



# DAILY BRIEF

For the 2020 Legislative Session

**From February 20, 2020**

## ECONOMIC DEVELOPMENT

### **HB 1139 – Relating to Regional Rural Development Grants**

On Thursday, February 20, [HB 1139](#) by Representative Chuck Clemons (R-Jonesville) was heard by the House Commerce Committee and was reported favorable with 23 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Regional Rural Development Grants Program is a state matching grant program established to provide funding to build the professional capacity of regional economic development organizations. The Rural Infrastructure Fund assists units of local government with the planning, preparing, and financing of infrastructure projects that encourage job creation and capital investment. Both programs are administered by the Department of Economic Opportunity (DEO).

The bill amends the Regional Rural Development Grants Program to clarify how regional economic development organizations may build their professional capacity and expand grant use for technical assistance. The bill also increases the total annual grant award available to the three regional economic development organizations recognized by the DEO as serving an entire Rural Area of Opportunity (RAO), decreases the annual grant award available to other organizations located in or contracted to serve an RAO, and eliminates grant eligibility for organizations representing rural counties or communities that are not located in a RAO.

Additionally, the bill reduces the percentage of grant funds that must be matched with non-state funds from 100 percent to 25 percent of the state's contribution and amends the Rural Infrastructure Fund by increasing the percentage of total infrastructure costs that may be funded by a grant award, expanding eligible projects and uses to include broadband internet service. HB 1139 will now move to the House floor.

**AIF supports efforts to increase economic development in Florida's rural areas by increasing job growth.**

## ENERGY

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

On Thursday, February 20, [HB 1095](#) by Representative Heather Fitzenhagen (R-Fort Myers) was heard by the House Commerce Committee and was reported favorable with 23 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, 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 excavator to transmit reports of incidents to State Fire Marshal for investigation.

HB 1095 will now move to the House floor.

**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.**

## ENVIRONMENT

### HB 609 – Relating to Petroleum Restoration

On Thursday, February 20, [HB 609](#) by Representative Daniel Perez (R-Miami) was heard by the House State Affairs Committee and was reported favorable with 19 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Petroleum is stored in thousands of underground and aboveground storage tank systems throughout Florida. Releases of petroleum into the environment may occur as a result of accidental spills, storage tank system leaks, or poor maintenance practices. These discharges pose a significant threat to groundwater quality, the source of 90 percent of Florida's drinking water.

The owner of contaminated land or the person who caused the discharge is responsible for rehabilitating the land, unless the site owner can show that the contamination resulted from the activities of a previous owner or other responsible party. Over the years, the Department of Environmental Protection (DEP) has implemented different programs to provide state financial assistance to certain eligible site owners and responsible parties for site rehabilitation. To fund the cleanup of contaminated petroleum sites, the Legislature created the Inland Protection Trust Fund (IPTF).

The Petroleum Restoration Program within the DEP establishes the requirements and procedures for cleaning up petroleum-contaminated land, as well as the circumstances under which the state will pay and cost-share for the cleanup.

HB 609 will now move to the House floor.

**AIF supports the efforts contained in this bill to promote thorough remediation of contaminated sites to allow further job creation and economic development opportunities while protecting Florida's natural resources.**

### **SB 712 – Relating to Water Quality Improvements**

On Thursday, February 20, [SB 712](#) by Senator Debbie Mayfield (R-Melbourne) was heard by the Senate Appropriations Committee and was reported favorable with 20 yeas and 1 nay. **AIF stood in support of this legislation.**

Phosphorus and nitrogen are naturally present in water and are essential nutrients for the healthy growth of plant and animal life. The correct balance of both nutrients is necessary for a healthy ecosystem; however, excessive nitrogen and phosphorus can cause significant water quality problems. Phosphorus and nitrogen are derived from natural and human-made sources. Natural inputs include the atmosphere, soils, and the decay of plants and animals. Human-made sources include sewage disposal systems (wastewater treatment facilities and septic systems), overflows of storm and sanitary sewers (untreated sewage), agricultural production and irrigation practices, and stormwater runoff.

The bill includes recommendations from the Blue-Green Algae Task Force. The major topics in this bill include onsite sewage treatment and disposal systems (OSTDSs, commonly known as septic systems), wastewater, stormwater, agriculture, and biosolids. The bill directs the Department of Environmental Protection (DEP) to make rules relating to most of these topics.

In addition to DEP's role in monitoring and inspecting OSTDSs and other runoff areas, the bill authorizes the Florida Department of Agriculture and Consumer Services (FDACS) to perform onsite inspections of agricultural producers enrolled in best management practices (BMP) to verify that each practice is being properly implemented. The verification review will include a review of the BMP documentation including, but not limited to, nitrogen and phosphorus fertilizer application records.

Regarding rights of nature:

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 also 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 is a huge step forward in addressing Florida's current water quality crisis and the data collected will prove invaluable in preventing further degradation of our waterways.

SB 712 will now move to the Senate floor.

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

## INSURANCE

### **HB 359 – Relating to Insurance**

On Thursday, February 20, [HB 359](#) by Representative David Santiago (R-Deltona) was heard by the House Commerce Committee and was reported favorable with 20 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill provides needed reforms to the insurance industry by:

- Providing revised requirements for certain audits;
- Revising timeframe during which statute of limitations for certain civil remedy actions;
- Authorizing releases of trade secret information obtained by Department of Financial Services & OIR;
- Addressing various other insurance industry issues.

HB 359 will now move to the House floor.

**AIF supports smart, targeted reforms that help keep the insurance markets up to date while protecting Florida policyholders.**

## LEGAL & JUDICIAL

### **HB 9 – Relating to Damages**

On Thursday, February 20, [HB 9](#) by Representative Tom Leek (R-Daytona Beach) was heard by the House Commerce Committee and was reported favorable with 15 yeas and 9 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 Judiciary Committee.

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

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

On Thursday, February 20, [HB 1193](#) by Representative Blaise Ingoglia (R-Spring Hill) was heard by the House Commerce Committee and was reported favorable with 23 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, 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: Talent agents, and labor organizations.
- Eliminates the additional business license for: Architects and landscape architects.
- Reduces the hours of training required to obtain a license for: Barbers, cosmetologists, and specialty salons.
- 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 floor.

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

### **SB 810 – Relating to Tobacco and Nicotine Products**

On Thursday, February 20, [SB 810](#) by Senator David Simmons (R-Longwood) was heard by the Senate Appropriations Committee and was reported favorable with 17 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill:

- Increases the minimum age to lawfully purchase and possess tobacco products from 18 years of age to 21 years of age.
- Repeals exceptions allowing persons in the military and emancipated minors to possess or purchase tobacco products under current law.
- Prohibits smoking and vaping by any person under 21 years of age on or near school property, regardless of hours of the day.
- Limits the sale of tobacco products through a vending machine to a location that prohibits persons under 21 years of age on the premises.
- Requires age verification before a sale or delivery to a person under 30 years of age. (This complies with recently enacted federal law.)

SB 810 will now move to the Senate floor.

**AIF supports moving the legal age of purchasing these products to 21 to align with Federal law.**