

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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

**APRIL 18, 2007**

AIF was on the prevailing side of several highly controversial bills being considered by the Legislature today. The “Guns in the Workplace” legislation was resoundingly defeated at its first committee stop, the House Environment & Natural Resources Council. The business community was unified in strong opposition to this unnecessary piece of legislation. A complete report of what took place is available in today’s report. In addition, the Cable Competition bill (SB 998) moved one step closer in the Senate having been approved by the Community Affairs Committee. This legislation is one of AIF’s top priorities for this year’s legislative session as it represents significant savings and choice for Florida’s businesses and consumers.

Also of note, the House of Representatives passed three property tax reform bills with relative ease, which make up their tax reform package. The Senate is expected to debate their plan during their session tomorrow.

### **Guns in the Workplace**

Today, the House Environment and Natural Resources Council overwhelmingly voted (10-4) against HB 1417 by Representative Dennis Baxley (R-Ocala). The bill is formally called the "Individual Personal Private Property Protection Act" however; the goal of the bill is to allow individuals to keep firearms stored in their cars at their places of employment. AIF has opposed this bill for the past two years; primarily because of the limitations it places on the employment at will doctrine that Florida employers depend on for doing business.

The bill would restrict employers from creating or maintaining policies, which ban firearms from their premises. It would also prohibit an employer from conditioning employment on an individual's consent to search of their vehicle while parked on the employer's premises. The bill as drafted does not specify that its purpose is to promote transport and storage of firearms in employees' vehicles. Instead it refers to personal private property. Representative Bob Allen (R-Merritt Island) filed an amendment that would have made specific references only to firearms rather than vague references to private property. The Council, however, did not adopt this amendment.

Council Chairman Stan Mayfield (R-Vero Beach) instructed the council members that the bill needed to be heard in the form presented by the sponsor, which is identical to the Senate companion bill, SB 2356 by Senator Durell Peaden (R-Crestview). He also stressed the gravity of voting on such an important matter and urged members to vote as they best saw fit.

Barney Bishop, AIF President and CEO, testified at the hearing and urged the council members to vote against the bill. He stressed that the bill undermines an employer's ability to provide safe working environments for employees and customers, which is an important legal obligation that businesses must uphold. He also pointed out that the bill is a "solution seeking a problem" in that there is no great public outcry for additional gun rights and no rash of unreasonable employee searches throughout the state of Florida. Furthermore, he reminded committee members that neither freedom of speech or the right to bear arms are unqualified Constitutional rights. Meaning that you can't yell fire in a crowded theater and that there are reasonable limitations with respect to firearms. It is the court's responsibility to balance those rights.

AIF salutes the council members who voted AGAINST this bill and FOR the business community. They are Representatives: Stan Mayfield, Bob Allen, Mary Brandenburg (D-Lake Worth), Denise Grimsley (R-Sebring), Will Kendrick (R-Carrabelle), Rick Kriseman (D-St. Petersburg), Richard Machek (D-Delray Beach), Bryan Nelson (R-Apopka), Baxter Troutman (R-Winter Haven), and Trudi Williams (R-Ft. Myers). Those voting FOR this bill and AGAINST the business community were Representatives: Rich Glorioso (R-Plant City), Faye Culp (R-Tampa), Paige Kreegel (R-Punta Gorda), and Debbie Boyd (R-High Springs).

**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. Maintain a safe work environment is paramount for the longevity of any employer in Florida. We were pleasantly surprised by the overwhelming margin by which the bill failed today.**

### **Property Insurance Reform**

The Senate Community Affairs Committee approved SB 1864 Relating to Hurricane Damage Mitigation by Senator Bill Posey (R-Rockledge) on a 7 to 1 vote. Senator Ronda Storms (R-Brandon) was the only dissenting vote on the bill. The bill makes several revisions to the "My Safe Florida Home" Program, which provides mitigation grants for homeowners to harden their homes in order to lessen the damage caused by hurricanes. The Senate bill is significantly different from its House companion, HB 7057, which has already passed the full House. The biggest difference between the two bills is the Senate bill provides grants that would be limited to 25 percent of the costs of the improvements, up to \$2,500, rather than 50 percent grants up to \$5,000.

SB 1864 will now be considered by the Senate General Government Appropriations Committee.

**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 both the House and Senate proposals. Mitigation is the surest way for the state to protect itself from the damaging effects of windstorm damage.**

## Property Tax Reform

The House of Representatives passed its version of property tax reform this afternoon. Three bills mainly comprise their package: HJR 7089, HB 7001, and HB 261. The first of these was HJR 7089 by the House Policy & Budget Council, a proposed Constitutional amendment that gives counties the local option of putting to referendum the repeal of property taxes in exchange for a 2.5% increase in sales tax. The debate on this issue was framed as follows – members of the majority party described the measure as the most dramatic tax cut in the history of Florida; those in the Democratic Party debated against the proposed Constitutional amendment by focusing on the potential sales tax increase and calling it the largest tax increase in the history of Florida. In the end the measure passed on a 78-40 vote. Representatives Andy Gardiner (R-Orlando) and Gayle Harrell (R-Port St. Lucie) crossed party lines and voted against the bill, while Representatives Mike Scionti (D-Tampa), Luis Garcia (D-Miami) and Ed Bullard (D-Miami) voted with the Republicans.

HB 7001 by the House Government Efficiency & Accountability Council establishes a property tax rollback to 2000-2001 levels and caps future growth for local governments. This proposal would cut property taxes by 19 percent on average and it would represent approximately \$6.3 billion dollars in savings. During debate, Representative Robert Schenck (R-Springhill) described the rollback as a “return to normalcy.” The bill passed by a unanimous (118-0) margin.

Finally, the house passed (117-1) HB 261 Relating to Just Valuation by Representative Carlos Lopez-Cantera (R-Miami). The bill changes the method used by property appraisers in deriving the just valuation of a property. In addition, it creates stricter criteria for the "highest and best use" standard used by property appraisers. Specifically, it explicitly requires consideration of any zoning or permitting requirements, physical deterioration, functionality, and costs of removal of tangible personal property in appraisal to determine an accurate value of "highest and best use." It helps businesses by requiring property appraisers to consider how much income a property generates in order to determine the value of a property.

All three bills will now be sent to the Senate for consideration.

**AIF is opposed to the idea of sales tax increase as a way to offset revenue raised by property taxes. Florida’s economy is vibrant and our state’s unemployment level is among the lowest in the country. An increase in sales tax could potentially disrupt the current state of Florida’s economy. We do however, support the provisions found in HB 261. Changes to the way property is appraised in this state are needed in order for businesses and homeowners to be fairly assessed.**

## State-Issued Cable Franchises

The Senate Community Affairs Committee passed SB 998 Relating to Cable TV/Video Services by Senator Mike Bennett (R-Bradenton). The bill provides for a statewide cable TV franchise administered by the Department of State rather than the existing method of obtaining franchises from negotiations with local governments. The effect of the change would be to expedite cable TV competition thru out the state. The bill also repeals future phone rate increases as a result of vibrant competition in the local phone market. It also ensures access to Lifeline phone service, a program to give needy citizens \$13.50 off the cost of land line phone service, by requiring state agencies to help qualified Floridians enroll in the program. This is a priority of Governor Crist.

The bill received several amendments that had been agreed upon by all parties involved. In addition, several amendments were offered during the meeting today that were viewed as unfriendly by the bill's sponsor because he had not had a chance to review them prior to the meeting. All of these amendments were withdrawn. There was much debate on the issue of public access channels. Senator Ronda Storms (R-Brandon) offered an amendment, which was adopted, that requires that cable and video service providers ask their customers whether they want to receive public access channels before providing them. This was in response to questionable, adult content that is currently being broadcast in Senator Storm's district.

There is still a long way to go before all sides involved can come to agreement on this controversial topic. Most committee members agreed to vote for the bill in order to keep it moving, but several shared that no one should interpret their affirmative vote as an endorsement of the bill. Senator Bennett closed on his bill by stating that this bill was about giving consumers the ability to have a choice as to who can provide them with cable service.

SB 998 will now be considered by the Senate General Government Appropriations Committee.

**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.**

## Health Care

SB 2348 by Senator Jeff Atwater (R-North Palm Beach) creates the "Florida Health Information Network Act", a privacy-protected and secure integrated statewide network for the communication of electronic health information among authorized parties. Currently, health information is generally stored on "islands" of information at the facilities of the health care providers who generate such information. Even if a health care provider is among the minority that has an electronic health record system, until that system is connected to the electronic health record system of other providers in the same geographical region, there is no effective and timely means to share this information.

The lack of effective access to clinical health information at the point of critical decision-making has numerous effects. Some of these problems include money spent unnecessarily on

duplicative tests and procedures, as well as problems with the quality of the health care that might be provided without complete information.

The bill also creates the Florida Information Network Advisory Council in the Executive Office of the Governor, which would serve to advise state agencies on the development of Florida's electronic health information infrastructure. This advisory group would include among others, the Secretary of Health Administration, as well as the Secretary of Health.

SB 2348 was unanimously approved and will now be heard by the Senate Health and Human Services Appropriations Committee.

SB 2348's House companion, HB 1121 by Representative Denise Grimsley (R-Sebring) was passed unanimously (118-0) by the House this afternoon and will now be sent to the Senate for consideration.

**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 House of Representatives also passed HB 1401 Relating to Health Flex Plans by Representative Jimmy Patronis (R-Panama City) on a 116-2 vote. HB 1401 is idea # 88 of the Speaker's 100 Ideas for Florida and it expands health flex plan eligibility from 200 to 250 percent of the federal poverty level (the current federal poverty level is \$20,650), thereby increasing the number of people who can become eligible for these types of plans. The bill also permits health flex plans to access the employee group market, in certain circumstances. An amendment was adopted during a previous 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.

During the floor debate, members of the Democratic Party used this bill to make the point that this bill is no solution to the uninsured population in Florida and that it represents a false sense of security because these types of plans do not provide full health insurance coverage. In his closing, Representative Patronis admitted that this was not the final solution for the uninsured crisis in Florida, but that it serves as a good first step for providing basic care for employees that do not qualify for Medicaid, but cannot afford full health insurance coverage.

HB 1401 will now be sent to the Senate for consideration.

**AIF supports the market-based solutions to the problem of Florida's uninsured found in HB 1401. 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 for low-income employees to health flex plans is sound public policy.**

## Information Technology

The House Government Efficiency & Accountability Council unanimously approved HB 1557 Relating to State Information Technology by Representative Will Weatherford (R-Zephyrhills). This bill makes significant changes to the way enterprise information technology is governed in 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 (affecting multiple state agencies at one time) issues, not day-to-day management and operations. That is left to the agencies and their secretaries/executive directors.

Under this proposal, the first year of this entity would be organizational and planning; the next year the agency head selects up to three of five named projects for enterprise change, which are:

- a. Customer relationship management,
- b. Data center consolidation,
- c. Email, messaging and calendaring service,
- d. A plan for the periodic upgrading of agency equipment (lease rather than buy),
- e. Enterprise information security.

Representative Weatherford gave a brief explanation of the bill. Representative Ed Homan (R-Temple Terrace) asked in jest, if Representative Weatherford knew how much the state spent each year on IT. He responded, \$2 Billion. Representative Geraldine Thompson (D-Orlando) asked if the functions of the new agency would be outsourced or done in house. Representative Weatherford responded it would be in house.

HB 1557 will now be heard by the House Policy & Budget Council.

**AIF supports this major overhaul of how IT systems are managed by the State. This bill represents a real improvement in enterprise IT governance and a real improvement in agency chief information officer training and responsibilities.**

## Governmental Outsourcing

This morning, the House Safety & Security Council took up HB 495 Relating to State Procurement/Contractual Services by Representative Aaron Bean (R-Fernandina Beach). The bill's sponsor respectfully asked that it be temporarily postponed after hearing testimony so that the agencies involved could continue their discussions with AIF and its Governmental Outsourcing Council's (GOC) membership. The bill would have outlined specific changes to the way outsourcing contracts are handled by state agencies for not-for-profit business entities that provide valuable health and human services.

The actions of the GOC have resulted in the Department of Financial Services (DFS) undertaking a detailed administrative process review of the affected agencies. We have also brought to light the unstable business environment created by agency action, which affects quality and continuity of care. GOC members Bob Sharpe and Mark Fontaine testified about the need for contract management reform and Keyna Cory of AIF spoke in support of the bill on behalf of Barney Bishop.

Representative Mitch Needelman (R-Melbourne) assured his fellow committee members that the agencies were determined to repair the contracting practices that resulted in this bill, and read into the record written agreements from both the Department of Children and Family Services (DCF) and the Department of Juvenile Justice (DJJ) to continue working towards an equitable solution.

Unfortunately, HB 495's Senate companion, SB 1166 by Senator Steve Wise (R-Jacksonville) will not be heard in committee. However, with Representative Needelman's pledge to bring this bill back up in the Legislature in the fall should a solution not be found in the next few months, these issues are far from postponed. DJJ, DCF, and DFS will be at the table with AIF and the GOC, and the objectives of the GOC have a good chance of being accomplished, even without a statutory fix.

Representative Bean is to be commended for his efforts on this bill, he was a good choice as House sponsor, and will be an advocate for our positions moving forward. We would also like you to thank Chairman Charlie Dean for hearing the bill over the objections of Representative Needelman.

**AIF and the GOC support legislation that creates a more efficient and sustainable business climate for the companies providing essential services to state departments and agencies. Clarifying the requirements of contracting, expected outcomes, and payment mechanisms will create a more stable environment for these business entities.**

## **Privacy**

The House Government Efficiency and Accountability Council passed proposed committee bill (PCB) GEAC 08, which reenacts a public records exemption for social security numbers contained in public records. Despite opposition from the Florida League of Cities, AIF was able to maintain the ability of commercial entities to obtain social security numbers contained in public records for legitimate commercial purposes such as matching and verifying information, credit granting, insurance purposes and other commercial uses.

The original draft allowed commercial entities to only obtain a truncated version of the social security number that included only the first 5 of the 9 digits. We successfully lobbied to change the bill to allow all 9 digits be shown to commercial entities because the first 5 digits could place the reliability of data relied upon by businesses in jeopardy.

PCB GEAC 08 is now ready to be considered on the floor of the House for final passage.

**AIF supports this legislation, as amended, because it continues to allow businesses to access critical personal identity information. Most financial institutions in our state depend on the sharing of personal information in order to cross reference loan and credit applications, verify the identity of customers, and even prevent fraud.**

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.