



WEEKLY UPDATE

For the 2020 Legislative Session

From January 31, 2020

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 dietitians 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.

SB 362 – Relating to Florida Tourism Marketing

On Wednesday, January 29, **SB 362** by Senator Ed Hooper (R-Palm Harbor) was heard by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development and was reported favorable with 8 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill extends the scheduled repeal date for the Florida Tourism Industry Marketing Corporation, doing business as VISIT FLORIDA, until October 1, 2028, and removes the scheduled repeal date for the Division of Tourism Marketing within Enterprise Florida, Inc. Without the bill, the statutory provisions for these entities will be repealed on July 1, 2020.

SB 362 will now move to the Senate Appropriations Committee.

AIF supports investment in building a world-class marketing engine with top talent, analytics, and funding that develops and executes data-driven branding strategies.

HB 115 – Relating to Keep Our Graduates Working Act

On Wednesday, January 29, **HB 115** by Representative Nicholas Duran (D-Miami) was read a second and third time on the House floor and passed with a vote of 118 yeas and 0 nays.

The bill removes the state authority to take disciplinary action against a healthcare practitioner who defaults on a student loan or who fails to comply with the terms of a service scholarship. Under the bill, a healthcare practitioner may not have his or her license suspended or revoked by the Department of Health (DOH) solely because of a loan default or failure to complete service scholarship obligations.

Additionally, the bill specifies that a state authority may not suspend or revoke a license that it has issued to a person who is in default on or delinquent in the payment of his or her student loans solely on

the basis of such default or delinquency. The bill defines the term “state authority” to mean any department, board, or agency with the authority to grant a license to any person in this state.

HB 115 will now go to the Senate for consideration.

AIF supports efforts to protect Florida’s workforce from professional license revocation exclusively due to loan default.

ENERGY

SB 1464 & HB 1095 – Relating to Underground Facility Damage Prevention and Safety

On Monday, January 27, **SB 1464** by Senator Anitere Flores (R-Miami) was heard by the Senate Infrastructure and Security Committee and was reported favorable with 7 yeas and 0 nays. **AIF stood in support of this legislation.**

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.

SB 1464 will now move to the Senate Banking and Insurance Committee.

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.

ENVIRONMENT

SB 1382 – Relating to Environmental Resource Management

On Monday, January 27, **SB 1382** by Senator Ben Albritton (R-Bartow) was heard by the Senate Environment and Natural Resources Committee and was reported favorable with 4 yeas and 0 nays. **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 also addresses basin management action plans which address watersheds and basins tributary to an affected water body in an effort to reduce pollutants flowing into the water body.

In addition, the bill requires that local governments may not extend legal standing or legal rights to plants, animals, a body of water, or any additional part of the natural environment.

SB 1382 will now move to the Senate Appropriations Subcommittee on Agriculture, Environment and General Government.

AIF supports legislation that addresses the existing water quality issues as Florida's businesses and citizens alike rely on access to clean, uncontaminated water. This legislation also protects Florida businesses from lawsuits by defining that people cannot sue on behalf of inanimate objects, i.e. rivers, lakes, streams etc.

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.

HB 1199 – Relating to Environmental Protection Act

On Wednesday, January 29, **HB 1199** by Representative Blaise Ingoglia (R-Spring Hill) was heard by the House Civil Justice Subcommittee and was reported favorable with 14 yeas and 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Florida authorizes a citizen to assert standing to stop activity that will affect his or her use or enjoyment of air, water, or natural resources. However, court rulings and legislation in the U.S. and worldwide have suggested specific legal rights of nature may exist authorizing a person to assert standing on behalf of natural resources.

While U.S. Supreme Court precedent clearly limits standing for environmental claims to only an action causing injury to a human, dissenting opinions suggesting otherwise have recently caught the attention of environmental activists attempting to assert standing on behalf of the environment, often resulting in lengthy yet unsuccessful litigation.

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 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 may prevent costly litigation related to granting rights to natural resources, when current legal precedent suggests such rights may not be granted at the state or local level.

HB 1199 will now move to the House Agriculture & Natural Resources Subcommittee.

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

HEALTH CARE

HB 1103 – Relating to Electronic Prescribing

On Thursday, January 30, **HB 1103** by Representative Amber Mariano was heard by the House Health & Human Services Committee and was reported favorable with 10 yeas and 4 nays. **AIF stood in support of this legislation.**

Electronic prescribing (e-prescribing) is a method by which an authorized health care practitioner electronically transmits a prescription to a pharmacy using a secure software system. Efforts have been made by states, as well as the federal government, to increase the use of e-prescribing software. For

example, Congress passed legislation mandating e-prescribing for certain medicinal drugs under the Medicare Part D program and several states enacted mandatory e-prescribing laws.

Beginning July 1, 2021, the bill requires prescribers to generate and transmit all prescriptions electronically, except when electronic prescribing is unavailable due to a temporary electrical or technological failure. In such instances, written prescriptions may be used which must meet the requirements of current law.

Additionally, the bill relocates language to one section of law (s. 456.42, F.S.) to improve readability and provide clarification related to the 2019 passage of e-prescribing legislation.

HB 1103 will now go to the Senate for consideration.

AIF supports legislation that provides for improved prescription accuracy, increased patient safety, reduced opportunities for fraud and abuse and reduced overall costs. Improving the overall functionality and cost will further enable Florida employers to provide health care coverage for our citizens.

LEGAL & JUDICIAL

SB 478 – Relating to Motor Vehicle Rentals

On Monday, January 27, **SB 478** by Senator Keith Perry (R-Gainesville) was heard by the Senate Innovation, Industry, and Technology Committee and was reported favorable with 9 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Currently, rental car companies levee a daily surcharge of \$2 per day that is paid by individuals renting cars. Peer-to-peer vehicle sharing programs are typically app-based platforms where owners can list and lease their personal vehicles for a pre-determined time and rate. Presently, these car sharing services are exempt from the rental car surcharge. The proceeds from the rental car surcharge paid by consumers who rent vehicles goes to build and maintain the state's infrastructure, which is very important to Florida businesses statewide.

The bill amends current Florida statute which establishes a surcharge on the lease or rental of a motor vehicle, to extend the surcharge to peer-to-peer vehicle sharing programs. The fee amounts to \$2 per day on rentals over 24 hours and drops to \$1 for rentals of less than 24 hours. The bill also establishes operational requirements for peer-to-peer vehicle sharing programs, such as insurance requirements to prevent a lapse in insurance coverage should an accident occur.

SB 478 will now move to the Senate Banking and Insurance Committee.

AIF supports the proposed measures in this bill to hold all rental car services accountable, regardless of how the vehicle is accessed.

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 & HB 9 – 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.**

On Wednesday, January 29, **HB 9** by Representative Tom Leek (R-Daytona Beach) was heard by the House Civil Justice Subcommittee and was reported favorable with 10 yeas and 4 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 Senate version of the bill, SB 1668, requires evidence of medical expenses in personal injury claims to be based on the usual and customary charges in the community where the expenses are incurred. The bill states that the amounts paid or to be paid through any public or private health insurance coverage on behalf of the claimant are presumed to be usual and customary medical charges.

The House version of the bill, HB 9, 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.

The key difference between the House and Senate version is in regard to charged versus paid expenses. The Senate version bases amounts to be paid on the usual and customary charges for a procedure, whereas the House states damages recoverable is to be based on the actual fee paid for services, not the amount simply charged.

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

HB 9 will now move to the House Commerce Committee.

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

HB 7037 – Relating to Constitutional Amendments Proposed by Initiative

On Wednesday, January 29, **HB 7037** by the House Judiciary Committee was heard by the House Appropriations Committee and was reported favorable with 20 yeas and 10 nays. **AIF stood in support of this legislation.**

The Florida Constitution is the charter of the liberties of Floridians. It may be amended only if the voters approve an amendment originating from the Legislature, the Constitution Revision Commission, the Taxation and Budget Reform Commission, a constitutional convention, or a citizen initiative.

The bill modifies several aspects of the citizen initiative process to increase transparency, strengthen the integrity of the ballot, and reduce costs for the supervisors of elections. Specifically, the bill changes the deadline for gathering signatures, the Fiscal Impact Estimating Conference (FIEC) analysis process, the

ballot language requirements, and the requirements for supervisors of elections. HB 7037 will now move to the House State Affairs Committee.

AIF supports the measures contained in this bill to prevent interest groups' circumvention of the legislature in revising Florida's constitution.

HB 7 – Relating to Legal Notices

On Thursday, January 30, **HB 7** by Representative Randy Fine (R-Palm Bay) was heard by the House Judiciary Committee and was reported favorable with 11 yeas and 7 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

View Brewster Bevis on HB 7 - <https://youtu.be/-tulE0e6SeQ>

All meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted must be open to the public and notice must be given. All legal notices and publications must be made in a newspaper that meets the following qualifications:

- Published at least once a week;
- At least 25 percent of its words are in English;
- Considered a periodical by the post office;
- For sale to the general public; and
- Contains information of interest or value to the general public in the affected area.

The bill would allow a governmental agency the option to deviate from print and publish legally required advertisements and notices on a publicly accessible website.

HB 7 will now move to the House State Affairs Committee.

AIF opposes internet-only public notice, as it eliminates the wide net created by print media and the internet combined. Webpages are present one day and gone the next; the internet is an inherently unreliable platform for critical information.

HB 741 – Relating to Asbestos Trust Claims

On Thursday, January 30, **HB 741** by Representative Tom Leek (R-Daytona Beach) was heard by the House Judiciary Committee and was reported favorable with 12 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Asbestos is the name given to six naturally occurring fibrous minerals resistant to chemical, thermal, and electricity damage historically used in construction, manufacturing, and fireproofing. When handled, asbestos separates into microscopic particles, exposure to which causes cancer and other diseases,

including lung cancer, mesothelioma, and asbestosis, which can take 20 to 40 years to develop following initial exposure.

Workers exposed to asbestos began falling ill and in turn sued the corporations responsible for their exposure. As the suits against these corporations piled up, many filed for reorganization under Chapter 11 of the United States Bankruptcy Code, which in turn stayed all current suits against the respective corporation.

The bankruptcy court faced a unique scenario, where corporations were able to reorganize while shielded from future suits. These suits would instead be filed against a trust fund formed by the company seeking bankruptcy reorganization.

Presently, where liability for an asbestos injury comes from both a trust and a solvent corporation, an injured person may sue the solvent corporation to recover its share of the harm, and a court may offset the judgment by the amount of trust payments the plaintiff received for the same injury. However, where a plaintiff files a trust claim after obtaining a judgment in a civil action alleging the same injury, a court loses its ability to offset the judgment against the solvent defendant. Plaintiffs use this loophole to increase their compensation for a single injury, essentially double-dipping.

The bill:

- Requires a plaintiff to:
 - Provide a sworn statement verifying that he or she investigated all asbestos trust claims and filed all asbestos trust claims he or she is eligible to file.
 - Identify all asbestos trust claims the plaintiff filed and provide all trust claim material.
- Allows a court stay an asbestos action if the plaintiff did not file an asbestos trust claim he or she was eligible to file.
- Allows a defendant to seek discovery directly from an asbestos trust and requires the plaintiff to provide all necessary permissions for the release of trust claim material and governance documents.
- Allows a trial court to adjust the judgment in an asbestos action by the amount of any subsequent asbestos trust payments made to the plaintiff if the plaintiff makes an asbestos trust claim after obtaining a judgment in the asbestos action.

HB 741 will now go to the Senate for consideration.

AIF supports legislation that curbs “double dipping” of the asbestos trust fund which ensures that all Floridians affected may be adequately compensated.

Proposed Committee Bill JDC 20-03 – Relating to Contingency Fee Multipliers

On Thursday, January 30, **PCB JDC 20-03**, sponsored and heard by the House Judiciary Committee, was reported favorable with 13 yeas and 5 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

In certain situations, after the resolution of a court case, the court may require one party to pay the opposing party's attorney fees. Several Florida and federal statutes, known as "fee-shifting statutes,"

entitle the prevailing party to a "reasonable" attorney fee as a matter of right. When a fee-shifting statute applies, the court must determine what constitutes a "reasonable" attorney fee.

Florida courts calculate reasonable attorney fees under the "lodestar amount." The lodestar amount, in this context, is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate for the attorney's services on behalf of the insured or beneficiary.

Federal case law states that a contingency fee multiplier may only be used in rare and exceptional circumstances, and that the multiplier is completely unavailable under certain federal statutes. Contrary to Federal case law, the Florida Supreme Court in 2017 ruled that the contingency fee multiplier in Florida courts is not subject to the "rare and exceptional circumstances" requirement. Thus, there is now a difference between Florida and federal law with respect to this issue.

The bill prohibits a court from using a contingency fee multiplier when calculating an attorney fee award unless an applicable statute expressly allows use of the contingency fee multiplier.

The PCB will now be given a number and committee references.

AIF supports legislative efforts that prevent unscrupulous actors from taking advantage of property insurance disputes which keeps insurance rates low and allows growth in Florida businesses.

HB 519 – Relating to Private Property Rights Protection

On Thursday, January 30, **HB 519** by Representative James Grant (R-Tampa) was heard by the House Commerce Committee and was reported favorable with 13 yeas and 8 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Takings Clause of the U.S. Constitution prohibits the government from depriving a person of his or her private property for public use "without just compensation." However, not every government action burdening private property amounts to an illegal "taking" under the Takings Clause. Florida law provides legal remedies when a local government burdens property rights in a manner that does not amount to a "taking."

The bill requires a local government, when settling property rights claims, to treat similar properties similarly. If the government settles or the property owner secures a judgment declaring an inordinate burden, there is a presumption that similarly situated parcels are also inordinately burdened and entitled to the same settlement terms or judicial determination. The bill also makes it easier for a private property owner to challenge a local regulation burdening his or her property by:

- Allowing a jury or the court to consider business damages in making its damages calculation;
- Removing a provision allowing the government to seek attorney fees and costs when a property owner refuses a bona fide offer which reasonably would have resolved the property claim fairly.

Additionally, when a local government is poised to impose an exaction upon private property, the bill allows the property owner to sue without having to wait for written notice of the exaction.

HB 519 will now move to the House Judiciary Committee.

AIF supports private property rights which create a prosperous business climate in Florida.