



DAILY BRIEF

For the 2020 Legislative Session

From January 29, 2020

LEGAL & JUDICIAL

HB 9 – Relating to Damages

On Wednesday, January 29, **HB 9** by Representative Tom Leek (R-Daytona Beach) was heard by the House Civil Justice Subcommittee and was reported favorable with 10 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

A tort is a civil wrong for which the law provides a remedy. The purpose of tort law is to fairly compensate a person harmed by another person's wrongful acts, whether intentional or negligent. In a negligence action in Florida, the compensation a plaintiff recovers is reduced to the extent the plaintiff or a third party contributed to the injury.

A healthy tort liability system benefits society, as a whole by compensating injured parties fairly, resolving disputes, and discouraging undesirable behavior. A flawed tort system generates exorbitant damages and unpredictability, causing:

- Increased economic costs and increased risks of doing business;
- Higher insurance premiums;
- Increased healthcare costs and declining availability of medical services; and
- Deterrence of economic development and job creation activities.

The bill modifies the damages recoverable in certain tort actions by requiring a jury to consider an estimated value of medical services based on an independent database reporting medical costs charged and paid. This ensures the jury does not rely solely on the amount billed by the provider of medical or health care services to determine damages.

HB 9 will now move to the House Commerce Committee.

AIF supports legislation that creates transparency and ensures accuracy in damages, thereby reducing the cost of insurance premiums for Florida businesses.

HB 7037 – Relating to Constitutional Amendments Proposed by Initiative

On Wednesday, January 29, **HB 7037** by the House Judiciary Committee was heard by the House Appropriations Committee and was reported favorable with 20 yeas and 10 nays. **AIF stood in support of this legislation.**

The Florida Constitution is the charter of the liberties of Floridians. It may be amended only if the voters approve an amendment originating from the Legislature, the Constitution Revision Commission, the Taxation and Budget Reform Commission, a constitutional convention, or a citizen initiative.

The bill modifies several aspects of the citizen initiative process to increase transparency, strengthen the integrity of the ballot, and reduce costs for the supervisors of elections. Specifically, the bill changes the deadline for gathering signatures, the Fiscal Impact Estimating Conference (FIEC) analysis process, the ballot language requirements, and the requirements for supervisors of elections.

HB 7037 will now move to the House State Affairs Committee.

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

ENVIRONMENT

HB 1199 – Relating to Environmental Protection Act

On Wednesday, January 29, **HB 1199** by Representative Blaise Ingoglia (R-Spring Hill) was heard by the House Civil Justice Subcommittee and was reported favorable with 14 yeas and 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Florida authorizes a citizen to assert standing to stop activity that will affect his or her use or enjoyment of air, water, or natural resources. However, court rulings and legislation in the U.S. and worldwide have suggested specific legal rights of nature may exist authorizing a person to assert standing on behalf of natural resources.

While U.S. Supreme Court precedent clearly limits standing for environmental claims to only an action causing injury to a human, dissenting opinions suggesting otherwise have recently caught the attention of environmental activists attempting to assert standing on behalf of the environment, often resulting in lengthy yet unsuccessful litigation.

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

- From recognizing or granting any legal right to a plant, animal, body of water, or any other part of the natural environment that is not a person or political subdivision; or
- Granting a person or political subdivision any specific rights relating to the natural environment.

The bill provides that the prohibition on granting rights to nonpersons may not limit the:

- Ability of an aggrieved or adversely affected party to appeal and challenge the consistency of a development order with a comprehensive plan, or to file an action for injunctive relief to enforce the terms of a development agreement or to challenge compliance of the agreement with the Florida Local Government Development Agreement Act; or
- Standing to maintain an action for injunctive relief as otherwise provided by the EPA for:
 - Department of Legal Affairs;
 - Any political subdivision of the state; or
 - A resident of the state.

The bill may prevent costly litigation related to granting rights to natural resources, when current legal precedent suggests such rights may not be granted at the state or local level.

HB 1199 will now move to the House Agriculture & Natural Resources Subcommittee.

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

ECONOMIC DEVELOPMENT

SB 362 – Relating to Florida Tourism Marketing

On Wednesday, January 29, **SB 362** by Senator Ed Hooper (R-Palm Harbor) was heard by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development and was reported favorable with 8 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill extends the scheduled repeal date for the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, until October 1, 2028, and removes the scheduled repeal date for the Division of Tourism Marketing within Enterprise Florida, Inc. Without the bill, the statutory provisions for these entities will be repealed on July 1, 2020.

SB 362 will now move to the Senate Appropriations Committee.

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

HB 115 – Relating to Keep Our Graduates Working Act

On Wednesday, January 29, **HB 115** by Representative Nicholas Duran (D-Miami) was read a second and third time on the House floor and passed with a vote of 118 yeas and 0 nays.

The bill removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a student loan or who fails to comply with the terms of a service scholarship. Under the bill,

a healthcare practitioner may not have his or her license suspended or revoked by the Department of Health (DOH) solely because of a loan default or failure to complete service scholarship obligations.

Additionally, the bill specifies that a state authority may not suspend or revoke a license that it has issued to a person who is in default on or delinquent in the payment of his or her student loans solely on the basis of such default or delinquency. The bill defines the term “state authority” to mean any department, board, or agency with the authority to grant a license to any person in this state.

HB 115 will now go to the Senate for consideration.

AIF supports efforts to protect Florida’s workforce from professional license revocation exclusively due to loan default.