



# WEEKLY UPDATE

For the 2018 Legislative Session

## From March 3-11, 2018

Session has come to a close after extending till Sunday, March 11th to vote on the \$ 88.7 billion budget for the 2018-2019 fiscal year and the tax package. The legislature had the task of dealing with immense issues that our great state has faced; from the opioid epidemic, the devastation of the past two Hurricane seasons, and most recently the horrific shooting in Parkland. AIF applauds our state legislators for coming together to not only find funding for these tragedies within the budget and creating history in passing legislation that will keep Florida's students and families safe, but for also keeping Florida's businesses and economy in mind with their thought out, comprehensive tax package. Dealing with multiple momentous issues is no easy feat for a 60-day legislative session, congratulations Florida Legislature.

### CONSUMER PROTECTION

#### HB 857 & SB 920-Relating to Deferred Presentment Transactions

On Saturday, March 3rd, SB 920, by Senator Rob Bradley (R-Orange Park) was read for a third time on the Senate floor and passed by a vote of 31 yeas to 5 nays.

On Tuesday, March 6th, HB 857 by Representative James Grant (R-Tampa) was laid on the table and substituted with SB 920, by Senator Rob Bradley (R-Orange Park).

On Wednesday, March 7th, SB 920 was read for a third time on the House floor and passed by a vote of 106 yeas to 9 nays.

The bill authorizes deferred presentment installment transactions under Florida law. A deferred presentment installment transaction must be fully amortizing (the balance due will be entirely paid after the last payment is made) and repayable in consecutive installments, which must be as equal as mathematically practicable. The term of a deferred presentment installment transaction may not be less than 60 days or more than 90 days and the time between installment payments must be at least 13 days but not greater than 1 calendar month.

The maximum face amount of a check taken for a deferred presentment installment transaction may not exceed \$1,000, exclusive of fees. The maximum fees that may be charged on a deferred presentment installment transaction are 8 percent of the outstanding transaction balance on a biweekly

basis. The bill retains current law in s. 560.404(19), F.S., prohibiting a provider from entering into a deferred presentment transaction with any person who has an outstanding deferred presentment transaction or whose previous transaction has been terminated for less than 24 hours.

SB 920 will now go to the desk of the Governor.

**AIF supports legislation that creates a new framework that conforms with the federal guidelines while also retaining the choices Florida consumers need and deserve.**

### **HB 469 - Relating to Salvage of Pleasure Vessels**

On Monday, March 5th, HB 469, by Representative Shawn Harrison (R-Tampa) was read for a third time on the House floor and passed by a vote of 105 yeas to 8 nays.

This legislation creates the “Florida Salvage of Pleasure Vessels Act” (act) to provide certain consumer protections for salvage work performed on pleasure vessels. To provide protections, the salvor is required to provide a verbal and written notice that the service is not covered by their towing contract, that federal law will apply and that the cost of the salvage could cost up to the value of the vessel.

HB 469 is in Senate messages.

**AIF supports legislation that ensures price transparency and consumer protections.**

## **HEALTH CARE**

### **SB 162-Relating to Payment of Healthcare Claims**

On Saturday, March 3rd, SB 162, by Senator Greg Steube (R-Sarasota) was read for a third time on the Senate floor after being temporarily postponed multiple times, and passed by a vote of 37 yeas to 0 nays.

This bill prohibits health insurers and health maintenance organizations (HMOs) from retroactively denying a claim at any time 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.

SB 162 is in House messages.

**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.**

## **SB 8 & HB 21-Relating to Controlled Substances**

On Wednesday, March 7th, SB 8 by Senator Lizbeth Benacquisto (R-Ft. Myers) was laid on the table and substituted with HB 21 by Representative Jim Boyd (R-Bradenton). The House bill was amended to reflect the Senate version of the bill, which includes language that prohibits health insurers from utilizing protocols such as prior authorization and step therapy. As stated in previous reports, because of these inclusions which undermine the intent of the bill, AIF is neutral on the bill.

On Thursday, March 8th, HB 21 was read for a third time on the Senate floor and passed as amended by a vote of 37 yeas to 0 nays.

On Friday, March 9th, the House amended HB 21 as passed by the Senate to remove the language that prohibits health insurers from using protocols such as prior authorization and provide specific appropriations to the bill. HB 21 passed the House floor as amended by a vote of 99 yeas to 0 nays and was sent back to the Senate to concur on the bill as amended. The Senate concurred to HB 21 as amended by the House and was passed by a vote of 37 yeas to 0 nays.

This bill addresses opioid abuse by expanding the use of the Prescription Drug Monitoring Program (PDMP), increasing regulation of prescribers and dispensers, and aligning state criminal statutes with federal law. The bill limits the prescription for a Schedule II opioid to alleviate acute pain to a three-day supply, or a seven-day supply if deemed medically necessary by the prescriber.

The bill also requires the Department of Health (DOH) to adopt rules establishing guidelines for prescribing controlled substances for acute pain, similar to those for chronic pain. Additionally, the bill also requires a health care practitioner authorized to prescribe controlled substances to complete a board-approved 2-hour continuing education course on safely and effectively prescribing controlled substances, and to review a patient's PDMP history prior to prescribing or dispensing a controlled substance.

HB 21 will now go on to the desk of the Governor.

**AIF supports legislative efforts that aim to curb opioid abuse and addiction that is currently running rampant through the state affecting Florida's families and businesses.**

## **TAXATION**

### **HJR 7001 - Relating to Supermajority Vote for State Taxes and Fees**

On Monday, March 5th, HJR 7001, by Representative Tom Leek (R-Daytona Beach) was read for a third time on the Senate floor and passed by a vote of 25 yeas to 13 nays.

HJR 7001 proposes an amendment to the State Constitution requiring any law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by two-thirds of the membership of each house of the Legislature.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election specifically authorized by law for that purpose.

HJR 7001 will go on to the desk of the Governor.

**AIF supports this legislation requiring two-thirds vote from each house of the legislature to pass tax increases in the state. This action would that would make it more difficult to raise taxes, leaving more money in the pockets of Florida's families and business.**

### **SB 620 & HB 7087-Relating to Taxation**

On Monday, March 5th, HB 7087, by the House Ways and Means Committee and Representative Paul Renner (R-Palm Coast) was read for a third time on the House floor and passed by a vote of 75 yeas to 35 nays.

On Thursday, March 8th, SB 620 by Senator Kathleen Passidomo (R-Naples) was substituted with HB 7087. HB 7087 was then amended to implement the Senate version of the tax package.

On Friday, March 9th, HB 7087 was temporarily postponed on third reading on the Senate calendar.

On Sunday, March 11th, the legislature met to pass the budget for the 2018-2019 fiscal year and pass the tax package, HB 7087. The Senate passed their amended version of the tax package by a vote of 33 yeas to 3 nays and requested the House concur on the bill as amended. The House then took up the bill, concurred to the bill as amended and the bill passed by a vote of 93 yeas to 12 nays.

The bill provides for a wide range of tax reductions designed to directly impact both families and businesses. The total impact for the fiscal year of 2018 and 2019 is \$186 million in reductions. The bill contains several provisions related to sales tax that include priorities important to AIF and its members.

Specifically, it includes:

- Tax rate reduction for tax on commercial rentals (business rent tax) from 5.8% to 5.7%.
- New, extended, or expanded sales tax exemptions for:
  - Certain generators for nursing homes and assisted living facilities;
  - Certain purchases of agriculture related fencing materials and building materials for repair of storm damage from Hurricane Irma
- A seven-day "disaster preparedness" holiday for sales of specified items related to disaster preparedness.

HB 7087 will go on to the desk of the Governor.

**AIF supports tax cuts for Florida's families and businesses that aid in relief after the events of a disastrous hurricane season. AIF supports incremental reductions of the business rent tax to make Florida more attractive to business.**

## EDUCATION

### **HB 323 & SB 88-High School Graduation Requirements**

On Tuesday, March 6th, HB 323 by Representative Heather Fitzenhagen (R-Fort Myers) was laid on the table and substituted with SB 88, by Senator Dorothy Hukill (R-Port Orange). SB 88 was amended on the House floor to reflect the House version of the bill which makes the financial literacy course optional to students rather than a requirement to graduate. AIF supported the Senate version of the bill throughout its committee hearings and the provision making financial literacy a mandatory requirement for students to graduate.

On Wednesday, March 7th, SB 88 was read for a third time on the House floor and passed by vote 117 yeas to 0 nays. SB 88 was sent back to the Senate as amended for consideration.

On Friday, March 9th, the Senate refused to concur on SB 88, the Senate sponsor stating that the amended version of the bill was unrecognizable from the original intent she had for the bill. The Senate sponsor moved that the House recede. SB 88 remains in returning messages to the House.

**AIF SUPPORTS legislation that provides students the tools to learn about relevant, and real-life subjects that will prepare them for the workforce in the future.**

## ENVIRONMENT

### **SB 1402 & HB 7043 - State Assumption of Federal Section 404 Dredge and Fill Permitting Authority**

On Wednesday, March 7th, SB 1402 by Senator David Simmons (R-Longwood) was laid on the table and substituted with HB 7043 by the House Natural Resources and Public Lands Subcommittee and Representative Holly Raschein (R-Key Largo).

On Thursday, March 8th, HB 7043 was read for a third time on the Senate floor and passed by a vote of 35 yeas to 1 nay.

This legislation would give authorization to the Florida Department of Environmental Protection to assume implementation of the federal dredge and fill permits.

HB 7043 will go on to the desk of the Governor.

**AIF supports the state assumption of the 404 program which will help create a more efficient and predictable process for businesses to navigate the wetland permitting process in a timely manner.**

## ECONOMIC DEVELOPMENT

### **SB 1224 & HB 961-Relating to Beverage Law**

On Wednesday, March 7th, SB 1224 by Senator Rob Bradley (R-Orange Park) was laid on the table and substituted with HB 961 by Representative Joe Gruters (R- Sarasota).

On Thursday, March 8th, HB 961 was read for a third time on the Senate floor and passed by a vote of 38 yeas to 0 nays.

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 the amount of branded glassware a distributor may give to establishments is no more than 10 cases per calendar year.

HB 961 will now go to the desk of the Governor.

**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.**