



DAILY BRIEF

For the 2019 Legislative Session

From March 13, 2019

LEGAL & JUDICIAL

HB 355 – Relating to Dangerous Instrumentality Doctrine

On Wednesday, March 13, **HB 355** by Representative Tom Leek (R-Daytona Beach) was heard before the House Insurance and Banking Subcommittee and was reported favorably with 11 yeas and 2 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Florida’s Dangerous Instrumentality Doctrine (DID) was created in the early 20th century, a time where automobiles began traveling on public roads. The doctrine has been expanded far beyond the borders of its original intent and now applies to off-highway vehicles such golf carts, tractors, and construction equipment. The doctrine holds owners or lessors liable for the harm caused by an operator, even when the lessor is not in control of the equipment or vehicle at the time of the incident. Florida is the only state in the country where DID is applied in this manner.

HB 355 will now move to the House Judiciary Committee.

AIF supports the protection of owners and lessors from vicarious liability which is harmful to Florida’s business community.

Proposed Committee Bill CJS 19-02 – Relating to Medical Malpractice

On Wednesday, March 13, **PCB CJS 19-02**, sponsored and heard by the House Civil Justice Subcommittee, was reported favorably with 9 yeas and 6 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Medical malpractice is a tort that occurs when a health care professional deviates from the standards of his or her profession and injures a patient. A properly-functioning medical malpractice system:

- Provides a fair forum to resolve disputes and compensates legitimately-harmed patients; and
- Deters care providers from practicing negligently.

Flaws in the medical malpractice system are expensive, costing the United States \$55.6 billion annually. A 2017 study reported that Florida’s loss rate is the highest among all 50 states and more than double the national average. This bill revises medical malpractice laws, establishing a cap on noneconomic damages, requiring accuracy in medical damages admissible before a jury in a medical malpractice claim, allowing pre-suit communication with treating physicians, and creating an optional communication and resolution program. Specifically, this bill:

- Bases a plaintiff's recovery for medical damages on an accurate valuation of the services provided, rather than on the amount originally billed by the medical provider;
- Bases recovery on actual amounts paid or the actual amount paid by health insurance, depending on whether medical costs remain unpaid;
- Encourages health care providers to develop and use an optional communication and resolution program for resolving medical negligence claims, which authorizes the health care provider to:
 - Investigate how the health care incident occurred and disclose the results to the patient;
 - Communicate to the patient the steps the health care provider will take to prevent future occurrences of the incident and determine whether an offer of compensation is warranted.

AIF supports legislation that creates transparency and ensures accuracy in damages throughout the medical malpractice system, thereby reducing the cost of healthcare and increasing access to care for all Floridians.

ECONOMIC DEVELOPMENT

Proposed Committee Bill HEC 19-02 – Relating to Postsecondary Workforce Education

On Wednesday, March 13, **PCB HEC 19-02**, sponsored and heard by the House Higher Education & Career Readiness Subcommittee, was reported favorably with 15 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill promotes apprenticeships, enhances talent development, and increases career opportunities for Floridians by:

- Creating the “Strengthening Alignment between Industry and Learning (SAIL) to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030;
- Requiring the Florida Talent Development Council (formerly Higher Education Coordinating Council) to develop a strategic plan for talent development in Florida;
- Creating the Florida Apprenticeship Grant Program to provide competitive grants to career centers, charter technical career centers, Florida College System institutions, and other entities authorized to sponsor apprenticeship programs;
- Requiring the statewide articulation agreement to provide for a reverse transfer agreement for FCS associate in arts degree-seeking students who transfer to a state university prior to earning their associate in arts degree.

AIF supports legislation to improve and fund the organic talent pipeline and to create a strategy for talent development in Florida.