

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
WEEKLY UPDATE**



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

**FROM THE WEEK OF MARCH 26 – MARCH 30, 2006**

Legislators have gone back to their districts following a busy fourth week of session. The Senate will be out all week in observance of the Easter and Passover Holidays, while Speaker Marco Rubio (R-Miami) has required that his members return to Tallahassee for committee meetings on Wednesday, April 4th and Thursday, April 5th.

As a result of this break in session there will be no AIF Daily Brief on Monday or Tuesday of this week. The daily reports will resume on Wednesday and Thursday followed by our Weekly Report at the end of the week.

On Friday, the House Policy & Budget Committee approved a proposed \$70 billion dollar budget. One item that was rejected by the Committee was funding to replace the infamous “touch-screen” or “paperless” machines with the more traditional optical scan machines. Governor Crist (R) has publicly stated his support for this type of funding. Also of note during the budget proceedings, was an amendment by Representative Ron Saunders (D-Tavernier) which would have scrapped the cap on the Sadowski Trust Fund. The removal of this legislative created cap would allow full funding for affordable housing projects statewide. Chairman Ray Sansom (R-Ft. Walton Beach) assured Representative Saunders that the Committee would hold a workshop on this important issue for the business community.

### **Legal Reform**

On Tuesday, March 27th 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.

**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.**

## **Property Insurance Reform**

On Wednesday, March 29th the House of Representatives debated HB 7057 Relating to Hurricane Damage Mitigation sponsored by Representative Trey Traviesa (R-Tampa). The PCB seeks to streamline and make improvements on the existing “My Safe Florida Home Program,” which was established during the 2006 legislative session. Specifically, HB 7057 creates a new no-interest loan program to be administered by the Department of Financial Services (DFS). The program will provide loans in the amount up to \$5,000 for homeowners to use for mitigation. In addition, the PCB also increases the amount of funding for mitigation efforts for manufactured homes and streamlines the inspection process by allowing inspectors to take online continuing education courses.

On Thursday, March 29th the House of Representatives unanimously passed (113-0) HB 7057. This time around there was much less debate on the bill. Representative Audrey Gibson (D-Jacksonville) once again expressed her concern that the loan program portion of the bill was too skewed towards helping low-income Floridians and that it “did not go far enough to help middle class Floridians.” She was also concerned that the program would be administered by the DFS and that the Legislature was “turning over the program to an agency that was not elected and did not have to answer to the voters.” In his closing, Representative Traviesa reminded the chamber that DFS was run by CFO Alex Sink (D) who is elected by the people and that bill contained multiple audit and reporting requirements which would ensure that the program would be held accountable. It is now up to the Senate to decide how they want to proceed on this issue. It is likely that they will now come up with their own version of HB 7057; or it is possible that they might take the House language and substitute it for their own.

One of the surest ways to address the property insurance crisis in Florida is by hardening our state’s homes so that the effects of windstorm damage are lessened. Encouraging Floridians to protect their property and more importantly their lives by undertaking mitigation techniques such as installing roof clips, hurricane-proof garage doors, and storm shutters is sound public policy.

**AIF supports legislation aimed at strengthening, expanding, and fully funding Florida’s home hardening efforts. We are encouraged to see that many of AIF’s and its Florida Hurricane Crisis Coalition’s (FHCC) recommendations have found their way into this proposed council bill and we look forward to working with the Legislature on finding ways to encourage commercial mitigation as well.**

On Wednesday, March 28th the House considered HB 7077 Relating to Hurricane Preparedness & Insurance by the House Jobs & Entrepreneurship Council. This bill is being described as “glitch” or clean-up bill for HB 1A, the landmark property insurance reform bill that was passed earlier this year during the Special Session on Property Insurance. The bill was presented by Chairman Ron Reagan (R-Sarasota) who stated from the outset that HB 7077 would not change any of the reforms passed by during the Special Session. The bill makes several tweaks to many of the provisions found in the original HB 1A. Representative Reagan highlighted the following changes implemented by this bill:

- Premium Payment Plans: HB 1A required insurers to allow personal lines residential and commercial policyholders to pay premiums on a quarterly or semiannual installment plan; HB 7077 provides for the establishment of monthly payment plans
- Mitigation Discounts: requires property insurers to reevaluate mitigation discounts given for a property every 5 years in order to reflect the age of any mitigation efforts, the bill requires the property insurer to reduce the mitigation discount after it submits a rate filing for the reduction
- Florida Insurance Guaranty Association (FIGA): further clarifies the Legislatures intent in HB 1A that FIGA can use emergency assessments to pay the claims of all insolvent insurer’s claims, if the insurer became insolvent due to claims from hurricane damage
- Payment of Property Claims: limits the application of 90-day “prompt pay” time frame for insurance companies to deny or pay a claim to residential policy holders only

Unfortunately, HB 7077 does not have the same level of bipartisan support as Representative Traviesa’s mitigation bill. On Thursday, March 29th the bill was temporarily passed (TP’ed) after a lengthy question and answer period. Once again it fell on Representative Ron Reagan (R-Sarasota) to present the bill and address the many concerns raised by his fellow legislators.

Opponents of the bill do not see HB 7077 as a “glitch bill” instead they consider the bill a major departure from the consumer friendly provisions of HB 1A. The majority of the opposition centered on the claim that HB 7077 is bad for the small business owners of Florida because the bill does not provide commercial property owners with the same “prompt pay” protections given to residential policy holders.

**AIF appreciates efforts by the Legislature to address some of the unintended consequences resulting from the passage of HB 1A, which have led to an uncertain property insurance market in Florida.**

## Property Tax Reform

On Wednesday, March 28th the House Government Efficiency & Accountability Council unanimously approved HB 261 Relating to Just Valuation by Representative Carlos Lopez-Cantera (R-Miami). HB 261 amends current law and removes the requirement that property appraisers consider the highest and best use to which a property can be expected to be put in the immediate future when arriving at just valuation. The bill adds a provision, which requires property appraisers to appraise income-producing properties based solely on the income produced from that property.

For the business community a change in the way property is assessed would provide much needed relief from high taxes. Redefining what constitutes “highest and best” use and appraising property based on the income it generates would significantly reduce the value of assessed property.

HB 261 will now be heard by the House Policy & Budget Council.

**AIF supports the concept of appraising property based on its “current” use and not its “highest and best” use. Furthermore, if a property generates income it should be assessed based on the amount of income it generates at the present time.**

The Senate Committee on Community Affairs considered SB 560 Relating to Ad Valorem Tax Data by Senator Jeff Atwater (R-North Palm Beach) on Thursday, March 29th. This bill changes the information that the Department of Revenue (DOR) must collect and publish. According to Senator Atwater, the bill as amended, will require DOR to collect data such as the annual increase in total non-voted ad valorem levied by each city and county and show information of the distribution of ad valorem taxes levied among the various classifications of property including homestead, non-homestead property, new construction, commercial and industrial properties. Also the data must include the previous year’s adopted millage rate, the current year’s millage rate, and the current increase in taxes levied about the roll-back rate. All of this data will appear on the DOR website as well as county property appraiser’s website, if they have one.

SB 560 will now be heard by the Senate Finance & Tax Committee.

**AIF supports the collection of property tax data and housing it in a central location. Having this information available and easily accessible will be beneficial to individuals and business when making decisions on purchasing property.**

## Workforce Development

On Tuesday, March 27th 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.

Also on Tuesday, 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.**

## **Legal and Judicial**

On Thursday, March 28th the House Safety & Security Council unanimously passed HB 1167 Relating to Business Courts by Representative David Simmons (R-Altamonte Springs). HB 1167 is one of AIF’s top priorities for the 2007 session because it establishes legislatively funded business court divisions in the Ninth, Eleventh and Thirteenth Judicial Circuits of Florida. These court divisions have already been established by administrative orders of the chief judge of each circuit. The business courts will be authorized to decide complex business cases on a judicially enforced docketing schedule.

Business courts specialize in handling complex business cases, such as antitrust suits, intellectual property cases, franchise cases and unfair competition cases. Their goal is to handle business litigation matters in an effective and efficient manner. Benefits of a business court include implementation of standardized procedures, a higher degree of consistency of rulings on recurring issues, and economic stimulus to the community.

This bill is important to the business community because it will provide more predictable and quicker resolution of complex business cases, ultimately lowering the cost of doing business in Florida.

During the meeting an amendment was adopted that stripped away any fiscal impact of the bill, leaving somewhat in doubt where funding for these pilot programs would come from.

HB 1167 will now be heard by the House Policy & Budget Council.

On the Senate side the issue of funding for Business Courts is looking more positive. The Senate Criminal & Civil Justice Appropriations Committee adopted an amendment to SB 7102, the Criminal & Civil Justice appropriations bill, by Senator Arthenia Joyner (D-Tampa), which provides \$150,000 from non-recurring to circuit courts to establish specialized business courts in the 9th, 11th and 13th Circuits.

**AIF strongly encourages the Florida Legislature to adopt and fund the Ninth, Eleventh and Thirteenth Circuits' business courts as a pilot program to begin establishing a uniform business court system throughout the metropolitan areas of the state. Florida employers will benefit greatly from these specialized courts. Their cases will settle quicker and costly litigation will be avoided.**

### **Economic Development**

The Senate Committee on Governmental Operations passed SB 2414 Relating to Sure Ventures Commercialization Program and SB 2420 Relating to Sure Venture Capital Act, both by Senator Jeremy Ring (D-Margate) on Thursday, March 29th. These bills have been heard in several committees in the House and Senate and are supported by Enterprise Florida, AIF, and other business groups – all who are interested in growing Florida's economy by expanding the commercialization of products created in our university research centers and expanding access to venture capital for such products. These bills have two more committee stops in the Senate before becoming available for a floor vote.

**AIF supports legislation that creates the Sure Ventures Commercialization Program. Florida must begin to get in the proper posture to be able to compete with other states for these valuable venture capital dollars. This type of investment is critical for the growth of high-paying, high-skill, companies and for the diversification of Florida's economy. The jobs created by these emerging technologies are typically much higher-paying than others and attract the very best workers to our state.**

### **Transportation**

On Wednesday, March 28th the House Environment & Natural Resources Council passed PCB 07-12, addressing issues related to Aggregate Mining, by a vote of 10-4. The bill was presented by Representative Trudi Williams (R-Ft. Myers) and the committee heard a full barrage of debate from parties on both sides of the bill.

The bill attempts to address the state's growing strategic and critical need for construction aggregate materials to meet today's growth management demands. The bill establishes a 15 member task force assigned to review the "present situation and disposition of construction aggregate materials and mining practices" and implements language that would not allow a county or municipality to impose a moratorium on lands where mining is a permissible use or lands zoned or classified as mining lands.

There were two amendments to the bill that were adopted. Representative Williams offered the first amendment, which allows for the Department of Transportation to have more authority to seek solutions to finding aggregate materials. The second amendment was offered by Representative Rich Glorioso (R-Plant City) and stipulates that one member of the task force must be a member of the Florida League of Cities.

While the entire committee supported the task force portion of the bill, there was a considerable bit of dialogue from the committee and public testimony around the moratorium portion of the bill. In the end, the bill was passed with a commitment from Representative Williams to continue addressing concerns of committee members.

The bill is now ready to be considered for final passage on the floor of the House as early as the sixth week of session.

On Thursday, March 29th the Senate Community Affairs Committee passed SB 2804 by Senator Carey Baker (R-Eustis), which is the 2007 Florida Department of Transportation's (FDOT) legislative package. This bill, heard and passed last week in the Senate Transportation Committee, allows FDOT to fund up to 80% of the non-federal share of certain airport and aviation development projects, extends the authority for FDOT to support public airports and provide grants for security related projects, requires FDOT to expand the advertising of bids among other changes. In addition, the bill establishes a 19 member Strategic Aggregate Task Force created to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices as well as language stating that no moratoriums on mining of aggregate may be imposed by any local government or other agency with a duration of more than 12 months.

There were four amendments adopted to the bill, two of which were technical in nature and two were substantive. Senator Tony Hill (D-Jacksonville) offered an amendment that allows for applications for mining aggregate construction materials that are filed after March 1, 2007 are eligible for expedited process and Senator Steve Wise (R-Jacksonville) offered an amendment clarifying that the Florida Turnpike Enterprise and vendors of the Enterprise are not required to remit funds for commercial rental taxes.

It is important to note that AIF is extremely interested in the manner in which this bill addresses the state's growing crisis for Aggregate Construction Materials. While the strategic task force created in this bill is a good step forward, AIF would prefer stronger language addressing local government's ability to impose moratoriums, further stifling the production of aggregate materials and heightening the crisis.

SB 2804 will now be heard by the Senate Transportation and Economic Development Appropriations Committee.

**AIF supports legislation that prevents local governments from arbitrarily stopping any mining of aggregates used in the production of concrete blocks, asphalt, and road base. Florida's contractors depend on this raw material for building and road projects.**

Regional transportation authority bills for the Tampa Bay area were heard at the same time on Thursday, March 29th by the Senate Governmental Operations Committee and the House Economic Expansion & Infrastructure Council. SB 506 by Senator Mike Fasano (R-New Port Richey) and HB 251 by Representative Bill Galvano (R-Bradenton) were approved by a unanimous vote.

The objective of the legislation is to create a new entity able to overcome the parochial pitfalls of addressing infrastructure needs on a county by county basis. The authority's purview would include entering into public-private partnerships (P3s), building limited access toll expressways, developing mass transit and more.

The bills have one last stop scheduled in their respective appropriations committees of the House and Senate, and would then become eligible to be placed on the calendar for final consideration by each chamber.

**AIF supports the ability of multi-county areas in Florida to form regional transportation authorities, empowered to implement infrastructure improvements and to increase consideration for vital transportation corridors, seaports, airports and other regionally significant business centers.**

## **Health Care**

On Tuesday, March 27th 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.**



Also on Tuesday, 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) on Tuesday, March 27th. 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.

Also on Tuesday, 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.**

## **Information Technology**

On Thursday, the Senate Governmental Operations Committee unanimously passed SB 1974 Relating to Information Technology Management by the Senate Governmental Operations Committee. This bill makes significant changes to the way enterprise information technology is governed by the state. Currently, the actual practice of IT governance does not conform to the law because there is no State Technology Officer even though there is one in the law.

The bill creates a new agency called the Agency on Enterprise Information Technology located in the Executive Office of the Governor, but headed by Governor and Cabinet. It is controlled by an extraordinary vote of the Cabinet, with Governor on prevailing side. It is headed by a specifically credentialed agency executive director. The focus of the agency is on enterprise issues, not day-to-day management and operations. That is left to the agencies and their secretaries/executive directors.

During the meeting, Senator Bill Posey (R-Rockledge) offered a hand-written amendment to strike section 30 of the bill which called for the Agency for Enterprise Information Technology to develop a plan and a business case analysis for the creation, exchange, and maintenance of documents by state agencies in an open format. Senator Posey stated that this language in the bill was vendor specific and should not be accepted by the committee. The amendment passed unanimously. After hearing this discussion, Senator Nancy Argenziano (R-Crystal River) asked to reconsider an amendment which had previously been adopted that provided for a periodic cycle for the replacement of computer equipment. She said this amendment required the replacement of computers before they needed to be replaced and asked why it was offered. Mr. Wilson explained it was sometimes cheaper to lease than to buy because of reduced maintenance costs. Chairman Al Lawson (D-Tallahassee), made a motion to reconsider the vote by which the amendment passed and the amendment was voted down. Frank Meiners with AIF testified in support of the bill and outlined some of items that the IT Council is still interested in including in the bill before it reaches the floor of the Senate.

SB 1974 will now be heard by the Senate General Government Appropriations Committee.

**AIF supports this major overhaul of how IT systems are managed by the State. SB 1974 represents a real improvement in enterprise IT governance and a real improvement in agency chief information officer training and responsibilities. AIF and its IT Council will continue to work with committee members to develop an acceptable technology refresh cycle that ensures that Florida's government agencies have the newest, most efficient, and secure IT equipment.**

## **Energy**

On Thursday, March 29th the Senate Environmental Preservation & Conservation Committee passed SJR 436 Relating to Oil or Natural Gas Drilling by Senator Mike Bennett (R-Bradenton). This Senate resolution proposes an amendment to Florida's Constitution that prohibits drilling for oil or natural gas within sovereignty submerged lands of the state and within 250 miles from Florida's coastline. Furthermore, the bill directs the Legislature to enact legislation to enforce the provision.

Representatives from AIF and other business associations as well as the oil and natural gas industry testified against SJR 436. Banning drilling in the eastern Gulf of Mexico would send the wrong message. Most of Florida's most important economic sectors such as agriculture and manufacturing depend on affordable sources of energy. Fossil fuels like natural gas play an integral role in almost every aspect of life including energy production. The skyrocketing prices of natural gas will force businesses to cut jobs, freeze growth and raise consumer prices. While we must work hard to protect Florida's pristine environment, we must also compete fiercely in a global economy. To do that, Florida's businesses must have a reliable and affordable energy supply.

SJR 436 will now be heard by the Senate Judiciary Committee.

**AIF opposes any limitations on drilling in the outer continental shelf (OCS) of the Gulf of Mexico. Florida and our nation as a whole should concentrate on achieving energy interdependence so that our businesses have access to affordable and reliable sources of energy.**

## **Guns in the Workplace**

The Senate Criminal Justice Committee passed SB 2356 Relating to Individual Personal Property Protection by Senator Durell Peaden (R-Crestview) by a 7-1 vote on Tuesday, March 27th. 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.**

## **Business Regulation**

On Thursday, March 29th the House Committee on Business Regulation unanimously approved HB 1399 by Representative Carl Domino (R-Juno Beach), which would regulate home inspectors, mold assessors and mold remediators. Currently, there are numerous companies in Florida that hold themselves as mold assessors or mold remediators yet there is no state licensure or regulatory requirements for these companies. Although home inspectors frequently advertise themselves as "certified" or "licensed" the only certification programs offered to home inspectors in Florida are the voluntary programs offered by one of hundreds of organizations that offer this type of training. As a result, consumers' are often led to believe that the state has adopted legally mandated requirements for home inspectors in order to protect consumers and the general public against fraud and unscrupulous trade practices.

The original bill also included the regulation of wind inspectors but was removed by an amendment since this regulation appears in another bill. HB 1399 provides for definitions, educational requirements, and insurance requirements for these trades.

HB 1399 will now be heard by the House Jobs & Entrepreneurship Council.

**AIF supports establishing a regulatory process for home inspectors, mold assessors, and mold remediators. These guidelines would protect both consumers and businesses from those who practice this trade fraudulently.**

## **Taxation**

On Tuesday, March 27th 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.

On Thursday, March 29th the House unanimously passed (114-0) HB 211 Relating to Hurricane Preparedness/Sales Tax by Representative Peter Nehr (R-Tarpon Tower). This is the third year in a row that the Legislature has sought to pass a sales tax holiday for hurricane supplies. The bill establishes a sales tax holiday starting on June 1, 2007 on items such as weather band radios, coolers, flashlights, tie-down kits, batteries, portable generators, etc. The sales tax holiday would be in affect for twelve days.

AIF supported the original hurricane preparedness legislation that passed last year and we continue our support for this sales tax holiday. Having our employees and our businesses better prepared for a hurricane is beneficial in so many ways. Employees can return to work quicker and businesses can open their doors sooner when everyone is prepared.

HB 211's Senate companion, SB 92 by Senator Carey Baker (R-Eustis) has been placed on the Senate calendar.

<p><b>AIF supports increasing business activity by allowing Floridians to purchase essential school and hurricane supplies without having to pay sales tax.</b></p>
---

## **Jessica Lunsford Act**

On Wednesday, March 28th the House Safety and Security Council unanimously approved Proposed Committee Bill (PCB) SSC 8 today, which makes changes to the Jessica Lunsford Act. The Jessica Lunsford Act was enacted in 2005 to keep sexually predators away from school children. Background checks are required for all non-instructional personnel with contracts with school boards. Unfortunately, the way the legislation was written, it made it very difficult for businesses. Multiple background checks were being required for those businesses that had contracts with multiple districts. And definitions were not clear of those who could not step on school grounds.

The PCB makes significant changes while keeping the integrity of the original law. Under the PCB, non-instructional personnel who are under direct supervision will not need the finger print background screening previously required and school districts

will be able to share information with other school districts. Also, the amount a school district can charge for the background screening was capped.

On the Senate side, the Senate Governmental Operations Committee unanimously passed SB 988 Relating to High-Risk Offenders by Senator Nancy Argenziano (R-Crystal River) on Thursday, March 29th.

SB 988 will now be heard by the Senate Criminal and Civil Justice Appropriations Committee

**AIF supports the proposed committee bill as it will help companies who do business with school districts save time and money on the background screening for those employees who do not have direct contact with students, while upholding the integrity of the original law to protect our children from sexual predators.**

## **Insurance**

On Tuesday, March 27th the Senate Banking and Insurance Committee passed SB 1880 Relating to Motor Vehicle Insurance by Senator Bill Posey (R-Rockledge). This bill deals with no-fault auto 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.

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 with No-Fault laws, such as New York, have implemented similar fee schedules in order to contain the cost of medical treatment.

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.

- 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.