

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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AIF and the business community dealt the trial bar a blow to their efforts to undermine the repeal of Joint & Several Liability by successfully delaying a crucial vote in the Senate Judiciary Committee. In today's report you will also find coverage on the return of the "Guns in the Workplace" bill, an issue that has pitted business owners against the NRA and labor unions.

In addition, we are reporting on some innovative, market-based, solutions for bringing down the cost of health insurance plans for our state's employers.

### **Legal Reform**

The Senate Judiciary Committee was slated to hear SB 1558 Relating to Comparative Fault by Senator Jeremy Ring (D-Margate) today. This terrible bill for the business community would do away with the Florida Supreme Court's Fabre ruling, which allows juries to consider all entities in a lawsuit before apportioning fault. If SB 1558 were to become law, it would essentially undo the repeal of Joint and Several Liability and expose businesses to paying more than their fair share of fault in a lawsuit.

AIF and its lobbying team along with other business groups were successful in their lobbying efforts and the bill was temporarily passed (meaning that no vote would be taken and essentially delaying any action on the bill). Senator Ring just did not have enough votes to get his bill passed. AIF has been working on this bill since the beginning of session. It appears that those efforts were successful and that the bill would have failed if the committee had considered it today.

**AIF opposes SB 1558 and its undoing of the "Fabre" decision. Fair distribution of fault cannot be achieved if a jury cannot consider the actions of all parties involved. We urge all AIF members to contact their legislators and let them know that this bill should not be heard and that there is no need to change existing law.**

### **Workforce Development**

The House Schools & Learning Council passed HB 1161 Relating to High School to Business Career Enhancement by Representative Kevin Ambler (R-Tampa). This bill creates the High School Career Enhancement Program. The program is established to offer high school students in each school district the opportunity to participate in an internship program with a local

business that has partnered with the district to offer such opportunity. A technical amendment was filed by Representative Ambler, which eliminated the fiscal impact on the bill. The only negative vote came from Representative Bill Proctor (R-St. Augustine) who had a philosophical problem with the bill because it used the term “shall” instead of “may” on the school district requirements.

HB 1161 will now be heard by the House Policy & Budget Council.

The Senate Higher Education Committee unanimously passed a similar bill, SB 1222 Relating to Student Financial Assistance by Senator Jeremy Ring (D-Margate). The bill creates the Sure Futures Postgraduate Scholarship Program to match private sector businesses with students who are seeking advanced degrees and employment. A corporate sponsor would provide a scholarship for a student who would agree to work for the corporate partner for a minimum of 4 years after graduation.

SB 1222 will now be heard by the Senate Commerce Committee.

**AIF supports legislation that encourages schools boards to establish partnerships with the private sector aimed at making easier for our students to gain valuable on-the-job experience. Better-prepared students equal a better trained workforce; one that will be able to meet the demands of the global economy.**

## **Guns in the Workplace**

The Senate Criminal Justice Committee passed SB 2356 Relating to Individual Personal Property Protection by Senator Durell Peaden (R-Crestview) on a 7-1 vote. SB 2356 is better known as the “Guns in the Workplace” bill; a similar bill never made it to the floor last year. This year’s version of the bill is even broader than last year’s since it prevents employers and business owners from keeping visitors and workers from “possessing any personal private property that is a legal product when such product is lawfully possessed and locked inside or locked to a private motor vehicle in a parking lot.” It would also bar employers and business owners from searching any of their employees’ vehicles.

The issue at hand is whether the constitutional right of property owners to control what comes onto their grounds is more important than the constitutional right to bear arms. The bill was amended today to exempt businesses that are defense contractors or are involved in domestic security from the bill’s provision.

Representatives from many of the business groups, including AIF, testified in opposition to the bill citing among other reasons, their responsibility to keep all of their employees and customers safe. Similar legislation has already been found unconstitutional in Oklahoma and several states have pending litigation on this issue.

Senator Dave Aronberg (D-Greenacres) debated strongly against the bill stating that the bill was drafted too broadly and that the potential for increased litigation was too high for him to be able to support it.

SB 2356 will now be heard by the Senate Judiciary Committee.

**AIF opposes legislation that prohibits businesses from enforcing or maintaining policies that ban guns in the workplace. Employers should be allowed to establish these types of policies and exert their rights as property owners. Maintaining a safe work environment is paramount for the longevity of any employer in Florida.**

## Health Care

The House Health Innovation Committee passed two bills creating new health care mandates for health insurers in Florida. HB 291 Relating to Mental & Nervous Disorders Coverage by Representative Ed Homan (R-Temple Terrace) expands the amount of mental health services that must be covered. HB 833 Relating to Infant Eye Care by Representative Luis Garcia (D-Miami) requires that all babies born in Florida receive an eye examination performed for congenital and ocular abnormalities.

Both bills will now be heard by the House Policy & Budget Council.

**AIF consistently opposes additional mandated coverages because the resultant cost increases could force some insurers out of the market and price health care insurance out of the reach of many employers and businesses.**

The House Healthcare Council passed HB 1121 by Representative Denise Grimsley (R-Sebring), which creates the Florida Health Information Network Corporation as a public/private partnership that will establish a secure, privacy-protected, and integrated statewide network for the communication of electronic health information. This not-for-profit corporation will be managed by an uncompensated board of directors that will consist of 15 members. In addition, the bill authorizes the Agency for Health Care Administration (AHCA) to implement the plan. There was one amendment adopted today that helps to set up the Network by appropriating a sum of \$5,000,000. This bill is linked to HB 1123, also by Representative Grimsley. HB 1123 creates a public records exemption for certain information held by the Florida Health Information Network Corporation established in HB 1121.

HB 1121 and 1123 will now be heard by the House Policy & Budget Council.

**AIF supports the creation of Health Information Network, which will increase efficiency and reduce the number of unnecessary treatments. The creation of a statewide network for the exchange of electronic medical records may result in substantial savings, therefore reducing the cost of health insurance for employers and their employees.**

The Committee also approved HB 1401 Relating to Health Care Access/Health Flex Plan/Small Business by Representative Jimmy Patronis (R-Panama City). HB 1401, one of the Speaker's 100 Ideas for Florida, the bill expands health flex plan eligibility from 200 to 250 percent of the federal poverty level (the current federal poverty level is \$20,650). The bill also permits health flex plans to access the employee group market, in certain circumstances. An amendment was

adopted during the Committee meeting that provides for an appropriation of \$250,000 in non-recurring general revenue to the Agency for Workforce Innovation (AWI) to award Small business Health Insurance Plan Grants to eligible businesses.

HB 1401 will now be heard by the House Policy & Budget Council. There is currently no Senate companion for HB 1401. Representative Patronis hopes to find a Senate sponsor shortly.

The Senate Health Policy Committee approved two bills by Senator Don Gaetz (R-Niceville) - SB 1646 Relating to Corporate Income Tax Credits and SB 1654 Relating to Health Care Clinic Indigent Care Trust Fund. SB 1646 provides an income tax credit for corporate taxpayers who make contributions to provide relief to qualifying health care clinics that provide a disproportionate share of medical care for indigent persons. The bill specifies that contributions may be submitted at any time to the Department of Revenue (DOR) for deposit into the Health Care Clinic Indigent Care Trust Fund, which is created in Senate Bill 1654. DOR will account for all contributions made to the trust fund and will monitor the disbursements made to qualifying health care clinics.

Senate bills 1646 and 1654 will now be heard by the Senate Finance & Tax Committee.

**AIF supports the market-based solutions to the problem of Florida's uninsured found in HB 1401 and SB 1646. According to a study by the Agency for Healthcare Administration (AHCA), approximately 19% of all Floridians do not have health insurance. These individuals typically rely on emergency rooms for their primary care. Unfortunately, this kind of care is the most expensive option. Expanding access to health flex plans and encouraging businesses to help fund indigent care clinics is sound public policy.**

## **Taxation**

The House Postsecondary Education Committee unanimously approved HB 215 by Representative Marti Coley (R-Mariana), which gives a sales tax holiday on school supplies and clothing. The bill was amended to reduce the price from \$100 to \$50 for those items eligible for the sales tax exemption. It also changed the date for the sales tax holiday from July 21, 2007 to July 30, 2007 to August 4, 2007 until August 13, 2007. The reason for the reduction in the price of the items eligible for the sales tax exemption is due to a tight budget year.

HB 215 will now be heard by House Policy & Budget Council.

**AIF supports increasing business activity by allowing Floridians to purchase essential school supplies without having to pay sales tax.**

## **Information Technology**

The House Education Innovation and Career Preparation Committee unanimously passed HB 1421 by Representative Ronald Brise (D-Miami). This bill establishes the Digital Divide Council within the Department of Education, rather than the State Technology Office (STO). Currently, the DDC functions as a technology development program for at-risk individuals as well as

members of undeserved communities. This program provides opportunities for computer training, education, and Internet access to individuals who qualify.

In 2005, the Legislature did not appropriate funding for the STO. This forced the Digital Divide Council to cease operations. If HB 1421 is passed into law the Digital Divide Council would regain its funding. The bill also removes provisions stating that local workforce boards must implement the Council's programs. Doing so enables the Council to implement programs statewide as opposed to the previous model of six locations throughout the state of Florida.

HB 1421 will now be heard by House Policy & Budget Council.

## **Insurance**

The Senate Banking and Insurance Committee passed SB 1880 Relating to Motor Vehicle Insurance by Senator Bill Posey (R-Rockledge) today. This bill deals with the issue of no-fault car insurance also known as Florida's Personal Injury Protection (PIP) law. In 2003, the Florida legislature voted to repeal this long-standing doctrine. The repeal would take place October 1, 2007 unless law is reenacted by the Legislature.

Under current law, drivers in Florida are required to purchase personal injury protection (PIP) and property damage (PD) liability coverages. The no-fault coverage, referred to as PIP, provides \$10,000 of coverage for the following: payment of 80 percent of reasonable medical expenses, 60 percent of loss of income, plus a \$5,000 death benefit, for bodily injury sustained in a motor vehicle accident, without regard to fault.

SB 1880 reenacts Florida's No-Fault Law, but only extends the sunset date to January 1, 2009. In addition, the bill limits the amounts of money paid to health care providers by setting up a medical fee schedule based on specific Medicare percentages. Many states, including New York, with No-Fault Laws have implemented similar fee schedules in order to contain the cost of medical treatment.

The Committee took up most of its allotted time debating this bill causing the majority of the bills on the agenda to be postponed. Lengthy testimony was given by the supporters of reenacting PIP and those who would like to see it go away.

One aspect of the bill that most members of the business community can agree is good public policy is the provision that establishes a medical fee schedule. The establishment of a medical fee schedule should go a long way in reducing the amount of fraudulent PIP claims by reducing the financial incentive to bill insurers for medical treatments that are not necessary. Fee schedules should also result in lower PIP premiums for consumers because of the predictability they represent for health insurance plans and for car insurance companies.

**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://fbnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.