



DAILY BRIEF

For the 2019 Legislative Session

From April 16, 2019

TAXATION

HB 7123 – Relating to Taxation

On Tuesday, April 16, **HB 7123**, sponsored by the House Ways and Means Committee, was heard in the House Appropriations Committee and was reported favorably with 18 yeas and 9 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill provides for several tax reductions and other tax-related modifications designed to directly impact both families and businesses. Specifically, this bill provides:

- A reduction in the tax rate for commercial property rentals from 5.7% to 5.35%,
- A three-day “back-to-school” holiday for certain clothing, school supplies, and personal computers, and
- A seven-day “disaster preparedness” holiday for specified disaster preparedness items.

Regarding property taxes, the bill includes the following:

- The timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017 would be slightly delayed in fiscal year 2019-20 to allow for the related state appropriation to be based on actual data, instead of an estimate.

HB 7173 will now move to the House floor.

AIF supports legislative actions that reduce taxes on businesses which allows further growth and employment opportunities.

SB 1112 – Relating to Taxation

On Tuesday, April 16, **SB 1112** by Senator Joe Gruters (R-Sarasota) was heard in the Senate Finance and Tax 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.**

This bill provides for several tax reductions and modifications, such as:

- Exempts specified mobile heavy equipment from ad valorem taxation;
- Reduces the state tax rate on the rental, lease, or license to use commercial real property from 5.7 percent to 4.2 percent;
- Creates a 14-day sales tax holiday for specified disaster preparedness supplies from June 1, 2019, through June 14, 2019;
- Clarifies when remote sales (mail, phone, internet, or other communication) are subject to Florida sales and use taxation;
- Provides for the taxation of sales facilitated through a marketplace provider; and
- Requires a marketplace provider to collect and remit the tax on taxable sales made by marketplace sellers.

SB 1112 will now move to the Senate Appropriations Committee.

AIF supports legislation that reduces taxes and provides Floridians with a preparedness tax exemption encouraging them to protect their assets against potential destruction.

HEALTH CARE

SB 1192- Relating to Electronic Prescribing

On Tuesday, April 16, **SB 1192** by Senator Aaron Bean (R-Jacksonville) was heard in the Senate Appropriations Subcommittee on Health and Human Services and was reported favorably with 10 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. This bill requires a prescription that is electronically generated and transmitted to contain an electronic signature from the prescribing practitioner, and requires such practitioner to, under specified conditions except in certain circumstances, exclusively transmit prescriptions electronically for medicinal drugs upon license renewal or by July 1, 2021, whichever is earlier.

SB 1192 will now move to the Senate Appropriations 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.

LEGAL & JUDICIAL

HB 829 – Relating to Attorney Fees and Costs

On Tuesday, April 16, **HB 829** by Representative Anthony Sabatini (R-Clermont) was heard in the House Judiciary Committee and was reported favorably with 12 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Florida law states that a court may impose sanctions on a party or attorney who raises a frivolous claim or defense or unreasonably delays a judicial proceeding. The court may require the culpable party or attorney to pay for the other party's attorney fees. A party can appeal a court's award or denial of sanctions; however, the appellate court must affirm the award or denial, unless the lower court abused its discretion. This bill entitles a party to attorney fees and costs if the party prevails in an action challenging a local government ordinance as preempted. However, attorney fees and costs may not be awarded if the local government withdraws or repeals the ordinance within 21 days after receiving a written claim that the ordinance is preempted or the filing of a motion seeking attorney fees and costs under the new statutory section, whichever occurs first. The bill states it is remedial and applies retroactively to cases pending or commenced on or after July 1, 2019.

HB 829 will now move to the House floor.

AIF supports legislative attorney fee reform that helps prevent onerous fees imposed on businesses post-litigation.

HB 1383 – Relating to Private Property Rights Protection

On Tuesday, April 16, **HB 1383** by Representative James Grant (R-Tampa) was heard in the House Judiciary Committee and was reported favorably with 15 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Takings Clause of the U.S. Constitution prohibits the government from depriving a person of his or her private property for public use "without just compensation." However, not every government action restricting or burdening the use of private property is an illegal taking. This bill requires a local government, when settling property rights claims, to treat similar properties in the same way. If the government settles or the owner secures a judgment declaring an inordinate burden, there is a presumption that similarly situated parcels are also inordinately burdened and entitled to equivalent settlement terms or a judicial determination of an inordinate burden. The bill also makes it easier for a private property owner to challenge a local government regulation burdening his or her property by:

- Allowing a jury to consider business damages in making its damages calculation.
- Removing a provision allowing the government to seek attorney fees and costs when a property owner unreasonably refuses a bona fide offer to settle a property claim.

HB 1383 will now move to the House floor.

AIF supports private property rights which create a prosperous business climate in Florida.