



# DAILY BRIEF

**From March 22, 2010**

House committees were in full swing this afternoon as legislators returned to Tallahassee for week four of the legislative session. This week promises to be a busy one as next week is book-ended with religious holidays. The latest rumor is that both chambers are trying to get out of meeting next Wednesday and Thursday by having a busy agenda this week. There has not been any official word on next week's schedule.

Today's *Daily Brief* includes updates on HB 285 – the house's version of the kid waiver legislation sponsored by Representative Mike Horner (R-Kissimmee) as well as a report on the passage of a very broad and expensive autism health insurance mandate. The issue of health insurance was on the tip of everyone's tongue in light of last night's historic passage of federal health care reform. Representative Scott Plakon's (R-Longwood) proposed constitutional amendment (HB 37) that would prohibit federal laws or rules from compelling any person, employer, or health care provider to participate in any health care system passed out of its first committee of reference today. If approved by the Legislature the proposed amendment would have to be approved by 60 percent of voters during the upcoming November elections. The proposed amendment drew intense debate on both sides of the aisle.

Also today, don't miss this week's episode of AIFTV – our weekly internet video program. This week's edition includes:

- A special message from Bob Burlison, President of the Florida Transportation Builders' Association on the dangerous transportation trust fund sweeps being proposed by the House;
- An interview with Representative Gary Aubuchon (R-Cape Coral) sponsor of HB 689 - the slip and fall bill; and
- A look at which AIF priorities passed last week & what to watch out for this week.

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## Health Care

With Sunday's passage of federal health care reform, Monday morning brought much anxiety and excitement to Florida legislators. The timing could not have been more perfect for the passage of two bills which address Florida's compliance with the approved federal bill.

The first bill addressed was HB 1561 Relating to Federal Healthcare Legislation by Representative Eric Eisnaugle (R- Orlando) in the House Health & Family Services Policy Council. This bill encourages Florida's Attorney General to file suit against the federal government on the constitutionality of the reform package that requires all Americans to purchase health insurance by a certain date.

The debate and subsequent vote followed party lines with Republicans supporting the measure and Democrats voting against. Some Democrats suggested that this bill was politically motivated against the current Administration. HB 1561 passed on a 7 to 5 vote. The bill will move next to the Rules and Calendar Council.

**AIF is OPPOSED to the dangerous and radical proposals passed by Congress to overhaul our nation's health care system. AIF commends Representative Eisnaugle for introducing legislation that will protect Florida consumers from the overreaching arm of federal healthcare.**

The next bill stemming from the federal health care reform debate – HB 37 Relating to Healthcare by Representative Scott Plakon (R-Longwood) was approved by the House Health Care Regulation Committee. The joint resolution would add to the Florida Constitution language related directly to health care. Specifically, the language would allow employers, individuals and health care providers to opt-out of the federally mandated insurance provision. It would maintain the availability of private health insurance coverage and would protect employers and individuals from fines or penalties that the federal government may attempt to levy for non-compliance. As with Representative Eric Eisnaugle's (R- Orlando) bill, the joint resolution was approved on a 10-3 vote with the Republicans voting favorably and Democrats voting against the bill. If approved by the legislature, this proposed constitutional amendment would require 60 percent approval by voters during the upcoming November general election.

HB 37 will now move to the House Criminal & Civil Justice Policy Council for further consideration.

**AIF OPPOSES federal mandates that force Florida's citizens & business owners to purchase health insurance. AIF salutes Representative Plakon for his proactive legislation that will soften the blow from federally mandated healthcare**

Following HB 37, the House Health Care Regulation Committee approved HB 107 Relating to Autism by Representative Marti Coley (R-Marianna). This bill looks to expand a costly health benefit mandate that employers and their employees have no ability to turn down. HB 107 would expand the current mandate to cover persons with autism by giving direct access, for a minimum of three visits per year, to any specialist in the health plan's provider network. Furthermore, a strike everything amendment was adopted to conform to its Senate companion, SB 214 by Senator Jeremy Ring (D- Margate). As a result, both versions will now contain a mandate to include persons with cerebral palsy and Down's syndrome.

**Jose Gonzalez, AIF's Vice President of Governmental Affairs** testified about employers' concerns with HB 107. Private health insurance premiums, he explained, will continue to rise and make it more difficult for businesses to continue offering this important benefit to their employees.



**Jose  
Gonzalez**

HB 107 is now scheduled for consideration by the House Insurance, Business & Financial Affairs Policy Committee

**AIF OPPOSES any health insurance mandate that makes healthcare coverage less affordable and accessible to Florida employers. Furthermore, AIF calls for the Legislature to acknowledge and use the current statutory requirement for any proposed mandate to have a cost study conducted prior to its approval.**

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## **Legal & Judicial**

Today, the House Civil and Criminal Justice Policy Council unanimously passed HB 285 Relating to Parental Authority by Representative Mike Horner (R-Kissimmee). The bill provides conditions under which parents may waive rights to sue on behalf of their children prior to engaging in certain recreational activities.

In addition, the House committee passed an amendment which makes the bill identical to the Senate version, SB 2440 by Senator Mike Bennett (R-Bradenton), which passed through the Senate Judiciary Committee last week. SB 2440 has been placed on the Senate calendar for its second reading on the floor.

HB 285 is scheduled to be heard by the full House of Representatives.

**AIF SUPPORTS the right of parents to waive liability on behalf of their minor. Without liability protection from a waiver, many businesses, particularly in the recreation and sports industries, will not allow minors to participate. Since many of these businesses cater to families, tourism, or directly to minors, this could impact their ability to stay in business. (View the AIF position on this issue)**