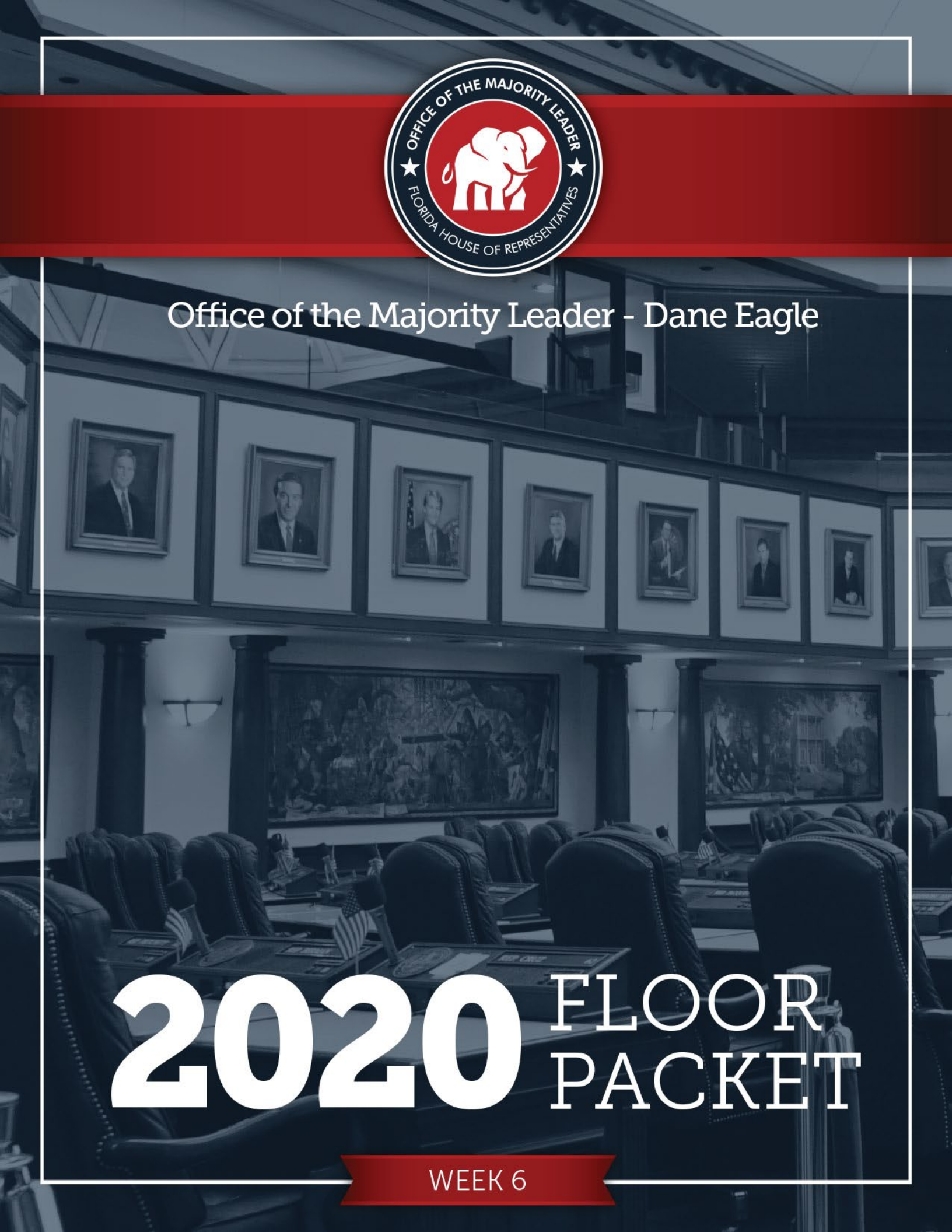


Office of the Majority Leader - Dane Eagle

# 2020 FLOOR PACKET

WEEK 6

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This Floor Packet contains policy briefs created by the Florida House Majority Office. The briefs are intended to offer a high-level, one-page overview of the bill and why it is important. Please refer to the bill text and analysis for additional information:

# POLICY BRIEF I HB 3 PREEMPTION OF LOCAL OCCUPATIONAL LICENSING

Burdensome licensing requirements can act as barriers to job entry for skilled workers. **HB 3** stops the local licensing restrictions and makes the regulatory structure for occupational licensing uniform, so Floridians can work statewide without extra fees and licensing requirements.

**HB 3** (Grant, M.) **PREEMPTION OF LOCAL OCCUPATIONAL LICENSING**: preempts occupational licensing to the state and allows professionals to work anywhere in the state without the barriers that local regulations can create.

- Many of Florida's 412 cities and 67 counties have adopted licensing requirements for occupations not regulated by the state. While the regulation of most licensed professions in Florida is preempted to the state, cities and counties are requiring unnecessary licenses for certain occupations unnecessary.
- This extra layer of regulation adds burdensome barriers to market entry and increases costs for people who are otherwise qualified to work. For example:
    - 19 counties require a painting license. In Hillsborough County, to obtain such a license, an applicant must have a year of experience and pay a $280 licensing fee. Thus far, 28 painters have had to jump through these hoops and pay the licensing fee in Hillsborough County. Indian River County actually requires a test, in addition to 2 years' experience, and a $50 licensing fee.
    - 7 counties require a cabinetry specialty license. In St. John's County, to obtain such a license, an applicant must have professional experience and pay a $161 licensing fee. Thus far, 43 otherwise capable workers have been required to obtain a cabinetry license in St. John's County.
- Broward County requires a license for residential interior remodeling. While a statewide license is needed for commercial interior design, one is not required for residential interior design or decorating. Applicants must have 3 years' experience, pass applicable exams, and pay a $200 processing fee. No other counties have this license type.
- **HB 3** stops the spread of local licensing and prohibits local licensure of certain jobs, including painting and flooring installation.
- The bill allows local governments to continue to license based on a grant of authority by the state in general law, and allows local governments to continue to license construction-related professionals and journeymen who fall within certain scopes of practice.

**Frequently asked question about HB 3:**

**Q: Does HB 3 preempt all business regulations to the state?**
***A****: No,* ***HB 3*** *does not take away previously granted general law authority allowing local jurisdictions to regulate. If the state uniformly granted local jurisdictions the right to regulate a specific business, business entity, profession, or occupation, this bill does not change that. Examples of this include: Zoning, Land development agreements, Local Business Tax, Building Permit Fees, Impact Fees, Franchise Fees, Inspection Fees, and Storm Water Fees.*

# POLICY BRIEF | HB 827 RECOVERY CARE CENTERS

Florida patients benefit when there are more types of health care facilities to choose from for surgical procedures and recovery. Recovery care centers (RCCs) are a new kind of facility that will give patients access to more options for post-surgery care. Innovation and competition will help drive down costs for consumers.

**HB 827** (Stevenson) **RECOVERY CARE CENTERS**: creates a new licensure category for recovery care centers, facilities for post-operative care.

- Under a new licensure category created by **HB 827**, RCCs will be able keep patients up to 72 hours after a procedure at an ambulatory surgical center, hospital, or after an outpatient medical treatment such as chemotherapy.
- The bill requires the Agency for Health Care Administration to implement stringent standards for RCCs to ensure patient safety and quality care, just like any other health care facility licensure category.
- RCCs must have emergency care and transfer protocols with at least one hospital.
- **HB 827** makes way for a safe, logical, and more personal recovery option for people who need care after a surgery or treatment, but do not want to stay in a hospital.

**Frequently asked questions about recovery care centers:**

**Q: Can RCCs care for both Medicare and Medicaid patients?**
***A**: RCCs may care for Medicaid patients. However, RCCs are not eligible to treat Medicare patients.*

**Q: Can a RCC be located on a hospital campus?**
***A**: There is no prohibition on where an RCC can be located, so it can exist on a hospital campus.*

**Q: Is there any prohibition on ownership of a RCC by hospital?**
***A**: There are no ownership prohibitions of any kind in the bill.*

**Q: Other states limit services and require certain medical personnel for RCCs, what about this bill?**
***A**: This bill also limits recovery care services to patients for whom acute hospitalization is not required. Like Arizona and Connecticut, the bill also prohibits intensive care services, coronary care services, and critical care services.*

**Q: How can we be sure that RCCs are safe since they are not subject to any of the requirements that hospitals or nursing homes are expected to meet?**
***A**: The bill requires AHCA to implement quality standards for RCCs including staffing, infection control, emergency management, and medical records*.

# POLICY BRIEF | HB 265 / SB 404 ABORTION

Kids can't simply inform their parents they're going on field trip or participating in an organized sport; they need parental consent. If it's required for these mundane activities, then it should be required for abortions.

**HB 265** (Grall) / **SB 404** (Stargel) **ABORTION**: prohibits abortions on girls younger than 18 unless a parent consents or a court waives this requirement.

- Parental rights to care for their children have long been recognized under the U.S. Constitution. That is why parental consent is required before a child can engage in any activity that might endanger her well-being.
- **HB 265/SB 404** *changes* Florida's current law that says a parent *merely be notified* of their child's abortion.
- Just as is the case today, any minor who is a victim of child or sexual abuse by a parent or guardian may seek a judicial waiver to bypass the parental consent requirement. Also, the court must report abuse to the Department of Children & Families.
- The judicial waiver process works: 92% (205 of 224) were granted in 2017 and 94% (182 of 193) in 2018.
- In 2017, there were 1,472 abortions performed on minors of which 205, or about 14%, were the result of a judicial waiver.
- **HB 265/SB 404** also increases the penalty on health care practitioners if they do not preserve the health and life of an infant born alive during an attempted abortion. Under the bill, a violation goes from being a first-degree misdemeanor to a third-degree felony.

**Frequently asked questions about parental consent:**

**Q: Doesn't a pregnant minor have a right to privacy to seek an abortion based on prior court decisions?**
***A:*** *Both the Florida (T.W.) and U.S. Supreme Courts (Bellotti) have said states can restrict the rights of children to obtain abortions because of their vulnerability, inability to make critical decisions in an informed and mature way, and because of the important parental role in child rearing.*

**Q: Hasn't parental consent been held unconstitutional; why are we re-litigating this?**
***A:*** *The court struck down a prior statute because of issues with the judicial waiver process. But those were corrected in the 2005 Parental Notification Act, which was upheld and remains the process minors have used for judicial waivers for the past 14 years.* ***HB 265/SB 404*** *employs this judicial waiver process.*

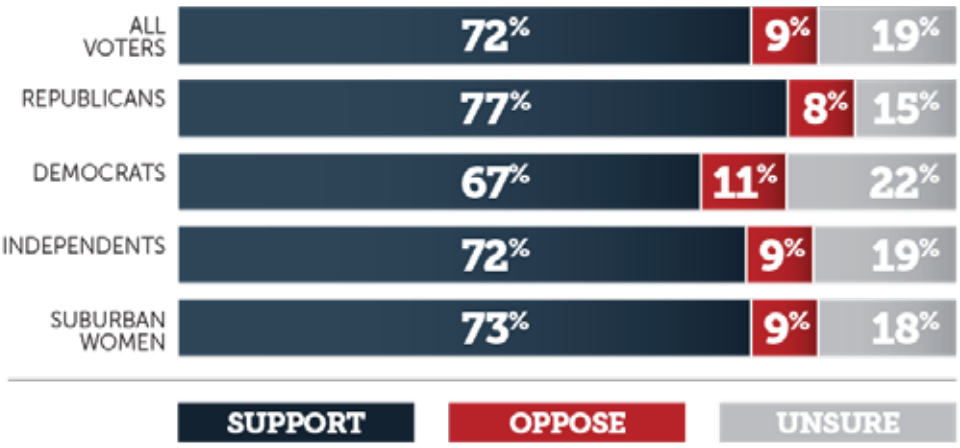
# POLICY BRIEF | HB 959 MEDICAL BILLING

Medical bills often come as a surprise; the entire process and cost can seem obscure and unfair. **HB 959** would protect Floridians from predatory billing practices.

**HB 959** (Duggan) **MEDICAL BILLING:** requires health care facilities to provide good-faith estimates of charges for nonemergency medical services to patients and prohibits them from charging any more than the total estimate plus 10% — except if they provide additional services or in unforeseen circumstances. The bill also increases medical debt collection consumer protections.

- Current law requires all hospitals, ambulatory surgical centers, and urgent care centers to provide each patient a good-faith estimate of charges prior to providing any nonemergency medical services – *but only upon patient request*.
- **HB 959** would make these estimates *mandatory and binding* unless unforeseen circumstances or the provision of additional services result in the need for additional charges. If so, those charges must be explained in writing.
- The bill also protects patients facing steep medical bills. It requires health care facilities to establish a billing appeal process for patients, and it prohibits facilities from sending a patient to collections without checking to see if they qualify for financial aid or while the patient is waiting for an itemized bill. It would also exempt the following from medical debt collection:
    - a vehicle valued at $10,000 or less and
    - personal property valued at $10,000 or less (if the debtor does not claim or receive a homestead exemption).
- Hospitals should not be allowed to pursue a patient via collections and damage their credit over an unexpected and unfair bill.

An independent statewide poll of voters found that ***most support*** requiring doctors, hospitals, and labs to provide detailed out-of-pocket cost information to patients ahead of time for non-emergencies[1]:




[1] *Floridians Want to Expand Opportunity and Lower Health Care Costs,* Opportunity Solutions Project, https://solutionsproject.org/polls/ (forthcoming).