



WEEKLY UPDATE

For the 2019 Legislative Session

From March 29, 2019

HEALTH CARE

HB 831- Relating to Electronic Prescribing

On Tuesday, March 26, **HB 831** by Representative Amber Mariano (R-Port Richey) was heard in the House Health Care Appropriations Subcommittee and was reported favorably with 9 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Electronic prescribing (e-prescribing) is a method by which an authorized health care practitioner electronically transmits a prescription to a pharmacy using a secure software system. Efforts have been made by states, as well as the federal government, to increase the use of e-prescribing software. Beginning January 1, 2020, HB 831 requires prescribers to generate and transmit all prescriptions electronically.

HB 831 will now move to the House Health and Human Services Committee.

AIF supports legislation that provides for improved prescription accuracy, increased patient safety, reduced opportunities for fraud and abuse and reduced overall costs. Improving the overall functionality and cost will further enable Florida employers to provide health care coverage for our citizens.

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 1113 – Relating to Health Insurance Savings Program

On Monday, March 25, **HB 1113** by Representative Paul Renner (R-Palm Coast) was heard in the House Health and Human Services Committee and was reported favorably with 14 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill creates the Patient Savings Act, which allows health insurers to create a voluntary shared savings incentive program to encourage insured individuals to shop for high quality, lower cost health care services. The bill directs health insurers who choose to offer the program to develop a website outlining the range of shoppable health care services available to insureds. This website must provide insureds with an inventory of participating health care providers and an accounting of the shared savings incentives available for each shoppable service. When an insured obtains a shoppable health care service for less than the average price for the service, the bill requires the savings to be shared by the health insurer and the insured. An insured is entitled to a financial incentive that is no less than 25 percent of the savings that accrue to the insurer as a result of the insured’s participation.

HB 1113 will now move to the House floor.

AIF supports legislation that provides high quality healthcare at a lower cost for all Floridians.

HB 1363 – Relating to Consumer Protections from Nonmedical Prescription Drug Formularies

On Tuesday, March 26, **HB 1363** by Representative Jayer Williamson (R-Pace) was heard in the House Health Market Reform Subcommittee and was reported favorably with 13 yeas and 1 nay.

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.

HB 1363 will now move to the House Insurance and Banking Subcommittee.

AIF supports the amendment that brings the bill closer inline to AIF’s position in reducing health care costs. AIF encourages the committee to continue working on the bill to reach a point where we can support it.

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 57 – Relating to Percentage of Elector Votes Required to Approve an Amendment or a Revision

On Monday, March 25, **HB 57** by Representative Rick Roth (R-Palm Beach Gardens) was heard in the House Civil Justice Subcommittee and was reported favorably with 10 yeas and 5 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill changes the vote threshold for amendments and revisions to Florida’s constitution from the current 60% of elector votes to 66 and 2/3%.

HB 57 will now move to the House State Affairs Committee.

AIF supports the measures contained in this bill to prevent interest groups’ circumvention of the legislature in revising Florida’s constitution.

SB 76 – Relating to Distracted While Driving

On Monday, March 25, **SB 76** by Senator Wilton Simpson (R-Spring Hill) was heard before the Senate Judiciary Committee and was reported favorably with 5 yeas and 1 nay. **AIF stood in support of this legislation.**

Currently, Florida law prohibits a person from texting, emailing, and instant messaging while driving, however, enforcement of this is a secondary offense, which means a law enforcement officer must detain a driver for another traffic offense in order to cite the driver for texting while driving. The bill would rename the “Florida Ban on Texting While Driving Law” to the “Florida Driving While Distracted Law.” This bill would change the current enforcement from a secondary offense to a primary offense for all distracted driving and handheld use of wireless communication devices, not just texting and emailing, allowing law enforcement officers to stop a vehicle solely for driving while distracted. The main goal of this legislation is to eliminate a component that contributes to distracted driving on Florida’s roadways.

SB 76 will now move to the Senate Rules Committee.

HB 107 – Relating to Use of Wireless Communication Devices While Driving

On Tuesday, March 26, **HB 107** by Representative Jackie Toledo (R-Tampa) was heard in the House Transportation and Infrastructure Subcommittee and was reported favorably with 13 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Florida Ban on Texting While Driving Law prohibits a person from texting, emailing, and instant messaging while driving but is considered a secondary offense, meaning law enforcement cannot stop a driver solely for texting. This bill makes the use of a wireless communication device while driving a primary offense, allowing law enforcement to stop individuals for wireless device usage while behind the wheel.

HB 107 will now move to the House Appropriations Committee.

AIF supports legislation that addresses the issue of distracted driving that will ensure public safety for not only those transporting goods on our roadways, but for all Floridians.

SB 772 and HB 431– Relating to Liens Against Motor Vehicles and Vessels

On Monday, March 25, **SB 772** by Senator Kelli Stargel (R-Lakeland) was heard in the Senate Banking and Insurance Committee and was reported favorably with 8 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Tuesday, March 26, **HB 431** by Representative Jason Fischer (R-Jacksonville) was heard in the House Transportation & Infrastructure Subcommittee and was reported favorably with 12 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently, towing companies and auto repair shops, among others, may impose a lien on automobiles for towing and storage charges, as well as unpaid repair costs. The current statute requires the lienor to give the auto owner and all parties that have a financial interest in the auto notice of the lien and the public sale of the auto to cover paying off the lien.

Unfortunately, some “bad actors” in Florida have been abusing our current system by:

- Manipulating the time period for sending the notice of lien and notice of sale to eliminate the owner or finance company’s ability to pay the charges and recover the auto;
- Imposing very high administrative fees for perfecting the lien and enforcing the lien;
- Adding unreasonable or fraudulent charges to the towing or repair bill to justify the sale of the auto and keeping all proceeds of the sale.

SB 772 will now move to the Senate Judiciary Committee.

HB 431 will now move to the House Judiciary Committee.

AIF supports legislation that prevents the increase in insurance rates. When ‘bad actor’ companies take advantage of the current lien laws, insurance rates become improperly inflated and has a harmful effect on many sectors of the business community.

HB 1153 – Relating to Biometric Information Privacy

On Monday, March 25, **HB 1153** by Representative Bobby DuBose (D-Fort Lauderdale) was heard in the House Civil Justice Subcommittee and was reported favorably with 14 yeas and 1 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

“Biometric data” is a term for a measurable biological and behavioral characteristic that can be used for automatic recognition, such as fingerprints. This bill requires that a private entity:

- In possession of biometric data (defined as retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry) have a written policy establishing a retention schedule and guidelines for permanently destroying such data.
- May not collect, capture, purchase, receive through trade, or otherwise obtain biometric data unless it informs the subject that the data is being stored and the manner of storage, and receives a written release from the subject.
- May not profit from a person’s biometric data.
- May not disseminate a person’s biometric data unless the subject consents, is authorized by the subject, or is required by law or a valid warrant or subpoena.
- Must store, transmit, and protect biometric data with a reasonable standard of care and in a manner as or more protective as other confidential and sensitive information.

HB 1153 will now move to the House Commerce Committee.

AIF does not believe the Florida legislature currently knows enough about what Florida businesses use biometric information for and how they gather and store it, to properly formulate legislative language dealing with it. AIF and our members recommend putting together a task force to look into this area before addressing it legislatively.

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.

HB 847 – Relating to Preemption of Conditions of Employment

On Tuesday, March 26, **HB 847** by Representative Bob Rommel (R-Naples) was heard in the House Local, Federal, and Veterans Affairs Subcommittee and was reported favorably with 10 yeas and 5 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill amends s. 218.077, F.S., regarding state preemption of conditions of employment. The bill:

- Expressly prohibits a county, city, district, or other public body created by state law from requiring an employer from paying a minimum wage other than the state or federal minimum wage or to offer other conditions of employment;
- Expressly preempts to the state the right to regulate any requirements imposed upon employers relating to a minimum wage and conditions of employment;
- Defines “conditions of employment” to include preemployment screening, job classification, job responsibilities; hours of work; scheduling and schedule changes, wages, payment of wages, leave, paid or unpaid days off for holidays, illness, vacations, and personal necessity, and employee benefits;
- Voids any ordinance, regulation, or policy currently in existence which is now preempted.

HB 847 will now move to the House Commerce Committee.

AIF supports legislation that allows Florida businesses to adhere to state or federal wage requirements, thus eliminating onerous regulations set by municipalities.

HB 829 – Relating to Attorney Fees and Costs

On Tuesday, March 26, **HB 829** by Representative Anthony Sabatini (R-Clermont) was heard before the House Local, Federal and Veterans Affairs Subcommittee and was reported favorably

with 11 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, 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.

HB 829 will now move to the House Judiciary Committee.

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

HB 1235- Relating to Legal Notices

On Tuesday, March 26, **HB 1235** by Representative Randy Fine (R-Palm Bay) was heard in the House Local, Federal, and Veterans Affairs Subcommittee and was reported favorably with 10 yeas and 5 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

The Florida Constitution requires public notice be given for meetings at which official acts are to be taken or where public business is to be conducted. This bill requires each state or local government agency to publish legally required notices and advertisements on their official website. Each government agency must publish notice at least once a year in a newspaper of general circulation, a newsletter or periodical, or other publication mailed and delivered to all residents and property owners in the government's jurisdiction.

HB 1235 will now move to the House Judiciary Committee.

AIF opposes internet-only public notice, as it eliminates the wide net that is cast by print media and the internet combined. Because webpages are present one day and gone the next, the internet is an inherently unreliable platform for critical information. As Florida is predominately a small business state, citizens and business owners must be able to access these public notices both in print and digital form.

TAXATION

SB 1692 – Relating to Corporate Income Tax

On Monday, March 25, **SB 1692** by Senator Javier Rodriguez (D-Miami) was heard in the Senate Commerce and Tourism Committee and was reported unfavorable with 2 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition of this legislation.**

Currently, corporations under a unitary business are not required to compute the total taxable income on a combined basis. Corporations that are members of an affiliated group have the choice of filing on a separate entity basis or as a consolidated group. This bill requires combined income reporting for the state's corporate income tax. Corporations that are members of a unitary business are required to file a return combining all federal income from those entities and apportion the combined income to Florida based upon a statutory formula.

AIF opposes burdensome corporate tax increases that could hinder the growth of Florida corporations which provide jobs and economic growth to our state.

SB 1000 – Relating to Communication Services

On Tuesday, March 26, **SB 1000** by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Community Affairs Committee and was reported favorably with 4 yeas and 1 nay. **AIF stood in support of this legislation.**

This bill reduces the state tax on general communications services from 4.92% to 3.92%, and on direct-to-home satellite services from 9.02% to 8.07%. This bill eliminates all the current provisions on local governments electing whether to require and collect permit fees and effectively freezes local government elections on collection of permit fees, providing that a municipality or county that chose to impose permit fees on or before January 1, 2019, may continue to impose such fees, while a municipality or county that did not impose permit fees as of January 1, 2019, may not impose such fees.

SB 1000 will now move to the Senate Finance and Tax Committee.

AIF supports legislation that will both reduce the communications services tax and have a positive financial impact on Florida's consumers, many of whom are businesses that pay for cable or satellite service.

TRANSPORTATION

HB 1111 – Relating to Vehicles for Rent or Lease

On Tuesday, March 26, **HB 1111** by Representative Chris Latvala (R-Clearwater) was heard in the House Transportation and Infrastructure Subcommittee and was reported favorably with 10 yeas and 3 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently rental car companies and car sharing services collect the rental car surcharge and sales tax from persons renting vehicles. App based car rental services called “peer to peer car sharing companies” are growing throughout the country, and AIF supports the new ways Floridians can access transportation. However, the P2P companies do not remit either tax required by the state. The proceeds from the rental car surcharge paid by consumers who rent vehicles goes to build and maintain the state’s infrastructure, which is very important to Florida businesses statewide. This bill ensures the entities renting vehicles in the State of Florida play by the same “rules of the road.”

HB 1111 will now move to the Transportation and Tourism Appropriations Subcommittee.

AIF supports the proposed measures in this bill to hold all rental car services accountable, regardless of how the vehicle is accessed.

HB 905 – Relating to the Department of Transportation (DOT)

On Tuesday, March 26, **HB 905** by Representative Alex Andrade (R-Pensacola) was heard in the House Transportation and Tourism Appropriations Subcommittee and was voted favorably with 11 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill:

- Prohibits local governments from adopting standards or specifications for the permissible use of aggregates that are contrary to DOT’s standards or specifications.
- Requires any contractor desiring to bid on DOT contracts in excess of \$50 million to have satisfactorily completed certain projects prior to being eligible to bid.
- Increases the dollar threshold for certain contract claims that may go before the State Arbitration Board.

HB 905 will now move to the House State Affairs Committee.

AIF supports legislation that streamlines DOT regulations and holds, to a high standard, contractors providing infrastructure improvements to our state.

ECONOMIC DEVELOPMENT

HB 739 – Relating to Rural Communities

On Tuesday, March 26, **HB 739** by Representative Mike Hill (R-Pensacola) was heard in the House Workforce Development and Tourism Subcommittee and was reported favorably with 12 yeas and 0 nays. **AIF stood in support of this legislation.**

Florida imposes an annual tax on premiums collected by insurance companies doing business in the state. This tax applies to life, health, property and casualty, title insurance, and most other types of policies at a rate of 1.75%. This bill creates s. 288.062, F.S., the “Florida Rural Jobs and Business Recovery Act,” which offers incentives in the form of tax credits against the state insurance premium tax. The Program prohibits more than \$5 million in tax credits to be taken annually.

HB 739 will now move to the House Ways and Means Committee.

AIF supports this bill which updates and improves Florida’s Rural Economic Development programs which allows rural communities to get assistance for economic development projects designed to create jobs and improve our rural communities.

HB 73 – Relating to High School Graduation Requirements

On Tuesday, March 26, **HB 73** by Representative Elizabeth Fetterhoff (R-DeLand) was heard in the House PreK-12 Quality Subcommittee and was reported favorably with 14 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Current law requires financial literacy to be taught as a part of a one-half credit economics course, which falls under the three required social studies credits a student must achieve to earn a standard high school diploma. The bill increases the number of social studies credits needed to earn a standard high school diploma to three and one-half credits to include one-half-credit in financial literacy as a separate course.

HB 73 will now move to the PreK-12 Appropriations Subcommittee.

AIF supports legislation that gives students tools to learn about relevant, and real life subjects that will prepare them for the workforce in the future.

SB 596 – Relating to Regional Rural Development Grants

On Wednesday, March 27, **SB 596** by Senator Ben Albritton (R-Bartow) was heard before the Senate Appropriations Committee and was reported favorably with 21 yeas and 0 nays. **AIF stood in support of this legislation.**

The bill makes changes to how the Regional Rural Development Grant program and the Rural Infrastructure Fund operate. Specifically, the bill amends the Regional Rural Development Grant Program to:

- Increase the maximum annual grant amount to \$250,000 from \$150,000 that three regional economic development organizations that serve the entire region of a rural area of opportunity may receive;
- Increase the amount of funds the Department of Economic Opportunity (DEO) may expend for the program to up to \$1 million annually (from up to \$750,000 annually);
- Reduce the required match the regional economic development organizations must contribute in non-state resources from 100 percent to 25 percent of the state's contribution; and
- Allow the use of grant funds to build the professional capacity of regional economic development organizations. The bill amends the Rural Infrastructure Fund program to:
 - Increase the grant awards to 50 percent of infrastructure project costs (up from 30 percent);
 - Clarify that eligible infrastructure projects include access to broadband Internet service, and projects that improve service and access must be through a partnership that was publicly noticed and competitively bid; and
 - Require the DEO to review the grant program application and award procedures by September 1, 2020.

SB 596 will now move to the Senate floor.

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

ENVIRONMENTAL

SB 816 – Relating to Environmental Regulation

On Tuesday, March 26, **SB 816** by Senator Keith Perry (R-Gainesville) was heard in the Senate Environment and Natural Resources Committee and was reported favorably with 5 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill requires local governments to work with residential recycling collectors and material recovery facilities to reduce contamination of curbside recycling. As Florida continues to move

toward the statewide 75% recycling goal, this legislation is specifically designed to improve the capture rate of clean recyclable material.

SB 816 will now move to the Senate Community Affairs Committee.

AIF supports legislation which will assist in achieving the statewide 75% recycling goal, providing clean and marketable recyclable material to the end user.