
BULLARD, EDWARD (D)	95	50%	KALLINGER, JIM (R)	1	100%	SIMMONS, DAVID (R)	1	100%
BYRD, JOHNNIE (R)	1	100%	KENDRICK, WILL (D)	104	33%	SLOSBERG, IRVING (D)	1	100%
CANTENS, GASTON (R)	1	100%	KILMER, BEV (R)	1	100%	SMITH, CHRIS (D)	90	67%
CARROLL, JENNIFER (R)	1	100%	KOSMAS, SUZANNE (D)	95	50%	SOBEL, ELEANOR (D)	93	57%
CLARKE, DONNA (R)	1	100%	KOTTKAMP, JEFF (R)	1	100%	SORENSEN, KEN (R)	1	100%
CRETUL, LARRY (R)	1	100%	KRAVITZ, DICK (R)	1	100%	SPRATT, JOSEPH (R)	1	100%
CULP, FAYE (R)	1	100%	KYLE, BRUCE (R)	1	100%	STANSEL, DWIGHT (D)	95	50%
CUSACK, JOYCE (D)	93	57%	LITTLEFIELD, KENNETH (R)	1	100%	STARGEL, JOHN (R)	1	100%
DAVIS, DON (R)	1	100%	LLORENTE, MARCELO (R)	1	100%	SULLIVAN, DONALD (R)	1	100%
DAVIS, MIKE (R)	1	100%	MACHEK, RICHARD (D)	112	0	TROUTMAN, BAXTER (R)	1	100%
DEAN, CHARLES (R)	1	100%	MAHON, MARK (R)	1	100%	VANA, SHELLEY (D)	83	86%
DETERT, NANCY (R)	1	100%	MAYFIELD, STAN (R)	1	100%	WATERS, LESLIE (R)	1	100%
DOMINO, CARL (R)	1	100%	MCINVALLE, SHERI (D)	95	50%	WILES, DOUG (D)	112	0
EVERS, GREG (R)	1	100%	MEADOWS, MATTHEW (D)	112	0	WISHNER, ROGER (D)	84	83%
FARKAS, FRANK (R)	1	100%	MEALOR, DAVID (R)	1	100%	ZAPATA, JUAN (R)	1	100%

* Indicates no votes recorded for this member

The following bills were used in compiling this information: CS/HB 121; CS/CS/HB 237; CS/SB 244; HB 659; CS/HB 701; CS/HB 735; CS/CS/HB 791; CS/HB 873; CS/SB 1072; CS/HB 1073; CS/HB 1629; CS/SB 1744; CS/SB 1926; CS/SB 2000; CS/SB 2268; SB 2302; CS/SB 2346; CS/SB 2392; SB 2394; SB 2396; SB 2398; SB 2400; SB 2402; CS/SB 2910

(from page 1)

HB 701 has passed both the House Health Care Committee and the House Subcommittee on Health Access and Financing; it still has 3 more committees of reference (Insurance, Health Appropriations, and the full Appropriations Committee). Its Senate Companion, SB 2022, has not come up for a vote as of the printing of this report.

SUBSTITUTE COMMUNICATIONS TAX

AIF supports repeal or amendment of the substitute communications services tax. As the law is now written, any business with a computer network or an in-house telephone system may become subject to the communications services tax. This in effect would be a “new” tax on business.

Back in 1985, the Florida legislature created what was called a substitute communications tax for telephone company switched service. The idea was to place a tax on anyone who tried to create a “substitute” for the telephone company services, which of course the state was taxing.

Fast forward to 2004 and, obviously, there is no longer an incentive for “bypass” by private companies because deregulation of the telephone industry has created multitudes of competitors who provide businesses the services they desire more cheaply than they could ever do it themselves.

Recent rulemaking and audits by the Department of Revenue (DOR) have identified the following examples as taxable “substitute communications systems”: two or more computers networked together in an office or household environment, an intercom system, two-way radios, and PDAs.

Less than \$1 million in revenue is currently collected from this tax and no other state in the country has such a tax. If this old law is ever fully enforced by the DOR, every single business or home that has a simple intercom system or a standard computer network will be taxed. DOR found the tax difficult to administer, so it wasn’t enforced. Nevertheless, back in 2000 this inept concept was kept in the Communications Services Tax (CST)

reform; therefore, it is still “alive” in *Florida Statute*.

Currently the repeal of this “new tax” is being addressed by the legislature in the form of HB 735 by Representative John Stargel (R-Lakeland) and SB 2302 by Senator Mike Haridopolos (R-Melbourne). Both bills have several committees of reference. HB 735 has passed the House Subcommittee on Telecommunications and the House Business Regulation Committee. SB 2302 passed out of the Senate Communications and Public Utilities Committee.

WORKERS’ COMPENSATION

AIF opposes legislation that would make any changes to last year’s workers’ compensation reform package (SB 50A) potentially destroying the savings this bill has already brought to Florida’s employers. AIF will continue to work with legislators to preserve those savings. AIF is also opposed to any proposal that would create a workers’ compensation State Fund.

Last year the legislature passed SB 50A, a comprehensive workers’ compensation reform package which has produced a 14 percent reduction in workers’ compensation rates. Currently, the legislature is considering making changes to last year’s landmark workers’ compensation legislation (SB 50A) in the form of two bills, SB 2268 and SB 2270, both by the Senate Banking and Insurance Committee. SB 2268 is a bill that came about as a result of an interim study by committee staff. This “glitch bill,” as it has been called, would open the door for bad legislation to thwart all cost saving measures created by last year’s reform package. SB 2270 provides an appropriation to the Joint Underwriting Association (JUA) of \$15 million to fund the current deficits the JUA faces in Subplan D. More disturbing is an amendment being offered in attempts to address this deficit by creating a government subsidized and owned state insurance fund to help the 1.2 percent of Florida employers unable to acquire workers’ compensation coverage in the open market. More than 185,000 workers’ compensation policies exist in Florida today; only

1.2 percent (2,200) are in Subplan D of the JUA. There is clearly no crisis in today's workers' compensation market.

Creating a state insurance fund potentially harms all employers. To begin with, the money to establish this fund would come from an assessment or tax paid by all employers in this state. Moreover, it would also create unfair competition in the workers' compensation insurance market that would drive many carriers out of the state, resulting in higher rates and larger deficits.

SB 2268 has passed both of its committees of reference and is now on its way to the Senate Floor. SB 2270 is scheduled to be heard by the Senate Banking and Insurance Committee, Senate Appropriations Subcommittee on General Government, and the full Senate Appropriations Committee.

CONSTITUTIONAL AMENDMENT REFORM

AIF supports politically viable initiative reforms aimed at facilitating a more responsible process and at protecting the sanctity and supremacy of the state's constitution.

One of the hot issues during this session has been constitutional amendment reform. Florida's hyperactive constitution has been amended, via the citizen initiative process, 16 times in 30 years, but the trends of the last decade are most alarming. From 1992 to 2002, the use of popular initiative has increased substantially. In the last two election cycles (2000 and 2002) voters approved 100 percent of the popular initiatives that appeared on the ballots. As a result of these disturbing trends, both the Senate and the House of Representatives convened special select committees to travel around the state taking testimony on the idea of constitutional amendment reform. Out of those meetings several proposals have been crafted into bills being considered by the legislature. Senator Jeff Atwater (R-North Palm Beach) and Senator Rod Smith (D-Gainesville) are currently sponsoring three Senate Joint Resolutions 2392, 2394, and

2396 as well as their corresponding implementing bills SB 2398, 2400, and 2402.

SJR 2392 would raise the ratification threshold required to pass an initiative to 60 percent from 50 percent + 1. SJR 2394 moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1st of each general election year. SJR 2396 limits the scope of constitutional amendments and revisions that can be placed on the ballot by citizen initiatives to those that are appropriate for inclusion in the Constitution as determined by the Florida Supreme Court. SB 2398, 2400, and 2402 authorize a special election to be held concurrently with the August 31, 2004 primary election. Because these bills are calling for a special election, it requires 3/4 vote of the entire Senate and House of Representatives.

Of note is an amendment to SJR 2392 by Senator Atwater that was received favorably by the Senate Judiciary Committee which would provide that the increase to the ratification threshold for citizen initiatives would only apply to those initiatives that qualified after July 16, 2004 at 12:00PM. The significance of this amendment is that it would allow petition sponsors an additional six weeks to qualify for the 2004 ballot at the 50 percent + 1 vote threshold.

Both the Senate Joint Resolutions and their implementing bills have passed all their committees of reference and will now be heard on the Senate Floor.

CAMPAIGN FINANCE REFORM

AIF supports responsible campaign finance legislation that would impose full disclosure requirements on state political committees and Committees of Continuous Existence.

Earlier this year the Governor, along with Speaker-designate Allen Bense (R-Panama City) and President-elect Tom Lee (R-Brandon), held a press conference regarding a new proposal to tackle

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campaign finance reform. This proposal would try to reign in Committees of Continuous Existence (CCE's) as well as close some of the disclosure loopholes currently allowed by statute. Legislation (SB 2346) was introduced this session by Senator Lee that would do just that.

This bill addresses issue advocacy regulation, sponsorship identification disclaimers, and reporting requirements for CCE's. The intent of this legislation and the apparent goal of the sponsor is to disclose contributors to advocacy campaigns and leadership funds. SB 2346 *does not* address campaign contribution limits or expenditure limits. This bill creates a definition for "electioneering communications" as paid issue advocacy ads affecting candidates or ballot issues that are run proximate to an election. The bill then regulates political committees and persons making independent expenditures. SB 2346 would also apply disclosure regulations to "527" and "501c4" organizations and their participation in the pre-defined "electioneering." The bill closes a loophole which allows CCE's to report contributions from their members on otherwise typical campaign finance reporting forms and conceals the identities of large donors. It *does not*, in any way, impose contribution limits towards CCE's as once proposed.

SB 2346 was combined with SB 516 relating to Advertising Campaign Exposure Act by Senator Lee Constantine (R-Altamonte Springs) and was passed by the Senate Ethics and Elections Committee. The bill has one more stop (Senate Rules and Calendar) before being considered by the full Senate. ■

