



# HOUSE MAJORITY OFFICE

FLORIDA HOUSE OF REPRESENTATIVES



REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

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## **Florida House Passes Bill to Reduce Regulations on Businesses**

The Florida House passed **HB 679**, which strengthens the State’s Sunrise Act. The bill protects Floridians from burdensome regulations by requiring more careful analysis of new regulatory proposals.

Sunrise reviews are formal procedures for weighing costs and benefits of new occupational licensing. Current law requires the state to perform a sunrise review before passing any legislation to create new regulations for any unregulated profession or occupation.

**HB 679** improves the current process by requiring a sunrise review for legislation that substantially expands regulation of an already regulated profession or occupation. The bill also adds timelines for the submission of information related to such legislation to ensure that the Legislature receives all information necessary to complete a sunrise review.

The bill now heads to the Senate for their consideration.

## **Florida House of Representatives Voted for Healthcare Market Innovations**

The Florida House of Representatives passed three bills that advance healthcare market innovations.

**CS/HB 7** expands the scope of direct care arrangements beyond primary care. The bill authorizes “Direct Health Care Agreements” between patients and physicians, nurses, dentist, and chiropractors for any health care services within the scope of their professional licenses. Direct health care agreements will still have the same contract requirements as direct primary care agreements and are exempt from insurance regulations.

**CS/CS/HB 319** requires all Florida hospitals to give quality report cards to patients showing their performance on key quality measures compared to the statewide average. The bill also requires all hospitals and ambulatory surgical centers to conduct and publish patient safety culture surveys developed by the Agency for Health Care Administration. The bill requires hospitals to present the data in writing to patients upon admission or non-emergency care scheduling or prior to treatment, and to give the data to any other person upon request.

**CS/HB 813** requires hospitals to inform a patient immediately, in writing, when the patient is placed on observation status. Additionally, the hospital must advise the patient of the potential cost impacts of observation status, which can result in higher patient out-of-pocket costs.



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## Appropriations Committee Approves House Budget

Last week, the Appropriations Committee passed the House's recommended budget for FY 2019-2020. The budget continues the House's conservative approach of responsibly funding our state's critical needs, including significant investments in hurricane response and preparedness, education, and the environment. The House budget also continues our commitment to tax relief by buying back the value of property value growth in the K-12 funding formula to prevent property tax increases. Finally, the budget responsibly plans for the future by placing over \$3.3 billion in reserves to prepare for any unforeseen future economic uncertainty.

The House budget covers important elements that will positively affect all Floridians while also securing long-term budget surpluses for the future. Next week, all members of the Florida House of Representatives will vote on the budget on the House Floor.

## Florida House Committee Passes School Safety Bill

The Appropriations Committee passed **HB 7093** to increase school safety and security in our Florida schools.

In 2018, the Florida Legislature passed SB 7026 in response to the tragic shooting at Marjory Stoneman Douglas High School. HB 7093 is a result of the work product of the Marjory Stoneman Douglas Public Safety Commission and recommendations from stakeholders who are implementing the requirements of the school safety act. Every aspect of this bill seeks to create a safer environment for students, while giving districts the tools they have asked for.

**HB 7093** increases access to the Guardian Program, penalizes school districts for failing to implement school safety strategies, increases information sharing between districts, and utilizes Fortify Florida data to respond to threats. The bill also improves the coordination between schools and law enforcement to provide the appropriate mental and behavioral interventions sooner and allows law enforcement to fulfill their duty regarding school safety.

This bill maintains the option for school districts and charter schools to utilize the Guardian program as an option to maximize school safety and does not require a teacher to be armed.

## Florida House Ways & Means Committee Voted to Reform Hospital Charity Exemptions

The Florida House Ways & Means Committee passed **HB 1295** that makes Florida's healthcare industry more accountable.

The bill requires hospitals to demonstrate they provide a level of charity that equals or exceeds their property tax liability in order to qualify for an existing property tax exemption. The bill ensures hospitals do not abuse the tax exemption available to charitable organizations.



## Florida House Criminal Justice Subcommittee Voted to Improve Physician Referrals

The Florida House Criminal Justice Subcommittee passed **CS/HB 863** which closes the physician referral loophole.

The bill prohibits a health care provider from referring patients to any hospital in which the health care provider holds an investment interest. This bill eliminates the special exception in the law for hospitals and provides that an individual or entity participating in such referrals may now also be subject to the anti-kickback and patient brokering statutes. Closing the physician referral loophole ensures that physician recommendations are based on the patient's best interest and not providers' financial benefit.

## Florida House State Affairs Committee Voted for Local Government Fiscal Transparency

Last week, the Florida House State Affairs Committee passed **CS/CS/HB 15** to increase local government fiscal transparency.

The bill focuses on helping citizens gain access to important information so they can be more engaged in government decisions. 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; and improving local government reporting requirements for economic development incentives. 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.

## Florida House Committee Passes Professional Deregulation Bill

The Government Operations & Technology Appropriations Subcommittee passed a bill dealing with professional deregulation. **HB 27** reduces or eliminates regulation that overly burdens Florida professionals, allowing more people to compete in an open market, while continuing to protect the public health, safety, and welfare.

The bill allows certain professionals to practice their chosen profession without obtaining licensure from the Department of Business and Professional Regulation, reduces the hours of training required to obtain certain licenses, and eliminates the requirement that certain licensed professionals obtain a separate license and pay additional fees for their businesses.

The bill removes barriers to Florida licensing for certain out of state professionals by allowing them to obtain a Florida license without further education, experience, or testing.

For a full list of the professions that will benefit from this bill, please refer to [myfloridahouse.gov](http://myfloridahouse.gov).



## Florida House Committee Passes Civics Education Bill

The Education Committee passed a bill relating to civics education.

Civic literacy and preparing students to become engaged and knowledgeable adults who positively contribute to their communities are priorities of Florida's K-20 education system.

**HB 807** requires instructional materials used for the middle grades civics education course to be reviewed and approved by the Commissioner of Education in consultation with various organizations and stakeholders. The bill requires the Commissioner to review and make recommendations for improvements to current state adopted civics material and the statewide civics end-of-course assessment by December 31, 2019. The Department of Education is required to review civics education course standards by December 31, 2020.

## The Florida House Judiciary Committee Passes Assignment of Benefits

The Judiciary Committee passed **HB 7065** relating to assignment of benefits.

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. For example, when homeowners experience water damage and contact a repair person for assistance, the repair person may have the homeowner execute an AOB so work can begin immediately and the repair person can seek payment directly from the insurance company. Since 2006, the number of lawsuits involving AOBs has skyrocketed, generally resulting in higher payouts and litigation costs. These increased costs are ultimately paid for by consumers as higher insurance premiums. The bill addresses the abuses involving AOBs and aims to protect consumers from the impact of increased litigation costs.

## Florida House Committee Passes Higher Education Transparency Bill

The Education Committee passed a bill to increase transparency and accountability for Florida's higher education institutions.

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.

**HB 7051** makes colleges and universities more accountable to students and the taxpayers by adding requirements for institutions to correct audit findings and increasing oversight of state higher education institutions direct support organizations.



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The bill requires conformity between the 1-year, 5-year and 10-year planning facilities documents. Boards of trustees will also be more involved in planning funding sources for all facilities. The bill also increases the Board of Governors oversight of long-term facilities planning.

## **Public Integrity & Ethics Committee Passes Campaign Bills**

Last week, the Public Integrity & Ethics Committee passed two bills relating to campaign finance and excess campaign funds.

**HJR 613** proposes a constitutional amendment to repeal the public campaign financing requirement, and **HB 615** repeals statutes implementing the requirement. This joint resolution would repeal the constitutional requirement for public campaign financing in statewide elections. In practice, Florida's program has neither leveled the playing field nor benefitted candidates lacking in political influence. In the 2018 elections, a total of around \$9.8 million taxpayer dollars from the General Revenue Fund was used as public campaign financing by candidates. Little was distributed to candidates lacking in political experience or fundraising capacity.

Currently, candidates for the offices of the Governor and the Cabinet offices are eligible for public campaign funding. This resolution would eliminate all public campaign financing options. This resolution frees up taxpayer dollars to be spent elsewhere, as well as ensures taxpayer dollars are no longer going to incumbents and other experienced politicians or a candidate whom individual taxpayers may oppose. If passed, **HJR 613** will be considered by the electorate at the next general election on November 3, 2020. **HB 615** would become effective if the constitutional amendment is approved by voters.

**HB 533** relates to the disposition of surplus funds by candidates. Currently, there are four authorized methods by which a candidate or former candidate may dispose of his or her campaign funds after an election. One of those methods include donating the excess funds to a charitable organization or organizations that meet the requirements of s. 501(c)(3) of the Internal Revenue Code. This bill prohibits a candidate and his or her family members from directly benefiting in the form of compensation in exchange for a donation of surplus funds given to a charitable organization. Compensation includes any earnings, stipend, tips, or paid employment.

## **Florida House Health Care Appropriations Subcommittee Voted to Improve the Healthcare Marketplace**

The Florida House Health Care Appropriations Subcommittee passed seven bills that improve critical aspects of the healthcare marketplace.

**CS/HB 25** changes the allowable length of stay in Ambulatory Surgical Centers from less than one working day to no more than 48 hours. The bill also allows an Ambulatory Surgical Center to provide advanced birth services if it meets certain requirements. In addition, the bill creates a new license for Recovery Care Centers in Florida, which will be permitted to keep a patient up to 72 hours. The bill provides lower-cost, high-quality alternatives for Floridians.



# HOUSE MAJORITY OFFICE

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REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

**CS/HB 821** allows advanced practice registered nurses and physician assistants to practice without physician supervision, if they meet certain criteria. The bill responsibly allows nurses and physician assistants to practice to the greatest and safest extent of their training, and will increase access to care.

**HB 831** requires all prescriptions to be electronically transmitted by January 1, 2020. Electronic prescribing will prevent fraud, reduce abuse, and create an effective mode of access for Floridians to receive their healthcare.

**HB 843** requires hospitals to notify primary care physicians when their patients are admitted and allows patients to request their primary doctors to consult on their plan of care. The bill closes gaps in provider communication and promotes continuity of care from the inpatient to outpatient setting. Primary care physicians have a comprehensive knowledge of the patient's health history that can be vital during hospital admissions.

**HB 955** directs the Agency for Health Care Administration to seek federal approval to require able-bodied adults in the Medicaid program to work or be in school – consistent with the requirements for federal cash assistance programs. The bill creates a reasonable eligibility requirement for Medicaid to incentivize employment.

**HB 961** creates an independent commission to review innovative ideas that face statutory or regulatory barriers to implementation and grant exemptions from specific law and rules on a case-by-case basis. The bill allows innovations in healthcare to overcome governmental barriers to implementation.

**HB 1035** requires health care providers to give patients their records the way they want to receive them – including access to the provider's electronic medical record through a patient portal, or submitting the records to the patient's own electronic Personal Health Record. The bill also standardizes the timeframes for providers to produce records or allow inspection of records, and limits the patient cost for reproducing records. The bill helps patients to be more engaged in their treatment by making more information available in easy-to-use formats.

## **Florida House Committee Passes Postsecondary Workforce Education Bill**

The Higher Education Appropriations Subcommittee passed **HB 7071**, which enhances postsecondary workforce education.

**HB 7071** creates the "SAIL to 60" Initiative to increase postsecondary credential attainment for working age Floridians. The goal is to raise the percentage of working age adults with a high-value postsecondary certificate, degree, or training experience to 60% by 2030.

The bill renames the Higher Education Coordinating Council as the Florida Talent Development Council. The council will develop a coordinated, data-driven, statewide approach to meet Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system.



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REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

The bill also requires the establishment of a reverse transfer agreement between the State University System and the Florida College System (FCS) and requires school districts and technical colleges to establish career pathways articulation agreements with the FCS institution in their area.

Finally, the bill creates the Florida Apprenticeship Grant Program to expand existing, and establish new apprenticeship programs and requires the Department of Education to publish on its website an annual report to promote these programs and increase transparency.

## **Florida House Health & Human Services Committee Voted for Greater Options for Patients**

Last week, the Florida House Health & Human Services Committee passed three bills that create greater options for patients.

**HB 19** authorizes statewide prescription drug importation programs that would give Floridians access to safe, effective, FDA-approved drugs from countries with good track records with the United States, including Canada. The bill increases patient choices and allows safe and effective drugs from other countries to be sold in Florida.

**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 or the applicable board. The bill establishes standards of practice for services provided using telehealth, including patient examination, record-keeping, and a prohibition on prescribing controlled substances for chronic malignant pain. Finally, the bill encourages health insurance coverage of services provided using telehealth by authorizing a tax credit for insurers and HMOs that reimburse for services provided via telehealth.

**CS/HB 111** authorizes pharmacists to manage chronic health conditions patients, if the pharmacist meets certain criteria and enters into a collaborative pharmacy practice agreement (CPPA) 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.

## **House Commerce Committee Passes Accuracy in Damages**

The Commerce Committee passed **HB 17** relating to accuracy in damages for tort claims. Tort law aims to provide compensation to individuals, groups, or businesses for unjust harm caused by others. Over the past several years, courts have allowed tort claim payouts for medical expenses to surpass the actual amount paid. The increase in payouts for medical expenses has strongly influenced the insurance market.



**HB 17** ensures that medical expenses are awarded for the actual amount that is paid and not the amount that is billed.

### **Intellectual Diversity in Higher Education Bill Passes House Committee**

The Higher Education Appropriations Subcommittee passed **HB 839**, which addresses intellectual diversity in our state university system. The bill also makes changes to state university performance funding and direct support organizations.

**HB 839** requires the Board of Governors to annually report on the intellectual freedom and viewpoint diversity at each institution to ensure students and faculty will feel safe on campus to express their viewpoints.

Currently, state university performance funding metric for measuring access focuses on admission of Pell grant students. The bill modifies this metric to ensure universities are encouraged to not only admit Pell grant students but also make sure they graduate. Additionally, the bill adds a new metric for 2+2 transfer students to make sure they graduate as well.

The bill also increases accountability for the state universities direct-support organizations (DSO) by requiring that restrictions on funding transfers also apply to DSO not-for-profit subsidiaries and affiliates.

### **The Florida House Justice Appropriations Subcommittee Passes Criminal Justice Reform**

Last week the House Justice Appropriations Subcommittee passed three bills in an effort to reform the criminal justice system.

**HB 859** allows a court to sentence a defendant to administrative probation, a form of nonreporting supervision that is currently available to low-risk offenders only by transfer of the Department of Corrections (DOC) upon completion of half of their probationary term. The bill changes the definition of administrative probation in order to expand the ability to sentence a defendant to administrative probation. This bill seeks to expand the use of this less stringent supervision for low-risk offenders. The bill also provides a cost-saving benefit: there are no special conditions, and the only way to violate administrative probation is to commit another crime. This will lead to fewer arrests and revocations, allowing probation officers to focus on higher-risk offenders.

**HB 953** creates and expands reentry services for recently released inmates. The bill provides greater job training and career planning opportunities for inmates by allowing nonprofits to apply with DOC to provide reentry services. Notably, the bill authorizes DOC to create a prison entrepreneurship program for inmates that will allow them to develop skills for business planning and development. The bill seeks to reduce recidivism in the state.





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REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

**HB 963** reforms probation violations and standardizes a system for alternative sanctioning when a probationer violates their probation. The bill authorizes probation officers to provide alternative sanctions for a technical violation, such as a failed drug or alcohol test, failure to report to the probation office, or failure to attend a required class. The bill seeks to keep probationers out of prison for minor violations of their probation so they can continue to work and provide for their families.

## Florida House Committee Passes Teacher Preparation Bill

Last week, the PreK-12 Appropriations Subcommittee passed **HB 7061**, which enhances teacher preparation and retention by equipping teachers with the right tools and supports to be successful in the classroom.

**HB 7061** addresses certification requirements by giving teachers more time to pass the General Knowledge Test (GK), reduces the financial burden associated with taking the GK test and provides more robust mentorship opportunities for first time teachers.

The bill also enhances teacher preparation by improving the content of teacher preparation programs focusing on classroom management techniques, and improving the Department of Education's data collection function in order to monitor and respond more quickly to the needs of new teachers.

## Florida House Committee Passes Lottery Warning Bill

The Government Operations & Technology Appropriations Subcommittee passed a bill dealing with the Florida Lottery. **HB 629** requires the Lottery to inform the public about the potential risks of gambling and ensures that Lottery games stay in paper form, as originally intended.

The Lottery is a state-run enterprise offering games that can cause addiction or compulsive behavior for some players. Currently, the Lottery urges customers to "Play Responsibly," and encourages problem gamblers to seek help, but it does not do enough to inform players about the potential risks associated with gambling. By requiring disclosures on tickets and in advertising, this bill ensures that Floridians and visitors to our state are better informed about the potential risks of gambling before deciding to play the Lottery. The bill also makes it clear that Lottery tickets and games are paper-based products that must be purchased in authorized retailers and cannot be purchased or played using smartphones or other electronic devices.

## Florida Empowerment Scholarship Program Heads to the Floor

The Appropriations Committee passed **HB 7075**, which increases school choice options.

Florida offers four scholarship programs that allow eligible students to attend private schools. The programs include scholarships for students with disabilities, low-income students and bullied students. Currently, no programs in the state offer private school choice scholarships for middle-income families.



# HOUSE MAJORITY OFFICE

FLORIDA HOUSE OF REPRESENTATIVES



REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

**HB 7075** creates the Family Empowerment Scholarship Program to provide parents the opportunity to choose what is best for their child's education. The Empowerment Scholarship provides scholarships to kindergarten and public school students in grades 1-12 if the student meets the eligibility criteria. The bill establishes the income eligibility criteria beginning with the 2019-20 school year. A family of four earning less than \$77,250 is eligible. Priority is given to students whose families earn less than \$47,638. The bill gradually phases in more families over the course of four school years. The amount a student will receive is based on the school district where the student resides and will be 97% of what the student earns in the public school based upon grade level. The Empowerment Scholarship will be funded by the state.

The Florida Tax Credit (FTC) Scholarship Program offers scholarships to students from families with limited financial resources. Currently, there are over 100,000 low-income students participating in the program with, at least, another 13,000 students waiting to participate. The Empowerment Scholarship prioritizes the students on the waitlist to ensure the scholarship will go to students who need it the most.

In addition to FTC, parents will have more flexibility to use a transportation scholarship. Families will be able to use funds for transportation either inside or outside of the district.

## **Florida House Committee Passes Career Education Bill**

The PreK-12 Appropriations Subcommittee passed **HB 7055**, which expands career education opportunities in our state.

Florida's labor market must fill an additional 1.7 million vacancies by 2030, making the capacity of Florida's PreK-20 education system to produce graduates who are ready to fill high-growth, high-demand careers a top priority for lawmakers. Although school districts and postsecondary institutions are dedicated to preparing students to lead a fulfilling life, more can be done to ensure our students' education will lead to meaningful employment.

To address this issue, **HB 7055** requires the Department of Education to review career education programs for alignment with market demands and to eliminate programs that do not address priority workforce demands. The bill also enables school districts to meet the academic needs of students and be responsive to labor market demands by providing flexibility to meet graduation requirements through career education, establishing career planning requirements for middle school students and increasing awareness of pre-apprenticeship and apprenticeship programs.