

# WEEKLY UPDATE



*For the 2022 Legislative Session*

**FROM FEBRUARY 18, 2021**

We had another busy week working with the Florida Legislature as they heard proposed bills ranging from the rights of businesses to environmental oversight and health care facility staffing needs.

AIF supported HB 403 which requires local governments to produce impact statements on proposed ordinances relating to the business community. The bill also allows businesses to challenge arbitrary and unreasonable local ordinances and recover damages and attorney's fees.

AIF also supported SB 2508 which brings more oversight and accountability to state funding allocated to Everglades restoration efforts. AIF spoke in favor of this legislation in its only committee stop, Senate Appropriations, and we are proud to support Senator Ben Albritton and Senate President Wilton Simpson in passing this bill that adds additional accountability to essential environmental spending.

Finally, AIF supported HB 931 because we support permitting registered nurses to perform moderately complex lab tests outside of a clinical lab to further allow Floridians access to high quality care.

For more information on the legislation heard this week, keep reading below.

## **AGRICULTURE**

### **SB 1000 & HB 1291 – Relating to Nutrient Application Rates**

On Thursday, February 17, [SB 1000](#) by Senator Ben Albritton (R-Bartow) was read a second and third time on the Senate floor and passed with 38 yeas and 0 nays.

Also on Thursday, February 17, [HB 1291](#) by Representative Lawrence McClure (R-Plant City) was heard by the House Appropriations Committee and was reported favorable with 22 yeas and 1 nay. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bills allow certified crop advisors to recommend preferred fertilizer rates to tailor nutrient application rates. The bills provide that producers using rate tailoring are required to enroll in and

implement applicable best management practices (BMPs) adopted by the Department of Agriculture and Consumer Services.

SB 1000 will now go to the House for consideration.

HB 1291 will now go to the House State Affairs Committee which is the final committee stop before the House floor.

**AIF supports legislation which protects an agricultural producers' enrollment in the Best Management Practices program while providing the ability to specifically tailor nutrient rates based upon variables such as crop variety, site-specific conditions, meteorological events, or pest and disease pressures.**

## **BUSINESS REGULATION**

### **HB 403 – Relating to Local Ordinances**

On Wednesday, February 16, [HB 403](#) by Representative Mike Giallombardo (R-Cape Coral) was heard by the House Civil Justice and Property Rights Subcommittee and was reported favorable with 12 yeas and 6 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill:

- Requires counties and municipalities to prepare a “business impact statement” before the adoption of any proposed ordinance, which statement must be published on the local government’s website and contain specified information;
- Provides for expedited court review of challenged ordinances; and
- Establishes criteria for courts to consider when determining if an ordinance is arbitrary or unreasonable.

HB 403 will now go to the House State Affairs Committee.

**AIF supports legislation bolstering the rights of businesses to recoup undue losses at the hands of local governments to maintain a prosperous business climate in Florida.**

## **ECONOMIC DEVELOPMENT**

### **HB 685 – Relating to Rural Development**

On Thursday, February 17, [HB 685](#) by Representative Brad Drake (R-DeFuniak Springs) was heard by the House Commerce Committee and was reported favorable with 20 yeas and 0 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, stood in support of this legislation.**

Florida has a variety of economic grant and loan programs to aid the development of rural and otherwise economically distressed regions of the state. The bill reduces the required non-state match amount for the Regional Rural Development Grants Program from 25% to 15% and allows in-kind contributions to count toward this threshold. The bill removes the requirement that repaid funds from the Rural Community Development Revolving Loan Fund be matched in order to be retained to fund future loans. Finally, the bill revises the uses of the Rural Infrastructure Fund to remove the requirement that grants be linked to financing specific projects. It increases the proportion of an infrastructure project that may be covered by the grant from 50% to 75% and increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects.

HB 685 will now go to the House floor for consideration.

**AIF supports legislative efforts to increase economic development in Florida's rural areas by increasing job growth and access to well-paying jobs.**

## ENERGY

### HB 737 – Relating to Electric Vehicle Transportation Electrification Plan

On Tuesday, February 15, [HB 737](#) by Representative David Borrero (R-Miami) was heard by the House Tourism, Infrastructure & Energy Subcommittee and was reported favorable with 13 yeas and 3 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, spoke in opposition to this legislation.**



Adam Basford speaks in opposition to HB 737  
<https://youtu.be/ORTxM7YG1R4>

The bill requires the Public Service Commission to adopt rules for an electric vehicle (EV) transportation electrification plan to facilitate the deployment of EV charging infrastructure and

prohibits investor-owned utilities (IOUs) from using rate base investment in the ownership and operation of EV charging stations.

Presently, the bill authorizes intervention in certain Commission proceedings by EV charging station providers. Specifically, any entity that provides EV charging stations to the public may intervene and participate in any IOUs ratemaking or other Commission proceeding involving rates, terms, or conditions. Such proceedings include the rate structure paid by or proposed to be paid by customers for EV charging offered to the public.

Of great concern to AIF, there is no qualifier that the intervenor be a customer in the IOU's service territory, which would normally be required to prove standing. For example, an EV charging station based in California, with no charging stations in Florida, could intervene in a proceeding in Florida. It is unclear what the purpose of this intervention is if an IOU is prohibited from including EV charging stations in its rate base.

HB 737 will now go to the House State Administration & Technology Appropriations Subcommittee.

**AIF opposes legislation that burdens businesses with unnecessary regulation in introducing EV charging stations while simultaneously asking the Florida Public Service Commission to regulate an entire industry over which it has no jurisdiction.**

## ENVIRONMENT

### HB 909 – Relating to Pollution Control Standards and Liability

On Thursday, February 17, [HB 909](#) by Representative Bobby Payne (R-Palatka) was heard by the House State Affairs Committee and was reported favorable with 18 yeas and 5 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Risk-based corrective action is a decision-making process used to assess and respond to incidents of contamination. The bill specifies that the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural and is being converted to a nonagricultural use. The bill prohibits the Secretary from delegating such authority to a city, a county, or another unit of local government through a local pollution control program, but it does not preempt the enforcement authority of a local government through a local pollution control program.

HB 909 will now go to the House floor for consideration.

**AIF supports legislation unifying regulatory authority over site assessments for current or former agricultural lands by making the Florida Department of Environmental Protection the sole authority for evaluating environmental conditions and assessing potential liability for the presence of contaminants on current or former agricultural properties.**

### **SB 2508 – Relating to Environmental Resources**

On Thursday, February 17, [SB 2508](#), sponsored by the Senate Appropriations Committee, was read a second and third time on the Senate floor and passed with 37 yeas and 2 nays.

In the past two years, the Florida Legislature has provided over \$1.1 billion to the South Florida Water Management District (district). This level of investment by the State in Everglades restoration and water resource development requires additional accountability. The bill provides a framework for ensuring that the district continues to fulfill each of its statutory responsibilities of flood control, water supply, water quality, and natural systems while implementing large scale ecosystem restoration projects.

SB 2508 will now go to the House for consideration.

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

## **HEALTH CARE**

### **HB 931 – Relating to Alternate-site Testing**

On Thursday, February 17, [HB 931](#) by Representative Lawrence McClure (R-Plant City) was heard by the House Health & Human Services Committee and was reported favorable with 20 yeas and 0 nays. **AIF’s Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Currently, advanced practice registered nurses, registered nurses, licensed practical nurses, and licensed clinical laboratory personnel are permitted to perform testing at alternate-sites (lab testing under control of a hospital but not on-site) which allows for bedside, ER and operating room testing. A freestanding emergency department (FED) is a facility that receives individuals for emergency care and is structurally separate from a hospital. Only licensed clinical laboratory personnel may perform clinical laboratory testing in a FED. The bill exempts individuals who perform alternate-site testing outside of a central laboratory of a hospital or at a hospital-based, off campus emergency department from clinical laboratory personnel licensure requirements.

This allows all individuals, not just licensed clinical laboratory personnel, to perform alternate-site testing within a hospital or in a FED.

HB 931 will now go to the House floor for consideration.

**AIF supports permitting registered nurses to perform moderately complex lab tests, outside of a clinical lab, but within a hospital department or an off-site hospital-based emergency department to ensure greater access to quality care.**

## INSURANCE

### **HB 1529 – Relating to Applicability of Payments for Nonpreferred Provider Services**

On Wednesday, February 16, [HB 1529](#) by Representative John Snyder (R-Stuart) was heard by the House Finance and Facilities Subcommittee and was reported favorable with 17 yeas and 1 nay.

**AIF’s Vice President of Governmental Affairs, Adam Basford, spoke in opposition to this legislation.**

Most health plans have a list of doctors, hospitals, and other providers that have agreed to participate in the plan’s network. In-network providers have a contract with a plan that limits the amount of money a provider may charge insureds. The bill requires an individual health insurer to apply an insured’s payments to an out-of-network, nonpreferred provider to the deductible and out-of-pocket maximum obligations under a health insurance policy.

Of great concern to AIF is the lack of oversight or vetting that can occur with out-of-network providers. Doctors are vetted for quality to be included in a health insurer’s network and with quality providers comes a lower cost of high-quality care. While some doctors may have low costs, they may also provide low quality care.

HB 1529 will now go to the House Health Care Appropriations Subcommittee.

**AIF opposes legislation that leads to higher costs to individuals and in turn an increase in health care costs and insurance rates to the businesses that offer health coverage to their employees.**

### **SB 1728 – Relating to Property Insurance**

On Wednesday, February 16, [SB 1728](#) by Senator Jim Boyd (R-Bradenton) was heard by the Senate Appropriations Subcommittee on Agriculture, Environment and General Government and was reported favorable with 10 yeas and 0 nays.

**AIF’s Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill addresses contractor solicitations related to property insurance roof claims, the type of homeowners' insurance coverage that insurers must offer for roof losses, and various aspects of Citizens Property Insurance Corporation. The bill allows contractors to make written or electronic communications to potential consumers to contact a contractor or public adjuster for the purpose of making an insurance claim for roof damage only if the following disclosures are included:

- The consumer is responsible for payment of any insurance deductible;
- It is insurance fraud punishable as a felony of the third degree for a contractor to pay, waive, or rebate all or part of an insurance deductible applicable to payment to the contractor for repairs to property covered by a property insurance policy; and
- It is insurance fraud punishable as a felony of the third degree to intentionally file an insurance claim containing any false, incomplete, or misleading information.

SB 1728 will now go to the Senate Appropriations Committee.

**AIF supports legislative efforts that prevent unscrupulous actors from taking advantage of property insurance disputes which keeps insurance rates low and allows growth in all Florida businesses.**

## TELECOMMUNICATIONS

### SB 1564 – Relating to Telephone Solicitation

On Tuesday, February 15, [SB 1564](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Rules Committee and was reported favorable with 15 yeas and 2 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

In 2021, SB 1120 was passed and prevented telephonic sales calls using automated systems that select numbers **OR** the usage of automated systems that dial the numbers. This bill further clarifies that telephonic sales calls may not be made using automated number generators **AND** automated dialers, i.e., robocalls. The bill allows telephonic sales calls with human interaction and therefore clarifies the intent of the original 2021 bill to prevent robocalls to called parties that have not made an inquiry.

SB 1564 will now go to the Senate floor for consideration.

**AIF supports legislative efforts that address some of the issues created by the 2021 passage of SB 1120 dealing with telephone solicitation to allow businesses to use certain systems to conduct legitimate telephone solicitation.**

## **HB 1543 – Relating to Broadband Infrastructure & HB 1545 – Relating to Trust Funds/Broadband Pole Replacement Trust Fund/DEO**

On Wednesday, February 16, [HB 1543](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Infrastructure and Tourism Appropriations Subcommittee and was reported favorable with 14 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Also on Wednesday, February 16, [HB 1545](#) by Representative Tomkow was heard by the House Infrastructure and Tourism Appropriations Subcommittee and was reported favorable with 14 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

HB 1543 creates the Broadband Pole Replacement Program, to be administered by the Office. The program will reimburse fixed, wireline broadband service providers for their costs incurred for the removal and replacement of existing utility poles in areas of Florida that are unserved by broadband Internet service. Reimbursements under the program are limited to 50 percent of the broadband Internet service provider's eligible pole replacement cost or \$5,000, whichever is less, in addition to their administrative costs related to the preparation and submission of the application for reimbursement.

HB 1545 creates the Broadband Pole Replacement Trust Fund within the Department of Economic Opportunity (DEO) and provides that the trust fund is established as a depository for funds appropriated by the Legislature, federal funds received from the Coronavirus Capital Projects Fund, funds transferred by DEO, interest earnings, grants, gifts, and other contributions made directly to the fund. The bill is linked to HB 1543 which creates the Broadband Pole Replacement Program within the Department's Office of Broadband.

HB 1543 and HB 1545 will now both go to the House Commerce Committee.

**AIF supports efforts to increase economic development in Florida's rural areas by expanding access to broadband internet which allows residents to connect with employers and educators which in turn strengthens the workforce and access to high wage jobs.**