

**Lobby Team Meeting
Monday, March 11, 2019
AGENDA**

I. Key Committee Hearings this week/coverage

MONDAY

Senate Health Policy 1:30-3:30 pm

Nursing Home Staffing (SB 1088 by Albritton)

Action: Amendment drafted; Brecht to discuss with Albritton; Watrel to testify

Senate Banking & Insurance 4:00-6:00 pm

Bad Faith/Appraisal (SB 714 by Brandes)

Action: Possible compromise reached

Senate Judiciary 4:00-6:00 pm

Elder Protection (SB 452 by Gibson)

Action: None; bill okay as is

TUESDAY

House Transportation & Infrastructure 12:30-3:30 pm

NDE (HB 765 by Santiago)

Action: Amendment drafted; given to Santiago

Crash Reports (HB 1053 by Brannan)

Action: Amendment drafted

House Ways & Means 4:00 – 6:00 pm

Telehealth (HB 23 by Yarborough)

Action: Amendment drafted adding FR and jurisdiction

Senate Infrastructure & Security 4:00-6:00 pm

MBI (SB 1052 by Lee)

Action: Lobby all members for YES vote on bill; NO on any bad faith amendment

WEDNESDAY

House Civil Justice Subcommittee 8:30 am – 11:30 am **EXPECTED – AGENDA DEADLINE MON

- **Property Insurance-Bad Faith (CS/HB 301 by Santiago)**
- **Medical Malpractice PCB**
- **Bad Faith (HB 751 by Andrade)**
- **Jurisdiction of County Courts (HB 337 by Leek)**

Senate Rules – 10:00 am – 12:00 noon

Child Protection Teams (SB 256 by Baxley)

Action: Issue resolved; monitor

(over)

II. Other Issues to Discuss

Health Care Licensing (HB 885 by Pigman) – Up Tuesday @ 8:30 am

VA doctors being allowed to treat veterans in other locations without Florida licensure.
Position?

Dangerous Instrumentality (SB 862 by Stargel)

Amendment drafted; next step?

III. Proactive Agenda:

- 1) **Mandatory Bodily Injury Insurance** – Provisions include minimum bodily injury insurance coverage requirements of \$25,000 for one person; \$50,000 aggregate in any one crash and the bills will maintain the current \$10,000 financial responsibility requirement for property damage. The Senate bill contains a mandatory offer of medpay (similar to UM).
 - [HB 733](#) by Rep. Grall - Ref. to Ins & Banking; Trans & Infrastructure; Commerce
 - [SB 1052](#) by Sen. Lee-Ref. to Infra & Security; Banking & Ins; Approp **ON B&I AGENDA 3/11**
- 2) **UIDDA – Uniform Interstate Deposition and Discovery Act** - The goal of UIDDA is to make it more efficient and inexpensive to depose out-of-state individuals and to produce discoverable materials located out of the trial state. Under UIDDA, litigants can present a clerk of the court located in the state where discoverable materials are sought with a subpoena issued by a court in the trial state. Once the clerk receives the foreign subpoena, the clerk will issue a subpoena for service upon the person or entity on which the original subpoena is directed. The terms of the issued subpoena must incorporate the same terms as the original subpoena and contain the contact information for all counsel of record and any party not represented by counsel.
 - [SB 7006](#) (Judiciary) – **PASSED SENATE**
 - [HB 783](#) (Gregory) – Ref. to Civil Justice; Justice Appropriations; Judiciary
- 3) **Punitive Damages/Nursing Homes** - this bill repeals the requirement for portions of punitive damage awards in nursing home and ALF cases to go to the Quality of Long-Term Care Facility Improvement Trust Fund.
 - [HB 6019](#) by Rep. Mariano – Ref. to Civil Justice; Health Care Approps; Judiciary
 - No Senate companion
- 4) **Sovereign Immunity** – SB 1072 by Sen. Rader increases the limits on sovereign immunity from \$200,000/\$300,000 to \$300,000/\$500,000. This bill has not yet been referred.
 - [SB 1072](#) by Sen. Rader – not yet referred to committees
 - No House companion

II. Defensive Issues:

- 1) **Tort Reform** – This bill contains provisions relating to products liability; LIMP (see below), and a \$1 million cap on non-economic damages.
 - [HB 17](#) (Leek) – Ref. to Civil Justice; Commerce; Judiciary – **PASSED CIVIL JUSTICE ON 3/6**
 - No direct Senate companion

- 2) **AOB/Attorney Fees** - This bill originally prohibited the assignment of attorney fees to in an AOB to an assignee. Two workshops were held in Senate Banking & Insurance. Lee Jacobson and Tyler Chazez presented on behalf of FJA.
 - [SB 122](#) (Broxson) – Ref. to Banking & Ins; Judiciary; Rules **PASSED B&I ON 3/4**
 - No direct House companion
- 3) **AOB** – This legislation contains a burden shift from the insurer to the party seeking benefits; contains examinations under oath (EUO) for contractors; requires contractors to comply with certain requirements, etc.
 - [SB 904](#) (Rader) – Ref. to Banking & Insurance; Judiciary; Rules
 - [HB 359](#) (Fernandez)- Ref. to Civil Justice; Ins & Banking; Judiciary
- 4) **Bad Faith** – The insurance companies got creative with the HB this year, removing bad faith claims from the courts and moving it to administrative law judges. The SB follows past language in that there is no bad faith if the insurer offers to pay the lesser of what the claimant is willing to accept or the policy limits within 45 after written notice of loss and the insurer complied with policy disclosure among other issues.
 - [HB 751](#) (Andrade) – Ref. to Civil Justice; Gov’t Operations Appropriations; Judiciary
 - [SB 1464](#) (Brandes) – not yet referred
 - [SB 896](#) (Brandes) – Ref. to Infrastructure & Security; Banking & Ins; Appropriations (part of MBI bill)
- 5) **Dangerous Instrumentality** – The House bill would effectively eliminate the dangerous instrumentality doctrine in Florida. The Senate bill revises liability for lessors of special mobile equipment but the insurance provisions are problematic
 - [HB 355](#) (Leek)-ref. to Civil Justice; Ins & Banking; Judiciary – **PASSED CIVIL JUSTICE ON 3/6**
 - [SB 862](#) (Stargel)-Ref. to Banking & Insurance; Judiciary; Rules
- 6) **LIMP (Limitations in Medical Payments)** - This bill dictates how a jury will evaluate and award past medical expenses in medical malpractice cases. We have been in contact with physicians to encourage them to contact their legislators about this bad bill.
 - [SB 80](#) (Stargel) – Ref. to Judiciary; Banking & Ins; HHS Approps; Approps
 - [HB 17](#) (Leek) –Ref. to Civil Justice; Commerce; Judiciary
 - [SB 1320](#) (Stargel) – Ref. to Judiciary; Health Policy; Rules
- 7) **Luxury Ground Transportation Companies** - The bill proposes insurance requirements for LGTCs that would be the same as for Transportation Network Companies (TNCs) such as Uber or Lyft. However, because of their size, these luxury transportation vehicles should carry more insurance. FJA will seek to raise the amount of insurance these vehicles must carry.
 - [HB 303](#) (Rommel) – Ref. to Trans & Infrastructure; Insurance & Banking; State Affairs
 - No Senate Companion
- 8) **Autonomous Vehicles** – This bill as filed provides a framework for autonomous vehicles in Florida. As in past years, it is deficit in several ways, including: the AV “system” is deemed the “driver;” there is no mandated financial responsibility; and the framework for investigating crashes is inadequate. FJA’s AV Committee, chaired by Jim Guarnieri, is working to prepare amendments to correct these deficits or we will be prepared to defeat the bill.
 - [SB 932](#) (Brandes) – Ref. to Infrastructure & Security; Trans Approps; Appropriations
 - [HB 311](#) (Fischer)-Ref. to Trans & Infra; Trans Approps; State Affairs **PASSED TRANS & INFRASTRUCTURE ON 3/6**

- 9) **Advanced Birth Centers** – This bill creates Advanced Birth Centers, which will perform advanced procedures such as C-sections. Sen. Harrell has confirmed that she will address our concern that there is no requirement of liability insurance for these new facilities. Thanks to **Michelle DeLong** for her in-depth analysis of the bill, proposed amendment and meeting with the Senate sponsor.
- [SB 448](#) (Harrell)-ref. to Health Policy; Children, Families & Elder Affairs; Rules **PASSED HEALTH POLICY 2/11; HARRELL TO AMEND TO INCLUDE APPROPRIATE INSURANCE**
 - [HB 383](#) (Burton)-ref. to Health Market Reform; Health Care Approps; HHS
- 10) **Jurisdiction of County Courts**-These bills raise the jurisdictional threshold for claims to be filed in county court. Additionally, the House bill contains a provision that would allow defendants to challenge the “reasonableness” of the amount in controversy, requiring claimants to prove by clear & convincing evidence their claim.
- [HB 337](#) (Leek)-ref. to Civil Justice; Justice Approps; Judiciary **MAYBE ON CIVIL JUSTICE AGENDA 3/13**
 - [CS/SB 328](#) (Brandes)-ref. to Judiciary; Infrastructure & Security; Crim/Civ Justice Approps; Approps **PASSED JUDICIARY 2/4**
- 11) **Insurance** – This insurance mini-train originally contained the elimination of the attorney fee risk multiplier (which has since been removed) but still contains language seeking to eliminate bad faith action for property insurance appraisal delays.
- [CS/HB 301](#) (Santiago)-ref. to Ins & Banking; Civil Justice; Commerce **TPd IN CIVIL JUSTICE; UP 3/13**
 - [SB 714](#) (Brandes) “Omnibus Prime”-ref. to Banking & Insurance; Judiciary; Rules
- 12) **Third Party Agreements in Civil Proceedings** – This bill requires parties to civil actions to provide copies of certain third-party agreements to the other parties, except when otherwise ordered by the court. FJA is seeking direction for our EAGLE benefactors who practice in this area.
- [SB 794](#) (Baxley) – ref. to Judiciary; Innovations & Technology; Rules
 - [HB 1059](#) (Hill) – ref. to Civil Justice; Judiciary
- 13) **Advanced Practice Registered Nurses** – This bill establishes the framework for APRNs to practice independently. This would include APRNs that are certified in certain specialties, including nurse anesthetists. Lots of negative comments by FJA committee members.
- [HB 821](#) (Pigman)-ref. to Health Quality; Health Care Approps; HHS
 - [SB 972](#) (Brandes)-ref. to Health Policy; HHS Approps; Appropriations
- 14) **Named Driver Exclusion** – This provision is contained in a 29-page bill that creates a Motor Vehicle Insurance Online Verification System. The NDE provision will allow an insurer to exclude a named individual from PIP, BI UM and any non-required coverage.
- [HB 765](#) (Santiago) – ref. to Trans & Infrastructure; Trans Approps; State Affairs
 - [SB 1232](#) (Rader) – Ref. to Infra & Security/ Trans Approps; Approps
- 15) **Health Care Licensing Requirements** – This legislation would exempt health care practitioners practicing in this state from having to get FL licenses if they have a license from another state and are treat veterans. By not having a license, this would eliminate enforcement of any statutory licensure requirements, including required med-mal coverage.
- [HB 885](#) (Pigman) – Ref. to Health Quality; Health Care Approps; HHS
 - [SB 1620](#) (Gainer) – not yet referred

- 16) **Nursing Home Facility Staffing Requirements** – These bills increase the minimum staffing hour requirements for nursing homes but will now allow “direct care staff” (non-licensed nurses and CNAs) to care for residents. The HB also allows “direct care staff” to be used elsewhere in the facility if it exceeds the number of direct care hours and won’t violate staffing ratios.
- [HB 897](#) (Roth) – Ref. to Health Market Reform; Health Care Approps; HHS
 - [SB 1088](#) (Albritton) – Ref. to Health Policy; HHS Approps; Approp **ON HEALTH POLICY AGENDA 3/11**
- 17) **Construction Defects** - This will mandate nonbinding arbitration for construction defect suits and allows a party to agree to being bound by arbitration award. The party that doesn't agree can go to trial on unresolved portions of the claim.
- [HB 911](#) (Santiago) – Ref. to Civil Justice; Business & Professions; Judiciary
 - [SB 1246](#) (Wright) – Ref. to Judiciary; Innovatoin, Industry & Technology; Rules
- 18) **Timely Administration of Justice** – Requires certain types of cases to go through a summary procedure.
- [SB 1292](#) (Stargel) – Ref. to Judiciary; Crim & Civil Justice Approps; Appropriations
 - [HB 623](#) (Leek) – Ref. to Civil Justice; Justice Approps; Judiciary
- 19) **Construction Contracting Qualifications** – Removes the limitation on subcontractors doing work that would require licensure as a contractor; subcontractors would still only be able to perform work under the supervision of a certified or registered contractor.
- [HB 351](#) (Ausley) – Ref. to Business & Prof; Local, Fed & Veterans Affairs; Commerce
 - [SB 674](#) (Montford) – Ref. to Innovation, Ind & Tech; Banking & Ins; Rules

IV. Resolved Issues:

- 1) **Child Protection Teams** – This bill would extend sovereign immunity to all members of a Child Protection Team. These teams assess medical issues related to children in the child welfare system. FJA is working with stakeholders to try to alleviate our concerns.
- [CS/SB 256](#) (Baxley)-ref. to Children, Families & Elder Affairs; Judiciary; Rules **NOW IN RULES**
 - [HB 535](#) (Smith)-ref. to Civil Justice; Children Families & Seniors; Judiciary