

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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The final week of session began on a very positive note for the business community. The Cable TV Competition Bill (HB 529), one of AIF's top session priorities, is now ready for the Governor's signature after being passed by the House this afternoon. Passage of this legislation will ensure that businesses and consumers throughout Florida will save money on their cable TV bills.

In addition, the final budget was delivered to legislators today - one day earlier than expected. According to the rules, 72 hours must pass before legislators can vote on the budget. This means that the budget could be voted on as early as Noon on Thursday.

There is still no word on property tax reform; no conference committee meeting was held today. We have learned that both Senate and House staff worked all weekend long on this issue, but no specific details have emerged.

Property Insurance Reform

Today, the Senate considered SB 1864 Relating to Hurricane Damage Mitigation by Senator Bill Posey (R-Rockledge) on Second Reading. The bill makes some modifications to the "My Safe Florida Home" program, which was passed by the Legislature in 2006. This program provides free inspections for homeowners to determine the structural soundness of their property and provides grants for property owners to harden their homes (install shutters, strengthen roofs, etc.). This year, the bill expands the "My Safe Florida Home", establishes new regulations for wind inspectors, and sets new goals for the number of homes to be inspected (400,000) and grants to be awarded (35,000).

The bill was amended today to resemble its House counterpart, HB 7057 by Representative Trey Traviesa (R-Tampa), which has already passed the House. Towards the end of the amendatory process two unfriendly amendments were adopted that essentially gutted the bill. The first amendment was offered by Senator Mike Fasano (R-New Port Richey). The amendment deleted a section in the bill that would have required that policy holders in Citizens, the state's insurer of last resort, retrofit their homes with hurricane shutters or impact resistant glass as approved by the new Florida Building Code. The second was offered by Senator Ronda Storms (R-Brandon) and it deleted a section in the bill that would have required homeowners in coastal, high-risk areas to install hurricane shutters anytime a new building permit was applied for.

Several Senators debated against the amendments including Jim King (R-Jacksonville) who stated that “the state had put off the medicine for far too long” meaning that these required mitigation efforts were necessary although expensive. Senator Carey Baker (R-Eustis) cited that it was unfair for non-Citizens policy holders to be responsible for paying the potential deficits of Citizens policy holders. Senator Posey also stressed that the only way for the state of Florida to minimize its exposure to hurricane damage was through mitigation efforts.

With the passage of the two unfriendly amendments, a visibly frustrated Senator Posey asked that his bill be temporarily postponed.

Although AIF supports the expansion and strengthening of the “My Safe Florida Home” program, we are disappointed with the deletion of critical portions of the bill which would have required homeowners to harden their homes by installing hurricane shutters or other protective window coverings.

State-Issued Cable Franchises

Today, the Florida House of Representatives concurred with the Senate and passed HB 529 Relating to State-Issued Cable TV Franchises by Representative Trey Traviesa (R-Tampa) by a 117-2 margin. Representative Traviesa thanked the Senate for passing the bill last Friday and urged all House members to support "free, fair, and full competition" in the cable TV market.

Furthermore, Representative Traviesa explained that the bill provides for a statewide cable TV franchise process administered by the Department of State (DOS) rather than the existing method of obtaining franchises through negotiations with local governments. The effect of the change would be to expedite cable TV competition throughout the state.

Representative Traviesa then explained all the Senate amendments that had been added last week after the cable TV companies and telephone companies had come to an agreement. As amended by the Senate, the bill now contains a strong provision making discrimination a crime enforced by the Attorney General. In addition, local governments would continue to receive PEG channel (PEG channels are public access, education access and government access channels) funding for five years at the level they are getting today. Furthermore, existing cable providers have the option of going to the state-wide franchise system immediately upon the bill becoming law.

Representative Susan Bucher (D-West Palm Beach) and Representative Rene Garcia (R-Miami) debated against the bill, but other members commended Representative Traviesa on how hard he worked to get such a complex issue passed.

HB 529 will now be sent to the Governor for his signature.

AIF supports legislation to allow for state-issued cable franchises because it opens up the cable market to the free market. Increased competition will only ensure better service, a better product, and more importantly, lower prices for the citizens and businesses of our state.

Economic Development

The Florida Senate considered SB 2420 Relating to Venture Capital Investments by Senator Jeremy Ring (D-Margate) today. The bill provides grants to state universities to finance early-stage, pre-marketing activities geared to commercializing university research products. It also creates a university-based institute to mentor emerging businesses and to match them up with potential private investors. Finally, it appropriates state monies for targeted investments in funds that assist Florida companies with a potential for high-tech, high-wage jobs.

One amendment was adopted, which changed an appropriation in the bill for the Board of Governors from \$10 million to \$4 million. With this change, the senate bill is now identical to its House companion, HB 83 by Representative Michael Grant (R-Punta Gorda). Following the amendatory process, Senator Ring moved to substitute the Senate bill for the House companion. The Senate is now ready to vote on HB 83 for final passage.

AIF supports legislation aimed at increasing the amount of venture capital investment in our state. Florida is significantly behind other growth states including Texas and California in the amount of money it spends on attracting venturing capital. This type of investment is essential for the growth of Florida's emerging businesses.

Also today, the Senate unanimously (39-0) passed HB 1283 Relating to the Black Business Investment Board by Representative Jennifer Carroll (R-Jacksonville). HB 1283 had been substituted in place of its Senate companion, SB 2860 by Senator Arthenia Joyner (D-Tampa). The bill makes revisions to the operation of the Black Business Investment Board, a state-run entity that will advise the Office of Tourism, Trade and Economic Development on the needs and progress of minority-owned businesses in the state.

HB 1283 will now be sent to the Governor for his signature.

AIF supports this legislation as it will aid in the development and success of minority businesses in the state.

Health Care

While the House remains firm, the Senate has opened the floodgates on health insurance mandates in the final week of session. Today, the Senate unanimously passed SB 110 Relating to Health Insurance/Prostate Cancer Coverage by Senator Tony Hill (D-Jacksonville). The bill mandates health insurance policies, group health insurance policies and health maintenance contracts to provide coverage for annual screening for prostate cancer for men age 40 or older and provides that coverage for prostate cancer screening. It was named the "Senator Les Miller Act" after the former senator from Tampa who is battling prostate cancer.

SB 110 will now be sent to the House for consideration.

Two other mandate bills were considered on Second Reading:

SB 1172 Relating to Health Insurance Coverage by Senator Arthenia Joyner (D-Tampa), which requires that if an insurance policy or health maintenance organization contract provides coverage for breast cancer treatment, the length of stay for lymph node dissections and for follow-up care outside of the hospital must be for the time period determined to be medically necessary by the treating physician. The bill also requires the policy or contract providing such breast cancer treatment to provide routine follow-up care for a lymph node dissection consistent with prevailing medical standards; and

SB 274 Relating to Cystic Fibrosis Treatment by Senator Gwen Margolis (R-Miami Beach), which requires health maintenance organizations and group health insurance policies to cover services needed to treat cystic fibrosis authorized by physician.

On the House side, these bills have been bottled up in committees and are not scheduled for floor action. AIF supports the House position on insurance mandates and urges the Legislature to oppose passage of these bills which increase the cost of health insurance to Floridians and will decrease access to affordable health insurance.

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.

Business Regulation

The Senate unanimously passed (39-0) SB 2234 Relating to Regulation of Building Inspectors by Senator Steve Wise (R-Jacksonville). The bill, supported by AIF, seeks to give the Department of Business and Professional Regulations authority to regulate and license private home inspection services around the state as well as mold assessors and remediators.

SB 2234 will now be sent to the House for consideration.

AIF supports this measure since it would provide accountability to home inspectors and mold remediators and would assist insurance companies to better assess the risks of certain homes that are affected by mold, thereby, potentially reducing the amount of litigation associated with this problem.

Video Lottery Terminals

The House waived its rules today and scheduled a meeting of the Environment & Natural Resource Council in order to hear a bill dealing with the Department of Lottery. HB 1551 Relating to Lottery Departments/Patents by Representative David Rivera (R-Miami) was originally intended to allow the Lottery to develop patents for gaming technologies. The bill was amended this afternoon by Representative Denise Grimsley (R-Sebring) to include language from Senator Steven Geller's (D-Hallandale Beach) Video Lottery bill (SB 2434). Changes from Senator Geller's language include:

- A more distinct definition of “video lottery game” to restrict the definition to machines that provide a technological aid to playing the game of bingo.
- Revises the definition of “video lottery retailer” to include only those pari-mutuel permit holders whose facility is located within 40 miles of an operating tribal casino or whose facility is located within a county with a population exceeding 800,000.
- Reduces the number of machines at any given facility from 1,500 in Senator Geller’s bill to 1000.
- Adds a requirement for the vendor to pay .925% of the income of the machines to the county in which the facility is located, and to the municipality, if the facility is located within one

Several Council members expressed concern over the last-minute consideration of this significant amendment and two Representatives voted against the bill: Debbie Boyd (D-High Springs) and Bryan Nelson (R-Apopka). Representative Rivera explained that the amendment was needed in order to ensure that state pari-mutuel facilities can compete with existing Indian casinos, which are not taxed by the state. He further stated in his closing that “this was a bill about property tax relief since it would generate a significant amount of money to pay for education.”

AIF supports allowing pari-mutuel facilities to provide VLTs for their customers. The economic impact of this type of gaming cannot be ignored, especially given the tough revenue year Florida is experiencing. Not only would VLTs provide significant revenues to the state; they also represent increased economic development in the form of greater tourist activity.

Ethics & Elections

The House unanimously passed (119-0) SB 1920 Relating to Ballot Initiatives by Senator Mike Fasano (R-New Port Richey) after substituting it for its House counterpart, HB 559 by Representative Don Brown (R-DeFuniak Springs). The bill allows private property owners to decide who can and cannot come onto their property to gather petitions for citizen initiatives. The bill codifies into statute recent case law including a case involving Publix supermarkets in which the courts found that property owners do have the right to regulate petitioners.

AIF supports legislation, which allows property owners to regulate the gathering of petitions on their property.

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.