



DAILY BRIEF

For the 2020 Legislative Session

From March 2, 2020

ENVIRONMENT

HB 715 – Relating to Reclaimed Water

On Monday, March 2, [HB 715](#) by Representative Randy Maggard (R-Zephyrhills) was heard by the House State Affairs Committee and was reported favorable with 22 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, 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 floor.

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 1001 – Relating to Contamination

On Monday, March 2, [HB 1001](#) by Representative Charlie Stone (R-Ocala) was heard by the House State Affairs Committee and was reported favorable with 22 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

A brownfield is a property of which the expansion, redevelopment, or reuse may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. Unsafe levels of environmental contamination on a brownfield may result from past or current industrial, commercial, residential, agricultural, or recreational uses and practices. Contaminants may be found in soil, water or air. The Brownfields Program within the Department of Environmental Protection (DEP) created a process for designating brownfield areas as well as environmental contamination cleanup criteria, eligibility criteria, and liability protections that apply to brownfields in the state. The program also provides incentives, such as tax credits, to redevelop abandoned or underused real property, which was complicated by real or perceived environmental contamination. Current law states that a person can bring a cause of action in court for all damages resulting from specified discharges or other conditions of pollution if the discharge was not authorized pursuant to DEP regulations.

The bill removes the requirement that a claim for a tax credit on an additional 25% of the total rehabilitation costs for a brownfield site must be made in the final year of cleanup. The bill requires DEP to inform tax credit applicants of their eligibility status and the amount of the tax credit due by June 1 of each year, rather than May 1.

The bill also specifies that liability protections for brownfield sites are considered defenses against causes of action for all damages resulting from a discharge or certain other conditions of pollution. The bill further specifies that liability protections apply to any subsequent property owner of the brownfield site if such owner maintains compliance with any institutional controls or engineering controls required for site rehabilitation. For a cause of action brought for damages resulting from a discharge or other condition of pollution, the bill specifies that such damages may include damages to real or personal property directly resulting from the pollution rather than all damages resulting from the pollution.

HB 1001 will now move to the House floor.

AIF supports the efforts contained in this bill to promote thorough and incentivized remediation of brownfields to allow further job creation and economic development opportunities on land otherwise useless while protecting Florida businesses from vicarious liability.

INFORMATION TECHNOLOGY

HB 1391 – Relating to Technology Innovation

On Monday, March 2, [HB 1391](#) by Representative James Grant (R-Tampa) was heard by the House State Affairs Committee and was reported favorable with 23 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Department of Management Services (DMS) oversees information technology governance and security for the executive branch of state government. The Division of State Technology (DST), a subdivision of DMS subject to its control and supervision, implements DMS's duties and policies in this area.

The bill:

- Abolishes DST and establishes the Florida Digital Service (FDS) in its place.
- Places new duties and responsibilities under FDS and expands the duties and responsibilities currently assigned to DMS and DST.
- Creates the Division of Telecommunications within DMS, removes DST as the head of the E911 system in Florida, and places the Division of Telecommunications as its new head.

The Office of Financial Regulation (OFR) regulates money services businesses, which include money transmitters and payment instrument sellers. The bill creates the Financial Technology Sandbox within the OFR to allow a person to make an innovative financial product or service available to consumers as a money transmitter or payment instrument seller during a sandbox period that is initially not longer than 24 months but which can be extended one time for up to 12 months. The sandbox provides regulatory flexibility by permitting the OFR to waive specified statutes and corresponding rule requirements.

HB 1391 will now move to the House floor.

AIF supports stronger investments in IT and the modernization of Florida’s outdated systems and processes that will greatly benefit the government and business relationship in the state.

LEGAL & JUDICIAL

SB 1582 – Relating to Asbestos Trust Claims

On Monday, March 2, [SB 1582](#) by Senator David Simmons (R-Longwood) was heard by the Senate Rules Committee and was reported favorable with 17 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 floor.

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