



# 2015 Legislative Session Wrap-Up

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## *LeadingAge Florida 2015 Legislative Session Wrap-up*

### *Florida House Abruptly Ends 2015 Legislative Session*

In an unprecedented move, House of Representatives Speaker, Steve Crisafulli, (R-Merritt Island) abruptly ended the regular 2015 Legislative Session at 1:15 PM on Tuesday, April 28 (three days before the scheduled end) without giving advance notice to the Senate which remained in session. Using records dating back to 1970, a similar situation could not be found.

The Senate reconvened on Wednesday to take up 50 bills in messages from the House. Bills that were left hanging when the House adjourned are dead for this year. Fortunately, the three bills of greatest priority to LeadingAge Florida members passed both chambers before House members left Tallahassee.

The move by Crisafulli took rank-and-file House members and the Senate by surprise. The sudden shutdown will not help ease the tension between Crisafulli and Senate President, Andy Gardiner, (R-Orlando) over opposing positions on the use of federal Medicaid expansion funds available to Florida as a result of provisions in the Affordable Care Act. As a result, the House adjourned without the Legislature passing a budget for fiscal year 2015-2016.

The Senate developed a hybrid proposal to use federal Medicaid money to provide health care coverage through the private sector to approximately 800,000 additional uninsured Floridians. The House is adamantly opposed to accepting federal funds to expand the Medicaid program. To complicate matters, future funding by the feds for a \$2.2 billion federal-state hospital funded program known as the Low Income Pool (LIP) is in question. The two state budget plans differ by \$4 billion. Typically, the session would have been extended by a few days to resolve the problem, but this was no ordinary session. The two chambers are so far apart their leaders will need time to develop a plan before returning to Tallahassee. At this point, neither the House nor the Senate appears willing to back off of their respective position. The next fiscal year begins on July 1, 2015. A state budget must be passed before then.

A special session can occur in one of three ways. The Speaker of the House and Senate President can file a proclamation with the Secretary of State asking for a special session. The Governor may issue a proclamation calling for a special session. Or, the Legislature can initiate a special session if 20 percent of its members file a petition with the Secretary of State who then must poll lawmakers to determine if three-fifths are in agreement. If they are, the special session would start between 14 and 21 days from the date of the polling. Only topics specifically identified in the special session call may be discussed during a special session.

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### ***LeadingAge Florida Priority Bills Passed Both Chambers before House Adjourned***

As a result of our team's early and proactive lobbying with all members of the relevant committees and others, bills of importance to LeadingAge Florida were passed by both houses of the Florida legislature and did not fall into limbo when the House adjourned early. The following priority bills passed the House and the Senate and will become law unless vetoed by the Governor (to view bill text click on the bill number):

- ✓ **ALF Regulation** -- [CS/CS/HB1001](#) by Rep. Larry Ahern, the result of four years of work, expands the type of assistance with medication and health care devices that unlicensed staff with training may provide in an assisted living facility with a standard license; decreases the number of required monitoring visits for ALFs with an extended congregate care or limited nursing license; strengthens the current fine structure; expands the ALF consumer website; etc. The effective date is July 1, 2015.
- ✓ **CCRC Regulation** -- [CS/HB 749](#) by Rep. Charles Van Zant modifies requirements for continuing care retirement community contracts that tie refunds to the receipt of the next entrance fee for a specific unit or unit type; clarifies the role of the residents' council; and adds additional disclosure requirements. The effective date is October 1, 2015 with longer implementation dates for required contract changes. This bill was filed on behalf of LeadingAge Florida and the Florida Life Care Residents Association (FLiCRA).
- ✓ **Hospital Patient Admissions Status Notification** -- [CS/HB 309](#) by Rep. Shawn Harrison requires hospitals to notify patients in their discharge papers if the hospitalization was classified as an observation stay or an inpatient admission. The effective date is July 1, 2015.

### ***Other Bills of Interest That Passed Both Chambers***

- ✓ **State Ombudsman Program** -- [SB 7018](#) by the Senate Children, Families and Elder Affairs Committee revises the duties of the Office of State Long Term Care Ombudsman; revises conflict of interest policies for those serving as ombudsman volunteers; and modifies the requirements related to what long term care facilities must provide to representatives of the ombudsman program. The effective date is July 1, 2015.
  - ✓ **Florida's Right to Try Act** -- [CS/CS/HB 269](#) by Rep. Ray Pilon addresses a person's right to experimental treatment for a terminal condition. The bill passed without language that was in the Senate companion, SB 1052, by Sen. Jeff Brandes, that would have recognized in Florida law Physician Orders for Life-Sustaining Treatment (POLST), and allowed for POLST to be used in lieu of a do not resuscitate order to withhold cardiopulmonary resuscitation. The effective date is July 1, 2015.
  - ✓ **Health Care Representative** -- [CS/CS/CS HB 889](#) by Rep. John Wood allows a person who designates a health care surrogate to stipulate if he or she wants the surrogate to make healthcare decisions without a determination of incapacity or only if the principle is incapacitated. The bill contains language that suggests the use of a health-care surrogate form which means other forms are acceptable. The effective date is October 1, 2015.
  - ✓ **Guardianship** -- [HB 5](#) by Rep. Kathleen Passidomo and José Javier Rodríguez changes the way guardians are appointed and explicitly prohibits the abuse, exploitation or neglect of an
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elderly ward. Reforms in the bill, which was filed in response to investigative reporting by the Sarasota *Herald-Tribune*, are intended to improve how guardians are appointed, better protect the wishes and rights of an incapacitated person once a guardian assumes power over them, and clarify the responsibilities of guardians. The effective date is October 1, 2015.

- ✓ **Nursing Home Facility Pneumococcal Vaccination** -- [SB 332](#) by Sen. Denise Grimsley requires nursing home residents to be assessed for eligibility for the pneumonia vaccination or revaccination. The effective date is July 1, 2015.
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