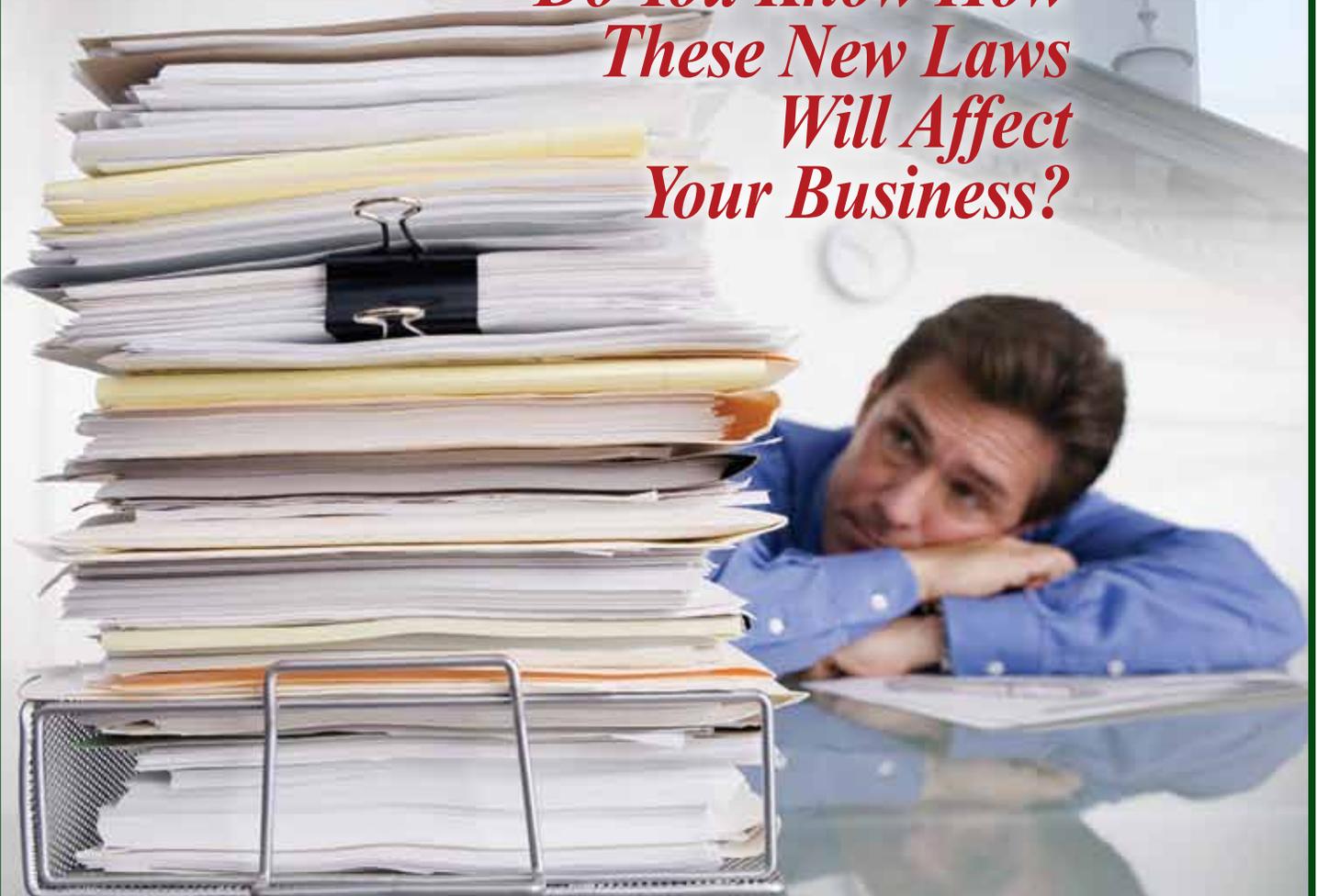




2010 New Law Reference Guide

for Businesses

*Do You Know How
These New Laws
Will Affect
Your Business?*





2010 New Laws Affecting the Business Community

Thousands of bills were introduced in the Florida Legislature this year. Of those, 301 were passed by the Legislature. Do you know which new laws will affect your business?

- **Employers can receive a \$1,000 tax credit for hiring persons unemployed for at least 30 days (see page 4)**
- **Local governments must pay private contractors promptly (see page 5)**
- **Retailers selling “smoking pipes and smoking devices” must show that they derive at least 75% of their annual gross revenues from retail sale of tobacco products (see page 6)**
- **Did you know that businesses who use contracts with automatic renewal provisions must clearly disclose these provisions to consumers or face penalties (see page 7)**
- **If you own or operate an Assisted Living Facility (ALF) with more than 17 beds you are now required to have a functioning automated external defibrillator (AED) on premises (see page 9)**

This easy-to-use guide does not attempt to provide information on all 301 bills passed this year. Rather, we have taken the time to analyze all the bills that were signed into law by the Governor and selected the ones that have the broadest impact on Florida’s business community. Then, we provide a short synopsis of the bill and highlight some of the more important provisions or requirements affecting your business. Finally, we provide the law’s effective date so that AIF members can be sure to be in compliance with these new laws and regulations.

We hope that this guide will serve as a good source of information as you navigate the sometimes complex and complicated regulatory environment. For more information on all the other issues important to the business community and Florida’s future, please visit AIF’s homepage at www.aif.com.

Questions?
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Economic Development

International Commercial Arbitration – Chapter No. 2010-60

International arbitration in Florida is governed by the Florida International Arbitration Act (FIAA). Many other jurisdictions are enacting the Model International Commercial Arbitration Law (Model Law) drafted under the supervision of the United Nations Commission on International Trade Law. This law will repeal the FIAA and enact the Model Law. The implementation of this law will bring additional arbitration business to the state, as well as business that is currently lost to other countries. This will further strengthen Florida's position as a global leader for international trade and commerce.

The Model Law will allow Florida companies engaged in international commerce to conduct arbitrations on a more regular basis in Florida.

What You Need to Know: The Model Law will allow Florida companies engaged in international commerce to conduct arbitrations on a more regular basis in Florida. By design, this will decrease their costs while simultaneously boosting Florida's reputation as an international leader in commercial arbitration. The Model Law provides the following:

- Procedural rules of arbitration;
- Rules governing the circumstance where both arbitration and a court action are initiated;
- Supervisory oversight by a circuit court in the county where the arbitration is occurring; and
- Grounds for setting aside or refusing to enforce an arbitration award.

Effective Date: July 1, 2010



Rural Enterprise Zones – Chapter No. 2010-108

The Florida Enterprise Zone Program was created in 1982 to encourage economic development in economically distressed areas of the state by providing financial incentives and inducing private investment. Businesses and individuals located within enterprise zones qualify for various state and local tax incentives, among other benefits. Over the last 5 years, 17,325 new businesses have moved into or were created in enterprise zones and 54,000 new jobs have been created.

What You Need to Know: This law provides that catalyst sites that are approved prior to January 1, 2010, which are not located in a rural enterprise zone, must be designated as a rural enterprise zone by the Office of Tourism, Trade & Economic Development (OTTED) upon request from the site's host county.

- The reporting criteria for a rural catalyst site designated as a rural enterprise zone is the same as for other rural enterprise zones, with the host economic development organization serving as the reporting entity.
- This law is expected to have a positive economic impact to the businesses and individuals that locate or already are located within the new rural enterprise zones, due to the incentives provided.

Effective Date: July 1, 2010

Florida Seaports – Chapter No. 2010-201

Florida has 14 public seaports that are considered significant economic drivers for the regions in which they are located and for the state in general. The individual seaports receive a combination of public funding and private revenues to finance their operations and capital improvements. This law creates a framework for the Department of Environmental Protection (DEP) to issue port conceptual permits for various seaport projects, and authorizes ports to enter into public-private partnerships for infrastructure projects.

Florida has 14 public seaports that are considered significant economic drivers for the regions in which they are located and for the state in general.

What You Need to Know: This law will allow any of the 14 deepwater ports to apply to DEP for a port conceptual permit, including applicable authorization to use sovereign submerged lands either under a joint coastal permit or the environmental resource permit, for all or a portion of the port. It also authorizes seaports to receive or solicit proposals from and enter into public-private infrastructure project agreements with private entities to build, operate, maintain, or finance port-related public infrastructure projects.

Effective Date: July 1, 2010

“Jobs for Florida” Package – Chapter No. 2010-147

This law will enact substantial changes to statutes, implement millions in tax credits for job creation, and loosen regulatory burdens on industries in need of relief. With a total price tag of \$218 million, this package will promote business growth by allowing for current Florida businesses to expand their operations or for out-of-state businesses to bring their work to the state of Florida, and subsequently provide work for Floridians.

What You Need to Know:

Film and Entertainment

- Creates the Entertainment Industry Financial Incentive Program which awards transferrable tax credits for qualified spending on productions in Florida.
- Allocates tax credits over the next 5 years for qualified productions and expenditures:
 - \$53.5 million for FY 2010-11
 - \$74.5 million for FY 2011-12
 - \$38 million per year for FY 2012-13, 2013-14 and 2014-15
- Impacts on state budget are delayed until FY 2011-12.

Jobs for Unemployed Tax Credit

- Provides a tax credit of \$1,000 per hire to qualified businesses for hiring persons unemployed for at least 30 days; the person will need to work at least 36 hours per week for 12 months for the business to be eligible to claim the tax credit refund. This tax credit program is funded at \$5 million per year for a two-year period.

Manufacturing

- This bill creates a grant program to help Florida manufacturers compete with neighboring states. Seven states competing with Florida exempt all manufacturing machinery and equipment purchases from the state sales tax. This law creates a two-year program for manufacturing and equipment purchases in excess of the amounts spent during 2008. These refunds will be allocated on a first-come, first-serve basis. The total funding available for this particular program is \$19 million for the first year, 2010-2011, and \$24 million for 2011-2012.

Qualified Target Industry Tax Refund Program

- Enhances the incentives provided by the QTI program:
 - \$2,000 per job for businesses in high-impact sectors
 - \$2,000 per job for businesses that increase exports by at least 10% in value or tonnage
 - \$1,000 per job if local financial support is equal to the state’s incentive program
- Authorizes OTTED to waive wage requirement for manufacturing projects.

Space Florida

- Space Florida will receive an additional \$16 million in order to help fund necessary infrastructure improvements, alleviate workforce reduction issues due to federal cuts to the space shuttle program, and assist with targeted business development.

Community Renewal Act of 2009 Safeguards

- Provides protections to persons or local governments that took action under SB 360 from the 2009 session, including provisions relating to permit extensions, Development of Regional Impact (DRI) exemptions and comprehensive plan amendments relating to transportation concurrency exception areas.



With a total price tag of \$218 million, this package will promote business growth by allowing for current Florida businesses to expand their operations or for out-of-state businesses to bring their work to the state of Florida, and subsequently provide work for Floridians.

Employ Florida

- This legislation requires all state funded contracts for construction to contain a provision requiring the contractor to give preference to the employment of Florida residents in the performance of the work on the project.

Effective Date: October 1, 2010

Local Government Prompt Payment Act – Chapter No. 2010-111

Part VII of ch. 218, F.S., known as the “Local Government Prompt Payment Act” (Act), was enacted in 1989 to ensure that “payment for all purchases by local governmental entities be made in a timely manner.” This act will revise provisions relating to the timely payment for purchases of construction services and prohibits the assessment of damages against contractors if the list of items remaining to be completed (generally known as a “punch list”) is not provided to the contractor by the agreed upon date for delivery.

What You Need to Know: This law revises provisions relating to the timely payment for purchases of construction services.

- Requires that disputes be resolved according to procedures in the contract for the project, and revises provisions relating to the resolution of disputes concerning an improper payment request or invoice.
- In cases of payment disputes, a local governmental entity must notify the vendor in writing within 10 days after the improper payment request is received.

Effective Date: October 1, 2010

Tax Refund Program for Qualified Target Industry Businesses – Chapter No. 2010-136

The Qualified Target Industry (QTI) Incentive Tax Refund Program was created in 1994 as part of a retooling of Florida’s economic development efforts. The QTI program was designed to encourage the recruitment or creation of higher-paying, higher-skilled jobs for Floridians, by awarding eligible businesses refunds of certain state or local taxes paid in exchange for creating jobs. The amount of the refund is based on the wages paid, number of jobs created, and where in the state the eligible business chooses to locate or expand.

What You Need to Know: Considered to be a part of the state’s economic development Tool Kit, the QTI incentive is one of the state’s most successful economic development programs. This law makes a number of changes to the QTI program.

- Extends the program for another ten years, until June 30, 2020
- Requires the Governor’s Office of Tourism, Trade and Economic Development (OTTED) to consider potential “return on investment” (ROI) of a QTI applicant business in making its decision whether to approve the business for the refund incentive program.
- Allow QTI businesses that pay, in any one year, taxes that are at least equal to their QTI incentive award to file their tax documentation once, not every year. This will reduce paper-work and duplicative effort for both the businesses and OTTED.
- Every three years, requires OTTED and EFI to review and revise, as appropriate, the targeted industries list.

Effective Date: July 1, 2010

This law revises provisions within the Local Government Prompt Payment Act relating to the timely payment for purchases of construction services.



The Qualified Target Industry (QTI) Incentive Tax Refund Program was created in 1994 as part of a retooling of Florida’s economic development efforts.

General Business

The new regulatory scheme describes the application requirements (including background checks), qualifications for registration, and standards for disciplinary actions and penalties related to AMCs.

Regulation of Real Estate Appraisers and Appraisal Management Companies – Chapter No. 2010-84

Appraisal Management Companies (AMCs) are business entities that administer networks of independent appraisers to fulfill real estate appraisal assignments on behalf of lenders. AMCs are not currently regulated by state law; however, individual real estate appraisers are currently regulated by the Department of Business and Professional Regulation (DBPR). Appraisers are subject to application requirements, qualifications for licensure, and disciplinary actions and penalties related to performing appraisals.

What You Need to Know: The law will establish regulatory oversight of AMCs. The DBPR will be required to develop an additional license type for the registration of AMCs. The regulatory scheme describes the application requirements (including background checks), qualifications for registration, and standards for disciplinary actions and penalties related to AMCs.

Effective Date: July 1, 2011

Retail Sales of Smoking Pipes and Devices – Chapter No. 2010-118

Smoking pipes and devices are commonly found at specialty stores that sell a variety of accessories associated with the use of illegal drugs. Although anti-paraphernalia laws in the 1980s ended much of these sales, these shops still exist in Florida and other states; and the sale of such paraphernalia has expanded with the advent of the Internet.

What You Need to Know:

The law provides that it is a first degree misdemeanor for any person to offer for sale at retail any item listed as a smoking pipe and smoking device unless such person:

- Has a retail tobacco products dealer permit under s. 569.003, F.S.;
- Derives at least 75 percent of their annual gross revenues from the retail sale of cigarettes, cigars, and other tobacco products; or
- Derives no more than 25 percent of their annual gross revenues from the retail sale of items listed as “smoking pipes and smoking devices.”

Effective Date: July 1, 2010

Garnishment/Exemption of Wages – Chapter No. 2010-97

This law increases, from \$500 to \$750 per week, the amount of disposable earnings of a head of family that is exempt from attachment or garnishment. For a head of family earning greater than \$750 per week, the individual’s wages are exempt from garnishment unless the protection is waived in writing.

What You Need to Know: An additional \$250 of earnings of individuals who are debtors and heads of families will be sheltered from their creditors. In the alternative, this reduces the ability of creditors to be repaid by \$250, unless the head of family earns greater than \$750 a week and agrees to garnishment in writing. This will not affect any agreements entered into prior to the effective date of this law.

Effective Date: October 1, 2010

An additional \$250 of earnings of individuals who are debtors and heads of families will be sheltered from their creditors.



Department of Business & Professional Regulation – Chapter No. 2010-106

This law contains numerous modifications relating to several regulatory activities under the Department of Business and Professional Regulation (DBPR). This comprehensive fix will allow the DBPR to improve customer service, eliminate unnecessary regulation, support military families and protect the public.

What You Need to Know:

- Eliminates the business license for the mold-related licensure program
- Eliminates the business license for the home inspection licensing program
- Amends s. 561.17, F.S., to eliminate the need for applicants for alcoholic beverage licenses to submit paper applications in duplicate.

Effective Date: July 1, 2010

Uniform Commercial Code – Chapter No. 2010-131

The Uniform Commercial Code is a set of uniform laws regulating various business transactions and trade. Article 7 of the Uniform Commercial Code regulates documents of title. Documents of title are used to specify ownership of goods as they travel through commerce. Historically, businesses have used a paper system for documents of title.

This law adopts the revised Article 7 updating the article and creating a means for electronic records that business may use in lieu of paper documents of title.

What You Need to Know: This law amends Chapter 677 of the Florida Statutes, thereby adopting the latest revisions to Article 7 of the Uniform Commercial Code to allow, and not require, electronic means for documenting title to goods in commerce in lieu of paper documents.

- Paper documents of title can be converted to electronic, and electronic can be converted to paper, in order to accommodate the needs of different shippers and warehouses.

Effective Date: July 1, 2010

Automatic Renewal of Service Contracts – Chapter No. 2010-58

Contracts with automatic renewal provisions are designed to continuously renew unless a party takes an action to cancel the contract. State law does not explicitly regulate the notification of automatic renewal provisions to consumers. This law provides that automatic renewal provisions must be clearly and conspicuously disclosed and that certain contracts require the seller to provide written or electronic notification to the consumer before the deadline of the contract.

What You Need to Know: The law requires sellers to clearly and conspicuously disclose automatic renewal provisions to consumers when the provision renews a contract for more than one month and causes the contract to stay in effect for more than six months after the contract was initiated.

- Requires sellers of contracts with a term of twelve months or more, which contain an automatic renewal provision that renews the contract for more than one month, to provide written or electronic notification to consumers no more than sixty and no less than thirty days prior to the cancellation deadline provided in the service contract.
- Exempts the following entities from the notification requirements: federal and state financial institutions and any subsidiary or affiliate thereof; health studios; insurance providers; warranty associations; healthcare service organizations and programs; electric utilities; and private companies providing certain types of municipal services.

Effective Date: July 1, 2010

This comprehensive fix will allow the DBPR to improve customer service, eliminate unnecessary regulation, support military families and protect the public.



The Uniform Commercial Code is a set of uniform laws regulating various business transactions and trade.

This law streamlines the existing statutory authority for the regulation of consumer debt collection agencies into one agency.

Consumer Debt Collection – Chapter No. 2010-127

Part VI of ch. 559, F.S., regulates consumer collection agencies and protects consumers from certain debt collection practices that involve fraud, harassment, threats, and other unscrupulous activities. Section 559.725, F.S., designates the Department of Financial Services (DFS) as the registry for consumer complaints. Once the DFS receives a sworn complaint against an entity, the DFS refers the complaint to the appropriate regulatory authority or the Florida Bar, if appropriate. However, in January 2008, the Office of Financial Regulation (OFR) and the DFS mutually agreed to delegate the registry to the OFR.

This law streamlines the existing statutory authority for the regulation of consumer debt collection agencies into one agency, by transferring duties related to the registry and referral of complaints from the Department of Financial Services to the OFR.

What You Need to Know: This law provides the following regulatory and enforcement changes:

- Increases administrative fines for violations, currently capped at \$1,000, to \$10,000. It would allow the OFR to impose significant economic sanctions on unscrupulous consumer collection agencies.
- Provides the OFR with broad, discretionary authority in promptly investigating the books and records of a consumer collection agency. Investigations would be based on the nature and severity of an alleged violation rather than the accumulation of five unresolved sworn complaints.

Effective Date: October 1, 2010

Environmental Control – Chapter No. 2010-143

The enactment of this law sets a target for Florida to reach a 75% recycling goal by 2020. It directs the Florida Department of Environmental Protection (DEP), in conjunction with Enterprise Florida, to create a Recycling Business Assistance Center (RBAC).

In an effort to help DEP capture the information they need to make sure recycling goals are being met, private businesses will be able to report their recycling practices.

What You Need to Know: The Recycling Business Assistance Center will encourage private businesses to maintain recycling efforts in the long-term by offering new ways to market recyclable products, without enforcing mandates. The RBAC will guide businesses in marketing recycled materials, establish new markets for recycled products and institute incentives for recycling.

Effective Date: July 1, 2010

Governance

If the annual report is filed after May 1, a late charge of \$400 would be imposed, regardless of whether the business entity professes to have received the uniform business report prescribed by the department, or not.

Supplemental Corporate Fees – Chapter No. 2010-164

This law amends s. 607.193, F.S., deleting an exception to a \$400 late charge that is imposed when a corporation, a limited liability company, or a limited partnership fails to meet the deadline and files its annual report after May 1.

What You Need to Know: This law deletes an exception to the late charge being imposed. If the annual report is filed after May 1, a late charge of \$400 would be imposed, regardless of whether the business entity professes to have received the uniform business report prescribed by the department, or not.

- Clarifies, in current practice, that the \$600 reinstatement fee for a corporation includes the \$400 late charge imposed under s. 607.193(2)(b), F.S.
- A corporation must pay a \$600 reinstatement fee in addition to any other fees owed at the time of reinstatement.

Effective Date: July 1, 2010



Healthcare

Automated External Defibrillators in Assisted Living Facilities – Chapter No. 2010-200

An assisted living facility (ALF) is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator. In general, an ALF does not provide medical services to its residents.

What You Need to Know: This law amends s. 429.255, F.S., to provide that an ALF with 17 or more beds must have a functioning automated external defibrillator (AED) on the premises at all times. The law encourages the location of the AED to be registered with the medical director of the local emergency medical service.

- Directs that facility staff may withdraw or withhold the use of an AED if presented with an order not to resuscitate in the same manner as they now can withdraw or withhold cardiopulmonary resuscitation.
- The civil immunity provisions of the Cardiac Arrest Survival Act and the Good Samaritan Act will apply to both the ALF and the facility staff.

Effective Date: July 1, 2010

The law encourages the location of the AED to be registered with the medical director of the local emergency medical service.

Sale of Ephedrine or Related Compounds – Chapter No. 2010-191

This law revises requirements relating to retail over-the-counter (OTC) sales of any nonprescription compound, mixture or preparation containing ephedrine or related compounds. Another major component requires the Florida Department of Law Enforcement (FDLE) to approve an electronic recordkeeping system for recording and monitoring the real time purchase of products containing ephedrine or related compounds.

What You Need to Know: There may be costs for technology purchases (software, hardware, etc.), system administration, training, etc. incurred by retailers or pharmacists.

Effective Date: July 1, 2010

Insurance

Building Safety – Chapter No. 2010-176

This law revises various statutes regarding building safety, including insurance mitigation inspections and who would be qualified to perform them. This is an important issue for insurance companies, which are required by law to give premium credits to homeowners based on the amount of safety mitigation incorporated into a structure. Recently, these inspections have been prone to fraud as those engaged in the inspection process frequently lied about the presence of safety inclusions. This law provides certain standards of training for home inspectors.

What You Need to Know:

- Building owners will experience a decrease in the cost to comply with requirements concerning elevator retrofitting and emergency regional access. The building industry may benefit from expedited product approvals, possibly resulting in more available approved products.
- Condominium associations may experience a cost savings associated with the repeal of a 5-year inspection requirement.
- Division II contractors will now be assessed the surcharge due the DBPR, half of the proceeds of which will fund the Recovery Fund.

Effective Date: July 1, 2010



Building owners will experience a decrease in the cost to comply with requirements concerning elevator retrofitting and emergency regional access.

Taxation

This law provides that in short sale transactions, when the lender cancels indebtedness to the seller, the cancellation of debt is not consideration used to determine documentary stamp tax.



Excise Tax on Documents – Chapter No. 2010-32

Currently, Florida law imposes documentary stamp tax on documents that transfer an interest in Florida real property. The tax is calculated based on the “consideration” of the transfer. Consideration includes money paid or to be paid, the discharge of an obligation, and the amount of any mortgage or other encumbrance. The current tax on deeds and other documents related to real property is \$0.70 for each \$100 of consideration.

What You Need to Know: This law provides that in short sale transactions, when the lender cancels indebtedness to the seller, the cancellation of debt is not consideration used to determine documentary stamp tax.

Effective Date: July 1, 2010

Tax on Sales, Use & Other Transactions – Chapter No. 2010-128

Currently, this law provides exemptions from the sales and use tax on the purchase of an aircraft if the purchaser removes the aircraft from the state within 10 days after the date of purchase, or when the aircraft is repaired or altered, within 20 days after completion of the repairs or alterations. A purchaser must provide proof to the Department of Revenue (DOR) that the aircraft has been removed from the state within 10 days of purchase to maintain their tax exempt status.

What You Need to Know: The law extends the timeframe for which any aircraft owned by a nonresident is exempt from use tax if it enters and remains in this state for less than a total of 21 days during the 6-month period after the date of purchase.

- The use tax exemption also applies to aircraft owned by non-residents that enter the state exclusively for the purpose of flight training, repairs, alterations, refitting, or modification.

Effective Date: July 1, 2010

Sales Tax Holiday – Chapter No. 2010-93

Current law imposes a 6-percent tax on the retail sale of tangible personal property, which includes books, clothing, footwear, wallets, bags, and school supplies. In addition, county governments may impose discretionary sales surtaxes (e.g., indigent care and trauma center surtax, county public hospital surtax, school capital outlay surtax).

What You Need to Know: This law establishes a three-day sales tax holiday occurring on August 13-15, 2010. During the sales tax holiday, books, clothing, footwear, wallets, and bags that cost \$50 or less, and school supplies that cost \$10 or less, are exempt from the state sales tax and county discretionary sales surtaxes.

Effective Date: May 26, 2010

Tax Amnesty Program – Chapter No. 2010-166

Under current law, the Department of Revenue (DOR) is responsible for the assessment and collection of a majority of taxes owed to the State. Taxpayers who fail to timely and/or correctly pay the tax due may become subject to penalties, interest and fees administered by the DOR. This law creates a structured state tax amnesty program to be administered by the DOR.

What You Need to Know: This amnesty program will provide Florida taxpayers the opportunity to pay overdue taxes without late penalties, with reduced interest charges and with avoidance of criminal prosecution for failure to timely pay tax. A taxpayer may participate in the amnesty program whether or not the taxpayer is under audit, inquiry, examination, or civil investigation by the DOR.

- A taxpayer who initiates contact with the DOR is responsible to pay the full amount of taxes due and receives a 50 percent reduction in interest due.

This amnesty program will provide Florida taxpayers the opportunity to pay overdue taxes without late penalties, with reduced interest charges and with avoidance of criminal prosecution for failure to timely pay tax.

- A taxpayer who is currently under audit, inquiry, examination or civil investigation by the DOR is responsible to pay the full amount of taxes due and receives a 25 percent reduction in interest due.
- Allows DBPR to revoke a license, or deny an application to renew a license of a license holder, if a tax warrant has been outstanding for more than 3 consecutive months.

Effective Date: This amnesty program will be in effect for a 3-month period beginning on July 1, 2010 and ending on September 30, 2010.

Corporate Income Tax – Chapter No. 2010-142

Florida imposes a 5.5% tax on the taxable income of corporations doing business in Florida. The determination of taxable income for Florida tax purposes begins with the taxable income used for Federal income tax purposes. Florida maintains this relationship by each year adopting the Federal Internal Revenue Code 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.

What You Need to Know: Known as the annual “corporate piggyback,” this law updates the Florida Income Tax Code to reflect changes made to the U.S. Internal Revenue Code of 1986 by adopting the Internal Revenue Code as in effect on January 1, 2010. The change will apply retroactively to January 1, 2010. This law prevents business owners from having to keep two sets of books.

Effective Date: May 27, 2010

Florida imposes a 5.5% tax on the taxable income of corporations doing business in Florida.



Tort Reform

Slip & Fall – Chapter No. 2010-8

This law clarifies that a plaintiff bears the burden of proving that a business owner had constructive or actual knowledge of a hazardous condition on its premises when the plaintiff sues for damages from a slip and fall injury. This fix was desperately needed following a 2001 Florida Supreme Court decision that opened the floodgates of “slip and fall” litigation throughout the state, rendering the summary judgment mechanism meaningless since the Court placed the burden of disproving an injury allegation on the business owner.

What You Need to Know: This law levels the playing field and provides stability and fairness in litigated cases. Since the plaintiff initiates the lawsuit, the plaintiff should be responsible for proving the case. This measure restores that important requirement.

Effective Date: July 1, 2010

This law levels the playing field and provides stability and fairness in litigated cases. Since the plaintiff initiates the lawsuit, the plaintiff should be responsible for proving the case.

Liability Releases – Chapter No. 2010-27

This law addresses the Florida Supreme Court’s holding in *Kirton v. Fields*, by amending s.744.301, F.S., to authorize the natural guardian of a minor child to waive and release, in advance, any claim or cause of action against a commercial activity provider, or its owners, affiliates, employees, or agents, which would occur to a minor child for personal injury or property damage resulting from an inherent risk in the activity. This will provide more clarity for the use of waivers, and should generate more predictability in these types of cases.

What You Need to Know:

- Provides that a motorsport liability release signed by a natural guardian on behalf of a minor is valid to the same extent provided for other nonspectators.
- As long as the waiver or release includes the statutory language provided, it is presumed that the waiver or release is valid and that the child’s injury or damage arose from an inherent risk.

Effective Date: July 1, 2010

Transportation

This law also addresses the regulation of Harbor Pilots who work in Florida's 14 deepwater ports.

Transportation – Chapter No. 2010-225

This omnibus Transportation package contains provisions that look to create the Osceola County Expressway Authority; authorize a weight increase or “scale tolerance” for commercial motor vehicles; authorize regional transportation or transit authorities to levy up to a 1% discretionary sales surtax for transportation systems by a vote of the county electorate; clarify the notification requirements for issuance of a toll violation; and clarify the land uses associated with outdoor advertising.

This law also addresses the regulation of Harbor Pilots who work in Florida's 14 deepwater ports. This consensus language calls for a study of this rate-making board and requires the appointment of new representatives to their boards.

What You Need to Know:

- The increase in the highway weight limit for agriculture transport will allow more freight to be carried on each truck, resulting in fewer truck trips and benefiting businesses that transport agriculture products by truck.
- Reducing the weight of idle reduction technologies in determining the penalties associated with an overweight vehicle may reduce some penalties for overweight trucks.
- Creates the Pilotage Rate Review Committee to include two members who are actively involved in a professional or business capacity in the maritime or marine shipping industry, or the commercial cruise industry.

Effective Date: July 1, 2010



Unemployment Compensation

On AIF's web sites you'll find the information you need — *when you need it!*

Associated Industries of Florida Online –

www.aif.com

AIF's main web site is your entryway to all of AIF's web pages, both public and “members only.” It also gives access to AIF's Information Center, which contains:

- AIF's legislative proposals and Session Priorities
- AIF's legislative positions and Voting Records
- AIF publications and session reports
- Press releases and news articles
- E-mail links to legislators
- AIF polling data

... **And more!**

NOT A MEMBER?

If you don't already have an AIF login and password, call the **Membership Department at (850) 224-7173**. Or, on our web site, click on the Membership tab to learn more about membership, enroll as a member, and sign up for AIF's legislative and business services.

AIF Political Council Online –

www.aifpc.com

This ultimate political web site for the Florida business community is available only to members of the Political Council, AIF's political research & information service:

- Political polling data
- District and voter demographics
- Biographical and issue profiles of candidates
- Analyses of candidate campaign contributions
- Ongoing news and activities from the campaign trail

... **And more!**

NOT A MEMBER?

Membership in AIFPC is separate from membership in AIF. If you don't already have an AIFPC login and password, contact Michelle Mattox, AIF's Chief Political Officer, at **(850) 224-7173** or mmattox@aif.com to find out more about AIF's political operations.

Unemployment Compensation Benefits – Chapter No. 2010-90

This provides for an extension of the temporary state extended benefits program, effective February 27, 2010, through April 5, 2010. The extension will cover up to 5 additional weeks of temporary state extended benefits for claimants. The temporary state extended benefits for former private sector employees are 100 percent federally funded (approximately \$30 million). About 42,000 Floridians will be eligible to receive additional weeks through this extension.

What You Need to Know: The law makes several changes to laws related to unemployment compensation:

- Includes several statutory changes to reduce the socialized costs to all Florida employers, improve tax administration by increasing efficiency and reducing related costs, and improve enforcement of tax laws.
- Amends the Unemployment Compensation (UC) law to require that registration with the workforce information system (Employ Florida Marketplace) be incorporated into the process for filing a claim.
- Changes the trust fund balance date for trigger calculation from June 30 to September 30, which is closer to the beginning of the year to which the tax calculation applies.

Effective Date: May 17, 2010

Includes several statutory changes to reduce the socialized costs to all Florida employers, improve tax administration by increasing efficiency and reducing related costs, and improve enforcement of tax laws.



Unemployment Compensation Tax Relief– Chapter No. 2010-1

Florida employers pay a state Unemployment Compensation (UC) tax, the proceeds of which are deposited in the state UC Trust Fund to pay benefits. Under current law, Florida's employers are subject to unexpectedly large increases in their UC tax liabilities, which will begin coming due in April. This law amends portions of the unemployment compensation statutes and suspends for a period of time changes made in the 2009 legislative session to the calculation of an employer's unemployment compensation tax.

What You Need to Know: With the enactment of this fix, Florida employers are relieved from paying unemployment taxes at levels higher than 1200% over last year's amounts. Without this statutory fix, businesses would have to terminate more workers, cut benefits or possibly close their doors all together. This law makes the following changes:

- Reduces the taxable wage base from \$8,500 to \$7,000 for two years. In 2012, the wage base returns to \$8,500, and then sunsets back to \$7,000 in 2015 unless there are outstanding loan balances owed to the federal government.
- Suspends the positive adjustment tax rate factor for the next two years. Regardless of the balance in the Unemployment Compensation Trust Fund, no associated rate increase will be triggered since the positive adjustment factor will not be applied.
- Allows employers to make their 2010 and 2011 UC tax payments in quarterly installments without interest or penalties as long as the employers make the quarterly filings and payments according to the new schedule.
- Provides for payment of interest on federal advances through an employer assessment.
- Changes the trust fund balance date for trigger calculation from June 30 to September 30, which is closer to the beginning of the year to which the tax calculation applies.

Effective Date: May 17, 2010

With the enactment of this fix, Florida employers are relieved from paying unemployment taxes at levels higher than 1200% over last year's amounts.

Questions? Please contact José Gonzalez, Vice President of Governmental Affairs, at 850-224-7173 or jgonzalez@aif.com

Constitutional Amendments

This constitutional amendment helps clarify the Fair Districts Florida amendments and allows for the Legislature to balance the many requirements necessary for redistricting to take place.

Legislative/Congressional Redistricting – Amendment 7

The Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the United States Census, to apportion state legislative districts. Two citizen initiatives by Fair Districts Florida, related to redistricting, have secured placement on the 2010 General Election ballot. Amendments 5 and 6 would add standards for state legislative and congressional redistricting to the Florida Constitution. The amendments do not contain definitions for the proposed new standards, which may have the effect of restricting the range of redistricting choices available under the federal Voting Rights Act.

What You Need to Know: This constitutional amendment helps clarify the Fair Districts Florida amendments and allows for the Legislature to balance the many requirements necessary for redistricting to take place. The amendment asserts that minority access districts can be considered, and communities of interest can be respected and promoted.

- This proposed constitutional amendment must pass by a 60 percent margin during the November 2010 general election for inclusion in Florida’s Constitution.

Class Size Requirements for Public Schools – Amendment 8

This joint resolution proposes amending Section 1, Article IX of the State Constitution to revise the maximum class size requirements. Beginning with the 2010-2011 school year, maximum class size would be the school level average number of students who can be assigned to each teacher in the following grade categories: 18 students in pre-kindergarten through grade 3; 22 students in grades 4 through 8; and 25 students in grades 9 through 12. This law will ensure that there is not a decrease in access to rigorous or specialty courses such as AP, arts, etc., which are essential to providing well rounded and prepared graduates.

What You Need to Know: By maintaining the measurement at the school level, principals would have the flexibility to increase a class above the original limit by having another class below the original limit, thus being able to better balance and manage class scheduling and avoiding a significant disruption when an unplanned child enrolls.

- This proposed constitutional amendment must pass by a 60 percent margin during the November 2010 general election for inclusion in Florida’s Constitution.

Health Care Services – Amendment 9

This joint resolution proposes the creation of the Health Care Freedom Constitutional Amendment in Section 28 of Article I of the Florida Constitution. Specifically, this amendment would prohibit persons and employers from compelled participation in a health care system; allow direct payment of health care services and prohibit penalizing persons, employers and health care providers from utilizing a direct payment system; and allow the purchase or sale of health insurance in the private market.

What You Need to Know: This constitutional amendment will maintain the availability of private health insurance coverage, protecting employers and individuals from fines or penalties that the federal government may attempt to levy for non-compliance.

- This proposed constitutional amendment must pass by a 60 percent margin during the November 2010 general election for inclusion in Florida’s Constitution.



By maintaining the measurement at the school level, principals would have the flexibility to increase a class above the original limit by having another class below the original limit.

“Other New Laws”

Local Governments Get the Green Light on Red Light Cameras

The “Mark Wandall Traffic Safety Act” – Starting on July 1, counties and municipalities will be authorized to enact ordinances permitting the use of traffic infraction detectors. The penalty for failing to stop at a steady red light, as determined through the use of a traffic infraction detector, is a fine of \$158. This bill is expected to raise around \$40 million for state revenues.

Stronger Graduation Standards for Florida Students on the Way

Geometry and Algebra II will now be two of the four mathematics credits needed for graduation and Biology I and Chemistry or Physics will be two of the three science credits needed for graduation. Research shows that these courses are needed so that Florida’s high school graduates are prepared for both higher education and jobs in the 21st century economy.

Gaming Compact Passed

This compact gives the Seminoles exclusive gaming rights for 20 years, with a review in five years, to run banked card games at five of its seven existing casinos and slot machines at four casinos outside Miami-Dade and Broward counties.

Increasing Your Home’s Energy Efficiency is now Easier with PACE

Properly Assessed Clean Energy (PACE) grants enable local governments to encourage their property owners to reduce energy consumption and increase energy efficiency. The PACE model allows individual residential, commercial, or industrial property owners to contract directly with qualified contractors for energy efficiency and renewable energy projects.

School Lunches to get Healthier

Creates the Florida Farm Fresh Schools Program within the Department of Education. Requires the department to work with the Department of Agriculture to develop policies that encourage school districts to buy fresh and local food and select foods with maximum nutritional content.

Timeshare Foreclosure Process Streamlined

Establishes an optional foreclosure process for timeshare properties through the creation of a “trustee” position, which is given the authority to give notice of foreclosures to owners. This trustee is also authorized to conduct auction sales.

Septic Tank Inspection Program Implemented

A new septic inspection program has been implemented this year, which will be administered by the Department of Health. The inspection program will be done every five years.

Florida’s Election Laws are Changing

Under this law, electioneering communication organizations (ECOs) that spend more than \$5,000 on political ads 30 days before a primary or 60 days before a general election are required to register with the state and turn in campaign finance reports.

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Keeping You and Your Company *In-the-Know* When it Comes to Florida Government

Employer Advocate

This magazine is an award-winning publication that provides the business community with expert analysis on the issues that are critical to all Florida businesses.

Session Priorities

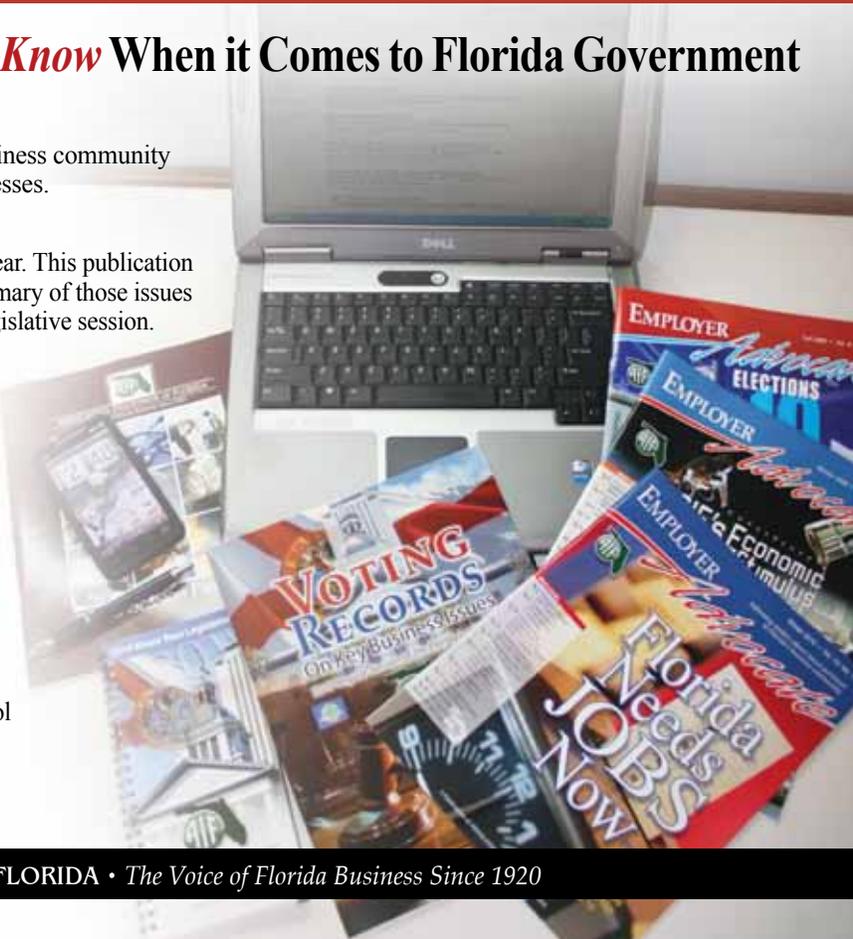
There are literally thousands of bills filed in the state Legislature each year. This publication takes the guesswork out and provides AIF members with a concise summary of those issues for which AIF has taken a position and will be advocating during the legislative session.

Voting Records

Voting Records is the most highly respected and tenured publication of its kind in Florida. For over 30 years business leaders have depended on the *Voting Records* to see exactly what level of support legislators gave the business community on the issues important to them. Every legislator is given a score and ranking based on the number of times they cast a vote in favor of the position AIF is advocating on behalf of members.

Know Your Legislators

Know Your Legislators is a pocket guide that is published each year and provides basic information on state legislators, governor and cabinet members, as well as legislative committees. The guide is an essential tool for those who need to stay informed on the leaders in state government.



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