



DAILY BRIEF

For the 2020 Legislative Session

From February 26, 2020

ENERGY

SB 1464 – Relating to Underground Facility Damage Prevention and Safety

On Wednesday, February 26, [SB 1464](#) by Senator Anitere Flores (R-Miami) was heard by the Senate Rules Committee and was reported favorable with 17 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 floor.

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 73 – Relating to Environmental Regulation

On Wednesday, February 26, [HB 73](#) by Representative Toby Overdorf (R-Stuart) was read a third time on the Senate floor and passed with 40 yeas and 0 nays.

Current state law requires each county to implement a recyclable materials recycling program within its boundaries and encourages counties to work with municipalities for this purpose. Recyclable materials can become contaminated when residents place materials that are not recyclable into

curbside recycling bins. While facilities are equipped to handle some non-recyclable materials, excessive contamination can undermine the recycling process and result in increased costs due to equipment downtime, repair, or replacement needs. In addition to the increased recycling processing costs, contamination also results in poorer quality recyclables, increased rejection, and landfilling of unusable materials. Counties and municipalities may contract with private companies to operate their recycling programs, but current law does not require the contracts to address the contamination of recyclable materials.

The bill requires counties and municipalities to address nonhazardous contamination of recyclable materials in contracts with residential recycling collectors and recovered materials processing facilities. Contracts executed or renewed after October 1, 2020, must:

- Define the term “contaminated recyclable material” in a manner that is appropriate for the local community;
- Include strategies and obligations to reduce the amount of contaminated recyclable materials being collected or processed;
- Create procedures for identifying, documenting, managing, and rejecting contaminated recyclable materials;
- Authorize remedies in handling contaminated containers; and
- Provide education and enforcement measures for collection contracts.

Additionally, state law allows water management districts and the Department of Environmental Protection (DEP) to require an environmental resource permit (ERP) and impose reasonable conditions to ensure certain construction activities comply with the law and will not harm water resources. Some projects can be exempted from ERP permitting if they meet specific statutory restrictions, and local governments may require an applicant get verification from DEP that an activity qualifies for an ERP exception. For example, an ERP exception currently exists for the replacement or repair of a dock or pier if the replacement or repaired dock or pier is in the same location and under specific conditions. The exception allows minor deviations to upgrade the dock or pier to current structural and design standards.

The bill prohibits local governments from requiring further verification from DEP that a construction activity meets an ERP exception. In addition, the bill revises the ERP exception for docks and piers to allow for the repair or replacement if it is within five feet of the same location and no larger than the existing dock or pier and no additional aquatic resources are adversely and permanently impacted.

HB 73 will now go to the Governor for consideration.

AIF supports efforts to streamline recycling systems and scale back onerous permits thus creating a more efficient and productive business climate in Florida.

HEALTH CARE

HB 389 – Relating to Testing for and Treatment of Influenza and Streptococcus

On Wednesday, February 26, [HB 389](#) by Representative Tyler Sirois (R-Merritt Island) was heard by the House Health & Human Services Committee and was reported favorable with 11 yeas and 3 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, 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 Committee.

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

HB 1103 – Relating to Electronic Prescribing

On Wednesday, February 26, [HB 1103](#) by Representative Amber Mariano was read a second and third time on the House floor and passed with 75 yeas and 40 nays.

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. For example, Congress passed legislation mandating e-prescribing for certain medicinal drugs under the Medicare Part D program and several states enacted mandatory e-prescribing laws.

Beginning July 1, 2021, the bill requires prescribers to generate and transmit all prescriptions electronically, except when electronic prescribing is unavailable due to a temporary electrical or technological failure. In such instances, written prescriptions may be used which must meet the requirements of current law.

Additionally, the bill relocates language to one section of law (s. 456.42, F.S.) to improve readability and provide clarification related to the 2019 passage of e-prescribing legislation.

HB 1103 will now go to the Senate for consideration.

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.

HB 607 – Relating to Health Care Practitioners

On Wednesday, February 26, [HB 607](#) by Representative Cary Pigman (R-Sebring) was heard by the House Health & Human Services Committee and was reported favorable with 15 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The U.S. has a current health care provider shortage. This shortage is predicted to continue into the foreseeable future and will likely worsen with the aging and growth of the U.S. population and ongoing efforts to expand access. Florida law requires advanced practice registered nurses (APRNs) to practice under a supervising protocol with a physician and only to the extent that a

written protocol allows. Similarly, physician assistants (PAs) must practice under a supervising physician and may only perform those tasks delegated by the physician.

The bill authorizes APRNs who meet certain criteria to practice advanced or specialized nursing without physician supervision or a protocol and authorizes PAs to practice primary care without physician supervision. These APRNs and PAs may act as a patient's primary care provider; provide a signature, certification, stamp, verification, affidavit, or other endorsement currently required to be provided by a physician; certify a cause of death and sign, correct, and file death certificates.

HB 607 will now move to the House floor.

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

HB 7053 – Relating to Direct Care Workers

On Wednesday, February 26, [HB 7053](#), sponsored by the House Health Market Reform Subcommittee, was heard by the House Health & Human Services Committee and was reported favorable with 16 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of Amendment 10000 to this legislation.**

The amendment added the entirety of Representative Pigman's bill, HB 607, to HB 7053. Please refer to the summary and support statement for HB 607.

HB 7053 will now move to the House floor.

LEGAL & JUDICIAL

HB 9 – Relating to Damages

On Wednesday, February 26, [HB 9](#) by Representative Tom Leek (R-Daytona Beach) was heard by the House Judiciary Committee and was reported favorable with 10 yeas and 8 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 as a whole 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 modifies the damages recoverable in certain tort actions by requiring a jury to consider an estimated value of medical services based on an independent database reporting medical costs

charged and paid. This ensures the jury does not rely solely on the amount billed by the provider of medical or health care services to determine damages.

HB 9 will now move to the House floor.

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

On Wednesday, February 26, [SB 1794](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Rules Committee and was reported favorable with 10 yeas and 7 nays. **AIF 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 floor.

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