



# DAILY BRIEF

For the 2018 Legislative Session

**From March 1, 2018**

## **LEGAL & JUDICIAL**

### **SB 822- Relating to Beverage Law**

On Thursday, March 1st, SB 822 by Senator Travis Hutson (R-Palm Coast) was heard before the Senate Committee on Rules and passed by a vote of 12 yeas to 0 yeas. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

Florida's "Tied House Evil Law," s. 561.42, F.S., prohibits a manufacturer or distributor of alcoholic beverages from having a financial interest, directly or indirectly, in the establishment or business of a licensed vendor, and prohibits a manufacturer or distributor from giving gifts, loans, property, or rebates to retail vendors.

The bill allows a written agreement between a manufacturer or importer of malt beverages and an alcoholic beverage vendor for brand naming rights, including the right to advertise cooperatively from the "tied house evil" prohibitions. The agreement must then be negotiated at arm's length for no more than fair market value.

SB 822 will move on to the Senate floor for consideration.

**AIF SUPPORTS legislation that removes burdensome regulations on Florida's businesses.**

### **HB 33- Relating to Texting while Driving**

On Thursday, March 1st, HB 33, by Representative Jackie Toledo (R-Tampa) and Representative Emily Slosberg (D-Delray Beach) was read for a third time on the House floor and passed by a vote of 112 yeas to 2 nays.

Currently, Florida law prohibits a person from texting, emailing, and instant messaging while driving, however, enforcement of this is a secondary offense, which means a law enforcement officer must detain a driver for another traffic offense in order to cite the driver for texting while driving. The bill would change the current enforcement of the ban on texting while driving from a secondary offense to a primary offense, allowing law enforcement officers to stop a vehicle solely for texting while driving. The main goal of this legislation is to eliminate a component that contributes to distracted driving on Florida's roadways.

HB 33 is now in Senate messages.

**AIF supports legislation that addresses the issue of distracted driving and will ensure public safety for all on Florida's roadways.**

## **CONSUMER PROTECTION**

### **SB 920-Relating to Deferred Presentment Transactions**

On Thursday, February 15th, SB 920, by Senator Rob Bradley (R-Orange Park) was heard by the Senate Committee on Rules and passed by a vote of 11 yeas to 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

The bill authorizes deferred presentment installment transactions under Florida law. A deferred presentment installment transaction must be fully amortizing (the balance due will be entirely paid after the last payment is made) and repayable in consecutive installments, which must be as equal as mathematically practicable. The term of a deferred presentment installment transaction may not be less than 60 days or more than 90 days and the time between installment payments must be at least 13 days but not greater than 1 calendar month.

The maximum face amount of a check taken for a deferred presentment installment transaction may not exceed \$1,000, exclusive of fees. The maximum fees that may be charged on a deferred presentment installment transaction are 8 percent of the outstanding transaction balance on a biweekly basis. The bill retains current law in s. 560.404(19), F.S., prohibiting a provider from entering into a deferred presentment transaction with any person who has an outstanding deferred presentment transaction or whose previous transaction has been terminated for less than 24 hours.

SB 920 will go on to the Senate floor for consideration.

**AIF supports legislation that creates a new framework that conforms with the federal guidelines while also retaining the choices Florida consumers need and deserve.**

## **REGULATION**

### **HB 1033-Relating to Bicycle Sharing**

On Thursday, March 1st, HB 1033 by Representative Jackie Toledo (R-Tampa) was read for a third time on the House floor and passed by a vote of 114 yeas to 0 nays.

Bicycle sharing is a relatively new venture making its way across the country. Currently, the regulation of bicycle sharing companies is left up to local jurisdictions. HB 1033 creates a regulatory framework governing the operation of dockless and docked bicycle sharing companies in the state and would preempt local governments regulatory authority of bicycle sharing companies by giving this authority to the state.

HB 1033 has been received in Senate messages and referred to the Senate Committee on Banking and Insurance, Senate Committee on Community Affairs, and the Senate Committee on Rules for consideration.

**AIF supports legislation that implements statewide policies that create price competition, promote consumer choice, enhance customer experience, create jobs and remove anti-competitive local regulations.**

## **ECONOMIC DEVELOPMENT**

### **HB 697 - Relating to Impact Fees**

On Thursday, March 1st, HB 697 by Representative Mike Miller (R- Orlando) was read for a third time on the House floor was amended and passed by a vote of 108 yeas to 5 nays.

An amendment, 271065; offered by the sponsor was adopted. This amendment was a compromise between stakeholders that kept the 30-day time frame for a local government has to determine what might be deficient in the development plan and another 60-days to approve a development plan once the application for approval has been received. AIF is in support of this amendment.

HB 697 is now in Senate messages.

**AIF supports legislation that ensures the same protections to sector plans against demanding payment or construction of facilities beyond those needed to service the development.**

### **HB 961-Relating to Beverage Law**

On Thursday, March 1st, HB 961 by Representative Joe Gruters (R- Sarasota) was read for a third time on the House floor and passed by a vote of 101 yeas to 13 nays.

Currently, vendors must purchase beer or malt beverage branded glassware from distributors for use in their establishments. This legislation allows for retailers to accept malt or beer beverage branded glassware from a wholesaler at no cost. Both bills were amended during their respective committee stops to change the amount of branded glassware a distributor may give to no more than 10 cases per calendar year.

HB 961 is now in Senate messages.

**AIF SUPPORTS legislation that will reduce costs on Florida's businesses by allowing distributors to provide vendors, at no cost, glassware to use in their establishments.**

## HEALTH CARE

### HB 21-Relating to Controlled Substances

On Thursday, March 1st, HB 21 by Representative Jim Boyd (R-Bradenton) was read for a third time on the House floor and passed by a vote of 114 yeas to 0 nays.

This bill addresses opioid abuse by expanding the use of the Prescription Drug Monitoring Program (PDMP), increasing regulation of prescribers and dispensers, and aligning state criminal statutes with federal law. The bill limits the prescription for a Schedule II opioid to alleviate acute pain to a three-day supply, or a seven-day supply if deemed medically necessary by the prescriber.

The bill also requires the Department of Health (DOH) to adopt rules establishing guidelines for prescribing controlled substances for acute pain, similar to those for chronic pain. Additionally, the bill also requires a health care practitioner authorized to prescribe controlled substances to complete a board-approved 2-hour continuing education course on safely and effectively prescribing controlled substances, and to review a patient's PDMP history prior to prescribing or dispensing a controlled substance.

HB 21 has been received by the Senate and referred to the Senate Committee on Health Policy, the Senate Committee on Appropriations and the Senate Committee on Rules for consideration.

**AIF supports legislative efforts that aim to curb opioid abuse and addiction that is currently running rampant through the state affecting Florida's families and businesses.**