

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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MEDICAL MALPRACTICE

Today the House Insurance Committee passed PCB-IN-04-05 relating to Medical Negligence. This PCB addresses several issues dealing with medical negligence including: expert witness qualifications, medical review panels, and sovereign immunity for teaching physicians at the University of Miami's Jackson Memorial Hospital.

The Committee adopted an amendment by Representative Dick Kravitz (R-Jacksonville), which removed the provision prohibiting hospitals and HMOs from requiring physicians to have medical malpractice insurance as a condition to practice in a hospital or to be on an HMO's provider panel. Representative Kravitz filed the amendment at the request of AIF. It is expected that the bill will be heard on the House Floor this week.

AIF will continue to monitor this proposed legislation to make sure no bad amendments are added as it moves through the legislative process.

INSURANCE

The House Subcommittee on Insurance Regulation met today and workshopped PCB-IN-04-01 relating to Rate Modernization. This PCB provides for flexible rate regulation in certain classes of insurance including automobile insurance. The PCB would allow the Office of Insurance Regulation (OIR) to approve rates within a 12 percent plus or minus rate band for a variety of insurance lines including private passenger automobile insurance.

Some Democratic members raised concerns about the state of the automobile market and whether now is the time to make these changes. Members did not seem to have a concern with the inclusion of commercial insurance lines. Representatives from Broward County expressed concerns that the statewide average of 12 percent may disproportionately affect South Florida counties. PCB-IN-04-01 will be heard next by the House Insurance Committee.

AIF supports rate modernizations because it would promote competition in the insurance market, bring in more carriers, and drive down insurance rates for employers in Florida.

CAMPAIGN FINANCE

The Senate Ethics and Elections Committee met today and passed new campaign finance legislation. SB 2346 by Senator Tom Lee (R-Brandon) addresses issue advocacy regulation, sponsorship identification disclaimers and reporting requirements for Committees of Continuous Existence (CCE's). The intent of this legislation and the apparent goal of the sponsors of the bill is to disclose contributors to advocacy campaigns and leadership funds. SB 2346 does not address campaign contribution limits or expenditure limits, as they were taken out of the bill.

SB 2346 creates a definition for "electioneering communications" as paid issue advocacy advertisements affecting candidates or ballot issues that are run proximate to an election and, for candidate ads, are targeted to 1,000 or more persons in the district the candidate seeks to represent. The bill then regulates these issue advocacy advertisements in essentially the same manner as existing Florida law regulates political committees and persons making independent expenditures. SB 2346 would also apply disclosure regulations to "527" organizations and "501c4" organizations and their participation in the pre-defined "electioneering communications".

The bill would also close the loophole which allows CCE's to report contributions from their members on otherwise typical campaign finance reporting forms and conceal the identities of large donors. It does not, in any way, impose contribution limits towards CCE donors as once proposed. SB 2346 will be heard next by the Senate Judiciary Committee.

AIF supports responsible campaign finance legislation which requires identification disclaimers on "electioneering communications".

HEALTH CARE CONSUMERS RIGHT TO KNOW ACT

HB 701 by Representative Donna Clarke (R-Sarasota) received a favorable vote from the House Subcommittee on Health Access & Financing today. The bill requires the State of Florida to make the price and performance data (average length of stay, readmission rates, mortality rates, and infection rates) it already collects on Florida's hospitals and outpatient facilities available to the public on the internet. Currently, hospitals and surgical centers are only required to submit discharge data on a quarterly basis to the Agency for Health Care Administration (AHCA). In addition, the bill also protects consumers from unfair facility charges for non-emergency care and gives consumers the ability to audit their health care bills and patient records.

Special thanks go to Representatives: Carl Domino, Bill Galvano, Audrey Gibson, Irv Slosberg, John Stargel, Baxter Troutman, and Chair Clarke for their favorable vote on this Health Care Consumers Right to Know Act. The bill now goes to the full House Insurance Committee.

HEALTH CARE

The Senate Health Care Committee passed SB 2910 by Senator Durell Peaden (R- Crestview). This bill incorporates the following recommendations from the Governor's Trust Fund on Affordable Health Insurance:

- creation of a high risk pool for uninsured individuals;
- statewide expansion of the public/private insurance program for low income families (Health Flex Plan), and
- creation of regional health insurance purchasing pools for small employers.

During the meeting, Senator Peaden offered an AIF supported amendment which removed unnecessary coverage mandates from the bill. SB 2910 will be heard next by the Senate Banking and Insurance Committee.

AIF supports legislation that allows employers to provide or expand access to high-quality, affordable health benefits for their employees without additional government intrusion or expensive mandates. Programs such as Health Flex provide a way to address the health care needs of Florida's working poor.

Other Bills of Interest

HB 1465- LOCAL GOVERNMENT INFRASTRUCTURE SURTAX

The House Local Government & Veterans Affairs Committee unanimously passed HB 1465 by Representative Thad Altman (R-Melbourne). The “Local Government Infrastructure Surtax” bill redistributes the proceeds from local option surtax and gives additional flexibility to this tax that can be levied by local referendum. This bill provides that 50% of the surtax must be spent to finance, plan and construct infrastructure and to acquire land for public recreation or conservation of natural resources and to finance the closure of county or municipally owned solid waste landfills that are required to close by order of the Department of Environmental Protection (DEP). Additionally, 35% of the tax may be used to reduce property taxes and up to 15% can be used for operational expenses. This bill passed on a 19-0 vote with two technical amendments.

Bob McKee for the Florida Association of Counties and John Wayne Smith for the League of Cities waived their time in support of the bill. The bill will be heard next by the House State Administration Committee.

HB 1297- INSURANCE PAYMENTS/ESCROW ACCOUNTS

The House Subcommittee on Insurance Regulation passed HB 1297 by Representative Stacy Ritter (D-Coral Springs). This bill would require mortgage companies who collect insurance premiums and hold them in escrow - for payment of the property insurance policy - to pay for any reinstatement costs or damage accrued as a result of the failure to pay the premium resulting in a lapse of coverage. The bill’s next committee of reference is the full House Insurance Committee.

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