



From December 4, 2015

## AGRICULTURE

### **SB 544- Relating to Nonresidential Farm Buildings**

On Tuesday, December 1st, **SB 544**, relating to Nonresidential Farm Buildings, by **Senator Charlie Dean (R-Inverness)** was heard in the **Senate Community Affairs Committee** and passed unanimously with 5 yeas and 0 nays. **AIF stood in support of this bill.**

SB 544 exempts any nonresidential farm building, farm fences, and farm signs from special assessments by local governments.

The next stop for SB 544 is in the **Senate Finance and Tax Committee.**

**AIF supports lessening the tax burden of Florida's agriculture community.**

## ECONOMIC DEVELOPMENT

### **SB 402- Relating to Point-of-sale Terminals**

On Thursday, December 3rd, **SB 402**, relating to Point-of-sale Terminals, by **Senator Garrett Richter (R-Naples)** passed through the **Senate Fiscal Policy Committee** with 5 yeas and 3 nays.

This bill would allow limited use of "Point-of-sale Terminals" for the sale of lottery tickets or games.

A "Point-of-sale Terminal" is a charge card reader, like those used at a retail counter, self-service fuel pump or self-service checkout line. The bill authorizes the Department of the Lottery, approved vendors, and approved retailers to use point-of-sale terminals to facilitate sales of lottery tickets or games, provided that the purchaser is verified to be 18 years of age or older and the terminal does not dispense lottery winnings.

A point-of-sale terminal does not reveal winning numbers and may not be used to redeem a winning ticket. Lottery ticket sales revenue generated from point-of-sale terminals must be used to enhance instructional technology resources for students and teachers in Florida.

SB 402 will now head to the Senate floor for a vote.

**AIF supports innovative means to help fund Florida's education system. In addition, enactment of this legislation would create more manufacturing jobs in the State.**

## ENERGY

### **HB 191- Relating to Regulation of Oil and Gas Resources**

On Wednesday, December 2nd, **HB 191**, relating to Regulation of Oil and Gas Resources, by **Rep. Ray Rodrigues (R-Fort Myers)** passed through the **House Agriculture & Natural Resources Appropriations Subcommittee** with 9 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

This bill makes many revisions to the Oil and Gas Program (program) to make this program safer and more effective for all involved. The Department of Environmental Protection's (DEP) Mining and Minerals Regulation Program in the Division of Water Resource Management (Division) oversees permitting for oil and gas drilling, production, and exploration within Florida through its Oil and Gas Program. The Program's primary responsibilities include conservation of oil and gas resources, correlative rights protection, maintenance of health and human safety, and environmental protection.

HB 191 will now head to its last committee stop in the **House State Affairs Committee.**

**AIF supports the need to maintain appropriate permitting laws to protect the environment, to enhance efficiency between industry and the state, and to ensure appropriate standards are clearly communicated.**

AIF released the following statement regarding HB 191:

#### **AIF Statement on House Bill 191 to Regulate Onshore Oil & Gas Activities**

Tallahassee, Fla. – Associated Industries of Florida (AIF) today released the following statement, attributable to its Senior Vice President of State and Federal Affairs Brewster Bevis, regarding House Bill 191, Regulation of Oil and Gas Resources, sponsored by Representative Ray Rodrigues (R-Estero) and heard in the House Appropriations Subcommittee on Agriculture & Natural Resources.

"We thank the members of the Agriculture & Natural Resources Appropriations Subcommittee today for passing this good bill, which AIF firmly believes will allow a responsible industry with a long history in the State of Florida to continue to grow, provide jobs, infuse capital into our economy and lessen our dependence on foreign sources of oil.

"While many have testified on pure rhetoric, we have looked at the science, including a study by the Environmental Protection Agency, which found no evidence that hydraulic fracturing has led to widespread, systemic impacts on drinking water resources in the United States, and believe with the appropriate level of oversight that is outlined in Representative Rodrigues' bill, the industry can continue to operate safely even as science and technology progresses.

"Finally, AIF supports the majority of the language in this bill; however, we do continue to have concerns with the inclusion of a \$1 million peer-reviewed study on the impacts of high-pressure well stimulation, as these techniques have already been conducted on more than 1 million wells from California to Pennsylvania. We look forward to continuing to work with Representative Rodrigues on this matter going forward and thank him for his sponsorship of this critical piece of legislation."

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## PROPERTY RIGHTS

### **SB 720 & HB 559- Relating to Self-Storage Facilities**

On Tuesday, December 1st, **SB 720**, relating to Self-storage Facilities, by **Senator Travis Hutson (R-Palm Coast)** was heard in the **Senate Judiciary Committee** and passed with 7 yeas and 1 nay.

**AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in support of Senator Arthenia Joyner's (D-Tampa) amendment to the bill which would have ensured that a broad public notice system remain in place for self-storage facilities. This amendment was not adopted and a "commercially reasonable" public notice system will remain in the bill. Therefore, AIF opposes this bill.**

On Wednesday, December 2nd, **HB 559**, relating to Self-storage Facilities, by **Rep. Mike LaRosa (R-St.Cloud)** passed through the **House Business & Professions Subcommittee** with 8 yeas and 2 nays.

**AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in support of Rep. Joseph Geller's (D-Dania Beach) amendment to the bill that would have made a broad and conspicuous public notice of the sale or disposition of the property mandatory. This amendment also failed and AIF opposes this bill.**

SB 720 and HB 559 substantially revise the process that the owner of a self-storage facility may advertise and sell the personal property of a delinquent tenant. Under the bill, owners are no longer required to advertise a property sale via a local newspaper; such advertisements may now be posted in any "commercially reasonable manner." Rather than rely on the courts to determine precisely what "commercially reasonable" means, the bill defines the term itself. If at least three bidders—all of whom are unrelated to the seller—attend the sale or register to bid online at the sale, the advertisement is commercially reasonable.

SB 720 will move on to the **Senate Regulated Industries Committee**.

HB 559 will move to its last committee stop in the **House Regulatory Affairs Committee**.

**AIF continues to support requirements that public notices be printed in local newspapers as defined by Chapter 50, Florida Statutes, as well as displayed on the Internet.**

AIF's Brewster Bevis released this statement regarding SB 720 & HB 559:

#### **AIF Issues Statement on Language in Senate Bill 720 & House Bill 559 Which Limits Public Notice in Self-Storage**

Tallahassee, Fla. – Associated Industries of Florida (AIF) today released the following statement, attributable to its Senior Vice President of State and Federal Affairs Brewster Bevis, regarding language in Senate Bill 720 and House Bill 559, which limits public notice when self-storage facilities sell a renter's property for past rent.

"Provisions in SB 720 and HB 559 significantly limit public notice when self-storage facilities sell a renter's property for past rent by allowing facilities to only notice the auction in a 'commercially-reasonable manner.' This means only three bidders must be present for an auction or register for an online sale. Under this proposed language, the facility could only provide notice on their own website if they choose.

"Public notice in newspapers casts the broadest possible net and Floridians rely on newspapers to provide this type of critical information. By removing this important consumer protection, property rights and the rights of lienholders are gravely diminished.

"We urge members of the Senate Judiciary Committee and House Subcommittee on Business & Professions to consider the important role the broadest possible public notice plays in protecting owners and lienholders as they deliberate this week. We

strongly urge members to reject language that diminishes the current tried-and-true system of public notice in Florida's marketplace."

SB 720 is scheduled for a hearing in the Senate Judiciary Committee on Tuesday, December 1, 2015, at 4 p.m. EST and HB 559 is scheduled for a hearing in the House Subcommittee on Business & Professions on Wednesday, December 2, 2015, at 4 p.m. EST.

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#### **HB 461- Relating to Location of Utilities**

On Wednesday, December 2nd, **HB 461**, relating to Location of Utilities, by Rep. Clay Ingram (R-Pensacola) unanimously passed through the **House Local Government Affairs Subcommittee** with 12 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this bill.**

HB 461 will address who is the responsible party for the cost of relocating utility facilities in a public easement. Easements dedicated to the public for utilities are typically located along existing road or highway rights-of-way and are available for use by a variety of utility providers. The bill flips the responsibility to bear relocation costs from the utility owner to the state or local government requiring the facilities to be relocated. The owner of a utility that requires relocation will be liable for relocation costs only if their lines and facilities are across, on or "within" the right-of-way, rather than "along" any right-of-way.

The next stop for HB 461 will be in the **House Appropriations Committee.**

**AIF supports protecting the private property rights of Florida businesses.**