



# DAILY BRIEF

For the 2019 Legislative Session

**From March 26, 2019**

## **TAXATION**

### **SB 1000 – Relating to Communication Services**

On Tuesday, March 26, **SB 1000** by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Community Affairs Committee and was reported favorably with 4 yeas and 1 nay. **AIF stood in support of this legislation.**

This bill reduces the state tax on general communications services from 4.92% to 3.92%, and on direct-to-home satellite services from 9.02% to 8.07%. This bill eliminates all the current provisions on local governments electing whether to require and collect permit fees and effectively freezes local government elections on collection of permit fees, providing that a municipality or county that chose to impose permit fees on or before January 1, 2019, may continue to impose such fees, while a municipality or county that did not impose permit fees as of January 1, 2019, may not impose such fees.

SB 1000 will now move to the Senate Finance and Tax Committee.

**AIF supports legislation that will both reduce the communications services tax and have a positive financial impact on Florida’s consumers, many of whom are businesses that pay for cable or satellite service.**

## **LEGAL & JUDICIAL**

### **HB 847 – Relating to Preemption of Conditions of Employment**

On Tuesday, March 26, **HB 847** by Representative Bob Rommel (R-Naples) was heard in the House Local, Federal, and Veterans Affairs 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 amends s. 218.077, F.S., regarding state preemption of conditions of employment. The bill:

- Expressly prohibits a county, city, district, or other public body created by state law from requiring an employer from paying a minimum wage other than the state or federal minimum wage or to offer other conditions of employment;
- Expressly preempts to the state the right to regulate any requirements imposed upon employers relating to a minimum wage and conditions of employment;
- Defines “conditions of employment” to include preemployment screening, job classification, job responsibilities; hours of work; scheduling and schedule changes, wages, payment of wages, leave, paid or unpaid days off for holidays, illness, vacations, and personal necessity, and employee benefits;
- Voids any ordinance, regulation, or policy currently in existence which is now preempted.

HB 847 will now move to the House Commerce Committee.

**AIF supports legislation that allows Florida businesses to adhere to state or federal wage requirements, thus eliminating onerous regulations set by municipalities.**

#### **HB 431 – Relating to Liens Against Motor Vehicles and Vessels**

On Tuesday, March 26, **HB 431** by Representative Jason Fischer (R-Jacksonville) was heard in the House Transportation & Infrastructure Subcommittee and was reported favorably with 12 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;
- 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.

HB 431 will now move to the House Judiciary Committee.

**AIF supports legislation that prevents the increase in insurance rates. When ‘bad actor’ companies take advantage of the current lien laws, insurance rates become improperly inflated and has a harmful effect on many sectors of the business community.**

## **HB 107 – Relating to Use of Wireless Communication Devices While Driving**

On Tuesday, March 26, **HB 107** by Representative Jackie Toledo (R-Tampa) was heard in the House Transportation and Infrastructure Subcommittee and was reported favorably with 13 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Florida Ban on Texting While Driving Law prohibits a person from texting, emailing, and instant messaging while driving but is considered a secondary offense, meaning law enforcement cannot stop a driver solely for texting. This bill makes the use of a wireless communication device while driving a primary offense, allowing law enforcement to stop individuals for wireless device usage while behind the wheel.

HB 107 will now move to the House Appropriations Committee.

**AIF supports legislation that addresses the issue of distracted driving that will ensure public safety for not only those transporting goods on our roadways, but for all Floridians.**

## **HB 829 – Relating to Attorney Fees and Costs**

On Tuesday, March 26, **HB 829** by Representative Anthony Sabatini (R-Clermont) was heard before the House Local, Federal and Veterans Affairs Subcommittee and was reported favorably with 11 yeas and 4 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill authorizes the payment of attorney fees and costs to a party challenging the adoption or enforcement of a local government ordinance on preemption grounds if a court finds that the subject of the ordinance has been preempted by the Constitution or State law. However, a local government may avoid liability for attorney fees and costs if the challenged ordinance is repealed or withdrawn within 21 days of either (1) receiving written notice of the claim or (2) the filing of a motion for attorney fees, whichever is earlier.

HB 829 will now move to the House Judiciary Committee.

**AIF supports legislation that holds liable local governments that attempt to violate federal or state preemptions.**

## **HB 1235- Relating to Legal Notices**

On Tuesday, March 26, **HB 1235** by Representative Randy Fine (R-Palm Bay) was heard in the House Local, Federal, and Veterans Affairs Subcommittee and was reported favorably with 10 yeas and 5 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

The Florida Constitution requires public notice be given for meetings at which official acts are to be taken or where public business is to be conducted. This bill requires each state or local government agency to publish legally required notices and advertisements on their official website. Each government agency must publish notice at least once a year in a newspaper of general circulation, a newsletter or periodical, or other publication mailed and delivered to all residents and property owners in the government's jurisdiction.

HB 1235 will now move to the House Judiciary Committee.

**AIF opposes internet-only public notice, as it eliminates the wide net that is cast by print media and the internet combined. Because webpages are present one day and gone the next, the internet is an inherently unreliable platform for critical information. As Florida is predominately a small business state, citizens and business owners must be able to access these public notices both in print and digital form.**

## **TRANSPORTATION**

### **HB 1111 – Relating to Vehicles for Rent or Lease**

On Tuesday, March 26, **HB 1111** by Representative Chris Latvala (R-Clearwater) was heard in the House Transportation and Infrastructure Subcommittee and was reported favorably with 10 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently rental car companies and car sharing services collect the rental car surcharge and sales tax from persons renting vehicles. App based car rental services called "peer to peer car sharing companies" are growing throughout the country, and AIF supports the new ways Floridians can access transportation. However, the P2P companies do not remit either tax required by the state. The proceeds from the rental car surcharge paid by consumers who rent vehicles goes to build and maintain the state's infrastructure, which is very important to Florida businesses statewide. This bill ensures the entities renting vehicles in the State of Florida play by the same "rules of the road."

HB 1111 will now move to the Transportation and Tourism Appropriations Subcommittee.

**AIF supports the proposed measures in this bill to hold all rental car services accountable, regardless of how the vehicle is accessed.**

### **HB 905 – Relating to the Department of Transportation (DOT)**

On Tuesday, March 26, **HB 905** by Representative Alex Andrade (R-Pensacola) was heard in the House Transportation and Tourism Appropriations Subcommittee and was voted favorably with 11 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill:

- Prohibits local governments from adopting standards or specifications for the permissible use of aggregates that are contrary to DOT’s standards or specifications.
- Requires any contractor desiring to bid on DOT contracts in excess of \$50 million to have satisfactorily completed certain projects prior to being eligible to bid.
- Increases the dollar threshold for certain contract claims that may go before the State Arbitration Board.

HB 905 will now move to the House State Affairs Committee.

**AIF supports legislation that streamlines DOT regulations and holds, to a high standard, contractors providing infrastructure improvements to our state.**

## **ECONOMIC DEVELOPMENT**

### **HB 739 – Relating to Rural Communities**

On Tuesday, March 26, **HB 739** by Representative Mike Hill (R-Pensacola) was heard in the House Workforce Development and Tourism Subcommittee and was reported favorably with 12 yeas and 0 nays. **AIF stood in support of this legislation.**

Florida imposes an annual tax on premiums collected by insurance companies doing business in the state. This tax applies to life, health, property and casualty, title insurance, and most other types of policies at a rate of 1.75%. This bill creates s. 288.062, F.S., the “Florida Rural Jobs and Business Recovery Act,” which offers incentives in the form of tax credits against the state insurance premium tax. The Program prohibits more than \$5 million in tax credits to be taken annually.

HB 739 will now move to the House Ways and Means Committee.

**AIF supports this bill which updates and improves Florida’s Rural Economic Development programs which allows rural communities to get assistance for economic development projects designed to create jobs and improve our rural communities.**

### **HB 73 – Relating to High School Graduation Requirements**

On Tuesday, March 26, **HB 73** by Representative Elizabeth Fetterhoff (R-DeLand) was heard in the House PreK-12 Quality Subcommittee 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.**

Current law requires financial literacy to be taught as a part of a one-half credit economics course, which falls under the three required social studies credits a student must achieve to earn a standard high school diploma. The bill increases the number of social studies credits needed to earn a standard high school diploma to three and one-half credits to include one-half-credit in financial literacy as a separate course.

HB 73 will now move to the PreK-12 Appropriations Subcommittee.

**AIF supports legislation that gives students tools to learn about relevant, and real life subjects that will prepare them for the workforce in the future.**

## **HEALTH CARE**

### **HB 831- Relating to Electronic Prescribing**

On Tuesday, March 26, **HB 831** by Representative Amber Mariano (R-Port Richey) was heard in the House Health Care Appropriations Subcommittee and was reported favorably with 9 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Electronic prescribing (e-prescribing) is a method by which an authorized health care practitioner electronically transmits a prescription to a pharmacy using a secure software system. Efforts have been made by states, as well as the federal government, to increase the use of e-prescribing software. Beginning January 1, 2020, HB 831 requires prescribers to generate and transmit all prescriptions electronically.

HB 831 will now move to the House Health and Human Services Committee.

**AIF supports legislation that provides for improved prescription accuracy, increased patient safety, reduced opportunities for fraud and abuse and reduced overall costs. Improving the overall functionality and cost will further enable Florida employers to provide health care coverage for our citizens.**

## **INSURANCE**

### **HB 1363 – Relating to Consumer Protections from Nonmedical Prescription Drug Formularies**

On Tuesday, March 26, **HB 1363** by Representative Jayer Williamson (R-Pace) was heard in the House Health Market Reform Subcommittee and was reported favorably with 13 yeas and 1 nay.

A major driver of health care costs is the rising cost of medicines. Drug companies raise the prices of both new and old medicines at will. No government body—not the Federal Trade Commission, not the Food and Drug Administration, and not the Centers for Medicare & Medicaid Services—have rules or laws that dictate or restrict the price a pharmaceutical company can set for a drug - and in most cases, there’s nothing that restricts how much a drug company can raise that price.

This bill would eliminate the only current force to counter the price increases on pharmaceuticals – the threat of losing insurance coverage, which helps push back on arbitrary price hikes. Handcuffing the negotiators who work hard to make sure drugs are affordable is bad public policy and will help make health insurance even more unaffordable.

HB 1363 will now move to the House Insurance and Banking Subcommittee.

**AIF supports the amendment that brings the bill closer inline to AIF’s position in reducing health care costs. AIF encourages the committee to continue working on the bill to reach a point where we can support it.**

## **ENVIRONMENTAL**

### **SB 816 – Relating to Environmental Regulation**

On Tuesday, March 26, **SB 816** by Senator Keith Perry (R-Gainesville) was heard in the Senate Environment and Natural Resources Committee and was reported favorably with 5 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill requires local governments to work with residential recycling collectors and material recovery facilities to reduce contamination of curbside recycling. As Florida continues to move

toward the statewide 75% recycling goal, this legislation is specifically designed to improve the capture rate of clean recyclable material.

SB 816 will now move to the Senate Community Affairs Committee.

**AIF supports legislation which will assist in achieving the statewide 75% recycling goal, providing clean and marketable recyclable material to the end user.**