



**From February 14, 2014**

With the 2014 legislative session only a few weeks away, Associated Industries of Florida (AIF) is pleased to present its second weekly update containing bills and proposed legislation most important to Florida employers. The bills outlined in this report were considered and/or voted on in hearings during the week of February 10th through 14th.

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## **Health Policy**

### **SCHW1 – Relating to Advanced Practice Registered Nurses**

The House Select on Health Care Workforce Innovation workshopped a proposed bill on Monday which would allow Florida nurse practitioners to practice independently from a supervising physician. Championing the bill was Representative Cary Pigman (R-Sebring), an emergency room physician.

Specifically, the bill would create a new registration category of “Independent Advanced Practice Registered Nurse” (IAPNs) under the Board of Nursing and would allow them to practice independently regardless of specialty as well as give them authority to sign, certify, and verify an endorsement that physicians may now provide. Further, the bill would allow Advanced Practice Nurses (APNs) to treat patients without a protocol set by a physician and allow them to expend controlled substances, which would bring Florida in line with most other states.

AIF stood in support of the measure because it is time for Florida to allow these highly trained and educated professionals to practice more independently to ensure Floridians have adequate access to health care services. The Florida Medical Association continues to oppose the proposed bill saying the language would provide independence for every kind of nurse which is overly broad. Chairman José Oliva (R-Hialeah) told members that a vote will be taken on the measure when the next meets.

**AIF supports measures that seek to increase the number of trained health care professionals available to ensure Floridians have access to quality health care.**

### **HB 569/ 670 – Relating to Nursing Home Litigation**

Both HB 569 by Representative Matt Gaetz (R-Shalimar) and SB 670 by Senator John Thrasher (R-St. Augustine) were both TP'd this week. The full board of the Florida Justice Association (FJA) will be voting on the compromise reached by the Nursing Home Industry and the trial bar Friday. The FJA executive approved the compromise last week as well as the Board of the Florida Healthcare Association. The Florida Healthcare Association hopes to have a meeting with leadership from both chambers next week on the compromise. There will still be

opposition by outlier firms such as the Wilkes Law Firm out of Tampa that are not members of the FJA. This will be a historic agreement by both sides that have been fighting for over a decade.

AIF supports the streamlining of litigation in order to preserve the growth of the nursing home industry while protecting our vulnerable elderly. The unscrupulous practice of naming parties to lawsuits such as GE Capital that exert no control or has a standard of care to Nursing home residents places a chilling effect on the ability of the Nursing Home industry to secure financing for new Nursing Homes as well as the retrofitting of older ones.

### **HB 573/ 248 – Relating to Assisted Living Facilities**

HB 573 by Representative Larry Ahern (R-St. Petersburg) was approved unanimously in the House Health Innovation Subcommittee this week. There are approximately 3,042 licensed assisted living facilities in Florida caring for nearly 85,000 residents. There have been many abuses reported at these facilities in the past couple of years. This bill along with the Senate companion SB 248 by Senator Eleanor Sobel (D-Hollywood) gives the Agency for Health Care Administration more enforcement powers as well as creating standards and protocols.

AIF supports these bills because they will allow Florida's seniors in assisted living facilities to age with dignity. Florida's seniors deserve assisted living facilities that operate with high standards and provide quality healthcare.

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## **Workers' Compensation**

### **HB 271 – Relating to Workers' Compensation**

HB 271, relating to Workers' Compensation, passed unanimously through the House Government Operations Appropriations Subcommittee on Tuesday, February 11th. This bill refines the stop-work order process and provides a credit for premium paid, against the stop-work order penalty, for businesses that have never before had a stop-work order. The bill was amended in to improve the Special Disability Trust Fund assessment process, which will allow the Division of Workers' Compensation to process payment for approved claims without triggering an increase in the assessment rate, as would occur under current law.

AIF supports refining the Special Disability Trust Fund assessment rate process to ensure that the Division can effectively carry out its regulatory responsibilities without increasing workers' compensation costs on Florida's employers.

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## **Energy**

### **HB 899 – Relating to Electrical Power or Energy**

On Wednesday, February 12th, Agriculture and Consumer Services Commissioner Adam Putnam outlined his proposal for energy legislation to the House Energy & Utilities Subcommittee. Representative Mike Hill (R-Pensacola) has introduced the bill in the House as HB 899. The Commissioner's proposal would reduce the sales tax on electrical power or

energy paid by businesses by half, from 7% to 3.5%, while shifting the revenue dollars to be used for funding the Public Education Capital Outlay fund (PECO). PECO dollars are used for school construction and maintenance. The savings, spread out over a three year period would save business about \$225 million overall while raising \$225 million for PECO. By lowering the sales tax rate on energy, the Commissioner stated that this would help Florida businesses to compete with some of the other southeastern states. In addition, the proposal would allow for a sales tax holiday in September for the purchase of energy efficient appliances and water conservation items up to \$1,500.

AIF supports any legislation that reduces taxes on Florida businesses. AIF applauds Commissioner Putnam for proposing this legislation that will make Florida businesses more competitive while supporting education by providing PECO with stable funding.

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## Malt Beverages

### HB 283/ 406 – Relating to Malt Beverages

On Tuesday, February 11, 2014, **AIF Senior Vice President of State and Federal Affairs, Brewster Bevis**, stood in support of HB 283, by Representative Frank Artiles (R-Miami), relating to Malt Beverages, during the House Business & Professional Regulation Subcommittee. The bill, which would allow for retailers that are licensed to sell malt beverages for off premise consumption only to have manufacturers and distributors conduct beer tastings at their retail locations. Some issues were raised during the meeting related to ensuring the integrity of the tastings and making sure the practice is not abused. This legislation passed unanimously and now moves to the House Regulatory Affairs Committee.



This bill also authorizes the sale of malt beverages in a 64 ounce container, commonly referred to as a 'growler'.

HB 283's companion bill, SB 406 by Senator Jack Latvala (R-Clearwater), was approved unanimously in the Senate Committee on Regulated Industries on Thursday, February 13th. AIF's Brewster Bevis stood in support of the legislation.

AIF supports this legislation because it creates a level playing field here in the state for beer manufacturers.

### HB 387 – Relating to Malt Beverages

On Tuesday, February 11, 2014, **AIF Senior Vice President of State and Federal Affairs, Brewster Bevis**, stood in support of HB 387, companion bill of SB 470, by Representative Kathleen C. Passidomo (R-Naples), relating to Malt Beverages, during the House Business & Professional Regulation Subcommittee. The bill, which would allow for retailers that are licensed to sell malt beverages for off premise consumption only to have manufacturers and distributors conduct beer tastings at their retail locations. Some issues were raised during the meeting related to ensuring the integrity of the tastings and making sure the practice is not abused. The legislation passed unanimously and now heads to the House Government Operations Appropriations Subcommittee.

AIF supports this legislation because it creates a level playing field here in the state for beer manufacturers.

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Insurance

### **HB 129 – Relating to Insurance**

HB 129 by Representative Jake Raburn (R-Valrico), which is the companion bill to SB 416 by Senator Wilton Simpson (R-New Port Richey), passed unanimously through its first House, the House Insurance & Banking Subcommittee. The bill establishes a managed repair program in Citizens, encouraging homes to be restored after a loss and preventing insurance proceeds from being improperly diverted from repairs into the hands of plaintiffs' attorneys. Encouraging repairs has the added benefit of preserving a community's tax base and the values of neighboring homes and properties.

AIF supports this bill as it will help preserve the value of homes and neighborhoods, benefitting Florida's still-recovering real estate market.

### **HB 321 – Relating to Title Insurance**

HB 321 by Representative Kathleen C. Passidomo (R-Naples), a companion bill to SB 570 by Senator Bill Galvano (R-Bradenton), which codifies the economic loss rule in title insurance transactions, passed unanimously through its second committee, House Government Operations Appropriations Subcommittee, on Tuesday, February 11th.

AIF supports this bill and urges the legislature to further expand its scope and eventually codify this means of contract negotiations and protections for all industries. Reestablishing the economic loss rule for all professional service relationships as a result of the Florida Supreme Court's ruling in *Tiara Condominium* is one of the many tort reforms that will improve Florida's business climate.

### **SB 708 – Relating to Insurance Claims**

On Tuesday, February 11th, SB 708 by Senator Aaron Bean (R-Jacksonville), relating to Insurance Claims, passed unanimously through its first committee, Senate on Banking and Insurance. The bill was written by the Insurance Consumer Advocate's Office, and it allows the Department of Financial Services to use Supreme Court-certified mediators for its state-run mediation programs. The bill also prohibits an insurer from denying a residential property insurance claim based on credit information after a policy has been in effect for 90 days and creates conflict of interest requirement for appraisers and umpires. Furthermore, 708 establishes a notice of rights which must be sent to residential policyholders within 14 days of a claim and specifies that agreements to assign benefits must include certain elements to be valid. Senator Miguel Diaz de la Portilla (R-Miami) offered an amendment to strip the reforms related to assignments of benefits from the bill but after much discussion and testimony, the amendment failed on a 6-6 vote. The bill subsequently passed the unanimously.

AIF is committed to a healthy, stable property insurance market. Currently, unnecessary litigation is being driven by unscrupulous contractors and plaintiffs' attorneys who work together to take insurance benefits away from the policyholder and inflate costs for the

insurance company, resulting in increased rates for the insurance-buying public. These abuses with assignments of benefits (AOBs) should be curtailed, as they undermine the policyholder-insurer relationship and increase costs for all policyholders.

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## **Education**

### **HB 377 – Relating to Educational Facilities Funding**

On Tuesday, February 11th, the House Choice & Innovation Subcommittee unanimously approved the Higher Educational Facilities Financing Authority (HEFFA) Expansion Bill in voting out HB 377 sponsored by Representative George Moraitis, Jr. (R-Ft. Lauderdale).

HB 377 expands the Higher Educational Facilities Financing Law by doing three things. The bill adds non-profit, SACS accredited, K-12 schools to those institutions eligible to participate. It expands the definition of a project that can be financed with tax exempt bonds to mirror the County Higher Education Facilities Financing Authority definition, which would include related projects such as wetland mitigation when financing a building project. Lastly, it slightly changes the due date of the year-end report due to the Governor and the House and Senate, giving HEFFA an additional two months after the end of its fiscal year to submit and complete the report.

AIF supports this bill and has made this expansion a priority for the 2014 legislative session. This bill will allow ICUF institutions and non-profit SACS accredited K-12 institutions to expand their capacity and access for Florida's K-20 students and at no cost to the Florida taxpayers.