

SUMMARY OF CHANGES IN CHAPTER 120

1988 LEGISLATIVE SESSION

Two laws were enacted during the 1988 Legislative Session making changes to Chapter 120, Florida Statutes: Chapters 88-367 and 88-384, Laws of Florida.

The following summaries of changes were prepared by the House Governmental Operations Committee.

I. Chapter 88-367, Laws of Florida

This chapter changes Section 120.52, F.S., to exempt from the rulemaking requirements in the Administrative Procedure Act, Chapter 120, F.S., the Comptroller's statements, memoranda, or instructions relating to claims for payment submitted by state agencies to the Comptroller.

II. Chapter 88-384, Laws of Florida

This chapter relates to the procurement of commodities and services by the Department of General Services as well as other state agencies. The act also addresses the procurement of information technology resources as well as requirements relating to an evaluation and projection of the financial condition of the employee group health self-insurance plan by the Economic Estimating Conference.

The law also amends Chapter 120.53, F.S., providing notice requirements for exceptional purchase decisions of the Division of Purchasing of the Department of General Services.

The law provides clarification of existing statutory authority relating to purchasing. Provisions are made in revised Paragraph 119.07(3)(p), F.S., for sealed bid documents or proposals to be exempt from the public records law until an agency decision or within ten days of bid opening, whichever occurs first. [This will allow the Department of General Services to maintain adequate security of bid documents during this period.]

In the event a bidder files a protest relating to a term contract, the protesting party would be required to post a bond pursuant to amended Subsection 287.042(2), F.S. The losing or nonprevailing party would be required to pay court costs.

Additionally, the threshold requirements for certain contracts is increased from \$600 to \$3,000 by revision of Section 287.058, F.S.

Changes to Section 216.136, F.S., will require the Economic Estimating Conference to evaluate and project the financial condition of the employee group health self-insurance plan; such evaluation is to consider any financial impact of the state's use of health maintenance organizations on the funding of the self-insurance plan. The Conference is required to evaluate the plan prior to the Governor's submission of his budget recommendations to the Legislature and prior to each Regular Session of the Legislature.

Any proposed changes in benefits to the state employee group, health self-insurance plan by the Governor, in his proposed budget recommendations to the Legislature, must be

accompanied by a statement signed by an enrolled actuary under the provisions of amended Subsection 216.164(1), F.S.

Additionally, amendments are made to several sections of the statutes relating to information technology resources. Under revised Subsection 287.073(5), F.S., the Information Technology Resource Procurement Advisory Council (ITRPAC) would be required to review and recommend modifications to agency information technology resources if they cost more than \$1 million over a two-year period. Additionally, the Council is required to adopt rules to establish standards. New Subsection 287.073(7), F.S., requires the Council to issue to the Governor and Cabinet an annual report on its actions.

The following is a summary of general law passed by the February 2-4, 1988, Special Session and the 1988 Regular and Special Sessions of the Florida Legislature.

I I I. Chapter 88-1, Laws of Florida

This chapter amends or enacts numerous provisions relating to the delivery of health care services, the regulation of health care providers and institutions, compensation for medical malpractice, and compensation for birth-related defects. Creates the Division of Medical Quality Assurance within the Department of Professional Regulation and establishes health care licensing boards within that division. Requires licensed facilities to provide peer review of medical service providers at each facility and to make reports of any disciplinary action taken as a consequence of such review. Amends procedure relating to and grounds for disciplinary actions, and requires immediate license suspension for certain prescribed convictions. Provides limited immunity from civil liability for persons and institutions providing emergency care, and imposes restrictions on termination or reduction of emergency or trauma services. Expands risk management education and training programs, and requires reports of incidents involving injury or death of patients. Requires certain liability claims made against licensed health care practitioners, certain violations within the knowledge of licensees, and summaries of health maintenance organization incident accounts be reported, and provides for the confidentiality of such reports. Amends or enacts provisions relating to disclosure of patient records. Modifies membership of the Board of Medicine and provides for the establishment of probable cause panels and disciplinary training programs for board members. Amends licensing procedures and requires proof of financial responsibility. Provides alternative methods of payment of damage awards arising from medical malpractice claims. Prescribes mandatory presuit investigation and provides for voluntary binding arbitration of medical negligence claims, for limitation of noneconomic damages, and for comparative allocation of responsibility among multiple defendants, as an alternative to a jury trial. Creates the Florida Birth-Related Neurological Injury Compensation Plan, and requires certain assessments to fund the plan. Effective February 8, 1988.

A new section 120.65(11), Florida Statutes, was added to read:

Rules promulgated by the Division of Administrative Hearings pursuant to this section, s. 120.53, or s. 766.207 may authorize any reasonable sanctions except contempt for violation of the rules of the division or failure to comply with a reasonable order issued by a hearing officer, which is not under judicial review.