

DAILY BRIEF



From April 23, 2014

LEGAL & JUDICIAL

HB 685 – relating to Business Organizations

On Wednesday, April 23rd, **HB 685**, relating to Business Organizations, by **Representative Patrick Rooney, Jr. (R-Palm Beach Gardens)** and **Representative Ritch Workman (R-Melbourne)** unanimously passed the House chamber. The bill now heads to the Senate for consideration.

The bill amends the Florida Business Corporation Act to allow for the creation of two new forms of corporate enterprise: the social purpose corporation and the benefit corporation. These new entities will allow businesses to engage in societal benefit programs that may not involve or satisfy the traditional corporate norm of profit maximization. The new forms of corporation are similar, the primary difference being that a social purpose corporation has a specified social purpose or purposes designated in advance, whereas a benefit corporation is to create a general public benefit in a manner selected by management and assessed by a third-party standard.

AIF supports this legislation that will attract new businesses and entrepreneurs to the state of Florida.

SB 1138 – relating to Civil Liability of Farmers

On Wednesday, April 23rd, **SB 1138**, relating to Civil Liability of Farmers, by **Senator Greg Evers (R-Crestview)** unanimously passed the Senate chamber. The bill now heads to the House for consideration. The bill exempts a farmer from civil liability if he gratuitously allows a person to come onto his/her land to remove farm produce or crops at any time. Presently the exemption applies only when that activity takes place after harvesting.

AIF supports legislation that will reduce the number of frivolous lawsuits brought against Florida's business owners.

SB 670 – relating to Nursing Home Litigation

On Wednesday, April 23rd, **SB 670**, relating to Nursing Home Litigation, by **Senator John Thrasher (R-St. Augustine)** passed the House chamber by a 109-7 vote. The bill now heads to the Governor for consideration. This bill provides that the statutory cause of action is the exclusive remedy against a nursing home licensee, its management or consulting company, managing employees, and direct caregivers alleging direct or vicarious liability for the recovery of damages for the personal injury or death of a nursing home resident arising out of negligence or a violation of a resident's statutory rights.

AIF supports the streamlining of litigation in order to preserve the growth of the nursing home industry while protecting our vulnerable elderly.

IT GOVERNANCE

SB 1524 – relating to Security of Confidential Personal Information

On Wednesday, April 23rd, **SB 1524**, relating to Security of Confidential Personal Information, by **Senator John Thrasher (R-St. Augustine)** unanimously passed the Senate chamber. The bill now heads to the House for consideration.

This bill creates new Florida requirements for various notifications a company must make in the event of a data breach. This measure was originated by Attorney General Pam Bondi. AIF and our members across all industries and areas of the state have worked with General Bondi and Senator Thrasher throughout session to find a way to provide the consumer safeguards needed while avoiding unintended consequences that create costly regulatory burdens on businesses. AIF salutes Attorney General Pam Bondi and Senator John Thrasher for their diligent leadership in protecting consumer information in a manner that is fair and not burdensome to Florida businesses.

AIF supports this important legislation because it provides clear direction to companies for handling data and security challenges in a timely and consistent manner.

TAXATION

HB 803 – relating to Communications Services Tax

On Wednesday, April 23rd, **HB 803**, relating to Communications Services Tax, by **Representative Jim Boyd (R-Bradenton)** unanimously passed the House chamber. The bill now heads to the Senate for consideration.

The bill seeks to clarify that the state's Communications Service Tax (CST) is not applicable to communications between hotels and their franchises. Recently, the state's Department of Revenue (DoR) began auditing various hotels, large and small, and assessing the CST despite having no statutory direction to do so. HB 803 is a consensus product between the state's DoR and the hotel lodging industry that seeks to clarify that these charges are not applicable. The bill was scored to be revenue neutral for the state.

AIF supports reducing communication services taxes on Florida's businesses. Subsequently, businesses could utilize this tax savings to reinvest in their business.

TRANSPORTATION

SB 1070 – relating to Fuel Terminals

On Wednesday, April 23rd, **SB 1070**, relating to Fuel Terminals, by **Senator Wilton Simpson (R-New Port Richey)** unanimously passed the Senate chamber. The bill now heads to the House for consideration.

This bill would declare fuel terminals located in or next to Florida's ports as critical state infrastructure. It goes further to allow for expansion of existing fuel terminals within the terminals property boundaries, while limiting local governments' regulation of permitting although nothing in the bill will prevent local government from enforcing state and federal safety standards.

AIF supports terminals being designed as critical infrastructure preempting local governments from changing the land use designation. Terminals are essential components to petroleum logistics, and Florida's energy portfolio, enabling the bulk transfer of the 27 million gallons of gasoline and diesel into Florida each day for further distribution.