



# DAILY BRIEF

For the 2019 Legislative Session

**From March 25, 2019**

## **LEGAL & JUDICIAL**

### **HB 57 – Relating to Percentage of Elector Votes Required to Approve an Amendment or a Revision**

On Monday, March 25, **HB 57** by Representative Rick Roth (R-Palm Beach Gardens) was heard in the House Civil Justice Subcommittee and was reported favorably with 10 yeas and 5 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill changes the vote threshold for amendments and revisions to Florida’s constitution from the current 60% of elector votes to 66 and 2/3%.

HB 57 will now move to the House State Affairs Committee.

**AIF supports the measures contained in this bill to prevent interest groups’ circumvention of the legislature in revising Florida’s constitution.**

### **SB 76 – Relating to Distracted While Driving**

On Monday, March 25, **SB 76** by Senator Wilton Simpson (R-Spring Hill) was heard before the Senate Judiciary Committee and was reported favorably with 5 yeas and 1 nay. **AIF 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 rename the “Florida Ban on Texting While Driving Law” to the “Florida Driving While Distracted Law.” This bill would change the current enforcement from a secondary offense to a primary offense for all distracted driving and handheld use of wireless communication devices, not just texting and emailing, allowing law enforcement officers to

stop a vehicle solely for driving while distracted. The main goal of this legislation is to eliminate a component that contributes to distracted driving on Florida's roadways.

SB 76 will now move to the Senate Rules Committee.

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

### **SB 772 – Relating to Liens Against Motor Vehicles and Vessels**

On Monday, March 25, **SB 772** by Senator Kelli Stargel (R-Lakeland) was heard in the Senate Banking and Insurance Committee and was reported favorably with 8 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently, towing companies and auto repair shops, among others, may impose a lien on automobiles for towing and storage charges, as well as unpaid repair costs. The current statute requires the lienor to give the auto owner and all parties that have a financial interest in the auto notice of the lien and the public sale of the auto to cover paying off the lien.

Unfortunately, some "bad actors" in Florida have been abusing our current system by:

- Manipulating the time period for sending the notice of lien and notice of sale to eliminate the owner or finance company's ability to pay the charges and recover the auto;
- Sending empty envelopes to the entity that has lien on the auto for providing the financing of the auto;
- Imposing very high administrative fees for perfecting the lien and enforcing the lien;
- Adding unreasonable or fraudulent charges to the towing or repair bill to justify the sale of the auto and keeping all proceeds of the sale.

SB 772 will now move to the Senate Judiciary Committee.

**AIF supports legislation designed to curtail bad actor companies taking advantage of current Florida lien laws for personal gain.**

### **HB 1153 – Relating to Biometric Information Privacy**

On Monday, March 25, **HB 1153** by Representative Bobby DuBose (D-Fort Lauderdale) was heard in the House Civil Justice Subcommittee and was reported favorably with 14 yeas and 1

day. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

"Biometric data" is a term for a measurable biological and behavioral characteristic that can be used for automatic recognition, such as fingerprints. This bill requires that a private entity:

- In possession of biometric data (defined as retina or iris scan, fingerprint, voiceprint, or scan of hand or face geometry) have a written policy establishing a retention schedule and guidelines for permanently destroying such data.
- May not collect, capture, purchase, receive through trade, or otherwise obtain biometric data unless it informs the subject that the data is being stored and the manner of storage, and receives a written release from the subject.
- May not profit from a person's biometric data.
- May not disseminate a person's biometric data unless the subject consents, is authorized by the subject, or is required by law or a valid warrant or subpoena.
- Must store, transmit, and protect biometric data with a reasonable standard of care and in a manner as or more protective as other confidential and sensitive information.

HB 1153 will now move to the House Commerce Committee.

**AIF does not believe the Florida legislature currently knows enough about what Florida businesses use biometric information for and how they gather and store it, to properly formulate legislative language dealing with it. AIF and our members recommend putting together a task force to look into this area before addressing it legislatively.**

## **INSURANCE**

### **HB 1113 – Relating to Health Insurance Savings Program**

On Monday, March 25, **HB 1113** by Representative Paul Renner (R-Palm Coast) was heard in the House Health and Human Services Committee and was reported favorably with 14 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill creates the Patient Savings Act, which allows health insurers to create a voluntary shared savings incentive program to encourage insured individuals to shop for high quality, lower cost health care services. The bill directs health insurers who choose to offer the program to develop a website outlining the range of shoppable health care services available to insureds. This website must provide insureds with an inventory of participating health care providers and an accounting of the shared savings incentives available for each shoppable service. When an insured obtains a shoppable health care service for less than the average

price for the service, the bill requires the savings to be shared by the health insurer and the insured. An insured is entitled to a financial incentive that is no less than 25 percent of the savings that accrue to the insurer as a result of the insured's participation.

HB 1113 will now move to the House floor.

**AIF supports legislation that provides high quality healthcare at a lower cost for all Floridians.**

## **TAXATION**

### **SB 1692 – Relating to Corporate Income Tax**

On Monday, March 25, **SB 1692** by Senator Javier Rodriguez (D-Miami) was heard in the Senate Commerce and Tourism Committee and was reported unfavorable with 2 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition of this legislation.**

Currently, corporations under a unitary business are not required to compute the total taxable income on a combined basis. Corporations that are members of an affiliated group have the choice of filing on a separate entity basis or as a consolidated group. This bill requires combined income reporting for the state's corporate income tax. Corporations that are members of a unitary business are required to file a return combining all federal income from those entities and apportion the combined income to Florida based upon a statutory formula.

**AIF opposes burdensome corporate tax increases that could hinder the growth of Florida corporations which provide jobs and economic growth to our state.**