



MARCH 17, 2004

HEALTH CARE CONSUMERS RIGHT TO KNOW ACT (HEALTHCHECK)

The House Health Care Committee met today and passed HB 701 also known as the Health Care Consumers Right to Know Act or HealthCHECK by Representative Donna Clarke (R-Sarasota). The bill requires the State of Florida to make the price and performance data (average length of stay, readmission rates, mortality rates, and infection rates) it already collects on Florida's hospitals and outpatient facilities available to the public on the internet. Currently, hospitals and surgical centers are only required to submit discharge data on a quarterly basis to the Agency for Health Care Administration (AHCA). In addition, the bill also protects consumers from unfair facility charges for non-emergency care and gives consumers the ability to audit their health care bills and patient records.

During today's committee meeting, a strike-all amendment, which replaced the entire language of the bill, was offered by Representative Clarke, Representative Gayle Harrell (R-Port St. Lucie), and Representative Ed Homan (R-Temple Terrace). As amended the bill retains a patient's right to get an estimate from health care facilities prior to using the facility and provides for price comparison for health care facilities:

- AHCA to maintain a website for 100 conditions and procedures that is more user friendly;
- the website to include individual facility information regarding volume of cases, patient charges, length of stay, readmission rates, complication rates, mortality rates, infection rates and whether the hospital has a computerized physician order entry system and;
- AHCA to study improving the web site annually and to issue a public report with recommendations on further improvements.

The bill was passed unanimously by the Committee and will now be heard by the House Insurance Subcommittee on Health Access and Financing.

To view the Special Notice on HealthCHECK please go to
<http://www.fbnnet.com/2004Articles/healthcheckSN.htm>.

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.

SUBSTITUTE COMMUNICATIONS TAX

The House Business Regulation Committee unanimously passed HB 735 by Representative John Stargel (R-Lakeland). This bill seeks to repeal a poorly enforced tax on substitute communication systems that has been in place since 1985. Examples of this type of communication system include: networked computers in homes and businesses, two-way radios, PDAs, and intercom systems. Less than \$1 million in revenue is currently collected from this tax. If the tax is not repealed and is actively enforced by the Department of Revenue, it would in effect become a "new tax" for businesses and individuals.

HB 735 and its Senate companion SB 2032 by Senator Mike Haridopolos (R-Melbourne) will be discussed during Friday's Revenue Impact Conference.

To view the Special Notice on the Substitute Communications Tax please go to <http://www.fbnet.com/2004Articles/commsubtax.htm>.

AIF supports legislation to repeal this "new" tax which would harm the ability of businesses in Florida to compete.

INSURANCE

The House Insurance Committee met today for purposes of receiving testimony as to medical malpractice and the impact that last year's legislation has had on the affordability and availability of medical malpractice insurance. Dr. West on behalf of the Florida Medical Association testified that their members have seen average rate increases of over 45%, and in the case of many specialists, insurance is not available at any price. Dr. West urged the Legislature to pass additional legislation in the following areas: expert witness qualifications, defense attorneys' access to subsequent treating physicians, loopholes in the caps that went into affect last year, establishment of medical review panels for the review as to the merit of malpractice lawsuits, and sovereign immunity for Miami teaching physicians practicing at Jackson Memorial Hospital.

A representative from the Academy of Florida Trial Lawyers urged the Committee to give last year's legislation a chance to work before making any additional changes. It appears from discussions by the Committee members, that a committee bill incorporating many of FMA's suggested changes will be offered by the committee possibly when they meet next week.

AIF supports the need for affordability and availability of insurance for doctors in Florida.

COMMERCE

The House Commerce Committee passed HB 617 by Representative Bev Kilmer (R-Marianna). This bill incorporates recommendations made by Enterprise Florida, Inc. (EFI), to enhance economic development incentives. The bill expands the availability of economic development incentives and revises laws relating to several of the state's economic development programs. On March 10, 2004, the House Commerce Subcommittee on Workforce and Economic Development favorably adopted HB 617 and recommended six amendments to the bill that were all adopted during today's committee meeting. As amended this bill:

- reduces the unit value of the equipment from \$5000 to \$500 for businesses located in an enterprise zone to be eligible for a sales tax exemption;
- renames the Urban High Crime Area Job Tax Credit Program as the Designated Urban Job Tax Credit Area Program;
- expands the businesses eligible to apply for the Designated Urban Job Tax Credit Area Program to include targeted industries eligible for the qualified target industry business tax refund under s. 288.106, F.S.;
- implements EFI recommendations of enhancing the credit program by increasing local designation of the zones, expanding eligible industries, removing reference to high crime, and allowing transferability of unused credits;
- allows a corporation to transfer any unused credit in whole or in units of no less than 25% of the remaining credit;
- extends the expiration date of the qualified defense tax refund program from June 30, 2004 to June 30, 2009; and

- makes several revisions in the statutes related to Enterprise Florida, Inc., related to revising and updating obsolete language related to the economic development trust fund, EFI responsibilities, quorum requirements for EFI meetings, and other administrative changes.

On February 2nd 2004, the Revenue Estimating Conference reviewed HB 617 and estimated that the fiscal impact of the bill for Fiscal Year 2004/2005 would be \$3.8 million in General Revenue and \$0.6 million in the Local Trust Fund for a total fiscal impact of \$4.4 million. The conference also estimated that recurring revenues would be \$2.7 million in General Revenue and \$0.3 million in the Local Trust Fund for a total recurring estimated fiscal impact of \$3.0 million.

The bill will be heard next in the House Finance and Tax Committee.

AIF supports legislation designed to enhance economic development programs aimed at attracting businesses to areas in need of economic activity.

OTHER BILLS OF INTEREST

SB 1710

Senate Bill 1710 by Senator Paula Dockery (R-Lakeland) was heard in the Senate Banking and Insurance Committee today. The bill addresses indemnification agreements concerning liability insurance between parties to a construction contract. However, a late filed amendment by Senator Durell Peaden (R-Crestview), if passed would have required insurance companies to verify liability insurance coverage when requested by any person within 60 days. The amendment was designed to prevent subcontractors from presenting false or fraudulent certificates of insurance to general contractors. However, the burden would have been on the insurance carrier to promptly provide verification of the coverage. The committee heard lengthy public testimony on both sides of the amendment from general contractors and from subcontractors. At the beginning of the public testimony, though, the committee voted to take a final vote on the bill at a time certain which was 4:29 pm. However, the public testimony was quite lengthy and the debate was contentious as the designated time approached. At the end of the public testimony Senator Peaden withdrew his controversial amendment.

On motion by Senator Skip Campbell (D-Tamarac), the committee voted to rescind its earlier decision for the time certain vote. At 4:32 the Chair then proceeded to take the final vote on the bill and the bill passed, with 4 Democratic members - Senator Campbell, Senator Steven Geller (D-Hallandale Beach), Senator Gwen Margolis (D-Miami Beach) and Senator Al Lawson (D-Tallahassee), voting against the bill. However, Senator Lawson asked the chairman to actually report the bill as “no action taken” because the vote was not complete by the end of the committee's meeting time - 4:30 pm. Accordingly, it is unclear if the bill will be reported favorable or if it will need to be voted on by the committee again at a later date.

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

- For more information on all of the important legislative information concerning the business community, go to our “members only” Florida Business Network web site at <http://fbnnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.