



*Associated Industries of Florida*

# VOTING RECORDS

*On Key Business Issues*



**1996 Regular Session  
of the Florida Legislature**

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June 1996



*Jon L. Shebel, President & CEO*



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## **VOTING RECORDS ARE THE KEY**

The voting records contained in this booklet are of the utmost importance to your business. These records reflect how each member of the 1996 Florida Legislature voted on key issues affecting industry thus far this year.

While these are not all of the issues debated in the Legislature, they are those that had the greatest impact on the business community -- either in a fiscal or a regulatory manner. Each issue required a legislator's deliberate vote, either for or against a positive economic climate.

During a campaign it matters very little what a candidate professes he or she will do regarding a particular issue if his or her voting record cannot support that stand. Your company, its employees and its stockholders have a stake in the legislative process. We hope this information will give you the insight needed to draw your own conclusions as to whether your legislators' voting patterns have been in the best interest of your business. We urge you to become involved in the electoral process by supporting those candidates who have supported you -- and industry as a whole.

The AIF voting records are complete. In addition to votes on final passage for each business bill, we have also included committee and amendment votes. In many cases these votes are more crucial than votes on final passage. An amendment can completely alter the character of a bill. A committee vote can stall a bill or send it speeding toward final passage. AIF only tallies those votes on which we had a public position. These positions will be defined in the accompanying vote keys.

All votes taken in each chamber are tallied in the respective sections of this booklet. For example, a vote taken in the Senate on a House bill is included in the Senate section.

The votes contained in the booklet are the actual votes cast, as reported in official state records. We do not include changed or paired votes. Please remember that these votes have not been corrected by the Legislature at this time. It is still possible for official corrections to be made. These will be available in the bound Senate and House Journals in October of this year; changes will not be made to this publication. AIF records positions of members of the Legislature at the time the vote is recorded.

Sincerely,

**Jon L. Shebel**  
President & CEO



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# HOW TO READ *VOTING RECORDS*

The *Voting Records* are divided by House and Senate and then divided in each chamber by topic (i.e. Health Care, Environmental, etc.). The section on each topic begins with a key that summarizes the content and action on each selected bill. The bills are assigned issue numbers and are numbered consecutively (1, 2, 3, etc.). Each vote on an issue (bill) is identified by a lower case letter in alphabetical order. See the following example.

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**SB 2226 Computer  
Software/Ad  
Valorem Taxation by  
Sen. Locke Burt  
(R-Ormond Beach)**

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**T**his bill was filed in an effort to define "computer software" in such a manner as not to include the value of the intellectual property contained on the tape or disc used to hold the software. AIF urged the Legislature to clarify this definition so that computer software would not be assessed as tangible personal property by the County Property Appraiser. This bill failed to pass during the 1996 Legislative Session.

- Record 7a: On April 9, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

SB 2226 died on the Senate Calendar.

Following the keys in each section will be a chart that shows the voting tallies for each action on each selected issue. The first row will identify the issue and issue number (1-a, 1-b, etc.). The columns record how each senator or representative voted on the action. The letter "F" signifies that the legislator voted for the AIF position; an "A" indicates that the legislator voted against the AIF position. The last column gives the percentage of pro-business votes recorded by each legislator on that topic during the 1996 Regular and Special Sessions.

The first part of *Voting Records* carries the entire report of the Senate, beginning with the overall ranking for each senator on all issues selected by AIF, followed by the section reports. The second half gives the entire report on the House of Representatives.



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**THE FLORIDA SENATE**  
**1996 REGULAR SESSION**  
**RANKING AND RECORD ON ISSUES**

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## Senate – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	SENATOR	RANK
30	2	94	Kirkpatrick	1
40	4	91	Casas	2
29	3	91	Turner	2
35	4	90	Bronson	4
40	5	89	Beard	5
33	4	89	Dyer	5
39	5	89	Hargrett	5
31	4	89	Sullivan	5
41	6	87	Williams	9
36	6	86	Harden	10
36	6	86	Horne	10
42	7	86	Thomas	10
41	7	85	Burt	13
50	9	85	Dudley	13
46	8	85	Gutman	13
28	5	85	Meadows	13



## Senate – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	SENATOR	RANK
35	6	85	Rossin	13
22	4	85	Scott	13
31	6	84	Ostalkiewicz	19
33	7	83	Diaz-Balart	20
40	8	83	Harris	20
44	9	83	Jennings	20
43	9	83	McKay	20
36	8	82	Childers	24
51	11	82	Grant	24
39	9	81	Dantzler	26
21	5	81	Myers	26
33	8	80	Jones	28
37	10	79	Brown-Waite	29
31	8	79	Jenne	29
38	10	79	Kurth	29
34	9	79	Latvala	29



## Senate – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	SENATOR	RANK
38	11	78	<i>Bankhead</i>	33
38	12	76	<i>Crist</i>	34
34	11	76	Holzendorf	34
26	8	76	Johnson	34
33	11	75	Silver	37
38	13	75	Weinstein	37
32	11	74	Wexler	39
33	15	69	Forman	40
1437	304	83		TOTAL

Democrats in roman; *Republicans in italic*



## Senate – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	SENATOR	RANK
38	11	78	<i>Bankhead</i>	33
40	5	89	<i>Beard</i>	5
35	4	90	<i>Bronson</i>	4
37	10	79	<i>Brown-Waite</i>	29
41	7	85	<i>Burt</i>	13
40	4	91	<i>Casas</i>	2
36	8	82	<i>Childers</i>	24
38	12	76	<i>Crist</i>	34
39	9	81	<i>Dantzler</i>	26
33	7	83	<i>Diaz-Balart</i>	20
50	9	85	<i>Dudley</i>	13
33	4	89	<i>Dyer</i>	5
33	15	69	<i>Forman</i>	40
51	11	82	<i>Grant</i>	24
46	8	85	<i>Gutman</i>	13
36	6	86	<i>Harden</i>	10



## Senate – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	SENATOR	RANK
39	5	89	Hargrett	5
40	8	83	Harris	20
34	11	76	Holzendorf	34
36	6	86	Horne	10
31	8	79	Jenne	29
44	9	83	Jennings	20
26	8	76	Johnson	34
33	8	80	Jones	28
30	2	94	Kirkpatrick	1
38	10	79	Kurth	29
34	9	79	Latvala	29
43	9	83	McKay	20
28	5	85	Meadows	13
21	5	81	Myers	26
31	6	84	Ostalkiewicz	19
35	6	85	Rossin	13



## Senate – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	SENATOR	RANK
22	4	85	<i>Scott</i>	13
33	11	75	Silver	37
31	4	89	<i>Sullivan</i>	5
42	7	86	Thomas	10
29	3	91	Turner	2
38	13	75	Weinstein	37
32	11	74	Wexler	39
41	6	87	Williams	9
1437	304	83	<b>TOTAL</b>	

Democrats in roman; *Republicans in italic*

# **THE FLORIDA SENATE**

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## **EDUCATION**

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# 1996 SENATE VOTING KEYS

## EDUCATION

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**CS/CS/SB 334**  
**Charter Schools, by**  
**Sen. Don Sullivan**  
**(R-Seminole)**

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**T**his bill allows for the creation of charter schools within Florida's school system. Charter schools are public schools that are created and operated under a contract or a charter. Unlike other public schools, charter schools operate on a performance-based contract, focused on achieving outcomes and results enunciated in the charter. In return for agreeing to achieve certain results, the charter school organizers are allowed to operate free of many of the burdensome regulations applicable to other public schools.

AIF and other members of the business community supported passage of the legislation because they see charter schools as a badly needed alternative to existing methods of public school operation that have not been able to keep pace with the needs of Florida employers for a skilled and educated work force.

- Record 1a: On January 24, 1996, the Senate Education Committee passed the bill as a committee substitute by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 1b: On February 21, 1996, the Senate Judiciary Committee passed the bill as a committee substitute to the committee substitute by a vote of 5 yeas to 2 nays. A "yea" vote is a vote for the AIF position.
- Record 1c: On March 4, 1996, the Senate Ways & Means Committee passed the bill by a vote of 32 yeas to 3 nays. A "yea" vote is a vote for the AIF position.
- Record 1d: On March 7, 1996, the Senate passed the bill as amended by a vote of 35 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 334 died in the House Education Committee. On March 27, 1996, however, the House Education Committee adopted a strike-everything amendment to HB 403 that included substantially the same provisions as found in CS/CS/SB 334 as it passed the Senate on March 7, 1996. HB 403 was further amended on the House Floor then messaged to the Senate for final passage.

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**HB 403 Charter  
Schools by Rep. Joe  
Tedder  
(D-Lakeland)**

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**T**his bill allows for the creation of charter schools within Florida's school system. Charter schools are public schools that are created and operated under a contract or charter. Unlike other public schools, charter schools operate on a performance-based contract, focused on achieving outcomes and results enunciated in the charter. In return for agreeing to achieve certain results, the charter school organizers are allowed to operate free of many of the burdensome regulations applicable to other public schools.

AIF and other members of the business community supported passage of the legislation because they see charter schools as a badly needed alternative to existing methods of public school operation that have not been able to keep pace with the needs of Florida employers for a skilled and educated work force.

On March 27, 1996, the House Education Committee passed the bill by a vote of 20 yeas to 0 nays after adopting a strike-everything amendment that included substantially the same provisions as found in CS/CS/SB 334, which passed the Senate on March 7, 1996.

On April 9, 1996, the House Appropriations Committee passed the bill by a vote of 31 yeas to 5 nays.

On April 16, 1996, the House passed the bill as amended by a vote of 96 yeas to 22 nays.

On April 17, 1996, the House reconsidered the vote by which the bill passed the House the previous day and again voted to pass the bill as further amended by a vote of 96 yeas to 18 nays.

- Record 2a: On April 30, 1996, the Senate, after failing to adopt further amendments, passed HB 403 by a vote of 32 yeas to 8 nays. A "yea" vote is a vote for the AIF position.

HB 403 was ordered engrossed and enrolled.



## Senate Average on Education Issues = 86%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Education/Charter Schools	1b - Education/Charter Schools	1c - Education/Charter Schools	1d - Education/Charter Schools	2a - Charter Schools
4	0	100	<i>Bankhead</i>		F	F	F	F
3	0	100	<i>Beard</i>			F	F	F
3	0	100	<i>Bronson</i>			F	F	F
3	0	100	<i>Brown-Waite</i>			F	F	F
3	0	100	<i>Burt</i>			F	F	F
3	0	100	<i>Casas</i>			F	F	F
3	0	100	<i>Childers</i>			F	F	F
3	0	100	<i>Crist</i>			F	F	F
3	0	100	<i>Dantzler</i>			F	F	F
3	0	100	<i>Diaz-Balart</i>			F	F	F
4	0	100	<i>Dudley</i>		F	F	F	F
3	0	100	<i>Dyer</i>			F	F	F
0	3	0	<i>Forman</i>			A	A	A
5	0	100	<i>Grant</i>	F	F	F	F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Education/Charter Schools	1b - Education/Charter Schools	1c - Education/Charter Schools	1d - Education/Charter Schools	2a - Charter Schools
3	0	100	<i>Gutman</i>			F	F	F
3	0	100	<i>Harden</i>			F	F	F
2	1	67	<i>Hargrett</i>			F	F	A
3	0	100	<i>Harris</i>			F	F	F
2	1	67	<i>Holzendorf</i>			F	F	A
5	0	100	<i>Horne</i>	F	F	F	F	F
2	1	67	<i>Jenne</i>			F	F	A
3	0	100	<i>Jennings</i>			F	F	F
0	3	0	<i>Johnson</i>	A			A	A
3	1	75	<i>Jones</i>		F	F	F	A
4	0	100	<i>Kirkpatrick</i>	F		F	F	F
3	0	100	<i>Kurth</i>			F	F	F
4	0	100	<i>Latvala</i>	F		F	F	F
4	0	100	<i>McKay</i>	F		F	F	F
3	0	100	<i>Meadows</i>	F			F	F

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Education/Charter Schools	1b - Education/Charter Schools	1c - Education/Charter Schools	1d - Education/Charter Schools	2a - Charter Schools
2	0	100	<i>Myers</i>			F		F
3	0	100	<i>Ostalkiewicz</i>			F	F	F
2	0	100	Rossin				F	F
2	0	100	<i>Scott</i>				F	F
2	1	67	Silver			A	F	F
4	0	100	<i>Sullivan</i>	F		F	F	F
3	0	100	Thomas			F	F	F
3	0	100	Turner	F			F	F
0	4	0	Weinstein		A	A	A	A
1	3	25	Wexler		A	F	A	A
3	0	100	Williams			F	F	F
112	18	86	TOTAL					

F - Vote for position of AIF; A - Vote against position of AIF

Democrats in roman; Republicans in italic

**THE FLORIDA SENATE**

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**ENVIRONMENTAL**

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# ENVIRONMENTAL

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**CS/CS/SB 648**  
**Underground**  
**Petroleum Storage**  
**Tanks by Sen. Rick**  
**Dantzler**  
**(D-Winter Haven)**

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**T**he Florida Petroleum Cleanup Program was created 10 years ago to address the problem of contamination from petroleum storage systems. As the program matured, many cleanups were initiated, often at sites that, though seriously contaminated, did not pose an immediate threat to human health. As a result, the pace of cleanup work stripped the available funds. In response, during the 1995 Session, the Legislature passed SB 1290 which placed a moratorium on most petroleum cleanups effective March 27, 1995. Although the Legislature described the moratorium as a "temporary solution" and stated its intent to "fully address those issues before the regular session adjourned in 1995," a permanent solution was not reached and a moratorium remained in effect until 1996.

The moratorium gave DEP an opportunity to slow down the program and exercise greater administrative control over it. However, the moratorium had devastating consequences on Florida's property owners, lending institutions, local governments and the environment. Without assurance of cleanup, contaminated property could not be sold or operated as a business. Without a state program for cleanup, loans were not made for contaminated property, and properties were more likely to be abandoned, leaving owners and lenders with huge losses and creating blights throughout the state. Local governments lost tax revenues on useless and abandoned properties.

After grinding to a halt in the 1995 Florida Legislative Session, the expected and hoped for reform of Chapter 376's Petroleum Storage Tank Cleanup Reimbursement program finally became a reality with the passage of the 1996 legislation rewriting the Petroleum Storage Tanks Cleanup Program.

The new bill establishes a means to pay off the backlog of over \$300 million in cleanup work that has been waiting to be reimbursed from the Inland Protection Trust Fund. The backlog payoff will be accomplished through the creation of a public financing corporation which will issue certificates of indebtedness or bonds to pay off \$100 million of the backlog each year. The bill also provides for a 3 1/2 percent per year discount that will be applied to each reimbursement order in the backlog before it is paid.

The bill provides for the program to be based on a pre-approved cleanup cost with cleanup proceeding on a priority basis. In order to be eligible for reimbursement, the estimated cost of cleanup must be approved by the DEP. Furthermore, a cleanup cannot be started until cleanups have been completed or commenced on all higher ranked sites, based on the threat to human health and the environment.

A major new part of the program is the requirement for the Department of Environmental Protection to incorporate Risk Based Corrective Action (RBCA), to

the maximum extent possible. Under RBCA, the scope, and thus the cost, of a cleanup will be determined in part by the potential risk of exposure to humans and the environment.

There are many other provisions of the bill which will improve the tanks program, such as improved efficiency in the review of reimbursement applications, the assignability of the right to reimbursement, and the creation of deductibles from insurance coverage for noncompliance with certain reporting requirements.

With passage of this bill, the reimbursement program has been resurrected with a good chance to avoid the need for a second moratorium. Further, almost all of the criticisms of the program have been addressed in one form or another.

- Record 1a: On March 14, 1996, the Senate Natural Resources Committee passed the bill as a committee substitute by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1b: On April 29, 1996, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 28 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted CS/HB 1127 for CS/CS/SB 648. CS/CS/SB 648 was laid on the Table; refer to CS/HB 1127.

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**CS/HB 1127**  
**Underground**  
**Petroleum Storage**  
**Tanks by House**  
**Natural Resources**  
**Committee**

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**T**he Florida Petroleum Cleanup Program was created 10 years ago to address the problem of contamination from petroleum storage systems. As the program matured, many cleanups were initiated, often at sites that, though seriously contaminated, did not pose an immediate threat to human health. As a result, the pace of cleanup work stripped the available funds. In response, during the 1995 Session, the Legislature passed SB 1290 which placed a moratorium on most petroleum cleanups effective March 27, 1995. Although the Legislature described the moratorium as a "temporary solution" and stated its intent to "fully address those issues before the regular session adjourned in 1995," a permanent solution was not reached and a moratorium remained in effect until 1996.

The moratorium gave DEP an opportunity to slow down the program and exercise greater administrative control over it. However, the moratorium had devastating consequences on Florida's property owners, lending institutions, local governments and the environment. Without assurance of cleanup, contaminated property could not be sold or operated as a business. Without a state program for cleanup, loans were not made for contaminated property, and properties were more likely to be abandoned, leaving owners and lenders with huge losses and creating blights throughout the state. Local governments lost tax revenues on useless and abandoned properties.

After grinding to a halt in the 1995 Florida Legislative Session, the expected and hoped for reform of Chapter 376's Petroleum Storage Tank Cleanup Reimbursement program finally became a reality with the passage of CS/HB 1127.

The new bill establishes a means to pay off the backlog of over \$300 million in cleanup work that has been waiting to be reimbursed from the Inland Protection Trust Fund. The backlog payoff will be accomplished through the creation of a public financing corporation which will issue certificates of indebtedness or bonds to pay off \$100 million of the backlog each year. The bill also provides for a 3 1/2 percent per year discount that will be applied to each reimbursement order in the backlog before it is paid.

The bill provides for the program to be based on a pre-approved cleanup cost with cleanup proceeding on a priority basis. In order to be eligible for reimbursement, the estimated cost of cleanup must be approved by the DEP. Furthermore, a cleanup cannot be started until cleanups have been completed or commenced on all higher ranked sites, based on the threat to human health and the environment.

A major new part of the program is the requirement for the Department of Environmental Protection to incorporate Risk Based Corrective Action (RBCA), to the maximum extent possible. Under RBCA, the scope, and thus the cost, of a cleanup will be determined in part by the potential risk of exposure to humans and the environment.

There are many other provisions of the bill which will improve the tanks program, such as improved efficiency in the review of reimbursement applications, the assignability of the right to reimbursement, and the creation of deductibles from insurance coverage for noncompliance with certain reporting requirements.

With passage of this bill, the reimbursement program has been resurrected with a good chance to avoid the need for a second moratorium. Further, almost all of the criticisms of the program have been addressed in one form or another.

On March 20, 1996, the House Sales Tax Subcommittee of the House Finance and Taxation Committee passed the bill as a proposed committee substitute by a vote of 14 yeas to 0 nays.

On April 1, 1996, the House Finance and Taxation Committee passed the bill as a committee substitute by a vote of 27 yeas to 0 nays.

On April 23, 1996, the House Appropriations Committee passed the bill as amended by a vote of 35 yeas to 0 nays.

On April 24, 1996, the House passed the bill as amended by a vote of 118 yeas to 1 nay.

- Record 2a: On May 2, 1996, the Senate substituted CS/HB 1127 for CS/CS/SB 648 and passed the bill by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 1127 was ordered engrossed and enrolled.



## Senate Average on Environmental Issues = 100%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	1b - Underground Petroleum Storage	2a - Underground Petroleum Storage
2	0	100	<i>Bankhead</i>		F	F
2	0	100	<i>Beard</i>		F	F
3	0	100	<i>Bronson</i>	F	F	F
2	0	100	<i>Brown-Waite</i>		F	F
2	0	100	<i>Burt</i>		F	F
2	0	100	<i>Casas</i>		F	F
1	0	100	<i>Childers</i>			F
3	0	100	<i>Crist</i>	F	F	F
3	0	100	<i>Dantzler</i>	F	F	F
2	0	100	<i>Diaz-Balart</i>		F	F
1	0	100	<i>Dudley</i>			F
2	0	100	<i>Dyer</i>		F	F
2	0	100	<i>Forman</i>		F	F
2	0	100	<i>Grant</i>		F	F
2	0	100	<i>Gutman</i>		F	F
3	0	100	<i>Harden</i>	F	F	F
3	0	100	<i>Hargrett</i>	F	F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	1b - Underground Petroleum Storage	2a - Underground Petroleum Storage
2	0	100	Harris		F	F
1	0	100	Holzendorf		F	
2	0	100	Horne		F	F
2	0	100	Jenne		F	F
2	0	100	Jennings		F	F
1	0	100	Johnson			F
1	0	100	Jones			F
1	0	100	Kirkpatrick			F
2	0	100	Kurth		F	F
3	0	100	Latvala	F	F	F
2	0	100	McKay		F	F
1	0	100	Meadows			F
			Myers			
2	0	100	Ostalkiewicz		F	F
2	0	100	Rossin	F		F
1	0	100	Scott			F
2	0	100	Silver		F	F
1	0	100	Sullivan			F
1	0	100	Thomas			F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	1b - Underground Petroleum Storage	2a - Underground Petroleum Storage
1	0	100	Turner			F
2	0	100	Weinstein		F	F
2	0	100	Wexler		F	F
3	0	100	Williams	F	F	F
74	0	100	TOTAL			

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF



# **THE FLORIDA SENATE**

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## **HEALTH CARE**

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# HEALTH CARE

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**CS/SB 14 Health Insurance/Renewing Individual Coverage by Sen. Howard Forman (D-Hollywood)**

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**T**his bill creates a state COBRA law. Reforms made in Florida's health care insurance system in the early '90s were designed to provide access to health insurance for many who had been without health insurance. This bill continues that effort by providing a method for former employees and their dependents to purchase insurance after leaving their employment.

The bill allows Florida employees who work for companies with fewer than 20 employees to elect to continue coverage under the employer-provided group health plan in the event of termination of coverage. The bill requires group health plans issued in the state to allow each qualified beneficiary who would lose coverage under the group plan because of specified events to elect to continue coverage under the group policy at little more than the group rate.

The continuation of coverage provision will benefit employees and dependents of small companies with fewer than 20 employees because without this legislation they lose health coverage when they lose their employment.

- Record 1a: On March 12, 1996, the Senate Banking and Insurance Committee combined SBs 14, 30, 516, and 596 to create CS/SB 14. The committee passed CS/SB 14 by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1b: On March 21, 1996, the Senate Health Care Committee passed the bill by a vote of 5 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1c: On May 2, 1996, the Senate passed the bill by a vote of 40 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 3, 1996, the House passed the bill by a vote of 118 yeas to 0 nays. CS/SB 14 was ordered engrossed and enrolled.

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**CS/SB 204 Mental Illness Insurance Parity Act by Sen. Thomas Rossin (D-West Palm Beach)**

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**T**his bill mandates that insurers provide separate coverage for serious mental illness in group health policies and HMO contracts at a level equivalent to the coverage provided for physical conditions. Currently treatment for mental illness is covered separately and at lower benefit levels than physical illness. This bill will increase the cost of private health insurance to employers. It also would cover a number of mental illnesses that are not currently covered today. All of these illnesses are listed in the professional text and they include treatment for such ailments as homosexuality. AIF opposes this bill.

- Record 2a: On April 1, 1996, the Senate Banking and Insurance Committee passed the bill by a vote of 8 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 2b: On April 16, 1996, the Senate Health Care Committee amended the bill and passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. The amendment mandated coverage for medicines to treat serious mental illness. This remains a costly employer mandate. A “nay” vote is a vote for the AIF position.

CS/SB 204 died on the Senate Calendar.

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**CS/CS/SB 332**  
**Osteoporosis**  
**Prevention and**  
**Education by Sen.**  
**John Grant**  
**(R-Tampa)**

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**A**s originally filed, this bill would have required health insurance policies to pay for and cover screening for the diagnosis, treatment and appropriate management of osteoporosis. This is an employer mandate that would raise the cost of health insurance. As originally filed, AIF opposed this bill.

- Record 3a: On April 2, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. The bill was amended to reduce the fiscal impact on private health insurance policies. As amended, the bill requires that a health insurance policy cover the diagnosis and treatment of Osteoporosis when medically necessary for high risk populations. This should not increase the cost of health insurance. As amended, AIF supports the bill. A “yea” vote is a vote for the AIF position.
- Record 3b: On April 16, 1996, the Senate Banking and Insurance Committee passed the bill as a committee substitute to the committee substitute by a vote of 11 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

CS/CS/SB 332 was substituted by HB 397, the original bill was laid on the Table; refer to HB 397.

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**HB 397**  
**Osteoporosis**  
**Mandated Insurance**  
**Benefit by Rep.**  
**Mandy Dawson**  
**(D-Ft. Lauderdale)**

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**A**s originally filed, this bill would have required health insurance policies to pay for and cover screening for the diagnosis, treatment and appropriate management of osteoporosis. This is an employer mandate that would raise the cost of health insurance. As originally filed, AIF opposed this bill.

On March 12, 1996, the House Aging and Rehabilitation Subcommittee of the House Aging and Human Services Committee passed the bill by a vote of 5 yeas to 0 nays.

On March 14, 1996, the House Aging and Human Services Committee passed the bill by a vote of 12 yeas to 0 nays.



On April 9, 1996, the House Appropriations Committee passed the bill as amended by a vote of 31 yeas to 0 nays to reduce the fiscal impact on private health insurance policies. As amended, the bill requires that a health insurance policy cover the diagnosis and treatment of Osteoporosis when medically necessary for high risk populations. This should not increase the cost of health insurance. As amended, AIF supports the bill.

On April 26, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays.

- Record 4a: On May 2, 1996, the Senate substituted HB 397 for CS/CS/SB 332 and passed the bill by a vote of 39 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 397 was ordered engrossed and enrolled.

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**SB 350 Coverage For  
Maternity Benefits  
by Sen. Robert  
Wexler  
(D-Boca Raton)**

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**A**s originally filed, this bill would have mandated the length of stay for maternity care. In addition, it would have mandated that if the insurer offers maternity benefits, the policy must also cover a mandatory outpatient post-partum assessment and a newborn assessment for the mother and child. As originally filed, AIF would have opposed this bill because it was an employer mandate. However, a committee substitute was adopted.

The committee substitute requires that a group health policy or HMO contract may not limit coverage for the length of in-patient maternity stay or for outpatient follow-up care to a level below that which is determined to be medically necessary. The committee substitute specifically says that it will not alter any agreements between an insurer and a hospital or other health care provider addressing reimbursement for services. With these safeguards in place, AIF supports the bill.

- Record 5a: On March 19, 1996, the Senate Banking and Insurance Committee passed the bill as amended by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

SB 350 died on the Senate Calendar.

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**SB 496 Direct Access  
to Dermatology by  
Sen. Doc Myers  
(R-Stuart)**

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**T**his bill prohibits an HMO or EPO from requiring a subscriber or policyholder to obtain a referral from a network provider or primary care physician before receiving services from a dermatologist. This is known as "direct access."

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization and quality of care for dermatological services and will increase the overall cost of health care. Direct access restricts a managed care organization's ability to monitor the quality and continuity of care provided. It also reduces the primary care physician's awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost specialty services by patients for care which may have been provided by a primary care physician.

■ Record 6a: On March 21, 1996, the Senate Health Care Committee passed the bill by a vote of 3 yeas to 2 nays. A "nay" vote is a vote for the AIF position. SB 496 died on the Senate Calendar.

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**CS/CS/SB 886  
Amendment #8  
AHCA/Managed  
Care by Sen. Ginny  
Brown-Waite  
(R-Brooksville)**

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**T**his bill is an Omnibus Medicaid HMO regulation bill. AIF took no position on the bill other than a position in opposition to a single provision.

The bill required that all HMOs, commercial as well as Medicaid, maintain a medical loss ratio of 80/20. The intent of this 80/20 mandate was to ensure that an appropriate proportion of the premium dollar is spent on medical benefits for HMO enrollees. However, a state mandate for income and spending by the HMO industry would not achieve the desired result.

This 80/20 provision is micromanagement of a private corporation's balance sheets. It would tie the hands of a company and not allow them to spend money on what they might determine is important unless the state first approves the spending. For example, purchase of a new computer system would be an administrative expense. If it exceeded the state's guidelines for administrative expenses it would be disallowed. In addition, this bill would result in higher health care costs for employers who purchase health insurance through HMOs. It would force HMOs to move more administrative expenses downstream and require their physicians to shoulder more administrative burden. This would result in higher payments to physicians. AIF opposes this 80/20 provision.

■ Record 7a: On February 21, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

■ Record 7b: On March 12, 1996, Amendment #8 which would have removed the 80/20 provision failed in the Senate Banking and Insurance Committee by a vote of 4 yeas to 7 nays. A "yea" vote on the amendment is a vote for the AIF position.

- Record 7c: On March 12, 1996, the Senate Banking and Insurance Committee passed the bill as a committee substitute to the committee substitute by a vote of 8 yeas to 4 nays. A “nay” vote is a vote for the AIF position.

The 80/20 provision was removed on the Senate Floor in an amendment that was adopted with a role-call vote.

- Record 7d: On April 10, 1996, the Senate passed the bill as amended by a vote of 35 yeas to 5 nays. A “yea” vote is a vote for the AIF position.

On May 3, 1996, the House passed the bill as amended by a vote of 102 yeas to 15 nays.

- Record 7e: On May 3, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 39 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

CS/CS/SB 886 was ordered engrossed and enrolled.

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**CS/SB 910 Health  
Care Insurance/  
Preexisting-  
Conditions by Sen.  
Donald Sullivan  
(R-Seminole)**

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**M**anaged health care is a fast growing sector of the health care insurance market. However, physicians are somewhat unhappy with managed care. In response to their displeasure, they have been pushing numerous anti-managed care pieces of legislation for a number of years. This bill is a compromise designed to address their core complaints with managed care.

The bill amends various health care and insurance provisions including:

- A prohibition against individual health insurance policies excluding coverage for pre-existing conditions for longer than 18 months and requiring credit for time covered under previous qualifying coverage;
- A requirement that individual health insurance policies be guaranteed renewable;
- A definition of “emergency services and care” required to be covered by HMOs without prior authorization and related requirements for determination and payment of services for emergency medical conditions under HMO contracts;
- A requirement that HMOs provide 60 days advanced written notice to a contract provider and the department of insurance before canceling the contract of that provider without cause;
- An entitlement for claimants and their health care providers who have had a claim denied as not medically necessary to appeal the decision to a physician acting on the behalf of the insurer;
- Procedures for health care providers to seek a written opinion from the Office of the Attorney General as to whether proposed activities constitute a violation of anti-trust laws (see HB 1031 and SB 1732);



- Providing that confidential information about a practitioner obtained by the Department of Business and Professional Regulation from a consultant for the impaired practitioner program is also immune from discovery in civil actions; and
- Repeal of the fee caps on diagnostic imaging physical and rehabilitation therapy, clinical laboratory, and radiation therapy services.

This bill is a compromise which should fix some existing complaints physicians have about HMOs.

- Record 8a: On March 12, 1996, the Senate Banking and Insurance Committee passed the bill as amended by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 8b: On March 21, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 5 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 8c: On April 2, 1996, the Senate Judiciary Committee passed the bill by a vote of 5 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 8d: On May 1, 1996, the Senate passed the bill as amended by a vote of 34 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the House passed the bill by a vote of 119 yeas to 0 nays. CS/SB 910 was ordered engrossed and enrolled.

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**CS/HB 979 AHCA/  
Medicaid Managed  
Care by House  
Health Care  
Committee**

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**T**his is the comprehensive Medicaid HMO regulatory package. AIF had no position on this bill other than a position in opposition to direct access for dermatology.

This bill prohibits an HMO or EPO from requiring a subscriber or policyholder to obtain a referral from a network provider or primary care physician before receiving services from a dermatologist. This is known as "direct access."

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization and quality of care for dermatological services and will increase the overall cost of health care. Direct access restricts a managed care organization's ability to monitor the quality and continuity of care provided. It also reduces the primary care physician's awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost specialty services by patients for care which may have been provided by a primary care physician.

This bill was drafted with direct access for dermatologists included. Thus, a "nay" vote is a vote for the AIF position.

On March 20, 1996, the House Health Care Committee passed the bill as a committee substitute by a vote of 19 yeas to 0 nays.

On April 23, 1996, the House Appropriations Committee passed the bill as amended by a vote of 28 yeas to 5 nays.

On April 25, 1996, the House failed to adopt Amendment #1 by a vote of 39 yeas to 66 nays. This amendment would have deleted the direct access provisions from the bill. A "yea" vote is a vote for the AIF position.

On April 25, 1996, the House passed the bill as amended by a vote of 113 yeas to 1 nay.

- Record 9a: On May 3, 1996, the Senate passed the bill as amended by a vote of 39 yeas to 0 nays. The Senate adopted a "strike-everything-after-the-enacting-clause" amendment which did not include direct access. Thus, a "yea" vote is a vote for the AIF position.

CS/HB 979 died in House Messages.

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**CS/HB 1035 Public  
Records Health Care  
Community by Rep.  
Ben Graber  
(D-Coral Springs)**

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**T**his bill is a public records exemption to coincide with creation of the health care community anti-trust act.

The bill provides an exemption from public records requirements for information submitted by members of the health care community pursuant to a request for an anti-trust no action letter. The bill provides for future review and repeal.

On March 6, 1996, the House Oversight and Investigations Subcommittee of the House Health Care Committee passed the bill by a vote of 9 yeas to 0 nays.

On March 13, 1996, the House Health Care Committee passed the bill by a vote of 18 yeas to 0 nays.

On March 27, 1996, the House Governmental Operations Committee passed the bill as a committee substitute by a vote of 10 yeas to 0 nays.

On April 29, 1996, the House passed the bill as amended by a vote of 117 yeas to 0 nays.

- Record 10a: On May 4, 1996, the Senate passed the bill by a vote of 39 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

CS/HB 1035 was ordered engrossed and enrolled.

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**CS/SB 1086 Health  
Insurance/Maternity  
Stays by Sen.  
Howard Forman  
(D-Hollywood)**

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**A**s originally filed, this bill would have mandated the length of stay for maternity care. In addition, it would have mandated that if the insurer offers maternity benefits, the policy must also cover a mandatory outpatient post-partum assessment and a newborn assessment for the mother and child. As originally filed, AIF would oppose this bill because it is an employer mandate. However, a committee substitute was adopted.

The committee substitute requires that a group health policy or HMO contract may not limit coverage for the length of in-patient maternity stay or for outpatient follow-up care to a level below that which is determined to be medically necessary. The committee substitute specifically says that it will not alter any agreements between an insurer and a hospital or other health care provider addressing reimbursement for services. With these safeguards in place, AIF supports the bill.

- Record 11a: On March 19, 1996, the Senate Banking and Insurance Committee passed the bill by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 11b: On March 28, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 7 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 1086 died on the Senate Calendar.

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**SB 1860 AHCA/Post-  
Delivery Health  
Care by Sen. John  
McKay  
(R-Bradenton)**

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**A**s originally filed, this bill would have mandated the length of stay for maternity care. In addition, it would have mandated that if the insurer offers maternity benefits, the policy must also cover a mandatory outpatient post-partum assessment and a newborn assessment for the mother and child. As originally filed, AIF would have opposed this bill because it was an employer mandate. However, a committee substitute was adopted.

The committee substitute requires that a group health policy or HMO contract may not limit coverage for the length of in-patient maternity stay or for outpatient follow-up care to a level below that which is determined to be medically necessary. The committee substitute specifically says that it will not alter any agreements between an insurer and a hospital or other health care provider addressing reimbursement for services. With these safeguards in place, AIF supports the bill.

- Record 12a: On April 10, 1996, the Senate Banking and Insurance Committee passed the bill as amended by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 12b: On May 1, 1996, the Senate passed the bill as amended by a vote of 36 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 12c: On May 1, 1996, the Senate reconsidered the bill and passed the bill as amended by a vote of 35 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays.

■ Record 12d: On May 2, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

SB 1860 was ordered engrossed and enrolled.

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**SB 2602 Department  
of Health by Sen.  
Doc Myers (R-Stuart)**

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**A**s originally filed, this bill creates a gigantic Department of Health. It takes functions of the existing Department of Health and Rehabilitative Services and combines them with the existing Agency for Health Care Administration and requires that a physician be the secretary.

The bill would merge the delivery of health care services with the regulation of the health care marketplace. AIF opposes this concept as regulation and service delivery are two very different functions and should be separated.

As amended, the bill retains the Agency for Health Care Administration and creates a Department of Health. AIF opposes this structure because it does not protect ACHA by making it a separate department.

■ Record 13a: On March 28, 1996, the Senate Health Care Committee passed the bill as amended by a vote of 8 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

■ Record 13b: On April 15, 1996, the Senate Health and Rehabilitative Services passed the bill as amended by a vote of 7 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

SB 2602 was substituted by CS/HB 555, the original bill was laid on the Table; refer to CS/HB 555.



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**CS/HB 555**  
**Department of**  
**Health by Rep. Fred**  
**Lippman**  
**(D-Hollywood)**

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**A**s originally filed, this bill creates a gigantic Department of Health. It takes functions of the existing Department of Health and Rehabilitative Services and combines them with the existing Agency for Health Care Administration and requires that a physician be the secretary.

The bill would merge the delivery of health care services with the regulation of the health care marketplace. AIF opposes this concept as regulation and service delivery are two very different functions and should be separated.

As amended, the bill retains the Agency for Health Care Administration and creates a Department of Health. AIF opposes this structure because it does not protect ACHA by making it a separate department.

On February 20, 1996, the House Health Systems and Delivery Subcommittee of the House Health Care Committee passed the bill by a vote of 10 yeas to 0 nays.

On March 20, 1996, the House Health Care Committee passed the bill as a committee substitute by a vote of 19 yeas to 2 nays.

On April 29, 1996, the House Appropriations Committee passed the bill as amended by a vote of 35 yeas to 1 nay.

On April 30, 1996, the House passed the bill as amended by a vote of 115 yeas to 2 nays.

■ Record 14a: On May 3, 1996, the Senate substituted CS/HB 555 for SB 2602 and passed the bill as amended by a vote of 39 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

On May 3, 1996, the House concurred in the Senate amendments and passed the bill as amended by a vote of 118 yeas to 0 nays.

CS/HB 555 was ordered engrossed and enrolled.

## Senate Average on Health Care Issues = 83%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Indiv.	1b - Health Ins./Renewing Indiv.	1c - Health Ins./Renewing Indiv.	2a - Mental Illness Insurance Parity	2b - Mental Illness Insurance Parity	3a - Osteoporosis Prev. & Education	3b - Osteoporosis Prev. & Education	5a - Coverage for Maternity Benefit	4a - Osteoporosis Mandated Insurance	6a - Direct Access to Dermatology	7a - AHCA/Managed Care	7b - AHCA/Managed Care	7c - AHCA/Managed Care
12	5	71	<i>Bankhead</i>			F		A	F			F		A		
10	1	91	<i>Beard</i>			F						F				
10	1	91	<i>Bronson</i>			F						F				
13	4	76	<i>Brown-Waite</i>		F	F		A	F			F		A		
9	2	82	<i>Burt</i>			F						F				
10	1	91	<i>Casas</i>			F						F				
15	4	79	<i>Childers</i>			F			F	F	F	F	A			
14	5	74	<i>Crist</i>		F	F		A	F			F	A	A		
10	1	91	<i>Dantzler</i>			F						F				
9	2	82	<i>Diaz-Balart</i>			F						F			A	
16	4	80	<i>Dudley</i>	F		F	A			F	F	F			A	A
9	1	90	<i>Dyer</i>			F						F				
15	5	75	<i>Forman</i>		F	F		A	F			F	F	A		
17	4	81	<i>Grant</i>	F		F	A			F	F	F			A	A
16	3	84	<i>Gutman</i>	F		F	A			F	F	F			A	F
9	1	90	<i>Harden</i>			F						F				
9	0	100	<i>Hargrett</i>			F						F				
16	4	80	<i>Harris</i>	F		F	A			F	F	F			A	A

F - Vote for position of AIF; A - Vote against position of AIF

**Senate Average on Health Care Issues (continued)**

	7d - AHCA/Managed Care	7e - AHCA/Managed Care	8a - Preexisting-Conditions/Health	8b - Preexisting-Conditions/Health	8c - Preexisting-Conditions/Health	8d - Preexisting-Conditions/Health	9a - AHCA/Medicaid Man. Care	10a - Public Records/Health Care	11a - Health Insurance/Maternity Stay	11b - Health Insurance/Maternity Stay	12a - AHCA/Post-Delivery Health Care	12b - AHCA/Post-Delivery Health Care	12c - AHCA/Post-Delivery Health Care	12d - AHCA/Post-Delivery Health Care	13a - Department of Health	13b - Department of Health	14a - Department of Health
<i>Bankhead</i>	F	F				F	F	F		F		F	F	F	A	A	A
<i>Beard</i>	F	F				F	F	F				F	F	F			A
<i>Bronson</i>	F	F				F	F	F				F	F	F			A
<i>Brown-Waite</i>	F	F		F			F	F		F		F	F	F	A		A
<i>Burt</i>	A	F				F	F	F				F	F	F			A
<i>Casas</i>	F	F				F	F	F				F	F	F			A
<i>Childers</i>	A	F				F	F	F	F	F	F	F	F	F	A		A
<i>Crist</i>	F	F		F		F	F	F		F		F	F	F	A		A
<i>Dantzler</i>	F	F				F	F	F				F	F	F			A
<i>Diaz-Balart</i>	F	F				F	F	F				F		F			A
<i>Dudley</i>	F	F	F		F		F	F	F		F	F	F	F			A
<i>Dyer</i>	F	F					F	F				F	F	F			A
<i>Forman</i>	F	F		F		F	F	F		F		F	F	F	A	A	A
<i>Grant</i>	F	F	F		F	F	F	F	F		F	F	F	F			A
<i>Gutman</i>	F	F	F			F	F	F	F			F	F	F			A
<i>Harden</i>	F	F				F	F	F				F		F			A
<i>Hargrett</i>	F	F				F	F	F					F	F			
<i>Harris</i>	F	F	F			F	F	F	F		F	F	F	F			A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Indiv.	1b - Health Ins./Renewing Indiv.	1c - Health Ins./Renewing Indiv.	2a - Mental Illness Insurance Parity	2b - Mental Illness Insurance Parity	3a - Osteoporosis Prev. & Education	3b - Osteoporosis Prev. & Education	5a - Coverage for Maternity Benefit	4a - Osteoporosis Mandated Insurance	6a - Direct Access to Dermatology	7a - AHCA/Managed Care	7b - AHCA/Managed Care	7c - AHCA/Managed Care
14	3	82	Holzendorf	F		F	A			F	F	F			F	F
11	2	85	Horne			F						F				
12	3	80	Jenne	F		F	A			F		F			F	A
16	4	80	Jennings	F		F	A			F	F	F			A	A
9	1	90	Johnson			F						F				
10	1	91	Jones			F						F				
9	1	90	Kirkpatrick			F						F				
15	5	75	Kurth		F	F		A	F			F	F	A		
8	3	73	Latvala			F						F				
13	3	81	McKay	F		F						F			A	A
9	2	82	Meadows			F						F				
9	2	82	Myers			F										
8	2	80	Ostalkiewicz			F						F				
17	3	85	Rossin	F		F				F	F	F			F	A
7	1	88	Scott			F						F				
13	5	72	Silver		F	F		A				F	A	A		
10	1	91	Sullivan			F						F				
17	2	89	Thomas	F		F				F	F	F			A	F
10	1	91	Turner			F						F				
11	1	92	Weinstein			F						F				

F - Vote for position of AIF; A - Vote against position of AIF



	7d - AHCA/Managed Care	7e - AHCA/Managed Care	8a - Preexisting-Conditions/Health	8b - Preexisting-Conditions/Health	8c - Preexisting-Conditions/Health	8d - Preexisting-Conditions/Health	9a - AHCA/Medicaid Man. Care	10a - Public Records/Health Care	11a - Health Insurance/Maternity Stay	11b - Health Insurance/Maternity Stay	12a - AHCA/Post-Delivery Health Care	12b - AHCA/Post-Delivery Health Care	12c - AHCA/Post-Delivery Health Care	12d - AHCA/Post-Delivery Health Care	13a - Department of Health	13b - Department of Health	14a - Department of Health
Holzendorf	A	F	F			*	F	F	F		F			F			A
Horne	F	F			F	F	F	F				F	F	F		A	A
Jenne	F	F	F				F	F			F			F			A
Jennings	F	F	F			F	F	F	F		F	F	F	F			A
Johnson	F	F				F	F	F				F	F				A
Jones	F	F				F	F	F				F	F	F			A
Kirkpatrick	F	F				F		F				F	F	F			A
Kurth	F	F		F		F	F	F		F		F	F	F	A	A	A
Latvala	A	F				F	F	A				F	F	F			A
McKay	F	F	F			F	F	F			F	F	F	F			A
Meadows	A	F				F	F	F				F	F	F			A
Myers	F	F				F	F	F				F	F	F	A		A
Ostalkiewicz	F					F	F	F				F	F			A	A
Rossin	F	F	F			F	F	F	F		F	F	F	F		A	A
Scott	F	F					F	F						F			A
Silver	F	F		F		F	F	F		F		F	F	F	A		A
Sullivan	F	F				F	F	F				F	F	F			A
Thomas	F	F	F			F	F	F	F		F	F	F	F			A
Turner	F	F				F	F	F				F	F	F			A
Weinstein	F	F			F	F	F	F				F	F	F			A

F - Vote for position of AIF; A - Vote against position of AIF



	7d - AHCA/Managed Care	7e - AHCA/Managed Care	8a - Preexisting-Conditions/Health	8b - Preexisting-Conditions/Health	8c - Preexisting-Conditions/Health	8d - Preexisting-Conditions/Health	9a - AHCA/Medicaid Man. Care	10a - Public Records/Health Care	11a - Health Insurance/Maternity Stay	11b - Health Insurance/Maternity Stay	12a - AHCA/Post-Delivery Health Care	12b - AHCA/Post-Delivery Health Care	12c - AHCA/Post-Delivery Health Care	12d - AHCA/Post-Delivery Health Care	13a - Department of Health	13b - Department of Health	14a - Department of Health
Wexler	F	F			F	F	F	F				F	F	F			A
Williams	F	F				F	F	F	F			F	F	F		A	A
TOTAL																	

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF

**THE FLORIDA SENATE**

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**LEGAL & JUDICIAL**

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## LEGAL & JUDICIAL

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**CS/SB 12 Medicaid  
Third Party Liability  
Limits to Tobacco by  
Sen. Buddy Dyer  
(D-Orlando)**

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**T**his bill limits the 1994 amendments to Florida's Medicaid Third Party Liability Act to cigarette manufacturers only.

Florida's Medicaid Third Party Liability Act allows the state to sue any wholesaler, retailer, manufacturer or distributor of any product in order to recover Medicaid costs. The law removes all of a defendant's affirmative defenses, imposes joint and several liability, allows proof of causation by statistics, imposes market share liability, allows for class action suit and aggregation of claims, keeps names of Medicaid recipients secret, requires that all extrinsic areas of common law be construed against the defendant, requires that the Florida evidence code be construed against the defendant and contains many other unfair and disadvantageous provisions.

Subsequent to passage of these amendments to the Medicaid Third Party Liability Act in 1994, Governor Lawton Chiles maintained that he would only use this new law against tobacco companies. This bill is an effort to narrow the application of this law to cigarette manufacturers only.

The bill also attempts to tilt the scales of justice back towards the middle by reinstating all defenses except for assumption of the risk and comparative fault. It also deletes joint and several liability, deletes the section requiring that the evidence code be liberally construed against the defendant, deletes the section requiring that all extrinsic bodies of law be liberally construed against the defendant and reimposes the statute of repose.

AIF opposes this bill because the provisions that it retains are unfair even if only applied to a single product manufacturer. The bill retains removal of defenses, it applies market share liability, it retains class action status, it makes cross-examination impossible because identification of Medicaid patients is secret, it allows causation to be proven by statistics and allows the 1994 Third Party Liability amendments to reach back to claims made for payment of Medicaid costs since 1990. AIF believes these provisions are unfair to defendants and cannot support a bill that allows the state to apply different rules to one defendant than it does to another simply because the state decides it does not like that defendant's products.

- Record 1a: On March 25, 1996, the Senate Commerce Committee combined SBs 12 and 406 to create CS/SB 12. The Committee passed the bill as a committee substitute by a vote of 10 yeas to 4 nays. A "nay" vote is a vote for the AIF position.

■ Record 1b: On April 23, 1996, the Senate Judiciary Committee passed the bill as amended by a vote of 4 yeas to 3 nays. A “nay” vote is a vote for the AIF position.

■ Record 1c: On May 3, 1996, the Senate passed the bill as amended by a vote of 35 yeas to 3 nays. A “nay” vote is a vote for the AIF position.

CS/SB 12 died in House Messages.

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**SJR 74 Ratification  
of Proposed  
Constitutional  
Amendments by  
Sen. Locke Burt  
(R-Ormond Beach)**

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**T**his bill, filed as a joint resolution, raises the number of voters needed to ratify proposed constitutional amendments to three-fifths of the electors voting on an amendment once placed on the ballot rather than the simple majority required under present law.

AIF supported the bill as a means of ensuring greater participation by the electorate in amending the document embodying the fundamental principles of Florida government. From the perspective of the business community, enactment and ratification would provide greater stability to the state’s many businesses that are wary of having the most basic rules by which they operate changed out from under them.

■ Record 2a: On April 9, 1996, the Senate Executive Business, Ethics & Elections Committee passed the bill by a vote of 6 yeas to 2 nays. A “yea” vote is a vote for the AIF position.

SJR 74 died in the Senate Judiciary Committee.

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**CS/SB 282  
Non-Compete  
Agreements by Sen.  
John Grant  
(R-Tampa)**

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**C**S/SB 282 represents a comprehensive revision of the law as it relates to enforcement of non-compete agreements. Many employers use non-compete clauses in employment contracts to protect their business from unfair competition. Enforcement of non-compete clauses protect employers by preventing former employees from using proprietary information, such as customer lists or trade secrets, to the detriment of the former business. Enforcement is usually accomplished by injunction. However, Florida appellate courts have inconsistently interpreted the law since the Florida Legislature amended it in 1990.

This bill should clear up any confusion caused by the 1990 amendments and it strikes a delicate balance in protecting the interests of employers from unfair competition and the interests of workers in pursuing a chosen trade or profession.

■ Record 3a: On March 19, 1996, the Senate Commerce and Economic Development Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

- Record 3b: On April 10, 1996, the Senate Judiciary Committee combined SBs 282 and 1224 to create CS/SB 282 and passed the bill as a committee substitute by a vote of 5 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 282 was substituted by CS/HB 611; the original bill was laid on the Table; refer to CS/HB 611.

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**CS/HB 611**  
**Non-Compete**  
**Agreements by Rep.**  
**Bill Sublette**  
**(R-Orlando)**

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**C**S/HB 611 represents a comprehensive revision of the law as it relates to enforcement of non-compete agreements. Many employers use non-compete clauses in employment contracts to protect their business from unfair competition. Enforcement of non-compete clauses protect employers by preventing former employees from using proprietary information, such as customer lists or trade secrets, to the detriment of their former employer. Enforcement is usually accomplished by injunction. However, Florida appellate courts have inconsistently interpreted the law since the Florida Legislature amended it in 1990.

This bill should clear up any confusion caused by the 1990 amendments and it strikes a delicate balance in protecting the interests of employers from unfair competition and the interests of workers in pursuing a chosen trade or profession.

On March 6, 1996, the House Court Systems, Probate & Consumer Law Subcommittee of the House Judiciary Committee passed the bill by a vote of 8 yeas to 0 nays.

On March 20, 1996, the House Judiciary Committee combined HBs 375 and 611 to create CS/HB 611 and passed the bill as a committee substitute by a vote of 13 yeas to 0 nays.

On April 25, 1996, the House passed the bill as amended by a vote of 114 yeas to 0 nays.

- Record 4a: On May 1, 1996, the Senate substituted CS/HB 611 for CS/SB 282 and passed the bill by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 611 was ordered engrossed and enrolled.

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**SB 964 Telephone**  
**Solicitation in**  
**Political Campaigns**  
**by Sen. Charlie Crist**

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**T**his bill proposes significant changes to the Florida Election Code, including extensive regulation of telephone calls made in the context of political campaigns. Specifically, the bill requires that a candidate, political party, political committee, committee of continuous existence, or other person conducting a political poll or engaging in any form of political solicitation using the telephone which relates to a candidate, ballot proposal, or political organization must identify the person or organization paying for the call.

AIF opposed the enactment of the disclaimer requirement as being an over-broad regulation of political speech not tailored to specific problems identified in recent political campaigns.

On March 5, 1996, the bill was considered by the Senate Executive Business, Ethics & Elections where committee members Sen. Karen Johnson (D-Leesburg) and Sen. Jack Latvala (R-Palm Harbor), on behalf of AIF, encouraged the Committee to adopt amendments that would at least exempt polling calls from the disclaimer requirements. Most pollsters do not give their employee/callers any information about the client on whose behalf they are making the calls so that the callers will not then be tempted to frame questions in order to elicit a particular response. These amendments were not adopted.

- Record 5a: On March 5, 1996, the Senate Executive Business, Ethics & Elections Committee passed the bill by a vote of 6 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 5b: On April 19, 1996, the Senate passed the bill by a vote of 37 yeas to 0 nays. A “nay” vote is a vote for the AIF position.

SB 964 died in messages to the House.

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**CS/SB 2222 Civil  
Cause of Action For  
Damages/HMOs by  
Sen. Ron Silver  
(D-North Miami  
Beach)**

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**C**S/SB 2222 creates a civil cause of action against a health maintenance organization or prepaid health plan for failure to provide services. The bill also provides for attorney's fees to be awarded if the plaintiff prevails. However, the HMO would not receive attorney's fees if it prevails.

CS/SB 2222 does not require plaintiffs, in order to prevail in an action under the section, to prove that the HMO acted with such frequency as to indicate a general business practice. Under the HMO statutes, an HMO is guilty of an unfair claim settlement practice when the HMO commits or performs acts “with such a frequency as to indicate a general business practice.” In addition, HMO enabling laws provide that it is a violation of law and an unfair claim or settlement practice to fail to provide a subscriber with services, care or treatment contracted for without a reasonable basis to believe a legitimate defense exists for not providing them. The changes in CS/SB 2222, which dispense with the requirement of showing that the HMO failed to provide services as a general business practice, would allow a plaintiff to recover if an HMO merely fails to provide services on one occasion. This would result in huge cost increases for HMOs.

HMOs are very different from indemnity health insurance policies. Health services are prepaid with an HMO. HMOs engage in utilization review. They routinely deny care as being not “medically necessary.” If an HMO is sued, or even threatened of being sued, every time it tells a subscriber it cannot get an expensive, high-tech, unnecessary treatment, the cost of HMOs would rise dramati-



cally. This would cause fewer employers to be able to provide health care insurance for their employees. This bill would also affect the quality of care given in HMOs. It would diminish the role of the primary care physician because the judgment by that doctor that a procedure is not medically necessary would be meaningless. Instead, plaintiff attorneys and juries would be making decisions regarding the medical necessity of every kind of treatment.

AIF opposes this bill as it is another attempt by plaintiff attorneys to collect attorney's fees, coerce settlements, and raise the cost of doing business in this state. It gives no benefits to a person who is paying for health services through an HMO contract.

- Record 6a: On March 21, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 7 yeas to 0 nays. A "nay" vote is a vote for the AIF position.
- Record 6b: On April 10, 1996, the Senate Judiciary Committee passed the bill by a vote of 7 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

CS/SB 2222 was substituted by CS/HB 1853, the original bill was laid on the Table; refer to CS/HB 1853.

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**CS/HB 1853 HMO  
Civil Cause of Action  
by Rep. Debra  
Prewitt  
(D-New Port Richey)**

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**C**S/HB 1853 creates a civil cause of action against a health maintenance organization or prepaid health plan for failure to provide services. The bill also provides for attorney's fees to be awarded if the plaintiff prevails, the HMO would not receive attorney's fees if it prevails.

Under the HMO statutes, an HMO is guilty of an unfair claim settlement practice when the HMO commits or performs acts "with such a frequency as to indicate a general business practice." In addition, HMO enabling laws provide that it is a violation of law and an unfair claim or settlement practice to fail to provide a subscriber with services, care or treatment contracted for without a reasonable basis to believe a legitimate defense exists for not providing them. This bill creates a civil remedy for bad faith. CS/HB 1853 does not require plaintiffs, in order to prevail in an action under the section, to prove that the HMO acted with such frequency as to indicate a general business practice. HB 1853 would allow a plaintiff to recover if an HMO merely fails to provide services on one occasion. This would result in huge cost increases for HMOs.

HMOs are very different from indemnity health insurance policies. Health services are prepaid with an HMO. HMOs engage in utilization review. They routinely deny care as being not "medically necessary." If an HMO is sued, or even threatened of being sued, every time it tells a subscriber it cannot get an expensive, high-tech, unnecessary treatment, the cost of HMOs would rise dramatically. This would cause fewer employers to be able to provide health care insur-

ance for their employees. This bill would also affect the quality of care given in HMOs. It would diminish the role of the primary care physician because the judgment by that doctor that a procedure is not medically necessary would be meaningless. Instead, plaintiff's attorneys and juries would be making decisions regarding the medical necessity of every kind of treatment.

AIF opposes this bill as it is another attempt by plaintiff attorneys to collect attorney's fees, coerce settlements and raise the cost of doing business in this state.

On March 20, 1996, the House Judiciary Committee passed the bill as a committee substitute by a vote of 14 yeas to 1 nay.

On April 30, 1996, the House passed the bill as amended by a vote of 117 yeas to 0 nays.

On April 30, 1996, the House reconsidered the bill and passed the bill as amended by a vote of 119 yeas to 0 nays.

- Record 7a: On May 2, 1996, the Senate substituted CS/HB 1853 for CS/SB 2222 and passed the bill by a vote of 39 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

CS/HB 1853 was ordered engrossed and enrolled.

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**CS/SB 2290**  
**Administrative**  
**Procedure Act/**  
**Committee's Report**  
**by Sen. Charles**  
**Williams**  
**(D-Live Oak)**

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**T**he Constitution of Florida creates three branches of government to provide checks and balances on each other. The problem with the Florida Administrative Procedure Act (APA) is that it forces the private sector to be the check and balance on the executive branch, with no risk or repercussion to the agency for overstepping its delegated legislative authority. This balance is achieved at a tremendous cost to the private sector.

The Judicial branch should balance the executive branch. The legislative branch makes policy, the executive branch implements policy and the judicial branch interprets and enforces legislative intent. The problem of overzealous agencies will not be solved until the private sector is no longer the balancer.

Merely reducing the number of rules promulgated does not resolve the problem of overzealous agencies. In fact, it is vitally important that government adhere to strict rules when determining the rights of citizens. Thus, rulemaking is essential. It is necessary that a mechanism be put in the APA which restricts the agencies from going beyond the authority never granted to them by the Legislature. The private sector desperately needs agencies to tell it what lawmakers demand of the private sector.

Historically, case law has dictated that interpreted rules adopted by the APA rulemaking procedure "should be accorded a most weighty presumption of the

validity," placing a nearly impossible burden to meet on the petitioner challenging a proposed or adopted rule.

In 1995, the Legislature passed CS/CS/SB 536 and HB 2543 to reform the APA and to shift the burden of proving a rule as a valid exercise of delegated legislative authority from the private citizen to the agency. The bill provided that a rule does not carry a presumption of validity and the agency must prove by competent substantial evidence that the rule was a valid delegation of legislative authority and is not arbitrary.

However, in 1995, Governor Lawton Chiles vetoed CS/CS/SB 536 and appointed the Governor's APA Review Commission. In February 1996, the Governor's APA Review Commission released its report and recommendations for revisions of the APA. CS/SB 2290 combines provision of the 1995 bill, CS/CS/SB 536, with the findings of the Governor's APA Commission.

CS/SB 2290 includes provisions to level the playing field in rule challenges whereby a proposed rule is no longer presumed to be valid. Rather, once a challenger objects to a proposed rule, then the agency has the burden to prove the validity of the proposed rule as to the objections raised. If the agency fails to meet its burden of proof, then the challenger is entitled to an award of the court cost and reasonable attorney's fees, unless the agency demonstrates that its actual course substantially justifies.

The bill also provides for negotiated rulemaking by agencies and for consideration of the impact of adoption of rules on small businesses, small counties and small cities. Agencies may be required to prepare Statements of Estimated Regulatory Costs, which includes additional operating costs and the costs of monitoring and reporting to affected persons. Rules may be held invalid for failure to comply with the issuance of a Statement of Estimated Regulatory Costs when required.

The bill imposes new limits on agency rulemaking authority by requiring that agencies may adopt only rules that implement, interpret, or make specific or particular powers and duties granted by the enabling statutes. No agency is authorized to implement statutory provisions setting forth general legislative intent or policy. Further, no agency is authorized to adopt a rule merely because it is reasonably related to the purpose of the enabling legislation.

Administrative agencies are still required to adopt their policies using the rulemaking procedures described in the APA. Agencies additionally will have the burden of demonstrating that any unadopted policies meet certain requirements, thus, encouraging agencies to adopt their policies as rules. However, agencies are authorized to grant waivers or variances to their adopted rules, thus, providing flexibility in the application of these rules.

An agency may not condition the approval of any license on compliance with the policies of another agency, unless certain requirements are met. Among

other things, the other agency must identify specific legal authority for the policy, and a licensing agency must provide the licensees with an opportunity to challenge the condition as invalid.

■ Record 8a: On March 21, 1996, the Senate Governmental Reform and Oversight Committee combined SBs 2288 and 2290 to create CS/SB 2290. The committee substitute passed by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 8b: On April 3, 1996, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 18, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays.

■ Record 8c: On April 25, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 39 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 2290 was signed by the Governor and became Chapter Law #96-159.

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**CS/SB 2774 Lobbyist  
Expenditure Reports,  
by Sen. Ken Jenne  
(D-Ft. Lauderdale)**

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**T**his bill is the result of a compromise between AIF and Common Cause relating to the reporting of lobbyist expenditures. AIF led the charge on behalf of the business community to reform the stringent lobbyist reporting requirements that were enacted by the Legislature in 1993, when the reporting law was completely overhauled. The vehicle for this reform work was HB 441 by Rep. Burt Saunders (R-Naples), which he filed on behalf of Common Cause to incorporate penalty provisions in the law governing lobbyists reports.

The compromise on how best to put teeth in the law while making it easier to comply with was brokered by the House Ethics & Elections Committee, using the workshop method. When the bill was first considered in the Senate by the Executive Business, Ethics & Elections Committee, that committee adopted the compromise crafted in the House. Major provisions in the compromise are as follows:

- Legislative lobbyist expenditure reports must be filed twice a year rather than the four times a year now required.
- Expenditure reports are due 45 days after the end of the reporting periods which run from January 1 through the end of Regular Session, and from Sine Die through December 31.
- The designated lobbyist for a principal is required to file reports of his/her expenses, plus those of the principal, but no longer has to file the consolidated report in cases where multiple lobbyists are representing a single principle.
- Fifty-dollar-a-day fines for late reports.

■ Record 9a: On April 1, 1996, the Senate Executive Business, Ethics & Elections Committee passed the compromise supported by AIF as a committee substitute by a vote of 5 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 9b: On April 16, 1996, the Senate Rules & Calendar Committee passed the bill by a vote of 15 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 9c: On April 19, 1996, the Senate passed the bill by a vote of 35 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 29, 1996, CS/SB 2774 was substituted for CS/HB 441 on the House Floor where technical amendments were adopted, requiring its return to the Senate for a vote on final passage. The House passed the bill by a vote of 115 yeas to 0 nays.

■ Record 9d: On May 1, 1996, the Senate concurred in the House amendments to CS/SB 2774 and passed the bill as amended by a vote of 37 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 2774 was ordered engrossed and enrolled.

## Senate Average on Legal &amp; Judicial Issues = 62%

	TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Medicaid Third Party/Limiting	1b - Medicaid Third Party/Limiting	1c - Medicaid Third Party/Limiting	2a - Constitutional Amendments/Voting	3a - Non-Compete Agreements	3b - Non-Compete Agreements	4a - Non-Compete Agreements	5a - Telephone Solicitations	5b - Telephone Solicitations	6a - HMO Civil Cause of Action	6b - HMO Civil Cause of Action	7a - HMO Civil Cause of Action	8a - Admin. Procedure Act	8b - Admin. Procedure Act	8c - Admin. Procedure Act	9a - Lobbyist Expenditure Reports	9b - Lobbyist Expenditure Reports	9c - Lobbyist Expenditure Reports	9d - Lobbyist Expenditure Reports
	7	5	58			F	A				F	A	A	A	A	A		F	F		F	F	F
	7	3	70		F		A		F		F		A	A		A		F	F			F	F
	6	2	75				F				F		A			A		F	F			F	F
	7	5	58				A	F			F	A	A	A		A		F	F	F		F	F
	8	4	67		A		A		F		F		A			A	F	F	F		F	F	F
	6	3	67		F		A				F		A			A		F	F			F	F
	6	4	60				A	F			F		A	A		A		F	F			F	F
	7	6	54				A	A			F	A	A	A		A		F	F	F	F	F	F
	7	4	64		A		A		F		F		A			A		F	F		F	F	F
	6	3	67		F		A				F		A			A		F	F			F	F

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Medicaid Third Party/Limiting	1b - Medicaid Third Party/Limiting	1c - Medicaid Third Party/Limiting	2a - Constitutional Amendments/Voting	3a - Non-Compete Agreements	3b - Non-Compete Agreements	4a - Non-Compete Agreements	5a - Telephone Solicitations	5b - Telephone Solicitations	6a - HMO Civil Cause of Action	6b - HMO Civil Cause of Action	7a - HMO Civil Cause of Action	8a - Admin. Procedure Act	8b - Admin. Procedure Act	8c - Admin. Procedure Act	9a - Lobbyist Expenditure Reports	9b - Lobbyist Expenditure Reports	9c - Lobbyist Expenditure Reports	9d - Lobbyist Expenditure Reports
11	3	79	Dudley	F	F	F			F	F	A	A		A	A	F	F	F		F	F	F
6	3	67	Dyer			A				F	A	A			A	F	F	F			F	F
5	4	56	Forman			A				F	A	A	A		A		F	F			F	F
8	6	57	Grant	A	A	A		F	F	F	A	A		A	A		F	F		F	F	F
5	4	56	Gutman	A		A		F		F	A	A			A		F				F	F
6	5	55	Harden			A	A			F	A	A			A	F	F	F			F	F
6	3	67	Hargrett			A				F		A			A		F	F		F	F	F
6	3	67	Harris			A				F		A			A	F	F	F			F	F
4	2	67	Holzendorf	A								A				F	F	F			F	
6	3	67	Horne		F	A			F	F				A	A		F	F				F
3	3	50	Jenne			A						A			A			F		F	F	
8	4	67	Jennings	A		A		F		F		A			A	F	F	F		F	F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Medicaid Third Party/Limiting	1b - Medicaid Third Party/Limiting	1c - Medicaid Third Party/Limiting	2a - Constitutional Amendments/Voting	3a - Non-Compete Agreements	3b - Non-Compete Agreements	4a - Non-Compete Agreements	5a - Telephone Solicitations	5b - Telephone Solicitations	6a - HMO Civil Cause of Action	6b - HMO Civil Cause of Action	7a - HMO Civil Cause of Action	8a - Admin. Procedure Act	8b - Admin. Procedure Act	8c - Admin. Procedure Act	9a - Lobbyist Expenditure Reports	9b - Lobbyist Expenditure Reports	9c - Lobbyist Expenditure Reports	9d - Lobbyist Expenditure Reports
7	4	64	Johnson			A	F	F		F	A	A			A		F	F	F	F	F	F
5	6	45	Jones	A	A	A		F		F		A		A	A		F	F			F	F
5	1	83	Kirkpatrick							F					A		F	F		F		F
5	4	56	Kurth			A				F		A	A		A		F	F			F	F
7	4	64	Latvala			A	F			F	A	A			A		F	F	F		F	F
6	4	60	McKay	A		A		F		F		A			A		F	F		F		F
6	3	67	Meadows			A				F		A			A		F	F		F	F	F
4	3	57	Myers			A				F		A			A			F			F	F
5	3	63	Ostalciewicz			A				F		A			A		F	F			F	F
5	3	63	Rossin			A				F		A			A		F	F			F	F
4	3	57	Scott			A						A			A		F	F			F	F
4	4	50	Silver			A		F		F		A	A		A		F	F				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Medicaid Third Party/Limiting	1b - Medicaid Third Party/Limiting	1c - Medicaid Third Party/Limiting	2a - Constitutional Amendments/Voting	3a - Non-Compete Agreements	3b - Non-Compete Agreements	4a - Non-Compete Agreements	5a - Telephone Solicitations	5b - Telephone Solicitations	6a - HMO Civil Cause of Action	6b - HMO Civil Cause of Action	7a - HMO Civil Cause of Action	8a - Admin. Procedure Act	8b - Admin. Procedure Act	8c - Admin. Procedure Act	9a - Lobbyist Expenditure Reports	9b - Lobbyist Expenditure Reports	9c - Lobbyist Expenditure Reports	9d - Lobbyist Expenditure Reports
5	3	63	<i>Sullivan</i>			A		F			A				A		F	F	F	F	F	
7	4	64	Thomas	A		A		F		F	A				A		F	F	F	F	F	
6	2	75	Turner	.		A	F			F					A		F	F	F			F
8	6	57	Weinstein	A	A	A		F	F	F		A		A	A	F	F	F			F	F
7	6	54	Wexler		A	A	F		F	F	A	A		A	A		F	F			F	F
7	2	78	Williams			F				F		A			A		F	F		F	F	F
244	147	62	TOTAL																			

Democrats in roman; Republicans in italic

F - Vote for position of AIF; A - Vote against position of AIF

# **THE FLORIDA SENATE**

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## **TAXATION**

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# TAXATION

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## **SB 148 Corporate Filing Fees by Sen. Locke Burt (R-Ormond Beach)**

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**S**B 148 changes various fees relating to corporate filings and applications. The supplemental corporate filing fee is reduced by \$50 over a two-year period. Effective January 1, 1997, the fee will be lowered from the current level of \$138.75 to \$103.75 and effective January 1, 1998, the fee will be lowered to \$88.75. The supplemental filing fee is paid by corporations which are required by law to file annual reports with the Department of State. Corporations remitting the supplemental fee after the May 1 deadline are assessed a late charge.

In what was probably the most controversial provision of the bill, the late charge will be substantially increased over a two-year period. In 1997, the late charge is increased from the current \$25 level to \$385. In 1998, the late charge is increased to \$400. Also controversial is the increase in the application fee for reinstatement following administrative dissolution. The application fee is raised from the current \$175 to \$585 in 1997 and then to \$600 in 1998.

The bill also simplifies the process for registered agents to change their business name or address. Finally, the bill authorizes any foreign (non-Florida) corporation to domesticate in this state by filing a certificate of domestication and articles of incorporation.

The chart below summarizes the fee changes made by the bill.

	Current	1997	1998
Supplemental corporate fee	\$138.75	\$103.75	\$88.75
Late charge	\$25	\$385	\$400
Reinstatement following administrative dissolution	\$175	\$585	\$600

- Record 1a: On March 5, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 6 yeas to 4 nays. A "yea" vote is a vote for the AIF position.
- Record 1b: On April 29, 1996, the Senate Ways and Means Committee passed the bill by a vote of 23 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1c: On April 30, 1996, the Senate passed the bill by a vote of 39 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 3, 1996, the House passed the bill by a vote of 116 yeas to 2 nays.

SB 148 was ordered engrossed and enrolled.

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**SB 402 Real  
Property Taxation/  
Partial-Year by Sen.  
Fred Dudley  
(R-Cape Coral)**

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**T**his bill implements changes to the ad valorem tax assessment procedures and requires improvements to real property to be assessed from the day the improvement is put into use rather than the following January 1st. The bill was silent as to tangible personal property, but it was felt that the bill would ultimately tax tangible personal property on a partial year basis from the date of acquisition, rather from the subsequent January 1st after acquisition, as is the current law. If this procedure had been in place during calendar year 1994, an additional \$32 million in taxes would have been collected from Florida businesses. AIF opposed this legislation.

- Record 2a: On April 29, 1996, the Senate Ways and Means Committee passed the bill as amended by a vote of 16 yeas to 12 nays. A “**nay**” vote is a vote for the AIF position.

SB 402 died on the Senate Calendar.

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**CS/SB 624 Enterprise  
Zones/Sales Tax  
Credits by Sen. Betty  
Holzendorf  
(D-Jacksonville)**

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**T**his bill was originally filed by Senator Holzendorf to change dates and criteria for obtaining enterprise zone job credits. However, it became the “Tax Train” for the 1996 Legislative Session and ended up having quite a bit of worth while exemptions contained in the bill. Some of the exemptions include the following: Internet exemption; complimentary meals exemption; fuel tax glitch bill; exemption for advertising agencies; exemption for magazine subscriptions; exemptions for aircraft parts used to repair aircraft over 20,000 lbs.; and many more. The total cost of this bill for the 1996-97 budget is \$14.9 million and a recurring annual cost of \$41.9 million.

AIF supports the exemptions contained in this bill after the bill was amended on the House Floor.

On May 3, 1996, the House passed the bill as amended by a vote of 117 yeas to 0 nays.

- Record 3a: On May 3, 1996, the Senate passed the bill as amended by a vote of 39 yeas to 0 nays. A “**yea**” vote is a vote for the AIF position.
- Record 3b: On May 3, 1996, the bill was reconsidered by the Senate, and the bill passed as amended by a vote of 39 yeas to 1 nay. A “**yea**” vote is a vote for the AIF position.

CS/SB 624 was ordered engrossed and enrolled.



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**CS/SB 740 Property  
Appraiser's  
Assessment Burden  
of Proof by Sen.  
James Horne  
(R-Jacksonville)**

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**C**S/SB 740 changes the burden of proof in legal actions where a citizen challenges a determination of value made by a property appraiser. The burden of proof will apply in both administrative and judicial proceedings.

A property appraiser's assessment is presumed to be correct so long as the appraiser has considered the factors relating to just valuation set forth in Florida Statutes. Without this bill, the taxpayer can only overcome that presumption by establishing that every reasonable hypothesis has been excluded which would support the tax assessor.

CS/SB 740 maintains the presumption of correctness. The bill changes the burden of proof by requiring the taxpayer to overcome the presumption of correctness by a preponderance of the evidence. This is an easier standard for the taxpayer to meet.

This bill is a fairness bill. Currently, it is nearly impossible for a taxpayer to challenge a property appraiser's assessment. Florida is the only state which burdens its taxpayers in this manner. This bill would align Florida with the majority of other states by requiring a burden of proof by the preponderance of the evidence.

- Record 4a: On March 7, 1996, the Senate Judiciary Committee passed the bill by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4b: On April 25, 1996, the Senate Ways and Means Committee passed the bill as a committee substitute by a vote of 28 yeas to 3 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted HB 557 for CS/740.

CS/SB 740 was laid on the Table; refer to HB 557.

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**HB 557 Property  
Appraiser's  
Assessment Burden  
of Proof by Rep. Bob  
Starks  
(R-Casselberry)**

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**H**B 557 changes the burden of proof in legal actions where a citizen challenges a determination of value made by a property appraiser. The burden of proof will apply in both administrative and judicial proceedings.

A property appraiser's assessment is presumed to be correct so long as the appraiser has considered the factors relating to just valuation set forth in Florida Statutes. Without this bill, the taxpayer can only overcome that presumption by establishing that every reasonable hypothesis has been excluded which would support the tax assessor.

HB 557 maintains the presumption of correctness. The bill changes the burden of proof by requiring the taxpayer to overcome the presumption of correctness by a preponderance of the evidence. This is an easier standard for the taxpayer to meet.

This bill is a fairness bill. Currently, it is nearly impossible for a taxpayer to challenge a property appraiser's assessment. Florida is the only state which bur-

dens its taxpayers in this manner. This bill would align Florida with the majority of other states by requiring a burden of proof by the preponderance of the evidence.

On March 13, 1996, the House Judiciary Committee passed the bill by a vote of 12 yeas to 3 nays.

On April 9, 1996, the House General Government Subcommittee of the House Finance and Taxation Committee passed the bill by a vote of 15 yeas to 1 nay.

On April 23, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 29 yeas to 1 nay.

On May 2, 1996, the House passed the bill as amended by a vote of 108 yeas to 6 nays.

- Record 5a: On May 2, 1996, the Senate substituted HB 557 for CS/SB 740 and passed the bill by a vote of 35 yeas to 4 nays. A "yea" vote is a vote for the AIF position.

HB 557 was ordered engrossed and enrolled.

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**CS/CS/SB 958**  
**Economic**  
**Development by**  
**Senate Commerce**  
**and Economic**  
**Opportunities**  
**Committee**

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**T**his bill reorganizes Florida's economic development structure. It dissolves the Department of Commerce and the Florida International Affairs Commission, and moves their functions into Enterprise Florida, Inc. and the new Florida Commission on Tourism, Inc.

Enterprise Florida becomes the principle economic development organization for the state and is charged with developing policies and implementing strategies to support Florida's existing businesses, recruit new businesses worldwide, seize international trade opportunities, develop a comprehensive approach to workforce development and support the economic capacity of rural communities and smaller minority businesses.

The Florida Commission on Tourism, Inc. is created as a not-for-profit corporation to serve as the principle tourism development and marketing organization for the state and is charged with developing policies and implementing strategies designed to encourage travelers worldwide to visit Florida.

Functions that are governmental in nature are retained in a newly created Office of Tourism, Trade and Economic Development (OTTED) within the executive office of the Governor.

The bill provides for repeal of the sales tax on electricity used in manufacturing and mining and lowers the \$100,000.00 threshold for sales tax exemptions for new and expanding businesses.

- Record 6a: On February 20, 1996, the Senate Commerce Committee passed the bill as a committee substitute by a vote of 14 yeas to 0 nays. A "yea"

vote is a vote for the AIF position.

- Record 6b: On March 18, 1996, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 31 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 6c: On May 3, 1996, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 3, 1996, the House passed the bill as amended by a vote of 116 yeas to 0 nays.

- Record 6d: On May 3, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/CS/SB 958 was ordered engrossed and enrolled.

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**SB 2226 Computer  
Software/Ad  
Valorem Taxation by  
Sen. Locke Burt  
(R-Ormond Beach)**

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**T**his bill was filed in an effort to define "computer software" in such a manner as not to include the value of the intellectual property contained on the tape or disc used to hold the software. AIF urged the Legislature to clarify this definition so that computer software would not be assessed as tangible personal property by the County Property Appraiser. This bill failed to pass during the 1996 Legislative Session.

- Record 7a: On April 9, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

SB 2226 died on the Senate Calendar.

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**CS/SB 2832**  
**Telecommunication**  
**Service Tax by Sen.**  
**Fred Dudley (R-Cape**  
**Coral)**

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**T**his bill was filed by Senator Dudley to prohibit the taxation of Internet access and electronic mail service by the Florida Department of Revenue. This bill was later amended to require the Department of Revenue to provide certain information to the Legislature for a determination of the taxability of these services and deferred any payment of the tax until July 1, 1997. This bill was comparable to HB 1927 & HB 2543. The Internet access issue was passed in SB 624. AIF supported this bill.

- Record 8a: On April 9, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 14 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 8b: On April 16, 1996, the Senate Community Affairs Committee passed the bill as a committee substitute by a vote of 7 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 8c: On April 29, 1996, the Senate Ways and Means Committee passed the bill by a vote of 26 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 8d: On April 30, 1996, the Senate passed the bill by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 2832 died in House Messages.

## Senate Average on Taxation Issues = 94%

	TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Corporate Filing Fees	1b - Corporate Filing Fees	1c - Corporate Filing Fees	2a - Real Property Taxation/Partial	3a - Enterprise Zones/Sales Tax	3b - Enterprise Zones/Sales Tax	4a - Property Appraiser's Assessment	4b - Property Appraiser's Assessment	5a - Property Appraiser's Assessment	6a - Economic Development	6b - Economic Development	6c - Economic Development	6d - Economic Development	7a - Computer Software/Ad Valorem	8a - Telecommunication Service Tax	8b - Telecommunication Service Tax	8c - Telecommunication Service Tax	8d - Telecommunication Service Tax
11	11	1	92	Bankhead			F	A	F	F	F	F	F		F	F	F				F	F
14	14	1	93	Beard	F	F	F	A	F	F		F		F	F	F	F	F	F		F	F
12	12	0	100	Bronson		F	F	F	F	F		F	F		F	F	F				F	F
10	10	1	91	Brown-Waite			F	A	F	F		F	F		F	F	F				F	F
15	15	0	100	Burt	F	F	F	F	F	F		F	F	F	F	F	F	F	F			
15	15	0	100	Casas		F	F		F	F		F	F	F	F	F	F	F	F	F		
9	9	0	100	Childers		F	F		F	F			F				F				F	F
10	10	0	100	Crist			F	F	F	F		F	F		F	F	F					F
13	13	3	81	Dantzier	A	F	F	F	F	F		A	A	F	F	F	F	F	F	F		
11	11	2	85	Diaz-Balart		F	F	A	F	A		F	F	F	F	F	F				F	F

F - Vote for position of AIF; A - Vote against position of AIF

	TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Corporate Filing Fees	1b - Corporate Filing Fees	1c - Corporate Filing Fees	2a - Real Property Taxation/Partial	3a - Enterprise Zones/Sales Tax	3b - Enterprise Zones/Sales Tax	4a - Property Appraiser's Assessment	4b - Property Appraiser's Assessment	5a - Property Appraiser's Assessment	6a - Economic Development	6b - Economic Development	6c - Economic Development	6d - Economic Development	7a - Computer Software/Ad Valorem	8a - Telecommunication Service Tax	8b - Telecommunication Service Tax	8c - Telecommunication Service Tax	8d - Telecommunication Service Tax
13		2	87	Dudley	A		F	A	F	F	F	F	F	F	F	F	F		F		F	F
12		0	100	Dyer		F	F	F	F	F		F	F		F	F	F		F		F	F
9		3	75	Forman		F	F	A	F	F		A	A		F	F	F				F	F
16		0	100	Grant	F	F	F	F	F	F	F	F	F	F	F	F	F		F			F
15		1	94	Gulman	F	F	F	A	F	F		F	F	F	F	F	F	F	F			F
13		0	100	Harden		F	F	F	F	F		F	F		F	F	F			F		F
16		0	100	Hargrett	F	F	F	F	F	F		F	F	F	F	F	F	F	F			F
11		1	92	Harris		F	F	A	F	F		F	F		F	F	F				F	F
10		3	77	Holzendorf	A	F		A	F	F		F	F	F	F	F	A	A	F	F		
11		0	100	Horne			F	F	F	F	F	F	F			F	F				F	F
11		0	100	Jenne			F	F	F	F		F	F		F	F	F				F	F
12		1	92	Jennings		F	F	A	F	F			F	F	F	F	F		F			F

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Corporate Filing Fees	1b - Corporate Filing Fees	1c - Corporate Filing Fees	2a - Real Property Taxation/Partial	3a - Enterprise Zones/Sales Tax	3b - Enterprise Zones/Sales Tax	4a - Property Appraiser's Assessment	4b - Property Appraiser's Assessment	5a - Property Appraiser's Assessment	6a - Economic Development	6b - Economic Development	6c - Economic Development	6d - Economic Development	7a - Computer Software/Ad Valorem	8a - Telecommunication Service Tax	8b - Telecommunication Service Tax	8c - Telecommunication Service Tax	8d - Telecommunication Service Tax
7	0	100	Johnson			F		F	F			F			F	F					F
12	0	100	Jones			F		F	F	F	F	F	F	F	F	F		F			
11	0	100	Kirkpatrick		F	F		F	F		F	F		F	F	F			F		F
11	1	92	Kurth			F	A	F	F		F	F		F	F	F			F		F
11	1	92	Lavala		F	F	A	F	F		F	F		F	F	F				F	F
13	2	87	McKay	F	F	F	A	F	F		F	A	F	F	F	F	F	F			F
7	0	100	Meadows			F		F	F			F				F			F		F
5	0	100	Myers			F			F			F				F					F
12	0	100	Ostalkiewicz		F	F	F	F	F		F	F		F	F	F				F	F
7	0	100	Rossin			F		F	F			F			F	F					F
7	0	100	Scott			F		F	F			F			F	F					F
10	1	91	Silver			F	A	F	F		F	F		F	F	F				F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Corporate Filing Fees	1b - Corporate Filing Fees	1c - Corporate Filing Fees	2a - Real Property Taxation/Partial	3a - Enterprise Zones/Sales Tax	3b - Enterprise Zones/Sales Tax	4a - Property Appraiser's Assessment	4b - Property Appraiser's Assessment	5a - Property Appraiser's Assessment	6a - Economic Development	6b - Economic Development	6c - Economic Development	6d - Economic Development	7a - Computer Software/Ad Valorem	8a - Telecommunication Service Tax	8b - Telecommunication Service Tax	8c - Telecommunication Service Tax	8d - Telecommunication Service Tax
10	0	100	Sullivan			F		F	F		F	F		F		F			F		
11	1	92	Thomas		F	F		F	F			A	F	F	F	F	F				
7	0	100	Turner			F		F	F			F			F						
13	2	87	Weinstein	A	F	F	A	F	F	F	F	F		F	F	F		F		F	F
9	1	90	Wexler			F	A	F	F		F	F			F	F				F	F
11	1	92	Williams		F	F	F	F	F		A	F		F	F	F				F	F
443	29	94	TOTAL																		

Democrats in roman; Republicans in italic

F - Vote for position of AIF; A - Vote against position of AIF

**THE FLORIDA SENATE**

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**UNEMPLOYMENT**

**COMPENSATION**

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# UNEMPLOYMENT COMPENSATION

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**SB 1778 Eligibility/  
Unemployment  
Compensation by  
Sen. Patsy Ann  
Kurth (D-Palm Bay)**

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**S**B 1778 would have established a Self-Employment Assistance program to provide financial assistance for new business start-up. The problem with this proposal centered on its proposed revenue source. The bill proposed to use the Unemployment Compensation Trust Fund, which is 100 percent employer-funded. AIF opposes such a dramatic expansion of the unemployment system because it is accomplished at the expense of employers.

Unemployment benefits are paid to persons who become unemployed through no fault of their own. A major requirement for continued eligibility is that claimants must remain genuinely attached to the labor market--i.e., they must be ready, willing, and able to work, and accept any bona fide offer of suitable employment. This bill would have relaxed the requirement that claimants continue seeking employment and would have instead allowed them to continue receiving unemployment benefits while starting their own business.

Under this bill, many employers would have received a double penalty when an employee is terminated. Employers already pay unemployment taxes on all employees and oftentimes, especially for smaller employers, pay a penalty in the form of higher taxes in the event of a layoff or firing. That's because Florida employers pay unemployment taxes on an experienced-rated basis, i.e., the more layoffs the higher the tax rate. A second penalty would theoretically be imposed since an employer could potentially be funding its competitor--assuming their former employee starts a business in direct competition with the former employer.

- Record 1a: On April 22, 1996, the bill failed to pass the Senate Commerce Committee by a vote of 1 yea to 9 nays. A "nay" vote is a vote for the AIF position.

SB 1778 was laid on the Table.

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**SB 2454**  
**Unemployment**  
**Comp/Benefit**  
**Calculation by Sen.**  
**John McKay**  
**(R-Bradenton)**

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**T**his bill makes various changes to the unemployment compensation laws recommended by the Division of Unemployment Compensation and the Unemployment Compensation Advisory Council, of which AIF is a member. The major substantive changes include:

- Changes the method of benefit calculation from “weeks worked” to “high quarter”;
- Increases the employer’s tax rate appeal period and the period an employer has to request a review of its tax rate from 15 to 20 days;
- Gives employers a limited option of making voluntary unemployment compensation contributions to avert a tax rate increase; and
- Authorizes the use of a “common paymaster” scheme where employees are shared by related corporations.

■ Record 2a: On April 1, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 10 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

On May 3, 1996, the Senate substituted CS/HB 1291 for SB 2454.

SB 2454 was laid on the Table; refer to CS/HB 1291.

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**CS/HB 1291**  
**Unemployment**  
**Compensation Law/**  
**Employment by Rep.**  
**Scott Clemons**  
**(D-Panama City)**

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**T**his bill makes various changes to the unemployment compensation laws recommended by the Division of Unemployment Compensation and the Unemployment Compensation Advisory Council, of which AIF is a member. The major substantive changes include:

- Changes the method of benefit calculation from "weeks worked" to "high quarter";
- Increases the employer's tax rate appeal period and the period an employer has to request a review of its tax rate from 15 to 20 days;
- Gives employers a limited option of making voluntary unemployment compensation contributions to avert a tax rate increase; and
- Authorizes the use of a "common paymaster" scheme where employees are shared by related corporations.

On March 6, 1996, the House General Commerce & Employment Subcommittee of the House Commerce Committee passed the bill as a proposed committee substitute by a vote of 6 yeas to 0 nays.

On March 12, 1996, the House Commerce Committee passed the bill as a committee substitute by a vote of 26 yeas to 0 nays.

On April 9, 1996, the House General Government Subcommittee of the House Finance and Taxation Committee passed the bill as amended by a vote of 14 yeas to 0 nays.

On April 11, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 25 yeas to 0 nays.

On April 25, 1996, the House Appropriations Committee passed the bill by a vote of 34 yeas to 0 nays.

On April 26, 1996, the House passed the bill as amended by a vote of 115 yeas to 0 nays.

- Record 3a: On May 3, 1996, the Senate substituted CS/HB 1291 for SB 2454, and passed CS/HB 1291 by a vote of 24 yeas to 11 nays. A "yea" vote is a vote for the AIF position.

CS/HB 1291 was ordered engrossed and enrolled.



## Senate Average on Unemployment Comp. Issues = 78%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Eligibility/Unemployment Comp.	2a - Unemployment Comp/Benefit	3a - Unemploy. Comp. Law/ Employment
1	0	100	<i>Bankhead</i>			F
3	0	100	<i>Beard</i>	F	F	F
0	1	0	<i>Bronson</i>			A
1	0	100	<i>Brown-Waite</i>			F
2	1	67	<i>Burt</i>	F	F	A
2	0	100	<i>Casas</i>		F	F
1	0	100	<i>Childers</i>			F
0	1	0	<i>Crist</i>			A
1	1	50	<i>Dantzler</i>	F		A
1	0	100	<i>Diaz-Balart</i>			F
3	0	100	<i>Dudley</i>	F	F	F
			<i>Dyer</i>			
1	0	100	<i>Forman</i>			F
1	1	50	<i>Grant</i>	F		A
3	0	100	<i>Gutman</i>	F	F	F
1	0	100	<i>Harden</i>			F
2	1	67	<i>Hargrett</i>	F	F	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Eligibility/Unemployment Comp.	2a - Unemployment Comp/Benefit	3a - Unemploy. Comp. Law/ Employment
1	0	100	Harris			F
1	2	33	Holzendorf	A	F	A
0	1	0	Horne			A
0	1	0	Jenne			A
1	0	100	Jennings		F	
1	0	100	Johnson			F
1	0	100	Jones			F
			Kirkpatrick			
1	0	100	Kurth			F
0	1	0	Latvala			A
3	0	100	McKay	F	F	F
1	0	100	Meadows			F
1	0	100	Myers			F
0	1	0	Ostalkiewicz			A
1	0	100	Rossin			F
			Scott			
1	0	100	Silver			F
			Sullivan			
2	0	100	Thomas	F		F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Eligibility/Unemployment Comp.	2a - Unemployment Comp/Benefit	3a - Unemploy. Comp. Law/ Employment
1	0	100	Turner			F
2	0	100	Weinstein		F	F
1	0	100	Wexler			F
1	0	100	Williams			F
43	12	78	TOTAL			

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF

**THE FLORIDA SENATE**

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**WORKERS'**  
**COMPENSATION**

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# WORKERS' COMPENSATION

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**SB 2530 Workers'  
Compensation:  
Workplace Safety  
Committees by Sen.  
Katherine Harris  
(R-Sarasota)**

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**T**his bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a performance audit of the Division of Safety of the Department of Labor and Employment Security. The performance audit is to include a review of the Division's activities relating to employer safety programs, including consultations and enforcement activities, during fiscal years 1995-96 and 1996-97. The bill also modifies the threshold for mandatory workplace safety committees.

Section 442.012, Florida Statutes, currently requires all public and private employers with more than 10 employees to establish and administer a workplace safety committee. Employers with 10 or fewer employees, who are identified by the Division as having a high frequency or severity of work-related injuries, must also establish and administer a workplace safety committee.

This bill ups the threshold for mandated safety committees by requiring employers with 20 or more employees to establish a workplace safety committee. Additionally, employers with less than 20 employees, who are identified as having a high frequency or severity of work-related injuries, will be allowed to designate a workplace safety coordinator instead of establishing a safety committee.

Although the bill attempts to lessen the administrative burden on small employees (those with less than 20 employees), the bill fails to address the significant concern of many employers who worry that establishing a workplace safety committee, as mandated under Florida law, would subject them to liability under the National Labor Relations Act.

■ Record 1a: On April 15, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted CS/HB 2389 for CS/SB 2530. SB 2530 was laid on the Table; refer to CS/HB 2389.

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**CS/HB 2389**  
**Workers'**  
**Compensation:**  
**Workplace Safety**  
**Committees by Rep.**  
**Randy Mackey**  
**(D-Lake City)**

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**T**his bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a performance audit of the Division of Safety of the Department of Labor and Employment Security. The performance audit is to include a review of the Division's activities relating to employer safety programs, including consultations and enforcement activities, during fiscal years 1995-96 and 1996-97. The bill also modifies the threshold for mandatory workplace safety committees.

Section 442.012, Florida Statutes, currently requires all public and private employers with more than 10 employees to establish and administer a workplace safety committee. Employers with 10 or fewer employees, who are identified by the Division as having a high frequency or severity of work-related injuries, must also establish and administer a workplace safety committee.

This bill ups the threshold for mandated safety committees by requiring employers with 20 or more employees to establish a workplace safety committee. Additionally, employers with less than 20 employees, who are identified as having a high frequency or severity of work-related injuries, will be allowed to designate a workplace safety coordinator instead of establishing a safety committee.

Although the bill attempts to lessen the administrative burden on small employees (those with less than 20 employees), the bill fails to address the significant concern of many employers who worry that establishing a workplace safety committee, as mandated under Florida law, would subject them to liability under the National Labor Relations Act.

On March 21, 1996, the House General Commerce Subcommittee of the House Commerce Committee passed the bill as amended by a vote of 8 yeas to 0 nays.

On March 27, 1996, the House Commerce Committee passed the bill as a committee substitute by a vote of 25 yeas to 0 nays.

On May 1, 1996, the House passed the bill by a vote of 118 yeas to 0 nays.

- Record 2a: On May 2, 1996, the Senate substituted CS/HB 2389 for CS/SB 2530 and passed the bill by a vote of 38 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 2389 was ordered engrossed and enrolled.

## Senate Average on Workers' Compensation Issues = 100%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC Workplace Safety Committee	2a - WC Workplace Safety Committee
1	0	100	<i>Bankhead</i>		F
1	0	100	<i>Beard</i>		F
1	0	100	<i>Bronson</i>		F
1	0	100	<i>Brown-Waite</i>		F
2	0	100	<i>Burt</i>	F	F
2	0	100	<i>Casas</i>	F	F
1	0	100	<i>Childers</i>		F
1	0	100	<i>Crist</i>		F
2	0	100	<i>Dantzler</i>	F	F
1	0	100	<i>Diaz-Balart</i>		F
2	0	100	<i>Dudley</i>	F	F
1	0	100	<i>Dyer</i>		F
1	0	100	<i>Forman</i>		F
2	0	100	<i>Grant</i>	F	F
2	0	100	<i>Gutman</i>	F	F
1	0	100	<i>Harden</i>		F
1	0	100	<i>Hargrett</i>		F

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC Workplace Safety Committee	2a - WC Workplace Safety Committee
1	0	100	Harris		F
2	0	100	Holzendorf	F	F
1	0	100	Horne		F
1	0	100	Jenne		F
2	0	100	Jennings	F	F
1	0	100	Johnson		F
1	0	100	Jones		F
			Kirkpatrick		
1	0	100	Kurth		F
1	0	100	Latvala		F
2	0	100	McKay	F	F
1	0	100	Meadows		F
			Myers		
1	0	100	Ostalkiewicz		F
1	0	100	Rossin		F
1	0	100	Scott		F
1	0	100	Silver		F
1	0	100	Sullivan		F
1	0	100	Thomas		F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC Workplace Safety Committee	2a - WC Workplace Safety Committee
1	0	100	Turner		F
2	0	100	Weinstein	F	F
1	0	100	Wexler		F
1	0	100	Williams		F
48	0	100	TOTAL		

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF

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**THE FLORIDA HOUSE  
OF REPRESENTATIVES  
1996 REGULAR SESSION  
RANKING AND RECORD ON ISSUES**

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## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
24	3	89	Harris	1
30	6	83	Boyd	2
38	8	83	<i>Melvin</i>	2
36	8	82	<i>Culp</i>	4
40	9	82	<i>Fasano</i>	4
36	8	82	Minton	4
36	8	82	<i>Thrasher</i>	4
28	6	82	Tobin	4
37	8	82	<i>Warner</i>	4
25	6	81	<i>Ball</i>	10
25	6	81	<i>Crist</i>	10
25	6	81	Heyman	10
25	6	81	Horan	10
34	8	81	Tedder	10
37	9	80	<i>Lynn</i>	15
39	10	80	Mackenzie	15

## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
35	9	80	<i>Ogles</i>	15
24	6	80	Wallace, Peter	15
27	7	79	<i>Burroughs</i>	19
27	7	79	<i>Diaz de la Portilla</i>	19
27	7	79	<i>Fuller</i>	19
30	8	79	<i>Gay</i>	19
42	11	79	Lippman	19
31	8	79	<i>Livingston</i>	19
41	11	79	<i>Merchant</i>	19
31	8	79	<i>Safley</i>	19
37	10	79	Trammell	19
46	13	78	<i>Arnall</i>	28
39	11	78	Brennan	28
43	12	78	Cosgrove	28
35	10	78	Eggelletion	28
36	10	78	<i>Futch</i>	28

## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
40	11	78	<i>Johnson</i>	28
35	10	78	<i>Laurent</i>	28
35	10	78	<i>Maygarden</i>	28
28	8	78	Meek	28
25	7	78	Smith	28
31	9	78	<i>Stabins</i>	28
25	7	78	<i>Trovillion</i>	28
32	9	78	<i>Wallace, Rob</i>	28
39	11	78	Wasserman-Schultz	28
24	7	77	<i>Andrews</i>	42
23	7	77	Bullard	42
37	11	77	Chestnut	42
41	12	77	Hafner	42
47	14	77	Kelly	42
44	13	77	Peeples	42
40	12	77	<i>Sanderson</i>	42



## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
34	10	77	Saunders, Dean	42
27	8	77	Stafford	42
24	7	77	Webster	42
39	12	76	Arnold	52
38	12	76	Betancourt	52
41	13	76	Bradley	52
35	11	76	Bronson	52
34	11	76	Constantine	52
31	10	76	Crow	52
41	13	76	Edwards	52
34	11	76	Garcia	52
45	14	76	Jones	52
26	8	76	Posey	52
35	11	76	Pruitt	52
34	11	76	Ritchie	52
25	8	76	Ziebarth	52



## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
38	13	75	<i>Albright</i>	65
33	11	75	Ascherl	65
27	9	75	<i>Bainter</i>	65
44	15	75	<i>Bitner</i>	65
36	12	75	Clemons	65
24	8	75	Crady	65
30	10	75	Davis	65
12	4	75	<i>Feeney</i>	65
36	12	75	Goode	65
39	13	75	Mackey	65
33	11	75	Miller	65
38	13	75	Peaden	65
39	13	75	Reddick	65
33	11	75	<i>Starks</i>	65
27	9	75	Upchurch	65
40	14	74	<i>Barreiro</i>	80

## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
40	14	74	Geller	80
40	14	74	<i>King</i>	80
25	9	74	<i>Littlefield</i>	80
35	12	74	<i>Morse</i>	80
35	12	74	Rayson	80
42	15	74	Roberts-Burke	80
28	10	74	<i>Rojas</i>	80
32	11	74	<i>Saunders, Burt</i>	80
27	10	73	Bloom	89
37	14	73	<i>Brooks</i>	89
29	11	73	Feren	89
32	12	73	<i>Flanagan</i>	89
29	11	73	Healey	89
43	16	73	Klein	89
32	12	73	Logan	89
24	9	73	<i>Morrone</i>	89

## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
35	13	73	<i>Sembler</i>	89
30	11	73	<i>Valdes</i>	89
34	13	72	Brown	99
31	12	72	<i>Carlton</i>	99
31	12	72	<i>Lacasa</i>	99
31	12	72	Martinez	99
23	9	72	Turnbull	99
33	13	72	<i>Wise</i>	99
30	12	71	Bush	105
36	15	71	Dawson-White	105
22	9	71	<i>Rodriguez-Chomat</i>	105
28	12	70	<i>Casey</i>	108
21	9	70	Greene	108
35	15	70	Hill	108
39	17	70	Jacobs	108
33	14	70	<i>Sublette</i>	108

## House – By Rank – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
35	15	70	<i>Villalobos</i>	108
35	16	69	Lawson	114
31	14	69	Sindler	114
26	12	68	Dennis	116
23	11	68	Spivey	116
31	16	66	Frankel	118
27	14	66	Prewitt	118
36	21	63	Graber	120
0	2	0	<i>Couch</i>	121
3950	1280	76		TOTAL

Democrats in roman; *Republicans in italic*

## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
38	13	75	<i>Albright</i>	65
24	7	77	<i>Andrews</i>	42
46	13	78	<i>Arnall</i>	28
39	12	76	Arnold	52
33	11	75	Ascherl	65
27	9	75	<i>Bainter</i>	65
25	6	81	<i>Ball</i>	10
40	14	74	<i>Barreiro</i>	80
38	12	76	Betancourt	52
44	15	75	<i>Bitner</i>	65
27	10	73	Bloom	89
30	6	83	Boyd	2
41	13	76	Bradley	52
39	11	78	Brennan	28
35	11	76	Bronson	52
37	14	73	<i>Brooks</i>	89



## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
34	13	72	Brown	99
23	7	77	Bullard	42
27	7	79	<i>Burroughs</i>	19
30	12	71	Bush	105
31	12	72	<i>Carlton</i>	99
28	12	70	<i>Casey</i>	108
37	11	77	Chestnut	42
36	12	75	Clemons	65
34	11	76	<i>Constantine</i>	52
43	12	78	Cosgrove	28
0	2	0	<i>Couch</i>	121
24	8	75	Crady	65
25	6	81	<i>Crist</i>	10
31	10	76	<i>Crow</i>	52
36	8	82	<i>Culp</i>	4
30	10	75	Davis	65

## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
36	15	71	Dawson-White	105
26	12	68	Dennis	116
27	7	79	<i>Diaz de la Portilla</i>	19
41	13	76	Edwards	52
35	10	78	Eggelletion	28
40	9	82	<i>Fasano</i>	4
12	4	75	<i>Feeney</i>	65
29	11	73	Feren	89
32	12	73	<i>Flanagan</i>	89
31	16	66	Frankel	118
27	7	79	<i>Fuller</i>	19
36	10	78	<i>Futch</i>	28
34	11	76	<i>Garcia</i>	52
30	8	79	<i>Gay</i>	19
40	14	74	Geller	80
36	12	75	Goode	65



## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
36	21	63	Graber	120
21	9	70	Greene	108
41	12	77	Hafner	42
24	3	89	Harris	1
29	11	73	Healey	89
25	6	81	Heyman	10
35	15	70	Hill	108
25	6	81	Horan	10
39	17	70	Jacobs	108
40	11	78	<i>Johnson</i>	28
45	14	76	<i>Jones</i>	52
47	14	77	Kelly	42
40	14	74	<i>King</i>	80
43	16	73	Klein	89
31	12	72	<i>Lacasa</i>	99
35	10	78	<i>Laurent</i>	28

## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
35	16	69	Lawson	114
42	11	79	Lippman	19
25	9	74	<i>Littlefield</i>	80
31	8	79	<i>Livingston</i>	19
32	12	73	Logan	89
37	9	80	<i>Lynn</i>	15
39	10	80	Mackenzie	15
39	13	75	Mackey	65
31	12	72	Martinez	99
35	10	78	<i>Maygarden</i>	28
28	8	78	Meek	28
38	8	83	<i>Melvin</i>	2
41	11	79	<i>Merchant</i>	19
33	11	75	Miller	65
36	8	82	Minton	4
24	9	73	<i>Morrone</i>	89

## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
35	12	74	<i>Morse</i>	80
35	9	80	<i>Ogles</i>	15
38	13	75	Peaden	65
44	13	77	Peeples	42
26	8	76	<i>Posey</i>	52
27	14	66	Prewitt	118
35	11	76	<i>Pruitt</i>	52
35	12	74	Rayson	80
39	13	75	Reddick	65
34	11	76	Ritchie	52
42	15	74	Roberts-Burke	80
22	9	71	<i>Rodriguez-Chomat</i>	105
28	10	74	<i>Rojas</i>	80
31	8	79	<i>Safley</i>	19
40	12	77	<i>Sanderson</i>	42
34	10	77	Saunders, Dean	42

## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
32	11	74	<i>Saunders, Burt</i>	80
35	13	73	<i>Sembler</i>	89
31	14	69	Sindler	114
25	7	78	Smith	28
23	11	68	Spivey	116
31	9	78	<i>Stabins</i>	28
27	8	77	Stafford	42
33	11	75	<i>Starks</i>	65
33	14	70	<i>Sublette</i>	108
34	8	81	Tedder	10
36	8	82	<i>Thrasher</i>	4
28	6	82	Tobin	4
37	10	79	Trammell	19
25	7	78	<i>Trovillion</i>	28
23	9	72	Turnbull	99
27	9	75	Upchurch	65

## House – By Alphabetical – 1996

Total # Votes FOR Position of AIF	Total # Votes AGAINST Position of AIF	% of Votes with AIF	REPRESENTATIVE	RANK
30	11	73	<i>Valdes</i>	89
35	15	70	<i>Villalobos</i>	108
24	6	80	Wallace, Peter	15
32	9	78	<i>Wallace, Rob</i>	28
37	8	82	<i>Warner</i>	4
39	11	78	Wasserman-Schultz	28
24	7	77	<i>Webster</i>	42
33	13	72	<i>Wise</i>	99
25	8	76	<i>Ziebarth</i>	52
3950	1280	76		TOTAL

Democrats in roman; *Republicans in italic*

# **THE FLORIDA HOUSE**

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## **EDUCATION**

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# 1996 HOUSE VOTING KEYS

## EDUCATION

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**HB 403 Charter  
Schools by Rep. Joe  
Tedder  
(D-Lakeland)**

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**T**his bill allows for the creation of charter schools within Florida's school system. Charter schools are public schools that are created and operated under a contract or charter. Unlike other public schools, charter schools operate on a performance-based contract, focused on achieving outcomes and results enunciated in the charter. In return for agreeing to achieve certain results, the charter school organizers are allowed to operate free of many of the burdensome regulations applicable to other public schools.

AIF and other members of the business community supported passage of the legislation because they see charter schools as a badly needed alternative to existing methods of public school operation that have not been able to keep pace with the needs of Florida employers for a skilled and educated work force.

- Record 1a: On March 27, 1996, the House Education Committee passed the bill by a vote of 20 yeas to 0 nays after adopting a strike-everything amendment that included substantially the same provisions as found in CS/CS/SB 334, which passed the Senate on March 7, 1996. A "yea" vote is a vote for the AIF position.
- Record 1b: On April 9, 1996, the House Appropriations Committee passed the bill by a vote of 31 yeas to 5 nays. A "yea" vote is a vote for the AIF position.
- Record 1c: On April 16, 1996, the House passed the bill as amended by a vote of 96 yeas to 22 nays. A "yea" vote is a vote for the AIF position.
- Record 1d: On April 17, 1996, the House reconsidered the vote by which the bill passed the House the previous day and again voted to pass the bill as further amended by a vote of 96 yeas to 18 nays. A "yea" vote is vote for the AIF position.

On April 30, 1996, the Senate, after failing to adopt further amendments, passed HB 403 by a vote of 32 yeas to 8 nays.

HB 403 was ordered engrossed and enrolled.



## House Average on Education Issues = 84%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Charter Schools	1b - Charter Schools	1c - Charter Schools	1d - Charter Schools
3	0	100	<i>Albright</i>		F	F	F
3	0	100	<i>Andrews</i>	F		F	F
2	0	100	<i>Arnall</i>			F	F
4	0	100	<i>Arnold</i>	F	F	F	F
2	0	100	<i>Ascher</i>			F	F
2	0	100	<i>Bainter</i>			F	F
2	0	100	<i>Ball</i>			F	F
2	0	100	<i>Barreiro</i>			F	F
1	0	100	<i>Betancourt</i>			F	
3	0	100	<i>Bitner</i>		F	F	F
1	0	100	<i>Bloom</i>			F	
3	0	100	<i>Boyd</i>	F		F	F
0	2	0	<i>Bradley</i>			A	A
3	0	100	<i>Brennan</i>		F	F	F
3	0	100	<i>Bronson</i>		F	F	F
2	0	100	<i>Brooks</i>			F	F
2	1	67	<i>Brown</i>		A	F	F
3	0	100	<i>Bullard</i>	F		F	F
2	0	100	<i>Burroughs</i>			F	F
1	2	33	<i>Bush</i>	F		A	A
3	0	100	<i>Carlton</i>	F		F	F
2	0	100	<i>Casey</i>			F	F
4	0	100	<i>Chestnut</i>	F	F	F	F
2	0	100	<i>Clemons</i>			F	F
3	0	100	<i>Constantine</i>		F	F	F
1	0	100	<i>Cosgrove</i>			F	
			<i>Couch</i>				
0	2	0	<i>Crady</i>			A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Charter Schools	1b - Charter Schools	1c - Charter Schools	1d - Charter Schools
2	0	100	<i>Crist</i>			F	F
2	0	100	<i>Crow</i>			F	F
3	0	100	<i>Culp</i>	F		F	F
3	0	100	<i>Davis</i>		F	F	F
0	2	0	<i>Dawson-White</i>			A	A
0	2	0	<i>Dennis</i>			A	A
2	0	100	<i>Diaz de la Portilla</i>			F	F
3	0	100	<i>Edwards</i>		F	F	F
3	0	100	<i>Eggelleton</i>	F		F	F
3	0	100	<i>Fasano</i>	F		F	F
			<i>Feeney</i>				
0	2	0	<i>Feren</i>			A	A
2	0	100	<i>Flanagan</i>			F	F
0	2	0	<i>Frankel</i>			A	A
2	0	100	<i>Fuller</i>			F	F
2	0	100	<i>Futch</i>			F	F
3	0	100	<i>Garcia</i>		F	F	F
2	0	100	<i>Gay</i>			F	F
1	1	50	<i>Geller</i>			A	F
2	0	100	<i>Goode</i>			F	F
1	2	33	<i>Graber</i>		A	A	F
0	2	0	<i>Greene</i>			A	A
3	0	100	<i>Hafner</i>		F	F	F
2	0	100	<i>Harris</i>			F	F
0	3	0	<i>Healey</i>		A	A	A
2	0	100	<i>Heyman</i>			F	F
0	2	0	<i>Hill</i>			A	A
3	0	100	<i>Horan</i>	F		F	F
0	2	0	<i>Jacobs</i>			A	A
2	0	100	<i>Johnson</i>			F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Charter Schools	1b - Charter Schools	1c - Charter Schools	1d - Charter Schools
3	0	100	Jones		F	F	F
2	0	100	Kelly			F	F
3	0	100	King		F	F	F
0	2	0	Klein			A	A
2	0	100	Lacasa			F	F
2	0	100	Laurent			F	F
0	3	0	Lawson		A	A	A
2	0	100	Lippman			F	F
2	0	100	Littlefield			F	F
2	0	100	Livingston			F	F
1	0	100	Logan			F	
3	0	100	Lynn	F		F	F
3	0	100	Mackenzie		F	F	F
2	0	100	Mackey			F	F
1	2	33	Martinez		F	A	A
2	0	100	Maygarden			F	F
2	0	100	Meek			F	F
2	0	100	Melvin			F	F
3	0	100	Merchant		F	F	F
0	2	0	Miller			A	A
2	0	100	Minton			F	F
3	0	100	Morrone	F		F	F
3	0	100	Morse		F	F	F
2	0	100	Ogles			F	F
0	2	0	Peaden			A	A
3	0	100	Peeples		F	F	F
2	0	100	Posey			F	F
0	1	0	Prewitt			A	
3	0	100	Pruitt		F	F	F
2	1	67	Rayson	F		A	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Charter Schools	1b - Charter Schools	1c - Charter Schools	1d - Charter Schools
3	0	100	Reddick		F	F	F
3	0	100	Ritchie		F	F	F
1	2	33	Roberts-Burke		F	A	A
2	0	100	Rodriguez-Chomat			F	F
3	0	100	Rojas		F	F	F
2	0	100	Safley			F	F
3	0	100	Sanderson		F	F	F
2	0	100	Saunders, Burt			F	F
3	0	100	Saunders, Dean		F	F	F
3	0	100	Sembler		F	F	F
2	1	67	Sindler		A	F	F
2	0	100	Smith			F	F
0	2	0	Spivey			A	A
3	0	100	Stabins	F		F	F
2	0	100	Stafford			F	F
2	0	100	Starks			F	F
3	0	100	Sublette		F	F	F
3	0	100	Tedder	F		F	F
3	0	100	Thrasher	F		F	F
3	0	100	Tobin	F		F	F
3	0	100	Trammell		F	F	F
3	0	100	Trovillion	F		F	F
3	0	100	Turnbull	F		F	F
2	0	100	Upchurch			F	F
3	0	100	Valdes		F	F	F
3	0	100	Villalobos		F	F	F
1	0	100	Wallace, Peter				F
2	0	100	Wallace, Rob			F	F
2	0	100	Warner			F	F
2	0	100	Wasserman-Schultz			F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Charter Schools	1b - Charter Schools	1c - Charter Schools	1d - Charter Schools
2	0	100	<i>Webster</i>			F	F
3	0	100	<i>Wise</i>		F	F	F
2	0	100	<i>Ziebarth</i>			F	F
243	45	84	TOTAL				

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF

**THE FLORIDA HOUSE**

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**ENVIRONMENTAL**

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# ENVIRONMENTAL

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**HB 413**  
**Underground**  
**Petroleum Storage**  
**Tanks by Rep.**  
**Charles Sembler**  
**(R-Vero Beach)**

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**T**he Florida Petroleum Cleanup Program was created 10 years ago to address the problem of contamination from petroleum storage systems. As the program matured, many cleanups were initiated, often at sites that, though seriously contaminated, did not pose an immediate threat to human health. As a result, the pace of cleanup work stripped the available funds. In response, during the 1995 Session, the Legislature passed SB 1290 which placed a moratorium on most petroleum cleanups effective March 27, 1995. Although the Legislature described the moratorium as a "temporary solution" and stated its intent to "fully address those issues before the regular session adjourned in 1995," a permanent solution was not reached and a moratorium remained in effect until 1996.

The moratorium gave DEP an opportunity to slow down the program and exercise greater administrative control over it. However, the moratorium had devastating consequences on Florida's property owners, lending institutions, local governments and the environment. Without assurance of cleanup, contaminated property could not be sold or operated as a business. Without a state program for cleanup, loans were not made for contaminated property, and properties were more likely to be abandoned, leaving owners and lenders with huge losses and creating blights throughout the state. Local governments lost tax revenues on useless and abandoned properties.

After grinding to a halt in the 1995 Florida Legislative Session, the expected and hoped for reform of Chapter 376's Petroleum Storage Tank Cleanup Reimbursement Program finally became a reality with the passage of the 1996 legislation rewriting the Petroleum Storage Tanks Cleanup Program.

The new bill establishes a means to pay off the backlog of over \$300 million in cleanup work that has been waiting to be reimbursed from the Inland Protection Trust Fund. The backlog payoff will be accomplished through the creation of a public financing corporation which will issue certificates of indebtedness or bonds to pay off \$100 million of the backlog each year. The bill also provides for a 3 1/2 percent per year discount that will be applied to each reimbursement order in the backlog before it is paid.

The bill provides for the program to be based on a pre-approved cleanup cost with cleanup proceeding on a priority basis. In order to be eligible for reimbursement, the estimated cost of cleanup must be approved by the DEP. Furthermore, a cleanup cannot be started until cleanups have been completed or commenced on all higher ranked sites, based on the threat to human health and the environment.

A major new part of the program is the requirement for the Department of Environmental Protection to incorporate Risk Based Corrective Action (RBCA), to



the maximum extent possible. Under RBCA, the scope, and thus the cost, of a cleanup will be determined in part by the potential risk of exposure to humans and the environment.

There are many other provisions of the bill which will improve the tanks program, such as improved efficiency in the review of reimbursement applications, the assignability of the right to reimbursement, and the creation of deductibles from insurance coverage for noncompliance with certain reporting requirements.

With passage of this bill, the reimbursement program has been resurrected with a good chance to avoid the need for a second moratorium. Further, almost all of the criticisms of the program have been addressed in one form or another.

- Record 1a: On March 19, 1996, the House Environmental Protection Subcommittee of the House Natural Resources Committee passed the bill as amended by a vote of 8 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

HB 413 died in the House Natural Resources Committee.

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**PCB NR-96-1  
Petroleum  
Underground  
Storage Tanks by  
House Natural  
Resources  
Committee**

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**T**he Florida Petroleum Cleanup Program was created 10 years ago to address the problem of contamination from petroleum storage systems. As the program matured, many cleanups were initiated, often at sites that, though seriously contaminated, did not pose an immediate threat to human health. As a result, the pace of cleanup work stripped the available funds. In response, during the 1995 Session, the Legislature passed SB 1290 which placed a moratorium on most petroleum cleanups effective March 27, 1995. Although the Legislature described the moratorium as a "temporary solution" and stated its intent to "fully address those issues before the regular session adjourned in 1995," a permanent solution was not reached and a moratorium remained in effect until 1996.

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A major new part of the program is the requirement for the Department of Environmental Protection to incorporate Risk Based Corrective Action (RBCA), to the maximum extent possible. Under RBCA, the scope, and thus the cost, of a cleanup will be determined in part by the potential risk of exposure to humans and the environment.

There are many other provisions of the bill which will improve the tanks program, such as improved efficiency in the review of reimbursement applications, the assignability of the right to reimbursement, and the creation of deductibles from insurance coverage for noncompliance with certain reporting requirements.

With passage of this bill, the reimbursement program has been resurrected with a good chance to avoid the need for a second moratorium. Further, almost all of the criticisms of the program have been addressed in one form or another.

- Record 2a: On January 9, 1996, the House Environmental Protection Subcommittee of the House Natural Resources Committee passed the bill as amended by a vote of 12 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 2b: On January 24, 1996, the House Natural Resources Committee passed the bill as amended by a vote of 19 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

PCB NR-96-1 became HB 1127.

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**CS/HB 1127**  
**Underground**  
**Petroleum Storage**  
**Tanks by House**  
**Natural Resources**  
**Committee**

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**T**he Florida Petroleum Cleanup Program was created 10 years ago to address the problem of contamination from petroleum storage systems. As the program matured, many cleanups were initiated, often at sites that, though seriously contaminated, did not pose an immediate threat to human health. As a result, the pace of cleanup work stripped the available funds. In response, during the 1995 Session, the Legislature passed SB 1290 which placed a moratorium on most petroleum cleanups effective March 27, 1995. Although the Legislature described the moratorium as a "temporary solution" and stated its intent to "fully address those issues before the regular session adjourned in 1995," a permanent solution was not reached and a moratorium remained in effect until 1996.

The moratorium gave DEP an opportunity to slow down the program and exercise greater administrative control over it. However, the moratorium had devastating consequences on Florida's property owners, lending institutions, local governments and the environment. Without assurance of cleanup, contaminated property could not be sold or operated as a business. Without a state program for cleanup, loans were not made for contaminated property, and properties were more likely to be abandoned, leaving owners and lenders with huge losses and creating blights throughout the state. Local governments lost tax revenues on useless and abandoned properties.

After grinding to a halt in the 1995 Florida Legislative Session, the expected and hoped for reform of Chapter 376's Petroleum Storage Tank Cleanup Reimbursement program finally became a reality with the passage of CS/HB 1127.

The new bill establishes a means to pay off the backlog of over \$300 million in cleanup work that has been waiting to be reimbursed from the Inland Protection Trust Fund. The backlog payoff will be accomplished through the creation of a public financing corporation which will issue certificates of indebtedness or bonds to pay off \$100 million of the backlog each year. The bill also provides for a 3 1/2 percent per year discount that will be applied to each reimbursement order in the backlog before it is paid.

The bill provides for the program to be based on a pre-approved cleanup cost with cleanup proceeding on a priority basis. In order to be eligible for reimbursement, the estimated cost of cleanup must be approved by the DEP. Furthermore, a cleanup cannot be started until cleanups have been completed or commenced on all higher ranked sites, based on the threat to human health and the environment.

A major new part of the program is the requirement for the Department of Environmental Protection to incorporate Risk Based Corrective Action (RBCA), to the maximum extent possible. Under RBCA, the scope, and thus the cost, of a cleanup will be determined in part by the potential risk of exposure to humans and the environment.

There are many other provisions of the bill which will improve the tanks

program, such as improved efficiency in the review of reimbursement applications, the assignability of the right to reimbursement, and the creation of deductibles from insurance coverage for noncompliance with certain reporting requirements.

With passage of this bill, the reimbursement program has been resurrected with a good chance to avoid the need for a second moratorium. Further, almost all of the criticisms of the program have been addressed in one form or another.

- Record 2c: On March 20, 1996, the House Sales Tax Subcommittee of the House Finance and Taxation Committee passed the bill as a proposed committee substitute by a vote of 14 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 2d: On April 1, 1996, the House Finance and Taxation Committee passed the bill as a committee substitute by a vote of 27 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 2e: On April 23, 1996, the House Appropriations Committee passed the bill as amended by a vote of 35 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 2f: On April 24, 1996, the House passed the bill as amended by a vote of 118 yeas to 1 nay. A “yea” vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted CS/HB 1127 for CS/CS/SB 648 and passed the bill by a vote of 38 yeas to 0 nays.

CS/HB 1127 was ordered engrossed and enrolled.

## House Average on Environmental Issues = 99%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
2	0	100	<i>Albright</i>						F	F
1	0	100	<i>Andrews</i>							F
1	0	100	<i>Arnall</i>							F
2	0	100	Arnold						F	F
1	0	100	Ascherl							F
1	0	100	<i>Bainter</i>							F
1	0	100	<i>Ball</i>							F
3	0	100	<i>Barreiro</i>				F	F		F
3	0	100	Betancourt				F	F		F
2	0	100	<i>Bitner</i>						F	F
1	0	100	Bloom							F
1	0	100	Boyd							F
2	0	100	Bradley					F		F
3	0	100	Brennan			F			F	F
2	0	100	Bronson						F	F
2	0	100	<i>Brooks</i>					F		F
2	0	100	Brown						F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
1	0	100	Bullard							F
4	0	100	Burroughs	F	F	F				F
2	0	100	Bush					F		F
2	0	100	Carlton				F			F
1	0	100	Casey							F
2	0	100	Chestnut						F	F
1	0	100	Clemons							F
2	0	100	Constantine						F	F
2	0	100	Cosgrove					F		F
			Couch							
1	0	100	Crady							F
1	0	100	Crist							F
4	0	100	Crow	F	F	F				F
2	0	100	Culp					F		F
3	0	100	Davis		F				F	F
2	0	100	Dawson-White				F			F
1	0	100	Dennis							F
1	0	100	Diaz de la Portilla							F
2	0	100	Edwards						F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
5	0	100	Eggelletion	F	F	F			F	F
3	0	100	Fasano				F	F		F
			Feeney							
1	0	100	Feren							F
2	0	100	Flanagan					F		F
3	0	100	Frankel				F	F		F
1	0	100	Fuller							F
2	0	100	Futch					F		F
2	0	100	Garcia						F	F
1	0	100	Gay							F
2	0	100	Geller					F		F
1	0	100	Goode							F
2	0	100	Graber						F	F
1	0	100	Greene							F
5	0	100	Hafner	F	F	F			F	F
4	0	100	Harris	F	F	F				F
2	0	100	Healey						F	F
1	0	100	Heyman							F
3	0	100	Hill				F	F		F

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
2	0	100	Horan			F				F
2	0	100	Jacobs					F		F
1	0	100	Johnson							F
2	0	100	Jones						F	F
3	0	100	Kelly			F		F		F
5	0	100	King	F	F	F			F	F
3	0	100	Klein				F	F		F
3	0	100	Lacasa				F	F		F
4	0	100	Laurent			F	F	F		F
2	0	100	Lawson						F	F
4	0	100	Lippman			F	F	F		F
1	0	100	Littlefield							F
1	0	100	Livingston							F
2	0	100	Logan					F		F
2	0	100	Lynn					F		F
2	0	100	Mackenzie						F	F
2	0	100	Mackey						F	F
2	0	100	Martinez						F	F
1	0	100	Maygarden							F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
1	0	100	Meek							F
1	0	100	Melvin							F
2	0	100	Merchant						F	F
1	0	100	Miller							F
2	0	100	Minton					F		F
1	0	100	Morroni							F
2	0	100	Morse						F	F
1	0	100	Ogles							F
5	0	100	Peaden		F	F	F	F		F
2	0	100	Peeples						F	F
1	0	100	Posey							F
1	0	100	Prewitt							F
2	0	100	Pruitt						F	F
4	0	100	Rayson		F	F	F			F
2	0	100	Reddick						F	F
2	0	100	Ritchie						F	F
2	0	100	Roberts-Burke						F	F
3	0	100	Rodriguez-Chomat				F	F		F
1	0	100	Rojas							F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
2	0	100	Safley			F				F
2	0	100	Sanderson						F	F
4	0	100	Saunders, Burt	F	F	F				F
3	0	100	Saunders, Dean			F			F	F
3	0	100	Sembler			F			F	F
2	0	100	Sindler						F	F
1	0	100	Smith							F
4	0	100	Spivey	F	F	F				F
1	0	100	Stabins							F
1	0	100	Stafford							F
2	0	100	Starks					F		F
1	0	100	Sublette							F
2	0	100	Tedder					F		F
1	0	100	Thrasher							F
1	0	100	Tobin							F
2	0	100	Trammell						F	F
1	0	100	Trovillion							F
1	0	100	Turnbull							F
1	0	100	Upchurch							F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Underground Petroleum Storage	2a - Underground Petroleum Storage	2b - Underground Petroleum Storage	2c - Underground Petroleum Storage	2d - Underground Petroleum Storage	2e - Underground Petroleum Storage	2f - Underground Petroleum Storage
2	0	100	<i>Valdes</i>						F	F
1	0	100	<i>Villalobos</i>							F
1	0	100	Wallace, Peter							F
1	3	25	<i>Wallace, Rob</i>	A	F	A				A
2	0	100	<i>Warner</i>			F				F
2	0	100	Wasserman-Schultz					F		F
1	0	100	<i>Webster</i>							F
2	0	100	<i>Wise</i>						F	F
1	0	100	<i>Ziebarth</i>							F
233	3	99	<b>TOTAL</b>							

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF

# **THE FLORIDA HOUSE**

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## **HEALTH CARE**

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# HEALTH CARE

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**CS/SB 14 Health Insurance/Renewing Individual Coverage by Sen. Howard Forman (D-Hollywood)**

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**T**his bill creates a state COBRA law. Reforms made in Florida's health care insurance system in the early '90s were designed to provide access to health insurance for many who had been without health insurance. This bill continues that effort by providing a method for former employees and their dependents to purchase insurance after leaving their employment.

The bill allows Florida employees who work for companies with fewer than 20 employees to elect to continue coverage under the employer-provided group health plan in the event of termination of coverage. The bill requires group health plans issued in the state to allow each qualified beneficiary who would lose coverage under the group plan because of specified events to elect to continue coverage under the group policy at little more than the group rate.

The continuation of coverage provision will benefit employees and dependents of small companies with fewer than 20 employees because without this legislation they lose health coverage when they lose their employment.

On March 12, 1996, the Senate Banking and Insurance Committee combined SBs 14, 30, 516, and 596 to create CS/SB 14. The committee passed CS/SB 14 by a vote of 10 yeas to 0 nays.

On March 21, 1996, the Senate Health Care Committee passed the bill by a vote of 5 yeas to 0 nays.

On May 2, 1996, the Senate passed the bill by a vote of 40 yeas to 0 nays.

■ Record 1a: On May 3, 1996, the House passed the bill by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 14 was ordered engrossed and enrolled.

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**HB 19 Insurance Mandated Coverage of Serious Mental Illness by Rep. Mary Brennan (D-Pinellas Park)**

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**T**his bill mandates that insurers provide separate coverage for serious mental illness in group health policies and HMO contracts at a level equivalent to the coverage provided for physical conditions. Currently treatment for mental illness is covered separately and at lower benefit levels than physical illness. This bill will increase the cost of private health insurance to employers. It also would cover a number of mental illnesses that are not currently covered today. All of these illnesses are listed in the professional text and they include treatment for such ailments as homosexuality. AIF opposes this bill.

■ Record 2a: On December 5, 1995, the House Health and Life Insurance Subcommittee of the House Insurance Committee passed the bill by a vote of 8 yeas to 0 nays. A "nay" vote is a vote for the AIF position.

- Record 2b: On January 9, 1996, the House Insurance Committee passed the bill by a vote of 19 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 2c: On April 23, 1996, the House Appropriations Committee passed the bill by a vote of 32 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 2d: On April 26, 1996, the House passed the bill by a vote of 112 yeas to 1 nay. A “nay” vote is a vote for the AIF position.

HB 19 died in Senate Messages.

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**HB 397**  
**Osteoporosis**  
**Mandated Insurance**  
**Benefit by Rep.**  
**Mandy Dawson**  
**(D-Ft. Lauderdale)**

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**A**s originally filed, this bill would have required health insurance policies to pay for and cover screening for the diagnosis, treatment and appropriate management of osteoporosis. This is an employer mandate that would raise the cost of health insurance. As originally filed, AIF opposed this bill.

- Record 3a: On March 12, 1996, the House Aging and Rehabilitation Subcommittee of the House Aging and Human Services Committee passed the bill by a vote of 5 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 3b: On March 14, 1996, the House Aging and Human Services Committee passed the bill by a vote of 12 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 3c: On April 9, 1996, the House Appropriations Committee passed the bill as amended by a vote of 31 yeas to 0 nays. As amended, the bill requires that a health insurance policy cover the diagnosis and treatment of Osteoporosis when medically necessary for high risk populations. This should not increase the cost of health insurance. As amended, AIF supports the bill. A “yea” vote is a vote for the AIF position.
- Record 3d: On April 26, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted HB 397 for CS/CS/SB 332 and passed the bill by a vote of 39 yeas to 0 nays.

HB 397 was ordered engrossed and enrolled.



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**HB 461 Florida  
Health Insurance  
Coverage  
Continuation Act by  
Rep. Stan Bainter  
(R-Eustis)**

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**T**his bill creates a state COBRA law. Reforms made in Florida's health care insurance system in the early '90s were designed to provide access to health insurance for many who had been without health insurance. This bill continues that effort by providing a method for former employees and their dependents to purchase insurance after leaving their employment.

The bill allows Florida employees who work for companies with fewer than 20 employees to elect to continue coverage under the employer-provided group health plan in the event of termination of coverage.

The continuation of coverage provision will benefit employees and dependents of small companies with fewer than 20 employees because without this legislation they lose health coverage when they lose their employment.

■ Record 4a: On March 12, 1996, the House Insurance Committee passed the bill as a committee substitute by a vote of 21 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 4b: On April 26, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 461 died in Senate Messages.

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**HB 523 Department  
of Health Care  
Administration by  
Rep. George Albright  
(R-Ocala)**

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**F**or many years, the Florida Medical Association has supported creating a Department of Health headed by a doctor which would include, in one gigantic department, both the delivery of health care services and the regulation of the health care market. AIF opposes this approach because service delivery and market regulation are two very different functions that should be handled separately.

This bill does not create a Department of Health, instead, it creates the Department of Health Care Administration. It abolishes the Agency for Health Care Administration within the Department of Business and Professional Regulation and elevates it to department status. Except for requiring that the Department be headed by a secretary appointed by the Governor and confirmed by the Senate, the organizational structure of the Agency for Health Care Administration is preserved.

This bill would keep the regulation of private sector health care matters separate from the delivery of health care services. For example, the Agency for Health Care Administration, or the new Department, is responsible for quality control of private health maintenance organizations. It is also responsible for hospital licensure and the collection and dissemination of data regarding the health care marketplace. All of these functions and information are very important to the private employer who is trying to make an informed decision regarding the purchase of their health care. These functions should not be combined with the

delivery of health care services to indigent people or people on public assistance. AIF supports this bill.

- Record 5a: On March 6, 1996, the House Health Systems and Delivery Subcommittee of the House Health Care Committee passed the bill as amended by a vote of 8 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

HB 523 died in the House Health Care Committee.

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**CS/HB 555**  
**Department of**  
**Health by Rep. Fred**  
**Lippman**  
**(D-Hollywood)**

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**A**s originally filed, this bill creates a gigantic Department of Health. It takes functions of the existing Department of Health and Rehabilitative Services and combines them with the existing Agency for Health Care Administration and requires that a physician be the secretary.

The bill would merge the delivery of health care services with the regulation of the health care marketplace. AIF opposes this concept as regulation and service delivery are two very different functions and should be separated.

As amended, the bill retains the Agency for Health Care Administration and creates a Department of Health. AIF opposes this structure because it does not protect ACHA by making it a separate department.

- Record 6a: On February 20, 1996, the House Health Systems and Delivery Subcommittee of the House Health Care Committee passed the bill by a vote of 10 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
  - Record 6b: On March 20, 1996, the House Health Care Committee passed the bill as a committee substitute by a vote of 19 yeas to 2 nays. A “nay” vote is a vote for the AIF position.
  - Record 6c: On April 29, 1996, the House Appropriations Committee passed the bill as amended by a vote of 35 yeas to 1 nay. A “nay” vote is a vote for the AIF position.
  - Record 6d: On April 30, 1996, the House passed the bill as amended by a vote of 115 yeas to 2 nays. A “nay” vote is a vote for the AIF position.
- On May 3, 1996, the Senate substituted CS/HB 555 for SB 2602 and passed the bill as amended by a vote of 39 yeas to 0 nays.
- Record 6e: On May 3, 1996, the House concurred in the Senate amendments and passed the bill as amended by a vote of 118 yeas to 0 nays. A “nay” vote is a vote for the AIF position.

CS/HB 555 was ordered engrossed and enrolled.

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**CS/HB 875 Florida  
Patient Protection  
and Quality  
Assurance Act by  
Rep. Harry Goode  
(D-Melbourne)**

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**A**s originally filed, this bill was opposed by AIF. It contained a number of anti-managed care provisions that would have raised the cost of health insurance for employers.

In the House Health Care Subcommittee on Health Systems & Delivery, the bill's sponsor agreed to a "strike-everything after the enacting clause" amendment, which made the bill acceptable.

The "strike-everything after the enacting clause" amendment contains a number of provisions designed to fix problems with the HMO industry that are perceived by physicians. For example, the amendment requires that a physician's contract with an HMO cannot be canceled without 60 days prior notice.

As amended, the bill contains no anti-managed care provisions, and should help the HMO industry. This in turn helps employers who purchase health care for their employees through HMOs.

- Record 7a: On March 6, 1996, the House Health Systems and Delivery Subcommittee of the House Health Care Committee passed the bill as amended by a vote of 6 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 7b: On March 20, 1996, the House Health Care Committee passed the bill as a committee substitute by a vote of 19 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 875 died in the House Rules & Calendar Committee.

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**CS/CS/SB 886  
Amendment #8  
AHCA/Managed  
Care by Sen. Ginny  
Brown-Waite  
(R-Brooksville)**

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**T**his bill is an Omnibus Medicaid HMO regulation bill. AIF took no position on the bill other than a position in opposition to a single provision.

The bill required that all HMOs, commercial as well as Medicaid, maintain a medical loss ratio of 80/20. The intent of this 80/20 mandate was to ensure that an appropriate proportion of the premium dollar is spent on medical benefits for HMO enrollees. However, a state mandate for income and spending by the HMO industry would not achieve the desired result.

This 80/20 provision is micromanagement of a private corporation's balance sheets. It would tie the hands of a company and not allow them to spend money on what they might determine is important unless the state first approves the spending. For example, purchase of a new computer system would be an administrative expense. If it exceeded the state's guidelines for administrative expenses it would be disallowed. In addition, this bill would result in higher health care costs for employers who purchase health insurance through HMOs. It would force HMOs to move more administrative expenses downstream and require their physicians to shoulder more administrative burden. This would result in higher payments to physicians. AIF opposes this 80/20 provision.

On February 21, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 6 yeas to 0 nays.

On March 12, 1996, Amendment #8 which would have removed the 80/20 provision failed in the Senate Banking and Insurance Committee by a vote of 4 yeas to 7 nays. A "yea" vote on the amendment is a vote for the AIF position.

On March 12, 1996, the Senate Banking and Insurance Committee passed the bill as a committee substitute to the committee substitute by a vote of 8 yeas to 4 nays.

The 80/20 provision was removed on the Senate Floor in an amendment that was adopted with a role-call vote.

On April 10, 1996, the Senate passed the bill as amended by a vote of 35 yeas to 5 nays.

- Record 8a: On May 3, 1996, the House passed the bill as amended by a vote of 102 yeas to 15 nays. A "yea" vote is a vote for the AIF position.

On May 3, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 39 yeas to 0 nays.

CS/CS/SB 886 was ordered engrossed and enrolled.

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**CS/SB 910 Health  
Care Insurance/  
Preexisting-  
Conditions by Sen.  
Donald Sullivan  
(R-Seminole)**

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**M**anaged health care is a fast growing sector of the health care insurance market. However, physicians are somewhat unhappy with managed care. In response to their displeasure, they have been pushing numerous anti-managed care pieces of legislation for a number of years. This bill is a compromise designed to address their core complaints with managed care.

The bill amends various health care and insurance provisions including:

- A prohibition against individual health insurance policies excluding coverage for pre-existing conditions for longer than 18 months and requiring credit for time covered under previous qualifying coverage;
- A requirement that individual health insurance policies be guaranteed renewable;
- A definition of "emergency services and care" required to be covered by HMOs without prior authorization and related requirements for determination and payment of services for emergency medical conditions under HMO contracts;
- A requirement that HMOs provide 60 days advanced written notice to a contract provider and the department of insurance before canceling the contract of that provider without cause;
- An entitlement for claimants and their health care providers who have had a claim denied as not medically necessary to appeal the decision to a physician

acting on the behalf of the insurer;

- Procedures for health care providers to seek a written opinion from the Office of the Attorney General as to whether proposed activities constitute a violation of anti-trust laws (see HB 1031 and SB 1732);
- Providing that confidential information about a practitioner obtained by the Department of Business and Professional Regulation from a consultant for the impaired practitioner program is also immune from discovery in civil actions; and
- Repeal of the fee caps on diagnostic imaging physical and rehabilitation therapy, clinical laboratory, and radiation therapy services.

This bill is a compromise which should fix some existing complaints physicians have about HMOs.

On March 12, 1996, the Senate Banking and Insurance Committee passed the bill as amended by a vote of 10 yeas to 0 nays.

On March 21, 1996, the Senate Health Care Committee passed the bill as a committee substitute by a vote of 5 yeas to 0 nays.

On April 2, 1996, the Senate Judiciary Committee passed the bill by a vote of 5 yeas to 0 nays.

On May 1, 1996, the Senate passed the bill as amended by a vote of 34 yeas to 0 nays.

- Record 9a: On May 2, 1996, the House passed the bill by a vote of 119 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/SB 910 was ordered engrossed and enrolled.

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**PCB HC-96-2**  
**Medicaid Managed**  
**Care and Emergency**  
**Care by House**  
**Health Care**  
**Committee**

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**T**his bill is a Medicaid HMO regulatory package. AIF had no position on the bill other than a position in opposition to direct access for dermatology.

This bill prohibits an HMO or EPO from requiring a subscriber or policyholder to obtain a referral from a network provider or primary care physician before receiving services from a dermatologist. This is known as "direct access."

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization and quality of care for dermatological services and will increase the overall cost of health care. Direct access restricts a managed care organization's ability to monitor the quality and continuity of care provided. It also reduces the primary care physician's awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost specialty services by patients for care which may have been provided by a primary care physician.

- Record 10a: On December 7, 1995, the House Oversight and Investigations

Subcommittee of the House Health Care Committee passed the bill as amended by a vote of 6 yeas to 0 nays. A “nay” vote is a vote for the AIF position.

- Record 10b: On January 23, 1996, the House Health Care Committee passed the bill as amended by a vote of 21 yeas to 0 nays. A “nay” vote is a vote for the AIF position.

PCB HC-96-2 became HB 979.

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**CS/HB 979 AHCA/  
Medicaid Managed  
Care by House  
Health Care  
Committee**

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**T**his is the comprehensive Medicaid HMO regulatory package. AIF had no position on this bill other than a position in opposition to direct access for dermatology.

This bill prohibits an HMO or EPO from requiring a subscriber or policyholder to obtain a referral from a network provider or primary care physician before receiving services from a dermatologist. This is known as “direct access.”

Direct access to dermatologists inhibits the ability of an HMO or EPO to control costs, utilization and quality of care for dermatological services and will increase the overall cost of health care. Direct access restricts a managed care organization’s ability to monitor the quality and continuity of care provided. It also reduces the primary care physician’s awareness of the total health care needs and treatments provided to patients. This could lead to the inappropriate use of higher cost specialty services by patients for care which may have been provided by a primary care physician.

This bill was drafted with direct access for dermatologists included. Thus, a “nay” vote is a vote for the AIF position.

- Record 10c: On March 20, 1996, the House Health Care Committee passed the bill as a committee substitute by a vote of 19 yeas to 0 nays. A “nay” vote is a vote for the AIF position.
- Record 10d: On April 23, 1996, the House Appropriations Committee passed the bill as amended by a vote of 28 yeas to 5 nays. A “nay” vote is a vote for the AIF position.
- Record 10e: On April 25, 1996, the House failed to adopt Amendment #1 by a vote of 39 yeas to 66 nays. This amendment would have deleted the direct access provisions from the bill. A “yea” vote is a vote for the AIF position.
- Record 10f: On April 25, 1996, the House passed the bill as amended by a vote of 113 yeas to 1 nay. A “nay” vote is a vote for the AIF position.

On May 3, 1996, the Senate passed the bill as amended by a vote of 39 yeas to 0 nays. The Senate adopted a “strike-everything-after-the-enacting-clause” amendment which did not include direct access. Thus, a “yea” vote is a vote for the AIF position.

CS/HB 979 died in House Messages.

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**HB 1031 Health  
Care Community  
Anti-Trust Act by  
Rep. Ben Graber  
(D-Coral Springs)**

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**T**his bill creates a process for members of the health care community who desire anti-trust guidance to request a review of their proposed activity by the Attorney General's Office.

Under review of a proposal, the Anti-Trust Section of the Attorney General's Office will either issue an anti-trust no-action letter, which states the enforcement intention of the Office, or decline to issue any type of letter, or take another appropriate action. The Agency for Health Care Administration is required to collect, coordinate and analyze all necessary data. This bill does not create any anti-trust exemptions for the health care community.

The application of anti-trust laws to the health care sector have increased in the era of managed competition and increased mergers in the health care field. Anti-trust issues arise not from the actual delivery of care but from the economic and business relationships that prevail in the health care industry.

This bill is a response to recognition that changes in the health care marketplace, including the implementation of managed competition, raise various anti-trust issues. This bill should give necessary guidance to the health care business sector without allowing them to engage in anti-competitive activities.

- Record 11a: On March 6, 1996, the House Oversight and Investigations Subcommittee of the House Health Care Committee passed the bill as amended by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 11b: On March 13, 1996, the House Health Care Committee passed the bill as amended by a vote of 18 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 11c: On April 2, 1996, the House Appropriations Committee passed the bill as amended by a vote of 36 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 1031 died on the House Calendar.



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**CS/HB 1035 Public  
Records Health Care  
Community by Rep.  
Ben Graber  
(D-Coral Springs)**

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**T**his bill is a public records exemption to coincide with creation of the health care community anti-trust act.

The bill provides an exemption from public records requirements for information submitted by members of the health care community pursuant to a request for an anti-trust no action letter. The bill provides for future review and repeal.

- Record 12a: On March 6, 1996, the House Oversight and Investigations Subcommittee of the House Health Care Committee passed the bill by a vote of 9 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 12b: On March 13, 1996, the House Health Care Committee passed the bill by a vote of 18 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 12c: On March 27, 1996, the House Governmental Operations Committee passed the bill as a committee substitute by a vote of 10 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 12d: On April 29, 1996, the House passed the bill as amended by a vote of 117 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 4, 1996, the Senate passed the bill by a vote of 39 yeas to 1 nay.

CS/HB 1035 was ordered engrossed and enrolled.

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**CS/HB 1147  
Commercial HMO  
Reform by Rep.  
George Albright  
(R-Ocala)**

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**M**anaged health care is a fast growing sector of the health care insurance market. However, physicians are somewhat unhappy with managed care. In response to their displeasure, they have been pushing numerous anti-managed care pieces of legislation for a number of years. This bill is a compromise designed to address their core complaints with managed care.

The bill amends various health care and insurance provisions including:

- A prohibition against individual health insurance policies excluding coverage for pre-existing conditions for longer than 18 months and requiring credit for time covered under previous qualifying coverage;
- A requirement that individual health insurance policies be guaranteed renewable;
- A definition of "emergency services and care" required to be covered by HMOs without prior authorization and related requirements for determination and payment of services for emergency medical conditions under HMO contracts;
- A requirement that HMOs provide 60 days advanced written notice to a contract provider and the department of insurance before canceling the contract of that provider without cause;
- An entitlement for claimants and their health care providers who have had

a claim denied as not medically necessary to appeal the decision to a physician acting on the behalf of the insurer;

- Procedures for health care providers to seek a written opinion from the Office of the Attorney General as to whether proposed activities constitute a violation of anti-trust laws (see HB 1031 and SB 1732);

- Providing that confidential information about a practitioner obtained by the Department of Business and Professional Regulation from a consultant for the impaired practitioner program is also immune from discovery in civil actions; and

- Repeal of the fee caps on diagnostic imaging physical and rehabilitation therapy, clinical laboratory, and radiation therapy services.

This bill is a compromise which should fix some existing complaints physicians have about HMOs.

■ Record 13a: On March 19, 1996, the House Health and Life Insurance Subcommittee of the House Insurance Committee passed the bill as amended by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 13b: On March 26, 1996, the House Insurance Committee passed the bill as a committee substitute by a vote of 19 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 13c: On April 23, 1996, the House Appropriations Committee passed the bill as amended by a vote of 34 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 13d: On April 25, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 1147 died in Senate Messages.

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**SB 1860 AHCA/Post-Delivery Health Care by Sen. John McKay (R-Bradenton)**

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**A**s originally filed, this bill would have mandated the length of stay for maternity care. In addition, it would have mandated that if the insurer offers maternity benefits, the policy must also cover a mandatory outpatient post-partum assessment and a newborn assessment for the mother and child. As originally filed, AIF would have opposed this bill because it was an employer mandate. However, a committee substitute was adopted.

The committee substitute requires that a group health policy or HMO contract may not limit coverage for the length of in-patient maternity stay or for outpatient follow-up care to a level below that which is determined to be medically necessary. The committee substitute specifically says that it will not alter any agreements between an insurer and a hospital or other health care provider addressing reimbursement for services. With these safeguards in place, AIF supports the bill.

On April 10, 1996, the Senate Banking and Insurance Committee passed the bill as amended by a vote of 10 yeas to 0 nays.

On May 1, 1996, the Senate passed the bill as amended by a vote of 36 yeas to 0 nays.

On May 1, 1996, the Senate reconsidered the bill and passed the bill as amended by a vote of 35 yeas to 0 nays.

- Record 14a: On May 2, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

On May 2, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 38 yeas to 0 nays.

SB 1860 was ordered engrossed and enrolled.

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**CS/HB 2079**  
**Limitations/Health**  
**Insurance/HMOs by**  
**Rep. Debbie**  
**Wasserman-Schultz**  
**(D-Davie)**

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**A**s originally filed, this bill would have mandated the length of stay for maternity care. In addition, it would have mandated that if the insurer offers maternity benefits, the policy must also cover a mandatory outpatient post-partum assessment and a newborn assessment for the mother and child. As originally filed, AIF would have opposed this bill because it was an employer mandate. However, a committee substitute was adopted.

The committee substitute requires that a group health policy or HMO contract may not limit coverage for the length of in-patient maternity stay or for outpatient follow-up care to a level below that which is determined to be medically necessary. The committee substitute specifically says that it will not alter any agreements between an insurer and a hospital or other health care provider addressing reimbursement for services. With these safeguards in place, AIF supports the bill.

- Record 15a: On March 19, 1996, the House Health and Life Insurance Subcommittee of the House Health Care Committee combined HBs 103, 2025, and 2079 to create PCS/HB 2079. The Committee passed PCS/HB 2079 by a vote of 7 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 15b: On March 26, 1996, the House Insurance Committee passed the bill as a committee substitute by a vote of 19 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 15c: On April 15, 1996, the House Appropriations Committee passed the bill as amended by a vote of 33 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 15d: On April 26, 1996, the House passed the bill as amended by a vote of 115 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

CS/HB 2079 died in Senate Messages.

# House Average on Health Care Issues = 65%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
17	10	63	<i>Albright</i>	F	A		A	A			F	F	F	F	F	A	A	A	A	A		F
9	5	64	<i>Andrews</i>	F				A				F		F					A	A		
14	7	67	<i>Arnall</i>	F	A	A		A				F	F	F					A	A		
13	8	62	<i>Arnold</i>	F		A	A	A			F	F	F	F				A	A	A		
20	9	69	<i>Ascherl</i>	F	A			A				F	F	F	F	A	A	A	A	A	F	F
11	7	61	<i>Bainter</i>	F		A		A				F	F	F					A	A		
10	3	77	<i>Ball</i>	F				F				F		F					A	A		

F - Vote for position of AIF; A - Vote against position of AIF

House Average on Health Care Issues (Continued)

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
<i>Albright</i>	F	F		A	A		F	A		F	F		F		F			F	F	F				F
<i>Andrews</i>	F	F					A	A				F			F				F	F				F
<i>Arnall</i>	F	F					A	A				F			F	F	F		F	F	F			F
<i>Arnold</i>	F	F				A		A			F	F			F			F	F	F		F		
<i>Ascherl</i>	F	F		A	A		F	A		F		F	F		F	F	F		F	F	F			F
<i>Bainter</i>	A	F					A	A				F			F		F		F	F	F			F
<i>Ball</i>		F					F	A				F			F				F	F				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
16	8	67	Barreiro	F				A	A	A		F		F	F	A	A		A	A	F	F
10	4	71	Betancourt	F				A				F		F					A	A		
13	8	62	Bitner	F			A	A			F	F		F					A	A		
13	8	62	Bloom	F				A		A		F		F	F	A	A		A	A		
13	4	76	Boyd	F		A		A				F	F	F					A	A		
12	6	67	Bradley	F		A		A				F	F	F					A	A		
17	8	68	Brennan	F			A	A		A	F	F		F				F	F	A		F

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
<i>Barreiro</i>	F	F		A			F	F		F			F		F				F	F				F
Betancourt	F	F					F	A				F							F	F				F
<i>Bitner</i>	A	F				F	A	A			F				F			F	F	F				F
Bloom	F	F		A			F	A		F		F	F						F	F				F
Boyd	F	F					F										F		F	F				F
Bradley	F	F					A	A				F					F		F	F				F
Brennan	F	F		A	A	A	F	A			F				F				F	F				F

F - Vote for position of AIF; A - Vote against position of AIF

			1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
TOTAL FOR	13	8	62	Bronson	F		A	A		F	F		F				A	A	A		
	13	10	57	Brooks	F		A		A		F		F			A		A	A		
	11	8	58	Brown	F		A	A			F		F				A	A	A		
	8	5	62	Bullard	F			A			F		F					A	A		
	9	5	64	Burroughs	F			A			F		F					A	A		
	9	4	69	Bush	F			A			F		F					A	A		
	10	4	71	Carlton	F			A			F		F					A	A		

F - Vote for position of AIF; A - Vote against position of AIF



	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Bronson	F	F				A	A	A			F				F			F	F	F			F	F
Brooks	F	F	A	A	A		A	A	F	F		F							F	F				F
Brown	F					A	A	A			F				F			F	F	F				F
Bullard	F	F					A	A											F	F				F
Burroughs	F	F					A	A											F	F				F
Bush	F	F						A											F	F				F
Carlton	F	F						F											F	F				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
15	9	63	Casey	F				A		A		F	F				A		A			F
16	9	64	Chestnut	F			A	A			F	F	F				A		A			
9	5	64	Clemons	F				A				F	F						A			
13	7	65	Constantine	F				A			F	F	F					A	A			
13	5	72	Cosgrove	F		A		A				F	F	F					A			
0	2	0	Couch		A	A																
11	4	73	Crady	F				A				F	F						A			

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Casey	F	F	A	A	A		F	A	F	F		F	F		F			F	F	F				F
Chestnut	F	F			A	A	A	A	F	F	F	F	F		F			F	F	F				F
Clemons	F	F					A	A				F			F				F	F				F
Constantine	F	F					A	A			F				F			F	F	F				F
Cosgrove	F	F					F	A				F			F		F		F	F		F		F
Couch																								
Crady	F	F					F	A						F	F				F	F				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
10	4	71	Crist	F				A				F		F					A	A		
9	5	64	Crow	F				A				F		F					A	A		
10	4	71	Culp	F				A				F		F					A	A		
12	7	63	Davis				A	A			F	F		F				A	A	A		
16	7	70	Dawson-White	F		A		A				F	F	F			A		A	A		F
14	8	64	Dennis	F	A	A		A		A		F	F	F					A	A		
9	5	64	Diaz de la Portilla	F				A				F		F					A	A		

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	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
<i>Crist</i>	F	F					F	A							F				F	F				F
<i>Crow</i>	F	F					A	A							F				F	F				F
<i>Culp</i>	F	F					F	A							F				F	F				F
<i>Davis</i>	F	F				A		A			F				F			F	F	F			F	F
<i>Dawson-White</i>	F	F			A		F	A		F			F		F		F		F	F		F		F
<i>Dennis</i>	F	F					A	A							F		F		F	F		F		F
<i>Diaz de la Portilla</i>	A	F					F	A							F				F	F				F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
13	7	65	Edwards	F			A	A			F	F		F				A	A	A		
13	6	68	Eggelleton	F			A	A				F		F				A	A	A		
13	4	76	Fasano	F				A				F		F					A	A		
5	2	71	Feeney	F															A	A		
9	5	64	Feren	F				A				F		F					A	A		
8	5	62	Flanagan	F				A				F		F					A	A		
9	6	60	Frankel	F				A		A		F		F					A	A		

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	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Edwards	F	F	A		A	A	A	A			F				F		F	F	F	F			F	F
Eggelletion	F	F	A			A	F				F			F					F	F			F	F
Fasano	F	F					F	A						F	F		F		F	F		F		F
Feeney	F	F													F					F				
Feren	F	F					A	A							F				F	F				F
Flanagan	F	F					A	A							F				F					F
Frankel	F	F					A	A							F				F	F				F

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			1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
TOTAL FOR	10	5	67				A	F			F		F				A	A			
TOTAL AGAINST	9	5	64				A	F			F		F				A	A			
	12	7	63				A	F			F		F				A	A			
	14	6	70				A	F			F		F				A	A			
	13	5	72				A	A			F		F				A	A			
	14	9	61				A				F		F				A	A		F	F
	17	14	55				A				F		F				A	A			F

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<i>Fuller</i>	F	F					A	A				F	F						F	F				F
<i>Futch</i>	F	F					A	A				F							F	F				F
<i>Garcia</i>	A	F				F	A				F	F			F			F	F	F			F	
<i>Gay</i>	F	F					F	A				F			F	F	F		F	F				F
<i>Geller</i>	F	F					F	A				F			F	F	F		F	F				F
<i>Goode</i>	F	F		A	A		A	A		F			F		F				F	F				F
<i>Graber</i>	F	F		A	A	A	A	A		F	F		F		F	F			F	F	F	F		F

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8	5	62	Greene	F				A				F		F					A	A		
14	7	67	Hafner	F			A	A			F	F		F				A	A	A		
7	3	70	Harris					A				F		F								
14	6	70	Healey	F				A			F	F		F				A	A	A		
10	4	71	Heyman	F				A				F		F					A	A		
10	5	67	Hill	F				A				F		F					A	A		
9	4	69	Horan	F				A				F		F					A	A		

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Greene	F	F					A	A				F			F			F						F
Hafner	F	F				A	F	A			F				F			F		F				F
Harris		F					A	A						F				F		F				F
Healey	F	F				A	F	A			F				F			F		F				F
Heyman	F	F					F	A							F			F		F				F
Hill	F	F					A	A						F	F			F		F				F
Horan	F	F						A							F				F					F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
16	9	64	Jacobs	F				A	A	A		F		F			F		F	A		
17	8	68	Johnson	F				A				F	F	F	F	A			A	A	F	F
18	10	64	Jones	F	A	A	A	A			F	F	F	F				A	A	A		
14	8	64	Kelly	F				A				F	F	F	F	A	A		A	A	F	F
17	11	61	King	F				A			F	F	F	F	F	A	A	A	A	A	F	F
12	8	60	Klein	F				A				F		F			A		A	A		F
9	5	64	Lacasa	F						A		F		F					A	A		

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Jacobs	F	F	A	A	A		A	A	F	F		F	F		F			F	F	F	F			
Johnson	F	F		A	A		A	A		F		F	F		F		F		F	F	F			
Jones	F	F				A	A	A			F	F			F	F	F	F	F	F	F			
Kelly	F	F		A			A	A		F		F	F		F				F	F	F			
King	A	F		A	A		A	A		F	F	F	F		F		F	F	F	F	F			
Klein	F	F	A	A	A			A	F			F			F				F	F	F			
Lacasa	A	F					F	A				F			F				F	F	F			

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
8	6	57	Laurent	F				A				F		F					A	A		
17	7	71	Lawson	F		A	A	A				F	F	F					A	A		
9	4	69	Lippman	F				A				F		F					A	A		
9	7	56	Littlefield	F				A	A	A		F		F					A	A		
10	4	71	Livingston	F				A				F		F					A	A		
9	7	56	Logan	F				A				F		F		A			A	A	F	
9	5	64	Lynn	F				A				F		F					A	A		

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<i>Laurent</i>	A	F					A	A				F			F				F	F				F
<i>Lawson</i>	F	F				A	A				F			F		F	F		F	F	F			F
<i>Lippman</i>	F	F						A				F			F				F	F				F
<i>Littlefield</i>	F	F					A	A				F			F				F	F				F
<i>Livingston</i>	F	F					F	A				F			F				F	F				F
<i>Logan</i>		F		A	A			A				F			F				F	F				F
<i>Lynn</i>	F	F					A					F			F				F	F				F

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14	7	67	Mackenzie	F			A	A			F	F		F				A	A	A		
13	8	62	Mackey	F			A	A			F	F		F				A	A	A		
13	7	65	Martinez	F			A	A				F		F				A	A	A		
13	7	65	Maygarden	F				A				F		F					A	A		
10	4	71	Meek	F				A				F		F					A	A		
9	5	64	Melvin	F				A				F		F					A	A		
13	7	65	Merchant	F				A				F		F					A	A	A	

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	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Mackenzie	F	F				A	F	A			F				F			F	F	F			F	F
Mackey	F	F				A	A	A			F				F			F	F	F			F	F
Martinez	F	F				A	F	A			F				F			F	F	F			F	F
Maygarden	F	F		A	A		A	A	F	F		F	F		F			F	F	F				F
Meek	F	F					F	A				F			F			F	F	F				F
Melvin	F	F					A	A				F			F				F	F				F
Merchant	F	F				F	A	A			F				F			F	F	F			F	F

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13	6	68	Miller	F				A				F	F				A	A	A			F
9	5	64	Minton	F				A				F	F					A	A			
8	6	57	Morroni	F				A				F	F					A	A			
13	7	65	Morse	F			A	A			F	F	F					A				
13	5	72	Ogles	F		A		A				F	F	F					A	A		
12	7	63	Peaden	F								F	F				A	A	A		F	
14	7	67	Peeples	F			A	A			F	F	F					A	A	A		

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Miller	F	F			A		F	A	F			F							F	F				
Minton	F	F					A	A				F							F	F				
Morrone	A	F					A	A				F							F	F				
Morse	A	F				F	A	A			F	F						F	F	F				
Ogles	F	F					F	A				F					F		F	F		F		
Peaden	F	F		A	A		A	A		F		F							F	F				
Peeples	F	F				A	F	A			F								F	F		F		

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
10	5	67	Posey	F				A				F		F					A	A		
16	10	62	Prewitt	F		A		A		A		F	F	F			A		A	A		F
13	7	65	Pruitt	F			A	A			F	F		F					A	A		
11	5	69	Rayson	F		A		A				F	F	F					A	A		
13	8	62	Reddick	F			A	A			F	F		F					A	A		
13	8	62	Ritchie	F			A	A			F	F		F					A	A		
13	7	65	Roberts-Burke	F			A	A			F	F		F					A	A		

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Posey	F	F					A	A						F	F				F	F				F
Prewitt	F	F	A	A			A	A	F	F		F	F		F				F	F	F			F
Pruitt	F	F				A		A			F				F			F	F	F	F			F
Rayson	F	F					F	A				F			F				F	F				F
Reddick	F	F				A	A	A			F				F			F	F	F	F			F
Ritchie	F	F				A	A	A			F				F			F	F	F	F			F
Roberts-Burke	F	F				A	A	A			F				F			F	F	F	F			F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins/Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
4	3	57	Rodriguez-Chomat	F															A	A		
10	6	63	Rojas	F				A			F	F		F				A	A	A		
9	4	69	Safley	F				A				F		F					A	A		
12	8	60	Sanderson	F			A	A			F	F		F				A	A	A		
14	9	61	Saunders, Burt	F				A				F		F			A		A	A	F	
12	7	63	Saunders, Dean	F				A				F		F				A	A	A		
13	9	59	Sembler	F			A	A			F	F		F				A	A	A		

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
<i>Rodriguez-Chomat</i>	A	F										F								F				
<i>Rojas</i>	A	F						F				F							F	F				F
<i>Safley</i>	F	F						A				F							F	F				F
<i>Sanderson</i>	F	F						A			F	F						F	F	F			F	
<i>Saunders, Burt</i>	F	F						A	F	F		F	F						F	F				F
<i>Saunders, Dean</i>	F	F						A			F	F							F	F			F	F
<i>Sembler</i>	A	F						A						F					F	F			F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
12	9	57	Sindler	F			A	A			F	F		F				A	A	A		
9	5	64	Smith	F				A				F		F					A	A		
9	5	64	Spivey	F				A				F		F					A	A		
12	6	67	Stabins	F		A		A				F	F	F					A	A		
10	4	71	Stafford	F				A				F		F					A	A		
9	5	64	Starks	F				A				F		F					A	A		
12	5	71	Sublette	F				A				F		F				A	A	A		

F - Vote for position of AIF; A - Vote against position of AIF



	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Sindler	A	F				A	A	A			F				F			F	F	F		F		F
Smith	F	F					A	A							F				F	F				F
Spivey	F	F					A	A							F				F	F				F
Stabins	F	F					A	A							F				F	F		F		F
Stafford	F	F					F	A							F				F	F				F
Starks	F	F					A	A							F				F	F				F
Sublette	F	F					F	A							F				F	F			F	F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins/Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
10	3	77	Tedder	F				A				F	F							A		
12	5	71	Thrasher	F		A						F	F	F					A	A		
10	4	71	Tobin	F				A				F		F					A	A		
13	7	65	Trammell	F			A	A			F	F		F				A	A	A		
9	5	64	Trovillion	F				A				F		F					A	A		
9	5	64	Turnbull	F				A				F		F					A	A		
10	7	59	Upchurch	F				A				F		F			A		A	A		

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
Tedder	F	F					F	A				F			F				F	F				F
Thrasher	F	F					A	A				F			F		F		F	F	F			F
Tobin	F	F					F	A				F			F				F	F				F
Trammell	F	F						A			F				F			F	F	F			F	F
Trovillion	F	F					A	A				F			F				F	F				F
Turnbull	F	F					A	A				F			F				F	F				F
Upchurch	F	F		A	A		F	A				F			F				F	F				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins./Renewing Individua	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
11	8	58	Valdes	F			A	A			F	F		F				A	A	A		
12	10	55	Villalobos	F			A	A			F	F		F			A	A	A	A		F
10	4	71	Wallace, Peter	F				A				F		F					A	A		
10	4	71	Wallace, Rob	F								F		F					A	A		
9	4	69	Warner	F								F		F					A	A		
14	6	70	Wasserman-Schultz	F	A			A				F	F	F					A	A		
9	5	64	Webster	F				A				F		F					A	A		

F - Vote for position of AIF; A - Vote against position of AIF

	8a - AHCA/Managed Care	9a - Preexisting-Conditions/Health	10a - AHCA/Medicaid Managed Care	10b - AHCA/Medicaid Managed Care	10c - AHCA/Medicaid Managed Care	10d - AHCA/Medicaid Managed Care	10e - AHCA/Medicaid Managed Care	10f - AHCA/Medicaid Managed Care	11a - Health Care Community Antitrust	11b - Health Care Community Antitrust	11c - Health Care Community Antitrust	12a - Public Records/Health Care Com	12b - Public Records/Health Care Com	12c - Public Records/Health Care Com	12d - Public Records/Health Care Com	13a - Commercial HMO Reform	13b - Commercial HMO Reform	13c - Commercial HMO Reform	13d - Commercial HMO Reform	14a - AHCA/Post-Delivery Health Care	15a - Limitations/Health Insurance/HMO	15b - Limitations/Health Insurance/HMO	15c - Limitations/Health Insurance/HMO	15d - Limitations/Health Insurance/HMO
<i>Valdes</i>	A	F				A		A				F			F			F	F	F	F			F
<i>Villalobos</i>	A	F		A			A	A			F	F			F			F	F	F	F			F
<i>Wallace, Peter</i>	F	F					F	A				F			F				F	F	F			F
<i>Wallace, Rob</i>	F	F					A	A				F		F	F				F	F	F			F
<i>Warner</i>	F	F					A	A				F			F				F	F	F			F
<i>Wasserman-Schultz</i>	F	F					A	A				F			F		F		F	F	F			F
<i>Webster</i>	F	F					A	A				F			F				F	F	F			F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Health Ins/Renewing Individual	2a - Insur./Coverage of Mental Illness	2b - Insur./Coverage of Mental Illness	2c - Insur./Coverage of Mental Illness	2d - Insur./Coverage of Mental Illness	3a - Osteoporosis/Man. Insur. Benefit	3b - Osteoporosis/man. Insur. Benefit	3c - Osteoporosis/Man. Insur. Benefit	3d - Osteoporosis/Man. Insur. Benefit	4a - Florida Health Insurance/Coverage	4b - Florida Health Insurance/Coverage	5a - Dept. of Health Care Administration	6a - Dept. of Health	6b - Dept. of Health	6c - Dept. of Health	6d - Dept. of Health	6e - Dept. of Health	7a - FL Patient Prot. & Quality Assurance	7b - FL Patient Prot. & Quality Assurance
14	9	61	Wise	F			A	A	A	A	F	F		F				A	A	A		
11	5	69	Ziebarth	F		A		A				F	F	F					A	A		
1399	753	65	TOTAL																			

Democrats in roman; Republicans in italic

F - Vote for position of AIF; A - Vote against position of AIF



**THE FLORIDA HOUSE**

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**LEGAL & JUDICIAL**

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## LEGAL & JUDICIAL

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### **HJR 353 Ratification of Proposed Constitutional Amendments by Rep. Bud Bronson (D-Kissimmee)**

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**T**his bill, filed as a joint resolution, raises the number of voters needed to ratify proposed constitutional amendments to three-fifths of the electors voting on an amendment once placed on the ballot rather than the simple majority required under present law.

AIF supported the bill as a means of ensuring greater participation by the electorate in amending the document embodying the fundamental principles of Florida government. From the perspective of the business community, enactment and ratification would provide greater stability to the state's many businesses that are wary of having the most basic rules by which they operate changed out from under them.

- Record 1a: On February 7, 1996, the House Ethics & Elections Committee passed the bill by vote of 10 yeas to 1 nay. A "yea" vote is a vote for AIF position.
- Record 1b: On March 6, 1996, the House Court Systems, Probate & Consumer Law Subcommittee of the House Judiciary Committee passed the bill by a vote of 7 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 1c: On March 13, 1996, the House Judiciary Committee passed the bill by a vote of 14 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 1d: On March 20, 1996, the House Rules Committee passed the bill by a vote of 31 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 1e: On April 9, 1996, the House passed the bill by a vote of 96 yeas to 19 nays. A "yea" vote is a vote for the AIF position.

HJR 353 died in the Senate Executive Business, Ethics & Elections Committee.

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### **CS/HB 441 Lobbyist Expenditure Reports by Rep. Burt Saunders (R-Naples)**

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**T**his bill is the result of a compromise between AIF and Common Cause relating to the reporting of lobbyist expenditures. AIF led the charge on behalf of the business community to reform the stringent lobbyist reporting requirements that were enacted by the Legislature in 1993, when the reporting law was completely overhauled. The vehicle for this reform work was HB 441 by Rep. Burt Saunders, which he filed on behalf of Common Cause to incorporate penalty provisions in the law governing lobbyists' reports.

The compromise on how best to put teeth into the law while making it easier to comply with was brokered by the House Ethics & Elections Committee, using the workshop method. Major provisions in the compromise are as follows:

- Legislative lobbyist expenditure reports must be filed twice a year rather than the four times a year now required.

- Expenditure reports are due 45 days after the end of the reporting periods which run from January 1 through the end of Regular Session, and from Sine Die through December 31.

- The designated lobbyist for a principal is required to file reports of his/her expenses, plus those of the principal, but no longer has to file the consolidated report in cases where multiple lobbyists are representing a single principle.

- Fifty-dollar-a-day fines for late reports.

■ Record 2a: On March 7, 1996, the House Ethics & Elections Committee passed the compromise supported by AIF as a committee substitute by a vote of 11 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 441 was substituted by CS/SB 2774; refer to CS/SB 2774.

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**CS/SB 2774 Lobbyist  
Expenditure Reports,  
by Sen. Ken Jenne  
(D-Ft. Lauderdale)**

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**T**his bill is the result of a compromise between AIF and Common Cause relating to the reporting of lobbyist expenditures. AIF led the charge on behalf of the business community to reform the stringent lobbyist reporting requirements that were enacted by the Legislature in 1993, when the reporting law was completely overhauled. The vehicle for this reform work was HB 441 by Rep. Burt Saunders (R-Naples), who filed on behalf of Common Cause to incorporate penalty provisions in the law governing lobbyists reports.

The compromise on how best to put teeth in the law while making it easier to comply with was brokered by the House Ethics & Elections Committee, using the workshop method. When the bill was first considered in the Senate by the Executive Business, Ethics & Elections Committee, that committee adopted the compromise crafted in the House. Major provisions in the compromise are as follows:

- Legislative lobbyist expenditure reports must be filed twice a year rather than the four times a year now required.

- Expenditure reports are due 45 days after the end of the reporting periods which run from January 1 through the end of Regular Session, and from Sine Die through December 31.

- The designated lobbyists for a principal is required to file reports of his/her expenses, plus those of the principal, but no longer has to file the consolidated report in cases where multiple lobbyists are representing a single principle

- Fifty-dollar-a-day fines for late reports.

On April 1, 1996, the Senate Executive Business, Ethics & Elections Committee passed the compromise supported by AIF as a committee substitute by a vote of 5 yeas to 0 nays.

On April 16, 1996, the Senate Rules & Calendar Committee passed the bill by a vote of 15 yeas to 0 nays.

On April 19, 1996, the Senate passed the bill by a vote of 35 yeas to 0 nays.

- Record 3a: On April 29, 1996, CS/SB 2774 was substituted for CS/HB 441 on the House Floor where technical amendments were adopted, requiring its return to the Senate for a vote on final passage. The House passed the bill by a vote of 115 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 1, 1996, the Senate concurred in the House amendments to CS/SB 2774 and passed the bill as amended by a vote of 37 yeas to 0 nays.

CS/SB 2774 was ordered engrossed and enrolled.

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**CS/HB 611**  
**Non-Compete**  
**Agreements by Rep.**  
**Bill Sublette**  
**(R-Orlando)**

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**C**S/HB 611 represents a comprehensive revision of the law as it relates to enforcement of non-compete agreements. Many employers use non-compete clauses in employment contracts to protect their business from unfair competition. Enforcement of non-compete clauses protect employers by preventing former employees from using proprietary information, such as customer lists or trade secrets, to the detriment of their former employer. Enforcement is usually accomplished by injunction. However, Florida appellate courts have inconsistently interpreted the law since the Florida Legislature amended it in 1990.

This bill should clear up any confusion caused by the 1990 amendments and it strikes a delicate balance in protecting the interests of employers from unfair competition and the interests of workers in pursuing a chosen trade or profession.

- Record 4a: On March 6, 1996, the House Court Systems, Probate & Consumer Law Subcommittee of the House Judiciary Committee passed the bill by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4b: On March 20, 1996, the House Judiciary Committee combined HBs 375 and 611 to create CS/HB 611 and passed the bill as a committee substitute by a vote of 13 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4c: On April 25, 1996, the House passed the bill as amended by a vote of 114 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 1, 1996, the Senate substituted CS/HB 611 for CS/SB 282 and passed the bill by a vote of 37 yeas to 0 nays.

CS/HB 611 was ordered engrossed and enrolled.

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**HB 637 Medicaid  
Third Party Liability  
Limits to Tobacco by  
Rep. Steven Geller  
(D-Hallandale)**

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**T**his bill limits the 1994 amendments to Florida's Medicaid Third Party Liability Act to cigarette manufacturers only.

Florida's Medicaid Third Party Liability Act allows the state to sue any wholesaler, retailer, manufacturer or distributor of any product in order to recover Medicaid costs. The law removes all of a defendant's affirmative defenses, imposes joint and several liability, allows proof of causation by statistics, imposes market share liability, allows for class action suit and aggregation of claims, keeps names of Medicaid recipients secret, requires that all extrinsic areas of common law be construed against the defendant, requires that the Florida evidence code be construed against the defendant and contains many other unfair and disadvantageous provisions.

Subsequent to passage of these amendments to the Medicaid Third Party Liability Act in 1994, Governor Lawton Chiles maintained that he would only use this new law against tobacco companies. This bill is an effort to narrow the application of this law to cigarette manufacturers only.

The bill also attempts to tilt the scales of justice back towards the middle by reinstating all defenses except for assumption of the risk and comparative fault. It also deletes joint and several liability, deletes the section requiring that the evidence code be liberally construed against the defendant, deletes the section requiring that all extrinsic bodies of law be liberally construed against the defendant and reimposes the statute of repose.

AIF opposes this bill because the provisions that it retains are unfair even if only applied to a single product manufacturer. The bill retains removal of defenses, it applies market share liability, it retains class action status, it makes cross-examination impossible because the identity of Medicaid patients is secret, it allows causation to be proven by statistics and allows the 1994 Third Party Liability amendments to reach back to claims made for payment of Medicaid costs since 1990. AIF believes these provisions are unfair to defendants and cannot support a bill that allows the state to apply different rules to one defendant than it does to another simply because the state decides it does not like that defendant's products.

- Record 5a: On April 9, 1996, the bill failed to pass the House Commerce Committee by a vote of 14 yeas to 16 nays. A "nay" vote is a vote for the AIF position

HB 637 was laid on the Table.

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**CS/HB 773 Punitive  
Damages by Rep.  
Kendrick Meek  
(D-Miami)**

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**T**his bill reenacts portions of s. 768.73 *Florida Statutes*, regarding punitive damages and awards, which was repealed effective July 1, 1995.

The bill provides that in any civil action, 35% of any punitive damage award is payable to the State. If the cause of action was based on personal injury or wrongful death, the 35% of the award is payable to the Public Medical Assistance Trust Fund. Otherwise, the 35% is payable to the General Revenue Fund.

As originally drafted, this bill reenacted the previous law, which did not allow the attorney to collect attorney's fee on the portion of punitive damages that went to the state. However, in the House Judiciary Committee, Rep. Lois Frankel (D-Palm Beach) successfully amended the bill to allow attorney's fees to be paid on the entire punitive damage award. This undercuts the intent of the bill.

The bill is intended to encourage settlements. If the trial lawyer is guaranteed fees, then there is no risk to the trial lawyer in not settling a case.

AIF preferred to see the bill passed without the attorney's fees, but wished to see the bill move along.

- Record 6a: On March 11, 1996, the House Court Systems, Probate & Consumer Law Subcommittee of the House Judiciary Committee passed the bill by a vote of 5 yeas to 2 nays. A "yea" vote is a vote for the AIF position.
- Record 6b: On March 27, 1996, the House Judiciary Committee passed the bill as a committee substitute by a vote of 11 yeas to 5 nays. A "yea" vote is a vote for the AIF position.

CS/HB 773 died on the House Calendar.

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**CS/HB 1005  
Telephone  
Solicitation in  
Political Campaigns  
by Rep. Tracy  
Upchurch  
(D-St. Augustine)**

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**T**his bill proposes regulation of telephone calls made in the context of political campaigns. Specifically, the bill requires that all telephone calls made to support or oppose a candidate, elected public official, or issue include a disclaimer in which the caller lists any person or organization that paid for the call.

AIF opposed the enactment of the disclaimer requirements as being practically unworkable given the variation in the kinds of calls the proposed regulation would cover, as well as an overbroad regulation of political speech not tailored to specific problems identified in recent political campaigns.

Prior to the vote on the bill by the House Ethics & Elections Committee on March 19, 1995, AIF engaged in numerous discussions with House members and staff, and representatives from the Secretary of State's office, to cure various problems with the bill. Though some improvements were made, the results of these discussions were not sufficient to rectify AIF's opposition to the bill.

On March 19, 1996, Rep. Alex Diaz de la Portilla (R-Miami) and Rep. Alzo Reddick (D-Orlando), who were assisted by Rep. Beryl Roberts-Burke (D-Mi-

ami), offered a "strike-everything" amendment which was supported by AIF, FEA-United, and the AFL-CIO, which tailored the solutions presented by the bill to the problems identified in recent campaigns. The amendment included a prohibition against a caller telling a recipient of a call that he represents a particular person or entity unless he has been given permission in writing to do so, as well as a prohibition against telling a recipient of a call that he represents a person or entity that does not exist. Civil penalties for failure to comply with these provisions were also prescribed in the bill.

The amendment was adopted by a voice vote, with the only dissenting vote being that of Chairman Tracy Upchurch. With the adoption of the amendment, AIF withdrew its opposition to the bill.

- Record 7a: On March 19, 1996, the House Ethics & Elections Committee passed the bill by a vote of 12 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

CS/HB 1005 died on the House Calendar.

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**CS/HB 1179**  
**Administrative**  
**Procedure Act by**  
**Rep. Ken Pruitt**  
**(R-Port St. Lucie)**

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**T**he Constitution of Florida creates three branches of government to provide checks and balances on each other. The problem with the Florida Administrative Procedure Act (APA) is that it forces the private sector to be the check and balance on the executive branch, with no risk or repercussion to the agency for overstepping its delegated legislative authority. This balance is achieved at a tremendous cost to the private sector.

The Judicial branch should balance the executive branch. The legislative branch makes policy, the executive branch implements policy and the judicial branch interprets and enforces legislative intent. The problem of overzealous agencies will not be solved until the private sector is no longer the balancer.

Merely reducing the number of rules promulgated does not resolve the problem of overzealous agencies. In fact, it is vitally important that government adhere to strict rules when determining the rights of citizens. Thus, rulemaking is essential. It is necessary that a mechanism be put in the APA which restricts the agencies from going beyond the authority never granted to them by the Legislature. The private sector desperately needs agencies to tell it what lawmakers demand of the private sector.

Historically, case law has dictated that interpreted rules adopted by the APA rulemaking procedure "should be accorded a most weighty presumption of the validity," placing a nearly impossible burden to meet on the petitioner challenging a proposed or adopted rule.

In 1995, the Legislature passed CS/CS/SB 536 and HB 2543 to reform the APA and to shift the burden of proving a rule as a valid exercise of delegated

legislative authority from the private citizen to the agency. The bill provided that a rule does not carry a presumption of validity and the agency must prove by competent substantial evidence that the rule was a valid delegation of legislative authority and is not arbitrary.

However, in 1995, Governor Lawton Chiles vetoed CS/CS/SB 536 and appointed the Governor's APA Review Commission. In February 1996, the Governor's APA Review Commission released its report and recommendations for revisions of the APA. CS/HB 1179 combines provision of the 1995 bill, CS/CS/SB 536, with the findings of the Governor's APA Commission.

CS/HB 1179 includes provisions to level the playing field in rule challenges whereby a proposed rule is no longer presumed to be valid. Rather, once a challenger objects to a proposed rule, then the agency has the burden to prove the validity of the proposed rule as to the objections raised. If the agency fails to meet its burden of proof, then the challenger is entitled to an award of the court cost and reasonable attorney's fees, unless the agency demonstrates that its actions were substantially justified.

The bill also provides for negotiated rulemaking by agencies and for consideration of the impact of adoption of rules on small businesses, small counties and small cities. Agencies may be required to prepare Statements of Estimated Regulatory Costs, which includes additional operating costs and the costs of monitoring and reporting to affected persons. Rules may be held invalid for failure to comply with the issuance of a Statement of Estimated Regulatory Costs when required.

The bill imposes new limits on agency rulemaking authority by requiring that agencies may adopt only rules that implement, interpret, or make specific or particular powers and duties granted by the enabling statutes. No agency is authorized to implement statutory provisions setting forth general legislative intent or policy. Further, no agency is authorized to adopt a rule merely because it is reasonably related to the purpose of the enabling legislation.

Administrative agencies are still required to adopt their policies using the rulemaking procedures described in the APA. Agencies additionally will have the burden of demonstrating that any unadopted policies meet certain requirements, thus, encouraging agencies to adopt their policies as rules. However, agencies are authorized to grant waivers or variances to their adopted rules, thus, providing flexibility in the application of these rules.

An agency may not condition the approval of any license on compliance with the policies of another agency, unless certain requirements are met. Among other things, the other agency must identify specific legal authority for the policy, and a licensing agency must provide the licensees with an opportunity to challenge the condition as invalid.

The bill has been signed by the Governor and will become effective on October 1, 1996.

- Record 8a: On March 14, 1996, the House Select Streamlining Governmental Regulations Committee passed the bill as a committee substitute by a vote of 10 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 8b: On April 15, 1996, the House Appropriations Committee passed the bill by a vote of 35 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

On April 17, 1996, the House substituted CS/SB 2290 for CS/HB 1179. CS/HB 1179 was laid on the Table; refer to CS/SB 2290.

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**CS/SB 2290**  
**Administrative**  
**Procedure Act/**  
**Committee's Report**  
**by Sen. Charles**  
**Williams**  
**(D-Live Oak)**

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**T**he Constitution of Florida creates three branches of government to provide checks and balances on each other. The problem with the Florida Administrative Procedure Act (APA) is that it forces the private sector to be the check and balance on the executive branch, with no risk or repercussion to the agency for overstepping its delegated legislative authority. This balance is achieved at a tremendous cost to the private sector.

The Judicial branch should balance the executive branch. The legislative branch makes policy, the executive branch implements policy and the judicial branch interprets and enforces legislative intent. The problem of overzealous agencies will not be solved until the private sector is no longer the balancer.

Merely reducing the number of rules promulgated does not resolve the problem of overzealous agencies. In fact, it is vitally important that government adhere to strict rules when determining the rights of citizens. Thus, rulemaking is essential. It is necessary that a mechanism be put in the APA which restricts the agencies from going beyond the authority never granted to them by the Legislature. The private sector desperately needs agencies to tell it what lawmakers demand of the private sector.

Historically, case law has dictated that interpreted rules adopted by the APA rulemaking procedure “should be accorded a most weighty presumption of the validity,” placing a nearly impossible burden to meet on the petitioner challenging a proposed or adopted rule.

In 1995, the Legislature passed CS/CS/SB 536 and HB 2543 to reform the APA and to shift the burden of proving a rule as a valid exercise of delegated legislative authority from the private citizen to the agency. The bill provided that a rule does not carry a presumption of validity and the agency must prove by competent substantial evidence that the rule was a valid delegation of legislative authority and is not arbitrary.

However, in 1995, Governor Lawton Chiles vetoed CS/CS/SB 536 and appointed the Governor's APA Review Commission. In February 1996, the Governor's APA Review Commission released its report and recommendations



for revisions of the APA. CS/SB 2290 combines provision of the 1995 bill, CS/CS/SB 536, with the findings of the Governor's APA Commission.

CS/SB 2290 includes provisions to level the playing field in rule challenges whereby a proposed rule is no longer presumed to be valid. Rather, once a challenger objects to a proposed rule, then the agency has the burden to prove the validity of the proposed rule as to the objections raised. If the agency fails to meet its burden of proof, then the challenger is entitled to an award of the court cost and reasonable attorney's fees, unless the agency demonstrates that its actions were substantially justified.

The bill also provides for negotiated rulemaking by agencies and for consideration of the impact of adoption of rules on small businesses, small counties and small cities. Agencies may be required to prepare Statements of Estimated Regulatory Costs, which includes additional operating costs and the costs of monitoring and reporting to affected persons. Rules may be held invalid for failure to comply with the issuance of a Statement of Estimated Regulatory Costs when required.

The bill imposes new limits on agency rulemaking authority by requiring that agencies may adopt only rules that implement, interpret, or make specific or particular powers and duties granted by the enabling statutes. No agency is authorized to implement statutory provisions setting forth general legislative intent or policy. Further, no agency is authorized to adopt a rule merely because it is reasonably related to the purpose of the enabling legislation.

Administrative agencies are still required to adopt their policies using the rulemaking procedures described in the APA. Agencies additionally will have the burden of demonstrating that any unadopted policies meet certain requirements, thus, encouraging agencies to adopt their policies as rules. However, agencies are authorized to grant waivers or variances to their adopted rules, thus, providing flexibility in the application of these rules.

An agency may not condition the approval of any license on compliance with the policies of another agency, unless certain requirements are met. Among other things, the other agency must identify specific legal authority for the policy, and a licensing agency must provide the licensees with an opportunity to challenge the condition as invalid.

On March 21, 1996, the Senate Governmental Reform and Oversight Committee combined SBs 2288 and 2290 to create CS/SB 2290. The committee substitute passed by a vote of 8 yeas to 0 nays.

On April 3, 1996, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays.

- Record 9a: On April 18, 1996, the House passed the bill as amended by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On April 25, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 39 yeas to 0 nays.

CS/SB 2290 was signed by the Governor and became Chapter Law #96-159.

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**CS/HB 1853 HMO  
Civil Cause of Action  
by Rep. Debra  
Prewitt (D-New Port  
Richey)**

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**C**S/HB 1853 creates a civil cause of action against a health maintenance organization or prepaid health plan for failure to provide services. The bill also provides for attorney's fees to be awarded if the plaintiff prevails, the HMO would not receive attorney's fees if it prevails.

Under the HMO statutes, an HMO is guilty of an unfair claim settlement practice when the HMO commits or performs acts "with such a frequency as to indicate a general business practice." In addition, HMO enabling laws provide that it is a violation of law and an unfair claim or settlement practice to fail to provide a subscriber with services, care or treatment contracted for without a reasonable basis to believe a legitimate defense exists for not providing them. This bill creates a civil remedy for bad faith. CS/HB 1853 does not require plaintiffs, in order to prevail in an action under the section, to prove that the HMO acted with such frequency as to indicate a general business practice. HB 1853 would allow a plaintiff to recover if an HMO merely fails to provide services on one occasion. This would result in huge cost increases for HMOs.

HMOs are very different from indemnity health insurance policies. Health services are prepaid with an HMO. HMOs engage in utilization review. They routinely deny care as being not "medically necessary." If an HMO is sued, or even threatened of being sued, every time it tells a subscriber it cannot get an expensive, high-tech, unnecessary treatment, the cost of HMOs would rise dramatically. This would cause fewer employers to be able to provide health care insurance for their employees. This bill would also affect the quality of care given in HMOs. It would diminish the role of the primary care physician because the judgment by that doctor that a procedure is not medically necessary would be meaningless. Instead, plaintiff's attorneys and juries would be making decisions regarding the medical necessity of every kind of treatment.

AIF opposes this bill as it is another attempt by plaintiff attorneys to collect attorney's fees, coerce settlements and raise the cost of doing business in this state.

- Record 10a: On March 20, 1996, the House Judiciary Committee passed the bill as a committee substitute by a vote of 14 yeas to 1 nay. A "nay" vote is a vote for the AIF position.
- Record 10b: On April 30, 1996, the House passed the bill as amended by a vote of 117 yeas to 0 nays. A "nay" vote is a vote for the AIF position.
- Record 10c: On April 30, 1996, the House reconsidered the bill and passed

the bill as amended by a vote of 119 yeas to 0 nays. A “**nay**” vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted CS/HB 1853 for CS/SB 2222 and passed the bill by a vote of 39 yeas to 0 nays.

CS/HB 1853 was ordered engrossed and enrolled.

## House Average on Legal &amp; Judicial Issues = 68%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
6	2	75	Albright	F				F		F			F						F			A	A
3	2	60	Andrews							F			F								F	A	A
6	2	75	Arnall					F		F			F	F							F	A	A
10	2	83	Arnold		F	F		F		F	F		F		F	F			F			A	A
3	2	60	Ascherl					F					F								F	A	A
5	2	71	Bainter				F	F		F			F								F	A	A
3	3	50	Ball					A		F			F								F	A	A
6	2	75	Barreiro	F				F	F	F							F				F	A	A
4	3	57	Betancourt					F		F			F	A							F	A	A
7	4	64	Biiner			F		A		F			F	F		F			F		F	A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
5	2	71	Bloom				F	F		F			F							F		A	A
5	2	71	Boyd				F	F		F			F							F		A	A
5	2	71	Bradley					F		F			F	F						F		A	A
6	2	75	Brennan				F	F		F			F						F	F		A	A
6	2	75	Bronson					F		F			F					F	F	F		A	A
3	2	60	Brooks					A		F			F						F	F			A
6	2	75	Brown					F		F			F					F	F	F		A	A
4	2	67	Bullard					F		F			F							F		A	A
4	2	67	Burroughs					F		F			F						F	F		A	A
2	3	40	Bush					A		F										F		A	A
4	2	67	Carlton					F		F			F							F		A	A
3	3	50	Casey					A		F			F							F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
6	1	86	Chestnut				F	F	F	F			F						F	F			A
4	3	57	Clemons					F	F	F			F	A						F		A	A
5	2	71	Constantine					F		F			F						F	F		A	A
9	4	69	Cosgrove		F	F	F			F	F	F	F		F	A				F	A	A	A
			Couch																				
4	2	67	Crady					F		F			F							F		A	A
4	2	67	Crist					F		F			F							F		A	A
8	5	62	Crow		F	F		F		F	F	F	F		A	A				F	A	A	A
4	2	67	Culp					F		F			F							F		A	A
4	2	67	Davis					F		F			F							F		A	A
5	2	71	Dawson-White					F		F			F	F						F		A	A
3	2	60	Dennis							F			F							F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
8	2	80	<i>Diaz de la Portilla</i>	F			F	F	F	F	F		F				F			F		A	A
6	3	67	<i>Edwards</i>					F		F			F	A				F	F	F		A	A
5	2	71	<i>Eggelletion</i>					F		F			F						F	F		A	A
3	3	50	<i>Fasano</i>					A		F			F							F		A	A
1	2	33	<i>Feeney</i>							F												A	A
10	3	77	<i>Feren</i>		F	F		F		F	F	F	F							F	A	A	A
3	3	50	<i>Flanagan</i>					A		F			F							F		A	A
5	4	56	<i>Frankel</i>			F		F		F			F							F	A	A	A
5	2	71	<i>Fuller</i>					F		F			F							F		A	A
7	2	78	<i>Futch</i>	F				F	F	F			F				F			F		A	A
5	3	63	<i>Garcia</i>				F	A		F			F						F	F		A	A
5	2	71	<i>Gay</i>				F	F		F			F							F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
8	4	67	Geller		F	F		F		F	F	F	F			A				F	A	A	A
6	2	75	Goode				F	F		F			F	F						F		A	A
4	3	57	Graber				F	F					F	A						F		A	A
4	2	67	Greene					F		F			F							F		A	A
5	3	63	Hafner					F		F			F	A					F			A	A
5	0	100	Harris				F	F					F					F		F			
5	2	71	Healey					F		F			F						F			A	A
4	2	67	Heyman					F		F			F							F		A	A
7	2	78	Hill	F				F	F	F			F				F			F		A	A
4	2	67	Horan					F		F			F									A	A
4	2	67	Jacobs					F		F			F							F		A	A
6	2	75	Johnson				F	F		F			F	F						F		A	A

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
6	2	75	Jones					F	F	F			F	F					F	F		A	A
5	3	63	Kelly				F	F		F			F	A						F		A	A
5	2	71	King					F		F			F						F	F		A	A
8	3	73	Klein	F			F	F	F	F			F	A			F					A	A
2	3	40	Lacasa					A		F									F			A	A
4	2	67	Laurent					F		F			F									A	A
5	2	71	Lawson					F		F			F					F	F	F		A	A
5	3	63	Lippman					F	F	F			F	A							F	A	A
5	2	71	Littlefield					F	F	F			F								F	A	A
4	3	57	Livingston					F		F			F	A						F		A	A
5	2	71	Logan					F		F			F								F	A	A
4	2	67	Lynn					F		F			F							F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
9	2	82	Mackenzie	F			F	F	F	F			F				F		F	F		A	A
6	2	75	Mackey					F		F			F	F				F	F	F		A	A
5	2	71	Martinez					F		F			F						F	F		A	A
4	3	57	Maygarden					A		F			F	F								A	A
7	3	70	Meek			F		F		F		F	F			F					A	A	A
13	2	87	Melvin		F		F	F		F	F	F	F	F		F		F		F	F	A	A
7	2	78	Merchant				F	F		F			F	F		F				F		A	A
6	2	75	Miller				F	F		F			F	F						F		A	A
5	2	71	Minton					F		F			F					F		F		A	A
4	3	57	Morrone				F	A		F			F							F		A	A
6	4	60	Morse	A				A	F	F			F				F		F			A	A
5	2	71	Ogles					F		F			F	F						F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

	TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
4		2	67	Peadar					F	F	F			F							F		A	A
8		3	73	Peoples	F				F	F	F			F	A			F		F	F		A	A
5		2	71	Posey					F	F	F			F					F		F		A	A
4		2	67	Prewitt					F	F	F			F							F		A	A
6		2	75	Pruitt					F	F	F			F					F		F		A	A
3		2	60	Rayson							F			F							F		A	A
6		3	67	Reddick					F	F	F				A			F		F	F		A	A
5		2	71	Ritchie					F		F			F							F		A	A
11		4	73	Roberts-Burke	F		F		F	F	F		F	F	A		F	F		F	F	A	A	A
3		2	60	Rodriguez-Chomat					F		F										F		A	A
5		2	71	Rojas					F		F			F						F			A	A
4		3	57	Safley					F		F			F	A						F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
8	3	73	Sanderson			F		F	F	F	F	F	F	F	F	F				F	A	A	A
4	2	67	Saunders, Burt					F	F				F							F		A	A
5	2	71	Saunders, Dean					F	F	F			F						F	F	F	A	A
4	3	57	Sembler					A	F	F			F						F	F	F		A
4	3	57	Sindler					A	F	F			F						F	F	F		A
5	2	71	Smith				F	F	F	F			F							F		A	A
3	2	60	Spivey					F	F	F			F										A
6	3	67	Stabins				F	F	F	F		F	F							F	A	A	A
7	2	78	Stafford			F		F	F	F		F	F			F				F		A	A
5	3	63	Starks				F	A		F			F					F		F		A	A
6	8	43	Sublette	A		A		A		F	F	F	F		A	A			F	F	A	A	A
3	2	60	Tedder					F					F							F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
11	3	79	Thrasher		F	F	F	F	F	F	F	F	F		F	F				F	A	A	A
6	2	75	Tobin				F	F		F			F				F			F		A	A
8	3	73	Trammell			F		F	F	F		F	F			F			F	F	A	A	A
4	2	67	Trovillion					F	F	F			F							F		A	A
4	2	67	Turnbull					F	F	F			F							F		A	A
8	2	80	Upchurch	F			F	F	F	F			F				F			F		A	A
5	2	71	Valdes					F	F	F			F						F	F		A	A
5	3	63	Villalobos					A	F	F			F	F					F	F		A	A
4	2	67	Wallace, Peter					F	F	F			F							F		A	A
5	2	71	Wallace, Rob					F	F	F			F	F						F		A	A
6	4	60	Warner			F		F	F	F			F	A		F				F	A	A	A
4	2	67	Wasserman-Schultz					F	F	F			F							F		A	A

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Constitutional Amendment/Voting	1b - Constitutional Amendment/Voting	1c - Constitutional Amendment/Voting	1d - Constitutional Amendment/Voting	1e - Constitutional Amendment/Voting	2a - Lobbyist Expenditure Reports	3a - Lobbyist Expenditure Reports	4a - Non-Compete Agreements	4b - Non-Compete Agreements	4c - Non-Compete Agreements	5a - Medicaid Third Party Liability	6a - Punitive Damages	6b - Punitive Damages	7a - Telephone Solicitations	8a - Administrative Procedure Act	8b - Administrative Procedure Act	9a - Administrative Procedure Act	10a - HMO Civil Cause of Action	10b - HMO Civil Cause of Action	10c - HMO Civil Cause of Action
4	2	67	Webster					F		F			F							F		A	A
4	3	57	Wise					A		F			F						F		A	A	A
3	3	50	Ziebarth					A		F			F							F		A	A
627	293	68	TOTAL																				

Democrats in roman; Republicans in italic

F - Vote for position of AIF; A - Vote against position of AIF

# **THE FLORIDA HOUSE**

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## **TAXATION**

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# TAXATION

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## **HB 3 Common Sense in Sales Tax Exemption Act by Rep. Mark Ogles (R-Bradenton)**

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**T**his bill requires the Legislature to repeal an existing sales tax exemption of equal value before enacting a new sales tax exemption. AIF opposed this legislation because it would pit industry against industry and would make future exemptions more complicated since two tax exemptions would have to be discussed, the one being requested and the one being repealed. Further, this bill could not bind future legislatures, so AIF felt it should not be pursued.

- Record 1a: On March 20, 1996, the House Sales Tax Subcommittee of the House Finance and Taxation Committee passed the bill by a vote of 8 yeas to 5 nays. A “nay” vote is a vote for the AIF position.
- Record 1b: On April 17, 1996, the House Finance and Taxation Committee passed the bill by a vote of 26 yeas to 5 nays. A “nay” vote is a vote for the AIF position.

HB 3 died in the House Appropriations Committee.

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## **CS/HB 91 Electricity/ Tax Exemptions by Rep. Bob Starks (R-Casselberry)**

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**T**his bill is the stand alone version of the AIF-supported exemption from sales tax for electricity used in manufacturing in the State of Florida. This bill enacts the electric energy exemption that was the centerpiece of the AIF Jobs Bill of 1995. It removes the 7% state sales tax on electricity and allows local government to remove local sales tax as well. This saves manufacturers \$30 million annually. The exemption language contained in this bill was also included in the Enterprise Florida Bill, SB 958, the major economic development bill which passed the 1996 Legislature. AIF supported this bill.

- Record 2a: On March 21, 1996, the House International Trade Subcommittee of the House Commerce Committee passed the bill as amended by a vote of 7 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 2b: On March 27, 1996, the House Commerce Committee passed the bill as a committee substitute by a vote of 22 yeas to 0 nays. A “yea” vote is a vote for the AIF position.
- Record 2c: On April 15, 1996, the House Sales Tax Subcommittee of the House Finance and Taxation Committee passed the bill as amended by a vote of 8 yeas to 1 nay. A “yea” vote is a vote for the AIF position.
- Record 2d: On April 17, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 30 yeas to 2 nays. A “yea” vote is a vote for the AIF position.

CS/HB 91 died on the House Calendar.



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**SB 148 Corporate  
Filing Fees by Sen.  
Locke Burt  
(R-Ormond Beach)**

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**S**B 148 changes various fees relating to corporate filings and applications. The supplemental corporate filing fee is reduced by \$50 over a two-year period. Effective January 1, 1997, the fee will be lowered from the current level of \$138.75 to \$103.75 and effective January 1, 1998, the fee will be lowered to \$88.75. The supplemental filing fee is paid by corporations which are required by law to file annual reports with the Department of State. Corporations remitting the supplemental fee after the May 1 deadline are assessed a late charge.

In what was probably the most controversial provision of the bill, the late charge will be substantially increased over a two-year period. In 1997, the late charge is increased from the current \$25 level to \$385. In 1998, the late charge is increased to \$400. Also controversial is the increase in the application fee for reinstatement following administrative dissolution. The application fee is raised from the current \$175 to \$585 in 1997 and then to \$600 in 1998.

The bill also simplifies the process for registered agents to change their business name or address. Finally, the bill authorizes any foreign (non-Florida) corporation to domesticate in this state by filing a certificate of domestication and articles of incorporation.

The chart below summarizes the fee changes made by the bill.

	Current	1997	1998
Supplemental corporate fee	\$138.75	\$103.75	\$88.75
Late charge	\$25	\$385	\$400
Reinstatement following administrative dissolution	\$175	\$585	\$600

On March 5, 1996, the Senate Commerce Committee passed the bill as amended by a vote of 6 yeas to 4 nays.

On April 29, 1996, the Senate Ways and Means Committee passed the bill by a vote of 23 yeas to 0 nays.

On April 30, 1996, the Senate passed the bill by a vote of 39 yeas to 0 nays.

- Record 3a: On May 3, 1996, the House passed the bill by a vote of 116 yeas to 2 nays. A "yea" vote is a vote for the AIF position.

SB 148 was ordered engrossed and enrolled.

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**HB 269 Corporate  
Filing Fees by Rep.  
Jim King  
(R-Jacksonville)**

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**H**B 269 changes various fees relating to corporate filings and applications. The supplemental corporate filing fee is reduced by \$50 over a two-year period. Effective January 1, 1997, the fee will be lowered from the current level of \$138.75 to \$103.75 and effective January 1, 1998, the fee will be lowered to \$88.75. The supplemental filing fee is paid by corporations which are required by law to file annual reports with the Department of State. Corporations remitting the supplemental fee after the May 1 deadline are assessed a late charge.

In what was probably the most controversial provision of the bill, the late charge will be substantially increased over a two-year period. In 1997, the late charge is increased from the current \$25 level to \$385. In 1998, the late charge is increased to \$400. Also controversial is the increase in the application fee for reinstatement following administrative dissolution. The application fee is raised from the current \$175 to \$585 in 1997 and then to \$600 in 1998.

The bill also simplifies the process for registered agents to change their business name or address. Finally, the bill authorizes any foreign (non-Florida) corporation to domesticate in this state by filing a certificate of domestication and articles of incorporation.

The chart below summarizes the fee changes made by the bill.

	Current	1997	1998
Supplemental corporate fee	\$138.75	\$103.75	\$88.75
Late charge	\$25	\$385	\$400
Reinstatement following administrative dissolution	\$175	\$585	\$600

- Record 4a: On February 6, 1996, the House Banking and Corporations Subcommittee of the House Commerce Committee passed the bill by a vote of 5 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4b: On March 12, 1996, the House Commerce Committee passed the bill by a vote of 26 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4c: On March 27, 1996, the House General Government Subcommittee of the House Finance and Taxation Committee passed the bill by a vote of 13 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4d: On April 23, 1996, the House Finance and Taxation Committee passed the bill by a vote of 31 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 4e: On April 29, 1996, the House Appropriations Committee passed the bill by a vote of 33 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 269 died on the House Calendar.

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**HB 557 Property  
Appraiser's  
Assessment Burden  
of Proof by Rep. Bob  
Starks  
(R-Casselberry)**

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**H**B 557 changes the burden of proof in legal actions where a citizen challenges a determination of value made by a property appraiser. The burden of proof will apply in both administrative and judicial proceedings.

A property appraiser's assessment is presumed to be correct so long as the appraiser has considered the factors relating to just valuation set forth in Florida Statutes. Without this bill, the taxpayer can only overcome that presumption by establishing that every reasonable hypothesis has been excluded which would support the tax assessor.

HB 557 maintains the presumption of correctness. The bill changes the burden of proof by requiring the taxpayer to overcome the presumption of correctness by a preponderance of the evidence. This is an easier standard for the taxpayer to meet.

This bill is a fairness bill. Currently, it is nearly impossible for a taxpayer to challenge a property appraiser's assessment. Florida is the only state which burdens its taxpayers in this manner. This bill would align Florida with the majority of other states by requiring a burden of proof by the preponderance of the evidence.

- Record 5a: On March 13, 1996, the House Judiciary Committee passed the bill by a vote of 12 yeas to 3 nays. A "yea" vote is a vote for the AIF position.
- Record 5b: On April 9, 1996, the House General Government Subcommittee of the House Finance and Taxation Committee passed the bill by a vote of 15 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 5c: On April 23, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 29 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 5d: On May 2, 1996, the House passed the bill as amended by a vote of 108 yeas to 6 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted HB 557 for CS/SB 740 and passed the bill by a vote of 35 yeas to 4 nays.

HB 557 was ordered engrossed and enrolled.

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**CS/SB 624 Enterprise  
Zones/Sales Tax  
Credits by Sen. Betty  
Holzendorf  
(D-Jacksonville)**

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**T**his bill was originally filed by Senator Holzendorf to change dates and criteria for obtaining enterprise zone job credits. However, it became the "Tax Train" for the 1996 Legislative Session and ended up having quite a bit of worth while exemptions contained in the bill. Some of the exemptions include the following: Internet exemption; complimentary meals exemption; fuel tax glitch bill; exemption for advertising agencies; exemption for magazine subscriptions; exemptions for aircraft parts used to repair aircraft over 20,000 lbs.; and many more. The total cost of this bill for the 1996-97 budget is \$14.9 million and a recurring annual cost of \$41.9 million.

AIF supports the exemptions contained in this bill after the bill was amended on the House Floor.

- Record 6a: On May 3, 1996, the House passed the bill as amended by a vote of 117 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 3, 1996, the Senate passed the bill as amended by a vote of 39 yeas to 0 nays.

On May 3, 1996, the bill was reconsidered by the Senate, and the bill passed as amended by a vote of 39 yeas to 1 nay.

CS/SB 624 was ordered engrossed and enrolled.

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**HB 809 Partial-Year  
Assessments/Real  
Property by Rep.  
Rudy Garcia  
(R-Hialeah)**

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**T**his bill implements changes to the ad valorem tax assessment procedures and requires improvements to real property to be assessed from the day the improvement is put into use rather than the following January 1st. The bill was silent as to tangible personal property, but it was felt that the bill would ultimately tax tangible personal property on a partial year basis from the date of acquisition, rather from the subsequent January 1st after acquisition, as is the current law. If this procedure had been in place during calendar year 1994, an additional \$32 million in taxes would have been collected from Florida businesses. AIF opposed this legislation.

- Record 7a: On March 19, 1996, the House Intergovernmental Relations and Planning Subcommittee of the House Community Affairs Committee passed the bill as amended by a vote of 5 yeas to 0 nays. A "nay" vote is a vote for the AIF position.
- Record 7b: On April 23, 1996, the House Finance and Taxation Committee passed the bill by a vote of 28 yeas to 2 nays. A "nay" vote is a vote for the AIF position.

HB 809 died in the House Appropriations Committee.

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**CS/CS/SB 958**  
**Economic**  
**Development by**  
**Senate Commerce**  
**and Economic**  
**Opportunities**  
**Committee**

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**T**his bill reorganizes Florida's economic development structure. It dissolves the Department of Commerce and the Florida International Affairs Commission, and moves their functions into Enterprise Florida, Inc. and the new Florida Commission on Tourism, Inc.

Enterprise Florida becomes the principle economic development organization for the state and is charged with developing policies and implementing strategies to support Florida's existing businesses, recruit new businesses worldwide, seize international trade opportunities, develop a comprehensive approach to workforce development and support the economic capacity of rural communities and smaller minority businesses.

The Florida Commission on Tourism, Inc. is created as a not-for-profit corporation to serve as the principle tourism development and marketing organization for the state and is charged with developing policies and implementing strategies designed to encourage travelers worldwide to visit Florida.

Functions that are governmental in nature are retained in a newly created Office of Tourism, Trade and Economic Development (OTTED) within the executive office of the Governor.

The bill provides for repeal of the sales tax on electricity used in manufacturing and mining and lowers the \$100,000.00 threshold for sales tax exemptions for new and expanding businesses.

On February 20, 1996, the Senate Commerce Committee passed the bill as a committee substitute by a vote of 14 yeas to 0 nays.

On March 18, 1996, the Senate Ways and Means Committee passed the bill as a committee substitute to the committee substitute by a vote of 31 yeas to 0 nays.

On May 3, 1996, the Senate passed the bill as amended by a vote of 38 yeas to 0 nays.

■ Record 8a: On May 3, 1996, the House passed the bill as amended by a vote of 116 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 3, 1996, the Senate concurred in the House amendments and passed the bill as amended by a vote of 38 yeas to 0 nays.

CS/CS/SB 958 was ordered engrossed and enrolled.

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**PCB CO-96-2**  
**Economic**  
**Development/**  
**Department of**  
**Commerce by House**  
**Commerce**  
**Committee**

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**T**his bill reorganizes Florida's economic development structure by providing for the dissolution of the Department of Commerce and the Florida International Affairs Commission and moving those functions into Enterprise Florida, Inc. and the new Florida Commission on Tourism, Inc.

Enterprise Florida becomes the principle economic development organization for the state and is charged with developing policies and implementing strategies to support Florida's existing businesses, recruit new businesses worldwide, seize international trade opportunities, develop a comprehensive approach to workforce development and support the economic capacity of rural communities and smaller minority businesses.

The Florida Commission on Tourism, Inc. is created as a not-for-profit corporation to serve as the principle tourism development and marketing organization for the state and is charged with developing policies and implementing strategies designed to encourage travelers worldwide to visit Florida.

Functions that are governmental in nature are retained in a newly created Office of Tourism, Trade and Economic Development (OTTED) within the executive office of the Governor.

The sales tax exemption is of extreme importance to manufacturers as Florida is the only southeastern state that imposes a sales tax on electricity for manufacturers. This makes Florida produced goods noncompetitive on the world market. The remaining economic development infrastructure issues should free Florida's economic development efforts from artificial constraints faced by government agencies. Enterprise Florida, Inc. is a private company whose board is made up of business leaders and government leaders. This combination should help enhance Florida's economic development.

■ Record 9a: On February 5, 1996, the House Commerce Committee passed the bill by a vote of 25 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

PCB CO-96-2 became HB 1177; refer to CS/HB 1177.

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**CS/HB 1177**  
**Economic**  
**Development by**  
**House Commerce**  
**Committee**

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**T**his bill reorganizes Florida's economic development structure by providing for the dissolution of the Department of Commerce and the Florida International Affairs Commission and moving those functions into Enterprise Florida, Inc. and the new Florida Commission on Tourism, Inc.

Enterprise Florida becomes the principle economic development organization for the state and is charged with developing policies and implementing strategies to support Florida's existing businesses, recruit new businesses worldwide, seize international trade opportunities, develop a comprehensive approach to workforce development and support the economic capacity of rural communities and smaller minority businesses.

The Florida Commission on Tourism, Inc. is created as a not-for-profit corporation to serve as the principle tourism development and marketing organization for the state and is charged with developing policies and implementing strategies designed to encourage travelers worldwide to visit Florida.

Functions that are governmental in nature are retained in a newly created Office of Tourism, Trade and Economic Development (OTTED) within the executive office of the Governor.

The sales tax exemption is of extreme importance to manufacturers as Florida is the only southeastern state that imposes a sales tax on electricity for manufacturers. This makes Florida produced goods noncompetitive on the world market. The remaining economic development infrastructure issues should free Florida's economic development efforts from artificial constraints faced by government agencies. Enterprise Florida, Inc. is a private company whose board is made up of business leaders and government leaders. This combination should help enhance Florida's economic development.

- Record 9b: On March 5, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 30 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 9c: On March 7, 1996, the House Appropriations Committee passed the bill as a committee substitute by a vote of 31 yeas to 1 nay. A "yea" vote is a vote for the AIF position.
- Record 9d: On March 21, 1996, the House passed the bill as amended by a vote of 118 yeas to 1 nay. A "yea" vote is a vote for the AIF position.

CS/HB 1177 died in the Senate Commerce and Economic Opportunities Committee.

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**CS/HB 1927**  
**Telecommunication**  
**Service Taxation by**  
**Rep. Ron Klein**  
**(D-Boca Raton)**

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**C**S/HB 1927 was filed at the urging of AIF and other groups to resolve an issue raised by the Florida Department of Revenue regarding the taxation of Internet access, bulletin boards, and electronic mail service. The Department of Revenue had stated it would begin collecting taxes on these services beginning July 1, 1996 if the Florida Legislature did not act to grant an exemption for these service during the 1996 session. This bill, after much debate, was amended to create a study commission to analyze the issue of taxation of the aforementioned services and other emerging telecommunications technologies, while deferring collection of taxes on Internet access, bulletin boards and electronic mail until July 1, 1997. This bill was merged into SB 624 and passed on the last day of the 1996 Legislative Session. AIF supports this bill.

■ Record 10a: On April 25, 1996, the House Finance and Taxation Committee combined HBs 1927 and 2543 to create CS/HB 1927. The committee passed CS/HB 1927 by a vote of 23 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

■ Record 10b: On May 3, 1996, the House passed the bill as amended by a vote of 107 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 1927 died in Senate Messages.

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**HB 2273 Ad**  
**Valorem Taxation**  
**for Computer**  
**Software by Rep.**  
**Alfred Lawson**  
**(D-Tallahassee)**

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**T**his bill was filed in an effort to define "computer software" in such a manner as not to include the value of the intellectual property contained on the tape or disc used to hold the software. AIF urged the Legislature to clarify this definition so that computer software would not be assessed as tangible personal property by the County Property Appraiser. This bill failed to pass during the 1996 Legislative Session.

■ Record 11a: On April 25, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 28 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

HB 2273 died on the House Calendar.



## House Average on Taxation Issues = 92%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax/Computer
7	0	100	Albright							F					F				F	F			F				F		F	
6	0	100	Andrews							F									F	F			F				F		F	
17	2	89	Arnall		A		F		F	F		F	F	F			F	F	F	F	A	F	F	F	F	F	F	F	F	F
7	1	88	Arnold							F					F	A						F				F				
5	0	100	Ascherl							F									F	F		F				F				
6	0	100	Bainter							F									F	F		F				F			F	
6	0	100	Ball							F									F	F		F				F			F	
10	3	77	Barreiro	A	A				F	F				F				F	F	F	A	F			F		F		F	
16	3	84	Betancourt	A	A		F	F	F	F		F		F					F	F	A	F	F	F	F	F	F	F	F	F
12	0	100	Bitner				F			F		F			F	F			F	F		F	F		F		F		F	

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax/Computer
5	0	100	Bloom							F								F	F	F			F			F				
6	0	100	Boyd							F								F	F	F			F			F				
16	2	89	Bradley		A	F	F		F	F			F	F			F	F	F	F	A		F	F	F	F	F			
8	0	100	Brennan							F					F				F	F			F			F				
8	0	100	Bronson							F					F				F	F			F			F				
13	1	93	Brooks		A				F	F			F	F			F	F	F	F			F	F	F	F	F			
9	0	100	Brown							F					F				F	F			F	F	F	F				
5	0	100	Bullard							F									F	F			F	F						
6	0	100	Burroughs							F									F	F			F			F				
12	2	86	Bush		A				F	F				F			F	F	F	F		A	F	F	F	F	F			
10	5	67	Carlton	A	A			A	A	A				F				F	F	F		A	F	F	F	F	F			
5	0	100	Casey							F										F			F			F				

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax./Computer
6	0	100	Chestnut							F								F	F	F										
15	2	88	Clemons		A				F	F	F			F			F	F	F	F	A		F	F			F	F	F	F
8	1	89	Constantine							F					F				F	F	A		F							
14	2	88	Cosgrove		A				F	F			F	F		F	F		F		A		F				F	F	F	F
			Couch																											
5	0	100	Crady							F									F	F							F			
6	0	100	Crist							F									F	F			F				F			
6	0	100	Crow							F									F	F			F				F			
13	1	93	Culp		A				F	F			F	F		F			F	F			F				F	F	F	F
7	0	100	Davis							F					F				F	F						F				
8	3	73	Dawson-White	A	A			F	F	F										F	A		A			F			F	
6	0	100	Dennis							F									F	F			F						F	

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax/Computer
5	0	100	Diaz de la Portilla																F	F		F			F			F		
11	0	100	Edwards				F			F		F			F				F	F		F				F		F		
6	0	100	Eggelation							F					F							F				F		F		
15	1	94	Fasano	F	F			F	F	F				F					F	F	A	F			F		F	F	F	F
5	0	100	Feeney							F									F	F		F							F	
7	1	88	Feren							F						F			F	F	A	F					F	F		
13	3	81	Flanagan		A				A	F			F	F					F	F		A			F		F	F	F	F
11	3	79	Frankel	F	F				F	F				F		A					A	F			F		F	F	F	F
6	0	100	Fuller							F									F	F		F							F	
12	2	86	Fuich		A				F	F			F	F					F	F		A			F		F	F		
9	0	100	Garcia							F		F			F				F	F								F	F	
6	0	100	Gay							F									F	F								F		

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax/Computer
12	3	80	Geller	A					F	F				F			A	F	F	F	A	F	F	F	F	F	F	F	F	F
9	0	100	Goode				F			F	F								F	F		F	F						F	
9	0	100	Graber				F			F					F				F	F			F						F	
6	0	100	Greene							F									F	F			F						F	
10	0	100	Hafner							F		F							F	F			F	F					F	
4	0	100	Harris							F									F	F										
5	0	100	Healey							F									F	F			F							
6	0	100	Heyman							F									F	F			F						F	
12	4	75	Hill	A	A			F	F	F				F				F	F	F	A	F	F	F	F	A	F	F	F	F
5	0	100	Horan							F									F	F			F							
13	3	81	Jacobs		A				F	F			F	F			F	F	F	F	A	F	F	A				F	F	F
10	0	100	Johnson			F	F			F		F							F	F			F	F	F				F	

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom. Service/Tax	11a - Ad Valorem Tax/Computer
11	0	100	Jones				F			F		F			F				F	F		F		F		F			F	
15	2	88	Kelly		A		F		F			F	F	F			F		F	F	A		F		F		F			F
7	0	100	King							F					F															
17	2	89	Klein		A		F	F	F	F		F		F					F	F	A		F		F		F		F	F
13	3	81	Lacasa	A				F	F					F					F	F	A		F		F		F		F	F
14	1	93	Laurent	F	F				F	F				F					F	F	A		F		F		F		F	F
8	2	80	Lawson			F				F		F							F	F			F		A		F		F	
17	2	89	Lippman	F	A		F	F	F	F		F	F	F					F	F	A		F		F		F		F	F
6	0	100	Littlefield							F													F				F			
10	0	100	Livingston				F			F	F	F							F	F			F				F		F	
12	2	86	Logan		A				F	F				F					F	F	A		F		F		F		F	F
15	1	94	Lynn		F				F	F			F	F					F	F	A		F		F		F		F	F

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8	0	100	Mackenzie							F					F				F	F			F					F		
10	0	100	Mackey							F		F			F				F	F			F					F		
7	0	100	Martinez							F					F				F	F			F					F		
10	0	100	Maygarden				F			F	F	F							F	F			F					F		
6	1	86	Meek													F			F	F	A		F					F		
9	0	100	Melvin			F				F		F							F	F			F					F		
11	0	100	Merchant				F			F		F			F				F	F			F					F		
9	0	100	Miller				F			F		F							F	F			F					F		
15	0	100	Minton						F	F			F	F				F	F	F			F		F			F	F	F
6	0	100	Morrone							F									F	F			F					F		
8	0	100	Morse							F					F				F	F			F					F		
8	0	100	Ogles				F			F		F							F	F			F					F		

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax./Computer
14	1	93	Peadar	F	F			F	F	F				F					A	F		F	F		F	F	F	F		F
10	1	91	Peeples				F			F		F							A	F			F		F				F	
6	0	100	Posey							F									F	F			F						F	
4	1	80	Prewitt							F									A	F			F							
8	1	89	Pruitt							F					F				F	F	A		F						F	
12	3	80	Rayson	A	A				F	F				F					F	F		A	F		F		F	F	F	F
11	0	100	Reddick			F	F			F					F				F	F			F				F		F	
8	0	100	Ritchie							F					F				F	F			F				F		F	
10	0	100	Roberts-Burke							F		F			F				F	F			F				F			
9	3	75	Rodriguez-Chomat	A	A					F				F					F	F		A	F				F		F	
7	1	88	Rojas							A					F				F	F			F				F		F	

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax./Computer
10	0	100	Safley				F			F	F	F							F	F			F			F		F		F
11	0	100	Sanderson			F				F		F				F			F	F			F			F		F		F
6	0	100	Saunders, Burt							F									F	F			F			F		F		F
8	0	100	Saunders, Dean							F					F				F	F			F			F		F		F
8	0	100	Sembler							F					F				F	F			F			F		F		F
8	0	100	Sindler							F					F				F	F			F			F		F		F
6	0	100	Smith							F									F	F			F			F		F		F
5	1	83	Spivey							F									A	F			F			F		F		F
7	0	100	Stabins							F						F			F	F			F			F		F		F
5	2	71	Stafford							F						A			A	F			F			F		F		F
12	2	86	Starks		A				F	F							F		F	F		A	F			F		F		F
9	0	100	Sublette							F					F		F		F	F			F			F		F		F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax./Computer
13	2	87	Tedder		A			F	F	F			F	F				F	F	F	A	F			F	F	F	F	F	F
7	0	100	Thrasher													F			F	F		F							F	
6	0	100	Tobin						F	F									F	F		F							F	
8	0	100	Trammell						F	F	F								F	F		F							F	
6	0	100	Trovillion						F	F									F	F		F							F	
4	2	67	Turnbull						F	F									A	F	A								F	
4	0	100	Upchurch						F	F										F		F								
7	0	100	Valdes						F	F									F	F		F							F	
8	1	89	Villalobos						A	F	F								F	F		F							F	
6	0	100	Wallace, Peter						F										F	F		F							F	
8	0	100	Wallace, Rob				F		F	F		F							F	F		F							F	
10	0	100	Warner				F		F	F		F							F	F		F							F	

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Com. Sense in Sales Tax Exemp.	1b - Com. Sense in Sales Tax Exemp.	2a - Electricity/Tax Exemptions	2b - Electricity/Tax Exemptions	2c - Electricity/Tax Exemptions	2d - Electricity/Tax Exemptions	3a - Corporate Filing Fee	4a - Corporate Filing Fee	4b - Corporate Filing Fee	4c - Corporate Filing Fee	4d - Corporate Filing Fee	4e - Corporate Filing Fee	5a - Property Appraiser's Assessment	5b - Property Appraiser's Assessment	5c - Property Appraiser's Assessment	5d - Property Appraiser's Assessment	6a - Enterprise Zones/Sales Tax	7a - Partial-Year Assess./Real	7b - Partial-Year Assess./Real	8a - Economic Development	9a - Economic Development	9b - Economic Development	9c - Economic Development	9d - Economic Development	10a - Telecom. Service/Tax	10b - Telecom Service/Tax	11a - Ad Valorem Tax/Computer
14	2	88	Wasserman-Schultz		A				F	F			F	F			F	F	F	F		A	F		F		F	F	F	F
6	0	100	Webster							F									F	F		F					F		F	
7	0	100	Wise							F					F				F	F			F				F		F	
6	0	100	Ziebarth							F										F			F				F		F	
1062	87	92	TOTAL																											

Democrats in roman; Republicans in italic

**THE FLORIDA HOUSE**

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**UNEMPLOYMENT  
COMPENSATION**

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# UNEMPLOYMENT COMPENSATION

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**CS/HB 1291**  
**Unemployment**  
**Compensation Law/**  
**Employment by Rep.**  
**Scott Clemons**  
**(D-Panama City)**

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**T**his bill makes various changes to the unemployment compensation laws recommended by the Division of Unemployment Compensation and the Unemployment Compensation Advisory Council, of which AIF is a member. The major substantive changes include:

- Changes the method of benefit calculation from “weeks worked” to “high quarter”;
- Increases the employer’s tax rate appeal period and the period an employer has to request a review of its tax rate from 15 to 20 days;
- Gives employers a limited option of making voluntary unemployment compensation contributions to avert a tax rate increase; and
- Authorizes the use of a “common paymaster” scheme where employees are shared by related corporations.

■ Record 1a: On March 6, 1996, the House General Commerce & Employment Subcommittee of the House Commerce Committee passed the bill as a proposed committee substitute by a vote of 6 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

■ Record 1b: On March 12, 1996, the House Commerce Committee passed the bill as a committee substitute by a vote of 26 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

■ Record 1c: On April 9, 1996, the House General Government Subcommittee of the House Finance and Taxation Committee passed the bill as amended by a vote of 14 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

■ Record 1d: On April 11, 1996, the House Finance and Taxation Committee passed the bill as amended by a vote of 25 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

■ Record 1e: On April 25, 1996, the House Appropriations Committee passed the bill by a vote of 34 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

■ Record 1f: On April 26, 1996, the House passed the bill as amended by a vote of 115 yeas to 0 nays. A “yea” vote is a vote for the AIF position.

On May 3, 1996, the Senate substituted CS/HB 1291 for SB 2454. CS/HB 1291 passed the Senate by a vote of 24 yeas to 11 nays.

CS/HB 1291 was ordered engrossed and enrolled.

## House Average on Unemployment Comp. Issues =100%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
2	0	100	<i>Albright</i>					F	F
1	0	100	<i>Andrews</i>						F
4	0	100	<i>Arnall</i>		F	F	F		F
2	0	100	Arnold					F	F
1	0	100	Ascherl						F
1	0	100	<i>Bainter</i>						F
1	0	100	<i>Ball</i>						F
2	0	100	<i>Barreiro</i>				F		F
2	0	100	Betancourt		F				F
4	0	100	<i>Bitner</i>	F	F			F	F
1	0	100	Bloom						F
1	0	100	Boyd						F
4	0	100	Bradley		F	F	F		F
1	0	100	Brennan						F
2	0	100	Bronson					F	F
3	0	100	<i>Brooks</i>			F	F		F
3	0	100	Brown		F			F	F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
1	0	100	Bullard						F
1	0	100	Burroughs						F
3	0	100	Bush			F	F		F
1	0	100	Carlton						F
1	0	100	Casey						F
2	0	100	Chestnut					F	F
4	0	100	Clemons		F	F	F		F
2	0	100	Constantine					F	F
3	0	100	Cosgrove			F	F		F
			Couch						
1	0	100	Crady						F
1	0	100	Crist						F
1	0	100	Crow						F
3	0	100	Culp			F	F		F
1	0	100	Davis					F	
3	0	100	Dawson-White		F		F		F
1	0	100	Dennis						F
1	0	100	Diaz de la Portilla						F
3	0	100	Edwards		F			F	F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
2	0	100	Eggelletion					F	F
1	0	100	Fasano						F
			Feeney						
1	0	100	Feren						F
3	0	100	Flanagan			F	F		F
2	0	100	Frankel				F		F
1	0	100	Fuller						F
3	0	100	Futch			F	F		F
2	0	100	Garcia					F	F
1	0	100	Gay						F
3	0	100	Geller			F	F		F
2	0	100	Goode		F				F
1	0	100	Graber					F	
1	0	100	Greene						F
2	0	100	Hafner					F	F
1	0	100	Harris						F
2	0	100	Healey					F	F
1	0	100	Heyman						F
2	0	100	Hill				F		F

F - Vote for position of AIF; A - Vote against position of AIF



TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
1	0	100	Horan						F
3	0	100	Jacobs			F	F		F
2	0	100	Johnson		F				F
3	0	100	Jones		F			F	F
5	0	100	Kelly	F	F	F	F		F
2	0	100	King					F	F
2	0	100	Klein		F				F
1	0	100	Lacasa						F
2	0	100	Laurent				F		F
2	0	100	Lawson		F				F
3	0	100	Lippman		F		F		F
1	0	100	Littlefield						F
2	0	100	Livingston		F				F
2	0	100	Logan				F		F
3	0	100	Lynn			F	F		F
2	0	100	Mackenzie					F	F
3	0	100	Mackey	F				F	F
2	0	100	Martinez					F	F
2	0	100	Maygarden		F				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
1	0	100	Meek						F
2	0	100	Melvin		F				F
3	0	100	Merchant		F			F	F
2	0	100	Miller		F				F
2	0	100	Minton				F		F
1	0	100	Morrone						F
2	0	100	Morse					F	F
3	0	100	Ogles	F	F				F
2	0	100	Peaden				F		F
3	0	100	Peeples	F				F	F
1	0	100	Posey						F
1	0	100	Prewitt						F
2	0	100	Pruitt					F	F
2	0	100	Rayson				F		F
2	0	100	Reddick					F	F
2	0	100	Ritchie					F	F
3	0	100	Roberts-Burke		F			F	F
			Rodriguez-Chomat						
1	0	100	Rojas					F	

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
2	0	100	<i>Safley</i>		F				F
2	0	100	<i>Sanderson</i>					F	F
1	0	100	<i>Saunders, Burt</i>						F
2	0	100	Saunders, Dean					F	F
2	0	100	<i>Sembler</i>					F	F
2	0	100	Sindler					F	F
1	0	100	Smith						F
1	0	100	Spivey						F
1	0	100	<i>Stabins</i>						F
1	0	100	Stafford						F
2	0	100	<i>Starks</i>			F			F
1	0	100	<i>Sublette</i>						F
2	0	100	Tedder				F		F
1	0	100	<i>Thrasher</i>						F
1	0	100	Tobin						F
2	0	100	Trammell					F	F
1	0	100	<i>Trovillion</i>						F
1	0	100	Turnbull						F
1	0	100	Upchurch						F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - Unemployment Compensation Law/	1b - Unemployment Compensation Law/	1c - Unemployment Compensation Law/	1d - Unemployment Compensation Law/	1e - Unemployment Compensation Law/	1f - Unemployment Compensation Law/
1	0	100	<i>Valdes</i>						F
3	0	100	<i>Villalobos</i>		F			F	F
1	0	100	Wallace, Peter						F
2	0	100	<i>Wallace, Rob</i>		F				F
3	0	100	<i>Warner</i>	F	F				F
2	0	100	Wasserman-Schultz				F		F
1	0	100	<i>Webster</i>						F
2	0	100	<i>Wise</i>					F	F
1	0	100	<i>Ziebarth</i>						F
220	0	100	<b>TOTAL</b>						

Democrats in roman; *Republicans in italic*

F - Vote for position of AIF; A - Vote against position of AIF

**THE FLORIDA HOUSE**

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**WORKERS'**  
**COMPENSATION**

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# WORKERS' COMPENSATION

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## **HB 881 Workers' Compensation/ Cancer Presumption by Rep. John Rayson (D-Pompano Beach)**

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**T**his bill establishes a presumption of compensability for firefighters and paramedics who contract a disabling or fatal cancer. The operation of the presumption relieves these employees of the burden of having to prove a causal relationship between their cancer and their employment. Consequently, employers would only be able to rebut the presumption by proving that an employee's cancer is the result of a specific non-work related exposure or event.

The bill was opposed by local governments, who are most often the employers and insurers of firefighters and paramedics, and by AIF. AIF, as a leader in the workers' compensation reform movement for many years, argued that the inclusion of additional presumptions in the workers' compensation system would disrupt the current decision-making mechanism in the law and undermine the integrity of the system.

■ Record 1a: On March 18, 1996, members of the House Governmental Operations Committee voted against the bill by a vote of 5 yeas to 7 nays, but the bill was left pending on a motion to reconsider by Rep. George Crady (D-Yulee). A "nay" vote is a vote for the AIF position.

HB 881 was reported unfavorably on March 27, 1996, when by Rep. Mike Fasano (R-New Port Richey) moved to lay the pending motion to reconsider on the Table.

HB 881 was laid on the Table.

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## **PCB CO-96-3 Special Disability Trust Fund by House Commerce Committee**

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**T**his proposed committee bill by the House Commerce Committee addresses the deficits in the Workers' Compensation Special Disability Trust Fund.

An actuarial study done prior to the 1996 legislative session shows that the Special Disability Trust Fund is running a deficit of \$4.7 billion. This deficit must be paid through assessments on employers' workers' compensation policies.

The bill as drafted allows the Special Disability Trust Fund to continue until January 1, 1998. The assessment rate is capped at 4.5 percent.

AIF opposes this bill, as it continues the existence of an actuarially unsound trust fund, and puts the burden on employers to pay the deficit. AIF supports a provision that either stops claims into the Special Disability Trust Fund immediately, or one that combines an immediate stop with a provision allowing employers to opt-out of the SDTF.

- Record 2a: On December 4, 1995, the House General Commerce Subcommittee of the House Commerce Committee passed the bill by a vote of 6 yeas to 2 nays. A “nay” vote is a vote **for** the AIF position.
- Record 2b: On January 24, 1996, the House Commerce Committee passed the bill as amended by a vote of 22 yeas to 6 nays. A “nay” vote is a vote **for** the AIF position.

PCB CO-96-03 became HB 891.

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**HB 891 Special  
Disability Trust Fund  
by House Commerce  
Committee**

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The bill as drafted allows the Special Disability Trust Fund to continue until January 1, 1998. The assessment rate is capped at 4.5 percent.

AIF opposes this bill, as it continues the existence of an actuarially unsound trust fund, and puts the burden on employers to pay the deficit. AIF supports a provision that either stops claims into the Special Disability Trust Fund immediately, or one that combines an immediate stop with a provision allowing employers to opt-out of the SDTF.

- Record 2c: On April 23, 1996, the House Finance and Taxation Committee passed the bill by a vote of 31 yeas to 0 nays. A “nay” vote is a vote **for** the AIF position.
- Record 2d: On April 29, 1996, the House Appropriations Committee passed the bill by a vote of 35 yeas to 0 nays. A “nay” vote is a vote **for** the AIF position.

HB 891 died on the House Calendar.

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**CS/HB 2389**  
**Workers'**  
**Compensation:**  
**Workplace Safety**  
**Committees by Rep.**  
**Randy Mackey**  
**(D-Lake City)**

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**T**his bill directs the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a performance audit of the Division of Safety of the Department of Labor and Employment Security. The performance audit is to include a review of the Division's activities relating to employer safety programs, including consultations and enforcement activities, during fiscal years 1995-96 and 1996-97. The bill also modifies the threshold for mandatory workplace safety committees.

Section 442.012, Florida Statutes, currently requires all public and private employers with more than 10 employees to establish and administer a workplace safety committee. Employers with 10 or fewer employees, who are identified by the Division as having a high frequency or severity of work-related injuries, must also establish and administer a workplace safety committee.

This bill ups the threshold for mandated safety committees by requiring employers with 20 or more employees to establish a workplace safety committee. Additionally, employers with less than 20 employees, who are identified as having a high frequency or severity of work-related injuries, will be allowed to designate a workplace safety coordinator instead of establishing a safety committee.

Although the bill attempts to lessen the administrative burden on small employees (those with less than 20 employees), the bill fails to address the significant concern of many employers who worry that establishing a workplace safety committee, as mandated under Florida law, would subject them to liability under the National Labor Relations Act.

- Record 3a: On March 21, 1996, the House General Commerce Subcommittee of the House Commerce Committee passed the bill as amended by a vote of 8 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 3b: On March 27, 1996, the House Commerce Committee passed the bill as a committee substitute by a vote of 25 yeas to 0 nays. A "yea" vote is a vote for the AIF position.
- Record 3c: On May 1, 1996, the House passed the bill by a vote of 118 yeas to 0 nays. A "yea" vote is a vote for the AIF position.

On May 2, 1996, the Senate substituted CS/HB 2389 for CS/SB 2530 and passed the bill by a vote of 38 yeas to 0 nays.

CS/HB 2389 was ordered engrossed and enrolled.



## House Average on Workers' Compensation Issues = 63%

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
1	1	50	Albright					A			F
1	0	100	Andrews								F
2	2	50	Arnall			A	A			F	F
1	1	50	Arnold					A			F
1	0	100	Ascherl								F
1	0	100	Bainter								F
2	0	100	Ball	F							F
1	1	50	Barreiro				A				F
2	2	50	Betancourt			A	A			F	F
3	3	50	Bitner		A	A		A	F	F	F
1	0	100	Bloom								F
1	0	100	Boyd								F
2	1	67	Bradley				A			F	F
1	1	50	Brennan					A			F
1	1	50	Bronson					A			F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
1	1	50	Brooks				A				F
1	2	33	Brown			A		A			F
1	0	100	Bullard								F
1	0	100	Burroughs								F
1	1	50	Bush				A				F
1	1	50	Carlton				A				F
1	0	100	Casey								F
1	1	50	Chestnut					A			F
1	2	33	Clemons			A	A				F
1	1	50	Constantine					A			F
1	1	50	Cosgrove				A				F
			Couch								
2	0	100	Crady	F							F
1	0	100	Crist								F
1	0	100	Crow								F
1	1	50	Culp				A				F
0	1	0	Davis					A			

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
2	1	67	Dawson-White				A			F	F
1	0	100	Dennis								F
1	0	100	<i>Diaz de la Portilla</i>								F
3	3	50	Edwards		A	A		A	F	F	F
1	2	33	Eggelleton	A				A			F
2	1	67	<i>Fasano</i>	F			A				F
1	0	100	<i>Feeney</i>								F
1	0	100	Feren								F
1	1	50	<i>Flanagan</i>				A				F
1	1	50	Frankel				A				F
2	0	100	<i>Fuller</i>	F							F
1	1	50	<i>Futch</i>				A				F
1	1	50	<i>Garcia</i>					A			F
1	0	100	<i>Gay</i>								F
1	1	50	Geller				A				F
2	1	67	Goode			A				F	F
2	2	50	Graber		A			A	F		F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
1	0	100	Greene								F
2	2	50	Hafner			A		A		F	F
1	0	100	Harris	F							
1	0	100	Healey								F
1	0	100	Heyman								F
1	2	33	Hill	A			A				F
1	0	100	Horan								F
1	1	50	Jacobs				A				F
2	1	67	Johnson			A				F	F
2	2	50	Jones			A		A		F	F
3	1	75	Kelly				A		F	F	F
1	1	50	King					A			F
1	1	50	Klein			A					F
1	1	50	Lacasa				A				F
1	1	50	Laurent				A				F
1	2	33	Lawson	A		A					F
2	2	50	Lippman			A	A			F	F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
1	0	100	<i>Littlefield</i>								F
2	1	67	<i>Livingston</i>			A				F	F
1	1	50	<i>Logan</i>				A				F
1	1	50	<i>Lynn</i>				A				F
1	1	50	<i>Mackenzie</i>					A			F
3	3	50	<i>Mackey</i>		A	A		A	F	F	F
1	1	50	<i>Martinez</i>					A			F
3	0	100	<i>Maygarden</i>			F				F	F
1	0	100	<i>Meek</i>								F
2	1	67	<i>Melvin</i>			A				F	F
2	2	50	<i>Merchant</i>			A		A		F	F
2	1	67	<i>Miller</i>			A				F	F
1	1	50	<i>Minton</i>				A				F
1	0	100	<i>Morrone</i>								F
1	1	50	<i>Morse</i>					A			F
3	2	60	<i>Ogles</i>		A	A			F	F	F
1	1	50	<i>Peadar</i>				A				F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
4	2	67	Peeples		A	F		A	F	F	F
1	1	50	Posey	A							F
1	0	100	Prewitt								F
1	1	50	Pruitt					A			F
1	1	50	Rayson				A				F
2	2	50	Reddick			A		A		F	F
1	1	50	Ritchie					A			F
2	2	50	Roberts-Burke			A		A		F	F
1	1	50	Rodriguez-Chomat				A				F
1	1	50	Rojas					A			F
2	1	67	Safley			A				F	F
2	1	67	Sanderson			F		A			F
1	0	100	Saunders, Burt								F
1	1	50	Saunders, Dean					A			F
2	1	67	Sembler	F				A			F
1	1	50	Sindler					A			F
1	0	100	Smith								F

F - Vote for position of AIF; A - Vote against position of AIF

TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
1	1	50	Spivey	A							F
1	0	100	Stabins								F
1	0	100	Stafford								F
1	1	50	Starks				A				F
1	1	50	Sublette					A			F
1	1	50	Tedder				A				F
1	0	100	Thrasher								F
1	0	100	Tobin								F
1	0	100	Trammell								F
1	0	100	Trovillion								F
1	0	100	Turnbull								F
1	0	100	Upchurch								F
1	1	50	Valdes					A			F
3	1	75	Villalobos		F	F		A			F
1	0	100	Wallace, Peter								F
4	0	100	Wallace, Rob	F		F				F	F
5	0	100	Warner		F	F			F	F	F

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TOTAL FOR	TOTAL AGAINST	% WITH AIF		1a - WC - Cancer Presumption	2a - Special Disability Trust Fund	2b - Special Disability Trust Fund	2c - Special Disability Trust Fund	2d - Special Disability Trust Fund	3a - WC Workplace Safety	3b - WC Workplace Safety	3c - WC Workplace Safety
1	1	50	Wasserman-Schultz				A				F
1	0	100	<i>Webster</i>								F
1	1	50	<i>Wise</i>					A			F
1	0	100	<i>Ziebarth</i>								F
166	99	63	TOTAL								

Democrats in roman; *Republicans in italic*

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