

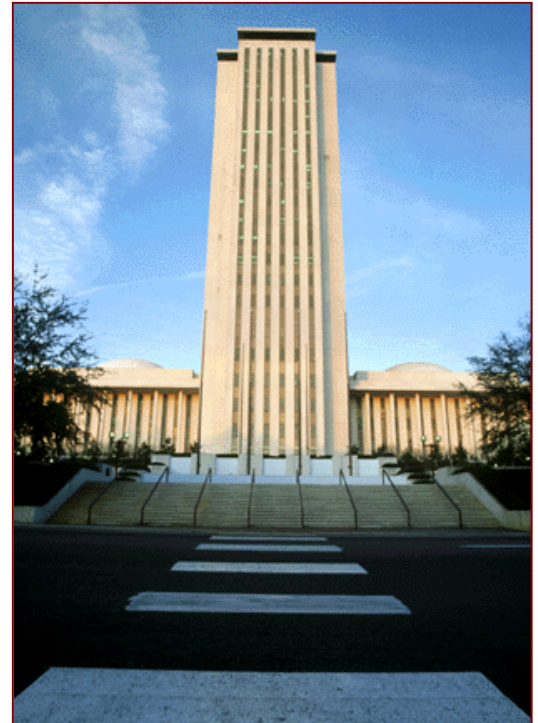


April 1, 2004

Bill Protects Sensitive Business Plans

Carlton Fields Lobbyists Pass Major Public Records Exemption Law to Protect Business Clients

The legislation advanced by Carlton Fields ensures the safety of private facilities, the employees of those facilities and the communities where they reside by exempting easily obtained private building plans, blueprints, and infrastructure schematic documents from the public record.



Governor Jeb Bush signed into law on Tuesday a major piece of business legislation that exempts from the public record building plans, blueprints, schematic drawings, and diagrams of buildings or other structures owned or operated by certain private entities. The legislation was a priority of Carlton Fields' lobbyists.

A terrorist's mission is to kill as many people as possible by one act and also to wreak havoc on the economy. Presently, government agencies hold an array of highly sensitive private industry documents, which

are all readily available to terrorists and other persons who might intend to harm.

Carlton Fields successfully argued that private industry is a primary economic driver in the state, and in some instances the sole economic driver in some communities. As a matter of policy it clearly made sense for this Legislature to do whatever it could to protect employees, employers, tourists, and the state's economy from death and destruction at the hands of others.

House Bill 317 by Rep. Ron Reagan and Senate Bill 410 by Sen. Mike Bennett, both of Bradenton, creates a public records exemption for building plans, blueprints, schematic drawings, and diagrams depicting the internal layout or structural elements of:

- Attractions and recreation facilities,
- Entertainment/resort complexes,
- Industrial complexes,
- Retail and service developments,
- Office developments, or
- Hotel or motel developments.

Drafts, preliminary, and final formats are also included within the exemption.

The enacted law allows such information to be released only to:

- Another governmental entity if disclosure is necessary for such entity to perform its duties and responsibilities;
- The owner of the structure in question or the owner's legal representative; or
- Upon a showing of good cause before a court of competent jurisdiction.

Health Insurance Reform Marches On

A major House health insurance reform package implementing two off-season studies continues to work its way to the House floor for a vote. On the Senate side, a plethora of similar bills are beginning to merge into one document for an end of session match-up.

Both chambers' positions provide for essentially the same measures, which are:

- Expanding the Health Flex Program statewide as a means of offering basic, lower-cost health care coverage to uninsured workers who have low incomes;
- Establishing purchasing pools for small employers;

- Creation of an actuarial review as to the establishment of a health plan for uninsurable and HIPAA-eligible individuals (the actuarial review will provide the 2005 Legislature with amounts needed from the State's General Revenue Fund to implement and subsidize the plan);
- Encouraging the use of evidence-based medicine;
- Encouraging the development of an electronic medical record that could be used statewide to facilitate timely access to a patient's medical records in the case of emergencies and the reduction of medical errors and;
- Facilitating the offering of Health Savings Accounts by insurers which under recent Federal Legislation allows individuals to save pre-tax monies to meet medical needs.

Carlton Fields' amendments to the bills ensure an HMO's ability to cover businesses' employees who, by virtue of their responsibilities, reside in a county outside of the employer's primary coverage area through the use of a point-of-service rider to the insurance contract. Presently such employers are left to find alternative coverage for out-of-area employees, usually few in number.

As well, Carlton Fields is working to insert in the Senate bill a provision that would omit cases involving medical procedures expressly limited from coverage in an insurance plan from being heard by a state dispute panel. Presently such cases must be heard, regardless, even though state insurance regulators have clearly approved the plan's limits. Such forced hearings increase a plan's administrative costs. The provision is currently in the House bill.

Premises Liability

The House Judiciary Committee has debated a bill relating to negligence and premises liability, sponsored by House Judiciary Chair Jeff Kottkamp. The bill is specifically limited to retail businesses with 150 or more parking spaces and is designed to give employers some guidance in defending negligence suits arising from criminal acts that occur on their premises.

Currently, business owners are sued civilly as joint defendants with the criminal perpetrator. However, due to joint and several liabilities, the business owner is frequently totally responsible for the

judgment since the criminal often does not pay any portion of the judgments.

This bill will allow both parties to present evidence at Summary Judgment or at trial demonstrating that certain safety measures were or were not taken by the business owner and these affirmative defenses can help narrow the scope of potential premises liability lawsuits. The use of such information is currently not possible at the Summary Judgment level.

The Senate has a companion bill (SB 1654) that has not yet been heard in committee.

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