

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



P.O. Box 784 • Tallahassee, FL 32302 • Phone: (850) 224-7173 • Fax: (850) 224-6532 • Internet: <http://aif.com> • [fbnnet.com](http://fbnnet.com)

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#### HEALTH CARE CONSUMERS RIGHT TO KNOW ACT

The Senate Health, Aging, and Long Term Committee unanimously passed SB 2022 by Senator JD Alexander (R-Lake Wales) today. 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. 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.

The bill was amended and is now similar to the House bill, HB 701 by Representative Donna Clarke (R-Sarasota). SB 2022 will be heard next by the Senate Appropriations Subcommittee on Health and Human Services.

**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.**

#### NATURAL RESOURCES

The Senate Governmental Oversight and Productivity Committee passed three bills relating to the creation of the Florida Alternative Energy Technology Center. The first of these bills, SB 1316, provides language creating the Center. A strike everything amendment was passed providing new language and definitions for the Center. The Center is to be the principal alternative energy technology organization for the state.

During the meeting representatives from an environmental group known as Zero Waste testified against provisions in the bill which would allow the Center to research the use of solid waste as a renewable energy source. Senator Bill Posey (R-Rockledge) was concerned that this new center would take funds away from already existing institutions such as the Florida Solar Power Research Center. The bill's sponsor, Senator Mike Bennett (R-Bradenton), addressed his concern by saying that the Center's mission is to provide funding in the form of grants for institutions already in Florida and to serve as central guiding force for renewable energy research.

The second bill, SB 2190, provides public records exemption for the Center so that businesses providing support feel more comfortable sharing proprietary information. The third bill, SB 112, creates the Florida Alternative Electric Energy Trust Fund within the Florida Public Service Commission.

**AIF supports efforts to develop alternative energy technologies that will eventually help lower fuel prices for all employers and citizens in Florida. Florida should be a leader in this field.**

## CIVIL JUSTICE

The Senate Health, Aging, and Long Term Care Committee passed SB 2092 relating to the Financial Protection for the Elderly Act by Senator Alex Villalobos (R-Miami). This bill would create a civil cause of action against banks, insurers and other financial institutions for so called financial exploitation of any person over 60 years old.

Two amendments to the bill were passed today. The first was a technical amendment which clarifies that funds from the Elder Victims Trust Fund can be used for education programs for the elderly. A percentage of awards from punitive damages would be deposited in the trust fund. The second amendment was offered at the request of the banking industry; it provides for a new definition of the term “unconscionable.”

Senator Dave Aronberg (D-Greenacres) expressed concern about the bill stating that the age should be raised from 60 to 65 years old and that the punitive language in the bill was overly broad. The Committee Chair Senator Burt Saunders (R-Naples) agreed, saying that he would vote for the bill, but hoped that the sponsor would address some of the committee’s concerns. SB 2092 will be heard next by the Senate Appropriations Subcommittee on Criminal Justice.

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

## CONSTITUTIONAL AMENDMENTS

The Senate Judiciary Committee unanimously passed SB 1700 relating to Constitutional Initiatives by Senator Anna Cowin (R-Leesburg). The bill requires the Financial Impact Estimating Conference to develop a short statement for inclusion on the ballot, identifying the financial impact of each amendment to the Florida Constitution proposed by initiative.

This bill serves to implement the 2002 constitutional mandate to attach fiscal impact statements to initiatives. The Financial Impact Estimating Conference would include principals from the Governor’s Office, the coordinator of the Office of Economic and Demographic Research, and professional staff from the House and Senate.

**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.**

## INSURANCE

The House Subcommittee on Insurance Regulation passed HB 557 by Representative David Rivera (R-Miami). This bill will provide protections for policyholders in the areas of auto, homeowners, and sink holes by:

- creating, within the Department of Financial Services (DFS), a designated consumer contact on sinkhole related issues;
- prohibiting contract language that mandates arbitration in a contract unless the company offers a consumer an opt-out provision;
- creating law that incorporates all previous motor vehicle claim-handling guidelines provided by rule (repealed), DFS is granted rulemaking authority to establish claim settlement practices applicable to motor vehicle adjusting to include, but not limited to, the following: establishing total loss value, standards for applying betterment and depreciation factors, and standards for settlement in partial losses and;

- amending laws pertaining to cancellation and non-renewal of insurance policies, Specifically, the bill provides for reinstatement of a policy in situations wherein a policy is cancelled due to nonpayment by the mortgage company.

**In its original form, the bill would have put unduly burdensome requirements on insurers; therefore, AIF has worked with the Department of Financial Services to amend the language, making the bill more acceptable to the business community.**

#### **OTHER BILLS OF INTEREST:**

##### **SB 2676- Transportation and Sale of Cigarettes**

The Senate Commerce, Economic Opportunities, and Consumer Services Committee passed SB 2676 relating to Transportation and Sale of Cigarettes. This bill prohibits a person from transporting from Florida, cigarettes for sale in another state without complying with the other state's laws relating to the affixation of stamps to, the payment of excise taxes on, or the sale of the cigarette.

Representatives from Phillip Morris and the Miccosukee Indian Tribe spoke in support of the legislation. Fausto Gomez, representing a group of small tobacco producers and distributors, addressed concerns regarding the negative effects that this legislation may have on small tobacco producers. Senator Alex Diaz de la Portilla (R-Miami) also expressed similar concerns regarding the potential negative impact this may have on small tobacco producers, and even went on to warn the representatives from the big tobacco companies that he would be "looking out" to ensure that small tobacco producers were protected.

Senator Mike Haridopolos (R-Melbourne) agreed to work with all interested parties to reach an agreement on amendment language that would ensure that small producers aren't negatively affected and that the bill target illegal counterfeit and contraband cigarettes.

**Please send your comments or suggestions to us at [aif@aif.com](mailto: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.