



HOUSE MAJORITY OFFICE

FLORIDA HOUSE OF REPRESENTATIVES



REPRESENTATIVE DANE EAGLE, MAJORITY LEADER

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Local, Federal & Veterans Affairs Subcommittee Discusses Local Government Financial Reporting

On Tuesday, the Local, Federal & Veterans Affairs Subcommittee heard **HB 861**, which authorizes the Office of Economic and Demographic Research (EDR) to collect certain local government budget information in “real time.” The bill also requires the county and municipal tentative budgets and adopted final budgets to remain online for a specified period of time. **HB 861** will result in local governments reporting useful financial metrics to EDR that will show trends in government spending and debt and allow Floridians to more easily compare the budget and spending information for their local government with others.

Florida House Health & Human Services Committee Passed Improvements to our Health Care system

This week, the Health & Human Services Committee passed four bills that make healthcare better in Florida.

HB 7 expands the opportunities for consumers to directly purchase healthcare services. Current law only addresses agreements for primary care services. The bill also authorizes patients to enter into a “Direct Health Care Agreement” with physicians, nurses, dentists and chiropractors for any health care services offered within the scope of their professional licenses. This bill ensures that these patient-provider agreements are not treated like insurance and will not be regulated by the Office of Insurance Regulation. This bill empowers patients with greater choice and flexibility in how they receive and pay for their care.

HB 21 repeals the CON program in Florida and eliminates the specialty hospital ban. AHCA will still enforce licensure requirements for each facility and service that is no longer subject to the CON program. The bill removes regulatory barriers that hinder competition and block innovation. Free and competitive markets are the most effective means for reducing prices and improving quality.

HB 319 requires all Florida hospitals and ambulatory surgical centers to complete patient safety culture surveys and requires the Agency for Health Care Administration to publish the data. These surveys ask employees about patient safety and quality of care in the facility, to help facilities identify and fix problems. Additionally, hospitals will now be required to provide, upon request, a hospital quality report card. When published, the survey data and quality report cards will also help Floridians make decisions about which facilities are best for their own care and that of their families.

HB 813 requires hospitals to inform a patient immediately when placed on observation status and to provide written notice using a standard federal form. Observation status can affect reimbursement for a hospital stay and later nursing home care. Consumers should know the financial impact of healthcare decisions that affect them.



Ways & Means Committee Hears Accountability Bills

On Tuesday, the Ways & Means Committee passed three bills that increase government accountability.

HB 5 requires a referendum to adopt or amend a local discretionary sales surtax be held at a general election and requires approval of the referendum by two-thirds of the qualified electors voting on the ballot question. The bill also revises the process for triggering the performance audit of the government entity seeking the surtax by providing that, upon adoption of an ordinance by a local government to hold a discretionary sales surtax referendum, the local government must notify the Office of Program Policy Analysis and Government Accountability (OPPAGA). Lastly, the bill establishes a process for notifying OPPAGA of the need for a performance audit when a proposal to adopt a discretionary sales surtax is by initiative. Failure of a local government or an initiative sponsor to comply with these requirements renders void any referendum held on the proposed surtax.

HB 9 seeks to remedy the repeated instances of questionable spending by community redevelopment agencies (CRA) in Florida. The bill provides that new CRAs may only be created by approval of two-thirds of the electors voting in a county-wide referendum held during a primary or general election. Among other notable requirements, the bill requires that money in the redevelopment trust fund may only be expended pursuant to an annual budget adopted by the board of commissioners and only for those purposes specified in law. Finally, the bill requires commissioners to undergo four hours of ethics training annually.

HB 641 provides that the board of supervisors of a community development district (CDD) must authorize general obligation bonds, benefit bonds, or revenue bonds by a two-thirds vote of all the board members. Currently the board must approve such resolutions by a simple majority vote of its members.

Florida House Health Quality Subcommittee Passed Greater Options for Patients

This week, the Health Quality Subcommittee passed three bills that will increase access and empower patients.

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.

HB 19 authorizes statewide wholesale prescription drug importation programs that would allow Floridians to access safe, effective, FDA-approved drugs from countries with good track records with the United



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States. The bill increases patient choices and allows safe and effective drugs from other countries to be sold in the United States.

HB 821 allows advanced practice registered nurses and autonomous physician assistants to practice nursing without physician supervision. The bill responsibly allows for nurses to practice necessary healthcare services to the safest extent of their training, and will increase access to care.

Civil Justice Subcommittee Passed Bills Reforming Medical Malpractice and Bad Faith Claims

This Wednesday, the Civil Justice Subcommittee heard bills reforming medical malpractice and bad faith claims.

The average Florida physician pays between 26 and 84 percent more than an average colleague in another state for a medical malpractice liability insurance policy. Increases in medical malpractice liability premiums can lead to the practice of defensive medicine, limitations on access to care, and increases to the costs of healthcare. The committee bill reforms medical malpractice laws by establishing a cap on noneconomic damages, requiring accuracy in medical damages, allowing pre-suit communication with treating physicians, and creating an optional communication and resolution program.

Second, the committee passed **HB 751** dealing with bad faith claims. Florida law imposes a duty of good faith upon an insurer to settle a claim with the insured or a third party. **HB 751** changes the process for insurance bad faith claims by requiring a party to file any complaint of bad faith against an insurer with the Department of Financial Services (DFS). DFS, must determine the sufficiency of each complaint, and advise the complainant of its determination.

These two bills will help reduce the costs of litigation, lower the costs of healthcare, and make insurance more affordable for Florida consumers and businesses.

Florida House Health Market Reform Subcommittee Passed Healthcare Innovations for Patients

This week, the Health Market Reform Subcommittee passed three bills that allow healthcare innovations to improve access to affordable, quality healthcare.

HB 25 changes the allowable length of stay in an 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. The bill also 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.

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 body with the ability to review innovative ideas with 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.

State Affairs Committee Passes Impact Fees Legislation

On Thursday, the State Affairs Committee heard **HB 207** concerning impact fees. Impact fees are charges imposed by local governments to fund local infrastructure required to provide for increased local service needs caused by new growth. The bill prohibits any local government from requiring payment of impact fees any time prior to issuing a building permit. It also codifies the dual rational nexus test, which requires impact fees to bear a rational nexus both to the need for additional capital facilities and to the expenditure of funds collected and the benefits accruing to the new construction.

Commerce Committee Discusses Trade Secrets

On Thursday, the Commerce Committee heard **HB 761 and HB 759 relating to trade secrets**. **HB 761** creates a public record exemption for trade secrets that applies to almost all agencies and entities that are subject to public records requirements, while **HB 759** repeals every agency-specific public record exemption for trade secrets. Together, these bills establish uniformity amongst agencies for protecting trade secret information. In addition, **HB 759** specifies that any contract with a public agency is a public record, except that confidential or exempt information may be redacted. The bill also specifies that certain information related to public contracts is a public record and is not confidential or exempt from public record requirements.

Local, Federal & Veterans Affairs Subcommittee Passed Local Government Fiscal Transparency

This week, Local, Federal & Veterans Affairs Subcommittee passed a bill to increase local government fiscal transparency.

HB 15 focuses on helping citizens gain access to important information so they can be more engaged on important 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. **HB 15** aims to ensure local governments are responsible, transparent, and accountable with taxpayer dollars, which will help give Floridians confidence in their government.

Florida House Passed Changes to Florida's Medical Marijuana Industry

This week, the Florida House passed a bill that authorizes smoking medical marijuana and advances medical marijuana research.



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CS/CS/CS/SB 182 eliminates the current ban on whole flower marijuana to allow Medical Marijuana Treatment Centers (MMTCs) to dispense marijuana in a form for smoking. The bill requires physicians who certify smoking as a route of administration for qualified patients, other than for terminally ill patients, to document their clinical decision-making process to the Board of Medicine and Board of Osteopathic Medicine. Over time, this documentation will be used by the Boards to establish practice standards for physicians. The bill allows children under age 18 to smoke medical marijuana if they are terminally ill and a board-certified pediatrician agrees with the marijuana certifying physician that smoking is the most effective means of administering marijuana for the patient. The bill updates the current informed consent form provided to all patients to include the negative health risks associated with smoking marijuana.

Additionally, the bill creates supply and possession limits. The bill allows physicians to certify no more than six 35-day supply limits for smokable marijuana. A MMTC can only dispense one 35-day supply within any 35-day period, and a 35-day supply cannot exceed 2.5 oz unless the Department of Health (DOH) approves a higher amount requested by the qualified physician. The bill sets a possession limit of 4 oz. or a DOH-approved amount. The bill also allows a patient or caregiver to purchase and possess a delivery device for smoking from a vendor other than a MMTC, and imposes packaging and labeling requirements for marijuana cigarettes and loose flower.

The bill creates the Consortium for Medical Marijuana Clinical Outcomes Research within the state university system and establishes a board to direct its operations. The board will organize a program of research that contributes to the body of scientific knowledge on the effects of the medical use of marijuana and informs both policy and medical practice related to the treatment of debilitating medical conditions with marijuana.

Florida House Committee Passes Bill to End Public Tax Dollars Going Towards Funding for Stadiums

The Ways & Means Committee passed **HB 791**, which ends the practice of subsidizing professional sports franchise facilities on public lands.

In Florida, 80% of professional sports franchises are located on public land. The bill requires any sale or lease of public lands and facilities to professional sports franchises to be made at fair market value. Also, Local Tourist Development Tax or Convention Development Tax funds cannot be used to service bonds to finance construction or renovation of professional sports franchise facilities. Floridians take great pride in their sports teams, but they should not have to see their hard-earned tax dollars fund stadium construction or renovations for professional sports franchises. Such subsidies amount to hundreds of millions of dollars. These deals have been financial disasters for taxpayers; for example, public dollars have financed as much as 125% of total stadium costs in four Florida cities alone.

Florida House Committees Passes Bill to Reduce Regulations on Businesses

The Commerce Committee passed **HB 679** this week, which strengthens the State's Sunrise Act. The bill promotes economic growth and opportunity for all Floridians by preventing burdensome regulations that restrict consumer choice, residential mobility, and work opportunities.



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Florida's Sunrise Act is based on the principle that regulations on occupations should only be enacted if they are needed to protect the health, safety, and welfare of all Floridians. The Sunrise Act requires a sunrise review to determine whether the benefits of proposed regulations outweigh the costs.

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

Florida House Committee Passes Bill to Ease Occupational Licensing Regulations

The State Affairs Committee passed **HB 3** this week, which preempts a local government's ability to enact occupational licensing requirements.

HB 3 protects individuals from burdensome regulations by expressly preempting the regulation and licensing of professions and occupations to the state and provides clarity to occupational licensing for both local governments and workers. The bill specifically prohibits local licensure of certain jobs, including painting and flooring installation. This will bring down the costs of services and allow more workers to seek employment in their chosen field. However, the bill allows local governments to continue to license professions that fall within certain scopes of practice if allowed under general law.

Florida House Committee Passes Postsecondary Workforce Education Bill

The Higher Education & Career Readiness 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.

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.

Intellectual Diversity in Higher Education Bill Passes House Committee



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The Higher Education & Career Readiness 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 metrics only focus on 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.

Florida Empowerment Scholarship Program Passes First Committee Stop

The Education Committee passed a committee bill, 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.

The committee bill 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.



House Subcommittee Passes House Joint Resolution on Public Campaign Finance

This week, the Oversight, Transparency & Public Management Subcommittee passed **HJR 613**- Repeal of Public Campaign Financing Requirement and **HB 615**- Relating to Campaign Finance. This joint resolution repeals 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, only candidates for the office of the Governor and the Cabinet offices are eligible for public campaign funding. This resolution eliminates all public campaign financing options. This resolution frees up taxpayer dollars and ends subsidies for incumbents and other experienced politicians. If passed, **HJR 613** will be considered by the electorate at the next general election on November 3, 2020. **HB 615**, which amends the statutes to eliminate the program, would become effective if the constitutional amendment is approved by voters.

Public Integrity & Ethics Committee Adopts Report on UCF Investigation

This week the Public Integrity & Ethics Committee met to discuss a report on the committee's investigation of the University of Central Florida's (UCF) misuse of taxpayer money on construction projects. The committee's investigation began in September when the State Auditor's Office found \$38 million in Education and General (E&G) carry forward funds had been unlawfully used for the construction the new Trevor Colbourn Hall building on UCF's campus.

The report is the final step by the committee in the investigation. Its substance included key findings on the circumstances giving rise to UCF's breach of trust and makes recommendations to prevent future wrongful spending. Recommendations include changes in UCF's administration, Board of Trustees budget training and role, and the Board of Governor's oversight and administrative support of universities. The committee scrutinized the report, heard testimony from individuals involved, and adopted the report with a unanimous vote.