



# DAILY BRIEF

For the 2020 Legislative Session

**From February 11, 2020**

## **ENERGY**

### **SB 1464 – Relating to Underground Facility Damage Prevention and Safety**

On Tuesday, February 11, SB 1464 by Senator Anitere Flores (R-Miami) was heard by the Senate Banking and Insurance Committee and was reported favorable with 7 yeas and 0 nays. **AIF stood in support of this legislation.**

Chapter 556, F.S., is the “Underground Facility Damage Prevention and Safety Act” (Act). The stated purpose of the Act is to identify and locate underground facilities prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities. To accomplish this, the Act creates a not-for-profit corporation (Sunshine 811) to administer a free-access notification system.

The bill amends the Florida statute to:

- Expand the list of entities that may issue citations for violations to include the State Fire Marshal and local fire chiefs.
- Increase the maximum civil penalty (not exceeding \$50,000) for certain violations that involve an underground pipe or facility transporting hazardous materials;
- Require each clerk of court to submit an annual report to the State Fire Marshal listing each violation notice;
- Require the reporting of incidents that involve high-priority subsurface installations (HPSI) to the State Fire Marshal for investigation; and
- Direct Sunshine State One-Call to review complaints of alleged violations.

SB 1464 will now move to the Senate Rules Committee.

**AIF supports legislation that enhances the 811 program and penalties to curb detrimental practices which lead to damaged infrastructure that causes unnecessary service interruptions, safety issues and increasing repair costs.**

## **ENVIRONMENT**

### **HB 715 – Relating to Reclaimed Water**

On Tuesday, February 11, HB 715 by Representative Randy Maggard (R-Zephyrhills) was heard by the House Agriculture & Natural Resources Appropriations Subcommittee and was reported favorable with 7 yeas and 0 nays. **AIF stood in support of this legislation.**

The bill, which is based off the recommendations of the Potable Reuse Commission, recognizes reclaimed water as a potential source of drinking water, recognizes potable reuse water as an alternative active water supply, establishes specific water quality criteria for potable reuse, and prohibits certain utilities from discharging reuse, effluent, or reclaimed water via surface water discharges.

HB 715 will now move to the House State Affairs Committee.

**AIF supports legislation which increases Florida’s water supply by encouraging greater utilization of reclaimed water, direct and indirect potable technology, and other alternative water supplies that are both technologically and economically feasible. States with an adequate water supply will have a head start on future economic development and job creation.**

### **HB 1343 – Relating to Water Quality Improvements**

On Tuesday, February 11, HB 1343, co-sponsored by Representative Blaise Ingoglia (R-Spring Hill) and Representative Bobby Payne (R-Palatka) was heard by the House Appropriations Committee and was reported favorable with 28 yeas and 0 nays. **AIF stood in support of this legislation.**

States are required by the Clean Water Act to maintain the quality of their waters. In Florida, water quality is addressed through water quality standards, total maximum daily loads (TMDLs), basin management action plans (BMAPs), and permits.

The bill addresses water quality impacts. Specifically, the bill addresses water quality issues resulting from onsite sewage treatment and disposal systems (OSTDSs) by:

- Transferring the Onsite Sewage Program from the Department of Health to the Department of Environmental Protection (DEP);
- Requiring the departments to submit recommendations to the Governor and Legislature regarding the transfer of the Onsite Sewage Program;
- Creating an OSTDS technical advisory; and
- Requiring OSTDS remediation plans.

The bill addresses the water quality issues resulting from stormwater by:

- Requiring DEP staff training to include field inspections of stormwater structural controls;
- Requiring DEP and the water management districts to update the stormwater regulations using the most up to date science; and
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction.

The bill addresses water quality issues resulting from domestic wastewater facilities by requiring:

- Local governments to create wastewater treatment plans;
- Sanitary sewage facilities to take steps to prevent sanitary sewer overflows;
- DEP to establish real-time water quality monitoring; and
- Advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon.

The bill also creates a wastewater grant program that requires DEP to provide grants for projects that will reduce excess nutrient pollution. Additionally, the bill requires the Florida Department of Agriculture and Consumer Services to conduct inspections of producers enrolled in best management practices.

HB 1343 will now move to the House State Affairs Committee.

**AIF supports legislation that addresses the existing water quality issues as Florida's businesses and citizens alike rely on access to clean, uncontaminated water.**

## LEGAL & JUDICIAL

### HB 377 – Relating to Motor Vehicle Rentals

On Tuesday, February 11, HB 377 by Representative Chris Latvala (R-Clearwater) was heard by the House Ways & Means Committee and was reported favorable with 11 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently, rental car companies levee a daily surcharge of \$2 per day that is paid by individuals renting cars. Peer-to-peer vehicle sharing programs are typically app-based platforms where owners can list and lease their personal vehicles for a pre-determined time and rate. Presently, these car sharing services are exempt from the rental car surcharge. 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.

The bill amends current Florida statute which establishes a surcharge on the lease or rental of a motor vehicle, to extend the surcharge to peer-to-peer vehicle sharing programs. The fee amounts to \$2 per day on rentals over 24 hours and drops to \$1 for rentals of less than 24 hours. The bill also establishes operational requirements for peer-to-peer vehicle sharing programs, such as insurance requirements to prevent a lapse in insurance coverage should an accident occur.

HB 377 will now move to the House State Affairs Committee.

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

### SB 1668 – Relating to Damages

On Tuesday, February 11, SB 1668 by Senator David Simmons (R-Longwood) was heard by the Senate Health Policy Committee and was reported favorable with 5 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

A tort is a civil wrong for which the law provides a remedy. The purpose of tort law is to fairly compensate a person harmed by another person's wrongful acts, whether intentional or negligent. In a negligence action in Florida, the compensation a plaintiff recovers is reduced to the extent the plaintiff or a third party contributed to the injury.

A healthy tort liability system benefits society by compensating injured parties fairly, resolving disputes, and discouraging undesirable behavior. A flawed tort system generates exorbitant damages and unpredictability, causing:

- Increased economic costs and increased risks of doing business;
- Higher insurance premiums;
- Increased healthcare costs and declining availability of medical services; and
- Deterrence of economic development and job creation activities.

The bill requires evidence of medical expenses in personal injury claims to be based on the usual and customary charges in the community where the expenses are incurred. The bill states that the amounts paid or to be paid through any public or private health insurance coverage on behalf of the claimant are presumed to be usual and customary medical charges.

SB 1668 will now move to the Senate Banking and Insurance.

**AIF supports legislation that creates transparency and ensures accuracy in damages, thereby reducing the cost of insurance premiums for Florida businesses.**

### **SB 1794 – Relating to Constitutional Amendments Proposed by Initiative**

On Tuesday, February 11, SB 1794 by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Judiciary Committee and was reported favorable with 4 yeas and 2 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Florida Constitution is the charter of the liberties of Floridians. It may be amended only if the voters approve an amendment originating from the Legislature, the Constitution Revision Commission, the Taxation and Budget Reform Commission, a constitutional convention, or a citizen initiative.

The bill modifies several aspects of the citizen initiative process to increase transparency, strengthen the integrity of the ballot, and reduce costs for the supervisors of elections. Specifically, the bill changes the deadline for gathering signatures, the Fiscal Impact Estimating Conference (FIEC) analysis process, the ballot language requirements, and the requirements for supervisors of elections.

SB 1794 will now move to the Senate Rules Committee.

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