

# WRAP-UP

2017 Regular Session  
of the Florida Legislature

**Coming Soon!**  
2017 Voting Records  
and  
**2017 CHAMPIONS**  
for **BUSINESS**  
Award Winners



**ASSOCIATED INDUSTRIES OF FLORIDA**

This document will provide you with a summary of the top business-related bills that the Florida Legislature dealt with during the recent legislative session. Compiled by AIF staff, the 2017 Session Wrap-Up lets you know what happened on some of the top issues and how your business could be affected.

This session, AIF faced a variety of tough issues on behalf of Florida's business community, including opposing measures that would have made it more expensive for businesses to operate, such as prejudgment interest, and fighting to preserve the insurance premium tax salary credit. Furthermore, AIF and its members knew that workers' compensation was going to be a big issue for employers this session. In preparation for this, AIF organized an impressive array of business leaders from around the state to form the AIF Workers' Compensation Strategic Task Force. Our Task Force members and AIF Lobby Team worked diligently with key legislators to try and find viable solutions.

A proud advocate for Florida's business community, AIF actively engaged on measures aimed at fostering continued growth and development such as reducing the business rent tax, making 5G wireless technology availability a reality and protecting productive, private agricultural land.

It is our hope that you will find this publication helpful and informative for you and your company. If you have questions, please feel free to contact our legislative team at [aif@aif.com](mailto:aif@aif.com).

## INSURANCE

### **HB 1107 & SB 1008 Relating to Public Records/Workers' Compensation by Rep. Ben Albritton (R-Bartow) and Sen. Keith Perry (R-Gainesville)**

This legislation exempts private and personal identifying information of an injured worker or deceased employee from public record. Currently, this information is open to the public and, often, injured workers are inundated with outreach from attorneys encouraging them to sue their employer.

**HB 1107** **PASSED** the House by a vote of 115 yeas to 0 nays. Once the House version was received by the Senate,

**SB 1008** was laid on the table and substituted by **HB 1107**. The Senate then amended the bill and passed it by a vote of 37 yeas to 0 nays. The House concurred with the amended version of the bill, and the bill passed by a vote of 119 yeas to 0 nays.

**HB 1107** has been sent to Governor Scott for final action.

**AIF SUPPORTS protecting the private information of injured or deceased employees.**

### **HB 7085 Relating to Workers' Compensation by Rep. Danny Burgess (R-Zephyrhills)**

Provisions for the last amended version of **HB 7085** included:

- Permitting direct payment of attorneys by or for claimants making the injured worker responsible for any remaining attorney fees if required by their retainer agreement. Retainer agreements must be filed with a judge of compensation claims (JCC);
- Increasing total combined temporary total disability/total partial disability (TTD/TPD) benefits from 104 weeks to 260 weeks;
- Closing benefit gaps occurring when TTD/TPD ends, but the injured worker is not at overall maximum medical improvement (MMI) and/or no overall permanent impairment rating;
- Requiring claimants to be notified that they may be responsible for their own attorney's fees if they do not prevail;
- Requiring more specificity on a petition and requires a JCC to dismiss a petition for lack of specificity, without prejudice, within 10 days or 20 days, depending upon whether a hearing is required;
- Requiring claimants' attorneys to detail hours worked in the form of an attestation to a JCC at certain intervals before a hearing on a petition for benefits (PFB);
- Requiring a good faith attempt to resolve issues before a PFB is filed and allows JCCs to dismiss PFBs when a good faith effort was not made;
- Allowing deviations from the current statutory fee schedule (departure fee) if the fees under the schedule are less than 40 percent or greater than 125 percent of the customary fee when the amount allowed under the fee schedule is converted to an hourly rate;
- Requiring a JCC, when determining the departure fee, to consider certain factors and compute a new hourly rate capped at \$180/hr.;
- Allowing employers and carriers to contest departure fees within 20 days of an award which will be reviewed by a JCC in another district;
- Eliminating carrier paid attorney fees for services occurring before the filing of a petition and attaches

- attorney fees 45 days following the filing of a petition;
- Allowing insurers to uniformly reduce premiums by no more than five percent if they file an information-only notice within 30 days, subject to regulatory oversight;
  - Creating a mechanism to fill vacancies on the Three-Member Panel (Panel) and grants the Panel authority to fill gaps in statutory reimbursement when adopting schedules of maximum reimbursement allowances for medical care;
  - Eliminating the charge-based reimbursement of health care facility outpatient medical care in favor of reimbursing them at 200 percent (unscheduled care) and 160 percent (scheduled surgery) of Medicare. If no Medicare fee exists, then current reimbursement standards apply, which are incorporated into statute;
  - Requiring authorization or denial of medical care authorization requests, unless there is a material deficiency; and
  - Requiring vacancies on the Three-Member Panel to be filled by the Governor within 120 days, and if the Governor does not fill the vacancy within that period, the Chief Financial Officer would appoint a new member.

**HB 7085** **PASSED** the House floor by a vote of 82 yeas to 37 nays. Once **HB 7085** was received by the Senate, **SB 1582** was laid on the table and substituted by **HB 7085**. Once the substitution was made, **HB 7085** was amended several times.

On the Senate floor, Sen. Rob Bradley (R-Orange Park) offered a strike all amendment to the House bill that implemented the Senate bill language into the House bill with a few changes including lowering the attorney fees cap from \$250/hr. to \$200/hr. However, Sen. Gary Farmer (D-Fort Lauderdale) filed an amendment to Sen. Bradley's amendment implementing the entire original Senate bill language into the bill. Sen. Farmer's amendment to Sen. Bradley's amendment passed by a voice vote and the bill was then passed as amended by a vote of 21 yeas to 16 nays. **HB 7085** was then sent to the House to be concurred as amended.

The House received **HB 7085** and the House sponsor, Rep. Danny Burgess, moved to refuse to concur to the amended version of the bill and offered his own amendment. Rep. Burgess filed an amendment to the Senate amendment effectively stripping the Senate language

and reinstating the original House bill language with one change, raising the cap on attorney fees from \$150/hr. to \$180/hr. The amendment was adopted and the amended bill passed the House floor by a vote of 76 yeas to 43 nays. **HB 7085** was then sent back to the Senate in messages to be concurred as amended by the House.

**HB 7085** was never taken back up by the Senate and died in messages.

**AIF SUPPORTED the House legislation as it was the best option offered to address the workers' compensation system in Florida in its efforts to stabilize the increasing costs of workers' compensation on Florida employers.**

## HEALTH CARE

**HB 95 & SB 182 Relating to Consumer Protection from Nonmedical Changes to Prescription Drug Formularies by Rep. Ralph Massullo (R-Beverly Hills) and Sen. Debbie Mayfield (R-Melbourne)**

This legislation sought to remove the ability to move or shift prescription drugs within drug formularies by health plans. Currently, health plans have the authority to move prescription drugs to different tiers within the drug formulary or add/remove certain drugs all together. Health plans use this system if, for instance, a drug has been found to be unsafe for patients or a more cost-efficient alternative has become available. Removing this ability from health plans would not only cause the cost of healthcare to rise, but could put patients at risk of taking potentially harmful medications.

**HB 95** died in the House Insurance and Banking Subcommittee.

**SB 182** died in messages to the House.

**AIF OPPOSED taking away the leverage health plans have to add, remove, or shift drugs within the formulary system as it will increase the cost of health care and pharmaceuticals for Florida's employer community.**

## TAXATION

**SB 378 Relating to Taxation by Sen. Anitere Flores (R-Miami)**

This legislation aimed to repeal the insurance premium tax credit, which would result in a nearly \$300 million tax increase on Florida's insurance industry. Florida is

**PASSED** indicates that the bill has been passed by the Florida House and Senate and has been sent to the Governor. To see a complete list of the Governor's actions on bills passed by the Florida Legislature, please visit [AIF.com/2017GovActions.pdf](http://AIF.com/2017GovActions.pdf).

one of only a few states that have two separate taxes for insurers — a corporate income tax paid by all businesses and a second punitive tax on the insurance premiums paid by Floridians. This premium tax credit was created in 1987 to lessen the burden on insurers while also allowing them to reinvest these funds back into their businesses. Repealing this 30-year insurance salary tax credit removes the mechanism that helps keep insurance rates for everyday Floridians as low as possible.

During the bill's first and only committee hearing, an amendment offered by Sen. Kelli Stargel (R-Lakeland) would have swapped the insurance salary tax credit for a reduction in the Communications Services Tax (CST) and business rent tax. While AIF supports the goal of reducing both the CST and the business rent tax, AIF opposed this method of accomplishing that goal.

**SB 378** died in the Senate Committee on Appropriations.

**AIF OPPOSED legislation that will cause a nearly \$300 million tax increase on Florida's insurance industry, resulting in an increase in insurance premiums for Florida's business community.**

## TRANSPORTATION

**HB 221 & SB 340 Relating to Transportation Network Companies (TNC) by Rep. Chris Sprowls (R-Clearwater), Rep. James Grant (R-Tampa) and Sen. Jeff Brandes (R-St. Petersburg)**

This legislation establishes a regulatory framework for Transportation Network Companies (TNC) and how they operate throughout communities in Florida. **HB 221** defines what constitutes a "TNC vehicle," sets in place insurance requirements and preempts authority to the State, which will allow for a streamlined set of rules to be followed throughout the state.

**HB 221** **PASSED** the House floor by a vote of 115 yeas to 0 nays. The Senate then took up both bills, laid **SB 340** on the table, substituted it by the House companion **HB 221**, and then passed the bill by a vote of 36 yeas to 1 nay.

**HB 221** was signed into law by Governor Scott and assigned Chapter No. 2017-012.

**AIF SUPPORTS statewide digital transportation service policies to create price competition, promote consumer choice, enhance customer experience, create jobs and remove anti-competitive local regulations.**

## LEGAL & JUDICIAL

**HB 496 & SB 334 Relating to Prejudgment Interest by Rep. Shawn Harrison (R-Tampa) and Sen. Greg Steube (R-Sarasota)**

This legislation sought to mandate that prejudgment interest be awarded only to economic damages recovered. This prejudgment interest would accrue starting from the date the plaintiff incurs economic losses. Currently, prejudgment interest is awardable on economic losses at the discretion of the judge. We view this legislation as a way to overburden our court systems and would result in cost increases for Florida businesses.

**HB 496** died in the House Judiciary Committee.

**SB 334** died on the Senate calendar.

**AIF OPPOSED legislation that will increase the already daunting costs of litigation on Florida businesses.**

## TELECOMMUNICATIONS

**HB 687 & SB 596 Relating to Utilities by Rep. Mike La Rosa (R-Saint Cloud) and Sen. Travis Hutson (R-Palm Coast)**

This legislation creates the Advanced Wireless Infrastructure Deployment Act which would ultimately allow for 5G technology throughout the state of Florida.

**HB 687** **PASSED** the House floor by a vote of 110 yeas to 3 nays. Once received by the Senate, **SB 596** was laid on the table, substituted by **HB 687** and passed by a vote of 33 yeas to 1 nay.

**HB 687** has been sent to Governor Scott for final action.

**AIF SUPPORTS legislation that accommodates for the increasing need for reliable wireless networks to help support communities and businesses of the future.**



# Stay Active with Associated Industries at These Upcoming Events

## 2017 AIF Annual Conference

Loews Portofino Bay Hotel  
Orlando • August 22-24



We invite you to join us for our Annual Conference where you will hear from some of Florida's top business executives, legislative leaders and political experts and participate in a variety of hot topic panels that cover an array of the business community's most important issues.

[AIF.com](http://AIF.com)

## AIF U.S. CAPITOL SUMMIT

BRINGING FLORIDA  
BUSINESS LEADERS

AND

CONGRESSIONAL  
LEADERS  
TOGETHER

September 11-12 • Washington, D.C.

The AIF Summit will provide an opportunity for AIF Members and other business leaders from across the state to discuss policy and advocacy issues with members of Congress.

[AIF.com/DC](http://AIF.com/DC)

FLORIDA

## Water Forum 2017

September 21-22

Loews Royal Pacific Resort • Orlando

Experts, policymakers and elected leaders will provide our participants with the status and current direction of the critical issues surrounding water and water policy in Florida and each of its regions.

[FlaWaterForum.com](http://FlaWaterForum.com)

## BUILDING FLORIDA'S FUTURE



A VISION ON  
TRANSPORTATION,  
INFRASTRUCTURE  
& ECONOMIC  
DEVELOPMENT

October 25-26 • Port Tampa Bay



PORT TAMPA BAY

[BuildingFloridasFuture.org](http://BuildingFloridasFuture.org)

AIF is the undisputed leader in providing the business community with comprehensive *voting records* that allow employers to gauge how legislators are casting votes on bills that affect their businesses.



***Voting Records* is widely regarded as the definitive legislative scorecard for the business community.**

This publication reports on the votes made by every legislator on bills that were advocated, promoted or opposed by AIF. It embodies the most exhaustive and complete record of the Legislature's approach to the concerns of Florida's employers. We go to great lengths to ensure that legislators are aware of AIF's positions on issues of great importance to the business community. For 42 years, AIF has published *Voting Records*, an analysis of every vote cast by every legislator on major business issues.

## What's in a Name? Everything.



**ASSOCIATED INDUSTRIES OF FLORIDA**  
*The Voice of Florida Business Since 1920*

Led by former Speaker of the Florida House and Congressman Tom Feeny, along with the most talented lobby team in Florida, AIF can help your company achieve a greater level of success in the State Capitol.

#### Tools of AIF:

- State & Federal Legislative Advocacy
- Legislative Session Issue Briefing
- Issue Advocacy Campaigns; State-wide & Local
- Industry Centric Council Advocacy
- Issue & Campaign Related Polling; Statewide & Local
- Political Candidate Interviews
- Issue-Oriented Focus Groups
- Business Centric Publications
- Issue-Based Statewide Conferences

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