

WEEKLY UPDATE



From March 27, 2015

HEALTH CARE

SB 7044- Relating to Health Care Insurance Affordability Exchange

On Wednesday, March 25th, **SB 7044**, relating to Health Care Insurance Affordability Exchange, by the **Senate Health Policy Committee** unanimously passed through the **Senate Appropriations Committee** with 18 yeas and 0 nays.

The Florida Senate took a momentous step in reforming health care coverage in this state. This bill will make health care coverage available to almost 1 million more working Floridians through the creation of the Florida Health Insurance Exchange (FHIX). SB 7044 will now move on to the Senate floor for a vote. **AIF stood in support of this bill.**

AIF will focus its efforts on proposals that seek to increase the accessibility and affordability of quality health care for Florida residents.

AIF released the following press release regarding the progress of SB 7044:

AIF Applauds Senate Committee on Appropriations for Approving FHIX & Sending it to the Floor

Tallahassee, Fla. – The **Associated Industries of Florida (AIF)** today released the following statement attributable to Tamela Perdue, general counsel for AIF, applauding members of the Senate Committee on Appropriations for approving Senate Bill 7044, which would establish the Florida Health Insurance Affordability Exchange Program (FHIX).

“This is a significant step forward on an issue that profoundly impacts Florida taxpayers, businesses and, ultimately, our economy; and, we thank the Florida Senate, Senate President Andy Gardiner and all Senators who have engaged in a thoughtful policy discussion on this bill throughout the process thus far.

“It’s imperative that we continue to discuss how uncompensated hospital care in our state is paid for, as, right now, the cost is being born by Florida businesses and is severely damaging their ability to grow and prosper in the Sunshine State.

“AIF looks forward to a continued dialogue on this free-market, Florida-centric public policy proposal that seeks to find a solution to reform health care coverage for nearly one million Floridians, as its merits are discussed and debated on the Senate floor.”

For more information on AIF, please visit AIF.com and follow [@VoiceofFLBiz](https://twitter.com/VoiceofFLBiz).

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SB 784- Relating to Health Care

On Monday, March 23rd, **SB 784**, by **Senator Don Gaetz (R-Destin)**, unanimously passed through its second stop in the **Senate Health Policy Committee** with 8 yeas and 0 nays.

SB 784 would attack the cost savings measures used by health plans with prescription drugs. The bill would establish a Clinical Practices Review Commission within the Department of Health to review prior authorization, step therapy, or other protocols submitted by health plans. The commission would determine if the limitation is



supported by sufficient clinical evidence. The fear is that it will raise health care costs for employers who provide their employees with health care. **AIF's General Counsel, Tammy Perdue, stood in opposition of this bill.**

AIF opposes legislation that would make quality health care more expensive for Florida's residents and employers.

AIF released the following statement on SB 784:

AIF Asks Senate Committee on Health Policy to Vote Down Senate Bill 784

Tallahassee, Fla. – The **Associated Industries of Florida (AIF)** today released the following statement attributable to Tamela Perdue, general counsel for AIF, asking members of the Senate Committee on Health Policy to vote down Senate Bill 784, which would change the current, effective method of prior authorization, step edit therapy and protocols.

“This bill, which is being brought forth under the guise of providing the ‘right drugs’ at the ‘right time,’ is only going to be successful at raising the price of prescription medication by forcing insurers and consumers to purchase the most expensive drug treatments, even when equally effective therapies are available at lower costs.

“In addition, this bad public policy will expand the role of government by creating a state-run commission that would dictate how pharmaceuticals and other medical services are made available to consumers. This is a function that the private sector already performs, and performs well; and, as such, AIF opposes this increased regulation and bureaucratic red tape that this bill would impose.

“We respectfully ask members of the Senate Committee on Health Policy to vote down on SB 784 today and not let this bad policy move forward in the process.”

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ENVIRONMENT & AGRICULTURE

SB 918-Relating to Environmental Resources

On Tuesday, March 24th, **SB 918**, relating to Environmental Resources, by **Senator Charles Dean (R-Inverness)** unanimously passed through its first stop in the **Senate Environmental Preservation and Conservation Committee** with 8 yeas and 0 nays.

The bill provides for the protection of springs and other water resources in Florida, creates a council to provide recommendations for funding water projects throughout the state, provides transparency for the process by which projects are submitted and selected, and provides for statewide consistency in data collection and analysis. While this bill is moving in the right direction, we have serious reservations about the springs component of the bill, which is based on untested science, adds additional layers of regulations, and provides no real environmental benefits.

AIF will continue to work with Senators and staff on the proposed bill. The next stop for SB 918 is the **Senate Appropriations Subcommittee on General Government**. **Legal counsel for AIF's Florida H2O Coalition, Greg Munson, stood to testify on behalf of AIF.**

AIF's Senior Vice President, Brewster Bevis, released this statement:

**Statement from AIF's H2O Coalition Regarding the
Senate Committee on Environmental Preservation and Conservation's Passage of SB 918**

Tallahassee, Fla. – Associated Industries of Florida's Senior Vice President of State and Federal Affairs Brewster Bevis released the following statement regarding the Senate Committee on Environmental Preservation and Conservation's passage of SB 918:

“We appreciate the Senate’s commitment to addressing water quality and quantity challenges this session. We are encouraged by the progress they are making and appreciate that SB 918 has been broadened to address other concerns around the state. These include restoration efforts in the Northern Everglades as well as the action plan outlined for the Central Florida Water Initiative.

While this bill is moving in the right direction, we have serious reservations about the springs component of the bill, which is based on untested science, adds additional layers of regulations, and provides no real environmental benefits. We will continue to advocate for a bill that takes these concerns into account and look forward to working with the Senate to improve the bill.”

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SB 158- Relating to Civil Liability of Farmers

On Tuesday, March 24th, **SB 158**, relating to the Civil Liability of Farmers, by **Senator Greg Evers (R-Pensacola)** unanimously passed through its third reading on the Senate floor during Senate Session with 38 yeas and 0 nays.

This bill addresses an exemption from civil liability for farmers who allow citizens onto their land to harvest excess crops.

HB 137- Relating to Civil Liability of Farmers

On Tuesday, March 24th, **HB 137**, the House companion bill to SB 158, by **Rep. Kevin Rader (D-Boca Raton)** unanimously passed through the **House Agriculture & Natural Resources Appropriations Subcommittee** with 11 yeas and 0 nays.

HB 137 has one more stop in the **House Judiciary Committee** before hitting the House floor. **AIF stood in support of this bill and will continue to monitor the progress of these bills.**

AIF supports legislation that will reduce the number of frivolous lawsuits brought against Florida’s business owners.

PROPERTY RIGHTS

SB 896- Relating to Location of Utilities

On Monday, March 23rd, **SB 896**, relating to Location of Utilities, by **Senator Jeff Brandes (R- St. Petersburg)**, passed through its first stop in the **Senate Community Affairs Committee** with 6 yeas and 1 nay.

SB 896 will clarify the difference between a Right of Way (RoW) and an easement. This bill will also define which party is financially responsible for the transfer/move in both a RoW and an easement. This bill has two Senate Committee stops remaining. **AIF’s Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**



AIF supports protecting the private property rights of Florida businesses.

ECONOMIC DEVELOPMENT

SB 1032- Relating to Point-of-sale Terminals

On Tuesday, March 24th, **SB 132**, relating to Point-of-sale Terminals, by **Senator Garrett Richter (R-Naples)**, narrowly passed through the **Senate Regulated Industries Committee** with 7 yeas and 5 nays.

This bill would allow limited use of “Point-of-sale Terminals” for the sale of lottery tickets or games. A “Point-of-sale Terminal” is a charge card reader, like those used at a retail counter, self-service fuel pump or self-service checkout line. The bill authorizes the Department of the Lottery, approved vendors, and approved retailers to use point-of-sale terminals to facilitate sales of lottery tickets or games, provided that the purchaser is verified to be 18 years of age or older and the terminal does not dispense lottery winnings.

A point-of-sale terminal does not reveal winning numbers and may not be used to redeem a winning ticket. Lottery ticket sales revenue generated from point-of-sale terminals must be used to enhance instructional technology resources for students and teachers in Florida. The next stop for SB 132 is the **Senate Appropriations Subcommittee on General Government**. **AIF's Senior Vice President, Brewster Bevis, stood in support of this bill.**



AIF supports innovative means to help fund Florida's education system. In addition, enactment of this legislation would create more manufacturing jobs in the State.

HB 933- Relating to Sector Plans

On Wednesday, March 25th, **HB 933**, relating to Sector Plans, by **Rep. Mike La Rosa (R-St. Cloud)** passed through the **House Economic Development & Tourism Subcommittee** with 8 yeas and 3 nays.

This bill combines a number of growth management proposals in the House which include; doing away with the Development of Regional Impact review process for new projects going forward, restructuring Regional Planning Councils, requiring local governments to include a private property rights protection element as part of their comprehensive plan and limit proportionate share payments when concurrency and impact fees are being charged. **AIF stood in support of this bill.**

AIF supports this legislation, which will foster development and growth in Florida.

LEGAL & JUDICIAL

SB 224- Relating to Public Records/Public Agency Contracts

On Thursday, March 26th, **SB 224**, relating to Public Records/Public Agency Contracts, by **Senator Wilton Simpson (R-New Port Richey)**, unanimously passed through the **Senate Fiscal Policy Committee** with 8 yeas and 0 nays.

This bill addresses the procedure for obtaining records relating to a public agency's contract for services with a private contractor. As it stands today, the Florida Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.

However, the issue is who the party responsible for providing these public records is. If this bill becomes law, requests for records relating to a public agency's contract for services must be made to the public agency instead of the contractor. An agency who receives a request for records possessed by a contractor must attempt to obtain the records from the contractor. SB 224 will now head to the Senate floor for its second reading. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**



AIF supports legislation that reduces frivolous law suits against Florida businesses.

SB 1048- Relating to Motor Vehicle Manufacturers Licenses

On Thursday, March 26th, **SB 1048**, relating to Motor Vehicle Manufacturers Licenses, by Senator Rene Garcia (R-Hialeah) passed through the **Senate Transportation Committee** with 6 yeas and 1 nay. It is also the companion bill to **HB 921** by **Rep. Carlos Trujillo (R-Doral)**.

The bill provides additional grounds to deny, suspend, or revoke a license held by a manufacturer, factory branch, distributor, or importer. It also prohibits manufacturers from taking certain actions against dealers, and requires certain procedures be followed by the manufacturer when dealing with dealers. This act applies to all franchise agreements entered into, renewed, or amended after October 1, 1988, unless such application impairs valid contractual agreements in violation of the Florida Constitution or United States Constitution.

SB 1048 provides nothing but unnecessary protections for dealers, no added benefits for consumers, drives up the costs and limits the availability of cars in Florida. **AIF stood in opposition of this bill.**

AIF opposes any legislation that creates an unfair playing field for Florida's businesses and consumers.

TAXATION

SB 142- Relating to Nonresidential Farm Buildings

On Monday, March 23rd, **SB 142**, relating to Nonresidential Farm Buildings, by **Senator Charles Dean (R-Inverness)**, unanimously passed through the **Senate Finance and Tax Committee** with 8 yeas and 0 nays.

This bill would exempt nonresidential farm buildings, fences, and farm signs from assessments by local governments. The next and final stop for this bill is the **Senate Appropriations Committee**. **AIF stood in support of this bill.**

AIF supports lessening the tax burden of Florida's agriculture community.

SB 544- Relating to Exemption from the Sales and Use Tax for Certain Machinery and Equipment

On Monday, March 23rd, **SB 544**, relating to Exemption from the Sales and Use Tax for Certain Machinery and Equipment, by **Senator Dorothy Hukill (R-Ocala)** unanimously passed through the **Senate Finance and Tax Committee** with 5 yeas and 0 nays.

SB 544 removes the expiration date for the exemption from sales and use tax for certain industrial machinery and equipment. The current exemption for industrial machinery and equipment continues through April 2017. Therefore, the bill does not have a cash impact in Fiscal Years 2015-2016 or 2016-2017. The Revenue Estimating Conference has determined that the bill will reduce General Revenue receipts by \$122.4 million in Fiscal Year 2017-2018, with a \$122.4 million recurring impact. The bill will reduce local government revenue by \$27.4 million in Fiscal Year 2017-2018, with a \$27.4 million recurring impact. **AIF stood in support of this bill.**

AIF supports the removal of the three year sunset on the complete elimination of sales tax imposed on the purchase of manufacturing equipment and machinery.

SB 7014- Relating to Corporate Income Tax

On Thursday, March 26th, **SB 7014**, relating to Corporate Income Tax, by the **Senate Finance and Tax Committee** passed out the **Senate Fiscal Policy Committee** with a vote of 8 yeas and 0 nays.

This bill updates Florida's Corporate Income Tax Code by adopting the Internal Revenue Code as in effect on January 1, 2015. SB 7014 will now move on to the Senate floor. **AIF stood in support of this bill.**

AIF supports continuing to phase out the corporate income tax.

INSURANCE

HB 1197- Relating to Civil Remedies Against Insurers

On Wednesday, March 25th, **HB 1197**, relating to Civil Remedies Against Insurers, by **Rep. Mike Hill (R-Pensacola)**, passed through the **House Civil Justice Subcommittee** with 9 yeas and 4 nays.

The bill also known as "bad faith", provides that before a third party may file an action alleging bad faith that the insurer must receive a notice of loss and must be afforded a 45 day period to cure. The next stop for this bill is the **House Insurance & Banking Subcommittee**. **AIF stood in support of this bill.**

AIF supports legislation establishing a 45-day time frame during which an insurer may investigate, and if warranted, tender policy limits to settle a liability claim. Therefore, establishing fairness within the insurance settlement process.

HB 1199- Relating to Damages in Personal Injury Actions

On Wednesday, March 25th, **HB 1199**, relating to Damages in Personal Injury Actions, by **Rep. Larry Metz (R-Groveland)** passed through the **House Criminal Justice Subcommittee** with 8 yeas and 5 nays.

The bill provides that there be transparency in all medical expenses when they are considered evidence in a trial to determine damages. HB 1199 will head to its next stop in the **House Insurance & Banking Subcommittee**. **AIF stood in support of this bill.**

AIF supports full and fair disclosure of all relevant facts—including the amount of medical reimbursement—at trial.

HB 669- Relating to Insurance Claims

On Tuesday, March 24th, **HB 669**, relating to Insurance Claims, by **Rep. John Tobia (R-Melbourne Beach)** unanimously passed through the **House Civil Justice Subcommittee** with a vote of 12 yeas and 0 nays.

This bill explains that the Assignments of Benefits (AOB's) are the latest cost driver to break through the insurance market and is a scheme perpetrated by a cottage industry. Essentially, instead of just having a mechanism to get paid, contractors—with coaching from plaintiffs' attorneys—are encouraged to take full legal standing away from policyholders. This is because the one-way attorney fee statute is transferable to these business assignees who then threaten or initiate litigation to put pressure on the insurer to pay them a higher reimbursement—or face attorney fee exposure. **AIF stood in support of this bill.**

AIF supports all efforts to stamp out cost drivers and control attorneys' fees for the benefit of premium payers statewide.

TRANSPORTATION

HB 817- Relating to Transportation Network Companies

On Thursday, March 26th, **HB 817**, relating to Transportation Network Companies, by **Representative Matt Gaetz (R-Shalimar)** passed through the **House Economic Affairs Committee** with 13 yeas and 4 nays.

Currently, Transportation Network Companies (TNC) are not referenced in the state of Florida's statute, however, some jurisdictions at the local level have enacted regulations regarding the TNC. This bill prompts the state to create a regulatory framework for the operation of TNC's, instead of regulations being created at the local level. **AIF stood in support of this bill.**

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.

GAMING WORKSHOP

On Thursday, March 27, the **House Regulatory Affairs Committee** held a workshop on gaming in the state of Florida. The workshop looked at revenues to the state from current gaming facilities operating within Florida. In addition, the workshop looked at legislation relating to gaming that has been introduced this session, specifically, **HB 1233**, relating to Gaming, by House Majority Leader, **Dana Young (R-Tampa)**.

The legislation, supported by AIF as a good first step, would create a much needed Gaming Control Commission here in the state of Florida. In addition, the legislation would allow for the licensing of two, high-end integrated resorts in Miami-Dade and Broward counties. **AIF's Senior Vice President, Brewster Bevis, spoke in committee supporting the policies outlined in HB 1233.**