



# WEEKLY UPDATE

For the 2018 Legislative Session

## From the Week of February 26 - March 2, 2018

### LEGAL & JUDICIAL

#### HB 775 & SB 822-Relating to Beverage Law

On Monday, February 26th, HB 775, by Representative Mike La Rosa (R-Saint Cloud), was heard before the House Commerce Committee and passed by a vote of 26 yeas to 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

On Thursday, March 1st, SB 822 by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Committee on Rules and passed by a vote of 12 yeas to 0 yeas. **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 floor for consideration.

SB 822 will move on to the Senate floor for consideration.

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

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

On Tuesday, February 27th, SB 760 by Senator Aaron Bean (R-Jacksonville) was laid on the table and substituted with HB 623, by Representative Cord Byrd (R-Jacksonville). HB 623 was read for a third time on the Senate floor and passed unanimously by a vote of 36 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 desk of the Governor.

**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, March 1st, HB 33, by Representative Jackie Toledo (R-Tampa) and Representative Emily Slosberg (D-Delray Beach) was read for a third time on the House floor and passed by a vote of 112 yeas to 2 nays.

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 is now in Senate messages.

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

## **ECONOMIC DEVELOPMENT**

### **SB 324 - Relating to Impact Fees**

On Tuesday, February 27th, SB 324 by Senator Dana Young (R-Tampa) was heard before the Senate Committee on Appropriations and passed by a vote of 19 yeas to 1 nay.

During this committee stop, amendment 532634, offered by Senator Aaron Bean (R-Jacksonville) was adopted. This amendment strips the language in the bill relating to sector plans, providing that sector plans be treated in a similar fashion to other development projects when implementing impact fees. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition this amendment.**

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.

SB 324 will go on to the Senate floor 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.**

### **HB 697 - Relating to Impact Fees**

On Wednesday, February 28th, HB 697 by Representative Mike Miller (R- Orlando) was read for a second time on the House floor.

An amendment, 403787; that threatened to strip language in the bill relating to sector plans, providing that sector plans be treated in a similar fashion to other development projects when implementing impact fees offered by Representative Cord Byrd (R-Jacksonville) was defeated.

HB 697 was rolled to third reading.

On Thursday, the bill was read for a third time on the House floor, amended and passed by a vote of 108 yeas to 5 nays.

An amendment, 271065; offered by the sponsor was adopted. This amendment was a compromise between stakeholders that kept the 30-day time frame for a local government has to determine what

might be deficient in the development plan and another 60-days to approve a development plan once the application for approval has been received. **AIF is in support of this amendment.**

HB 697 is now in Senate messages.

**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.**

### **HB 961-Relating to Beverage Law**

On Thursday, March 1st, HB 961 by Representative Joe Gruters (R- Sarasota) was read for a third time on the House floor and passed by a vote of 101 yeas to 13 nays.

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 wholesaler at no cost. Both bills were amended during their respective committee stops to change the amount of branded glassware a distributor may give to no more than 10 cases per calendar year.

HB 961 is now in Senate messages.

**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.**

## **TAXATION**

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

On Tuesday, February 27th, HJR 7001, by Representative Tom Leek (R-Daytona Beach) was heard by the Senate Committee on Appropriations and passed. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

HJR 7001 was amended during its previous committee stop in the Senate Appropriations Subcommittee on Finance and Tax to reflect the provision of the Senate version of the bill. HJR 7001 proposes an amendment to the State Constitution requiring any 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.

HJR 7001 will go on to the Senate floor for consideration.

**AIF supports this legislation requiring three-fifths 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.**

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

On Friday, March 2nd, SB 620, by Senator Kathleen Passidomo (R-Naples) was heard by the Senate Committee on Appropriations was amended and passed by a vote of 18 yeas to 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill and the amendment offered by Senator Kelli Stargel (R-Lakeland).**

During committee the amendment adopted, 177326, was a strike all amendment that implemented the Senate tax package language into the bill. The bill provides for a wide range of tax reductions designed to directly impact both families and businesses. The total impact for the fiscal year of 2018 and 2019 is \$148 million in reductions.

The bill contains several provisions related to sales tax that include priorities important to AIF and its members. Specifically, it includes:

- Tax rate reduction for tax on commercial rentals (business rent tax) from 5.8% to 5.7%.
- New, extended, or expanded sales tax exemptions for:
  - Certain generators for nursing homes and assisted living facilities;
  - Certain purchases of agriculture related fencing materials and building materials for repair of storm damage from Hurricane Irma
- Two seven-day “disaster preparedness” holiday for sales of specified items related to disaster preparedness.

SB 620 will go on to the Senate floor for consideration.

**AIF supports tax cuts for Florida’s families and businesses that aid in relief after the events of a disastrous hurricane season. AIF supports incremental reductions of the business rent tax to make Florida more attractive to business.**

## **CONSUMER PROTECTION**

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

On Tuesday, February 27th, HB 469, by Representative Shawn Harrison (R-Tampa) was heard before the House Judiciary Committee and passed by a vote of 20 yeas to 1 nay. **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. To provide protections, the salvor is required to provide a verbal and written notice that the service is not covered by their towing contract, that federal law will apply and that the cost of the salvage could cost up to the value of the vessel.

HB 469 will move on to the House floor for consideration.

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

### **SB 920-Relating to Deferred Presentment Transactions**

On Thursday, March 1st, SB 920, by Senator Rob Bradley (R-Orange Park) was heard by the Senate Committee on Rules and passed by a vote of 11 yeas to 2 nays. **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. A deferred presentment installment transaction must be fully amortizing (the balance due will be entirely paid after the last payment is made) and repayable in consecutive installments, which must be as equal as mathematically practicable. The term of a deferred presentment installment transaction may not be less than 60 days or more than 90 days and the time between installment payments must be at least 13 days but not greater than 1 calendar month.

The maximum face amount of a check taken for a deferred presentment installment transaction may not exceed \$1,000, exclusive of fees. The maximum fees that may be charged on a deferred presentment installment transaction are 8 percent of the outstanding transaction balance on a biweekly basis. The bill retains current law in s. 560.404(19), F.S., prohibiting a provider from entering into a deferred presentment transaction with any person who has an outstanding deferred presentment transaction or whose previous transaction has been terminated for less than 24 hours.

SB 920 will go on to the Senate floor for consideration.

**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 150-Relating to Motor Vehicle Insurance**

On Wednesday, February 28th, SB 150 by Senator Tom Lee (R-Brandon) was heard before the Senate Appropriations Subcommittee on Health and Human Services and ultimately temporarily postponed. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to the bill.**

This legislation repeals the Florida Motor Vehicle No-Fault Law (No-Fault Law), which requires every owner and registrant of a motor vehicle in this state to maintain \$10,000 Personal Injury Protection (PIP) coverage. The bill enacts financial responsibility requirements for damages for liability that results from accidents arising out of the ownership, maintenance, or use of a motor vehicle in the amount of:

- Beginning January 1, 2019, through December 31, 2020, \$20,000 for bodily injury (BI) or death of one person in any one crash, and subject to that limit for one person, \$40,000 for bodily injury or death of two or more people in any one crash.
- Beginning January 1, 2021, through December 31, 2022, \$25,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$50,000 for bodily injury or death of two or more people in any one crash.
- Beginning January 1, 2023, and thereafter \$30,000 for bodily injury or death of one person in any one crash, and subject to that limit for one person, \$60,000 for bodily injury or death of two or more people in any one crash.
- The bill retains the \$10,000 financial responsibility requirement for property damage and replaces the PIP coverage mandate with a medical payment (Med Pay) coverage mandate of \$5,000.

During the committee hearing, a plethora of amendments were heard. Some amendments offered aimed to increase the Med Pay coverage to \$15,000 while others aimed to remove the Med Pay component all together. Ultimately, the only amendment that passed was offered by the bill sponsor and added in an appropriation provision to account for repealing the No-Fault Law and switching to a tort system.

At the end of the committee meeting a vote was taken and the bill failed by a 1-6 vote. The Chair motioned to reconsider the bill and then subsequently temporarily postponed the bill which retains SB 150 on the Senate Appropriations Subcommittee on Health and Human Services calendar.

**AIF opposes this legislation that would result in the repeal of PIP without a more comprehensive and thoughtful replacement.**

## REGULATION

### HB 1033-Relating to Bicycle Sharing

On Thursday, March 1st, HB 1033 by Representative Jackie Toledo (R-Tampa) was read for a third time on the House floor and passed by a vote of 114 yeas to 0 nays.

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 and docked 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 has been received in Senate messages and referred to the Senate Committee on Banking and Insurance, Senate Committee on Community Affairs, and the Senate Committee on Rules for consideration.

**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

### HB 21-Relating to Controlled Substances

On Thursday, March 1st, HB 21 by Representative Jim Boyd (R-Bradenton) was read for a third time on the House floor and passed by a vote of 114 yeas to 0 nays.

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 has been received by the Senate and referred to the Senate Committee on Health Policy, the Senate Committee on Appropriations and the Senate Committee on Rules for consideration.

**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 280-Relating to Telehealth

On Friday, March 2nd, SB 280 by Senator Aaron Bean (R-Jacksonville) was read for a third time on the Senate floor and passed by a vote of 36 yeas to 0 nays.

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 House for consideration.

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