

Capitol Report - January 10, 2003

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The Florida House of Representatives and Senate both launched committee meetings this week on a trek toward the opening day of the Legislature, March 4, 2003. Much of the respective committees' time was spent on introductory fanfare and announcements from the chairs about the jurisdictional boundaries of their committees.

A multitude of issues surrounding health care and insurance clearly dominated the week's discussion, marking a clear statement about the leadership focus.

Health Care House and Senate members spent Thursday and Friday in a joint Health Care Summit. Speaker Johnnie Byrd (R-Plant City) opened the Summit by telling Legislators to use this information to help determine which aspects of health care should be given back to consumers and the private sector.

Senate President Jim King (R-Jacksonville) stated that 36% of the budget is health and human services issues and advised legislators to "think outside the box."

Health care experts from Washington described the drivers behind the spiraling costs of health care: increased technology, an aging population, the loosening of managed care and more demanding consumers.

The Summit then turned to Florida specific issues. Florida's Agency for Health Care Administration Secretary, Rhonda Meadows, discussed the pressures on hospitals from uncompensated care, the exodus of HMOs from the state, and the growing uninsured population. Discussion also focused on ways to improve Medicaid, eliminate fraud and abuse, and on the growing medical malpractice liability insurance problems. Testimony was also heard on the medical malpractice liability insurance crisis.

In a House Health Committee meeting, Chair Frank Farkas (R-St. Petersburg) told committee members that Speaker Johnnie Byrd wants a free-market approach to the provision of health care services to the greatest extent possible.

Insurance

As we have said before, by all accounts 2003 looks like it will be an insurance session. There are four major areas where we expect lawmakers to focus attention in 2003: workers' compensation, medical liability insurance, personal injury protection, and health care accessibility and financing. On the Senate side, President Jim King created a Select Committee on Automobile Insurance/PIP Reform that met this week to look at ways to reform Personal Injury Protection (PIP) insurance, a mandated element of automotive insurance. Legislative leadership is concerned about growing PIP fraud and abuse and its effect on insurance rates.

House Insurance Chair Kim Berfield (R-Clearwater) said she would create a select subcommittee on workers' compensation after the Legislature receives the recommendations of the Governor's Commission for Workers' Compensation Reform. The Commission is required to have a report by January 31, 2003, and is expected to meet one last time in Tallahassee prior to that date.

Noteworthy Bills Filed

Dept. of Community Affairs:

Senator Steve Geller (D-Hallandale), chair of the Senate Committee on Comprehensive Planning, introduced SB 186 that publicly states the Legislature's intent to transfer the powers and duties of the Dept. of Community Affairs to the Secretary of State. (DCA has jurisdiction over growth management and comprehensive planning.) The specifics about how that will happen will be amended into the bill at a later date. The bill appears to be consistent with Gov. Jeb Bush's goals for his second term.

Administrative Procedure Act:

Rep. Joe Spratt (R-Sebring) has again introduced substantive legislation (HB 23) that, among other things, attempts to expedite administrative challenges brought under Chapter 120, F. S. The bill also provides that if a state agency improperly rejects or modifies an administrative law judge's conclusion of law or an interpretation of an administrative rule over which it does not have substantial jurisdiction, then the court may award reasonable attorney's fees and costs of the appeal to the prevailing party.

Use of Credit Reports by Insurers: Senator Les Miller (D-Tampa) introduced SB 204, which would regulate the use of credit reports by insurers for underwriting and rating purposes.

Bush Appoints Diane Carr Biz Regulation Secretary

Governor Jeb Bush announced Diane W. Carr as his new Secretary of the Department of Business and Professional Regulation on Thursday. Carr will begin her new duties on January 21, 2003. Carr,

47, is a lawyer in private practice and a native Floridian. She is considered a workers' compensation specialist.

Following her graduation from law school, Carr served as an attorney with the Florida House of Representatives Committees on Governmental Operations and Commerce. She has also been an associate with Henry, Buchanan, Mick and English, P.A.; vice president for government relations, Florida Bankers Association; senior associate with Greenberg Traurig, P.A.; vice president and assistant general counsel, Associated Industries of Florida; and senior vice president and general counsel, Florida Retail Federation.

A graduate of Florida State University, Carr earned her bachelor's degree in English in 1977 and her law degree in 1988. She is a member of the Florida Bar.

Carr served on Governor Bush's Privacy and Technology and Workers' Compensations task forces, as a board member of the Southern Scholarship Foundation and as a Guardian Ad Litem. She is a graduate and lifetime member of Leadership Florida. The appointment as Secretary of Business and Professional Regulation requires Senate confirmation.

Important Legislative Dates

Proposed 2002 - 2003 Interim Committee Meeting Schedule: January 2003 – Week of the 13th: Budget Meetings January 2003 – Week of the 20th: Regular Meetings February 2003 – Week of the 3rd: Regular Meetings February 2003 – Week of the 10th: Budget Meetings February 2003 – Week of the 17th: Regular Meetings **Session Dates** March 4, 2003: Regular Session convenes · March 4, 2003: 12:00 noon, deadline for filing bills for introduction, House and Senate April 22, 2003: 50th day-last day for regularly scheduled Senate committee meetings · May 2, 2003: 60th day-last day of Regular Session

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