



WEEKLY UPDATE

For the 2018 Legislative Session

From January 12, 2018

Welcome back for the 2018 Legislative Session! The focus this year will encompass a myriad of issues in the legislature including, hurricane preparedness and relief due to the impacts of Hurricane Irma and Maria; continuing to fight against policies that will increase the cost of health care for Florida's business community, such as prior authorization, retroactive denial of claims and removal of step-therapy protocols; battling back legislation pushed by the Trial Bar that would make it more expensive for businesses to operate in our state; and supporting Governor Scott's \$87.4 billion budget which includes \$180 million in tax cuts that will go a long way in continuing to help our state achieve prosperity and growth Florida's businesses and families deserve. In addition to focusing on legislation, AIF will be taking action on Constitution Revision Commission proposals that will impact the business community.

We began the first week of session with a gathering of legislators, lobbyist, leaders in the business community and others at the Annual Legislative Reception, an eagerly anticipated event hosted by Associated Industries for more than four decades. The video below highlights legislators that attended the event and they share their goals for the 2018 Session.

[View AIF Legislative Reception Video](#)

Tuesday kicked off the official start of the legislative session with the Governor, Senate President, and House Speaker all giving their opening day speeches for their final time in those roles. To view the speeches please see the below links.

[Governor Scott 2018 State of the State Address](#)

[Senate President Joe Negron 2018 opening day speech](#)

[House Speaker Richard Corcoran 2018 opening day speech](#)

WEEKLY LEGISLATIVE UPDATE VIDEO

[View Video](#)

CONSTITUTION REVISION COMMISSION (CRC)

On Thursday, January 11th, [Proposal 48](#) by Commissioner Jacqui Thurlow-Lippisch was presented to the CRC Executive Committee (committee). The committee voted down on Proposal 48 by a vote of 1 ye to 5 nays. **AIF spoke against this proposal during the committee meeting.**

Currently, under Article IV, section 9 of the Florida Constitution, the FWC has the regulatory and executive powers of the state over wild animal life and fresh water aquatic life. Proposal 48 sought to amend Article IV, section 9 by expanding the FWC's regulatory and executive powers to include habitats, including wildlife corridors. AIF noted during the committee that the FWC believes the existing constitutional provision provides adequate scope, authority, and means for the Commission to conserve the features essential to sustaining fish and wildlife, including impacts that could result in death or injury of imperiled species, or that could significantly impair essential behavioral patterns such as breeding, feeding, or sheltering.

AIF opposed Proposal 48 as we believe the current powers the FWC holds are adequate, and due to the negative impact the proposal would have on private property rights.

Proposal 23 Relating to Natural Resources and Scenic Beauty

On Friday, January 12th, [Proposal 23](#) by Commissioner Jacqui Thurlow-Lippisch was presented to the CRC Judicial Committee (committee). The committee unanimously voted down on Proposal 23. **AIF spoke against this proposal.**

Proposal 23 sought to create vague rights to a clean and healthful environment by giving anyone the authority to sue to enforce these rights without regard to existing rules and permits. Under this proposal, a business lawfully operating with valid permits and no history of any compliance problems could be sued and forced to defend itself because "any person" thinks they should be more esthetically pleasing or meet their personal standard of clean or healthful, rather than a scientifically-derived standard from EPA or DEP. **AIF opposed Proposal 23 as it would have opened up not only Florida businesses, but private citizens as well, to endless litigation.**

Please see the below statement from AIF Senior Vice President of State and Federal Affairs, Brewster Bevis, on Proposal 23:

AIF STATEMENT REGARDING CRC JUDICIAL COMMITTEE'S VOTE ON CRC PROPOSAL 23

Tallahassee, Fla.—Associated Industries of Florida (AIF) Senior Vice President of State and Federal Affairs Brewster Bevis released the following statement regarding the Judicial Committee of the Constitution Revision Commission unanimously voting today to oppose [CRC Proposal 23](#).

"AIF commends the CRC's Judicial Committee for listening to the concerns of Florida's business community and appropriately voting down CRC Proposal 23.

This unnecessary proposal would have opened up not only Florida businesses, but private citizens as well, to endless litigation and harmful uncertainty.

“With the Judicial Committee’s vote today, Florida’s comprehensive, thoughtfully crafted environmental policy will remain intact, continuing to protect the rights of Floridians and provide much-needed regulatory certainty and stability for businesses moving forward.

“We support the decision made by the CRC Judicial Committee today and agree that proposals such as this do not belong on the Florida Constitution.”

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Proposal 51 Relating to Deregulation

On Friday, January 12th, [Proposal 51](#) by Commissioner Rich Newsome was presented to the CRC General Provisions Committee (committee). The committee voted down on this proposal. **AIF stood in opposition to this proposal.**

Proposal 51 sought to deregulate the state’s electric utility industry by creating a new section in Article X of the Florida Constitution; providing that electricity customers may choose from multiple electric providers in a competitive market, and are not restricted to purchase service from one provider. The proposal also provided that electricity customers may sell, trade, or dispose of their electricity as they please. The effect of this proposal is to deregulate electric service in Florida. **AIF opposed Proposal 51 as deregulation is a complex undertaking that has led to price increases, fraudulent practices and consumer confusion.**

LEGAL & JUDICIAL

HB 33- Relating to Texting while Driving & SB 90-Relating to Use of Wireless Communications Devices While Driving

On Tuesday, January 9th, [HB 33](#), by Representative Jackie Toledo (R-Tampa) and Representative Emily Slosberg (D-Delray Beach) was heard by the House Transportation and Infrastructure Subcommittee and passed by a unanimous vote of 14 yeas to 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Wednesday, January 10th, [SB 90](#) by Senator Keith Perry (R-Gainesville) was heard by the Senate Committee on Transportation and passed by a vote of 5 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently, Florida law prohibits a person from texting, emailing, and instant messaging while driving; however, enforcement of this is a secondary offense, which means a law enforcement officer must detain a driver for another traffic offense in order to cite the driver for texting while driving. The bill would change the current enforcement of the ban on texting while driving from a secondary offense to a primary offense, allowing law enforcement officers to stop a vehicle solely for texting while driving. This legislation also specifies that the enforcement officer who has made the stop must inform the driver that they have the right to decline a search of their wireless communication device. The main goal of this legislation is to eliminate a component that contributes to distracted driving on Florida’s roadways.

There is a difference between the two bills, in that SB 90 requires that all fees collected for this offense be remitted to the Department of Revenue to then be deposited into the Emergency Medical Services Trust Fund of the Department of Health.

HB 33 will go on to the House Judiciary committee for its next hearing.

SB 90 will go on to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development for its next hearing.

AIF supports legislation that addresses the issue of distracted driving and will ensure public safety for all on Florida's roadways.

SB 760 & HB 623-Relating to Grounds for Nonrecognition or Out-of-Country Foreign Judgments

On Tuesday, January 9th, **SB 760**, by Senator Aaron Bean (R-Jacksonville) was heard before the Senate Committee on Commerce and Tourism, and unanimously passed by a vote of 8 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Thursday, January 11th, **HB 623**, by Representative Cord Byrd (R-Jacksonville) was heard before the House Judiciary Committee and passed by a vote of 17 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This legislation amends the Uniform Out-Of-Country Foreign Money - Judgment Recognition Act, codified in chapter 55 F.S., to add two additional permissive grounds for nonrecognition of a foreign money judgment by a Florida court. The Act currently provides three mandatory grounds for nonrecognition and eight permissive grounds for nonrecognition of a foreign judgment. Of the mandatory grounds that are similar to those in the bill, the Act requires nonrecognition where the foreign country's court system is systematically unfair, failing to provide impartial tribunals and compatible due process of law.

These bills adds two permissive grounds for when a Florida court may decline to recognize a foreign judgment on more individualized due process grounds:

- There is "substantial doubt" about the "integrity" of the particular foreign court that rendered the judgment.
- The particular foreign court that rendered the judgment failed to afford due process in the proceedings.

SB 760 will go on to the Senate Committee on Rules to be heard.

HB 623 will go on to the House floor for consideration.

AIF SUPPORTS legislation to clarify existing law and protect Florida businesses from foreign judgments that are not compatible with the requirements of due process of law.

SB 822- Relating to Beverage Law

On Wednesday, January 10th, **SB 822** by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Committee on Regulated Industries and passed by a vote of 7 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Florida's "Tied House Evil Law," s. 561.42, F.S., prohibits a manufacturer or distributor of alcoholic beverages from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans, property, or rebates to retail vendors.

The bill exempts a written agreement between a manufacturer or importer of malt beverages and an alcoholic beverage vendor for brand naming rights, including the right to advertise cooperatively from the "tied house evil" prohibitions, and then agreement must be negotiated at arm's length for no more than fair market value.

SB 822 will move on to the Senate Committee on Commerce and Tourism for its next hearing.

AIF SUPPORTS legislation that removes burdensome regulations on Florida's businesses.

TAXATION

HJR 7001-Relating to Supermajority Vote for State Taxes and Fees

On Tuesday, January 9th, **HJR 7001**, by Representative Tom Leek (R-Daytona Beach) was heard before the House Appropriations Committee and passed by a vote of 20 yeas to 8 nays. **AIF stood in support of this bill.**

This joint resolution proposes an amendment to the state Constitution that would provide that no state tax or fee may be imposed, authorized, or raised by the legislature, or authorized by the legislature to be raised except through legislation approved by two-thirds of the membership of each house of the legislature.

The joint resolution requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject. The joint resolution also specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by the state Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election. The joint resolution is not subject to the governor's veto powers.

HJR 7001 has been placed on the House calendar to be considered on the floor.

AIF supports this legislation requiring two-thirds vote from each house of the legislature to pass tax increases in the state. This action would that would make it more difficult to raise taxes, leaving more money in the pockets of Florida’s families and business.

HEALTH CARE

HB 21-Relating to Controlled Substances

On Wednesday, January 10th, **HB 21** by Representative Jim Boyd (R-Bradenton) was heard before the House Health Quality Subcommittee and passed by a vote of 15 yeas to 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This bill addresses opioid abuse by expanding the use of the Prescription Drug Monitoring Program (PDMP), increasing regulation of prescribers and dispensers, and aligning state criminal statutes with federal law. HB 21 limits the prescription for a Schedule II opioid to alleviate acute pain to a three-day supply, or a seven-day supply if deemed medically necessary by the prescriber.

The bill also requires the Department of Health (DOH) to adopt rules establishing guidelines for prescribing controlled substances for acute pain, similar to those for chronic pain. Additionally, The bill also requires a health care practitioner authorized to prescribe controlled substances to complete a board approved 2-hour continuing education course on safely and effectively prescribing controlled substances, and to review a patient’s PDMP history prior to prescribing or dispensing a controlled substance.

HB 21 will go on to the House Appropriations Committee to be heard.

AIF supports legislative efforts that aim to curb opioid abuse and addiction that is currently running rampant through the state effecting Florida’s families and businesses.

SB 98-Relating to Health Insurer Authorization

On Thursday, January 11th, **SB 98**, by Senator Greg Steube (R-Sarasota) was heard before the Senate Committee on Rules and passed by a vote of 11 yeas to 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

This legislation creates a standard process for the approval or denial of (1) prior authorizations and (2) step therapy (“fail-first”) protocol exceptions. Currently, the many health insurance carriers in Florida employ robust policy product offerings containing medically-proven prior-authorization and step-therapy programs designed to reflect the protocols and standards of care, advanced and adopted by a vast array of specialty physicians based on their latest evidence-based research.

These procedures and protocols allow for the use of the safest, most appropriate and most cost-effective drug, and permit progressing to other, more costly drugs with more sophisticated interactions and side-effects, in accordance with FDA approvals.

SB 98 will move on to the Senate floor to be heard.

AIF opposes this legislation as it would force insurers and consumers to purchase the most expensive drugs and treatments even when equally effective therapies are available at much lower costs.

ECONOMIC DEVELOPMENT

SB 170-Relating to Rural Economic Development Initiative

On Thursday, January 11th, **SB 170**, by Senator Denise Grimsley (R-Lake Placid) was heard by the Senate Committee on Agriculture and passed by a vote of 6 yeas to 0 nays. **AIF stood in support of this bill.**

Currently, Florida's rural communities are experiencing additional challenges compared to their urban counterparts in many quality of life indicators. The state has an opportunity to improve the economic competitiveness of Florida's rural communities by reforming the Rural Economic Development Initiative (REDI). This legislation accomplishes this by:

- Reducing the number of specified agencies and organizations that are required to designate REDI representatives;
- Clarifying which individuals from specified agencies and organizations must be designated as REDI representatives;
- Providing for the appointment of five additional members from the private sector:
 - Three of the private sector members are to be appointed by the executive director of the Department of Economic Opportunity (DEO), one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- Authorizing the creation of ad hoc committees and provides guidance for the organization of ad hoc committees;
- Modifying the definition and designation criteria for a rural area of opportunity (RAO);
- Updating the annual reporting requirements; and
- Make conforming changes to address cross-references in numerous sections of the Florida Statutes.

SB 170 will go on to the Senate Committee on Government Oversight and Accountability to be heard.

AIF SUPPORTS efforts to increase economic development in Florida's rural areas by increasing job growth.

EDUCATION

SB 88-High School Graduation Requirements

On Thursday, January 11th, **SB 88**, by Senator Dorothy Hukill (R-Port Orange), was read for a third time on the Senate floor and passed by a vote of 34 yeas to 0 nays.

Currently, based on Next Generation Sunshine State Standards, high school students receive financial literacy instruction as part of the one-half Economics course credit required for graduation. The bill revises that standard to require students entering grade 9 in the 2018-2019 school year and thereafter to complete a one-half standalone course credit in personal financial literacy.

SB 88 will go on to the House floor for consideration.

AIF SUPPORTS legislation that provides students the tools to learn about relevant, and real-life subjects that will prepare them for the workforce in the future.