

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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SUBSTITUTE COMMUNICATIONS TAX

SB 2302 by Senator Mike Haridopolos (R-Melbourne) was amended and rolled over to third reading today on the floor of the Senate. This bill has become one of the four items that make up the budget compromise between the Senate and House. Therefore, the bill was read and amended without opposition from any of the Senators.

The bill currently provides an eighteen month tax holiday on the collection of any substitute communications tax. According to Florida Statutes, a *substitute communications system* is a stand alone system providing its own exclusive communications service rather than having those services provided through a third party communications service dealer. Examples include: two-way radios, two or more computers networked together in an office or household environment, an intercom system, and PDA's if administered through a company rather than a third party service provider.

In addition, an amendment was adopted on the floor today which creates four new sections to the bill.

- The first section creates the Government-Owned Communications Study Commission. This commission is composed of nine members (four appointed by the Senate President, four by the House Speaker, and one member appointed by the Attorney General). This Commission is tasked with the review of all regulatory, tax, competitive issues, and court decisions related to the provision of communications services by a local government in Florida. The study commission shall issue a report of its findings to the Governor, Senate, and House on January 15, 2005.
- The second section creates the Florida Telecommunications Policy Strategy Task Force to be housed within the Public Service Commission (PSC) for administrative purposes. This task force shall operate independently of the PSC and will consist of seven members (three appointed by the Governor, two by the Senate President, and two by the House Speaker). This task force shall survey existing national and state regulatory, rate, and tax policies relating to the telecommunications industry and prepare a summary of its findings and recommendations to the Governor, Senate, and House by January 15, 2005.
- The third section incorporates language into the bill from SB 2322 a "glitch" bill which addresses issues of telecommunications as they relate to cities and counties.
- The fourth section creates a moratorium on any telecommunication rate increases by the PSC for a period of one year or until May 10, 2005.

It is expected that the House will receive SB 2302 tomorrow and should it be considered on Friday, the last day of the legislative session.

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

HEALTH CARE

Today the full Senate unanimously passed HB 1629 by Representative Frank Farkas (R-St. Petersburg) relating to Affordable Health Care. This is the health insurance package which came about as a result of the Governor's Task Force on Access to Affordable Health Insurance and the House Select Committee on Affordable Health Care hearings that were held across the state earlier this year. The bill addresses a number of health care issues and expands the Patients' Bill of Rights to include: providing access to health care facility data including charge estimates, creating the Florida Health Insurance Plan (a high risk pool for uninsurable medical risks), expanding the Health Flex Programs statewide, and addressing issues of patient safety.

The bill also contains a version of HB 701 by Representative Donna Clarke (R-Sarasota), the Health Care Consumers Right to Know Act which addresses issues of transparency and access to health care data including performance information and health care procedure prices.

This legislation is now on its way to the Governor to be signed into law.

AIF supports legislation that allows employers to provide or expand access to high-quality, affordable health benefits for their employees without additional government intrusion or expensive mandates. Programs such as Health Flex provide a way to address the health care needs of Florida's working poor.

OTHER BILLS OF INTEREST

HB 573 – Relating to Negligence

The House unanimously passed HB 573 which is commonly referred to as the premises liability bill by Representative Jeff Kottkamp (R-Cape Coral) today. This bill addresses the expectation that holders of commercial real property upon which retail sales of goods or services takes place, and who own or control specified parking lots, will provide adequate security against reasonably foreseeable and preventable criminal acts that may occur on the premises. The bill sets forth a list of eight security measures which any party may present as evidence on a motion for Summary Judgment or at trial. The bill is not intended to change the standard of care or elements of any cause of action.

HB 1087 – Radiologists Performing Mammograms

Today, the House substituted HB 1087 by Representative Carole Green (R-Fort Myers) with its Senate companion SB 2306 by Senator Evelyn Lynn (R-Ormond Beach) and unanimously passed this legislation. In its original version, this bill would have provided Florida licensed radiologists with immunity from tort actions arising from duties relating to mammograms unless they are found to have acted with gross negligence. A "strike everything" amendment was passed before reaching the floor that dramatically changed the nature of the bill. As amended, the bill establishes a work group and commissions OPPAGA (Office of Program Policy and Government Accountability) to conduct a study on mammography accessibility, quality, and litigation. The study will also examine the issue of radiologists' liability when reading a mammogram.

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.