

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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**MARCH 14, 2006**

Mark your calendars...the Senate announced that it will not hold any meetings the week of April 10<sup>th</sup> in observance of the Easter and Passover holidays. The House has not made any indication of what it will do as of this printing.

#### **UTILITIES AND TELECOMMUNICATIONS**

The Senate Communications and Public Utilities Committee unanimously passed SB 1318 Relating to Cellular Telephone Solicitation by Senator Victor Crist (R-Tampa). The bill prevents unsolicited telephone calls to a cellular phone without an existing business relationship.

Several members of the business community met with Sen. Crist to express some concerns with this legislation. Currently, the Federal Do Not Call List allows consumers to put their cellular telephone numbers on this list for free. In addition it is very difficult for companies who use phone solicitation as a marketing tool to determine which numbers are cellular telephones. Sen. Crist believes that consumers are paying for their cellular phone and having to pay for a telemarketing call is not fair.

SB 1318 has passed all of its committee stops and will now be heard on the floor of the Senate.

**AIF is closing monitoring the progress of this legislation to determine its impact on the business community.**

#### **ENVIRONMENT**

The Senate Environmental Preservation Committee unanimously approved SB 2126 Relating to Petroleum Contamination by Senator Cary Baker (R-Eustis). Since 1986, Florida has tried to address the problems of pollution from leaking underground petroleum storage systems through incentive programs. Problems exist with getting insurance for those companies going through the process. This bill establishes a presumption regarding the discovery of contamination at underground petroleum storage tanks. The contamination is presumed to be part of the original discharge that qualified the site for state cleanup funding. This will help alleviate the insurance crisis facing many underground storage system owners.

The legislation is intended to clarify that contamination found during any upgrade to an existing facility is presumed to be related to "old discharge" and therefore should not affect the coverage provided by the facility owner's insurance when upgrading the underground storage tank system to new safer standards. According to staff analysis, this legislation should remove any impediment for facility owners or to upgrade early and it allows facility owners to take advantage of the financial incentives provided by the 2005 Legislature.

**AIF supports legislation that would encourage private owners of underground petroleum storage facilities to clean up and upgrade their tanks. Providing incentives will presumably encourage owners to clean their sites in a timely matter.**

## **OTHER BILLS OF INTEREST:**

### **Business Regulation**

The Senate Community Affairs Committee unanimously approved SB 1336 Building Codes/Wind Damage by Senator Lee Constantine (R-Altamonte Springs). A strike-everything amendment was adopted and now the bill authorizes the Florida Building Commission to identify within the Florida Building Code those areas of the state that are subject to the windborne debris requirements of the code. Senator Charlie Clary (R-Destin) offered an amendment to the amendment, which was adopted, that would change the date to May 2007 in order to give everyone time to adjust to the new Building Codes.

The Florida panhandle will go through one more hurricane season before the new codes take effect, but with the change in date, the major opponents of the bill on the committee were able to support it. Although this bill will probably add to the cost of a new home, this increase in cost could be offset by the benefit of reduced hurricane-related property damage.

The bill now goes to the Senate Regulated Industries Committee.

### **Ethics and Elections**

The Senate Ethics and Elections Committee unanimously passed SB 1754 by Chairman Bill Posey (R-Rockledge). This bill prevents any registered lobbyist from serving on the Florida Commission on Ethics. More interestingly, the bill makes it a conflict of interest for Legislative members to receive compensation from any business or agency that either directly or indirectly receives state funding. According to the sponsor, there is some ambiguity in current law that might lead to the public to believe that inappropriate relationships exist between legislators and the private sector. The bill would not be effective until 2016 so it would not apply to any current legislator.

This was the final substantive committee stop for SB 1754. It will now be considered by the Senate Rules and Calendar Committee.

The Committee also passed SB 1860 by Senator Dave Aronberg (D-Greenacres). This bill seeks to expand the authority of the Florida Elections Commission to investigate and assess fines against any “candidate, person, political committee, electioneering communication entity, or political organization subject to the requirements of 26 U.S.C. s. 527” that makes a defamatory statement against a candidate. Current law only grants the commission jurisdiction when the defamatory statement is made by a *candidate* against an opposing candidate. Senator Aronberg stated that this is a major problem which must be addressed and that he was filing this bill in response to a 1995 House Ethics Committee study which outlined the problem back in 1995.

SB 1860 will now be heard by the Senate Judiciary Committee.

## **Space Industry**

Florida has long been the premier sight for space launches, but with the recent interest in space flight for commercial, defense, and civil purposes several states have established commercial spaceports. Governor Bush formed the Commission on the Future of Space and Aeronautics in Florida to evaluate the launch environment in the state. The Commission found that Florida needed to address three major areas: 1) governmental jurisdictional issues and the lack of synchronization of statutes, regulations, and codifications 2) complex customer service processes and associated costs 3) the need for improvements to an aging space launch infrastructure and technology.

The House Spaceport & Technology Committee voted to introduce proposed committee bill HST 1, thereby assigning a bill number to the bill. This legislation proposes several changes to the Florida Space Authority including changing the Authority's name to Space Florida. The bill also expands the definition of aerospace, seeks means to upgrade infrastructure and technologies at the Cape Canaveral Spaceport, and authorizes monies to be utilized for education programs that will offer hands-on or internet based math and science experiences for 6<sup>th</sup> and 7<sup>th</sup> grade students.

With an expanded Spaceport business at Cape Canaveral the surrounding area business will see an increase in economic development due to new employees needed to staff the facilities as well as tourist coming to visit the area.

Our state must show a commitment to the space industry, especially since many neighboring states would jump at the opportunity to land new space research and launch facilities.

## **Economic Development**

The Senate Community Affairs Committee approved SB 624 Relating to Economic Development by Senator Burt Saunders (R-Naples). The bill attempts to revise an existing economic development program known as the new "Urban High-Crime Area Job Tax Credit." Senator Saunders explained that the program has been in existence for years, but has never been successful in attracting businesses to take advantage of the \$5 million annually allocated to this incentive.

SB 624 attempts to make the program more attractive to businesses, by renaming it the "Designated Urban Job Tax Credit Area Program." The new program is also redesigned to be more attractive to businesses in a number of substantive ways. It doubles the number of geographic areas that can be designated for use under the program from fifteen to thirty. It also specifies that businesses participating the popular Florida program know as Qualified Target Industry, are among those businesses eligible for the tax credit program, which could provide more exposure and interest for the revised plan.

The Saunders bill provides for a tax credit of \$1,000 per job created. It also provides that businesses currently eligible for the tax credits will remain so through 2012.

SB 624 will now be heard by the Government Efficiency Appropriations Committee. Its House companion, HB 449 by Rep. Nancy Detert (R-Venice) has also passed its first committee stop.

## COMMITTEE PRESENTATIONS

### Health Care

The Center for Health Transformation and the American Legislative Exchange Council came together to bring a diverse array of healthcare professionals to Tallahassee to discuss Florida's health care future. The Summit's introductory session had a panel comprised of Speaker Allan Bense (R-Panama City), Rep. Holly Benson (R-Pensacola), Rep. Gayle Harrell (R-Port St. Lucie), Dr. David Brailer (National Coordinator for Health Information Technology), and former Speaker of the US House of Representatives, Newt Gingrich. The common theme throughout all the presentations was that Florida is already blazing a path in healthcare reform thanks to the recent Medicaid reforms of the two previous sessions. In addition, the speakers commented on the need for more integrated technology in the delivery of healthcare.

Following the summit general session, three breakout sessions were held each addressing a different issue. Of particular importance to the business community was the session on Health Information Technology. Chairman Rene Garcia (R-Miami) moderated the panel discussion which included: **David Merritt**, Project Director, Center for Health Transformation, **Gerard White**, President, Clearwave Corporation, **W. Michael Heekin**, Chair, Governor's Health Information Infrastructure Advisory Board, **Joan Hovhanesian**, Senior Vice President and Chief Information Officer, Shands Healthcare, and **Timothy J. Yeatman**, MD, Associate Center Director for Translational Research and Director of Total Cancer Care, H. Lee Moffitt Cancer.

Each panel member spoke for about 10 minutes to a packed audience, including several members of the legislature. The presentations were centered on transforming the health care system from a paper and pencil process to one which utilizes IT to improve the entire delivery system.

David Merritt suggested that the biggest hurdle is to get the healthcare system to adopt technology. There is a fear of change and concern for the cost, which he said is about \$35,000, per Doctor. However infusing technology provides for more choices, with greater quality at lower cost. Moving from the current system to a 21<sup>st</sup> Century system has many advantages, including individual-centered rather than provider-centered, values-driven rather than price-driven, electronically based, rather than paper-based, a new system of health justice, rather than the current predatory trial lawyer litigation system and others.

Health information technology is the lever to transform health and healthcare. The goal of every stakeholder in healthcare must be the rapid and widespread adoption of consumer-centric health IT.

Gerard White gave a presentation on the use of his company's patient check-in equipment, which was quite impressive. The current system is prone to errors and delays, where the new technology is much more accurate and faster. Again, the issue is being willing to make the change to a new more technology driven system.

W. Michael Heekin gave a progress report of the state's Health Information Network. He gave us a few observations after a year and a half on the job. First, stakeholders in state are generally supportive of the Florida Health Information Network, but it needs further testing. The challenges are human, rather than technical. The bottom line is that if you don't have electronic health information data, you can't have an electronic health information network. He said that in Florida, 20 % of the doctors have a health information network, and 50% of the hospitals. These numbers are above the national average.

The Governor's Health Information Infrastructure Advisory Board believes that it is now time to take full advantage of the power of IT in order to reduce medical errors and to raise the bar on the quality and efficiency of care. IT can be the answer to reducing human error, duplicative services, and administrative costs. These reductions could lead to a significant drop in the price of healthcare and health insurance.

AIF and its recently created **Information Technology Council** are pleased to see that the legislature is paying close attention to IT issues, in this case health care related. Florida must expand its IT spending in order to better provide services to citizens and businesses. AIF has created the **IT Council**, to help address Florida's technological deficit and promote IT as a way to transform government, making it more efficient and more accessible to its citizens.

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