



From May 5, 2017

The 2017 Session has come to a close for policy bills late this evening. While policy issues are closed the House and Senate agreed to extend Session till Monday, May 8th in order to complete and vote on the state budget. Please keep a look out for our Session Wrap-Up that will provide a summary of the bills AIF took a position on this session as well as our 2017 Voting Records.

INSURANCE

HB 1107 & SB 1008-Relating to Public Records/Workers' Compensation

On Tuesday, May 2nd, SB 1008, by Senator Keith Perry (R-Gainesville) was laid on the table and substituted with HB 1107, by Representative Ben Albritton (R-Bartow). HB 1107 was amended, read for a third time on the Senate floor and passed by a vote of 37 yeas to 0 nays.

On Wednesday, May 3rd, HB 1107, by Representative Ben Albritton (R-Bartow) was taken up as amended by the Senate. The House then concurred with the amended version of the bill and passed HB 1107 by a vote of 119 yeas to 0 nays.

This bill would exempt private and personal identifying information of an injured worker or deceased employee from public record. Currently, this information is open to the public and often times injured workers are inundated with outreach from attorneys wanting to take on their cases immediately after filing their claim.

HB 1107 will now go to the desk of the Governor.

AIF SUPPORTS protecting the private information of injured or deceased employees.

HB 7085 & SB 1582-Relating to Workers' Compensation

On Friday, May 5th, SB 1582, by Senator Rob Bradley (R-Orange Park) was laid on the table and substituted for HB 7085 by Representative Danny Burgess (R-Zephyrhills). Once the substitution was made, HB 7085 was amended several times.

Senator Rob Bradley offered a strike all amendment to the House bill that would have implemented the Senate bill language into the House bill with a few changes including lowering the attorney fees cap from \$250/hr. to \$200/hr. However, Senator Gary Farmer (D-Fort

Lauderdale) filed an amendment to Senator Bradley's amendment implementing the entire original Senate bill language into the bill. Senator Farmer's amendment to Senator Bradley's amendment passed by a voice vote and the bill was then passed as amended by a vote of 21 yeas to 16 nays. HB 7085 was then sent to the House to be concurred as amended.

The House received HB 7085 and the House sponsor, Rep. Danny Burgess, moved to refuse to concur to the amended version of the bill and offered his own amendment. Rep. Burgess's filed an amendment to the Senate amendment effectively stripping the Senate language and reinstating the original House bill language with one change, raising the cap on attorney fees from \$150/hr. to \$180/hr. The amendment was adopted and the amended bill was passed by a vote of 76 yeas to 43 nays. HB 7085 was then sent back to the Senate in messages to be concurred as amended by the House.

Provisions for HB 7085 now include:

- Permitting direct payment of attorneys by or for claimants making the injured worker responsible for any remaining attorney fees if required by their retainer agreement. Retainer agreements must be filed with a JCC;
- Increasing total combined TTD/TPD benefits from 104 weeks to 260 weeks;
- Closing benefit gaps occurring when TTD/TPD ends, but the injured worker is not at overall maximum medical improvement (MMI) and/or no overall permanent impairment rating;
- Requiring claimants to be notified that they may be responsible for their own attorney's fees if they do not prevail;
- Requiring more specificity on a petition and requires a JCC to dismiss a petition for lack of specificity, without prejudice, within 10 days or 20 days, depending upon whether a hearing is required;
- Requiring claimants' attorneys to detail hours worked in the form of an attestation to a JCC at certain intervals before a hearing on a petition for benefits (PFB);
- Requiring a good faith attempt to resolve issues before a PFB is filed and allows JCCs to dismiss PFBs when a good faith effort was not made;
- Allowing deviations from the current statutory fee schedule (departure fee) if the fees under the schedule are less than 40 percent or greater than 125 percent of the customary fee when the amount allowed under the fee schedule is converted to an hourly rate;
- Requiring a JCC, when determining the departure fee, to consider certain factors, and compute a new hourly rate capped at \$180/hour;
- Allowing employers and carriers to contest departure fees within 20 days of an award which will be reviewed by a JCC in another district;
- Eliminating carrier paid attorney fees for services occurring before the filing of a petition and attaches attorney fees 45 days following the filing of a petition;
- Allowing insurers to uniformly reduce premiums by no more than five percent, if they file an information-only notice within 30 days, subject to regulatory oversight;

- Creating a mechanism to fill vacancies on the Three-Member Panel (Panel) and grants the Panel authority to fill gaps in statutory reimbursement when adopting schedules of maximum reimbursement allowances for medical care;
- Eliminating the charge-based reimbursement of health care facility outpatient medical care in favor of reimbursing them at 200 percent (unscheduled care) and 160 percent (scheduled surgery) of Medicare. If no Medicare fee exists, then current reimbursement standards apply, which are incorporated into statute;
- Requiring authorization or denial of medical care authorization requests, unless there is a material deficiency; and
- Requiring vacancies on the Three-Member Panel to be filled by the Governor within 120 days, and if the Governor does not fill the vacancy within that time period, the Chief Financial Officer (CFO) would appoint a new member.

HB 7085 died in messages.

AIF SUPPORTED the House legislation as we believe it was postured to be a fix to Florida's Workers' Compensation system fair to every person and or entity involved.

AIF OPPOSED the Senate legislation as it did not adequately address the rising cost of workers' compensation rates on Florida's employers due to increased costs of attorney fees.

LEGAL & JUDICIAL

HB 727 & SB 1398-Relating to Accessibility of Places of Public Accommodation

On Monday, May 1st, SB 1398, by Senator Linda Stewart (R-Orlando) was laid on the table and substituted for HB 727, by Representative Tom Leek (R-Daytona Beach). HB 727 was then read for a third time on the Senate floor and passed by a unanimous vote of 37 yeas to 0 nays.

Congress enacted the Americans with Disabilities Act (ADA) in 1990 prohibiting discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. One of the goals of the ADA is to guarantee that individuals with disabilities are offered full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations offered by a place of public accommodation.

However, individuals with disabilities may sue places of public accommodation including private businesses for alleged violations of the ADA, a problem that is currently rampant throughout the state.

The bill would:

- Create a license type for ADA experts;
- Require the Department of Business and Professional Regulation (DBPR) to establish licensing requirements and regulation for ADA experts;
- Allow ADA experts to determine if the businesses are compliant with the ADA;
- Allow businesses to hire ADA experts and file ADA expert reports with DBPR;
- Allow businesses to file remediation plans with DBPR if they are not in compliance with the ADA;
- Require DBPR to establish a public website with a registry of remediation plans and certifications of conformity; and
- Require courts to consider remediation plans to determine if a plaintiff filed a claim in good faith and whether the plaintiff is entitled to attorney's fees in lawsuits involving alleged violations of the ADA.

HB 727 will now go on to the desk of the Governor.

AIF SUPPORTS legislation that makes filing frivolous lawsuits against Florida's businesses more difficult to accomplish.

HB 1175-Relating to Motor Vehicle Manufacturers and Dealers & SB 1678-Relating to Motor Vehicle Dealers

On Wednesday, May 3rd, SB 1678 , by Senator Rene Garcia (Hialeah), was laid on the table and substituted for HB 1175, by Representative Manny Diaz (R-Hialeah Gardens).

On Friday, May 5th, HB 1175 was read for a third time on the Senate floor and passed by a vote of 37 yeas to 0 nays.

The bill provides additional grounds to deny, suspend, or revoke a license held by a motor vehicle manufacturer, factory branch, distributor, or importer ("manufacturer") within their contractual agreement. The bill prohibits manufacturers from taking certain actions against motor vehicle dealers and requires certain procedures be followed by the manufacturer when dealing with motor vehicle dealers.

HB 1175 will go on to the to the desk of the Governor.

AIF OPPOSES legislation that would intervene in any contractual agreement between a dealer franchise and an auto manufacturer, voluntarily entered by each party, and dictate new terms and conditions of such mutual agreement that favor one party over the other.

HB 775 & SB 466-Relating to Motor Vehicle Warranty Repairs and Recall Repairs

On Thursday, May 4th, SB 466, by Senator Travis Hutson (R-Palm Coast), was laid on the table and substituted for HB 775, by Representative Manny Diaz (R-Hialeah Gardens).

On Friday, May 5th, HB 775, was read for a third time on the Senate floor and passed by a vote of 36 yeas to 0 nays.

This bill prohibits a licensee, except as authorized by law, from denying a dealer's claim, reducing the dealer's compensation, or processing a chargeback to a dealer for performing covered warranty or recall repairs on a used motor vehicle under specified circumstances. The bill alters the playing field and may have a chilling effect on manufacturing in general. The complex issue surrounding safety recalls should be a federal matter, better addressed at the national level with the goal of creating uniform public policy that improves motor vehicle safety, encourages technological innovation, and protects our planet.

HB 775 will now go to the desk of the Governor.

AIF OPPOSES legislation that would intervene in any contractual agreement between a dealer franchise and an auto manufacturer, voluntarily entered by each party, and dictate new terms and conditions of such mutual agreement that favor one party over the other.

HB 1027 & SB 832-Relating Unmanned Devices

On Wednesday, May 3rd, SB 832, by Senator Dana Young (R-Tampa) was laid on the table and substituted for HB 1027, by Representative Clay Yarborough (R-Jacksonville). After the substitution, HB 1027 was amended to include provision from the Senate companion.

On Friday, May 5th, HB 1027, was read for a third time on the floor of the Senate and passed as amended by a vote of 35 yeas to 0 nays. The bill was then sent to the House to be concurred as amended.

HB 1027 was received by the House and the House concurred to the amended bill. A vote was taken and HB 1027 passed unanimously by a vote of 115 yeas to 0 nays.

This bill will ensure a consistent framework for the use of drones and unmanned devices. As the use of drones and unmanned devices becomes increasingly more common in many different sectors of the business community throughout the state, implementing statewide regulations will establish safeguards while operating these new technologies.

HB 1027 will now go to the desk of the Governor.

AIF SUPPORTS legislation that will streamline business regulation throughout the state.

HEALTH CARE

HB 589 & SB 888-Relating to Prescription Drug Price Transparency

On Monday, May 1st, SB 888, by Senator Aaron Bean (R-Jacksonville) was heard in the Senate Committee on Appropriations, the bills last committee of reference, and unanimously passed by a vote of 17 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Thursday, May 4th, SB 888, was laid on the table and substituted for HB 589, by Representative Clay Yarborough (R-Jacksonville).

On Friday, May 5th, HB 589, was read for a third time on the Senate floor and passed by a vote of 38 yeas to 0 nays.

Currently, law requires MyFloridaRX.com to provide the top 150 most prescribed drugs including their customary prices by pharmacies. This bill would double that number to 300 and codifies monthly reporting to the Agency for Health Care Administration ("AHCA"). The goal of HB 589 is to create more transparency in drug pricing, which in turn will give employers and consumers the ability to make more informed decisions regarding their health care spending. Prescription drug costs continue to rise, and become a larger percentage of the overall health care spend in Florida.

HB 589 will now go to the desk of the Governor.

AIF SUPPORTS transparency in drug pricing as a tool for reducing the cost of health care coverage on Florida's employers and employees.

TAXATION

HB 7109-Relating to Taxation

On Monday, May 1st, HB 7109, by Representative Jim Boyd (R-Bradenton) and the House Ways and Means Committee, was heard by the Senate Committee on Appropriations and passed by a vote of 14 yeas to 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This tax package aims reduce taxes in the state of Florida for the 2017-2018 fiscal year by a nearly \$300 million. HB 7109 provides for a wide range of tax reductions and modifications that affect households and businesses. Many of these reductions are of the utmost importance to our members and includes:

- Reducing the state sales tax on the rental of commercial real estate (known as business rent tax) from 6.0 percent to 4.5 percent for two years, beginning January 1, 2018, then maintains a permanent tax rate reduction from 6.0 percent to 5.5 percent, beginning January 1, 2020;
- Increasing the exempt sales price for farm trailers from \$20,000 to \$25,000;
- Exempting from sales tax certain animal health products and other agricultural items;
- Providing a ten-day “back-to-school” holiday for clothing, footwear, school supplies, and computers; and
- Providing a nine-day “disaster preparedness” holiday for certain items related to disaster preparedness.

For a full list of what HB 7109 includes **please click here.**

AIF SUPPORTS reducing taxes, such as the business rent tax, to attract new businesses to the Sunshine State.

WORKFORCE

HB 265-Relating to Computer Coding Instruction

On Tuesday, May 2nd, HB 265 by Representative Elizabeth Porter (R-Lake City), was read for a third time on the House floor and passed by a vote of 117 yeas to 0 nays.

This bill will allow high school students the option of taking computer coding courses and promotes student access to education in computer science and related fields.

AIF SUPPORTS legislation that will provide Florida’s students the opportunity to become proficient in computer coding, which will in turn prepare our states next generation for a technology driven economy.

ENVIRONMENT

SB 10-Relating to Water Resources

On Tuesday, May 2nd, SB 10, by Senator Rob Bradley (R-Orange Park) was amended, read for a third time on the floor of the House and passed by a vote of 99 yeas to 19 nays.

After SB 10 passed the House chamber, the bill was sent to the Senate chamber to be considered as amended. The Senate concurred to the amended form of SB 10 and passed the bill by a vote of 33 yeas to 0 nays.

This bill creates additional water storage south of Lake Okeechobee using Amendment 1 funding, in an attempt to remedy the polluted discharges flowing east and west of the lake.

SB 10 will now go to the desk of the Governor.

EDUCATION

HB 859 & SB 668-Relating to Postsecondary Distance Education

On Tuesday, May 2nd, SB 668, by Senator Aaron Bean (R-Jacksonville), was laid on the table and substituted with HB 859, by Representative Amber Mariano (R-Port Richey). HB 859 was amended then read for a third time on the Senate floor and passed by a vote of 36 yeas to 0 nays.

On Thursday, May 4th, the House concurred with the amended version of HB 859 and passed the bill by a vote of 118 yeas to 0 nays.

This legislation seeks to authorize Florida's participation in the State Authorization Reciprocity Agreement known as "SARA" created by the National Council on State Authorization Reciprocity Agreements. This would allow for Florida's postsecondary institutions to voluntarily participate in what is a multi-state reciprocity agreement allowing them to offer online education without excessive fees and regulatory compliance processes. This reciprocity offers student's greater access to more distance education, enhances oversight of distance education offerings to Florida students by another state, and expands experiential learning opportunities across state lines. Not only is this good for students but it also helps lessen the burden on Florida businesses and taxpayers to fund construction and facility costs.

HB 859 will go to the desk of the Governor.

AIF SUPPORTS our State Universities and our Independent Colleges and Universities' continued efforts to address the growing challenges that comes with increased enrollment, which in turn increases the workforce throughout Florida.