

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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LEGAL REFORM

The House Justice Council passed HB 841 Relating to Supersedeas Bonds by Representative Frank Attkisson (R-Kissimmee). This bill would set a \$25 million cap on the amount of bond an appellant must post in certain cases. There were several amendments filed to the bill which passed. One of which clarified an exception to the \$25 million cap for individuals and employers with less than 300 employees. In those cases, the bond would be capped at 5% of net assets or \$5 million, whichever is greater.

Representative Carl Domino (R-Palm Beach Gardens) discussed the possibility of changing the criteria for employers subject to the exception to a standard based on revenue or income stream rather than a number of employees. Representative Attkisson agreed that many companies in a variety of industries may be better judged by such criteria and promised to work with Representative Domino to find an appropriate measure in the remaining days of session. A few other members of the committee also expressed concern that the bill may need additional modifications prior to final passage, but all agreed that it was a worthy goal to protect access to courts at the appellate level.

The bill passed on a party line vote of 8-2. The representatives voting for the bill were Bruce Kyle (R-Fort Myers), Carl Domino (R-Palm Beach Gardens), Greg Evers (R-Milton), Dick Kravitz (R-Jacksonville), Marcelo Llorente (R-Miami), Mark Mahon (R-Jacksonville), John Quinones (R-Kissimmee), and David Simmons (R-Altamonte Springs). Representatives Arthenia Joyner (D-Tampa) and Irv Slosberg (D-Boca Raton) voted against the bill.

AIF supports HB 841 and applauds Representative Attkisson for his leadership on this issue, which will ensure that businesses and individuals have fair and predictable access to the appeal process.

JESSICA LUNSFORD ACT

The House Justice Council unanimously approved HB 7187 Relating to Sexual Predators and Offenders by the Criminal Justice Committee. This is the House version of the Jessica Lunsford Act (JLA) “glitch” bill. The bill aims to correct some unintended consequences of last year’s JLA, while at the same time keeping the intent of the bill, which is to protect our children from sexual predators and offenders. Representative Charles Dean (R-Inverness) presented the bill which requires that sexual predators and offenders to obtain special drivers licenses or identification cards which identify them as such by January 1, 2007. In addition, the bill establishes background screening requirements for contractors and workers who come in contact or are near school children. The bill further requires school districts to share background screening records with each other eliminating the onerous requirement for businesses and contractors to pay for multiple background checks.

HB 7187 has passed all its committees of reference and will now be considered on the floor of the House for final passage.

AIF supports HB 7187 because it makes implementation of the Jessica Lunsford Act workable for those companies that have working relationships with school districts while upholding the integrity of the integrity of the original law to protect our children from sexual predators.

HEALTH CARE

Today the House Health and Families Council unanimously approved HB 1409 by Representative Holly Benson (R-Pensacola). The bill creates the Florida Health Information Network Act as a public/private partnership that will implement a statewide electronic medical records network. This network would collect and monitor data related to innovations in healthcare technology as well as integrate all health care data currently being collected by the various health care agencies.

HB 1409 has passed all its committees of reference and will now be placed on the House calendar for final passage.

AIF supports legislation which uses the power of Information Technology to make healthcare data available for consumers, thereby empowering them to make better choices in the health care arena.

REGULATED INDUSTRIES

The House Commerce Council unanimously passed HB 161 Relating to Mold Remediation & Assessment by Representative Carl Domino (R-Palm Beach Gardens). Currently, there are numerous companies in Florida that hold themselves out to be mold assessors or mold remediators or conduct mold related services. There is no licensure or regulatory requirements to be a mold assessor or mold remediator.

This bill provides education guidelines and certification for those who engage in business as a mold assessor or mold remediator. By January 1, 2007, the bill requires an assessor to maintain general liability and errors and omissions insurance of not less than \$250,000. It requires a remediator to maintain a general liability insurance policy of not less than \$500,000 with specific coverage for mold related claims. The bill does not require disclosure to the customer of compliance with the statutorily specified credentials to become a mold assessor or mold remediator. The bill requires that a contract to perform mold assessment or mold remediation must be signed or otherwise authenticated by the parties.

The bill provides various exemptions from the guidelines and operating requirements. Civil and criminal penalties are provided for violations. The bill has a “grandfather clause” to allow current operators to continue until July 1, 2008, without complying with the guidelines and operating requirements.

Currently, home inspectors are not regulated. “Home inspection” means a limited visual examination of systems and components for the purpose of providing a written professional opinion of the condition of a home.

The bill states that a person may not work as a home inspector unless that person has successfully completed a course of study of not less than 80 hours and passes a psychometrically valid examination in home inspections. The course of study must be accredited by a nationally recognized third-party independent accrediting entity.

Representative Domino had four technical amendments which were adopted. Representative Frank Attkisson (R-Kissimmee) offered two amendments which were adopted. The amendments expanded the definition in two sections to include safety certification.

There were several parties that testified as proponents of the bill including AIF’s Chief Lobbyist Keyna Cory who stated that this was a great “first step” towards assuring the consumers are protected when contracting these types of services.

HB 161 has passed all its committees of reference and is now ready to be considered on the floor of the House for final passage.

AIF supports legislation that establishes guidelines for businesses that practice in the field mold assessment and remediation. These guidelines will protect both consumers and businesses from those who practice fraudulently.

WORKFORCE DEVELOPMENT

The Senate Commerce and Consumer Services Committee unanimously passed SB 2326 by Senator Carey Baker (R-Eustis). The bill creates the SUCCEED, FLORIDA! Initiative Act. Senator Baker was not present but his aide presented the bill. This bill establishes a number of workforce education grant programs in order to facilitate efforts to meet existing and future needs of the state’s workforce.

A strike all amendment was offered in order to conform to the House companion, HB 7097 by the Community Colleges and Workforce Committee. Senator Evelyn Lynn (R-Ormond Beach) raised the concern that the strike all dramatically changes the bill and requested that the bill be temporarily postponed to allow all parties involved time to review the bill before amending. The bill was temporarily postponed and then reconsidered after committee members had enough time to discuss.

The House companion, HB 7097 by Representative Pat Patterson (R-DeLand), will be heard tomorrow afternoon in the House Education Council.

AIF supports SB 2326 and its provisions which will help train Florida's future workforce to be the very best it can be. A well prepared workforce will ensure that Florida continues to attract high paying employers.

CONSUMER PRIVACY

The House Commerce Council unanimously passed HB 45 Relating to Electronic Mail by Representative Ari Porth (D-Coral Springs). Originally, the bill amended the Electronic Mail Communications Act and created criminal penalties for sending unsolicited or misleading commercial mail messages. The bill was amended in a previous committee stop to include identical language found in HB 7157 by the Economic Development, Trade & Banking Committee, which creates the "Anti-Phising Act." This act prohibits the acquisition and fraudulent use of a Florida resident's personal identifying information through the use of a website or e-mail. Recently there has been a proliferation of fraudulent emails which are designed to look like communications from official financial institutions.

There were no further amendments offered and no debate during today's meeting. HB 45 has now passed all its committees of referenced and will be placed on the House calendar for final passage. Its Senate companion, SB 80 by Senator Dave Aronberg, passed the Senate today by a vote of 37-0. SB 80 does not contain the anti-phising provisions.

AIF supports HB 45 and its important anti-fraud provisions. Unsolicited emails, better known as spam, cost businesses in our states thousands of dollars and valuable time. In addition, curbing the illegal act of "phising" is vital to the protection of Floridian's personal information.

OTHER BILLS OF INTEREST

No Fault/PIP

Florida's automobile insurance no-fault laws are scheduled to be repealed on October 1, 2007. HB 7263 by Representative Dennis Ross (R-Lakeland) was considered by its last committee of reference, the House Commerce Council. The Committee adopted an amendment by the Council's chairman, Representative Frank Farkas (R-St. Petersburg) removing a key provision of the bill which would have substantially reduced plaintiff-attorney involvement in automobile insurance claims. Studies have shown that over 45% of Florida claimants hire attorneys to litigate so-called no fault claims. The bill extends the 2007 sunset to 2009 without addressing significant existing cost drivers, including medical and litigation.

HB 7263 will now be placed on the House calendar in consideration for final passage.

Economic Development

The House Commerce Council unanimously passed HB 1283 Relating to Innovation Incentives by Representative Frank Attkisson (R-Kissimmee). This bill creates within the Office of Tourism, Trade, and Economic Development (OTTED) the Innovation Incentive Program for qualified innovation businesses. The purpose of which is to improve the state's ability to bring science-based research projects of a large scale and innovation business projects to the state. The bill appropriates \$250 million from nonrecurring general revenue to OTTED for running the program.

The bill contains several accountability measures designed to make sure state taxpayers get a return for this large investment. For example, the legislature has the power to veto any effort by the Governor. In addition, there is the ability to "callback" any funds if a project fails to meet expectations, and finally the bill establishes certain requirements and standards for corporate filings.

HB 1283 has now passed all its committees of reference and has been placed on the House calendar for final passage.

Governmental Outsourcing

The House Justice Council unanimously passed HB 595 Relating to Community Behavioral Health Agencies by Representative Dean Cannon (R-Winter Park). This bill limits net economic liability for community behavioral health agencies (providers) in negligence actions to \$1M per claim and \$3M per incident and specifies that damages be offset by any collateral source. It also limits non economic damages to \$200,000.00 per claim. These limitations are extended to any employee who acts in furtherance of the provider's responsibilities and not where the employee acts in a culpably negligent manner. There were several speakers in support of the bill including AIF's Peter Harris on behalf of AIF's newly created Governmental Outsourcing Council.

The bill has now passed all its committees of reference and will now be considered for final passage on the floor of the House. Its Senate companion, SB 280 by Senator Mike Fasano (R-New Port Richey), was passed by the Senate Health and Human Services Appropriations this week where it was conformed to the House bill.

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.