

2020 Weekly Legislative Update - Week 4: February 7, 2020

It was a big week at the Florida Capitol. While lawmakers were actively engaging on more than a dozen Florida Chamber 2020 Jobs Agenda bills, the Florida Supreme Court picked apart a proposal that would legalize the recreational use of marijuana – a measure the Florida Chamber opposes and on which the **Florida Chamber Litigation and Regulatory Reform Center** filed a court brief arguing the measure is misleading.

As the Florida Chamber unites business for good, we continue championing your **Florida Chamber 2020 Jobs Agenda**. Below are outtakes of the week's activity, plus a look towards next week's committee hearing on E-Verify.



HIGHLIGHTS FROM WEEK 4:

Cutting Taxes on Florida Families:

Did you know that nearly every Floridian pays a communications services tax (CST)? Those are taxes charged on landline and mobile phones, cable television and satellite services, by both your local government and the state. Worse yet, Floridians are paying the ninth highest CST in the country. The Florida Chamber is working to reduce the CST by lowering the local CST rate in favor of a more streamlined rate system. Doing so will lower costs on families and job creators, and make Florida more competitive by increasing predictability for businesses. Thank you, **Senator Travis Hutson** for advancing this Florida Chamber-backed bill.

Taking on Billboard Trial Lawyers:

Your voices are being heard. Lawmakers continue advancing Florida Chamber-backed lawsuit abuse reform bills this legislative session, all in an effort to improve Florida's bottom five legal climate. This week, lawmakers advanced several legal reform bills, including **Litigation**



Rep. Tom Leek Puts Consumers Ahead of Billboard Trial Lawyers



Governor DeSantis is Committed to Taking on Powerful Trial Lawyer Special Interests

Financing Consumer Protection, **Motor Vehicle Dealers**, **Legal Advertising**, **Contingency Risk Multipliers**, and **Asbestos Trust Claims**. Next week is shaping up to be another busy week in committees for lawsuit abuse reform efforts as well. **Click here to read the latest on each, and to share which legal climate issues are most important to you.**

Septic to Sewer Conversion Works:

Scientists, fishermen and environmental leaders agree that the success of septic to sewer conversions in the Florida Keys is a shining example of how the same process could be used to improve water quality in the Everglades Basin extending north to Orlando. As part of its ongoing environmental stewardship efforts to help secure Florida's water future, the Florida Chamber of Commerce this week released the **latest** in a **series of educational videos** featuring the research of Dr. Brian Lapointe, Research Professor at Florida Atlantic University's Harbor Branch Oceanographic Institute. The Florida Chamber supports SB 712 by **Senator Debbie Mayfield** and HB 1343 by **Representative Bobby Payne**, which call for converting from septic tanks to sewage treatment centers.

Prosperity Focused Bills on the Move:

Both a Florida House and Senate committee this week advanced legislation that reduce barriers, often labeled as Fiscal Cliffs, on the road to economic self-sufficiency. Right now, many state and federal programs have income-based requirements, which means an increase in pay could result in a net loss in income due to that individual no longer qualifying for certain government-run assistance programs. HB 1323 by **Representative Vance Aloupis** and SB 1624 by **Senator Keith Perry** are Florida Chamber-backed bills that call for the state to collect data across multiple agencies on multiple government assistance programs so the Legislature can determine if there are ways Florida can mitigate



AHCA Secretary Mary Mayhew Discusses Healthcare Costs and Better Healthcare Outcomes



Senator Wilton Simpson Explains Why Tort Reform Can Help With Insurance Costs



Rep. Jamie Grant Says Florida's Constitution Shouldn't Be a Playground for Politics



the Fiscal Cliff effect in Florida. This is essential to lifting people out of poverty and toward prosperity. For more information on the Florida Chambers Foundation's Prosperity Initiative leadership, contact Michael Williams at **mwilliams@flfoundation.org**

Senate Advances VISIT FLORIDA Reauthorization:

The Florida House of Representatives again this week said funding tourism marketing was a non-starter, but the Senate budget panel gave the green light to VISIT FLORIDA reauthorization. The Senate Appropriations Committee approved SB 362 by **Senator Ed Hooper**, which would extend VISIT FLORIDA's mission until October 2028. Without reauthorization, the agency and its proven efforts to market Florida's tourism economy will sunset in July 2020.

Florida-Only E-Verify Proposal Up Next Week:

The Senate Judiciary Committee next Tuesday, February 11, will take up SB 664, which is a bill mandating private sector usage of the federal E-Verify program. **The full text of the bill can be found here.** SB 664 requires all employers in Florida to use the federal E-Verify program, allows public entities to nullify contracts with businesses based on suspected non-compliance, creates more legal liability through a new cause of action, and threatens government investigations if any person claims to have a "good faith belief" that a business has hired an unlawful worker. The Florida Chamber has long advocated for Congress to fix our broken immigration system, preferring a comprehensive, federal solution rather than a state-by-state patchwork of proposed fixes. While amendments to the bill are expected to be filed over the coming days, if your business opposes this Florida-only mandate as drafted, please let your state legislators know before Tuesday's meeting.

Septic to Sewer Conversions in Florida Keys Have Improved Water Quality



Download the Florida Chamber's 2020 Jobs Agenda



Lawsuit Abuse Reform will Help Lower the Cost of Living on Florida Families

Chamber Newswire

- FL Supreme Court justices not convinced by recreational pot proposal language – Miami Herald/Tampa Bay Times
- Bill would crack down on 'bad drug ads' aired in Florida markets – Florida Record
- Auto-glass repair scam can affect your insurance, Mark Wilson – Orlando Sentinel
- Supreme Court weighs assault weapon, pot proposals – WPEC CBS12
- Chamber installs 2020 board of directors - BeaconOnlineNews
- Florida Delegation Cheers Donald Trump Signing USMCA Into Law – Florida Daily
- FEDC Announces 2020 Florida Economic Development Week - BDB

Below is a more comprehensive review of legislative activity from Week 4 of the 2020 Legislative Session.

Improving Florida's Talent Pipeline for a Better Workforce



Florida Chamber Supports

Mastery Based Education

Allows a diversified pathway for students by providing an educational environment that allows students to progress to higher levels of learning based upon the mastery of concepts and skills.

Passed the House Education Committee, and placed on the House Calendar on second reading.



Florida Chamber Supports

Designation of School Grades

Modifies the high school acceleration component of the school grading model to add to the calculation students who complete career certificate dual enrollment courses resulting in 300 or more clock hours that are identified by the State Board of Education.

The Senate did not take action.

Passed the House Education Committee, and placed on the House Calendar on second reading.



Florida Chamber Supports

Early Learning and Early Grade Success

Updates how Voluntary Pre-Kindergarten students are assessed to better identify their needs in the classroom. Additionally this bill seeks to help ensure that all educational instructors meet high academic standards.

The Senate did not take action.

Placed on the House PreK-12 Appropriations Subcommittee for February 10.



School Choice

Expands access to Florida students who apply for the Family Empowerment, Florida Tax Credit, Gardiner and Hope Scholarship programs.

Florida Chamber Supports

The House did not take action.

Creating Quality Jobs by Diversifying Florida's Economy



VISIT FLORIDA

Reauthorizes VISIT FLORIDA, Florida's tourism marketing organization, which is scheduled to be eliminated on July 1, 2020 without legislative action.

Florida Chamber Supports

Passed the Senate Appropriations Committee, and placed on the Special Order Calendar for February 12.

The House did not take action.



Entertainment Industry

Creates a new tax rebate program for family-friendly TV productions, movies and digital media that are produced in Florida using Florida talent.

Florida Chamber Supports

The Senate did not take action.

The House did not take action.



Regional Rural Development Grants

Provides additional resources and assistance to underserved rural communities to improve economic vitality and encourage economic development efforts.

Florida Chamber Supports

The Senate did not take action.

Passed the House Workforce Development and Tourism Subcommittee, and is now on the House Transportation and Tourism Appropriations Subcommittee agenda for February 10.



Research & Development Tax Credit

Encourages high wage jobs and capital investments by increasing the amount of tax credits available for qualified research and development activities in Florida.

Florida Chamber Supports

The Senate did not take action.



Economic Development

Reauthorizes the Qualified Targeted Industry Tax Refund Program, a key economic development initiative that encourages high wage jobs and is set to expire on July 1, 2020 without legislative action; improves access to the program for counties impacted by Hurricane Michael.

Florida Chamber Supports

The Senate did not take action.

The House did not take action.

Preparing Florida's Infrastructure for Smart Growth & Development



High Speed Passenger Rail

Discourages private transportation investment by creating an unnecessary set of state and local regulations in a system that is adequately regulated and preempted by federal law.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Allowing Local Regulations on 5G

Removes Florida Chamber backed legislation that provided a uniform set of rules for the next generation of cellular technology.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Environmental Protection Act

Protects Florida's environmental regulatory structure from a fringe legal philosophy that would grant nearly unlimited standing for frivolous lawsuits

Florida Chamber Supports

The Senate did not take action.

Passed the House Civil Justice Subcommittee.



Water Quality

This bill better protects the health of our water systems by collecting better data, increasing inspections, and funding septic to sewer conversions.

Florida Chamber Supports

Temporarily postponed by Senate Appropriations Committee.

The House did not take action.

Building the Perfect Climate for Business



Rep. Erin Grall
R-Vero Beach

Motor Vehicle Insurance

Repeals Florida's motor vehicle no-fault law (personal injury protection insurance) and creates mandatory bodily injury coverage.

Florida Chamber Monitoring

On the Senate Banking and Insurance Committee agenda for February 11.

Passed the House Insurance and Banking Subcommittee.



Sen. Jeff Brandes
R-Saint Petersburg

Fair Settlement

Improves Florida's bottom-five legal climate by addressing Florida's broken bad faith standard.

Florida Chamber Supports

Temporarily postponed by the Senate Banking and Insurance Committee. Placed on the Senate Banking and Insurance Committee agenda for February 11.



Contingency Fee Multiplier

Improves Florida's bottom-five legal climate by addressing unnecessary lawsuit costs in property insurance claims due to contingency fee multipliers for attorney fees.

Florida Chamber Supports

Passed the Senate Judiciary Committee.

Received one committee reference.



Asbestos Trust Claims

Decreases the gamesmanship in asbestos trust claims by improving transparency and adding notice requirements by the plaintiff within 30 days of a claim being filed.

Florida Chamber Supports

Passed the Senate Judiciary Committee.

Placed on the House Calendar on second reading.



Damages

Defines damages in personal injury cases for past, present or future medicals as usual and customary rates in the community for medical expenses.

Florida Chamber Supports

Placed on the Senate Health Policy Committee agenda for February 11.

The House did not take action.



Innocent Sellers

Improves Florida's bottom-five legal climate by eliminating vicarious liability for product sellers in a product liability action.

Florida Chamber Supports

The Senate did not take action.



Motor Vehicle Dealers

Clarifies that the dangerous instrumentality doctrine, which does not apply to rental vehicles, also does not apply to loaner vehicles when a car is being serviced and certain insurance requirements are met.

Florida Chamber Supports

Placed on the Senate Infrastructure and Security Committee agenda for February 10.

Passed the House Transportation and Infrastructure Subcommittee.



Solicitation of Legal Services

Increases health safety by adding certain requirements and disclosures for advertisements that intend to solicit legal services from patients of medical devices and pharmaceuticals.

Florida Chamber Supports

The Senate did not take action.

Passed the House Civil Justice Subcommittee this week.



Florida Commission on Human Relations

Florida Chamber Supports

Clarifies that for discrimination complaints before the Florida Commission on Human Relations, the statute of limitations is one year for an aggrieved party regardless of whether the Commission made a reasonable cause determination within 180 days. This fixes a 2000 Florida Supreme Court decision, *Joshua v. City of Gainesville*.

The Senate did not take action.

Passed the House Civil Justice Subcommittee.
One Committee Reference Removed.



Minimum Wage

Florida Chamber Opposes

Incrementally increases the state minimum wage to over $15 an hour to the detriment of small businesses and certain employees.

The Senate did not take action.

The House did not take action.



Discrimination in Labor and Employment

Interferes in employment practices by prohibiting a job creator from requesting or relying on previous wage or salary information to interview, hire, promote or employ an employee.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Prohibited Discrimination Hair

Creates a new cause of action by adding hairstyle to the list of protected classes, such as gender, race or creed, under which it's unlawful to discriminate for housing or employment opportunities.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Unlawful Discrimination - Height/Weight

Creates a new cause of action by adding height and weight to the list of protected classes, such as gender, race or creed, under which it's unlawful to discriminate for housing or employment opportunities.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Pregnant Employees

Interferes in the employer-employee relationship by creating new mandates for employers of pregnant employees.

Florida Chamber Opposes

Passed the House Business and Professions Subcommittee.



Employment Practices

Creates a new cause of action and interferes with the employer-employee relationship by mandating job creators provide up to three months of paid family leave for the birth, adoption or foster care placement of a new child.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Heat Related Illness

Adds redundant mandates for job creators with employees that regularly perform work outside.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Background Screening (Ban the Box)

Prohibits job creators from requesting information about an applicant's criminal history prior to an initial job interview, regardless of the nature of employment.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Medical Marijuana Employee Protection

Eliminates the ability of job creators to maintain a Drug-Free Workplace by creating a new cause of action against employers that take an adverse action against a person who tests positive for medical marijuana while on the job.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Overtime Pay

Interferes in the employer-employee relationship by mandating overtime pay for all salaried employees earning less than $51,064 a year, regardless of employee class or existing benefit and wage structure.

Florida Chamber Opposes

The Senate did not take action.



Wage and Employment Benefits Requirements

Encourages a patchwork of burdensome regulations by allowing local governments to set minimum wage requirements and mandated benefit requirements.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Preemption of Conditions of Employment

Prohibits local governments from passing regulations on businesses that interfere with conditions of employment, including wages, scheduling, benefits and background screening.

Florida Chamber Supports

The Senate did not take action.

The House did not take action this week.



Home Delivery Services

Creates a new cause of action and mandates level II background screenings for the delivery of household goods.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Sales Tax Modernization

Modernizes Florida's tax code and levels the playing field for main street businesses by allowing for the collection of sales tax already due from internet retailers.

Florida Chamber Supports

The Senate did not take action.

The House did not take action.



Corporate Income Tax

Increases the corporate income tax burden on Florida businesses by eliminating the rate reduction that was provided by the legislature in response to the increased tax base as a result of the federal Tax Cuts and Jobs Act.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



Communications Services Tax

Streamlines and reduces the local communications services tax, reducing the tax burden for Florida families and job creators.

Florida Chamber Supports

Passed the Senate Innovation, Industry and Technology Committee.

The House did not take action.



Small Business Exemption - Business Rent Tax

Exempts small businesses under a certain number of employees from the business rent tax, the Florida-only sales tax charged on commercial leases.

Florida Chamber Supports

The Senate did not take action.

The House did not take action.



Corporate Income Tax Combined Reporting

Mandates an affiliated group of corporations with common ownership file a combined water's edge corporate income tax return, which may include income that may not be attributable to Florida.

Florida Chamber Supports

The Senate did not take action.



Small Business Saturday

Supports shopping at local small businesses by eliminating the sales tax on purchases on the Saturday after Thanksgiving.

Florida Chamber Supports

The Senate did not take action.



Property Tax Exemptions Used by Hospitals

Treats non-profit hospitals differently for property tax purposes than other non-profits.

Florida Chamber Opposes

The House did not take action.



Litigation Financing Consumer Protection

Protects injured parties from unscrupulous lenders offering high interest rates that hope to take advantage of the lawsuit and draw out litigation in favor of a greater reward that doesn't always make the injured party whole.

Florida Chamber Supports

Placed on the Senate Banking and Insurance Committee for February 11.

Passed the House Appropriations Committee.



Municipal Litigation

Extends similar attorney fee caps in state litigation to municipal litigation with contingency fee arrangements.

Florida Chamber Supports

The Senate did not take action.

Temporarily postponed by the House Oversight, Transparency and Public Management Subcommittee.

Making Government and Civics More Efficient and Effective



Drug and Cosmetic Act

Creates statewide uniformity in the sale of drugs, cosmetics, and sunscreen.

Florida Chamber Supports

Passed the Senate. Now in the House

Placed on the House Calendar on second

Messages. reading.



Sale of Sunscreen

Bans the sale of FDA-approved sunscreen outside of very narrow provisions.

Florida Chamber Opposes

The Senate did not take action.



Plastic Bag and Plastic Straw Ban

Bans the use of plastic straws and bags statewide.

Florida Chamber Opposes

The Senate did not take action.



State Funds

Protects the Sadowski Housing Trust Fund and makes housing more attainable for Florida families and workers.

Florida Chamber Supports

Passed the Senate Infrastructure and Security.

The House did not take action.



Collective Bargaining

Removes Florida Chamber-backed reforms.

Florida Chamber Opposes

The Senate did not take action.



Vacation Rentals

Protects the private property rights of owners by establishing a statewide framework for the use of short term vacation rentals.

Florida Chamber Supports

Placed on the Senate Commerce and Tourism Committee agenda for February 11.

Passed the House Government Operations and Technology Appropriations Subcommittee.



Preemption Removal

Removes a Florida Chamber-backed reform that brought a statewide system for food packaging regulations.

Florida Chamber Opposes

The Senate did not take action.

The House did not take action.



E-Verify Mandate

Mandates a flawed E-Verify system, creating more unneeded regulations without commiserate benefit.

Florida Chamber Opposes

Placed on the Senate Judiciary Committee agenda for February 11.

The Senate did not take action.

The House did not take action.



Paycheck Protection

Protects public sector workers from being automatically enrolled in a union against their wishes.

Florida Chamber Supports

The Senate did not take action.

The House did not take action.



Constitutional Protections

Protects Florida's Constitution from out-of-state interests buying their way onto the ballot.

Florida Chamber Supports

Placed on the Senate Judiciary Committee agenda for February 11.

Passed the House State Affairs Committee.

Championing Florida's Quality of Life



Patient Safety Culture Surveys

Requires hospitals and ambulatory surgical centers to biennially conduct the "Hospital Survey on Patient Safety Culture". The survey will be conducted anonymously as this will not only ensure a staff member's rights to privacy are protected, but it will lead to more reliable data by increasing the sample size.

Florida Chamber Supports

Passed the House Health Market Reform Subcommittee.



Patient Safety Culture Surveys

Requires hospitals to provide specified information & data relating to patient safety & quality measures to patient under certain circumstances or to any person upon request; requires hospitals & ambulatory surgical centers to submit patient safety culture survey data to AHCA.

Florida Chamber Monitoring

Placed on the Senate Health Policy Committee agenda.



Health Care Practitioners

Allows Physician Assistants (PA) and Advanced Practice Registered Nurses (APRN) to practice medicine to the full extent of their education and training.

Florida Chamber Supports

The House did not take action.