



**From April 21, 2017**

## **INSURANCE**

### **SB 1008 & HB 1107-Relating to Public Records/Injured or Deceased Employee/Department of Financial Services**

On Monday, April 17th, SB 1008, by Senator Keith Perry (R-Gainesville) was heard before the Senate Committee on Governmental Oversight and Accountability and passed unanimously by a vote of 6 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Thursday, April 20th, HB 1107, by Representative Ben Albritton (R-Bartow) was read for a third time on the House floor and passed unanimously by a vote of 115 yeas to 0 nays.

These bills would exempt 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 times injured workers are inundated with outreach from attorneys wanting to take on their cases immediately after filing their claim.

SB 1008 will now go to the Senate Committee on Rules to be heard.

HB 1107 will now go to the Senate floor for consideration.

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

Please see the below statement from our President & CEO, Tom Feeney, regarding SB 1008:

#### **AIF: SB 1008 is One Piece to Putting Workers' Comp Back Together Again**

**Tallahassee, Fla.** – The **Associated Industries of Florida (AIF)** today released the following statement on behalf of its President & CEO Tom Feeney regarding its support of Senate Bill 1008, by Senator Keith Perry, relating to Public Records/Injured or Deceased Employee/Department of Financial Services. SB 1008 was today heard in the Senate Governmental Oversight and Accountability Committee, its second committee of reference.

“AIF supports legislation that helps restore a stable, self-executing and affordable system for injured workers. One of the abuses Florida’s employers face within the workers’ compensation system is addressed by SB 1008 – exempting public records relating to injured or deceased workers.”

“However, SB 1008 is just one of the pieces to the puzzle that will help put Florida’s workers’ compensation system back together again. AIF believes Floridians deserve a comprehensive

workers' compensation system that gives them the benefits they need to get better if injured on the job at affordable rates to employers.

"AIF looks forward to continuing the thoughtful discussions with our state's leaders on how workers' compensation can holistically be addressed this session."

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### **HB 7085-Relating to Workers' Compensation**

On Tuesday, April 18th, and Wednesday, April 19th, HB 7085, by Representative Danny Burgess (R-Zephyrhills) and the House Insurance & Banking Subcommittee, was amended, read for a third time on the House floor and passed by a vote of 82 yeas to 37 nays.

During the amending process on the House floor, several amendments were defeated that would have eroded the bills ability to reduce workers' compensation rates.

This legislation addresses the issues within Florida's Workers' Compensation law that have deemed the law unconstitutional, specifically the issue of rate increases, attorney fees, claimant benefits, etc.

Provisions for HB 7085 include:

- 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 JCC;
- Increasing total combined 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 \$150/hour which is the average hourly rate of defense attorneys;
- 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 time period, the Chief Financial Officer (CFO) would appoint a new member.

HB 7085 has been received from the Senate in messages and is referred to the Senate Committee on Rules to be heard.

**AIF SUPPORTS this legislation as we believe it is postured to be a fix to Florida’s Workers’ Compensation system fair to every person and or entity involved.**

Please see the below statement from our President & CEO, Tom Feeney, regarding the passage of HB 7085:

#### **AIF Commends Florida House on Passing Badly Needed Workers’ Comp Reforms**

**Tallahassee, Fla.** – The Associated Industries of Florida (AIF) today released the following statement on behalf of its President & CEO Tom Feeney, who also serves as the chair of its “Florida Workers’ Compensation Strategic Task Force,” commending the Florida House for passing House Bill 7085, by the House Insurance & Banking Subcommittee and Representative Danny Burgess, relating to Workers’ Compensation. HB 7085 will now head to the full Senate.

“AIF applauds members of the Florida House for passing HB 7085 today. We also thank Representative Burgess and House Leadership for their work on this good bill.

“Since the Florida Supreme Court ruled Florida’s workers’ compensation system unconstitutional, AIF’s workers’ compensation task force has been saying we need solid measures that address Florida’s floundering system.

“Floridians deserve a stable, self-executing and affordable workers’ compensation system, not one that leaves injured employees at the mercy of unscrupulous trial lawyers. HB 7085 will help give Florida’s business community the tools needed to ensure injured workers are receiving benefits in a timely manner and at affordable prices to employers.

“AIF looks forward to continuing the dialogue on this good bill as it heads to the full Senate for their consideration.”

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#### **SB 1582 -Relating to Workers’ Compensation Insurance**

On Wednesday, April 19th, SB 1582, by Senator Rob Bradley (R-Orange Park), was heard before the Senate Committee on Rules and passed by a vote of 10 yeas to 0 nays. **Jim McConnaughay spoke in opposition to this bill on behalf of AIF.**

This legislation seeks to address the issues within Florida's Workers' Compensation law that have deemed the law unconstitutional; specifically, the issue of rate increases, attorney fees, claimant benefits, etc. AIF hopes to continue to work with the Legislature as we are confident that there is a solution that will address all aspects of the workers' compensation system in Florida so that Floridians can avoid unnecessary, costly and time consuming litigation and receive the benefits they need if injured at work as quickly as possible.

SB 1582 will move on to the Senate floor for consideration.

**AIF OPPOSES this piece of legislation as it does not adequately address the rising cost of workers' compensation rates on Florida's employers due to increased costs of attorney fees.**

### **HB 1421-Relating to Property Insurance Assignment Agreements**

On Wednesday, April 19th, HB 1421 by Representative James Grant (R-Tampa) was heard by the House Commerce Committee and passed by a vote of 21 yeas to 7 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

The legislation seeks to address the fraud and abuse within the process of assignment of benefits (AOB) by removing the one-way attorney fee, which will reduce AOB lawsuits that drive up property insurance costs on Florida's businesses and homeowners. AOB is a practice whereby lawyers and contractors convince homeowners to sign over their right to sue insurers for certain kinds of home damage. Insurers typically settle these claims to avoid protracted and expensive court battles, and by current Florida law they're on the hook for attorney fees too.

HB 1421 will now go to the House floor for consideration.

**AIF SUPPORTS reforms to the assignment of benefits process to protect consumers against these abuses.**

Please see the below statement from our President & CEO, Tom Feeney, regarding HB 1421:

#### **AIF: Florida Must Get to Heart of Abuse in Florida's Property Insurance Market**

**Tallahassee, Fla.** – The **Associated Industries of Florida** (AIF) today released the following statement on behalf of its President & CEO Tom Feeney regarding House Bill 1421, by Representative James Grant, relating to Property Insurance Assignment Agreements. HB 1421 was today heard in the House Commerce Committee, its second and last committee of reference.

"AIF supports getting rid of abusive cost drivers in our state's property insurance marketplace, and reforming assignment of benefits this session is one way to stamp out the bad actors that are creating a crisis for Florida homeowners.

"Floridians deserve an insurance marketplace free from unnecessary litigation over auto glass repair and property water damage, which needlessly inflates insurance premiums. While this bill improves the current state of the property insurance marketplace, there are opportunities to create even more cost savings for consumers.

"AIF is hopeful that as this bill advances to the House floor, it will continue to improve its chances of meaningfully reducing costs for premium payers."

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## **ECONOMIC DEVELOPMENT**

### **SB 600-Relating to Rural Economic Development Initiative**

On Monday, April 17th, SB 600, by Senator Denise Grimsley (R-Lake Placid) was heard by Committee on Governmental Oversight and Accountability and passed by a vote of 6 yeas to 0 nays. **AIF stood in support of this bill.**

Currently, Florida's rural communities are experiencing additional challenges compared to their urban counterparts in many quality of life indicators. The state has an opportunity to improve the economic competitiveness of Florida's rural communities by reforming the Rural Economic Development Initiative (REDI). This legislation accomplishes this by:

- Focusing the mission of REDI on challenges rural communities face in the areas of workforce development and education, infrastructure, and access to healthcare;
- Streamlining REDI membership to ensure decision makers are at the table; and
- Making REDI a real tool for rural communities as they navigate through the red tape of state government.

SB 600 will now go to the Senate Committee on Rules to be heard.

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

### **HB 853-Relating to Beer or Malt Beverages**

On Wednesday, April 19th, HB 843, by Representative Tom Goodson (R-Merritt Island), was heard by the House Commerce Committee and passed by a vote of 19 yeas to 9 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Currently, vendors must purchase glassware from distributors for use in their establishments. This bill allows for beer distributors to provide beer or malt beverage branded glassware to vendors for their use, cutting down on the vendors over all costs.

HB 853 will now go on to the House floor to be heard.

**AIF SUPPORTS legislation that will reduce costs on Florida's businesses by allowing distributors to provide vendors, at no cost, glassware to use in their establishments.**

## ENVIRONMENT

### SB 532-Relating to Public Notification of Pollution

On Tuesday, April 18th, SB 532, by Senator Bill Galvano (R-Bradenton), was read for a third time on the Senate floor and passed unanimously by a vote of 38 yeas to 0 nays.

This bill will require companies to notify the Florida Department of Environmental Protection (FDEP) about the release of any dangerous substance within 24 hours of discovery, and DEP must then publish a public notice within 24 hours.

SB 532 will now go to the House floor for consideration.

**AIF SUPPORTS the FDEP's role as the recipient of notifications regarding incidents from the regulated business community do to their experience, expertise, and ability to determine potential impacts from any reported incidents.**

## LEGAL & JUDICIAL

### SB 1398-Relating to Accessibility of Places of Public Accommodation

On Tuesday, April 18th, SB 1398, by Senator Linda Stewart (R-Orlando), was heard before the Senate Appropriations Subcommittee on General Government and passed unanimously by a vote of 6 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Congress enacted the Americans with Disabilities Act (ADA) in 1990 prohibiting discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications. One of the goals of the ADA is to guarantee that individuals with disabilities are offered full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations offered by a place of public accommodation.

However, individuals with disabilities may sue places of public accommodation including private businesses for alleged violations of the ADA, a problem that is currently rampant throughout the state.

The bill would:

- Create a license type for ADA experts;
- Require the Department of Business and Professional Regulation (DBPR) to establish licensing requirements and regulation for ADA experts;
- Allow ADA experts to determine if the businesses are compliant with the ADA;
- Allow businesses to hire ADA experts and file ADA expert reports with DBPR;
- Allow businesses to file remediation plans with DBPR if they are not in compliance with the ADA;
- Require DBPR to establish a public website with a registry of remediation plans and certifications of conformity; and
- Require courts to consider remediation plans to determine if a plaintiff filed a claim in good faith and whether the plaintiff is entitled to attorney's fees in lawsuits involving alleged violations of the ADA.

SB 1398 will go on to the Senate Committee on Appropriations for its next hearing.

**AIF SUPPORTS legislation that makes filing frivolous lawsuits against Florida’s businesses more difficult to accomplish.**

### **HB 775-Relating to Motor Vehicle Warranty Repairs and Recall Repairs**

On Wednesday, April 19th, HB 775, by Representative Manny Diaz (R-Hialeah Gardens), was heard before the House Commerce Committee and passed by a vote of 29 yeas to 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

This bill prohibits a licensee, except as authorized by law, from denying a dealer’s claim, reducing the dealer’s compensation, or processing a chargeback to a dealer for performing covered warranty or recall repairs on a used motor vehicle under specified circumstances. The bill alters the playing field and may have a chilling effect on manufacturing in general. The complex issue surrounding safety recalls should be a federal matter, better addressed at the national level with the goal of creating uniform public policy that improves motor vehicle safety, encourages technological innovation, and protects our planet.

HB 775 will now go to the House floor to be heard.

**AIF OPPOSES legislation that would intervene in any contractual agreement between a dealer franchise and an auto manufacturer, voluntarily entered by each party, and dictate new terms and conditions of such mutual agreement that favor one party over the other.**

### **HB 1175-Relating to Motor Vehicle Manufacturers and Dealers**

On Wednesday, April 19th, HB 1175, by Representative Manny Diaz (R-Hialeah Gardens), was heard before the House Commerce Committee and passed by a vote of 24 yeas to 3 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this bill.**

The bill provides additional grounds to deny, suspend, or revoke a license held by a motor vehicle manufacturer, factory branch, distributor, or importer (“manufacturer”) within their contractual agreement. The bill prohibits manufacturers from taking certain actions against motor vehicle dealers and requires certain procedures be followed by the manufacturer when dealing with motor vehicle dealers.

HB 1175 will go on to the House floor to be heard.

**AIF OPPOSES legislation that would intervene in any contractual agreement between a dealer franchise and an auto manufacturer, voluntarily entered by each party, and dictate new terms and conditions of such mutual agreement that favor one party over the other.**

### **SB 388-Relating to Beverage Law**

On Wednesday, April 19th, SB 388, by Senator Travis Hutson (R-Palm Coast), was read for a third time on the Senate floor and passed by a vote of 36 yeas to 1 nay.

Florida's "Tied House Evil Law," s. 561.42, F.S., prohibits a manufacturer or distributor of alcoholic beverages from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans, property, or rebates to retail vendors.

The bill exempts financial transactions between a vendor and a manufacturer from all tied evil house prohibitions if the following conditions are met:

- The financial transaction must be negotiated at arm's length for fair market value between a manufacturer of beer or malt beverages, and
- The financial transaction cannot involve, either all or in part, the direct sale or distribution of beer or malt beverages between the manufacturer and the licensed vendor.

SB 388 will now go to the House floor for consideration.

**AIF SUPPORTS this legislation because it would remove unnecessary and outdated regulations on Florida's businesses.**

### **SB 832-Relating to Drones & HB 1027- Relating to Unmanned Aircraft**

On Wednesday, April 19th, SB 832, by Senator Dana Young (R-Tampa) was heard in Senate Committee on Communications, Energy, and Public Utilities and passed by a vote of 5 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Thursday, April 20th, HB 1027, by Representative Clay Yarborough (R-Jacksonville,) was read for a third time on the House floor and unanimously passed by a vote of 117 yeas to 0 nays.

These bills will ensure a consistent framework for the use of drones. As the use of drones becomes increasingly more common in many different sectors of the business community throughout the state, implementing statewide regulations will establish safeguards while operating drones.

SB 832 will go to the Senate Committee on Rules to be heard.

HB 1027 will go to the Senate floor for consideration.

**AIF SUPPORTS legislation that will streamline business regulation throughout the state.**

## HEALTH CARE

### **SB 888-Relating to Prescription Drug Price Transparency**

On Tuesday, April 18th, SB 888, by Senator Aaron Bean (R-Jacksonville) was heard in the Senate Appropriation Subcommittee on Health and Human Services and unanimously passed by a vote of 7 yeas to 0 nays. **AIF stood in support of this bill.**

Currently, law requires MyFloridaRX.com to provide the top 150 most prescribed drugs including their customary prices by pharmacies. This bill would double that number to 300 and codifies monthly reporting to the Agency for Health Care Administration (“AHCA”). The goal of HB 589 is to create more transparency in drug pricing, which in turn will give employers and consumers the ability to make more informed decisions regarding their health care spending. Prescription drug costs continue to rise, and become a larger percentage of the overall health care spend in Florida.

SB 888 will now go to the Senate Committee on Appropriations to be heard.

**AIF SUPPORTS transparency in drug pricing as a tool for reducing the cost of health care coverage on Florida’s employers and employees.**

### **SB 182-Relating to Consumer Protection from Nonmedical Changes to Prescription Drug Formularies**

On Thursday, April 19th, SB 182, by Senator Debbie Mayfield (R-Melbourne), was heard by the Senate Committee on Rules and passed with a vote of 11 yeas to 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this bill.**

This bill addresses 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.

SB 182 will now go to the Senate floor for consideration.

**AIF OPPOSES 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.**

## AGRICULTURE

### **HB 1231-Relating to Agricultural Practices**

On Wednesday, April 19th, HB 1231, by Representative Jake Raburn (R-Valrico), was heard before the House Commerce Committee and passed by a vote of 20 yeas to 0 nays. **AIF stood in support of this bill.**

This bill clarifies that livestock, poultry, and aquaculture medical supplies are exempt from sales tax. The bill repeals a supplemental pesticide registration fee which was added to bi-annual pesticide registrations. The bill also expands the travel radius limitations on the state restricted agricultural tag from "150" miles to statewide.

HB 1231 will now go to the House floor to be heard.

**AIF SUPPORTS the various provisions of this bill which help our agricultural industry remain competitive and continue to be a driving force in Florida's economy.**

## **TRANSPORTATION**

### **HB 221-Relating to Transportation Network Companies (TNCs)**

On Wednesday, April 19th, HB 221, by Representative Chris Sprowls (R-Clearwater) and Representative James Grant (R-Tampa), was substituted for its Senate companion, SB 340 by Senator Jeff Brandes (R-St. Petersburg), was then read for a third time on the Senate floor and passed by a vote of 36 yeas to 1 nays.

This bill aims to establish a regulatory framework for Transportation Network Companies (TNCs) and how they operate throughout communities in Florida. HB 221 defines what constitutes as 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 will now go to the desk of the Governor.

**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.**

## **TELECOMMUNICATIONS**

### **SB 596-Relating to Utilities**

On Wednesday, April 19th, SB 596, by Senator Travis Hutson (R-Palm Coast), was heard by the Senate Committee on Rules and passed by a vote of 12 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

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

SB 596 will now go to the Senate floor to be heard.

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

## EDUCATION

### HB 955-High School Graduation Requirements

On Thursday, April 20th, HB 955, by Representative Larry Ahern (R-Seminole), was heard by the House Education Committee and unanimously passed by a vote of 17 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Currently, based on 56 Next Generation Sunshine State Standards in financial literacy, high school students receive financial literacy instruction as part of the one-half Economics course credit required for graduation. The bill requires students entering grade 9 in the 2017-2018 school year and thereafter to complete a one-half course credit in personal financial literacy and revises the Next Generation Sunshine State Standards to include additional specified financial literacy topics.

HB 955 will go on to the House floor for consideration.

**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.**