



# WEEKLY BRIEF

From the Week of January 23 – 27, 2012

To no surprise, AIF continues to generate significant buzz within the halls of the Florida Capitol. Such efforts continue to advance the business community's top priorities in what is otherwise considered to be a fickle year in Florida policymaking. Looking at Week 3 in review, here's a snapshot of this week's highlights:

- On Wednesday, AIF President & CEO Tom Feeney joined with Governor Rick Scott, Chief Financial Officer Jeff Atwater and members of the business community to demonstrate the need for reform to Florida's Personal Injury Protection (PIP) system.
- AIF teamed with parents and Business Leaders to Endorse More Parental Involvement in Schools, and support legislation designed to effectively promote such involvement – HB 1191 by Representative Michael Bileca (R-Miami)
- AIF President & CEO Tom Feeney once again joined state leaders, along with military veterans, to connect Florida employers with returning veterans seeking job opportunities in Florida.
- In episode 2 of AIFTV, our lobby team hosted a one-on-one interview with Representative Matt Hudson (R-Naples) concerning workers' compensation legislation that is a top priority for the business community. Be sure to tune in next week for another exclusive one-on-one interview concerning one of AIF's premier issues for 2012!

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## Energy

On Monday, January 23rd Agriculture Commissioner Adam Putnam outlined his recommendations for an energy policy for the State of Florida before members of the Senate Communications, Energy, and Public Utilities Committee. Commissioner Putnam stated that the package he proposed is designed to increase diversity in the State's energy portfolio, advance renewable energy production, encourage the development of home-grown technologies and promote energy efficiency. He further said that his recommendations for energy policy are "market driven, in the public interest and are designed to have the least possible impact on the customer."

Commissioner Putnam offered eleven proposals for the Legislature to consider. Among those are proposals for:

- Infrastructure investment
- Reporting requirements
- Power plant need determination
- Public interest determination for renewable energy projects
- Energy efficiency; and
- The removal of barriers to future investments.

Many of these proposals would place new requirements on the Department of Agriculture & Consumer Services and the Public Service Commission to evaluate and make a determination of the various issues outlined above. A full copy of Commissioner Putnam's recommendations can be found [here](#).

**AIF commends Commissioner Putnam for offering a comprehensive proposal that will address the future of Florida's energy policy. Furthermore, AIF looks forward to working with Commissioner Putnam and his department to adequately address our state's energy needs.**

On Wednesday, the House Energy & Utilities Subcommittee overwhelmingly passed HB 695 Relating to the Development of Oil and Gas Resources by Representative Clay Ford (R-Pensacola).

Specifically, the bill would allow the Board of Trustees of the Internal Improvement Trust Fund (the Governor and Cabinet) to negotiate, sell and convey leasehold lands of the State for the purpose of exploration for oil and natural gas. It would further allow for the State to enter into public-private partnerships for purposes of contracts and would set up a process for bidding and selection. The bill would in effect allow entities to do geophysical seismic testing and exploration and make a determination as to the feasibility of extraction of the natural resource. This legislation, however, would not allow for exploration in environmentally sensitive areas or offshore exploration.

HB 695 will now advance to the House Appropriations Committee. The Senate measure – SB 1158 by Senator Greg Evers (R-Crestview) – awaits consideration in the Senate Communications, Energy, and Public Utilities Committee.

**AIF SUPPORTS legislation that will encourage public-private partnerships which could provide potential for new investment and job growth.**

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## **Environmental**

On Monday, January 23 the Senate Community Affairs Committee unanimously approved SB 540 Relating to Secondary Metals Recyclers by Senator Chris Smith (D-Oakland Park). This legislation is designed to decrease copper and metal theft that is plaguing our state. AIF and the Floridians for Copper & Metal Crime Prevention Coalition (read the Coalition's handout [here](#)) have been working closely on this bill with Senator Smith. This proposal clarifies permissible types of personal identification necessary for the legal sale of regulated metal, prohibits cash transactions on restricted regulated metal property and for those which require proof of ownership, prohibits checks for metal purchases to be sent to a P.O. Box and implements a statewide standard to keep metal thieves from "shopping" stolen property to cities or counties with less onerous penalties.

During the hearing, members adopted an amendment offered by Senator Jim Norman (R-Tampa) that would expand penalties associated with theft from a utility or communications services provider. Specifically, the language would allow utilities or communications services providers to recoup damages in an amount equal to three times the actual damages sustained.

SB 540 has been scheduled for hearing by the Senate Criminal Justice Committee on Tuesday, January 31st.

**AIF and the Floridians for Copper & Metal Crime Prevention Coalition SUPPORT legislation that will enact precautionary methods to help deter the removal of metal from private property and government structures, causing economic loss for both the private and public sectors.**

HB 503 Relating to Environmental Regulation by Representative Jimmy Patronis (R-Panama City) received a favorable vote from the House Agriculture & Natural Resources Appropriations Subcommittee on Wednesday of this week. This legislation is critical for Florida's employers because it will help accelerate the approval or denial process and bring certainty to business dealing with state agencies.

Rep. Patronis explained to members of the committee that the proposed legislation is a "common sense approach" to the permitting process.

Time is money and Florida businesses are spending too much time on a permitting process that includes duplications and burdensome regulations. HB 503 is a major step towards reforming the permitting process.

The only negative vote was by Representative Michelle Rehwinkel Vasilinda (D-Tallahassee).

HB 503 will now proceed to the House State Affairs Committee – its final committee of reference. SB 716 by Senator Mike Bennett (R-Bradenton) – the Senate's proposal on environmental permitting – awaits consideration in the Senate Environmental Preservation and Conservation Committee.

**AIF SUPPORTS efforts to streamline permitting across all state agencies. AIF would like to thank Representative Patronis for his commitment to work with all stakeholders on a bill that will streamline the permitting process. Time is money and Florida businesses are spending too much time on a permitting process that includes duplications and burdensome regulations.**

On Thursday, members of the House State Affairs Committee unanimously approved legislation needed to send new rules on numeric nutrient criteria (NNC) to the U.S. Environmental Protection Agency – HB 7051 by Representative Matt Caldwell (R-Ft. Myers).

On December 8, 2011, the Florida Environmental Regulation Commission unanimously approved the Florida Department of Environmental Protection's numeric nutrient criteria rules. The approved rules set limits on the amount of phosphorus and nitrogen allowed in Florida's waters and require a unitary, state-run nutrient control program.

Because the proposed legislation triggers the ratification process, the Legislature must approve the rule. HB 7051 gives the appropriate approval and also directs the Department to submit its rule to EPA for review under the Clean Water Act.

HB 7051 has passed its final committee of reference and subsequently placed on 2nd Reading. An identical measure in the Senate – SB 2060 by the Senate Environmental Preservation and Conservation Committee – is scheduled for a hearing by Environmental Preservation and Conservation on Monday, January 30th.

**AIF SUPPORTS ratification of the proposed numeric nutrient criteria rule proposed by the Florida Department of Environmental Protection. Furthermore, AIF would like to sincerely thank members for their bi-partisan support of this very important legislation for Florida.**

In addition, members of the House State Affairs Committee unanimously approved another top environmental priority for AIF and its members on Thursday – HB 7045 Relating to Consumptive Use Permits for Development of Alternative Water Supplies by Representative Trudi Williams (R-Ft. Myers).

This legislation will extend the time frame for consumptive use permits (CUPs) for alternative water supply projects from 20 to 30 years. This proposed legislation provides a great incentive to public and private entities to build these much needed alternative water supply projects.

Water issues are very important to our AIF members. Without water there is no development, no growth, no environmental protection, and no economic rebound for the State of Florida. Furthermore, time and money will be saved by precluding entities from enduring the renewal process after 20 years.

HB 7045 will now proceed to the House Floor for final passage by its members.

**AIF will continue to SUPPORT the extension of consumptive use permits (CUPs) for alternative water supply from 20 to 30 years for Florida's water utilities.**

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## **Growth Management**

On Monday, January 23rd the Senate Community Affairs Committee heard SB 842 Relating to Growth Management by Senator Mike Bennett (R-Bradenton). Slated as this year's premier growth management legislation, this bill makes a number of non-substantive modifications and clarifications to ch. 2011-139, L.O.F, "The Community Planning Act" (the Act) that were compiled through various discussions and feedback received from stakeholders including the state land planning agency and local governments.

Modifications include fixing cross-references, updating outdated language, and removing provisions throughout the statutes that the Act made obsolete. Such references include the twice-a-year limitation on adopting plan amendments that no longer exists and references to the evaluation and appraisal report that are no longer required.

SB 842 also requires a regional planning council to determine before accepting a grant that the purpose of the grant is in furtherance of its functions, prohibiting a regional planning council from providing consulting services for a fee to any local government for a project for which the council will serve in a review capacity, prohibiting a regional planning council from providing consulting services to a private developer or landowner for a project for which the council may serve in a review capacity in the future.

The bill passed on a 7-1 vote and now will proceed to the Senate Commerce and Tourism Committee.

**AIF SUPPORTS efforts to clarify "The Community Planning Act" so as to guarantee that those developers can proceed with certainty.**

On Wednesday, the House Community & Military Affairs Subcommittee met and considered HB 979 Relating to Developments of Regional Impact by Representative Jose Felix Diaz (R-Miami).

This legislation contains several provisions, including direction stating that reviewing agencies may make only recommendations or comments regarding a proposed development which are consistent with the statutes, rules, or adopted local government ordinances that are applicable to developments in the jurisdiction where the proposed development is located.

In addition, the proposal includes a new exemption from the process which applies to any proposed development that is located in a local government jurisdiction that:

- Does not qualify for an exemption based on the population and density criteria in s. 257 380.06(29)(a)
- Is approved as a comprehensive plan amendment adopted pursuant to s. 163.3184(4),
- Qualifies for an incentive program pursuant to chapter 288; *and*
- That the developer, local government, and Department of Economic Opportunity agree in writing that the development-of-regional- impact review process does not apply.

HB 979 passed with overwhelming support by a vote of 9-2. The bill's next, and final, stop is the full House Economic Affairs Committee.

**AIF SUPPORTS legislation that allows developers, local governments, and the newly created Department of Economic Opportunity DEO to elect to use the state coordinated review process for certain developments and thus provide significant cost and time savings for private developers.**

On Thursday, the Senate Regulated Industries Committee took up and passed SB 600 by Senator Mike Bennett (R-Bradenton) Relating to Electronic Filing of Construction Plans. This legislation authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes. The bill was uncontroversial and passed unanimously, and now goes to the Senate floor.

SB 600 has passed its final committee of reference and will now advance to the Senate Floor for consideration by all members. The House companion – HB 387 by Representative Larry Ahern (R-St. Petersburg) – has also passed its committees of reference and is awaiting the House Calendar.

**AIF SUPPORTS legislation that will promote cost savings due to increased government efficiency in the review of construction plans, and thus, increased timeliness in the processing of building permits.**

## **Economic Development**

On Tuesday, January 24th the House Business & Consumer Affairs Subcommittee – Chaired by Representative Doug Holder (R-Sarasota) – passed one of AIF's top legislative priorities this session. HB 1491 by Representative Eric Eisnaugle (R-Orlando) creates the state's first Florida Infrastructure Fund Partnership and institutes a tax credit program designed to leverage private investment in state infrastructure projects. By creating a public-private partnership fund, the intent of the legislation is to seek outside investor commitments to build capital infrastructure projects during a time when state resources to do so are dwindling. Authorized to raise up to \$700 million in private funds to help build water and wastewater systems, power systems, roads and other strategic infrastructure needs, this proposal would couple private sector investing to meet the needs of public sector infrastructure projects.

AIF stood in support of this very good bill and congratulates Representative Eisnaugle on this bill. Innovative ideas like this which leverage public and private sector resources to meet the needs of the state and the business community are paramount to AIF and its members. AIF would also encourage the Florida Senate to begin moving Senate Bill 1472 by Senator Garrett Richter (R-Naples) which is the companion bill to HB 1491.

This legislation passed the full House last year but the Senate failed to act. By its passage on Tuesday, the legislation will now be reported on to the House Finance & Tax Committee for further consideration.

## **AIF SUPPORTS legislation that will provide tax incentives to leverage private investment in state infrastructure projects.**

On Wednesday, the House Transportation & Economic Development Appropriations Subcommittee rolled out their initial budget recommendations that include; funding for the Department of Economic Opportunity, the Department of Transportation, the Department of Highway Safety and the Department of State.

Committee Chairman Mike Horner (R-Kissimmee) presented the budget to the committee amid another down year with state revenues and a growing need for more state business recruitment and expansion. Some highlights from the committee's budget include:

Overall Budget Recommendation \$9.3 Billion:

### **Trust Fund Sweeps**

\$211 million in Trust Funds sweep

- \$120 million from State Transportation Fund
- \$28 million from State Housing Trust Fund
- \$63 million from Local Government Housing Trust Fund

### **Economic Development Incentives**

- \$73 million dollars for economic incentives for use by the Governor (Innovation Incentive, Quick Action Closing, and Qualified Target Industries). The \$73 million will be placed in a “pot” for the Governor to utilize among these programs at his discretion.
- Space Florida - \$10 million in funding (\$4 million in reoccurring funds)
- Visit Florida - \$27,500,791
- State Small Business Credit Initiative- \$33,225,199
- Economic Development Transportation projects available to local governments- \$15,000,000

Many of these proposals contain funding that are below the Governor’s initial request. Specifically, the Governor's budget included \$250 million for Economic development incentives while keeping the State Transportation Trust Fund fully intact.

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## **Insurance**

On Tuesday, January 24th the House Insurance & Banking Subcommittee approved HB 1127 Relating to Citizens Property Insurance Corporation by Representative Ben Albritton (R-Bartow).

This legislation reduces the Citizens Property Insurance Corporation’s (Citizens) maximum regular assessment from 6 percent to 2 percent which may be levied on most businesses’ property and liability insurance premiums for claims paying deficits resulting from a hurricane. Current law requires insurers to pay the regular assessment within 30 days which in turn surcharge their customers to recoup amounts paid. The reduction of the regular assessment will not reduce the overall assessment authority of Citizens. Greater levies will be imposed through emergency assessments which are spread out over multiple years reducing the financial burden on businesses and insurers.

HB 1127 will now advance to the House Government Operations Appropriations Subcommittee for further consideration. The Senate companion measure – SB 1346 by Senator Steve Oelrich (R-

Gainesville) – was unanimously approved by the Senate Budget Subcommittee on General Government Appropriations on Thursday and will proceed to its final stop in the Senate Budget Committee.

**AIF SUPPORTS legislation to return Citizens to an insurer of last resort. AIF also SUPPORTS restoring the Florida Hurricane Catastrophe Fund (Cat Fund) to a safety buffer for Andrew-sized storms.**

On Wednesday, the House Civil Justice Subcommittee took up and considered HB 119 Relating to Motor Vehicle Personal Injury Protection Insurance by Representative Jim Boyd (R-Bradenton). This legislation seeks to replace Florida’s current flawed Personal Injury Protection (PIP) mandatory no-fault automobile insurance coverage with Emergency Care Coverage (ECC).

In effort to curb fraud, the proposed ECC system represents a significant departure from Florida’s no-fault law; however, it does share similarities with the current PIP system with respect to persons covered by the no-fault policy, the \$10,000 worth of mandated coverage, and the availability of lost wages and benefits. The greatest difference between the two policies comes down to the severity of injury. The ECC plan will provide a narrower range of coverage in less severe cases, where fraudulent cases are most rampant, and thus lower the premiums paid by Floridians for no-fault motor vehicle insurance.

Following long testimony and failed attempts to amend the legislation by removing critical components of the bill concerning payment of attorney’s fees and the use of examinations under oath (EUOs), the measure passed strictly along party lines by a vote of 10-5.

HB 119 will now proceed to the House Economic Affairs Committee for consideration by its members.

**AIF SUPPORTS legislation to reduce Personal Injury Protection (PIP) claims costs. Furthermore, AIF applauds Representative Boyd for his leadership in crafting a proposal that will effectively reduce fraud and save Florida’s consumers millions in PIP premiums.**

On Thursday of this week, the House Civil Justice Subcommittee voted down an important insurance reform measure relating to bad faith remedies in insurance settlements. HB 427 Relating to Civil Remedies Against Insurers by Representative Kathleen Passidomo (R-Naples) sought to place third party claimants on the same playing field for notice and settlement purposes as first party claimants, i.e., the policyholders. The bill’s intent was to eliminate the “gotcha games” that insurers currently suffer when settlement demands for policy limits are unreasonable and result in more expensive litigation and claims cost.

Opponents of the bill primarily claimed that the problems created in this aspect of the law were limited only to automobile cases or resulted in such a small number of reported cases that the bill’s remedy was too far reaching. However, the number of reported cases that have worked their way through the trial appellate courts does not at all reflect the thousands of cases that settle for policy limits over the threat of a bad faith lawsuit without thorough investigation and opportunity for discovery. Additionally, even though the cases that created the bad faith standards were automobile cases, the bad faith standards apply to third party claims across all lines of insurance.

Ultimately, the bill failed on a vote of 7-8. Three Republican members of the committee broke ranks and voted alongside the Democrats to essentially kill the bill. Voting against the bill were Representatives Matt Gaetz (R-Niceville), Shawn Harrison (R-Tampa), Jose Oliva (R-Hialeah), Rich Steinberg (D-Miami Beach), Mack Bernard (D-Palm Beach), Joe Abruzzo (D-Wellington), Marty Kiar (D-Parkland), and Darren Soto (D-Orlando). The bill was retained by the Committee on a motion by Rep. Gaetz.

**AIF SUPPORTS legislation that reforms Florida's current litigation procedures in bad faith claims against insurers. Furthermore, AIF greatly appreciates the valiant leadership and tenacity demonstrated by Rep. Passidomo in taking on this important public policy issue.**

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## **Taxation**

On Tuesday, January 24th Chair Ellyn Bogdanoff (R-Ft. Lauderdale) called on Senator Thad Altman (R-Melbourne) to present SB 170 Relating to Transfer of Tax Liability.

Senator Altman explained that the bill changes the process for purchasing a business that may have an unpaid tax. Currently, the transferee assumes the tax liabilities unless an exception applies. Today there are three different statutes that apply to tax liability, one for sales tax liability, and one for communications services tax and another for state taxes in general. The bill repeals the two specific statutes and amends the statute relating to all taxes owed to the state.

The bill allows the transferee to take the business without assuming the transferor's liability under either of these circumstances:

- If the transferor obtains a certificate of compliance for the Department of revenue that the business owes no back taxes, *or*;
- If the transferee requests an audit by the Department of Revenue within 90 days to find out that the transferor is not liable for any outstanding taxes.

There were no questions by the members of the committee. Associated Industries of Florida, the Business Section of the Florida Bar, and the Bankers' Association all waived their time in support of the bill.

The committee passed the bill unanimously. SB 170 will now proceed to the Senate Budget Committee. The House companion – HB 103 by Representative John Wood (R-Haines City) – has passed all committees of reference and is on the House Calendar. Having been placed on the calendar this early in the Session indicated that bill will most likely pass this session.

**AIF supports the bill because it makes Florida more attractive for potential buyers of businesses that have closed by providing certainty on not having to assume any outstanding tax liabilities or clarifying the maximum tax liability if the buyer agrees to assume them.**

On Wednesday, the Senate Budget Subcommittee on Finance and Tax continued their hearing on SB 7182 – a proposed committee bill (PCB) relating to taxation. Committee Chair Ellyn Bogdanoff (R-Ft. Lauderdale) explained the bill in yesterday's meeting but time ran out before the discussion was completed.



Chair Bogdanoff explained that the bill does three things:

- Limits the collection allowance to those dealers that file their returns and pay taxes by electronic means.
- Updates the Florida Income Tax Code of 1986 by adopting the Internal Revenue Code as of January 1, 2012. This is called “piggy backing” the Federal Tax Code and will be retroactive to January 1, 2012.
- Lastly, the bill revises the date on which an estimated corporate tax payment is due. Currently if the due date falls on a weekend or legal holiday it is not due until the next business day. The bill changes that and makes the due date the preceding day effective July 1, 2012. Chair Bogdanoff added that this change would have the effect of increasing the available revenue in the 2012-13 fiscal year by \$100 million.

Senator Maria Sachs (D-Delray) commented that this would be a burden on businesses, especially small businesses that pay the corporate income tax. She also asked about possible penalties if a company were to miss this change.

Senator Sachs suggested that the proposal should include such language and thanked AIF for bringing this issue to the committee’s attention.

The Chair responded that staff would work on that language.

The proposed committee bill was approved for introduction by the unanimous vote of the committee and re-filed as SB 2068. The measure will now wait to be assigned further committees of reference.

**AIF supports the adoption of the federal tax code for 2012. AIF will continue to work with members of the Legislature to ensure that the state receives all available revenues while refraining from onerous mandates on Florida business owners.**

On Thursday, the House Finance & Tax Committee unanimously passed HB 809 Relating to Communications Services Tax by Representative James Grant (R-Tampa).

Rep. Grant explained that Florida’s Communications Services Tax (CST) went into effect in 2001 and is now over ten years old. Despite monumental advances in technology, the statute has not had any major rewrites. He added that the statute needs to be modernized by adding some new definitions and updating others. The bill defines “Internet access service”, “digital goods” and “digital services,” and that the term “cable service” is replaced with the broader term “video service” to reflect what has evolved in the marketplace since the CST was put in place.

Furthermore, Rep. Grant went on to explain that the sales price was revised to allow additional nontaxable items to be billed in a single line item without the entire amount of that item being taxable. He added that the provisions that govern assigning customers to a local taxing jurisdiction are revised.

None of the members had any questions and Chairman Steve Precourt (R-Orlando) recognized Associated Industries of Florida and members of the Communications and Cable TV industry to waive in support of the legislation.

There was no debate and the bill passed with unanimous consent. HB 809 will now proceed to the House Energy & Utilities Subcommittee. A similar proposal in the Senate – SB 1060 by Senator Elynn Bogdanoff (R-Ft. Lauderdale) – is scheduled for consideration in the Senate Communications, Energy, and Public Utilities Committee on Monday, January 30th.

## **Education**

On Tuesday, January 24th the House K-20 Innovation Subcommittee passed two of AIF's top education priorities for 2012. Proposed Committee Bill **(PCB) KINS1** and HB 1191 by Representative Michael Bileca (R-Miami) were passed with overwhelming support.

**KINS1** provides student and parent empowerment relating to the eligibility of Florida Virtual School full-time students to participate in interscholastic extracurricular activities at certain public schools. Specifically, the measure provides that the Florida Virtual School may provide part-time instruction for students in kindergarten through grade 12.

HB 1191 enables parents, by petition, to request that the school district implement a parent-selected turnaround option if a school in the lowest performing category does not improve performance in the initial year of implementing a turnaround option selected by the school district. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

Within 30 days of receiving notice from the Department of Education (DOE) that the school did not improve performance under the preceding turnaround option, each school district must notify parents that they may submit a petition requesting that a parent-selected turnaround option be implemented for the school in the following school year.

AIF was present to testify in support of both proposals as an effective method of ensuring that Florida's workforce is adequately prepared to meet the demands of a competitive workforce.

Passing by a wide margin of 11-3, HB 1191 will now advance to the House Rulemaking & Regulation Subcommittee. **KINS1** was submitted as a committee bill by a vote of 12-2 and subsequently re-filed this week as HB 7063.

**AIF will continue to SUPPORT legislative changes that will increase digital learning and improve foundational skills and readiness for college and careers.**

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## **Business Regulation**

On Wednesday, January 25th the House Community & Military Affairs Subcommittee passed HB 421 Relating to Limited Certification for Fertilizer Application by a vote of 9-6. This bill, sponsored by Representative Jimmie Smith (R-Lecanto), will allow trained and certified professionals to operate in a manner that does not unduly hinder their ability to practice their trade or remain fearful of being regulated out of existence by local governments. The bill will recognize that the practices of state certified applicators are to be treated differently than those who are not. The proposed legislation would seek to exempt the regulated community from the ongoing efforts of local governments to adopt "one-size fits all" ordinances that seek to impose restrictions on product composition and create out-right prohibitions on use.

During the hearing, several individuals representing local government and environmental interests spoke in opposition to the bill citing concerns over home rule. Local governments have consistently opposed allowing the state to have more control over fertilizer application rules. AIF, along with members of the business community, recognize this proposal as a bold, regulation-killing piece of legislation. Passage of this bill will prevent businesses from having to comply with a patchwork of different local ordinances; thereby, making it easier and more inexpensive to operate.

HB 421 will now advance to the House State Affairs Committee – its last committee of reference. The Senate measure – SB 604 by Senator Charlie Dean (R-Inverness) – is slated for consideration by the Senate Environmental Preservation and Conservation Committee on Monday, January 30th.

**AIF SUPPORTS legislation that addresses the labyrinth of inconsistent, unscientific and arbitrary county and municipal ordinances which address the fertilization of urban turf, lawns, and landscapes.**

Also on Wednesday, SB 1658 Relating to Public Assistance by Senator Ronda Storms (R-Brandon) was taken up and passed on a partisan vote at during a meeting of the Senate Children, Families, and Elder Affairs Committee – a committee that Sen. Storms herself chairs.

SB 1658 would prohibit a recipient of benefits under the Supplemental Nutrition Assistance Program (SNAP) from purchasing certain foods with those Federal funds, also known as “food stamps.” The bill also prohibits the use of those benefits at restaurants.

Republican Senator Nancy Detert (R-Venice) reluctantly supported the bill in deference to the chair, but indicated her support was not solid. The Committee’s Democratic members – Senator Nan Rich (D-Sunrise) and Senator Audrey Gibson (D-Jacksonville) – argued unsuccessfully that the bill crossed the line of government intervention into one’s personal life and was particularly harsh.

Sen. Storms asserted that it was not proper for tax payer money to be used to purchase foods containing trans-fats or foods such as sweetened beverages, Jello, ice cream, muffins, cupcakes or cakes and pastries, and salty-based snacks. Storms expressed a personal irritation when she sees these foods being purchased with food stamps while in a grocery store checkout line.

The bill also prohibits a recipient from using an electronic benefit transfer (EBT) card to access cash benefits outside of Florida, to purchase alcohol or tobacco products, or to access automated teller machines located in gambling and adult entertainment establishments. The bill also provides a list of establishments inside the state where a recipient may not obtain cash benefits through an EBT card from an ATM.

Were SB 1658 to become law, a waiver from the USDA would be required to modify the state’s implementation of the program. The USDA has recently rejected similar waiver requests from New York City and the State of Minnesota. The staff analysis of the legislation did not discuss the waiver requirement or the FDA’s most recent decisions, nor did it mention a current SNAP food restrictions pilot now underway in a New England state. Storms was unmoved by any of these points in a meeting prior to the committee hearing.

SB 1658 will now move on to the Senate Budget Subcommittee on Health and Human Services Appropriations. A similar measure filed in the House – HB 1401 by Representative Scott Plakon (R-Longwood) – now resides in the House Health & Human Services Access Subcommittee and is scheduled for consideration on Monday, January 30th.

**AIF will continue to monitor this legislation and work with the bill sponsor to ensure that such a proposal, while possessing good intent, does not create unintended consequences.**

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## Health Care

On Wednesday, January 25th the House Health & Human Services Quality Subcommittee approved HB 1329 Relating to Health Care Consumer Protection by Representative Richard Corcoran (R-New Port Richey) by a vote of 10 to 5.

This legislation would help educate Florida's employers and employees on the cost of the care provided by certain facilities and physicians. Specifically, HB 1329 would:

- Require ambulatory surgical centers and diagnostic-imaging centers to publish and post a schedule of medical charges (those that are charged to patients without insurance) for 50 of the most frequently provided services.
- Require various medical practitioners to distribute a schedule of medical charges to uninsured patients for 50 of the most frequently provided services.
- Prohibit "balance billing" in an emergency situation when a person is transported to a facility by ambulance. Balance billing refers to the practice of a provider billing charges to the person over and above what is paid for by their insurer. Balance billing is also prohibited in situations when an insured person had no opportunity to choose their provider and the provider ultimately rendering the service did not have a contract with their insurer.
- Require health insurers, health care facilities (and physicians providing care in those facilities) to disclose to an insured person whether or not a provider is in the insurer's network and if those facilities or physicians will bill additional charges to the person.

HB 1329 will now advance to the House Insurance & Banking Subcommittee for further consideration.

**AIF SUPPORTS legislation that provides accountability among Florida's health care providers. Providing clarity in these types of services will bring private health care providers more in line with other private-sector industries by increasing efficiency and promoting accountability.**

On Friday of this week, the House Judiciary Committee voted to overwhelmingly pass HB 385 Relating to Health Care by Representative Matt Gaetz (R-Shalimar). This bill would give sovereign immunity to those physicians working in a hospital emergency room or trauma center. Sovereign immunity refers to the legal situation that protects governments from being sued without their consent. The protection is often extended to government contractors performing governmental functions.

Specifically, this bill would provide that these physicians are an agent of the state protected by sovereign immunity. A physician covered by the sovereign immunity protection would be required to reimburse the state for claims and costs up to the sovereign immunity limits.

HB 385 will advance to the House Government Operations Appropriations Subcommittee. The Senate companion - SB 614 by Senator Mike Bennett (R-Bradenton) - has not yet been heard in the Senate Health Regulation Committee.

**AIF SUPPORTS legislation that will extend the current sovereign immunity protections to practicing physicians.**

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## Space

In unified front of support for Florida's space industry, SB 634 Relating to Spaceport Facilities by Senator Lizbeth Benacquisto (R-Wellington) was unanimously passed by members of the Florida House on Wednesday, January 25th.

This legislation amends current law by defining the term "launch support facilities" and deleting the term "spaceport launch facilities." Proponents of this legislation, including AIF and Space Florida, maintain that the bill will provide for:

- The ability to better fund infrastructure upgrades and improvements to space-related facilities by using SIS monies more appropriately for space infrastructure projects not airport related; *and*
- The alignment of federal and state definitions so that any future federal grants may qualify for the same projects.

The House proposal – HB 97 by Representative Ritch Workman (R-Melbourne) – was substituted by SB 634 and laid on the table. SB 634 will now proceed to the Governor to be signed into law.

**AIF SUPPORTS this legislation as a means of providing Florida's aerospace industry with the proper incentives to create jobs in a variety of high-value-added sectors. Furthermore, we commend members of the Florida House for their continued support of Florida's vital space industry.**

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## Information Technology

On Thursday, January 26th the Senate Commerce and Tourism Committee unanimously passed SB 678 Relating to State Contracts by Senator Chris Smith (D-Oakland Park). Sen. Smith explained that this legislation would simply require any company doing business with the State of Florida to have call centers located within the United States.

Senator Nancy Detert (R-Venice) introduced an amendment requiring said call centers to be located in the State of Florida but withdrew the amendment when Senator Smith explained that it might conflict with the Commerce Clause of the US Constitution. Committee staff disagreed and suggested that more research was required on such an amendment before the bill reaches the floor.

With no question by members of the committee, AIF waived their time in opposition.

SB 678 has one remaining stop in the Senate Budget Committee. The House companion – HB 649 by Representative Betty Reed (D-Tampa) – has yet to be heard in the House Government Operations Subcommittee.

**AIF OPPOSES legislation that will create another layer of government regulation that interferes with a businesses' freedom to control costs and provide state services at the lowest possible price.**