



# DAILY BRIEF

From February 25, 2016

## DEPARTMENT OF AGRICULTURE

SB 1010- Relating to the Department of Agriculture and Consumer Services

On Thursday, February 25th, **SB 1010** relating to the Department of Agriculture and Consumer Services, by **Senator Bill Montford (D-Tallahassee)** was heard before the **Senate Appropriations Committee** and passed.

This bill addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (DACS). During this committee hearing Senator Alan Hays (R-Umatilla) offered up an amendment, amendment 835292 that will address the regulation of the use and sale of polystyrene (Styrofoam) products. With the adoption of this amendment the bill will preempt the regulation of these Styrofoam products to DACS. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this amendment.**

SB 1010 will now go to the Senate floor for consideration.

**AIF supports preempting to the state the sale and use of polystyrene (Styrofoam) products.**

## ENERGY

**SB 318- Relating to Regulation of Oil and Gas Resources**

On Thursday, February 25th, **SB 318**, relating to Regulation of Oil and Gas Resources, by **Senator Garrett Richter (R-Naples)** was heard by the **Senate Appropriations Committee** and was reported unfavorable. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

SB 318 makes many revisions to the Oil and Gas Program (Program) to make this program safer and more effective for all involved. The Department of Environmental Protection's (DEP) Mining and Minerals Regulation Program in the Division of Water Resource Management (Division) oversees permitting for oil and gas drilling, production, and exploration within Florida through its Oil and Gas Program. The Program's primary responsibilities include conservation of oil and gas resources, correlative rights protection, maintenance of health and human safety, and environmental protection.

After the vote was taken **Senator Lizbeth Benacquisto (R-Fort Myers)** moved that the bill be reconsidered and that motion was adopted keeping the bill alive. As we await the next move for SB 318, AIF will keep members abreast of the progress made.

**AIF supports the need to maintain appropriate permitting laws to protect the environment, to enhance efficiency between industry and the state, and to ensure appropriate standards are clearly communicated.**

Please read below a statement from our Senior VP of State and Federal Affairs, Brewster Bevis, regarding SB 318:

### **AIF Statement Urging Members of the Senate Appropriations Committee to Approve Legislation Regulating Onshore Oil & Gas Activities**

**Tallahassee, Fla.** – The **Associated Industries of Florida (AIF)** today released the following statement attributable to its Senior Vice President of State and Federal Affairs Brewster Bevis, urging members of the Senate Appropriations Committee to pass Senate Bill 318, sponsored by Senator Garrett Richter (R-Naples).

“Currently, hydraulic fracturing, or fracking, is legal and unregulated in Florida; and, the onshore oil and gas industry is operating in a regulatory grey area without stringent rules and regulations in place to properly govern activities that have been made possible due to advances in technology.

“And, while the onshore oil and gas industry has been responsibly operating in the State of Florida for more than seven decades, these advances in technology have made it necessary to institute rules and regulations to better oversee and properly regulate this activity.

“Fortunately, Senator Garrett Richter’s SB 318, if adopted by the Florida Senate, would empower the Florida Department of Environmental Protection (DEP) to provide comprehensive oversight of the onshore oil and gas industry. Among other provisions, SB 318 would call for a temporary and immediate moratorium on all high-pressure well stimulation techniques until: 1) a \$1 million independent, peer-reviewed study on the effects of high-pressure well stimulation techniques is complete) 2. DEP institutes new rules and regulations to govern the onshore oil and gas industry based on the study’s findings; and, 3) the rules and regulations instituted by DEP are also reviewed and ratified by the Florida Legislature.

“AIF’s concerns do remain regarding the inclusion of a moratorium or a study in this legislation, as we believe they are unnecessary because the industry has been operating safely and responsibly Sunshine State, but we do understand the necessity to make certain that Florida’s environment is protected and preserved in light of advances in technology.

“AIF respectfully urges members of the Senate Appropriations Committee to support this good bill today that provides DEP with the power necessary to regulate the onshore oil and gas industry throughout our state.”

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## HEALTH CARE

### **SB 212-Relating to Ambulatory Surgical Centers**

On Thursday, February 25th, **SB 212**, relating to Ambulatory Surgical Centers, by **Senator Don Gaetz (R-Destin)** was heard by the **Senate Appropriations Committee** and unanimously passed.

The bill in its original form only addressed regulations for ambulatory surgical centers. However, at this committee, Senator Gaetz added language encompassing a wide array of health care topics, including the prohibitions on step therapy and authorization protocols that insurers use to control costs of treatment.

AIF stood in opposition to this lengthy health care amendment that was added today to SB 212 by Senator Gaetz.

SB 212 now 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 212 will now go to the Senate floor for final consideration.

**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.**

### **SB 1442-Relating to Out-of-network Health Insurance Coverage**

On Thursday, February 25th, **SB 1442**, relating to Out-of-network Health Insurance Coverage, by **Senator Rene Garcia (R-Hialeah)** was heard by the **Senate Appropriations Committee** and passed 17 yeas to 0 nays.

The intent of this bill is to protect consumers from balance billing when that situation occurs in an emergency setting; the balance bill is the difference between the provider’s charges and the amount the provider has received in reimbursement from the consumer’s insurance plan. Provider charges in Florida are often 100 times more than Medicaid charges, so this legislation should cap a significant cost driver in today’s health care system.

In today’s committee there was some debate over an amendment filed to the bill which would have prohibited insurance companies from denying coverage for procedures incurred once premiums are not paid by a policy holder. **AIF’s General Counsel Tammy Perdue** testified against the amendment and cautioned the committee about the consequences that

prohibition could have on employers if those charges were passed onto them by the insurer. The amendment was not adopted. AIF will remain vigilant throughout the closing weeks of this session to guard against legislation with unintended but expensive consequences for Florida's employers.

SB 1442 will now go to the Senate floor for consideration.

**AIF supports legislation that requires a patient to be presented with documentation regarding any charges for out-of-network services.**

#### **SB 1686- Relating to Telehealth**

On Thursday, February 25th, **SB 1686**, relating to Telehealth, sponsored by **Senator Aaron Bean (R-Jacksonville)** was heard by **Senate Appropriations Committee** and passed with 17 yeas to 0 nays. **AIF's General Counsel, Tammy Perdue, stood in support of this bill.**

SB 1686 creates a Telehealth Task Force within the Agency for Health Care Administration (AHCA), authorizes healthcare practitioners in Florida to provide telehealth services, and defines telehealth. The task force is chaired by the Secretary of the AHCA or his or her designee, the State Surgeon General and 21 other members, including other health care practitioners, providers, telehealth services providers and sellers, and facilities. \*(Amendment 419202 changed the previous amount of members on the task force from 17 to 21).

The bill requires the task force to compile data and submit a report by June 30, 2017, to the Governor, the President of the Senate, and the Speaker of the House of Representatives that analyzes:

- Frequency and extent of the use of telehealth nationally and in this state;
- Costs and cost savings associated with using telehealth;
- Types of telehealth services available;
- Extent of available health insurance coverage available for telehealth services; and
- Barriers to implementing the use of, using, or accessing telehealth services.

The bill also requires the task force to hold its first meeting by September 1, 2016, and to meet as frequently as necessary to complete its work.

SB 1686 will now go to the Senate floor for consideration.

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

## **WORKERS' COMPENSATION**

#### **SB 986-Relating Workers' Compensation System Administration**

On Thursday, February 25th, **SB 986**, relating to Workers' Compensation Administration, by **Senator Wilton Simpson (R-Trilby)** was heard by the **Senate Appropriations Committee** and passed 19 yeas to 0 nays. **AIF's General Counsel, Tammy Perdue, stood in support of this bill.**

SB 986 provides additional administrative tools to the deep vision of Worker's Compensation for penalty enforcement and stop work order fines.

This bill will now go to the Senate floor for consideration.

**AIF supports Florida's current workers' compensation law and any proposed change to the workers' compensation system - in the courtroom or Legislature - will be evaluated through the prism of coverage affordability, market stability, and employee safety.**