

WEEKLY UPDATE



From February 19, 2016

MID-SESSION BRIEFING

AIF held its 2016 Mid-Session Briefing on Thursday, February 18 to update our members on the progress made by the business community on important legislation working through the legislature.

AIF President & CEO, Tom Feeney reported to the standing room only crowd how some of the business community's top priorities – like water reform – have already passed the Legislature and signed into law by Governor Rick Scott. Other important bills, like tax cuts and economic development continue to progress through the system and receive favorable support in both chambers.

AIF also welcomed special guest speakers Senator Jack Latvala (R-Palm Harbor) and Representative Chris Sprowls (R-Clearwater) who provided updates on other matters the legislature will consider in the remaining weeks of session.



Sen. Jack Latvala



Rep. Chris Sprowls

AIF members enjoyed the perspectives of both leaders on remaining issues of critical importance like; health care, gaming and insurance, as well as a progress report on budget negotiations that are ongoing in the capitol. With three weeks remaining in the session, there are likely still battles ahead. As always

AIF will vigilantly guard the best interest of Florida employers and champion our members' policy goals to keep growing the Florida where we all love to work and live.

AGRICULTURE

SB 1310-Relating to Agriculture

On Wednesday, February 17th, **SB 1310**, relating to Agriculture, by **Senator Travis Hutson (R-Palm Coast)** was heard today before the **Senate Appropriations Subcommittee on General Government** and passed with 6 yeas and 0 nays. **AIF stood in support of this bill.**

SB 1310 modifies provisions in several areas within the Department of Agriculture and Consumer Services (DACS). Specifically, the bill:

- Provides sole authority to the DACS to regulate the burning of agricultural crops on land classified as agricultural;
- Allows agricultural lands currently assessed at a de minimis value of up to \$50 per acre for property tax purposes due to participation in a state or federal eradication or quarantine program to be replanted and retain the de minimis value for a period of five years;
- Preempts regulatory authority for commercial feed and feedstuff to the DACS;

- Establishes specific penalties enforceable at the state level, including enhanced penalties under certain circumstances for persons knowingly dealing in any manner with plant pests, or introducing or releasing plant pests in this state without a special permit from the DACS;
- Authorizes the DACS to seek reimbursement for reasonable expenses incurred in its plant pest control or eradication program;
- Allows livestock grazing on “conservation easements” if such activity is a current or historic use on the site and is conducted in accordance with best management practices adopted by the DACS.

This bill will now go to **Senate Appropriations Committee** for a hearing.

AIF supports legislation that will authorize DACS to provide for the best management practices for Florida’s farming community.

ECONOMIC DEVELOPMENT

HB 1325- Relating to Economic Development

On Tuesday, February 16th, **HB 1325**, relating to Economic Development, by **Rep. Jim Boyd (R-Bradenton)** was heard by the **House Transportation & Economic Development Appropriations Subcommittee** and passed with 11 yeas and 1 nay. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

HB 1325, much like its Senate companion **SB 1646**, is a very broad based economic development package that will bring the state and local governments together to improve their investment climate and business environment to enhance competitiveness, retain jobs, create jobs and improve incomes. This bill will modify economic development definitions, processes and administration.

HB 1325 will now go to the **House Finance & Tax Committee**.

AIF supports legislation that will bolster Florida’s business community throughout the state and help our state become the premiere location to move and grow your business.

ENERGY

HB 285- Relating to Natural Gas Rebate Program

On Wednesday, February 17th, **HB 285**, relating to Natural Gas Rebate Program, by **Rep. Lake Ray (R-Jacksonville)** passed unanimously through the **House Regulatory Affairs Committee** by a vote of 12 yeas to 1 nay. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

In 2013, the Legislature created the Natural Gas Fuel Fleet Vehicle Rebate Program (program) within the Department of Agriculture and Consumer Services (DACS) to “help reduce transportation costs in this state and encourage freight mobility investments that contribute to the economic growth of the state.” Beginning with Fiscal Year 2013-2014 and continuing through Fiscal Year 2017-2018 (five years), DACS is required to award rebates, to those eligible, for the costs of converting a diesel or gasoline powered motor vehicle to a natural gas fuel-powered motor vehicle on or after July 1, 2013. An applicant is eligible to receive a maximum rebate of \$25,000 per vehicle up to a total of \$250,000 per applicant per fiscal year, on a first-come, first-served basis.

HB 285 will now go to the House floor for consideration.

AIF supports the natural gas fuel fleet vehicle rebate program, specifically the authorization of DACS to award additional rebates to applicants from unencumbered funds after each fiscal year.

GAMING

SB 7072-Relating to Gaming

On Wednesday, February 17th, **SB 7072**, relating to Gaming, by the **Senate Regulated Industries Committee** was heard before the **Senate Regulated Industries Committee** and passed with 8 yeas and 4 nays.

AIF's Senior Vice President of State and Federal Affairs, Brewster, Bevis, stood in support of two amendments that were adopted for this bill.

The first, amendment # 354378, by **Senator Garrett Richter (R-Naples)**, 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.

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

The second, amendment # 897172, by **Senator Joe Negron (R-Palm City)**, would implement a permit reduction program created in the Division of Pari-mutuel Wagering for the purpose of purchasing and canceling active pari-mutuel permits.

AIF supports the Legislature keeping the Pari-mutuel industry and its impact on Florida's economy.

SB 7072 will now go to the Senate floor for a vote.

HEALTH CARE

SB 1442 & HB 221-Relating to Out-of-network Health Insurance Coverage

On Tuesday, February 16th, **SB 1442**, relating to Out-of-network Health Insurance Coverage, by **Senator Rene Garcia (R-Hialeah)** was heard by the **Senate Banking and Insurance Committee** and passed with 11 yeas and 0 nays. **AIF continues to support this bill.**

On Wednesday, February 17th, **HB 221**, relating to Out-of-Network Health Insurance Coverage, by **Rep. Carlos Trujillo (R-Doral)** was heard by the **House Health & Human Services Committee** and passed. **AIF's General Counsel, Tammy Perdue, stood in support of this bill.**

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.

SB 1442 will now head to its final committee stop in the **Senate Appropriations Committee**.

HB 221 will now go to the House floor for consideration.

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

HB 7087- Relating to Telehealth

On Wednesday, February 17th, **HB 7087**, relating to Telehealth, by **House Select Committee on Affordable Healthcare Access** and **Rep. Chris Sprowls (R-Clearwater)** was heard by the **House Health & Human Services Committee** and passed by a vote of 17 yeas to 0 nays. **AIF stood in support of this bill.**

The bill would authorize Florida licensed health care providers to use telehealth to deliver services within their scopes of practice. It would also allow out-of-state providers to deliver services through telehealth to Florida patients if they register with the Department of Health (DOH) or the applicable board, meet specific eligibility requirements, and pay an established fee. The out of state telehealth provider would be prohibited from opening an office in Florida and from providing in-person health care services to patients located in the state.

Additionally, a telehealth provider would be required to conduct an in-person physical exam prior to providing services through telehealth, unless the provider is capable of conducting a patient evaluation in a manner consistent with the applicable standard of care sufficient to diagnose and treat the patient when using telehealth.

HB 7087 will now go to the House 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.

SB 676-Relating to Health Care

On Thursday, February 18th, **SB 676**, relating to Health Care, by **Senator Denise Grimsley (R-Sebring)** was heard in front of the **Senate Appropriations Committee** and passed with 15 yeas and 0 nays.

SB 676 would authorize and increase the scope for practice for physician assistants (PAs) and advanced registered nurse practitioners (ARNPs) to prescribe controlled substances under current supervisory standards for PAs and protocols for ARNPs beginning January 1, 2017. ARNPs and PAs would not be allowed to prescribe controlled substances in a pain management clinic. Other provisions of the bill include:

- Requiring health insurers, HMOs and pharmacy benefits managers to use the standardized prior authorization form by January 1, 2017;
- Providing a health insurer or HMO cannot retroactively deny a claim due to an insured's ineligibility, if that insurer or HMO verified eligibility at the time of treatment; and
- Requiring hospitals to notify OB physicians with privileges at least 90 days prior to closing its OB department.

Another provision to the bill, which causes AIF to continue to express concern, is the provision that would prohibit a health insurer and health maintenance organization (HMO) from retroactively denying a claim due to the insured's delinquency of premium payments, if that insurer or HMO already verified the insured's eligibility at the time of treatment. This provision on claims payment could lead to increased costs on Florida's businesses.

However, we do SUPPORT the provision in this bill that will provide for an increase of the scope of practice for ARNPs and PAs.

At this juncture AIF did not take a position on this bill.

SB 676 will now go to the Senate floor for consideration.

AIF supports removing regulatory scope of practice obstacles for qualified health care professions to ensure greater access to quality care for more Floridians at more affordable costs.

IT GOVERNANCE

HB 1195-Relating to Technology

On Tuesday, February 16th, **HB 1195**, relating to Technology, by **Rep. James Grant (R-Tampa)** was heard before the **House Government Operations Appropriations Subcommittee** and passed by a vote of 11 yeas to 0 nays. **AIF stood in support of this bill.**

HB 1195 establishes a chief data officer (CDO) within AST; requires AST to create reporting format for certain data & publish such data in indexed catalog; requires that government entities annually provide indexed list of certain data to AST; provides list requirements. Once the CDO is in place, that position must request and receive data from any state or local government entity, as needed, to establish the interoperability of public data, for the purpose of maintaining and updating the data catalog.

This bill will now head to the **House State Affairs Committee**.

AIF supports legislative changes that will designate systems and processes to be implemented and operated at an enterprise (statewide or agency grouping) level and provide operational authority and funding to the AST.

INSURANCE

SB 1036 & HB 659 - Relating to Automobile Insurance

On Tuesday, February 16th, **SB 1036**, relating to Automobile Insurance, by **Senator Jeff Brandes (R-St. Petersburg)** was heard by the **Senate Commerce and Tourism Committee** and unanimously passed with 7 yeas and 0 nays. **AIF stood in support of this bill.**

On Wednesday, February 17th, **HB 659**, relating to Automobile Insurance, by **Rep. David Santiago (R-Deltona)** was heard before the **House Regulatory Affairs Committee** and passed with 12 yeas and 2 nays. **AIF stood in support of this bill.**

SB 1036 and HB 659 make updates to the auto market, lessening the burden on businesses. These updates include making a mandatory pre-inspection program for used cars optional, and including provisions for electronic payments of insurance premiums.

Unfortunately, an amendment to undo the removal an unnecessary government mandate - regarding mandatory pre-inspections of certain used vehicles - did pass with SB 1036. AIF will continue to work to support the re-inclusion of this language, which removes a cost driver that serves no public purpose.

SB 1036 will now go to the **Senate Rules Committee**.

HB 659 will now go to the House floor for consideration.

AIF supports smart, targeted reforms that help keep the insurance markets up to date and with the times.

LEGAL & JUDICIAL

SB 912 & HB 761- Relating to Fraudulent Activities Associated with Payment Systems

On Wednesday, February 17th, **SB 912**, relating to Fraudulent Activities Associated with Payment Systems, by **Senator Anitere Flores (R-Miami)** was heard before the **Senate Fiscal Policy Committee** and passed unanimously with 11 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Thursday, February 18th, **HB 761**, relating to Fraudulent Activities Associated with Payment Systems, by **Rep. Dana Young (R-Tampa)** was heard before the **House Judiciary Committee** and unanimously passed with 17 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

These bills address "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.

SB 912 addresses fraudulent activity occurring at fuel stations by:

- Increasing from a third degree felony (maximum penalty of 5 years in state prison) to a second degree felony (maximum penalty of 15 years in state prison) for the unlawful conveyance of fuel;
- Requiring a retail petroleum fuel measuring device to have affixed to or installed onto the measuring device at least one security measure described in the bill and authorizing the Florida Department of Agriculture and Consumer Services, under certain circumstances, to prohibit further use of the measuring device until a security measure is installed, replaced, or repaired;
- Indicating that possession of counterfeit cards is unlawful (not specified in current law); and
- Increasing the offense severity level ranking for unlawful conveyance of fuel and trafficking in or possession of counterfeit credit cards.

To establish greater protection for consumer payment information and enhance penalties for crimes involved in the fraud schemes, HB 761:

- 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.

SB 912 will now go to the Senate floor for consideration.

HB 761 will now go to the House floor for consideration.

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

WORKERS' COMPENSATION

HB 7073-Relating to Ratification of Rules/Florida Workers' Compensation Health Care Provider Reimbursement Manual

On Wednesday, February 17th, **HB 7073**, relating to Ratification of Rules/ Florida Workers' Compensation Health Care Provider Reimbursement Manual, by the **House Rulemaking Oversight & Repeal Subcommittee** and **Rep. Lake Ray (R-Jacksonville)** was heard before the **House Regulatory Affairs Committee** and passed with 13 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This bill addresses adoption of the current version of the Florida Worker's Compensation healthcare provider reimbursement manual. This manual has not been adopted or updated since 2008, leaving Florida well behind every other state in the amount of reimbursement it pays to healthcare providers for the treatment of injured workers.

HB 7073 will now go to the House floor to be heard.

AIF supports legislation that will keep Florida's Workers' Compensation system a stable and self-executing mechanism that benefits both injured workers and Florida's employers.

SB 986-Relating Workers' Compensation System Administration

On Wednesday, February 17th, **SB 986**, relating to Workers' Compensation Administration, by **Senator Wilton Simpson (R-Trilby)** was heard by the **Senate Appropriations Subcommittee on General Government** and passed with 6 yeas and 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 its final committee hearing in the **Senate Appropriations Committee.**

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.

WORKFORCE

SB 1262 & HB 1133- Relating to Emergency Management

On Tuesday, February 16th, **SB 1262**, relating to Emergency Management, by Senator Wilton Simpson (R-Trilby) was heard by the **Senate Finance and Tax Committee** and unanimously passed by a vote of 7 yeas to 0 nays. **AIF stood in support of this bill.**

On Thursday, February 18th, **HB 1133**, relating to Emergency Management, by Rep. Dana Young (R-Tampa) was heard by the **House Economic Affairs Committee** and unanimously passed with 13 yeas and 0 nays. **AIF stood in support of this bill.**

This legislation would remove hindrances, such as taxes and regulations, that in any other situation would be the normal course of business for out of state companies coming to Florida to assist with emergency response during a disaster situation.

SB 1262 will now go to the **Senate Appropriations Committee** for a hearing.

HB 1133 will now go to the House floor for consideration.

AIF supports legislation that will remove the loop holes' businesses would ordinarily have to go through when coming to Florida to aide in a state of emergency.

HB 887- Relating to Computer Coding Instruction

On Wednesday, February 17th, **HB 887**, relating to Computer Coding Instruction sponsored by **Rep. Janet Adkins (R-Fernandina Beach)** was heard before the **House Education Committee** and passed with 16 yeas and 1 nay. **AIF stood in support of this bill.**

HB 887 would allow high school students the option of taking computer coding courses along with a related industry certification to satisfy the foreign language requirement currently in place. Under this bill high schools will provide students the opportunity to substitute two credits in computer coding and a related industry certification for two credits sequential foreign language courses (i.e. Spanish I and Spanish II; Latin I and Latin II; French I and French II; etc.).

The bill would require each district school board to submit a plan for offering computer coding to the Education Commissioner, Senate President, and Speaker of the House of Representatives by January 1, 2017.

Furthermore, HB 887, would require the Florida College System institutions and state universities to acknowledge computer coding course credits as foreign language credits.

HB 887 will now go to the House floor for consideration.

AIF supports legislation that will provide Florida's students the opportunity to become proficient in computer coding, which will in turn prepare our states next generation for a technology driven economy.