



WEEKLY UPDATE

For the 2018 Legislative Session

From the Week of January 29 – February 2, 2018

View the Weekly Legislative Update Video at <https://youtu.be/Kp6c7zTAH8o>

CONSTITUTION REVISION COMMISSION (CRC)

Proposal 91-Relating to Natural Resources and Scenic Beauty

On Wednesday, January 31st, Proposal 91 by Commissioner Jacqui Thurlow-Lippisch was presented to the CRC Declaration of Rights Committee and was reported favorably. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this proposal.**

Proposal 91 prohibits oil and gas drilling for exploration or extraction in and beneath all state waters which have not been alienated and that lie between the mean high-water line and the outermost boundaries of the state's territorial seas.

AIF does not believe this issue belongs in the state constitution as it is already within state law. AIF opposes this proposal due to the impacts it could have on the use of Florida's natural resources that citizens rely on every day.

Proposal 99-Relating to Patients' Right to Know

On Wednesday, January 31st, Proposal 99 by Commissioner Timothy Cerio was presented to the CRC Declaration of Rights Committee and was reported unfavorably. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this proposal.**

The proposal amends Article X, Section 25 to specifying that a patients' right to know about adverse medical incidents does not revoke attorney-client privilege or work-product doctrine available under law. The proposal also provides that a health care facility or health care provider that violates the requirements of Article X, Section 25 may be subject to administrative discipline as provided by law.

AIF supports this proposal that would strike a crucial balance between interests and preserve the original intent of a patients right to know.

ECONOMIC DEVELOPMENT

SB 324-Relating to Impact Fees

On Monday, January 29th, SB 324 by Senator Dana Young (R-Tampa) was heard before the Senate Committee on Finance and Tax and passed by a vote of 6 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of the bill as amended.**

The bill provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum, specify that the impact fee be collected no earlier than the issuance of the building permit for the property that is subject to the fee.

Impact fees are enacted by local ordinance that were created to pay the cost of additional infrastructure necessitated by new development. AIF supported an amendment offered by Senator Keith Perry (R-Gainesville) that was adopted and relates to the sector planning process. The amendment makes clear that if a governmental entity wishes to impose a condition on a development order which implements a sector plan--such as the contribution of land/right of way, extension of public utilities, construction of parks, etc. - then the government must have ordinances in place to treat developments outside of sector plans in a similar fashion, and sets a time standard for local governments to process and act upon applications for implementing a sector plan.

SB 324 will go on to the Senate Committee on Appropriations to be heard.

AIF supports legislation that ensures the same protections to sector plans against demanding payment or construction of facilities beyond those needed to service the development.

SB 1224 & HB 961- Relating to Beverage Law

On Monday, January 29th, SB 1224 by Senator Rob Bradley (R-Orange Park) was heard before the Senate Committee on Commerce and Tourism 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 support of this bill.**

On Tuesday, January 30th, HB 961 by Representative Joe Gruters (R- Sarasota) was heard before the House Careers and Competition Subcommittee and passed by a vote of 8 yeas to 7 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 Senate 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, while the House bill allows for 15 cases total per year.

SB 1224 will go on to be heard in the Senate Committee on Appropriations.

HB 961 will go on to be heard in the House Commerce Committee.

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.

SB 170-Relating to Rural Economic Development Initiative

On Tuesday, January 30th, SB 170, by Senator Denise Grimsley (R-Lake Placid) was heard by the Senate Committee on Government Oversight and Accountability and passed by a vote of 5 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 Rules to be heard.

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

TAXATION

SB 1742-Relating to Supermajority Vote Required to Increase State Tax Revenues by Increasing Taxes

On Monday, January 29th, SB 1742 by Senator Kelli Stargel (R-Lakeland) was heard before the Senate Committee on Finance and Tax and passed by a vote of 4 yeas to 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This bill proposes an amendment to the State Constitution to require a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature.

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 specifically authorized by law for that purpose.

SB 1742 will go on to the Senate Committee on Appropriations for its next hearing.

AIF supports legislation that would make it more difficult to raise taxes, leaving more money in the pockets of Florida's families and business.

CONSUMER SERVICES

HB 971-Relating to Interruption of Services

On Monday, January 29th, HB 971 by Representative Randy Fine (R-Palm Bay) was heard by the House Energy and Utilities Subcommittee and passed by a vote of 9 yeas to 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition of this bill.**

This bill aims to prohibit certain service providers from charging customers for services that have been interrupted or not timely provided. The bill would require these service providers to pro-rate customers bills to reflect the dates the customer did not receive said services.

HB 971 will go on to the House Commerce Committee to be heard.

AIF opposes this legislation that provides for unnecessary government regulation and intrusion on an industry that must follow many of these provision in federal law.

CONSUMER PROTECTION

SB 920-Relating to Deferred Presentment Transactions

On Monday, January 29th, SB 920, by Senator Rob Bradley (R-Orange Park) was heard by the Senate Committee on Commerce and Tourism and passed by a vote of 7 yeas to 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

The bill authorizes 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 Rules 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.

INSURANCE

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

On Monday, January 29th, SB 396 by Senator Dorothy Hukill (R-Port Orange) was heard before the Senate Committee on Commerce and Tourism, was amended and subsequently passed by a vote of 7 yeas to 1 nay.

The sponsor of the bill offered a strike all amendment that removes the inspection language and replaces it with anti-inducement language for auto glass repairs covered by insurance. The bill was temporarily postponed at the beginning of the meeting due to a point of order. With five minutes left of the committee meeting, SB 396 was brought back up and passed with no time for public testimony.

SB 396 will go on to the Senate Committee on Rules for its next hearing.

AIF supports all efforts to curtail assignment of benefit abuse in order to reduce unnecessary costs on policyholders.

PROPERTY RIGHTS

HB 691-Relating to Self-Storage Facilities

On Tuesday, January 30th, HB 691 by Representative George Moraitis (R-Fort Lauderdale) was heard before the House Civil Justice and Claims Subcommittee and passed narrowly by a vote of 8 yeas to 7 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

View Brewster Bevis's testimony at https://youtu.be/HFVY2_PAFoU

The "Self-Storage Facility Act" (act) regulates self-service storage facilities, which are designed and used for the purpose of renting individual storage space to tenants for the purpose of storing personal property. HB 691 revises the regulations of this act and allows an advertisement for sale to be published continuously for 14 days on a public website that customarily conducts personal property auctions as an alternative to publishing once a week for consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility is located.

The bill also removes the requirement for the owner, when there is no newspaper of general circulation, to post the advertisement at least 10 days before the sale in at least three conspicuous places in the neighborhood where the self-service storage facility is located.

HB 691 will go on to be heard in the House Careers and Competition Subcommittee.

AIF opposes this legislation as it removes the requirement that public notices be printed in local newspapers as defined by Chapter 50 of Florida Statutes.

HEALTH CARE

HB 1369-Relating to Long-Term Care Facility Responsibility

On Tuesday, January 30th, HB 1369 by Representative Amber Mariano (R-North Port Richey) was heard before the House Civil Justice and Claims Subcommittee and passed by a vote of 9 yeas to 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this bill.**

HB 1369 addresses several provisions related to claims and lawsuits against nursing homes and assisted living facilities, to include:

- Decreasing the amount of funding that is used to support the Quality of Long-Term Care Facility Improvement Fund (fund) by changing the amount awarded from punitive damages be split equally between the fund and the claimant, to 10 percent of the award be paid to the fund.
- Requiring nursing center to carry minimum of \$2 million liability insurance policies and a yearly aggregate limit of \$4 million. If this requirement is not met the state can revoke a nursing center's license.

HB 1369 will go on to the House Health Care Appropriations Subcommittee to be heard.

AIF opposes this legislation that promotes costly lawsuits and diminishes resources for nursing centers and assisted living facilities resident care.

SB 280-Relating to Telehealth

On Tuesday, January 30th, SB 280 by Senator Aaron Bean (R-Jacksonville) was heard before the Senate Committee on Health Policy and passed unanimously by a vote of 8 yeas to 0 nays. **AIF 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 Appropriations Subcommittee on Health and Human Services 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.

HB 217 & SB 162-Relating to Payment of Healthcare Claims

On Tuesday, January 30th, HB 217, by Representative Bill Hager (R-Boca Raton) was heard before the House Health Innovation Subcommittee and passed. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this bill.**

View Brewster Bevis's testimony at <https://youtu.be/yTCI79xtDZI>

On Thursday, February 1st, SB 162, by Senator Greg Steube (R-Sarasota) was heard before the Senate Committee on Rules and passed by a vote of 12 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this bill.**

These bills prohibit health insurers and health maintenance organizations (HMOs) from retroactively denying a claim 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. The House version specifies that the claim cannot be retroactively denied during the relevant grace period, while the Senate version states that the claim cannot be retroactively denied at any time.

HB 217 will go on to the House Appropriations Committee for its next hearing.

SB 162 will go on to the Senate floor for consideration.

AIF opposes legislation removing insurers ability to retroactively deny claims, even those that have not paid their premiums. This legislation 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.

SB 98-Relating to Health Insurer Authorization

On Wednesday, January 31st, SB 98, by Senator Greg Steube (R-Sarasota) was read for a third time on the Senate floor and passed by a vote of 37 yeas to 0 nays.

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 House floor for consideration.

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.

LEGAL & JUDICIAL

HB 775-Relating to Beverage Law

On Tuesday, January 30th, HB 775, by Representative Mike La Rosa (R-Saint Cloud), was heard before the House Careers and Competition Subcommittee and passed by a vote of 13 yeas to 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 financial transactions between a vendor and a manufacturer from all tied evil house prohibitions if the following conditions are met:

- The agreement is negotiated at arm's length for no more than fair market value;
- The vendor operates places of business where consumption on the premises is permitted, which premises are located within a theme park complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually through a controlled entrance to and exit;
- The agreement does not involve the sale or distribution of malt beverages;
- The vendor does not give preferential treatment to the alcoholic beverage brand(s) of the manufacturer or importer;
- The agreement does not limit, directly or indirectly, the sale of alcoholic beverages of another manufacturer, importer or distributor;
- A distributor does not, directly or indirectly, pay any portion of the agreement; and
- Within 10 days after execution of the agreement, the vendor files a description of the written agreement for brand naming rights which includes the location, dates, and the name of the manufacturer or importer that entered into the agreement.

HB 775 will go to the House Commerce Committee to be heard.

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

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

On Thursday, February 1st, SB 760, by Senator Aaron Bean (R-Jacksonville) was heard before the Senate Committee Rules, and unanimously passed by a vote of 12 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.

The 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.

SB 760 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.

HB 33- Relating to Texting while Driving

On Thursday, February 1st, 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 20 yeas to 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. The main goal of this legislation is to eliminate a component that contributes to distracted driving on Florida's roadways.

HB 33 will go on to the House floor for consideration.

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

INFORMATION TECHNOLOGY

5201-Relating to Information Technology

On Wednesday, January 31st, HB 5201 sponsored by the House Government Operations and Technology Appropriations Subcommittee and Representative Blaise Ingoglia (R-Spring Hill) was heard before the House Appropriations Committee and passed by a vote of 27 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, 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.

HB 5201 will go on to the House floor for consideration.

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