



APRIL 15, 2004

HEALTH CARE CONSUMERS RIGHT TO KNOW ACT

The House Insurance Committee unanimously passed HB 701 by Representative Donna Clarke (R-Sarasota) after a “strike everything” amendment was adopted. The new version of the Health Care Consumer's Right to Know bill now simply amends the current statutes of the Patient's Bill of Rights. With the amendment, hospitals, other than state hospitals, shall place pricing information on their hospital website and a link to the performance outcome and financial data that is published by the Agency for Health Care Administration (AHCA). Also each hospital shall provide a written good-faith estimate of reasonably anticipated charges upon request by the patient. The patient will also be able to review all billing records for accuracy within 30 business days after the request. The new language now includes pharmacy information as well. HB 701 will be heard next by the House Health Appropriations Committee.

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.

CIVIL JUSTICE

The House Future of Florida's Families Committee debated HB 1287 relating to the Financial Protection for Elderly Act by Representative Marco Rubio (R-Miami). This bill makes the financial exploitation of an elderly person unlawful and creates a civil cause of action against banks, insurers and other financial institutions for so called financial exploitation of any person over 60 years old. Representative Rubio presented the bill but asked that the bill be temporarily passed. He spoke to the attributes of the bill but admitted that he felt the issue should be studied over the summer and be brought up next session.

The committee agreed that this issue was very important and all supported it. Many even offered help and support in bringing it up next year. Representative Sandra Murman (R-Tampa) asked if it would even be possible to add disabled persons to the language at a later time. This was supported by the committee and the sponsor. The bill was temporarily postponed but will not be heard further this year.

AIF is always in favor of providing the maximum protection by law for Florida's elderly population, however, AIF opposes this legislation at this time because of its overly broad language which encourages speculative lawsuits against financial institutions that do business with the elderly.

TAXATION

HJR 385 relating to Limitations on State Revenues and on Power of Legislature to Impose or Increase Taxes by Representative Joe Negron (R-Stuart) passed the House today by a 74-43 vote. The resolution would place before the voters on the November ballot an amendment to the state Constitution that restrains the legislature's ability to impose or increase taxes, expand a tax base or repeal an exemption from taxes by requiring that such proposals be adopted by a two-thirds vote of the membership of each chamber in a separate bill.

The amendment would also cap the constitutional limitation on the amount of revenues the state can receive by setting the limitation at the level of the actual revenue collections for the prior fiscal year, adjusted for growth using personal income growth as the indicator.

An impassioned debate prefaced the passage of this joint resolution which was not constrained by party lines. Representatives Don Sullivan (R-Largo) and Kevin Ambler (R-Tampa) joined a list of Democrats with concerns about the resolution.

Some of the points of contention included: that under this proposal it would take a 2/3 majority from both chambers to remove a sales tax exemption, that "personal income growth" is an inappropriate indicator for state spending, that proper legislative procedure may have been missed, and that public testimony was not heard before the bill hit the floor.

The merits of HJR 385 prevailed and were summarized by the sponsor of the resolution. He stressed that the bill had been properly heard in Appropriations and underwent debate on the floor, and that now the concept should be given to the voters to decide if they want to limit spending and impede the ability of the government to grow faster than Floridians' income. Representative Bruce Kyle (R-Fort Myers) reiterated that Florida already has a cap in the Constitution and that this amendment would effectively implement it.

AIF has serious concerns regarding the impact of this proposal on funding the necessary functions of government. While it might sound good on the surface, government needs the ability to fund its necessary functions without unduly limiting the state's ability to react to whatever economic situations that exist. In a fast growing state like Florida with a limited tax base, and no state income tax, this could potentially hamper government's capability to spur the economy in recessionary times. AIF will continue to monitor and research this proposal as it moves through the process.

WORKERS' COMPENSATION

The House Insurance Committee met today and was scheduled to hear PCB IN-04-06, relating to Workers' Compensation Issues Affecting First Responders. This proposed committee bill was released by the committee just yesterday and provides increased benefits and attorney fees for first responders such as firemen, police officers, and EMS personnel. AIF worked all day prior to the committee meeting to convince legislators that this bill would potentially thwart some of the cost savings incurred by last year's workers' compensation reform package which just went into effect January 1, 2004. This legislation could open the door for other employees that might claim similar types of damages which could result in significant fiscal impact on Florida's Workers' Compensation system.

However, the committee had a very full agenda this afternoon. They heard a brief description of the bill from the staff analyst and then Representative Kim Berfield (R-Clearwater), House Insurance Chair, instructed that the time for the meeting had expired and the measure would be temporarily passed. Currently there are no other House Insurance Committee meetings scheduled through the end of session. However, an additional meeting will likely be scheduled. If that occurs, AIF will continue to work against this legislation in order to preserve the cost savings measures created last year.

AIF recommends that no changes be made this year to the current Workers' Compensation law inasmuch as the new reforms enacted last year have only recently gone into effect.

Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

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