



# DAILY BRIEF

For the 2019 Legislative Session

**From March 28, 2019**

## **HEALTH CARE**

### **HB 23 – Relating to Telehealth**

On Thursday, March 28, **HB 23** by Representative Clay Yarborough (R-Jacksonville) was heard in the House Health & Human Services 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 floor.

**AIF supports legislation that permits an unfettered role for telehealth services that will help Floridians access better quality care at lower costs.**

## INSURANCE

### HB 7065 – Relating to Insurance Assignment Agreements

On Thursday, March 28, **HB 7065**, sponsored by the House Civil Justice Subcommittee, was heard in the House Judiciary 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.**

The abuse of the one-way attorney fee statute in relation to “assignment of benefits” (AOB) has created a relatively new form of litigation over auto glass repairs and property damage. These legal abuses are perpetrated by a handful of lawyers and vendors who work together to strip benefits away from policyholders and use these to force higher settlements from insurers, and even go so far as to sue in the name of the policyholder, often without the policyholder’s consent. This bill helps prevent future abuse of AOBs by:

- Limiting an assignee’s ability to recover certain costs from the insured;
- Requiring the assignee to give the insurer notice of the assignee’s intent to file a lawsuit
- Requiring the insurer to respond to the assignee’s notice;
- Setting the formula that will determine which party, if any, receives an award of attorney fees should litigation related to an assignment agreement result in a judgment; and
- Allowing an insurer to offer a policy prohibiting assignment.

HB 7065 will now move to the House floor.

**AIF supports reforms to the AOB process to protect consumers against these abuses that drive up insurance costs.**

## LEGAL & JUDICIAL

### HB 17 – Relating to Tort Reform

On Thursday, March 28, **HB 17** by Representative Tom Leek (R-Daytona Beach) was heard in the House Commerce Committee and was reported favorably with 13 yeas and 7 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Florida currently has the highest tort system costs among U.S. states as a percentage of state GDP, at 3.6%. In 2016, the total amount paid in costs and compensation within Florida's tort system averaged \$4,442 for each Florida household.

A flawed tort system generates exorbitant damages and unpredictability, causing:

- Increased economic costs and increased risks of doing business;
- Higher insurance premiums;
- Increased healthcare costs and declining availability of medical services; and
- Deterrence of economic development and job creation activities.

HB 17 will now move to the House Judiciary Committee.

**AIF supports tort reforms which will dramatically reduce the costs of the tort system in Florida while providing a better business climate in the state.**

### **Proposed Committee Bill JDC 19-01 – Relating to Constitutional Amendments**

On Thursday, March 28, **PCB JDC 19-01** sponsored and heard by the House Judiciary Committee, was reported favorably with 12 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill changes the process for amending the constitution by citizen initiative by:

- Requiring that a petition-gatherer:
  - Be a Florida resident and register with the Secretary of State prior to obtaining signatures.
  - Not be paid based on the number of petitions gathered.
- Requiring the Secretary of State to publish on its website position statements on proposed amendments received from interested persons.
- Directing the Financial Impact Estimating Conference (FIEC) to:
  - Estimate the amendment's impact on the state and local economy.
  - Complete its analysis and financial impact statement for the ballot within 60 days after receipt of a proposed amendment instead of 45 days.
- Requiring each county supervisor of elections to include a copy of:
  - The FIEC's financial information summaries in the publication or mailing for sample ballots; and
  - The proposed amendment text in each voting booth.
- Requiring the ballot summary to include:
  - The name of the initiative's sponsor and the percentage of contributions received by the sponsor from in-state donors;
  - If the amendment will cost money or have an indeterminate impact, a statement that passage of the amendment may result in higher taxes or reduced program funding; and
  - A Supreme Court determination as to whether the proposed policy can be implemented by the Legislature without the need for a constitutional amendment.

- Directing the Attorney General, when seeking Supreme Court review of an amendment, to ask the Court to:
  - Address whether the proposed policy can be implemented by the Legislature; and
  - Identify any undefined terms in the amendment that will have a substantive impact.

**AIF supports legislation that adds transparency and accountability to amending the Florida constitution by citizen initiative.**