



WEEKLY UPDATE

For the 2019 Legislative Session

From April 5, 2019

HEALTH CARE

HB 831- Relating to Electronic Prescribing

On Wednesday, April 3, **HB 831** by Representative Amber Mariano (R-Port Richey) was heard in the House Health and Human Services Committee and was reported favorably with 12 yeas and 2 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, unless in the instance of technological failure.

HB 831 will now move to the House floor.

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.

TAXATION

HB 693 – Relating to Communication Services

On Tuesday, April 2, **HB 693** by Representative Jason Fischer (R-Jacksonville) was heard before the House Ways and Means Committee and was reported favorably with 14 yeas and 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill changes the way public rights-of-way (ROW) providers of communications services are governed. In particular, the bill:

- Removes the ability of local governments to charge limited permit fees for use of the ROW but grandfathers local governments who currently require such fees;
- Establishes limits on registration requirements imposed by local governments;
- Prohibits local governments from imposing requirements and charges for the placement or operation of communications facilities in the ROW by authorized providers;
- Gives providers a point of entry to suggest amendments to ROW ordinances not properly noticed;
- Specifies a timeline for permitting of all communications facilities;
- Requires that written, 60-day notice of all ROW rules and regulations be given to affected providers;
- Modifies definitions related to the permitting of small wireless facilities (SWFs);
- Prohibits local governments from prohibiting, regulating, or charging for installation, operation, and other work done on utility poles used to collocate SWFs in the ROW;
- Prohibits local governments from establishing certain requirements as a condition of permitting collocation of SWFs;
- Exempts utility poles used to support SWFs from authority rules and regulations governing the placement of utility poles in the ROW;
- Prohibits an authority from instituting any type of moratorium that would delay the issuance of permits for collocation of SWFs or the installation of utility poles used to support collocation; and
- Repeals a requirement on wireless providers to comply with certain undergrounding requirements.

HB 693 will now move to the House Commerce 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.

INSURANCE

SB 1140 – Relating to Attorney Fees and Costs

On Tuesday, April 2, **SB 1140** by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Community Affairs Committee and was reported favorably with 5 yeas and 0 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.

SB 1140 will now move to the Senate Rules Committee.

AIF supports legislation that removes onerous regulations and creates a climate in which business can grow.

HB 1113 – Relating to Health Insurance Savings Program

On Wednesday, April 3, **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 to Floridians and businesses that operate in our state.

ENERGY

HB 797 – Relating to Public Utility Storm Protection Plans

On Monday, April 1, **HB 797** by Representative Randy Fine (R-Palm Bay) was heard in the House Government Operations and Technology Appropriations Subcommittee and was reported favorably with 11 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill aims to harden Florida’s utilities grid against tropical storm and hurricane damage with proposed under-grounding of electric infrastructure. The bill would require public utility

companies (Florida Power and Light, Duke Energy Florida, Gulf Power Company, Tampa Electric Company, and the Florida Public Utilities Corporation) to submit a transmission and distribution storm protection plan to the Public Services Commission, with updates required at least every three years. Data collected after Hurricane Irma showed that underground lines suffered minimal outages during storms.

HB 797 will now move to the House Commerce Committee.

AIF supports actively seeking ways to harden our state's infrastructure and more effectively prepare for hurricanes and tropical storms to ensure that power is quickly restored.

LEGAL & JUDICIAL

HB 1161 – Relating to Malt Beverages

On Monday, April 1, **HB 1161** by Representative Spencer Roach (R-North Fort Myers) was heard before the House Government Operations and Technology Appropriations Subcommittee and was reported favorably with 12 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill creates a process for returns of malt beverages by a vendor to a distributor for an exchange of product, a refund, or a credit. A vendor may return malt beverages to a distributor if the malt beverages are a “damaged product,” an “out-of-code” product,” or an “undamaged product.” An “out-of-code product” is a malt beverage that has exceeded the manufacturer’s code date indicating the product’s freshness and availability for purchase at retail. A distributor is not required to accept a return request. A product may not be returned because it is overstocked or slow-moving or because there is only limited or seasonal demand for the product. Under the bill, a vendor may request return of undamaged product to a distributor only for exchange of product or for credit and an out-of-code product may be returned to a distributor only for an exchange of product.

HB 1161 will now move to the House Commerce Committee.

AIF supports legislative efforts to revise outdated laws that impose burdens and restrictions on any sector of the business community, including vendors and distributors of malt beverages.

SB 7096 – Relating to Constitutional Amendments

On Monday, April 1, **SB 7096**, sponsored and heard by the Senate Judiciary Committee, was reported favorably with 4 yeas and 2 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill changes the process for amending the constitution by citizen initiative by:

- Requiring petition gatherers to be Florida residents and registered with the Secretary of State;
- Disqualifying petitions collected by unregistered petition gatherers from counting toward the number of petitions required for an initiative amendment to appear on the ballot;
- Prohibiting compensation to petition-gatherers on a per-signature basis; and
- Requiring the ballot for an initiative amendment include:
 - A bold-font, capitalized statement regarding the financial impact to the state if the Financial Impact Estimating Conference determines that the measure will increase costs, decrease revenue, or have an indeterminate fiscal impact;
 - A “yes” or “no” determination by the Florida Supreme Court as to whether the policy in the amendment could instead be accomplished by the Legislature instead of through the initiative amendment; and
 - The name of the amendment’s sponsor and the percentage of contributions received by the sponsor from in-state contributors.

AIF supports legislation that adds transparency and accountability to amending the Florida constitution by citizen initiative.

HB 431 – Relating to Liens Against Motor Vehicles and Vessels

On Wednesday, April 3, **HB 431** by Representative Jason Fischer (R-Jacksonville) was heard in the House Judiciary Committee and was reported favorably with 17 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.

HB 431 will now move to the House floor.

AIF supports legislation that prevents the increase in insurance rates caused by bad actor companies taking advantage of the current lien laws.

HB 1235- Relating to Legal Notices

On Wednesday, April 3, **HB 1235** by Representative Randy Fine (R-Palm Bay) was heard in the House Judiciary Committee and was reported favorably with 11 yeas and 7 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 State Affairs 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.

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

On Thursday, April 4, **HB 107** by Representative Jackie Toledo (R-Tampa) was heard in the House State Affairs Committee and was reported favorably with 20 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 floor.

AIF supports legislation that addresses the issue of distracted driving and will ensure public safety for businesses and Floridians operating on our roadways.

TRANSPORTATION

HB 311 and SB 932 – Relating to Autonomous Vehicles

On Thursday, April 4, **HB 311** by Representative Jason Fischer (R-Jacksonville) was heard in the House State Affairs Committee and was reported favorably with 20 yeas and 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

HB 311 will now move to the House floor.

On Thursday, April 4, **SB 932** by Senator Jeff Brandes (R-St. Petersburg) was heard in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development 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.**

These bills authorize the use of vehicles in autonomous mode in the state. The autonomous technology would be considered the human operator of the motor vehicle and provides that various provisions of law regarding motor vehicles such as rendering aid in the event of a crash do not apply to vehicles in autonomous mode if the vehicle owner, or person on behalf of the owner, promptly contacts law enforcement. The bill also specifies that statutory provisions relating to unattended motor vehicles, wireless communication devices, and television receivers do not apply to autonomous vehicles (AVs) operating with the automated driving system engaged. The bills also remove the requirement for a person to possess a valid driver license to operate a fully autonomous vehicle.

SB 932 will now move to the Senate Appropriations Committee.

AIF supports modernizing state law to accommodate new technologies that open the door for safe, reliable modes of autonomous vehicles in a competitive marketplace with clear, limited government regulations. The transportation system and its continued growth and viability is critically important to businesses across the state.

SB 1044 – Relating to the Department of Transportation

On Thursday, April 4, **SB 1044** by Senator Ben Albritton (R-Bartow) was heard in the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development 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 addresses various issues relating to the Florida Department of Transportation (FDOT). Specifically, the bill:

- Requires the FDOT secretary to be a licensed professional engineer, or to hold an advanced degree in a related discipline with 5 years of relevant experience, or have ten years of relevant experience.
- Prohibits a contractor who has not satisfactorily completed two projects, each in excess of \$25 million, from bidding on FDOT contracts in excess of \$50 million.
- Prohibits a local government from adopting standards and specifications for aggregates and materials that are contrary to the FDOT's standards or specifications.

SB 1044 will now move to the Senate Appropriations Committee.

AIF supports legislation that positively reforms FDOT to provide high-quality transportation infrastructure to Floridians and businesses operating on our roadways.

ECONOMIC DEVELOPMENT

SB 298 – Relating to Rural Communities

On Thursday, April 4, **SB 298** by Senator Bill Montford (D-Quincy) 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.**

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 \$15 million in tax credits to be taken annually.

SB 298 will now move to the Senate Appropriations Committee.

AIF supports legislation that 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.