

LEGISLATIVE ALERT!

As of this morning March 12, 2012, I am still reviewing legislation that may have passed and amendments that may have been adopted on the final day of the legislative session. Until the enrolled copies of the legislation are posted this list shall serve only as a preliminary report. I have provided for your review an across the Board view of all legislation that has passed or failed during the 60 day legislative session. Many of the major Health Care issues failed in the latter hours of the session when consensus between the chambers could not be reached. As I reported on our monthly conference call the Center for Medicare and Medicaid services has been putting pressure on the Agency for Health Care Administration to adopt certain reforms before granting the 1115 waiver that would permit the transfer of all Medicaid beneficiaries into statewide managed care plans. First, they stated that there could be no co-pay requirement or \$100 fee for non-emergency room visits. Additionally, they mandated that managed care companies adopt a medical loss ratio that required the managed care plan to expend %85 of their revenues on patient care. This has met with major consternation within legislative circles.

The House and Senate have taken a “leave us alone” approach to dealing with the Federal Government and rejected millions of dollars that would have been available to the State of Florida under the Affordable Health Care Act that passed congress in 2008. So far, \$70 plus million dollars was returned that was earmarked to establish State Health Insurance exchanges for small businesses and more recently \$438.7 million dollars that was to increase Medicaid reimbursement rates for Physicians. The House position rejected the acceptance of the money while the Senate position was to take the money. In the end the House position prevailed.

I will have a detailed report on the budget allocations available along with summaries of all the health care legislation at the annual Florida Renal Administrators conference in Jupiter Beach Florida, July 21, 2012.

Overall, Hospitals, Nursing homes and Universities were the big losers again in the budget cutting year while Education K-12 garnered an additional 1 billion dollars in revenue, a priority of Governor Scott. In addition, Counties will be required to begin repayment of approximately 300 million dollars of unpaid Medicaid bills that have gone uncollected until now. The State will now be able to deduct/withhold revenues to the counties to collect the back payments. It did provide a provision that Counties will be able to contest the charges in Administrative hearings.

The Governor has called for a special session to deal with legislative redistricting. The special session is set to begin Wednesday, March 14th, 2012. As of this morning no other issues have been added to the call. The Supreme Court had

ruled that the House plan was constitutional but the Senate plan did not meet the fairness doctrine. Therefore, the Senate will be rewriting their boundaries.

Should you have any questions or would like a copy of any of the legislation cited in this report, please contact me at RRRASSOCIATES@ EARTHLINK.NET.

Some of the Bills That Passed, Failed in the 2012 Regular Legislative Session

Health care

ABORTION (FAILED): Imposed a 24-hour waiting period and required doctors to take annual ethics training, among other things. (SB 290/HB 277)

DEPARTMENT OF HEALTH (PASSED): Streamlines Department of Health, closes A.G. Holley Hospital for tuberculosis, repeals statewide septic tank regulations. (HB 1263)

PRIOR AUTHORIZATION INFORMATION POSTING (PASSED): Language was added to include requiring AHCA to post prior authorization information on its web site. (CS/CS/HB 787)

HEALTH CARE (FAILED): (CS/CS/SB 1316) revised fines against Home Health Agency for failing to submit certain information.

HEALTH CARE REGULATION (FAILED): CS/CS/SB 1884) Required licensed facility to report certain peer review information. Required accreditation information for out of state home medical providers.

EXPERT TESTIMONY (FAILED): “Daubert” standard of evidence (HB 243 / SB 378)

PHARMACISTS (PASSED): Allows Pharmacists to administer certain vaccines (CS/SB 850)

MEDICAID (PASSED): Authorizes state to withhold revenue sharing from counties for future Medicaid costs, as well as to cover disputed \$300 million backlog. Allows state employees to enroll children in Kid Care. (HB 5301)

HPV VACCINE (FAILED): Required that all students entering the sixth grade receive information about human papillomavirus, as well as information about a vaccine that can prevent infection. (SB 1116/HB 1051)

MENINGITIS VACCINE (PASSED): Budget language directs the Department of Health to write rules requiring students entering seventh grade be vaccinated against meningitis, though parents may opt out. (HB 5001)

PUBLIC HOSPITALS (PASSED): Establishes a process for the sale or lease of a public hospital. (HB 711)

DRUG-ADDICTED NEWBORNS (PASSED): Creates a statewide task force to evaluate the effects prescription drug abuse on newborns. (SB 402/HB 227)

MED-MAL AND EYE DOCTORS (FAILED): Allowed optometrists to offer prescription drugs in exchange for allowing medical doctors to ask patients to waive their right to a jury trial. (SB 1316)

ASSISTED LIVING (FAILED): Ramped up education requirements for ALF administrators and increases penalties for abuse and neglect. (SB 2074/HB 7133)

DRUG REPACKAGING (FAILED): Would cap the markup for drugs repackaged by doctors at about \$4 (HB 511/ SB 668).

General government

BUDGET (PASSED): A \$70 billion budget for fiscal year beginning July 1 with no new taxes, \$1 billion more for public schools and nearly 4,000 fewer state jobs. (HB 5001)

DRUG TESTING (PASSED): Allows state agencies to randomly drug test up to 10 percent of workforce every three months. (SB 1358/HB 1205)

WORKFORCE BOARDS (PASSED): Grants the governor additional oversight of 24 regional workforce boards and requires boards to submit budgets to the state. (HB 7023)

STATE INVESTMENTS (PASSED): Allows State Board of Administration to invest 20 percent of pension fund in alternative investments. (SB 880/HB 1417)

TRANSITION EMAIL (PASSED): Requires governor-elect and four other top state officials to save emails during their transition to power. (HB 1305)

PUBLIC MEETINGS (FAILED): The public must be given a reasonable opportunity to speak at public meetings. (SB 206)

WAGE THEFT (FAILED): Banned cities and counties, specifically Miami-Dade, from passing laws to combat wage theft. (SB 862/HB 213)

FINANCIAL INSTITUTIONS (PASSED): Requires the Office of Financial Regulation to adopt rules to detect payments to Iran or to foreign terrorist organizations. (SB 792/HB 613)

Insurance

CITIZENS ASSESSMENTS (PASSED): Eliminates most "regular assessments" from Citizens' post-event payment structure. Instead of regular assessments due immediately, Citizens will collect emergency assessments from policyholders over time. (SB 1346/HB 1127)

CAT FUND (FAILED): Reduced the size and liability of the Florida Hurricane Catastrophe Fund, likely raising premiums. (SB 1372 / HB 833)

CAT FUND TAX CREDIT (PASSED): Late-appearing conforming bill that includes a \$1.5 billion tax credit program for insurance companies that provide financing for the Hurricane Catastrophe Fund. (HB 5505)

CITIZENS DEPOPULATION (FAILED): Allowed unregulated, out-of-state insurers to take over policies from Citizens Property Insurance. (SB 578/HB 245)

CITIZENS OVERHAUL (FAILED): Overhaul of Citizens Property Insurance, including coverage reductions and some rate increases. (SB 1784)

Business

UNEMPLOYMENT COMPENSATION (PASSED): Renames the state's unemployment compensation system to "Reemployment Assistance" and provides more than \$800 million in tax relief to businesses. (SB 1416/HB 7027)

BUSINESS REGULATIONS (PASSED): Removes some continuing education requirements and decriminalizes agency rules for barbers and auctioneers, among other state-regulated professions. (SB 762/HB 517)

EMPLOYEE TIPS (FAILED): Allowed an employer to guarantee a minimum wage for tipped employees, while reducing wages to employees who make enough in tips to earn the minimum wage. (SB 2106)

TIMESHARE RESALES (PASSED): Cracks down on timeshare resellers, increasing penalties for fraud. (SB 1408/HB 1001)

E-VERIFY (FAILED): Required every employer to use an E-Verify program to prove that workers are not illegal immigrants. (SB 1638/HB 1315)

Claims bills

BRODY CLAIM (PASSED): Provides as much as \$10.75 million in compensation to Eric Brody of Sunrise, who was permanently injured by a speeding cop in 1998. (SB 4/HB 445)

WOHLGEMUTH CLAIM (FAILED): Required Pasco County sheriff to pay \$8.6 million to woman injured by police cruiser racing without siren. (SB 22/HB 1353)

HOFFMAN CLAIM (PASSED): Requires the city of Tallahassee to pay \$2.4 million to family of Rachel Hoffman, police informant murdered in 2008. (HB 7131)

DILLON CLAIM (PASSED): A man who wrongfully served 27 years in prison won \$1.35 million claims bill as payment. (SB 2/ HB 141)

RIVERA CLAIM (PASSED): Provides \$1.2 million in relief to the family of Juan Carlos Rivera, who was stabbed to death by another student at Coral Gables High School (SB 1076/HB 909)

EDWARDS CLAIM (PASSED): Provides \$15 million for long-term care of 14-year-old Aaron Edwards, who was born with severe disabilities, allegedly due to negligence by workers at a Lee County Hospital. (HB 965)

Criminal, civil justice

FOREIGN LAW (FAILED): Banned state from using religious or foreign law as a part of a legal decision or contract. (SB 1360/HB 1209)

JUVENILE INMATES (FAILED): Juvenile inmates sentenced to life imprisonment for nonhomicides are eligible for resentencing after 25 years. (SB 212/HB 5)

ANTI-SHACKLING (PASSED): Prohibits the use of restraints on pregnant prison inmates during labor and after delivery except in rare cases. (SB 524)

PRIVATE PRISONS (FAILED): Privatization of prisons in 18 counties at minimum savings of 7 percent. (SB 2038)

HUMAN TRAFFICKING (PASSED): Increases penalties for human smugglers and those who traffic minors. Puts offenders on sexual predators list. (SB 1880/HB 7049)

JUDICIAL PICKS (FAILED): Allowed Gov. Rick Scott to fire most people chosen to help pick judges, but a change by the Senate that protected Charlie Crist appointees doomed the bill. (HB 971)

FASTER FORECLOSURES (FAILED): Would speed up the state's foreclosure system by allowing faster foreclosures on some homes, among other measures (SB 1890/HB 213).

ONLINE NOTICES (FAILED): Required that foreclosure notices be posted online in lieu of publication in any other forms of media. (SB 230/HB 149)

Driving and roads

TEXTING WHILE DRIVING (FAILED): Texting while driving would be punishable as a secondary offense, so motorists would have to be texting on top of speeding or causing an accident to get a citation. (SB 416)

AUTO RACING (FAILED): Designated auto racing as the official state sport. (SB 266)

PIP REFORM (PASSED): Comprehensive reforms of the state's no-fault car insurance program in an effort to reduce fraud and therefore premiums. (HB 119)

FLASHING HEADLIGHTS (PASSED): Allows motorists to flash their car headlights to oncoming drivers. (HB 1223)

ROAD NAMINGS (PASSED): Designate roads and bridges in honor of prominent Floridians, fallen soldiers and slain police officers. (HB 7039)

AUTONOMOUS CARS (PASSED): Requires the state to conduct a study on the safe operation of driverless cars, new technology that Google has been developing. (SB 1768/HB 1207)

TOLL ROADS (FAILED): Transferred some control of the Tampa-Hillsborough Expressway Authority and Orlando-Orange County Expressway Authority to the state. (SB 1998)

DRIVER LICENSES (FAILED): Repeals federal REAL ID law requirements for Florida drivers. (SB 220/HB 109)

TRANSPORTATION (FAILED): Closed inactive toll accounts and increased the types of low-speed vehicles people can drive on public streets, among other things. (SB 1866)

HIGHWAY SAFETY (PASSED): Shortens from 30 to 14 days the time drivers have to provide proof of insurance after an automobile crash, among other things. (SB 1122/HB 1223)

VEHICLE REGISTRATION FORMS (FAILED): Required application and renewal forms for vehicle registrations to include an option for a \$1 contribution for the Florida Association of Food Banks. (SB 556/H 1435)

Environment

RECLAIMED WATER (PASSED): Bans all five water management districts from forcing cities and utilities to give away treated water. (SB 1086/HB 639)

NUMERIC NUTRIENTS (PASSED): Allows Florida to override federal water pollution requirements and provides a flexible "threshold" standard. (SB 2060/HB 7051)

TRAIL ADS (PASSED): Allows private companies to buy ads on state trails. (SB 268/HB 181)

WATER MANAGEMENT DISTRICTS (PASSED): Authorizes Legislature to set the maximum millage rate for each district and requires governor to submit a preliminary budget for each water management district to the Legislature for review. (SB 1986)

ZOO ANIMALS (PASSED): Allows an association of 16 zoos and aquariums to lease state-owned land for research on exotic animals. (HB 1117)

CITRUS DEPARTMENT (PASSED): Revises the terms and size of the Florida Citrus Commission and clarifies department duties. (HB 1237)

WETLANDS MITIGATION/AMTRAK INDEMNITY (PASSED): Requires that Department of Transportation hand over all of its wetlands money to the private mitigation banking industry; grants liability protection to Amtrak. (HB 599)

ANIMAL SHELTERS (FAILED): Required any animal control agency or animal shelter that euthanizes animals to maintain a registry of animal rescue groups that are willing to accept animals that would otherwise be subject to euthanization. (SB 818)

FLORIDA RENEWABLE FUEL STANDARD ACT (FAILED): Repealed law that requires all gasoline sold in the state to contain 9 percent agriculturally derived, renewable fuel. (SB 238/HB 4013)

Ethics and elections

BLIND TRUSTS (FAILED): Required governor and other statewide officials to put assets in blind trusts; limited legislators' employment at colleges and universities. (SB 1560)

VOTING CONFLICTS (FAILED): Broadened legal definition of voting conflict to include business associates; required more disclosure. (SB 552)

ETHICS (FAILED): Prevented senators from proposing or participating on bills that could provide special, private benefit for themselves or their families. (SB 552/HB 359)

LEGISLATOR IMMUNITY (FAILED): Clarified that legislators, former legislators, and their staffs don't have to testify or turn over documents during lawsuits. (HB 7123)

COUNTY TERM LIMITS (FAILED): Allowed voters to decide whether to impose term limits on county commissioners. (SB 1070/HB 785)

PRIMARY ELECTION (FAILED): Changed the date of statewide primary election from Aug. 14 to Aug. 21. (SB 7042)

EQUAL RIGHTS (FAILED): Ratified the Equal Rights Amendment. (SB 180)

REDISTRICTING: The Legislature's once-a-decade job of redrawing political lines remains in limbo as the Florida Supreme Court approved the Legislature's plan for the House but tossed out the Senate, requiring Gov. Rick Scott to call a special session. The congressional map is being challenge in court.

Gambling

DESTINATION RESORT CASINOS (FAILED): A plan to bring three \$2 billion resort casinos to South Florida died in the House when its first committee appeared ready to reject it. (SB 710/HB 489)

GREYHOUND RACING (FAILED): A plan to allow dog track owners to phase out their live dog races and operate poker rooms and other games failed for the third straight year. (SB 382)

INTERNET CAFES (FAILED): With the House and Senate divided over whether to regulate or ban so-called slot-machine look-alikes at Internet cafes, the effort died. The House passed a bill to ban the machines, while the Senate appeared to have only enough votes to regulate them. (SB 380/HB 3)

Higher education

STUDENT BOG MEMBER (PASSED): Removes membership to the Florida Student Association as a requirement for the student seat of the Florida Board of Governors. (SJR 1508/HJR 931)

TUITION FOR TOP UNIVERSITIES (PASSED): Allows top universities more freedom to increase tuition. (SB 1752/HB 7129)

FLORIDA POLYTECHNIC (PASSED): Splits off the University of South Florida's branch campus in Lakeland immediately into the state's 12th university. (SB 1752)

IN-STATE TUITION (FAILED): Enabled all Florida high school students, regardless of immigration status, to qualify for in-state tuition at Florida colleges and universities. (SB 106)

Miscellaneous

FUNERAL PROTESTS (FAILED): Banned protests within 500 feet and 1 hour of a funeral of military member, EMT worker, elected official or minor. (SB 632/HB 31)

PITBULL BAN (FAILED): Deleted Miami-Dade's grandfathered ban on pitbulls from state statutes. (SB 1322/HB 997)

ONLINE TICKET SALES (FAILED): Allowed third-party ticket resellers like Stub Hub to buy tickets in bulk and limited the use of non-transferrable e-tickets. (SB 392/HB 225)

HOMELESS YOUTH (PASSED): Defines "certified homeless youth" as a minor who is a homeless child, allowing children with this designation to obtain copies of their birth certificate. (HB 1351)

VETERANS (PASSED): A wide-ranging, veterans-focused bill allows for special court dockets for veterans with traumatic brain injuries and creates a Florida Veterans' Hall of Fame. (SB 922)

PreK-12 education

CHARTER SCHOOLS (FAILED): Imposed tougher accountability standards on charter schools; exempted charter schools from reporting teacher quality data. (HB 903)

DIGITAL EDUCATION (PASSED): Expands virtual education programs in public schools. (HB 7063)

HIGH SCHOOL SPORTS (PASSED): Revamps the rules for investigations of Florida High School Athletic Association; allows student athletes to more easily change schools. (SB 1704/HB 1403)

PARENT TRIGGER (FAILED): Allowed parents at low-performing schools to demand changes, including having the school converted into a charter school. (SB 1718/ HB 1191)

ADS ON SCHOOL BUSES (FAILED): Allowed ads on public school buses for revenue-generating purposes. (SB 344/HB 19)

SCHOOL PRAYER (PASSED): Enables school boards to permit student-led prayer in public schools (SB 98).

SCHOOL TAX SWAP (FAILED): Allowed school boards to levy a half-penny sales tax in exchange for a reduction in school property taxes. (HB 1343)

VOUCHERS (PASSED): Raises the tax credit cap, allowing more children from low-income families to receive scholarships to private schools. (SB 962/HB 859)

SEPT. 11 LESSONS (FAILED): Required public schools to teach students about the events surrounding Sept. 11, 2001, as well as their impact on the nation. (SB 1422/HB 1027)

FINANCIAL LITERACY (FAILED): Added financial literacy to the "required instruction" topics for public high schools. (SB 1010/HB 331)

Social services

FOOD STAMPS (FAILED): Prohibited people from accessing government cash at strip clubs or casinos. A failed section would have banned food stamp recipients from using the funds on junk food. (SB 1658/HB 1401)

STADIUM HOMELESS (FAILED): Required stadium owners who receive tax money to return up to \$270 million if they cannot prove they operated as homeless shelters. (SB 816/HB 1365)

Taxes

MARLINS GARAGE (PASSED): Exempts the city of Miami from having to pay an annual \$1.2 million property tax bill on the garages near the Marlins stadium. (SB 1108/HB 7097)

CORPORATE TAX (PASSED): Doubles the corporate income tax exemption to \$50,000, and adds several business tax cuts. (HB 7087)

MOFFITT CANCER CENTER (PASSED): Increases cigarette tax distribution to the H. Lee Moffitt Cancer Center by \$5 million annually, effective July 1, 2013, and continues the distribution through 2033. (HB 7087)

FAIR ECONOMY ACT (FAILED): Democrat-led initiative to close business tax loopholes to increase revenue and avoid spending cuts. (SB 1590/HB 1335)

TAX HOLIDAY (PASSED): The annual back-to-school sales tax holiday for consumers. (SB 982)

LOCAL BIZ TAX (FAILED): Banned local governments from levying business taxes on local companies. (SB 760/HB 4025)

E-TAX (FAILED): Required online-only retailers like Amazon to collect and remit sales taxes on purchases. (SB 1514)

TANGIBLE TAX (PASSED): A constitutional amendment to double the size of the tax on business property to \$25,000, and allow local governments to increase the exemption. (SJR 1064/HJR 1003)

PINELLAS TAX (PASSED): Repeals a .75 mill property tax if Pinellas voters adopt penny sales tax increase for transit. (HB 865)

ONLINE TRAVEL TAX (FAILED): Clarified state law to allow online travel companies to pay taxes only on the wholesale portion of their hotel room, not the retail rate. The dispute has been mired in legal challenges for a decade. (SB 1888/HB 1393)

SENIOR EXEMPTION (PASSED): Constitutional amendment allowing counties and cities to reduce property taxes for poor seniors. (SJR 1740/HJR 169)

FALLEN HEROES (PASSED): Constitutional amendment to eliminate property taxes for spouses of veterans or first responders killed in the line of duty. (SJR 1056/HJR 93)

SUPER HOMESTEAD (FAILED): Constitutional amendment to have provided as much as \$600 million in additional property tax exemptions for homeowners. (HJR 1289)

Utilities

RENEWABLE ENERGY (PASSED): With the support of Agriculture Commissioner Adam Putnam, legislators passed a modest bill to encourage renewable energy development in Florida. The measure offers tax incentives for renewable investment, among other things. (HB 7117)

UTILITY RATE CASE REVIEW (FAILED): A plan to allow electric utilities to bypass the traditional rate case review process when they are modernizing their plants was postponed indefinitely. (SB 940)

OFFICE OF PUBLIC COUNSEL (FAILED): Shifted the consumer lawyer in utility cases, the Office of Public Counsel, from the control of the Legislature to the Office of Financial Regulation. (HB 7117)