



# DAILY BRIEF

From January 19, 2016

## AGRICULTURE

### **SB 1264- Relating to Sales Tax Exemptions for Agricultural Equipment**

On Tuesday, January 19th, **SB 1264**, relating to Sales Tax Exemptions for Agricultural Equipment by **Senator Wilton Simpson (R-Trilby)** was heard in the **Senate Agriculture Committee** and unanimously passed with 6 yeas and 0 nays. **AIF stood in support of this bill.**

SB 1264 increases the maximum sales price of farm trailers that are exempt from the sales and use tax from \$20,000 to \$25,000. This bill also expands the sales and use tax exemption for certain farm equipment to include:

- Hog wire and nylon mesh netting used on a farm for protection from predatory or destructive animals.
- Barbed wire fencing, including gates and materials used to construct or repair such fencing, used on a beef or dairy cattle farm.
- Compressed or liquefied oxygen used in aquaculture production

The next committee stop for SB 1264 will be in the **Senate Finance and Tax Committee.**

**AIF supports the removal of sales tax on the purchase and repair of agricultural processing and packaging machinery, as well as the expansion of sales tax exemptions on items used in the production of agricultural products including fence materials, trailers and other items integral to the farm operation.**

## LEGAL & JUDICIAL

### **SB 642- Relating to Drones**

On Tuesday, January 19th, **SB 642**, relating to Drones, by **Senator Miguel Diaz de la Portilla (R-Miami)** was heard in its second committee stop of the process in the **Senate Commerce and Tourism Committee** and passed with 6 yeas and 1 nay.

Last November, AIF reported on a Senate committee hearing where a harmful tort measure was passed that re-opened the doctrine of joint and several liability. The measure was amended to a bill relating to the operation of drones but that amendment attracted the attention of the business community and several senators spoke against the measure before its approval by the committee. **AIF's General Counsel Tammy Perdue** led that opposition effort, stressing to the committee the importance of a fair and stable legal climate to Florida's continued economic success.

Today, SB 642 was amended and we are pleased to report that our opposition last fall and our commitment to working with the bill sponsor, Senator Miguel Diaz de la Portilla, paid dividends and the harmful attack on joint and several liability was removed from the bill in committee today. The bill is now completely contained in the statute regulating drones and not related to negligence. We thank Senator Diaz de la Portilla for his commitment to working with AIF in correcting this bill's focus and preserving the important balance of legal fairness in our state.

The next and final committee stop for this bill will be the **Senate Rules Committee.**

### **SB 562- Relating to Consumer Debt Collection**

On Tuesday, January 19th, **SB 562**, relating to Consumer Debt Collection, by **Senator Kelli Stargel (R-Lakeland)** was also heard in front of the **Senate Banking and Insurance Committee** and passed with 7 yeas and 3 nays. **AIF stood in support of this bill.**

SB 562 provides that, when the person collecting a debt is aware that the consumer is represented by an attorney with respect to the debt, the debt collector would only be prohibited from contacting the consumer when the debt collector “has knowledge of” the name and address of the debtor’s attorney. The issue with the statute is that it does not define how a consumer or a consumer attorney should put the person that is attempting to collect the money owed on notice of the attorney representation, therefore, prohibition of contacting a consumer of monies owed **does not** apply if:

- The consumer’s attorney fails to provide notice of representation to the person collecting the debt at the address designated by the person collecting the debt.
- The consumer or his or her attorney fails to send the notice by certified mail to the person collecting the debt at the address designated by the person that the debtor is represented by an attorney. The bill also allows the Office of Financial Regulation to adopt rules for notice of representation and receipt of response

This bill will now proceed to its second committee stop in the **Senate Commerce and Tourism Committee**.

**AIF supports this legislation that eliminates a current scam against Florida’s employers while also protecting legitimate debt collection processes by companies.**

#### **HB 761-Relating to Fraudulent Activities Associated with Payment Systems**

On Tuesday, January 19th, **HB 761**, relating to Fraudulent Activities Associated with Payment Systems, by **Rep. Dana Young (R-Tampa)** was heard before the **House Criminal Justice Subcommittee** and unanimously passed with 11 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

HB 761 addresses “skimming” at gas stations, specifically at gas pumps themselves, which has become a significant issue in the state of Florida. “Skimmers” are typically found on the gas pumps themselves, disguised as the usual everyday credit card reader. Unbeknownst to the customer, their credit card information is stolen.

During recent investigations, the Department of Agriculture and Consumer Services (DACS) has found that skimmed payment information is being used as part of elaborate fraud schemes to purchase hundreds of gallons of gas that is pumped into unapproved, hidden gas tanks in vans, SUVs, and trucks. Such gas is then usually resold by the criminals to independent truck drivers at a fraction of its usual cost.

To establish greater protection for consumer payment information and enhance penalties for crimes involved in the fraud schemes, the bill:

- Requires owners and operators of retail fuel pumps in this state to install a security measure that hinders or prohibits the unauthorized opening of the panel on the fuel pump which leads to the scanning device used for customer payment.
- Increases the penalty for the offense of unlawfully conveying and fraudulently obtaining fuel from an unranked third degree felony to a second degree felony ranked as a Level 5 offense on the Offense Severity Ranking Chart (OSRC).
- Reduces the number of counterfeit credit cards or related specified documents required to constitute second degree felony trafficking from 10 to five and ranks this felony as a Level 5 offense on the OSRC.
- Creates a second degree felony ranked as a Level 5 offense on the OSRC for the offense of possessing five or more counterfeit credit cards or related specified documents.

HB 761 will now go to the **House Appropriations Committee**.

**AIF supports this legislation due to it cracking down on theft from Florida retailers while also protecting Florida's consumers.**

## HEALTH CARE

### **SB1084- Relating to Health Care Protocols**

On Tuesday, January 19th, **SB 1084**, relating to Health Care Protocols, by **Senator Don Gaetz (R-Destin)** was heard by the **Senate Banking and Insurance Committee** and passed with 10 yeas and 0 nays. **AIF's General Counsel, Tammy Perdue, spoke in opposition of this bill.**

SB 1084 requires Medicaid managed care plans, health maintenance organizations (HMOs), and insurers that restrict medications by a step-therapy or fail-first protocol to have a clear and convenient process to request an override of the protocol. The bill requires these entities to grant an override of the protocol within 24 hours if, based on sound clinical evidence or medical and scientific evidence, the prescribing provider:

- Concludes that the preferred treatment required under the fail-first protocol has been ineffective in the treatment of the enrollee's disease or medical condition; or
- Believes that the preferred treatment required under the fail-first protocol is likely to be ineffective given the known relevant physical or mental characteristics and medical history of the enrollee and the known characteristics of the drug regimen or will cause or is likely to cause an adverse reaction or other physical harm to the enrollee.

AIF believes this action to be redundant and unnecessary given that insurers already have a protocol in place if incidents, such as ineffective treatment of the enrollee's disease or medical condition, occurs.

SB 1084 will now go to **Senate Health Policy Committee.**

**AIF opposes legislation that will negatively impact the standards of care that are currently in place based on real-time protocols that are centered on evidence-based research.**

AIF's General Counsel, Tammy Perdue, released this statement regarding step-therapy:

#### **AIF Statement in Opposition of Step Therapy Legislation**

**Tallahassee, Fla.** – The **Associated Industries of Florida (AIF)** today released the following statement attributed to its General Counsel Tamela Perdue in opposition to Senate Bill 1084, which would change the current, effective method of prior authorization, step therapy and fail-first protocols.

"AIF today opposed SB 1084 because it would negatively impact the standards of care that are currently in place and based on real-time protocols that are centered on evidence-based research. By changing the current, effective methods – which are used for the safest, most cost-effective drug and permit processing – it would force insurers and consumers to purchase the most expensive drugs and treatments even when equally effective drugs and treatments are available at much lower costs. "AIF supports continued flexibility for health plans to ensure consumers receive high quality, high value and affordable care, through continued use of innovative plan designs to achieve this balance. AIF opposes this legislation because we believe it would only increase costs, regulation and bureaucratic red tape."

Senate Bill 1084 has also been referred to the Senate Committee on Health Policy and Senate Appropriations.

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