



# DAILY BRIEF

For the 2019 Legislative Session

From April 25, 2019

## LEGAL & JUDICIAL

### HB 107 – Relating to Texting While Driving

On Thursday, April 25, **HB 107** by Representative Jackie Toledo (R-Tampa) was read on the Senate floor and was substituted for SB 76 and passed with a vote of 33 yeas and 5 nays.

The Florida Ban on Texting While Driving Law prohibits a person from texting, emailing, and instant messaging while driving but is considered a secondary offense, meaning law enforcement cannot stop a driver solely for texting. This bill makes the use of a wireless communication device while driving a primary offense, allowing law enforcement to stop individuals for wireless device usage while behind the wheel.

HB 107 passed both chambers and will now go to the Governor.

**AIF supports legislation that addresses the issue of distracted driving and will ensure public safety for businesses and Floridians operating on our roadways.**

### SB 862 – Relating to Lessor Liability Under Special Mobile Equipment Leases

On Thursday, April 25, **SB 862** by Senator Kelli Stargel (R-Lakeland) was read on the Senate floor and passed with a vote of 29 yeas and 8 nays.

Florida's Dangerous Instrumentality Doctrine (DID) was created in the early 20th century, a time where automobiles began traveling on public roads. The doctrine has been expanded far beyond the borders of its original intent and now applies to off-highway vehicles such as golf carts, tractors, and construction equipment. The doctrine holds owners or lessors liable for the harm caused by an operator, even when the lessor is not in control of the equipment or vehicle at the time of the incident. Florida is the only state in the country where DID is applied in this manner.

This bill provides that lessors of special mobile equipment are not liable for the acts of the lessee or lessee's agent or employee if the lease agreement requires documented proof of insurance coverage containing limits of at least \$250,000 per person and up to \$500,000 per incident for bodily injury liability and up to \$100,000 for property damage liability, or at least \$750,000 for combined property damage liability and bodily injury liability. Special mobile equipment are vehicles not designed or used primarily to transport persons or property and that are only incidentally operated or moved over a highway. Examples include ditchdigging apparatus, well-boring apparatus, and road construction and maintenance machinery, draglines, self-propelled cranes and earthmoving equipment.

SB 862 is now in House messages.

**AIF supports the protection of owners and lessors from vicarious liability which is harmful to Florida's business community.**

### **HB 7111 – Relating to Constitutional Amendments**

On Thursday, April 25, **HB 7111**, sponsored by the House Judiciary Committee, was read on the House floor and passed with a vote of 71 yeas to 41 nays.

This bill changes the process for amending the constitution by citizen initiative by:

- Requiring that a petition-gatherer:
  - Register with the Secretary of State prior to obtaining signatures.
  - Not be paid based on the number of petitions gathered.
- Requiring the Secretary of State to publish on its website position statements on proposed amendments received from interested persons.
- Directing the Financial Impact Estimating Conference (FIEC) to:
  - Estimate the amendment's impact on the state and local economy.
- Requiring the ballot summary to include:
  - The name of the initiative's sponsor and the percentage of contributions received by the sponsor from in-state donors;
  - If the amendment will cost money or have an indeterminate impact; and
  - A Supreme Court determination as to whether the proposed policy can be implemented by the Legislature without the need for a constitutional amendment.
- Directing the Attorney General, when seeking Supreme Court review of an amendment, to ask the Court to:
  - Address whether the proposed policy can be implemented by the Legislature; and
  - Identify any undefined terms in the amendment that will have a substantive impact; and
  - Address whether the amendment creates any constitutional issues.

HB 7111 is now in Senate messages.

**AIF supports legislation that adds transparency and accountability to amending the Florida constitution by citizen initiative.**

**HB 829 – Relating to Attorney Fees and Costs**

On Thursday, April 25, **HB 829** by Representative Anthony Sabatini (R-Clermont) was read on the House floor and passed with a vote of 74 yeas and 37 nays.

Florida law states that a court may impose sanctions on a party or attorney who raises a frivolous claim or defense or unreasonably delays a judicial proceeding. The court may require the culpable party or attorney to pay for the other party's attorney fees. A party can appeal a court's award or denial of sanctions; however, the appellate court must affirm the award or denial, unless the lower court abused its discretion. This bill entitles a party to attorney fees and costs if the party prevails in an action challenging a local government ordinance as preempted. However, attorney fees and costs may not be awarded if the local government withdraws or repeals the ordinance within 21 days after receiving a written claim that the ordinance is preempted or the filing of a motion seeking attorney fees and costs under the new statutory section, whichever occurs first. The bill prospective and only applies to cases commenced on or after July 1, 2019.

HB 829 is now in Senate messages.

**AIF supports legislative attorney fee reform that helps prevent onerous fees imposed on businesses post-litigation.**

**HB 7103 – Relating to Property Development**

On Thursday, April 25, **HB 7103**, sponsored by the House Judiciary Committee, was read on the House floor and passed with a vote of 72 yeas and 37 nays.

Property development in Florida is governed in part by both the Community Planning Act and the Florida Building Code. The Community Planning Act governs how local governments create and adopt local comprehensive plans, implement land development regulations, and issue development orders and permits. Every local government must enforce the Building Code and issue building permits. Local governments impose impact fees to fund local infrastructure needed to expand local services to meet the demands of population growth caused by development.

This bill changes property development regulations by:

- Restricting counties and municipalities from adopting or imposing certain mandatory affordable housing ordinances;
- Imposing time limits for a county or municipality to review a development order or permit application;
- Reducing the time period building departments have to review a permit application when a private provider approves the plans;
- Prohibiting a building official from replicating plan reviews or inspections performed by a private provider;
- Amending how a local government may impose impact fees.

HB 7103 is now in Senate messages.

**AIF supports legislative efforts to remove onerous regulations imposed on any part of Florida’s business community.**

## **TAXATION**

### **HB 7123 – Relating to Taxation**

On Thursday, April 25, **HB 7123**, sponsored by the House Ways and Means Committee, was read on the House floor and passed with a vote of 69 yeas and 44 nays.

The bill provides for several tax reductions and other tax-related modifications designed to directly impact both families and businesses. Specifically, this bill provides:

- A reduction in the tax rate for commercial property rentals from 5.7% to 5.35%;
  - A three-day “back-to-school” holiday for certain clothing, school supplies, and personal computers, and
  - A seven-day “disaster preparedness” holiday for specified disaster preparedness items.
- Regarding property taxes, the bill includes the following:
- The timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017 would be slightly delayed in fiscal year 2019-20 to allow for the related state appropriation to be based on actual data, instead of an estimate.

HB 7173 is now in Senate messages.

**AIF supports legislative actions that reduce taxes on businesses which allows further growth and employment opportunities.**

## **ECONOMIC DEVELOPMENT**

### **HB 7071 – Relating to Workforce Education**

On Thursday, April 25, **HB 7071**, by the Higher Education and Career Readiness Subcommittee, was read on the House floor and passed with a vote of 108 yeas and 0 nays.

The bill promotes apprenticeships, enhances talent development, and increases career opportunities for Floridians by:

- Creating the “Strengthening Alignment between Industry and Learning to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030.
- Revising the school grades formula to recognize career certificate clock hour dual enrollment and establishing formal career dual enrollment agreements between high schools and career centers.
- Establishing a “College and Career Decision Day” to recognize high school seniors for their postsecondary education and career plans.
- Creating the Florida Pathways to career Opportunities Grant Program.
- Requiring financial literacy as a one-half credit hour.

**AIF supports legislation that gives students tools to learn about relevant, and real life subjects that will prepare them for the workforce in the future.**