



# WEEKLY UPDATE

For the 2020 Legislative Session

**From March 13, 2020**

## **ECONOMIC DEVELOPMENT**

### **SB 922 – Relating to Economic Development**

On Monday, March 9, [SB 922](#) by Senator Joe Gruters (R-Sarasota) was read a third time on the Senate floor and passed with 39 yeas and 0 nays.

The bill makes changes to the Qualified Target Industry Tax Refund Program. Specifically, the bill provides that certain businesses that relocate to, or expand into, a county affected by Hurricane Michael are eligible to receive an increased tax refund and authorizes certain businesses located in a county affected by Hurricane Michael to apply for an economic recovery extension. The bill also removes the scheduled repeal date for the tax refund program.

SB 922 will go to the House for consideration.

**AIF supports legislation, funding and other assistance from the federal and state governments to help Florida's panhandle recover from the impacts of Hurricane Michael.**

### **HB 1193 – Relating to Deregulation of Professions and Occupations**

On Monday, March 9, [HB 1193](#) by Representative Blaise Ingoglia (R-Spring Hill) was read a third time on the House floor and passed with 88 yeas and 25 nays.

On Thursday, March 13, HB 1193 was amended on second reading and was read a third time on the Senate floor and passed with 38 yeas and 0 nays. The House concurred with the amended bill and voted with 103 yeas and 11 nays.

An occupational or professional license is a form of regulation that requires individuals who want to perform certain types of work, such as contractors and cosmetologists, to obtain permission from the government to perform the work. In the 1950s, less than five percent of U.S. workers were required to have an occupational license to do their jobs. Since then, the number of workers required to have a license has risen to more than one-quarter of U.S. workers, and an estimated 28.7 percent of the Florida workforce requires a license from the state.

In 2015, The White House published a report on the current state of occupational licensing in the nation. The report found that when designed and implemented carefully, requiring occupational licenses offers important health and safety protections to consumers, as well as benefits to workers. However, the report also found that too often licensing requirements are inconsistent, inefficient, arbitrary, and there is evidence that the current licensing regimes in the U.S. raise the price of goods

and services, restrict employment opportunities, and make it more difficult for workers to take their skills across state lines.

Specifically, the bill, cited as the “Occupational Freedom and Opportunity Act,” does the following:

- Deregulates: Interior designers and interior design businesses, hair braiders, hair wrappers, and body wrappers, nail polishers and makeup applicators, and boxing announcers and timekeepers.
- Partially deregulates: Talent agents, and labor organizations.
- Eliminates the additional business license for: Architects and landscape architects
- Reduces the hours of training required to obtain a license for: Barbers, cosmetologists, and specialty salons.
- Adds new ways for out of state professionals to obtain a license in the state for: Veterinarians, construction and electrical contractors, landscape architects, geologists, engineers, certified public accountants, home inspectors, building code professionals, and cosmetologists barbers.
- Reduces the number of members on the Florida Building Commission.
- Authorizes unlicensed individual to provide compensated dietary and nutritional information if such individuals do not represent that they are licensed dietitians or nutritionists.
- Prohibits DBPR from disciplining or revoking a licensee based solely on defaulting on a student loan.

HB 1193 will now go to the Governor.

**AIF supports legislative action to lesson burdensome and unnecessary regulations on Florida businesses.**

### **SB 362 – Relating to Florida Tourism Marketing**

On Wednesday, March 11, [SB 362](#) by Senator Ed Hooper (R-Palm Harbor) was read a third time on the House floor and passed with a vote of 114 yeas and 2 nays.

The bill extends the scheduled repeal date for the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, until October 1, 2023, and removes the scheduled repeal date for the Division of Tourism Marketing within Enterprise Florida, Inc. Without the bill, the statutory provisions for these entities will be repealed on July 1, 2020.

SB 362 will now go to the Governor.

**AIF supports investment in building a world-class marketing engine with top talent, analytics, and funding that develops and executes data-driven branding strategies.**

## ENERGY

### **HB 1095 – Relating to Underground Facility Damage Prevention and Safety**

On Monday, March 9, [HB 1095](#) by Representative Heather Fitzenhagen (R-Fort Myers) was read a third time on the House floor and passed with 118 yeas and 0 nays.

On Tuesday, March 10, HB 1095 was read a third time on the Senate floor and passed with 37 yeas and 1 nays.

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 (up to \$2,500 plus 5 percent, in addition to any other court costs) 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 excavator to transmit reports of incidents to State Fire Marshal for investigation.

HB 1095 will now go to the Governor.

**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 Monday, March 9, [HB 715](#) by Representative Randy Maggard (R-Zephyrhills) was read a third time on the House floor and passed with 118 yeas and 0 nays.

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 go to the Senate for consideration.

**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.**

## **SB 712 – Relating to Environmental Resource Management**

On Wednesday, March 11, [SB 712](#) by Senator Debbie Mayfield (R-Melbourne) was read a third time on the House floor and passed with 118 yeas and 0 nays.

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems. Phosphorus and nitrogen are derived from natural and human-made sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.

The bill includes recommendations from the Blue-Green Algae Task Force. The major topics in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly known as septic systems), wastewater, stormwater, agriculture, and biosolids. The bill directs the Department of Environmental Protection (DEP) to make rules relating to most of these topics.

In addition to DEP's role in monitoring and inspecting OSTDSs and other runoff areas, the bill authorizes the Florida Department of Agriculture and Consumer Services (FDACS) to perform onsite inspections of agricultural producers enrolled in best management practices (BMP) to verify that each practice is being properly implemented. The verification review will include a review of the BMP documentation including, but not limited to, nitrogen and phosphorus fertilizer application records.

Regarding rights of nature:

The bill amends the Florida Environmental Protection Act to prohibit a local government regulation, ordinance, code, rule, comprehensive plan, charter, or any other provision of law:

- From recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or
- Granting a person or political subdivision any specific rights relating to the natural environment.
- The bill also provides that the prohibition on granting rights to nonpersons may not limit the:
- Ability of an aggrieved or adversely affected party to appeal and challenge the consistency of a development order with a comprehensive plan, or to file an action for injunctive relief to enforce the terms of a development agreement or to challenge compliance of the agreement with the Florida Local Government Development Agreement Act; or

- Standing to maintain an action for injunctive relief as otherwise provided by the EPA for:
  - Department of Legal Affairs;
  - Any political subdivision of the state; or
  - A resident of the state.

The bill also addresses a consumptive use study to be carried out by the department in conjunction with water management districts. The bill is a huge step forward in addressing Florida's current water quality crisis and the data collected will prove invaluable in preventing further degradation of our waterways.

SB 712 will now go to the Governor.

**AIF supports legislation that addresses water quality and protects Florida businesses from lawsuits by defining that people cannot sue on behalf of inanimate objects, i.e. rivers, lakes, streams etc.**

## HEALTH CARE

### HB 389 – Relating to Practice of Pharmacy

On Wednesday, March 11, [HB 389](#) by Representative Tyler Sirois (R-Merritt Island) was read a third time on the Senate floor and passed with 28 yeas and 12 nays. The Senate amended the bill on second reading; the House concurred and passed the bill with 98 yeas and 17 nays.

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 minor, nonchronic health conditions such as the flu.

HB 389 was signed into law by the Governor.

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

### HB 607 – Relating to Health Care Practitioners

On Wednesday, March 11, [HB 607](#) by Representative Cary Pigman (R-Sebring) was read a third time on the Senate floor and passed with 30 yeas and 10 nays. The Senate amended the bill on second reading; the House concurred and passed the bill with 107 yeas and 8 nays.

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 was signed into law by the Governor.

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

## INFORMATION TECHNOLOGY

### HB 1391 – Relating to Technological Innovation

On Monday, March 9 [HB 1391](#) by Representative James Grant (R-Tampa) was read a third time on the House floor and passed with 118 yeas and 0 nays.

On Tuesday, March 10, HB 1391 by Representative James Grant (R-Tampa) was read a third time on the Senate floor and passed with 39 yeas and 0 nays.

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 go to the Governor.

**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 1794 – Relating to Constitutional Amendments**

On Monday, March 9, [SB 1794](#) by Senator Travis Hutson (R-Palm Coast) was read a third time on the Senate floor and passed with 23 yeas and 17 nays.

On Wednesday, March 11, SB 1794 by Senator Travis Hutson (R-Palm Coast) was read a third time on the House floor and passed with 73 yeas and 45 nays.

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 go to the Governor.

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

### **HB 519 – Relating to Private Property Rights Protection**

On Monday, March 9, [HB 519](#) by Representative James Grant (R-Tampa) was read a third time on the House floor and passed with 83 yeas and 36 nays.

The Takings Clause of the U.S. Constitution prohibits the government from depriving a person of his or her private property for public use "without just compensation." However, not every government action burdening private property amounts to an illegal "taking" under the Takings Clause. Florida law provides legal remedies when a local government burdens property rights in a manner that does not amount to a "taking."

The bill requires a local government, when settling property rights claims, to treat similar properties similarly. If the government settles or the property owner secures a judgment declaring an inordinate burden, there is a presumption that similarly situated parcels are also inordinately burdened and

entitled to the same settlement terms or judicial determination. The bill also makes it easier for a private property owner to challenge a local regulation burdening his or her property.

Additionally, when a local government is poised to impose an exaction upon private property, the bill allows the property owner to sue without having to wait for written notice of the exaction.

HB 519 will now go to the Senate for consideration.

**AIF supports private property rights which create a prosperous business climate in Florida.**

### **SB 810 – Relating to Tobacco and Nicotine Products**

On Wednesday, March 11, [SB 810](#) by Senator David Simmons (R-Longwood) was read a third time on the House floor and passed with 99 yeas and 17 nays.

The bill:

- Increases the minimum age to lawfully purchase and possess tobacco products from 18 years of age to 21 years of age.
- Repeals exceptions allowing persons in the military and emancipated minors to possess or purchase tobacco products under current law.
- Prohibits smoking and vaping by any person under 21 years of age on or near school property, regardless of hours of the day.
- Limits the sale of tobacco products through a vending machine to a location that prohibits persons under 21 years of age on the premises.
- Requires age verification before a sale or delivery to a person under 30 years of age. (This complies with recently enacted federal law.)

SB 810 will now go to the Governor.

**AIF supports moving the legal age of purchasing these products to 21 to align with Federal law.**

### **SB 1582 – Relating to Asbestos Trust Claims**

On Wednesday, March 11, [SB 1582](#) by Senator David Simmons (R-Longwood) was read a third time on the House floor and passed with 86 yeas and 31 nays.

On Friday, March 13, the Senate on third reading concurred with the House amendment and voted with 38 yeas and 0 nays.

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 go to the Governor.

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

## TAXATION

### HB 7097 – Relating to Taxation

On Wednesday, March 11, [HB 7097](#), sponsored by the House Ways & Means Committee, was heard in the Senate Appropriations Committee and passed 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 bill provides for several tax reductions and other tax-related modifications designed to directly impact both families and businesses. Specifically, the bill provides for a 0.5 percentage point reduction in the state communications services tax. Several provisions related to sales tax are included:

- A reduction in the tax rate for commercial property rentals from 5.5% to 5.4%;

- A three-day “back-to-school” tax holiday for certain clothing, school supplies, and personal computers; and a seven-day “disaster preparedness” tax holiday in May and June of 2020 for specified disaster preparedness items;
- A requirement that School Capital Outlay sales surtaxes approved in the future be proportionately shared with charter schools;
- A change in distributions made under the Tax Collection Enforcement Diversion Program; and
- Future sunset of the Charter County and Regional Transportation System Sales Surtax currently levied in Miami-Dade County, and a requirement that any future levy of the tax in any eligible county be limited to 20 years in duration.

The bill also provides for a one-time increase of \$8.2 million available for the brownfields tax credit program and includes a provision that amends the calculation of a taxpayer’s “final tax liability” for purposes of calculating certain corporate income tax refunds.

HB 7097 will now go to the Senate floor.

**AIF supports legislative actions that reduce taxes on businesses which allows further growth and employment opportunities.**