



HOUSE MAJORITY OFFICE

FLORIDA HOUSE OF REPRESENTATIVES



REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

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HB 791 Sports Franchises and Facilities

- **HB 791** ends the practice of wasting taxpayer dollars to subsidize sports franchises on public lands, while also ensuring these organizations are held accountable by requiring them to pay outstanding debts if they no longer use their stadiums.
- The bill repeals the following programs:
 - Professional Sports Franchise Program
 - Spring Training Baseball Franchises Program
 - Retention of MLB Spring Training Baseball Franchises Program
 - Sports Development Program
 - Motorsports Entertainment Complex Program
- The bill prohibits a sports franchise from constructing, reconstructing, renovating, or improving a facility on land leased from state or local government.
- The bill requires that the lease or sale of a facility on public land by the state or a local government to a sports franchise be at fair market value.
- The bill states that sports facilities owned, operated, or leased by a sports franchise are not exempt from taxation.
- The bill requires new and amended contracts include a provision to require that, if a sports franchise closes their stadium, they are required to pay any outstanding debt incurred by the state or local government to construct, reconstruct, or improve the facility.
- After July 1, 2019, the bill prohibits local governments from using Tourist Development Tax (TDT) or Convention Development Tax funds to service bonds issued to finance construction, reconstruction, or renovation of professional sports or spring training franchise facilities.
- The bill allows certain currently certified facilities to be grandfathered in and still receive funds in accordance with their agreements.



CS/CS/HB 1243 Hospital Conglomeration

- **CS/CS/HB 1243** combats hospital mergers and acquisitions that can result in higher healthcare prices.
- The bill requires hospital acquisitions of physician practices to be reviewed by the Attorney General's Office before they take place. It requires all hospitals intending to acquire a physician practice to report the acquisition to the Attorney General's Office (OAG) at least 90 days before the acquisition is complete.
 - The bill also allows the Attorney General's Anti-Trust Division to review information for any anticompetitive behavior and act accordingly to prevent monopolies.
 - These new notice requirements will provide a mechanism for the OAG to review transactions before they occur and will allow the OAG time to determine whether a proposed transaction has antitrust implications and if warranted, pursue action to prevent coercive monopolies from forming in the health care market.
- The bill addresses monopolistic practices that hamper access. Specifically, when one entity has a monopoly on all of the physicians who practice a certain medical specialty in one county, the bill makes non-compete clauses with physicians of that specialty void and unenforceable until 3 years after another entity enters the market and begins offering that medical specialty to the patients of that county.



CS/CS/HB 23 Telehealth

- **CS/CS/HB 23** authorizes all types of Florida licensed health care professionals to use telehealth to deliver health care services within their respective scopes of practice.
- The bill also authorizes out-of-state health care professionals to use telehealth to deliver health care services to Florida patients if they register with the Department of Health (DOH) or the applicable board.
- Additionally, a registered out-of-state telehealth provider may use telehealth, within the relevant scope of practice established by Florida law and rule, to provide health care services to Florida patients, but is prohibited from opening an office in Florida and from providing in-person health care services to patients located in Florida.
- The bill also establishes standards of practice for services provided using telehealth, including patient examination, record-keeping, and a prohibition on prescribing controlled substances for chronic non-malignant pain.
- The bill encourages health insurance coverage of services provided using telehealth by authorizing a tax credit for insurers and Health Maintenance Organizations that reimburse for services provided via telehealth.
- Telehealth brings quality healthcare access to Floridians regardless of their physical locations or limitations.



CS/HB 843 Patient Access to Primary Care and Specialist Providers

- **CS/HB 843** requires hospitals to notify primary care or specialty physicians when their patients are admitted, and allows patients to request their doctors to be consulted on their plan of care.
 - The bill requires hospitals to notify a patient's primary care or specialist provider, if any, within 24 hours of the patient's admission to the hospital.
 - The bill closes gaps in provider communication and promotes continuity of care from the inpatient to outpatient setting.
- Additionally, the bill requires the hospital to inform patients immediately upon admission that they may request to have their primary care or specialist provider consulted during the development of their plan of care. If the patient makes this request, the treating physician at the hospital must make reasonable efforts to consult with the patient's primary care or specialist provider during the patient's admission.
- The bill requires the hospital to notify the patient's primary care or specialist provider, if any, of the patient's discharge within 24 hours and provide the discharge summary and any related information or records to the primary care or specialist provider within 7 days.
- A patient's own physician has the comprehensive knowledge of the patient's health history that can be vital during hospital admissions. Patients experience better outcomes when their health care providers timely communicate with one another and coordinate care across health settings.



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CS/HB 831 Electronic Prescribing

- **CS/HB 831** requires all prescriptions to be electronically transmitted by January 1, 2020.
- The bill requires all prescribers to generate and transmit all prescriptions electronically, and effectively prohibits written prescriptions, except when electronic prescribing is unavailable due to a temporary electrical or technological failure.
 - Written prescriptions for controlled substances must meet the requirements of current law, which includes the use of counterfeit-proof prescription pads and have the quantity of the drug prescribed written in both textual and numerical formats.
- Electronic prescribing will prevent fraud, reduce abuse, and create an effective mode of access for Floridians to receive their healthcare.



CS/HB 111 Practice of Pharmacy

- **CS/HB 111** creates collaborative pharmacy practice agreements between pharmacists and physicians.
- The bill also authorizes pharmacists to manage chronic health conditions patients, if the pharmacist meets certain criteria and enters into a patient-specific collaborative pharmacy practice agreement with the patient's physician.
 - The bill also establishes standards of practice for pharmacists providing these services, including, among other things, a prohibition on prescribing controlled substances.
- Additionally, the bill authorizes a pharmacist to test or screen for, and treat, minor non-chronic health conditions if the pharmacist meets and maintains certain qualifications.
 - The Board of Pharmacy must develop a list of non-controlled substances a pharmacist may prescribe to treat minor non-chronic conditions.
- The bill also authorizes pharmacists to test for and treat flu and strep infections, under a physician protocol, if they meet certain criteria, including education, proof of liability insurance, and employer approval.



CS/HB 19 Prescription Drug Importation Programs

- **CS/HB 19** authorizes prescription drug importation programs that would give Floridians access to safe, effective, FDA-approved drugs from countries that have good track records with the United States, including Canada.
- The bill establishes the **Canadian Prescription Drug Importation Program** within the Agency for Health Care Administration (AHCA) to allow state health care programs to import safe and effective prescription drugs from eligible Canadian suppliers at lower cost to the state.
 - AHCA must apply for and receive federal approval before it can implement the program.
- The bill also establishes the **International Prescription Drug Importation Program** within the Department of Business and Professional Regulation (DBPR) and the Department of Health (DOH) to import safe and effective drugs from other countries into the state, for use by all consumers.
 - These other countries must be ones the federal government has recognized as adhering to current good manufacturing practices for pharmaceutical products, either through a current mutual recognition agreement, cooperation agreement, or memorandum of understanding, or through some other federal mechanism.
 - Foreign suppliers must obtain appropriate licensing or permitting in Florida to participate in the program, and as such, will be subject to Florida's laws and regulations. The bill poses additional requirements for importers, exporters, and activities under the program to ensure safety of prescription drugs imported into the state.
 - To implement the program, DBPR and DOH must first negotiate a federal arrangement or obtain federal guidance on the program.
- The bill requires DBPR to immediately suspend importation of a specific prescription drug or importation by a specific entity if it discovers that any prescription drug or activity is in violation of the program requirements. DBPR may lift the suspension if after an investigation it determines that the public is adequately protected from counterfeit or unsafe prescription drugs being imported into the state.
- The bill also outlines the importation process, the safety standards that must be adhered to, drug distribution requirements, and measures that may be taken against those who violate any program requirements.
- Under the bill, both programs require cooperation at the federal level before prescription drug importation under the programs can begin.
- The bill increases patient choices and allows safe and effective drugs from other countries to be sold in Florida.



CS/CS/HB 7065 Insurance Assignment Agreements

- An assignment of benefits (AOB) is a legal tool that allows a contractor, repair person, or other vendor to “stand in the shoes” of a property owner and receive the benefits under a property insurance policy for repairs to the covered property.
- Since 2006, the number of lawsuits involving AOBs has skyrocketed, generally resulting in higher payouts and litigations costs.
- These increased costs are ultimately paid for by consumers as higher insurance premiums.
- **CS/CS/HB 7065** defines assignment agreements and establishes requirements related to the execution, validity, and effect of an assignment agreement by:
 - Prohibiting AOBs from containing any fee related to the administration or rescinding of the assignment agreement.
 - Prohibiting AOBs from altering any provision in a policy related to a managed repair in a policy.
 - Transferring certain duties under the insurance contract to the assignee that must be fulfilled before filing suit.
 - Shifting the burden to the assignee to prove that any failure to carry out such duties has not limited the insurer’s ability to perform under the contract.
 - Limiting an assignee’s ability to recover certain costs from the insured.
 - Requiring the insurer to respond to the assignee’s AOB notice.
- The bill sets the formula to determine which party, if any, receives an award of attorney’s fees.
 - If the difference between the judgment and the settlement offer is less than 25 percent of the disputed amount, then the insurer is entitled to attorney fees.
 - If the difference between the judgment and the settlement offer is at least 25 percent but less than 50 percent of the disputed amount, neither party is entitled to fees.
 - If the difference between the judgment and settlement offer is at least 50 percent of the disputed amount, the assignee is entitled to attorney fees.
- The bill allows an insurer to offer a policy prohibiting or restricting assignments.
- The bill allows a court to award attorney fees to a respondent in a voluntarily dismissed action if the assignee brings an identical claim against the same respondent in a subsequent action in another court.
- The bill requires each insurer to report data on claims paid in the prior year under assignment agreements by January 30, 2022, and each year thereafter.

Floor Amendments

- Amendment **437797** by Rommel
 - Allows the assignor to rescind an AOB without penalty or fee by submitting written notice of rescission within 14 days after execution, and updates the required notice language in an AOB to reflect the 14 day period.



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- Adds that AOBs can be signed in emergency situations, provided that an assignee may not receive post-loss benefits under a residential property insurance policy in excess of the greater of \$3,000 or 1 percent of the Coverage A limit under such policy.
 - Emergency situations are those in which a loss to property, if not addressed immediately, will result in additional damage until measures are completed to prevent such damage
- Provides that an AOB does not transfer or create any authority to adjust, negotiate, or settle any portion of a claim to a person or entity not authorized to adjust, negotiate, or settle a claim on behalf of an assignor or a claimant under part VI of chapter 626
- Makes the named insured responsible for the payment of deductibles
- Requires that the assignee provide the named insured with notice and a detailed written invoice before filing suit
- Provides that an assignment entitles the insurer to deal with the assignee as the owner or pledgee of the policy in accordance with the terms of the assignment, until the insurer has received written notice of some interest in the policy in conflict with the assignment
- Ensures that Citizens Property Insurance Corporation passes premium savings resulting from AOB reform in the bill onto ratepayers by prohibiting Citizens from implementing rate changes in 2019 for tenant occupied property policies (DP-3) and homeowners' insurance policies (HO-3) unless, the rate filing reflects projected savings.
- Such rate filing must include an exhibit demonstrating the impact of this act on indicated rates for DP-3 and HP-3 policies
- Citizens Property Insurance shall provide policyholders with details on the projected savings from the AOB reforms.
- Amendment to the Amendment **738325** by Rommel
 - Removes the language relating to assignment agreements under comprehensive or combined additional coverage under a motor vehicle insurance policy for replacing auto glass.

STATUS: Amendments will be heard and voted on during Second Reading on April 10, 2019



CS/HB 7051 Higher Education

- Transparency and accountability are two principles required to maintain the public's trust. Currently, there are some controls in place to ensure that institutions are accountable and responsible stewards of state funds, but there are several areas that need strengthening.
- **CS/HB 7051** increases oversight over state higher education institutions to ensure they are acting in accordance with state law. The bill requires the Board of Governors (BOG) Inspector General to investigate allegations of waste, fraud or financial mismanagement by a state university or its board of trustees at the request of the Chief Financial Officer, Senate President, Speaker of the House, or board members of the board for which an investigation is sought.
- The bill requires the BOG to develop and annually deliver a training program for trustees.
- The bill revises public record exemptions relating to state university DSOs, by ensuring auditors reports, management letters, any information necessary for auditor's reports, any information related to the expenditure of funds, and any supplemental data requested by the BOG, university board of trustees, the Auditor General, and OPPAGA are public records.
- The bill strengthens oversight of Florida College System (FCS) DSOs by requiring each board to establish thresholds for approval of purchases, acquisitions, projects, and issuance of debt.
- The bill prohibits FCS institution boards of trustees from:
 - Transferring state appropriations to any DSO with a fund balance of greater than \$50 million, unless such funds are pledged for capital projects.
 - Authorizing the use of state funds for travel expenses by any FCS institution DSO.
- The bill deletes an exemption to the prohibition against the giving of any gift, either directly or indirectly, to a political committee by a FCS institution DSO.
- The bill requires all FCS institutions to report annually to the Legislature the amount of state appropriations transferred to any DSO during the previous fiscal year, the purpose for which the funds were transferred, and the remaining balance of any funds transferred.
- The bill requires a university's annual capital outlay budget be consistent with its most recent 5-year capital improvement plan and requires the plan to include anticipated funding sources for all projects in all years.
- The BOG must be provided notice and an opportunity to review campus master plans. The BOG also has the authority to approve those elements of the master plan required by BOG regulation and the capital improvements element of the master plan.



CS/CS/HB 15 Local Government Fiscal Transparency

- **CS/CS/HB 15** focuses on helping citizens gain access to important information to help them be more engaged in government decisions.
- The bill revises the local government reporting requirements for economic development incentives. Specifically, the bill requires each county and municipality to report whether the incentive was provided directly to an individual business or by another entity on behalf of the local government, the source of local dollars, and any state or federal dollars obligated for the incentive.
- Some of the bill's provisions include:
 - Improving access to voting records related to local option taxes and debt issuances.
 - Enhancing access to tax history and property tax information.
 - Expanding public notice requirements.
- The bill also aims to ensure local governments are responsible, transparent, and accountable with taxpayer dollars, which will help give Floridians confidence in their government.



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CS/CS/CS/HB 3 Preemption of Local Occupational Licensing

- **CS/CS/CS/HB 3** protects individuals from burdensome and arbitrary occupational licensing laws that establish barriers to entry. The bill expressly preempts the licensing of occupations to the state, and allows professionals to more easily obtain work anywhere in the state.
- The bill also specifically prohibits locals from requiring licensure of certain construction-related professionals that are not required to have a statewide license, such as painters, flooring and tile installers, and cabinet makers. This reduction of regulations will allow more workers to seek employment in their chosen field.
- The bill allows local governments to continue to license based on a grant of general law authority by the state and allows local governments to continue to license construction professionals and journeymen that fall within certain scopes of practice.



CS/CS HB 5 Discretionary Sales Surtax

- Current law provides counties with limited authority to levy discretionary sales surtaxes for specific purposes on transactions subject to state sales tax. Discretionary sales surtaxes generally are subject to approval by a majority of the qualified electors voting in a referendum. A performance audit is required before any discretionary sales surtax referendum and the results of the audit must be made available on the website of the county or school district for at least 60 days before the referendum is held.
- **CS/CS HB 5** requires any referendum to levy a discretionary sales surtax be held at a general election and requires approval by two-thirds of the electors voting on the ballot measure.
- The bill requires the county or school district holding a referendum to notify the Office of Program Policy Analysis and Government Accountability (OPPAGA) of the proposed referendum and provide a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. The bill declares void any discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit.
- If the proposal to adopt a discretionary sales surtax is by initiative, the bill requires the petition sponsor, at least 180 days before the proposed referendum, to:
 - Provide a copy of the proposed referendum to the governing body of the county for posting on the county's website;
 - Notify OPPAGA of the proposed referendum; and
 - File the initiative petition, including the required signatures, with the supervisor of elections.
- The bill provides that the failure of an initiative sponsor to comply with these requirements renders any referendum held void.



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HB 641 Community Development District Bond Financing

- Community development districts (CDDs) are a type of special-purpose local government intended to provide basic urban community services in a cost-effective manner.
- Beginning October 1, 2019, **HB 641** provides that the board of supervisors of the district must authorize general obligation bonds, benefit bonds, or revenue bonds resolutions by a two-thirds vote of all the board members. Currently the board must approve such resolutions by a majority vote of its members.
- The Legislature must approve a new tax or fee, or an increase to a tax or fee, by a two-thirds vote of the membership of each chamber. This vote threshold for CDDs is consistent with the requirement that the Legislature follows.