



# WEEKLY UPDATE

For the 2018 Legislative Session

**From the Week of January 22 - 26, 2018**

View the Weekly Legislative Update Video at <https://youtu.be/m2SzikbpJuo>

## **CONSTITUTION REVISION COMMISSION (CRC)**

### **Proposal 95- Relating to Local Governments**

On Friday, January 26th, Proposal 95 (proposal) by Commissioner Tom Lee was presented to the CRC Local Governments Committee (committee). The committee moved to temporarily postpone the proposal to give the sponsor time to address the concerns of both the committee members and constituents engaged in this issue. **AIF was present during the meeting to support the proposal.**

Proposal 95 creates a constitutional prohibition against any county, municipality, or special district's regulation of any type of commerce, trade, or labor, unless such regulation is operated exclusively within the respective entity's own boundaries and in a manner not prohibited by law. Additionally, the Proposal states any regulation enacted by a county, municipality, or special district from intruding upon, or impeding, commerce, trade, or labor cannot cross the respective entity's boundaries.

**AIF supports this proposal and believes it will help protect Florida's job creators by reducing burdensome regulations that can impede a company's ability to start or grow.**

### **Proposal 97-Relating to Amendment or Revision Election**

On Friday, January 26th, Proposal 97 (proposal) by Commissioner Belinda Keiser was presented to the CRC Ethics and Elections Committee (committee). The committee voted favorably on this proposal. **AIF stood in support during the committee hearing.**

Proposal 97 requires that any proposed amendment to or revision of the Florida Constitution be approved by no fewer than 60 percent of voters voting in the election rather than 60 percent of the voters voting on the measure.

**AIF supports this requirement as it indicates that voters are aware of, educated about, and supportive of any proposal before it is added to the constitution.**

## ENVIRONMENT

### **SB 1402 -State Assumption of Federal Section 404 Dredge and Fill Permitting Authority**

On Monday, January 22nd, SB 1402 by Senator David Simmons (R-Longwood) was heard before the Senate Committee on Environmental Preservation and Conservation and passed by a vote of 10 yeas to 0 nays. **AIF stood in support of this legislation.**

This legislation would give authorization to the Florida Department of Environmental Protection to assume implementation of the federal dredge and fill permits.

SB 1402 will go on to its next committee stop in the Senate Appropriations Subcommittee on the Environment and Natural Resources.

**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.**

## TRANSPORTATION

### **HB 353 & SB 712-Relating to Autonomous Vehicles**

On Monday, January 22<sup>nd</sup>, HB 353, by Rep. Jason Fischer (R-Jacksonville) was heard by the House Appropriations Committee and passed by a vote of 20 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 25th, SB 712, by Senator Jeff Brandes (R-St. Petersburg) was heard before the Senate Committee on Transportation and passed unanimously by a vote of 7 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

These bills authorize the use of vehicles in autonomous mode in the state. The autonomous technology would be considered the human operator of the motor vehicle and provides that various provisions of law regarding motor vehicles such as rendering aid in the event of a crash do not apply to vehicles in autonomous mode where a human operator is not physically present as long as the vehicle owner promptly contacts law enforcement. The bill also addresses the applicability of laws regarding unattended motor vehicles and passenger restraint requirements as they relate to vehicles operating in autonomous mode where a human operator is not physically present in the vehicle.

HB 353 will now move on to the House Government Accountability Committee to be heard.

SB 712 will now move on to the Senate Committee on Banking and Insurance to be heard.

**AIF SUPPORTS legislation that modernizes state law to accommodate for self-driving technologies and open the door for safe, reliable modes of autonomous vehicles in a competitive marketplace.**

## HEALTH CARE

### HB 21-Relating to Controlled Substances

On Monday, January 22nd, HB 21, by Representative Jim Boyd (R-Bradenton) was heard before the House Appropriations Committee and passed by a vote of 19 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. The bill 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 Health and Human Services Committee to be heard.

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

### SB 162-Relating to Payment of Healthcare Claims

On Tuesday, January 23rd, SB 162, by Senator Greg Steube (R-Sarasota) was heard before the Senate Committee on Health Policy and passed by a vote of 8 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this bill.**

This bill prohibits health insurers and health maintenance organizations (HMOs) from retroactively denying a claim at any time if the insurer or HMO verified the eligibility of an insured or subscriber at the time of treatment and provided an authorization number, regardless of if the insured has paid their premiums prior to that claim rendering them ineligible for coverage.

SB 162 will go on to the Senate Committee on Rules for its next hearing.

**AIF opposes legislation requiring insurers to pay claims for all people, even those that have not paid their premiums because it would raise costs on employers who would be required to pay health care expenses of people who are no longer employees, and consumers would bear the burden of paying the high costs of fraud, waste and abuse that would occur in the system.**

## **INFORMATION TECHNOLOGY**

### **GOT1-Relating to Information Technology**

On Tuesday, January 23rd, GOT1 both sponsored and heard by the House Government Operations and Technology Appropriations Subcommittee, passed by a vote of 13 yeas to 0 nays. **AIF stood in support of this legislation.**

This bill implements a “cloud first” policy for the state, requiring each state agency to first consider cloud computing solutions when sourcing their technology. The bill also moves part of the financial management responsibility of the Agency for State Technology to the Department of Management Services and designates the Department of Environmental Protection as the state coordinating agency for Geographic Information Systems. Further, the bill increases the minimum qualification requirements for the State Chief Information Officer position which would be effective in 2019.

GOT1 has now been filed as HB 5201 and will be heard before the House Appropriations Committee.

**AIF supports the adoption and implementation of a formal cloud-first strategy, resulting in more efficient and effective IT solutions for Florida.**

## **LEGAL & JUDICIAL**

### **SB 90 & HB 33-Relating to Use of Wireless Communications Devices While Driving**

On Tuesday, January 23rd, SB 90 by Senator Keith Perry (R-Gainesville) was heard by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development and passed by a vote of 8 yeas to 2 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Thursday, January 25th, HB 33, by Representative Jackie Toledo (R-Tampa) and Representative Emily Slosberg (D-Delray Beach) was heard by the House Judiciary Committee and passed by a vote of 17 yeas to 1 nay. **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.

SB 90 will go on to the full Senate Committee on Appropriations for its next hearing.

HB 33 will go on to the House Government Accountability Committee 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 1412-Relating to Office of the Judges of Compensation Claims**

On Thursday, January 25th, SB 1412 by Senator David Simmons (R-Longwood) was heard before the Senate Committee on Judiciary and passed by a vote of 9 yeas to 0 nays. **AIF stood in support of this bill.**

This bill increases the initial term of judges of compensation claims to 6 years, which is 2 more than under current law, and provides that they "shall receive a salary equal to that of a county court judge."

SB 1412 will go on to the Senate Appropriations Subcommittee on General Government to be heard.

**AIF supports legislation that increases the salary of judges of compensation claims, in order to attract the talent that is needed to handle the increasing amount of claims files due to the court rulings on workers' compensation.**

### **HB 623-Relating to Grounds for Nonrecognition or Out-of-Country Foreign Judgments**

On Thursday, January 25th, HB 623, by Representative Cord Byrd (R-Jacksonville) read for a third time on the House floor and passed unanimously by a vote of 107 yeas to 0 nays.

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.

This bill 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.

HB 623 will go on to the Senate 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.**

## **ECONOMIC DEVELOPMENT**

On Tuesday, January 23rd, SB 1224 by Senator Rob Bradley (R-Orange Park) was heard before the Senate Committee on Regulated Industries and passed by a vote of 8 yeas to 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Currently, vendors must purchase beer or malt beverage branded glassware from distributors for use in their establishments. This legislation allows for retailers to accept malt or beer beverage branded glassware from a distributor at no cost. The bill stipulates that the distributor may give no more than 10 cases (that include up to 24 pieces per case), per brand, per calendar year.

SB 1224 will go on to be heard in the Senate Committee on Commerce and Tourism.

**AIF SUPPORTS legislation that will reduce costs on Florida's businesses by allowing distributors to provide vendors, at no cost, glassware to use in their establishments.**

## **INSURANCE**

### **HB 97-Relating to Florida Catastrophe Fund (fund)**

On Tuesday, January 23rd, HB 97 by Representative David Santiago (R-Deltona) was heard before the House Insurance and Banking Subcommittee and passed by a vote of 9 yeas to 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

This bill revises the reimbursements the Florida Hurricane Catastrophe (CAT) Fund must make to insurers and decreases the cash build-up factor. Several members of the committee expressed concerns about the bill, particularly with regards to hurricane seasons containing multiple disastrous storms and the risk of assessments on all Florida insurance policyholders.

HB 97 will go on to the House Appropriations Committee for its next hearing.

**AIF opposes this legislation as it risks depleting the cash build-up of the fund, making it more likely that Floridians and business owners could see another "hurricane tax" in the future.**

### **SB 1168-Relating to Insurance**

On Tuesday, January 23rd, SB 1168 by Senator Greg Steube (R-Sarasota) was heard before the Senate Committee on Banking and Insurance and passed by a vote of 7 yeas to 3 nays.

This bill provides that certain attorney fees and costs paid by property insurers may not be included in the property insurer's rate base and may not be used to justify a rate increase or rate change. The bill also provides that personal lines residential and commercial residential property insurance policies may

not restrict the assignment of post-loss benefits, and further provides that an agreement to assign post-loss benefits of a residential homeowner's property insurance is not valid unless specified conditions are met, etc.

An amendment offered by Senator Doug Broxson (R-Pensacola) had the intent of fixing the biggest issue regarding assignment of benefits and reinforced that the one-way attorney fee statute was meant for policyholder. AIF and much of the business community spoke in support of this amendment, however it ultimately failed.

SB 1168 will go on to its next committee stop in the Senate Committee on Judiciary to be heard.

**AIF opposes legislation that does not adequately protect consumers against the abuses of one-way attorney fees, which is the only way to truly fix the assignment of benefits problem.**

## CONSUMER PROTECTION

### **SB 664-Relating to Salvage of Pleasure Vessels**

On Thursday, January 25th, SB 664, by Senator Dana Young (R-Tampa) was heard before the Senate Committee on Transportation and passed by a vote of 5 yeas to 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke 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. During this committee stop, an amendment offered by the sponsor, was adopted to change the requirement that salvors must provide a customer or potential customer with a written work estimate for services, to requiring the salvor to provide a verbal and written notice that the service is not covered by their towing contract.

SB 664 will move on to its next hearing in the Senate Committee on Rules.

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

## TAXATION

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

On Thursday, January 25th, **HJR 7001**, by Representative Tom Leek (R-Daytona Beach) was read for a third time on the House floor and passed by a vote of 80 yeas to 29 nays.

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 will go to the Senate floor for consideration.

**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.**