



RICK SCOTT
GOVERNOR

April 27, 2012

Secretary Ken Detzner
Secretary of State
Florida Department of State
R.A. Gray Building
500 S. Bronough Street
Tallahassee, Florida 32399

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Dear Secretary Detzner:

By the authority vested in me as Governor of the State of Florida, under the provisions of Article III, Section 8, of the Constitution of Florida, I do hereby sign and transmit House Bill 787, enacted during the 114th Session of the Legislature of Florida, since statehood in 1845, during the Regular Session of 2012 and entitled:

An act relating to Health Care Facilities...

House Bill 787 streamlines and clarifies regulatory issues impacting a variety of health care entities. This legislation is the product of productive collaboration among numerous stakeholders and state agency regulatory personnel. I commend the efforts of those who have worked so hard to bring the bill to final passage.

While I find most of the bill's provisions very positive, I do have concerns about the language in Section 35 of the bill amending Section 483.245, Florida Statutes. It is critically important for the state to maintain a strict prohibition against unlawful commissions, bonuses, kickbacks, rebates or split fee arrangements. However, the current interpretation of the anti-kickback law as it relates to the use of trained specimen collectors and the lease of space in physician offices merits further scrutiny. To that end, I will direct the Secretary of the Agency for Health Care Administration to work with representatives of the clinical lab industry to examine this issue and develop alternative approaches to regulating this particular area of health care law.

For the reason stated above, I hereby sign into law House Bill 787.

Sincerely,

Rick Scott
Governor

THE CAPITOL