



DAILY BRIEF

From April 25, 2013

Business Regulation

Early this morning, the House passed HB 85, *Relating to Public Private Partnerships (PPPs)*, by Representative Greg Steube (R-Sarasota). HB 85 creates an alternative procurement process and requirements for public-private partnerships, and creates a Public Facilities and Infrastructure Act Guidelines Task Force which would provide guidance on how to implement public-private partnerships to foster uniformity across the state. The bill also authorizes the use of public-private partnerships for purposes of county transportation facilities.

The bill will next be heard by the Senate before it can be sent to the Governor.

AIF supports HB 85 and the sponsor's intention to encourage private sector investment into local infrastructure projects across the state. Public Private Partnerships have proven successful in aiding government needs for infrastructure project advancement utilizing private contractors, financiers and related industries.

The Senate unanimously passed HB 973, *Relating to Low-Voltage Systems* by Representative Jason T. Brodeur (R-Sanford) in substitute for its companion, SB 1442 by Senator Tom Lee (R-Brandon). The bill seeks to preempt local government regulation of alarm system contracting and to make uniform the regulatory aspect of such contracting while allowing local governments to maintain varying permit fees if below a certain amount. The bill also provides an exception from alarm system regulatory requirements for certain in-state workers not accessing customer premises or alarm codes.

HB 973 will now be sent to the Governor's desk for a signature.

AIF supports this bill because it establishes a statewide standardized rate which would reduce the current fees imposed by certain local governments.

Economic Development

The House passed HB 7127, *Relating to Department of Transportation*, by Representative Frank Artiles (R-Miami). The bill includes a variety of clarifying statutory changes to the Department, including \$15 million for space funding, strategic investment initiatives, and items related to environmental mitigation and public private partnerships.

In a previous committee, Rep. Artiles had adopted several amendments effectively removing marginally controversial portions of the bill. Specifically, these provisions included the removal of noise mitigation mandates on local governments and permissive language allowing the Department of Transportation (DOT) to conduct ancillary rail corridor development without local comprehensive plan approval. Also, the bill includes provisions clarifying a local government's ability to create local regional financing authorities.

The bill will next be heard by the full Senate.

AIF is a strong proponent of several measures contained in 7127, including the additional resources for Space Florida and the space industry.

The Senate took up SB 972, *Relating to Transportation Development* by Senator Dorothy Hukill (R-Port Orange), instead substituted its House companion, HB 319. They then unanimously passed HB 319 by Representative Lake Ray (R-Jacksonville). The legislation would provide guidance for alternative transportation funding systems. It would also ensure that new developments are not required to fund corrections to current backlogs.

The bill will now head to the Governor's desk for a signature.

AIF supports statutory guidance to provide a consistent set of rules on transportation funding systems.

The Senate unanimously passed HB 537, by Representative George Moraitis (R-Ft. Lauderdale). Under the bill, the local initiative and referendum processes allowed to continue are limited to those which:

- Were in effect on June 1, 2011;
- Were expressly authorized by a local government charter specifically for matters such as comprehensive plan or map amendments and development orders; and
- Affect more than 5 acres of land.

The bill is now ready to be sent to the Governor for a signature.

AIF supports legislation that clarifies which local initiative and referendum processes relating to development orders, comprehensive plan amendments, or map amendments are not prohibited.

Insurance

The Senate narrowly passed SB 1770, *Relating to Property Insurance* by the Senate Banking & Insurance Committee. Among other things the bill:

- Creates a Citizens' clearinghouse to limit new Citizens policies;
- Requires actuarially sound rates for new policyholders (but not based upon the top 20% of private insurers);
- Continues the 10% glide path for existing policyholders; and
- Reduces the eligibility for Citizens coverage.

The bill contains one provision that could prove problematic:

- Authority for Citizens to enter into risk-sharing (reinsurance) agreements with private insurers to reduce Citizens risk.

As written, AIF believes this provision authorizes Citizens to sell excess of loss reinsurance. This would be an expansion of the role of Citizens.

SB 1770 will next be heard by the full House.

In addition, the Senate heard two public records exemption bills, SB 1848 and SB 1850, both by the Senate Committee on Banking and Insurance. Both bills are linked to SB 1770, which enacts numerous changes to the property insurance laws including Citizens Property Insurance Corporation as mentioned above.

Both SB 1848 and SB 1850 passed and will next be heard by the House.

AIF supports legislation to restore the Florida Hurricane Cat Fund to a safety buffer for Andrew-sized storms, thereby ensuring it can meet its obligations in the event of a storm and reducing the hurricane taxes funding its operations, as well as its possible deficits.

The Senate also passed SB 468, *Relating to Property and Casualty Insurance Rates and Forms*, by Senator Dorothy Hukill (R-Port Orange). SB 468 allows a property and casualty insurer to file a new policy or changes to an existing policy as an informational filing with the Office of Insurance Regulation (OIR) in lieu of filing for approval prior to use. The bill will substantially reduce a backlog of form filings awaiting approval by the OIR. Thus, the bill will allow insurers to react timely to the insurance needs of the business community and will enhance competition among insurers.

The bill is now ready to be sent to the Governor's desk to be signed into law.

The Senate passed a third insurance bill, HB 341, *Relating to Uninsured Motorist Insurance Coverage* by Representative Clay Ingram (R-Pensacola). The bill reverses a recent court decision which deleted the option for the purchaser of an automobile insurance policy to sign a waiver of rights to combine policy limits from multiple vehicles for uninsured motorists (UM) coverage. By restoring this option, the bill allows businesses and other purchasers of UM coverage who exercise this option to save 20% or more in premiums.

Next, HB 341 will be sent to the Governor to be signed into law.

AIF supports the passage of legislation improving the regulatory environment for insurers and reducing the cost of insurance to businesses.

Environment & Agriculture

The House unanimously passed SB 364, *Relating to Consumptive Use Permits for Development of Alternative Water Supplies*, by Senator Alan Hays (R-Umatilla). Also known as the "30 year alternative water supply permitting bill," it expands water supply and reduces the cost of bonding such projects.

SB 364 will next head to the Governor's desk to be signed.

AIF supports state funding for alternative water supply programs and believes the Water Protection and Sustainability Trust Fund (WPSTF) must be fully funded so alternative water supply projects, such as reclaimed water projects, desalination efforts and the collection and storage of rainwater, can be built to produce additional and sustainable future water supplies.

The House passed HB 999, *Relating to Environmental Regulation*, by Representative Jimmy Patronis (R-Panama City). The bill is the major regulation reform bill of the Session. It amends & revises numerous provisions relating to development permit applications; marinas, boat yards, general permits for special events, well permits, regional water supply planning, and agriculture water supply demand projections.

An AIF-backed amendment by Representative Jake Raburn (R-Valrico) was adopted yesterday that proposes the creation of the Florida Fertilizer Regulatory Review Council. The Council would be

established to review the fertilizer issue by focusing on available scientific data. Provisions of the amendment specify that while the Council is reviewing issues, any local government that has adopted an ordinance before March 4, 2013 will be able to keep their existing ordinance and that the proposed Council will have until 2016 to review findings and issue a report. While the Council is developing this report, a moratorium on new fertilizer related ordinances will be put in place for local governments that have not adopted an ordinance before March 4, 2013.

With some debate, the bill passed and will next be heard by the Senate.

AIF supports Rep. Raburn's amendment as it takes the Legislature out of the fertilizer debate for the next three years in order for a the Council to produce a cohesive report on the matter. Also, AIF supports Rep. Patronis' effort to help streamline the permitting process for Florida's businesses.

Wage Theft

After much debate, the House passed HB 1125, *Relating to Employers and Employees* by Representative Tom Goodson (R-Titusville) in the House Judiciary Committee. The bill will establish a statewide system of addressing wage theft complaints through the county courts. HB 1125 addresses wage protection by creating a judicial process giving workers the ability to address their grievances in our court system. It will provide consistency for both employees *and* employers.

Now HB 1125 will be heard by the Senate before it can be sent to the Governor's desk.

AIF supports any legislation aimed at protecting the wages of Florida employees and while supporting employers in their quest to maintain a productive work environment.

Education

The Senate took up and unanimously passed HB 21, *Relating to Background Screening for Noninstructional Contractors on School Grounds*, by Representative Keith Perry (R-Gainesville). The legislation would require the Department of Education to create a uniform, statewide identification badge to be worn by non-instructional contractors signifying that a contractor has met specified requirements and background checks.

The bill will now be sent to the Governor to be signed into law.

AIF supports this legislation because it streamlines and makes uniform the ID requirements for non-instructional contractors working on school grounds.

Health Care

The House took up and considered on 2nd reading HB 7169 by Representative Travis Cummings (R-Orange Park) which would create the Florida Health Choices Plus Program (FHC Plus). The program is designed to provide health care to low income persons without expanding eligibility in the state's Medicaid Program. Persons eligible for the FHC Plus program would be parents and Social Security Income-eligible disabled adults with incomes under 100% of poverty who are not eligible for Medicaid. It is estimated that the program would cover approximately 115,000 Floridians.

A strike all amendment offered by Representative Mike Fasano (R-New Port Richey) would have put the Senate health care proposal, SB 1816, *Relating to Health Care* by Senator Joe Negron (R-Palm City) onto the bill. SB 1816 would create a premium assistance program and would require a state plan amendment to be submitted to the federal government in order to use federal dollars for this program.

Ultimately the amendment was defeated on a vote of 45-74. HB 7169 is poised to pass the full House on Friday, April 26th.

This week in committee, AIF expressed its support for SB 1816 by Senator Negron. SB 1816 is the only proposal addressing the inordinate hidden tax that Florida employers pay to cover the cost of care provided to uninsured Floridians. AIF strongly urges the Legislature to continue its focus on developing sound health care reform that will alleviate this financial encumbrance by best leverages available federal funds and safeguards Florida's future economic success.

Legal & Judicial

The Senate took up HB 7015, *Relating to Expert Testimony*, by Representative Larry Metz (R-Groveland). The bill was amended to delete references to certain case law, but otherwise still adopts the *Daubert* standard for expert witness testimony. The bill was then sent back to the House and substituted for its companion, SB 1412 by Senator Garrett Richter (R-Naples) and read for a second time. By adopting the *Daubert* standard for expert witness testimony, Florida courts will now be aligned with the federal courts. This will ensure that "junk science" stays out of our courtrooms and will discourage forum shopping by unscrupulous trial lawyers.

The amended bill has been rolled to its third and final reading on the Senate floor.

AIF supports legislation to adopt the *Daubert* standard for expert witness testimony and to align Florida courts with the Federal Rules of Evidence utilized in federal courts and adopted by a majority of state courts.

House & Senate Floor Votes

Unless otherwise indicated, all bills passed unanimously

- HB 85 Relating to Public-Private Partnerships by Representative Greg Steube (R-Sarasota)... (98-19)
- SB 364 Relating to Consumptive Use Permits for Development of Alternative Water Supplies by Senator Alan Hays (R-Umatilla)
- HB 999 Relating to Environmental Regulation by Representative Jimmy Patronis (R-Panama City) (98-20)
- HB 7127 Relating to Department of Transportation by the House Transportation & Highway Safety Subcommittee...(114-3)
- HB 1125 Relating to Employers and Employees by Representative Tom Goodson (R-Titusville) (71-45)

- SB 1770 Relating to Property Insurance by the Senate Committee on Banking and Insurance...(24-15)
- SB 972 Relating to Transportation Development by Senator Dorothy Hukill (R-Port Orange)...
- SB 468 Relating to Property and Casualty Insurance Rates, Fees and Forms by Senator Dorothy Hukill (R-Port Orange)... (31-5)
- HB 7065 Relating to Everglades Improvement and Management by Representative Keith Perry (R-Gainesville)....
- HB 21 Relating to Background Screening for Noninstructional Contractors on School Grounds by Representative Keith Perry (R-Gainesville)...
- HB 537 Relating to Growth Management by Representative George Moraitis, Jr. (R-Ft. Lauderdale)...
- HB 973 Relating to Low Voltage Systems by Representative Jason Brodeur (R-Sanford)...
- HB 341 Relating to Uninsured Motorist Insurance Coverage by Representative Clay Ingram (R-Pensacola)...
- SB 1848 Relating to Public Records by the Senate Committee on Banking and Insurance...(38-1)
- SB 1850 Relating to Public Records/Citizens Property Insurance Corporation Clearinghouse by the Senate Committee on Banking and Insurance...(36-2)