



# DAILY BRIEF

For the 2018 Legislative Session

**From January 30, 2017**

## **PROPERTY RIGHTS**

### **HB 691-Relating to Self-Storage Facilities**

On Tuesday, January 30th, HB 691 by Representative George Moraitis (R-Fort Lauderdale) was heard before the House Civil Justice and Claims Subcommittee and passed narrowly by a vote of 8 yeas to 7 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

The "Self-Storage Facility Act" (act) regulates self-service storage facilities, which are designed and used for the purpose of renting individual storage space to tenants for the purpose of storing personal property. HB 691 revises the regulations of this act and allows an advertisement for sale to be published continuously for 14 days on a public website that customarily conducts personal property auctions as an alternative to publishing once a week for consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility is located. The bill also removes the requirement for the owner, when there is no newspaper of general circulation, to post the advertisement at least 10 days before the sale in at least three conspicuous places in the neighborhood where the self-service storage facility is located.

HB 691 will go on to be heard in the House Careers and Competition Subcommittee.

**AIF opposes this legislation as it removes the requirement that public notices be printed in local newspapers as defined by Chapter 50 of Florida Statutes.**

## **HEALTH CARE**

### **HB 1369-Relating to Long-Term Care Facility Responsibility**

On Tuesday, January 30th, HB 1369 by Representative Amber Mariano (R-North Port Richey) was heard before the House Civil Justice and Claims Subcommittee and passed by a vote of 9 yeas to 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this bill.**

HB 1369 addresses several provisions related to claims and lawsuits against nursing homes and assisted living facilities, to include:

- Decreasing the amount of funding that is used to support the Quality of Long-Term Care Facility Improvement Fund (fund) by changing the amount awarded from punitive damages be split equally between the fund and the claimant, to 10 percent of the award be paid to the fund.
- Requiring nursing center to carry minimum of \$2 million liability insurance policies and a yearly aggregate limit of \$4 million. If this requirement is not met the state can revoke a nursing center's license.
- HB 1369 will go on to the House Health Care Appropriations Subcommittee to be heard.

**AIF opposes this legislation that promotes costly lawsuits and diminishes resources for nursing centers and assisted living facilities resident care.**

### **SB 280-Relating to Telehealth**

On Tuesday, January 30th, SB 280 by Senator Aaron Bean (R-Jacksonville) was heard before the Senate Committee on Health Policy and passed unanimously by a vote of 8 yeas to 0 nays. **AIF stood in support of this bill.**

SB 280 provides specific authorization for the provision of health care services through telehealth. Telehealth is the provision of health care services using telecommunication technologies, which allows licensed practitioners in one location to diagnose and treat patients at a different location. The bill will remove regulatory ambiguity regarding the provision of health care services using this technology because it is not currently addressed in Florida Statutes.

SB 280 will go on to the Senate Appropriations Subcommittee on Health and Human Services for its next hearing.

**AIF supports legislation that permits an unfettered role for telehealth services that will allow our citizens access to better quality care at lower costs.**

### **HB 217-Relating to Payment of Healthcare Claims**

On Tuesday, January 30th, HB 217, by Representative Bill Hager (R-Boca Raton) was heard before the House Health Innovation Subcommittee and passed. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

This bill prohibits health insurers and health maintenance organizations (HMOs) from retroactively denying a claim during the relevant grace period, if the insurer or HMO verified the eligibility of an insured or subscriber at the time of treatment and provided an authorization number, regardless of if the insured has paid their premiums prior to that claim rendering them ineligible for coverage.

HB 217 will go on to the House Appropriations Committee for its next hearing.

**AIF opposes legislation removing insurers ability to retroactively deny claims, even those that have not paid their premiums. This legislation would raise costs on employers who would be required to pay health care expenses of people who are no longer employees, and consumers would bear the burden of paying the high costs of fraud, waste and abuse that would occur in the system.**

## **ECONOMIC DEVELOPMENT**

### **SB 170-Relating to Rural Economic Development Initiative**

On Tuesday, January 30th, SB 170, by Senator Denise Grimsley (R-Lake Placid) was heard by the Senate Committee on Government Oversight and Accountability and passed by a vote of 5 yeas to 0 nays. **AIF stood in support of this bill.**

Currently, Florida's rural communities are experiencing additional challenges compared to their urban counterparts in many quality of life indicators. The state has an opportunity to improve the economic competitiveness of Florida's rural communities by reforming the Rural Economic Development Initiative (REDI).

This legislation accomplishes this by:

- Reducing the number of specified agencies and organizations that are required to designate REDI representatives;
- Clarifying which individuals from specified agencies and organizations must be designated as REDI representatives;
- Providing for the appointment of five additional members from the private sector:
  - Three of the private sector members are to be appointed by the executive director of the Department of Economic Opportunity (DEO), one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- Authorizing the creation of ad hoc committees and provides guidance for the organization of ad hoc committees;
- Modifying the definition and designation criteria for a rural area of opportunity (RAO);
- Updating the annual reporting requirements; and
- Make conforming changes to address cross-references in numerous sections of the Florida Statutes.

SB 170 will go on to the Senate Committee on Rules to be heard.

**AIF SUPPORTS efforts to increase economic development in Florida's rural areas by increasing job growth.**

### **HB 961- Relating to Beverage Law**

On Tuesday, January 30th, HB 961 by Representative Joe Gruters (R- Sarasota) was heard before the House Careers and Competition Subcommittee and passed. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.** Currently, vendors must purchase beer or malt beverage branded glassware from distributors for use in their establishments. This legislation

allows for retailers to accept malt or beer beverage branded glassware from a wholesaler at no cost. The bill stipulates that the distributor may give no more than 15 cases (that include up to 24 pieces per case), per calendar year.

HB 961 will go on to be heard in the House Commerce Committee.

**AIF SUPPORTS legislation that will reduce costs on Florida's businesses by allowing distributors to provide vendors, at no cost, glassware to use in their establishments.**

## LEGAL & JUDICIAL

### HB 775-Relating to Beverage Law

On Tuesday, January 30th, HB 775, by Representative Mike La Rosa (R-Saint Cloud), was heard before the House Careers and Competition Subcommittee and passed. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Florida's "Tied House Evil Law," s. 561.42, F.S., prohibits a manufacturer or distributor of alcoholic beverages from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans, property, or rebates to retail vendors.

The bill exempts financial transactions between a vendor and a manufacturer from all tied evil house prohibitions if the following conditions are met:

- The agreement is negotiated at arm's length for no more than fair market value;
- The vendor operates places of business where consumption on the premises is permitted, which premises are located within a theme park complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually through a controlled entrance to and exit;
- The agreement does not involve the sale or distribution of malt beverages;
- The vendor does not give preferential treatment to the alcoholic beverage brand(s) of the manufacturer or importer;
- The agreement does not limit, directly or indirectly, the sale of alcoholic beverages of another manufacturer, importer or distributor;
- A distributor does not, directly or indirectly, pay any portion of the agreement; and
- Within 10 days after execution of the agreement, the vendor files a description of the written agreement for brand naming rights which includes the location, dates, and the name of the manufacturer or importer that entered into the agreement.

HB 775 will go to the House Commerce Committee to be heard.

**AIF SUPPORTS legislation that removes burdensome regulations on Florida's businesses.**