



# DAILY BRIEF

For the 2020 Legislative Session

**From January 28, 2020**

## **LEGAL & JUDICIAL**

### **HB 305 – Relating to Preemption of Conditions of Employment**

On Tuesday, January 28, **HB 305** by Representative Bob Rommel (R-Naples) was heard by the House Local, Federal and Veterans Affairs Subcommittee and was reported favorable with 10 yeas and 5 nays. **AIF stood in support of this legislation.**

Local governments have broad authority to legislate on any matter that is not inconsistent with federal or state law. A local government enactment may be inconsistent with state law if (1) the Legislature "has preempted a particular subject area" or (2) the local enactment conflicts with a state statute. Where state preemption applies it precludes a local government from exercising authority in that area.

The bill:

- Expressly prohibits a county, city, district, or other public body created by state law from requiring an employer from paying a minimum wage other than the state or federal minimum wage or to offer other conditions of employment;
- Expressly preempts to the state the right to regulate any requirements imposed upon employers relating to a minimum wage and conditions of employment;
- Defines "conditions of employment" to include preemployment screening, job classification, job responsibilities; hours of work; scheduling and schedule changes, wages, payment of wages, leave, paid or unpaid days off for holidays, illness, vacations, and personal necessity, and employee benefits;
- Voids any ordinance, regulation, or policy currently in existence which is now preempted.

HB 305 will now move to the House Commerce Committee.

**AIF supports legislation that allows Florida businesses to adhere to state or federal wage requirements, thus eliminating onerous regulations set by municipalities.**

## **SB 1668 – Relating to Damages**

On Tuesday, January 28, **SB 1668** by Senator David Simmons (R-Longwood) was heard by the Senate Judiciary Committee and was reported favorable with 4 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Florida law permits the recovery of “the reasonable value or expense of hospitalization and medical and nursing care and treatment necessarily or reasonably obtained by a claimant in the past or to be so obtained in the future.”

The bill states that, in any claim for damages of personal injury to a claimant, evidence of past, present, or future medical expenses must be based on the usual and customary charges in the community where medical expenses are incurred. This may significantly alter the current methods for proving damages, which involves presenting medical bills as evidence of past expenses and testimony of reasonably-certain needed procedures as evidence of future expenses. Notably, the amount of an award of past medical damages would be determined without consideration of evidence of the billed costs of any medical services provided for a claimant.

SB 1668 will now move to the Senate Health Policy Committee.

**AIF supports legislation that creates transparency and ensures accuracy in damages, thereby reducing the cost of healthcare and increasing access to care for all Floridians.**

## **ENERGY**

### **HB 1095 – Relating to Underground Facility Damage Prevention and Safety**

On Tuesday, January 28, **HB 1095** by Representative Heather Fitzenhagen (R-Fort Myers) was heard by the House Government Operations & Technology Appropriations Subcommittee and was reported favorable with 11 yeas and 0 nays. **AIF stood in support of this legislation.**

Chapter 556, F.S., is the “Underground Facility Damage Prevention and Safety Act” (Act). The stated purpose of the Act is to identify and locate underground facilities prior to an excavation or demolition to prevent injury to persons or property or interruption of services resulting from damage to those facilities. To accomplish this, the Act creates a not-for-profit corporation (Sunshine 811) to administer a free-access notification system.

The bill amends the Florida statute to:

- Expand the list of entities that may issue citations for violations to include the State Fire Marshal and local fire chiefs.
- Increase the maximum civil penalty (up to \$2,500 plus 5 percent, in addition to any other court costs) for certain violations that involve an underground pipe or facility transporting hazardous materials;

- Require each clerk of court to submit an annual report to the State Fire Marshal listing each violation notice;
- Require Sunshine 811 to transmit reports of incidents that involve high-priority subsurface installations (HPSI) for investigation; and
- Create an “underground facility damage prevention review panel” under the State Fire Marshal for the purpose of reviewing complaints of alleged violations.

HB 1095 will now move to the House Commerce Committee.

**AIF supports legislation that enhances the 811 program and penalties to curb detrimental practices which lead to damaged infrastructure that causes unnecessary service interruptions, safety issues and increasing repair costs.**

## **ECONOMIC DEVELOPMENT**

### **HB 1193 – Relating to Deregulation of Professions and Occupations**

On Tuesday, January 28, **HB 1193** by Representative Blaise Ingoglia (R-Spring Hill) was heard by the House Government Operations & Technology Appropriations Subcommittee and was reported favorable with 10 yeas and 2 nays. **AIF stood in support of this legislation.**

An occupational or professional license is a form of regulation that requires individuals who want to perform certain types of work, such as contractors and cosmetologists, to obtain permission from the government to perform the work. In the 1950s, less than five percent of U.S. workers were required to have an occupational license to do their jobs. Since then, the number of workers required to have a license has risen to more than one-quarter of U.S. workers, and an estimated 28.7 percent of the Florida workforce requires a license from the state.

In 2015, The White House published a report on the current state of occupational licensing in the nation. The report found that when designed and implemented carefully, requiring occupational licenses offers important health and safety protections to consumers, as well as benefits to workers. However, the report also found that too often licensing requirements are inconsistent, inefficient, arbitrary, and there is evidence that the current licensing regimes in the U.S. raise the price of goods and services, restrict employment opportunities, and make it more difficult for workers to take their skills across state lines.

Specifically, the bill, cited as the “Occupational Freedom and Opportunity Act,” does the following:

- Deregulates:
  - Interior designers and interior design businesses, hair braiders, hair wrappers, and body wrappers, nail polishers and makeup applicators, and boxing announcers and timekeepers.
- Partially deregulates:
  - Auctioneers, talent agents, and labor organizations.
- Eliminates the additional business license for:
  - Asbestos abatement consultants and contractors, architects, landscape architects, and geologists.

- Reduces the hours of training required to obtain a license for:
  - Barbers and restricted barbers, and nail, facial and full specialists.
- Adds new ways for out of state professionals to obtain a license in the state for:
  - Veterinarians, construction and electrical contractors, landscape architects, geologists, engineers, certified public accountants, home inspectors, building code professionals, and cosmetologists barbers.
- Reduces the number of members on the Florida Building Commission.
- Authorizes unlicensed individual to provide compensated dietary and nutritional information if such individuals do not represent that they are licensed dieticians or nutritionists.
- Prohibits DBPR from disciplining or revoking a licensee based solely on defaulting on a student loan.

HB 1193 will now move to the House Commerce Committee.

**AIF supports legislative action to lessen burdensome and unnecessary regulations on Florida businesses.**

## ENVIRONMENT

### **SB 1772 – Relating to Environmental Value of Agricultural Lands and Timberlands**

On Tuesday, January 28, **SB 1772** by Senator Bill Montford (D-Tallahassee) was heard by the Senate Agriculture Committee and was reported favorable with 5 yeas and 0 nays. **AIF stood in support of this legislation.**

This legislation establishes a framework for determining the value of environmental benefits provided by agriculture and timber lands. This legislation further directs the Florida Department of Agriculture and Consumer Services to create a cost-share program to compensate landowners for those environmental benefits.

SB 1772 will now move to the Senate Appropriations Subcommittee on Agriculture, Environment and General Government.

**AIF supports efforts to establish a method to more accurately determine the environmental benefits of agriculture and timber on which Florida businesses rely.**

### **HB 1343 – Relating to Water Quality Improvements**

On Tuesday, January 28, **HB 1343**, co-sponsored by Representative Blaise Ingoglia (R-Spring Hill) and Representative Bobby Payne (R-Palatka) was heard by the House Agriculture & Natural Resources Subcommittee and was reported favorable with 12 yeas and 0 nays. **AIF stood in support of this legislation.**

States are required by the Clean Water Act to maintain the quality of their waters. In Florida, water quality is addressed through water quality standards, total maximum daily loads (TMDLs), basin management action plans (BMAPs), and permits.

The bill addresses water quality impacts. Specifically, the bill addresses water quality issues resulting from on-site sewage treatment and disposal systems (OSTDSs) by:

- Transferring the Onsite Sewage Program from the Department of Health to the Department of Environmental Protection (DEP);
- Requiring the departments to submit recommendations to the Governor and Legislature regarding the transfer of the Onsite Sewage Program;
- Creating an OSTDS technical advisory; and
- Requiring OSTDS remediation plans.

The bill addresses the water quality issues resulting from stormwater by:

- Requiring DEP staff training to include field inspections of stormwater structural controls;
- Requiring DEP and the water management districts to update the stormwater regulations using the most up to date science; and
- Requiring the model stormwater management program to contain model ordinances targeting nutrient reduction.

The bill addresses water quality issues resulting from domestic wastewater facilities by requiring:

- Local governments to create wastewater treatment plans;
- Sanitary sewage facilities to take steps to prevent sanitary sewer overflows;
- DEP to establish real-time water quality monitoring; and
- Advanced wastewater treatment for domestic wastewater discharges to the Indian River Lagoon.

The bill also creates a wastewater grant program that requires DEP to provide grants for projects that will reduce excess nutrient pollution. Additionally, the bill requires the Florida Department of Agriculture and Consumer Services to conduct inspections of producers enrolled in best management practices.

HB 1343 will now move to the House Appropriations Committee.

**AIF supports legislation that addresses the existing water quality issues as Florida's businesses and citizens alike rely on access to clean, uncontaminated water.**

### **HB 1363 – Relating to Basin Management Action Plans**

On Tuesday, January 28, **HB 1363** by Representative Toby Overdorf (R-Stuart) was heard by the House Agriculture & Natural Resources Subcommittee and was reported favorable with 11 yeas and 0 nays. **AIF stood in support of this legislation.**

The federal Clean Water Act (CWA) requires states to adopt water quality standards (WQS) for navigable waters. The CWA requires states to develop lists of water bodies that do not meet WQS, which are called impaired waters. States are then required to develop a total maximum daily load (TMDL) for the

particular pollutants causing the impairment. The TMDL is the maximum allowable amount of the pollutants the water body can receive while maintaining WQS. Once a TMDL is adopted, the Department of Environmental Protection (DEP) may develop and implement a basin management action plan (BMAP), which is a restoration plan for the watersheds and basins connected to the impaired water body. A BMAP must integrate appropriate management strategies available to the state and must include milestones for implementation and water quality improvement, and associated water quality monitoring.

The bill requires nonpoint source dischargers (farm water runoff, for example) who discharge into a basin included in an adopted BMAP to comply with interim measures, best management practices (BMPs), other measures adopted by rule by DEP or the Department of Agriculture and Consumer Services (DACS), or management measures adopted in a BMAP.

The bill further requires DEP, DACS, or the water management district (WMD), to verify by site visit the implementation of such requirements at least once every two years. The bill requires DEP, DACS, and owners of agricultural operations in the basin to develop a cooperative agricultural regional water quality improvement element as part of a BMAP under certain circumstances. The bill further requires DEP, DOH, local governments, and WMDs to develop a cooperative urban, suburban, commercial, or institutional regional water quality improvement element as part of a BMAP under certain circumstances.

HB 1363 will now move to the House Agriculture & Natural Resources Appropriations Subcommittee.

**AIF supports legislation that addresses the existing water quality issues as Florida's businesses and citizens alike rely on access to clean, uncontaminated water.**