



# WEEKLY UPDATE

For the 2018 Legislative Session

**From the week of January 14 - 19, 2018**

## WEEKLY LEGISLATIVE UPDATE VIDEO

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### CONSTITUTION REVISION COMMISSION (CRC)

#### Proposal 29- Relating to E-verify

On Friday, January 19th, [Proposal 29](#) (proposal) by Commissioner Rich Newsome was presented to the CRC Executive Committee (committee). The committee voted favorably on the proposal. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this proposal.**

[View testimony from the CRC Executive Committee](#)

This proposal creates a new section in Article X of the State Constitution that establishes requirements for all employers who hold, or have applied for, any type of license to operate a business in the State of Florida to verify the employment eligibility of new employees using the E-Verify system, beginning on July 1, 2020. The proposal provides automatic penalties for failing to verify the employment eligibility of new employees and for knowingly or intentionally employing an unauthorized alien. The proposal requires the Department of Business and Professional Regulation (DBPR) to enforce these provisions by adopting rules by July 8, 2019, developing and administering a statewide random auditing program to inspect employers for compliance, and receiving and investigating complaints from persons who have knowledge of an employer hiring unauthorized aliens.

**AIF does not believe that this issue should be added to Florida's constitution and it could be accomplished through the legislative process. Ultimately AIF opposed the proposal as the outcome could cause unintended consequences for businesses that operate in the state.**

#### Proposal 88-Relating to Nursing Home and Assisted Living Facility Residents' Bills of Rights

On Friday, January 19th, [Proposal 88](#) (proposal) by Commissioner Brecht Heuchan was presented to the CRC Declaration of Rights Committee (committee). The committee voted favorably on the proposal. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this proposal.**

[View testimony from the CRC Declaration of Rights Committee](#)

Proposal 88 establishes a new section in Article I of the State constitution that creates a separate bill of rights for residents of nursing homes and assisted living facilities. The proposal specifies that in addition to any other rights provided by law, the residents of nursing home facilities and assisted living facilities are entitled to be treated courteously, fairly, and with the fullest measure of dignity by the facilities' owners, operators, employees, professionals, and others who care for residents at such

facilities. The proposal also stipulates that residents have the right to be treated courteously, fairly, and with the fullest measure of dignity; the right to a safe, clean, comfortable, and homelike environment that protects residents from harm and takes into account this state's challenges with respect to climate and natural disasters; the right to access courts and a jury system that allows for a speedy trial and relief and remedies, without limitations, for loss, injury, and damages caused to residents and their families by the abuse, negligence, neglect, exploitation, or violation of residents' rights by the facilities' owners, operators, employees, professionals, and others who care for residents at such facilities; the right to know and hold accountable all persons or entities who own or operate the facilities, including the persons who are the owners of entities which own or operate the facilities; the right that the facilities will have the financial resources or liability insurance in order to ensure that residents and their families are justly compensated for any loss, injury, and damage they suffer because of abuse, negligence, neglect, exploitation, or violations of residents' rights by owners, operators, employees, professionals, and others who care for residents at such facilities; and the right to have the state require and implement regular accountability, audit, and review programs that oversee the facilities, require annual cost reports for reimbursement, and safeguard the health and quality of life of the facilities' residents.

**AIF opposed this proposal as these protective rights are already laid out within Florida's state statutes making it unnecessary for this proposal to be added to our states constitution. Further, the proposal would result in a tidal wave of lawsuits against Florida employers.**

## TAXATION

### SB 620- Relating to Disaster Preparedness Tax Exemption

On Tuesday, January 16th, [SB 620](#), by Senator Kathleen Passidomo (R-Naples) was heard by the Senate Appropriations Subcommittee on Finance and Tax and passed by a vote of 6 yeas to 0 nays. **AIF stood in support of this bill.**

This bill establishes a 10-day (from June 1-10, 2018) sales tax exemption on certain items relating to disaster preparedness and protection. During the exemption period, the following items, will be exempt from state sales and use tax and county discretionary sales surtaxes: certain light sources, radios, tarps, "tie-down" kits, fuel tanks, batteries, first aid kits, cellular telephone chargers, food storage coolers, portable generators, storm shutter devices, carbon monoxide detectors, reusable ice, personal locator beacons, and emergency position-indicating radio beacons.

SB 620 will go on to the full Senate Committee on Appropriations for its next hearing.

**AIF supports legislation that provides Florida's families and business community with a 10-day disaster preparedness tax exemption encouraging them to protect their assets against potential destruction.**

## CONSUMER PROTECTION

### HB 469-Relating to Salvage of Pleasure Vessels

On Tuesday, January 16th, [HB 469](#), by Representative Shawn Harrison (R-Tampa) was heard before the House Careers and Competition Subcommittee and passed by a vote of 9 yeas to 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This legislation creates the "Florida Salvage of Pleasure Vessels Act" (act) to provide certain consumer protections for salvage work performed on pleasure vessels. More specifically it requires that salvors must provide a customer or potential customer with a written disclosure statement and salvage work estimate for services. If a salvor's charges exceed the written estimate by more than 20 percent, the salvor is required to promptly notify the customer of the additional estimated charge and allow the customer to authorize, modify, or cancel the order for salvage.

HB 469 will move on to its next hearing in the House Government Accountability Committee.

**AIF supports legislation that ensures price transparency and consumer protections.**

**SB 920 & HB 857-Relating to Deferred Presentment Transactions**

On Tuesday, January 16th, **SB 920**, by Senator Rob Bradley (R-Orange Park) was heard by the Senate Committee on Banking and Insurance and passed by a vote of 9 yeas to 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Wednesday, January 17th, **HB 857**, by Representative James Grant (R-Tampa) was heard by the House Insurance and Banking Subcommittee and passed by a vote of 15 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in support of this bill.**

These bills authorize deferred presentment installment transactions under Florida law. Deferred presentment transactions made pursuant to SB 920 would be exempt from the underwriting requirement of the Consumer Finance Protection Bureau (CFPB) rule because such loans would be for a term longer than 30 days, and would not be a longer-term balloon payment loan because the bill requires installment payment to be as equal as practicable.

Provisions of the CFPB rule relating to payment practices, lender reporting, and compliance will apply to deferred presentment installment transaction lenders that provide loans with a term longer than 45 days, with a cost of credit exceeding 36 percent per annum, and that have a leveraged payment mechanism.

SB 920 will go on to the Senate Committee on Commerce and Tourism for its next hearing.

HB 857 will go on to the House Government Operations and Technology Appropriations Subcommittee for its next hearing.

**AIF supports legislation that creates a new framework that conforms with the federal guidelines while also retaining the choices Florida consumers need and deserve.**

**ECONOMIC DEVELOPMENT**

**SB 990-Relating to Rural Communities**

On Tuesday, January 16th, **SB 990** by Senator Bill Montford (D-Tallahassee) was heard before the Senate Committee on Commerce and Tourism and passed unanimously 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.**

SB 990 creates the Florida Rural Community Jobs and Business Resiliency ACT (act). This act is designed to create jobs and help revitalize Florida's rural communities. During the committee meeting an amendment offered by the bill sponsor was adopted. The amendment reduces the fiscal impact of the program to \$0 for the first two years and \$12 million annually for the subsequent five years of the program. Under the amended legislation, the \$60 Million in forgone state insurance premium tax revenue, would be pooled with \$40 million in private sector Capital to provide \$100 million of growth capital immediately for small businesses located in Florida's rural communities. The result will be small businesses in our hard-hit rural communities will have access to growth capital in the form of low interest loans and equity with flexible terms beyond what the marketplace can offer.

SB 990 will move on to the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development for its next hearing.

**AIF supports legislation which expands the economic development tools for Florida business especially within rural communities and Rural Areas of Opportunity and creates a mechanism for private Capital to be invested in small businesses.**

## REGULATION

### HB 1033-Relating to Dockless Bicycle Sharing

On Tuesday, January 16th, **HB 1033** by Representative Jackie Toledo (R-Tampa) was heard by the House Careers and Competition 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.**

Bicycle sharing is a relatively new venture making its way across the country. Currently, the regulation of bicycle sharing companies is left up to local jurisdictions. HB 1033 creates a regulatory framework governing the operation of dockless bicycle sharing companies in the state and would preempt local governments regulatory authority of bicycle sharing companies by giving this authority to the state.

HB 1033 will go on to the House Commerce Committee to be heard.

**AIF supports legislation that implements statewide policies that create price competition, promote consumer choice, enhance customer experience, create jobs and remove anti-competitive local regulations.**

## HEALTH CARE

### SB 280-Relating to Telehealth

On Tuesday, January 16th, **SB 280** by Senator Aaron Bean (R-Jacksonville) was heard before the Senate Committee on Banking and Insurance and passed unanimously by a vote of 11 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

SB 280 provides specific authorization for the provision of health care services through telehealth. Telehealth is the provision of health care services using telecommunication technologies, which allows licensed practitioners in one location to diagnose and treat patients at a different location. The bill will remove regulatory ambiguity regarding the provision of health care services using this technology because it is not currently addressed in Florida Statutes.

SB 280 will go on to the Senate Committee on Health Policy for its next hearing.

**AIF supports legislation that permits an unfettered role for telehealth services that will allow our citizens access to better quality care at lower costs.**

## INSURANCE

### SB 396-Relating to Motor Vehicle Insurance Coverage for Windshield Glass

On Tuesday, January 16th, **SB 396** by Senator Dorothy Hukill (R-Port Orange) was heard before the Senate Committee on Banking and Insurance, was amended and subsequently passed unanimously by a vote of 11 yeas to 0 nays.

This bill authorizes the requirement of inspection of damaged windshield for covered motor vehicle before windshield repair or replacement is authorized by insurer. The amendments that were adopted impose a 24-hour timeframe in which the windshield must be inspected, stipulate that the inspection must be done by an adjuster employed by the insurer, and state that if the windshield is "demonstrably" damaged then an inspection may not be required.

SB 396 will go on to the Senate Committee on Commerce and Tourism for its next hearing.

**AIF spoke in opposition the two amendments as they would undermine the underlying intent of the bill. However, AIF ultimately supported the amended bill to move it to the next committee in the hopes of working with the sponsor to improve the product. AIF supports authorizing proper inspections as a mechanism to reduce unnecessary and abusive claims behavior.**

## ENVIRONMENT

### NRPL2 - State Assumption of Federal Section 404 Dredge and Fill Permitting Authority

On Wednesday, January 17th, proposed committee bill **NRPL2** was sponsored and heard by the House Natural Resources and Public Lands Subcommittee and passed by a vote of 14 yeas to 0 nays. **AIF stood in support of this legislation.**

This legislation would give authorization to FDEP to assume implementation of the federal dredge and fill permits.

NRPL2 has now been filed as [HB 7043](#) and currently has no committees of reference.

**AIF supports the state assumption of the 404 program which will help create a more efficient and predictable process for businesses to navigate the wetland permitting process in a timely manner.**