



DAILY BRIEF

For the 2020 Legislative Session

From February 18, 2020

HEALTH CARE

SB 714 – Relating to Testing for and Treatment of Influenza and Streptococcus

On Tuesday, February 18, SB 714 by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Health Policy Committee and was reported favorable with 6 yeas and 3 nays. **AIF stood in support of this legislation.**

Pharmacy is the third largest health profession behind nursing and medicine and the Board of Pharmacy, in conjunction with the Department of Health, regulates the practice of pharmacists and pharmacies.

The bill amends the definition of the “practice of the profession of pharmacy” to include the testing for and treatment of influenza (flu) and streptococcus (the bacteria that causes strep throat) by a pharmacist.

SB 714 will now move to the Senate Appropriations Subcommittee on Health and Human Services.

AIF supports increased access to care which keeps healthcare and insurance costs low for businesses while providing a healthy workforce.

SB 1676 – Relating to Direct Care Workers

On Tuesday, February 18, SB 1676 by Senator Ben Albritton (R-Bartow) was heard by the Senate Appropriations Subcommittee on Health and Human Services and was reported favorable with 7 yeas and 3 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in support of Amendment 899862.**

The amendment expands the scope of practice for Advanced Practice Registered Nurses (APRN), allowing APRNs to operate their own facilities without direct supervision of a physician.

SB 1676 will now move to the Senate Appropriations Committee.

AIF support legislative efforts that expand access to healthcare for employers and keep healthcare costs low for Florida businesses.

LEGAL AND JUDICIAL

SB 1582 – Relating to Asbestos Trust Claims

On Tuesday, February 18, SB 1582 by Senator David Simmons (R-Longwood) was heard by the Senate Commerce and Tourism Committee and was reported favorable with 4 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Asbestos is the name given to six naturally occurring fibrous minerals resistant to chemical, thermal, and electricity damage historically used in construction, manufacturing, and fireproofing. When handled, asbestos separates into microscopic particles, exposure to which causes cancer and other diseases, including lung cancer, mesothelioma, and asbestosis, which can take 20 to 40 years to develop following initial exposure.

Workers exposed to asbestos began falling ill and in turn sued the corporations responsible for their exposure. As the suits against these corporations piled up, many filed for reorganization under Chapter 11 of the United States Bankruptcy Code, which in turn stayed all current suits against the respective corporation.

The bankruptcy court faced a unique scenario, where corporations were able to reorganize while shielded from future suits. These suits would instead be filed against a trust fund formed by the company seeking bankruptcy reorganization.

Presently, where liability for an asbestos injury comes from both a trust and a solvent corporation, an injured person may sue the solvent corporation to recover its share of the harm, and a court may offset the judgment by the amount of trust payments the plaintiff received for the same injury. However, where a plaintiff files a trust claim after obtaining a judgment in a civil action alleging the same injury, a court loses its ability to offset the judgment against the solvent defendant. Plaintiffs use this loophole to increase their compensation for a single injury, essentially double-dipping.

The bill requires a claimant filing an asbestos injury lawsuit to notify all parties to the action of any claims made against and funds received from an asbestos trust. The bill states that a defendant in an asbestos claim may obtain through discovery certain materials the claimant has filed with an asbestos trust. The bill bars asbestos claimants from claiming that the materials filed with the trust are privileged.

Additionally, the bill allows a trial court to adjust an asbestos claim judgment to reflect payment received by the plaintiff from an asbestos trust, if the plaintiff filed the trust claim after he or she obtained a judgment but before that judgment was satisfied.

SB 1582 will now move to the Senate Rules Committee.

AIF supports legislation that curbs “double dipping” of the asbestos trust fund which ensures that all Floridians affected may be adequately compensated.

SB 1328 – Relating to Fines and Fees

On Tuesday, February 18, SB 1328 by Senator Tom Wright (R-Port Orange) was heard by the Senate Appropriations Subcommittee on Criminal and Civil Justice and was reported favorable with 8 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Each of the 67 Florida counties has a clerk of court, an elected constitutional officer who oversees judiciary functions as the clerk of the county and circuit courts. The clerks are authorized to charge fees for performing various functions and collect court costs and fines related to a court disposition.

An indigent person may ask the clerk of court to allow them to enter into a payment plan for outstanding financial obligations owed to the clerk. If a fee, service charge, fine, or court cost remains unpaid for 90 days, and the clerk has attempted to collect the unpaid amount through an internal process, the clerk may forward the unpaid accounts to an attorney or collection agent.

Under current law, a person's driver license can be suspended for various reasons, including:

- Failure to pay a court fee or fine.
- Failure to comply with or appear at a traffic summons.
- Having unpaid citations in another state.

The bill requires clerks of court to actively attempt to collect fines, service charges, fees, or costs owed before revoking the driver license of the person who owes the funds. Specifically, a clerk of court must notify a person owing funds of the potential to enroll in a payment plan to defer the payment of the amounts owed before revoking the person's driver license. Once a payment plan is established, the clerk must provide a person who does not make a required payment with a delinquency notice and a grace period before revoking the person's license. Additionally, the bill gives courts authority to waive, modify, or convert the outstanding amounts to community service, if the individual is indigent or due to compelling circumstances is unable to comply with a payment plan.

SB 1328 will now move to the Senate Appropriations Committee.

AIF supports legislation that clarifies regulations and keeps Florida businesses operating on our roadways.

HB 7037 – Relating to Constitutional Amendments Proposed by Initiative

On Tuesday, February 18, HB 7037, sponsored and heard by the House Judiciary Committee, 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.**

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.

HB 7037 will now move to the House floor for consideration.

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

Proposed Committee Bill JDC 20-07 – Relating to Petition Threshold Requirements for Citizen Initiatives

On Tuesday, February 18, **PCB JDC 20-07**, sponsored and heard by the House Judiciary Committee, 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.**

The Florida Constitution 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.

For a citizen initiative to be placed in the constitution:

- To place the initiative language on the ballot, a sponsor must register as a Florida political committee and gather a sufficient number of signatures from Florida voters equal to:
 - At least 8 percent of the total number of persons voting statewide in the last presidential election; and
 - In at least half of Florida's 27 congressional districts, at least 8 percent of the number of persons voting in the district in the last presidential election.
- The Florida Supreme Court must review the proposed amendment to ensure legal compliance.
- The Financial Impact Estimating Conference (FIEC) must analyze the proposal's financial impacts.
- At least 60 percent of the voters voting on the proposed amendment must vote yes.

PCB JDC 20-07 is a joint resolution, which, if approved by the voters at the next general election, would require the sponsor of a citizen initiative, to place the initiative on the ballot, to gather sufficient petition signatures to meet the 8-percent threshold in all 27 of Florida's congressional districts, rather than only half of the districts.

A joint resolution proposing an amendment to the Florida Constitution must be passed by three-fifths of the membership of each house of the Legislature to appear on the next general election ballot. If placed on the ballot, the Constitution requires at least 60 percent voter approval for passage.

The PCB will now be assigned a number and committee references.

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

TAXATION

SB 7058 – Relating to Internal Revenue Code

On Tuesday, February 18, SB 7058, sponsored and heard by the Senate Finance and Tax Committee, was reported favorable 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 a 5.5% tax on the taxable income of corporations and financial institutions doing business in Florida. The determination of taxable income for Florida tax purposes begins with the taxable income used for federal income tax purposes. Additional adjustments are then made to determine Florida’s taxable income. By starting with federal taxable income, Florida eases the administrative burden on Florida taxpayers because they receive the same treatment in Florida as is allowed in determining their federal taxable income.

Florida maintains this relationship with the federal Internal Revenue Code (IRC) each year by adopting the IRC as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income.

The bill updates Florida's corporate Income Tax Code by adopting the federal Internal Revenue Code in effect on January 1, 2020.

AIF supports a reduced corporate income tax on businesses to encourage corporate growth and the expansion of employment opportunities in Florida.