



DAILY BRIEF

For the 2019 Legislative Session

From March 18, 2019

HEALTH CARE

HB 23 – Relating to Telehealth

On Monday, March 18, **CS/HB 23** by Representative Clay Yarborough (R-Jacksonville) was heard in the House Ways and Means Committee and was reported favorably with 14 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Telehealth is the remote delivery of health care services using technology. This bill authorizes Florida licensed health care professionals to use telehealth, simultaneous audio and video, to deliver health care services within their scopes of practice. The bill also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the Department of Health or the applicable board, meet certain eligibility requirements, and pay a fee. While an out of state registered provider may use telehealth to provide health care services to Florida patients, they are prohibited from opening an office or providing in person services in Florida. For tax years beginning on or after January 1, 2018, the bill creates a tax credit for health insurers and health maintenance organizations (HMOs) that cover services provided by telehealth.

HB 23 will now move to the House Health & Human Services Committee.

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

LEGAL & JUDICIAL

SB 862 – Relating to Insurance Coverage for Vehicle Leases

On Monday, March 18, **SB 862** by Senator Kelli Stargel (R-Lakeland) was heard before the Senate Banking and Insurance Committee and was reported favorably with 5 yeas and 1 nay. **AIF 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 as 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.

This bill provides that lessors of special mobile equipment are not liable for the acts of the lessee or lessee's agent or employee if the lease agreement requires the lessee to maintain insurance with limits of at least \$100,000/\$300,000 for bodily injury liability and \$50,000 for property damage liability, or at least \$500,000 for combined property damage liability and bodily injury liability. Special mobile equipment are vehicles not designed or used primarily to transport persons or property and that are only incidentally operated or moved over a highway. Examples include ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, draglines, self-propelled cranes and earthmoving equipment.

SB 862 will now move to the Senate Judiciary Committee.

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

INSURANCE

SB 122 – Relating to Agreements Between Service Providers and Consumers

On Monday, March 18, **CS/SB 122** by Senator Doug Broxson (R-Pensacola) was heard before the Senate Judiciary Committee and was reported favorably with 5 yeas and 1 nay. **AIF stood in support of this legislation.**

The bill states that a post-loss assignment of benefits (AOB) under a property insurance policy or under the comprehensive or combined additional coverage of a motor vehicle insurance policy for coverage of windshield damage is only valid if:

- A copy of the agreement is provided to the consumer's insurer within 3 business days after the agreement's execution;
- The agreement may be rescinded within 14 days of execution or at least 30 days after the execution if the service provider has not begun substantial work on the property;
- The agreement does not impose any fee or penalty for rescinding the agreement;
- The agreement does not assign more than \$500, if related to repairing a windshield under a motor vehicle insurance policy's comprehensive or combined additional coverage;
- The agreement does not transfer a greater right to attorney fees than that created by the bill;
- The agreement does not prevent or inhibit an insurer from communicating with the consumer at any time; and
- The agreement relates only to work performed or to be performed by the service provider.

Additionally, this bill states that if a consumer acts under urgent or emergency circumstances to protect property from damage and enters into an agreement with a service provider, the service provider may only contract for the right to payment for the work necessary to protect and prevent additional damage to the property, and post-loss claims received may not be in excess of :

- Under a property insurance policy, \$3,000 or 1 percent of the Coverage A limit under such policy.
- Under a motor vehicle insurance policy for windshield damage, in excess of \$500.

The bill requires an assignee and any subcontractor of the assignee to waive any and all claims against a consumer.

SB 122 will now move to the Senate Rules Committee.

AIF SUPPORTS reforms to the assignment of benefits process to protect consumers against AOB abuses.

SB 1140 – Relating to Attorney Fees and Costs

On Monday, March 18, **SB 1140** by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Judiciary Committee and was reported favorably with 4 yeas and 2 nays. **AIF stood in support of this legislation.**

This bill authorizes the payment of attorney fees and costs to a party challenging the adoption or enforcement of a local government ordinance on preemption grounds if a court finds that the subject of the ordinance has been preempted by the Constitution or State law. However, a

local government may avoid liability for attorney fees and costs if the challenged ordinance is repealed or withdrawn within 21 days of either (1) receiving written notice of the claim or (2) the filing of a motion for attorney fees, whichever is earlier.

SB 1140 will now move to the Senate Community Affairs Committee.

AIF supports legislation that holds liable local governments that attempt to violate federal or state preemptions.

SB 1180 – Relating to Consumer Protections from Nonmedical Prescription Drug Formularies

On Monday, March 18, **SB 1180** by Senator Debbie Mayfield (R-Melbourne) was heard before the Senate Banking and Insurance Committee and was reported favorably with 6 yeas and 0 nays **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

A major driver of health care costs is the rising cost of medicines. Drug companies raise the prices of both new and old medicines at will. No government body—not the Federal Trade Commission, not the Food and Drug Administration, and not the Centers for Medicare & Medicaid Services—have rules or laws that dictate or restrict the price a pharmaceutical company can set for a drug - and in most cases, there’s nothing that restricts how much a drug company can raise that price.

This bill would eliminate the only current force to counter the price increases on pharmaceuticals – the threat of losing insurance coverage, which helps push back on arbitrary price hikes. Handcuffing the negotiators who work hard to make sure drugs are affordable is bad public policy and will help make health insurance even more unaffordable.

SB 1180 will now move to the Senate Health Policy Committee.

AIF opposes legislation that removes cost controls and increases healthcare costs for Floridians.