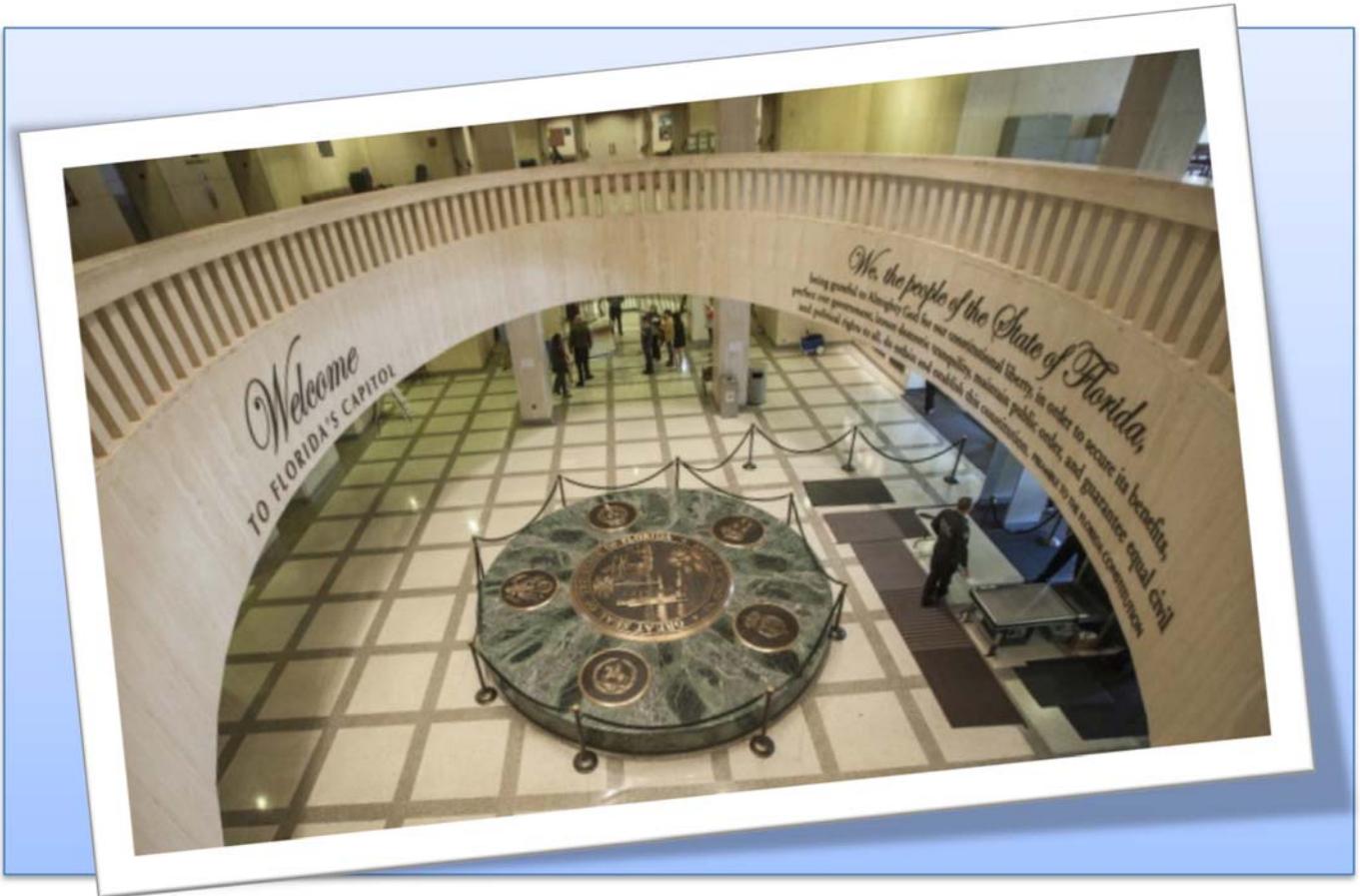


# Florida

## 2017

### Legislative Session



### End of Session Report

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# FLORIDA 2017 END OF SESSION SUMMARY

This session, Florida saw 3052 bills introduced by the House and the Senate. Of those bills introduced, only 249 bills passed both Chambers of the Legislature, resulting in a record low passage rate of only 8.2%. As of June 23, 2017 Governor Rick Scott has signed 202 bills into law and vetoed 6 bills, including a controversial change to the liquor law, commonly referred to as the “Whiskey and Wheaties” bill.

The legislative session had a contentious start with Governor Scott, House Speaker Richard Corcoran, and Senate President Joe Negron locking horns on a plethora of issues including proposed funding for major programs such as tourism, healthcare, and the environment.

Many doubted if the House and Senate would be able to complete the budget, the Legislature’s only constitutional duty, before the close of session. In fact, a three-day extension was needed at the end of session to allow the Senate and House to negotiate and agree on Florida’s \$82.4B budget.

Other legislation passed during the special session included \$85 million for the Florida Job Growth Grant Fund program, \$76 million for VISIT FLORIDA tourism marketing, passage of the medical marijuana implementation bill, a \$215 million increase in public education funding, and \$50 million for the repair of the Herbert Hoover dike surrounding Lake Okeechobee. In a move not seen during regular session, the Governor joined together with the House and Senate to push through these final bills.

The Florida Beverage Association tracked issues of key importance to our members including restrictions on the Supplemental Nutrition Assistance Program (SNAP), economic incentives and environmental regulations. FBA and its members worked to **defeat HB 593/SB 1260** which would have prohibited the use of Supplemental Nutrition Assistance Program (SNAP) benefits to purchase soft drinks or candy. Liz formed a coalition of AIF, Florida Retail Federation, Legal Services and FBA members to successfully defeat this legislation.

FBA actively **supported Pollution Notification Bills, including SB 1018** which requires that operators experiencing a pollution release must contact the FL Department of Environmental Protection (DEP) within 24 hours. DEP then has the onus of reporting the release to the media and general public. *FBA worked to amend the original bill, as it placed the burden of notifying the media and the public with the individual and/or company that had the release.* This bill passed out of the legislature and received the Governor’s signature.

Please see summary of key issues for Florida that passed and the issues that failed this session. In the pages that follow, you will find a snapshot of some of the bills tracked by the Florida Beverage Association during the 2017 Legislative session.

## PASSED:

- **LIQUOR WALL (PASSED):** Repeals a decades-old state law requiring stand-alone liquor stores and the prohibition of the sale of liquor from big grocery chains such as Walmart and Target. (HB81/SB 106). **VETOED BY GOVERNOR SCOTT.**
- **BUDGET (PASSED):** Appropriates \$82.4 billion budget for fiscal year that begins July 1 (SB 2500).
- **DEATH PENALTY (SIGNED INTO LAW):** Requires juries to vote unanimously to sentence someone to death and allows death-row cases to move forward once again in Florida. (SB 280)
- **K-12 EDUCATION (PASSED):** Part of the 2017-18 budget package, calls for \$419 million in K-12 public school spending and myriad policy -- including requiring daily recess for traditional public schools and eliminating one standardized exam, among other testing reforms. Its main features are a new \$140 million "Schools of Hope" program that is largely an incentive for new specialized charter schools to compete with failing traditional public schools, \$234 million in expanding the "Best & Brightest" bonuses for teachers and principals, and changes to a funding formula that will now require school districts to share local capital dollars with charter schools. (HB 7069)
- **HIGHER EDUCATION (PASSED):** Part of the 2017-18 budget package, calls for numerous reforms to the state college and university system. Modifies college and university performance metrics to encourage on-time graduation, increases student financial aid and expands the Bright Future scholarships to cover 100 percent of tuition, promotes faculty recruitment, limits college and university foundations from using taxpayer money, renames the state college system as the "Florida Community College System" and modifies oversight and operations of the colleges, including by setting limits on what four-year degrees each can offer. (SB 374)
- **MEDICAL MARIJUANA (FAILED DURING REGULAR SESSION; PASSED DURING SPECIAL SESSION):** Implements constitutional amendment making medical marijuana available to more people to treat a broader range of illnesses and ailments. (HB 1397)
- **RELIGIOUS EXPRESSION (PASSED):** Fortifies the right of students to express their religious beliefs in public schools, while requiring school districts to adopt policies allowing "limited public forums" for students to pray at school events. (SB 436)
- **SOLAR AMENDMENT (PASSED):** Enacts publicly approved constitutional amendment that allows people and businesses to install solar panels without their property tax bills going up, though amendments add hurdles for companies seeking to do the work that backers of those amendments said were needed for consumer protection. (SB 90)
- **STAND YOUR GROUND LEGISLATION (PASSED):** SB 128 makes it easier for people accused of violent crimes -- including murder -- to claim they acted in self-defense by shifting the burden of proof to prosecutors in pre-trial hearings, where state attorneys would have to prove by "clear and convincing evidence" why the defend shouldn't get immunity from prosecution. SB 1052 clarifies Florida's "Stand Your Ground" law by removing the requirement that a person first be attacked in their home or vehicle before using or threatening to use force.

- **TAX CUT PACKAGE (PASSED):** A series of \$75 million in tax breaks, including a 0.2 reduction in the state's 6 percent tax on commercial real estate leases. Also, a sales-tax holiday for shoppers, including back-to-school tax holiday, and the elimination of sales taxes on feminine hygiene products and hurricane supplies. (HB 7109)
- **RIDESHARING (SIGNED INTO LAW):** Prohibits local governments from regulating ridesharing companies such as Uber and Lyft while setting statewide requirements for insurance and background checks for those companies. (HB 221)

**FAILED:**

- **LGBT ANTI-DISCRIMINATION/ LGBT HOUSING ANTI-DISCRIMINATION (FAILED):** SB 666/HB 623 would have made discriminating based on sexual orientation or gender identity illegal in employment, housing, restaurants and other public facilities. SB 742/HB 659 would have made discriminating based on sexual orientation or gender identity illegal in housing only. (SB 742/HB 659)
- **PLASTIC BAGS (FAILED):** Allows cities to regulate or ban use of disposable plastic bags (SB 162/HB 93)
- **GAMING COMPACT/EXPANSION (FAILED):** HB 7037 extends an agreement by seven years giving the Seminole Tribe of Florida exclusive rights to offer slots outside of Miami-Dade and Broward counties in exchange for \$3 billion. SB 8 gives Miami-Dade and Broward counties each an additional slot casino, the Seminole Tribe would have seven full-scale casinos, and horse and dog tracks in at least eight counties would get new slot parlors.
- **LOBBYING BAN/DISCLOSURE (FAILED):** HJR 7001 would have extended the lobbying ban on legislators who leave office from two years to six. HB 7021 would have added lobbying and disclosure rules for local governments and officials.
- **GUN BILLS (FAILED):** SB 140 would have allowed open carrying of handguns by the state's 1.7 million concealed weapons permit-holders, including in elementary and secondary schools, public college and university campuses, airport passenger terminals, legislative meetings, meetings of municipal, county, school or special district boards, and career centers. SB 610 / HB 819 would have made a private "business, organization, or entity" that bans concealed weapons liable for any injury or damage caused by a person or animal, if the incident "could reasonably have been prevented" had the permit-holder not been required to be disarmed. Additional gun bills that failed to pass would have allowed guns in airports, guns in legislative meetings, guns on public college and university campuses, guns in government meetings, guns in career centers and eliminated "gun-free" zones.
- **SANCTUARY CITIES (FAILED):** Bans communities from being "sanctuaries" for undocumented immigrants by resisting compliance with federal immigration detention requests. Imposes penalties on communities and elected officials that attempt to thwart ban. (HB 697 / SB 786)
- **WORKERS' COMPENSATION (FAILED):** Caps fees for workers' attorneys at \$150 an hour. (HB 7085), or \$250 an hour, which business groups oppose (HB 7085/SB 1582)

(Source: <http://www.tampabay.com/news/politics/stateroundup/florida-legislature-2017-what-passed-and-what-failed/2323573>)



## ENVIRONMENTAL

- **HB 93 (Richardson)/SB162(Rodriguez) — Relating to Disposable Plastic Bags** **DIED (NEUTRAL; Opposed by business and industry)**  
Prohibits businesses from using plastic bags, even in the storage of perishable foods. Authorizes certain municipalities to establish pilot programs to regulate or ban disposable plastic bags; provides program criteria; provides for program expiration; directs participating municipalities to collect data & submit reports to municipal governing bodies & DEP; defines term "coastal community."
- **SB 1018 (Grimsley) — Relating to Public Notification of Pollution** **PASSED; SIGNED BY GOVERNOR (Actively lobbied to SUPPORT)**  
Defining the term "reportable pollution release"; requiring an owner or operator of an installation at which a reportable pollution release occurred to provide certain information to the department within 24 hours after the discovery of the release. The bill creates the State Watch Office within the Division of Emergency Management. The office is a clearinghouse of information, the primary purpose of which is to record, analyze, and share information with federal, state, and county entities for appropriate response to emergencies. Effective Date: July 1, 2017

## HEALTH

- **HB 67 (Plasencia)/ SB 78 (Flores) — Relating to Public School Recess** **INCLUDED IN HB 7069 (Diaz) HB 7069 PASSED; SIGNED BY GOVERNOR (NEUTRAL)**  
Requiring K through 5 students at traditional public schools to be provided at least 100 minutes of supervised, safe, and unstructured free-play recess each week so that there are at least 20 consecutive minutes of free-play per day; requiring that the lowest-performing elementary schools be determined by specified assessment results; creating the Schools of Excellence Program; providing charter schools are eligible for capital outlay funds pursuant to specified provisions; deleting a provision requiring the Algebra II end-of-course assessment to be administered; creating the Florida Best and Brightest Principal Scholarship Program; authorizing all students, including home education and private school students, to participate in specified virtual instruction options, etc. Effective Date: July 1, 2017
- **SB 542 (Book) — Relating to Every Kid Healthy Week** **DIED (NEUTRAL)**  
Recognizing April 24-28, 2017, as "Every Kid Healthy Week" in Florida, etc.
- **HB 593 (Massullo)/SB 1260 (Bean) — Relating to Restrictions on Use of Public Assistance** **DIED (LED COALITION EFFORTS TO SUCCESSFULLY DEFEAT)**  
Prohibiting the use of electronic benefits transfer cards to purchase soft drinks or candy; directing the Department of Children and Families to request a waiver to prohibit the use of Supplemental Nutrition Assistance Program benefits to purchase soft drinks or candy, etc.
- **HB 1083 (Lee)/SB 1592 (Bean) — Relating to Small Food Retailers** **DIED (NEUTRAL)**  
Establishes Healthy Food Assistance Program within DACS; provides purpose; provides for future repeal & legislative review; requires DACS to administer program; provides duties & responsibilities of DACS; provides for funding; provides duties & responsibilities of program administrators; exempts program administrators from provisions relating to state procurement of certain property & services; repeals provisions relating to Healthy Food Financing Initiative.

## TAXES AND ECONOMIC DEVELOPMENT

- **HB 1A (Renner)/SB 2A (Latvala) — Relating to Economic Programs** PASSED; SIGNED BY GOVERNOR (NEUTRAL)  
Creates and funds the Florida Job Growth Grant Fund, which can be used for targeted infrastructure and workforce training investments. Funds VISIT FLORIDA, adds accountability measures and allows tourism development tax dollars to count toward match requirements
- **HB 9 (Renner) — Relating to Florida Tourism Industry Marketing Corporation** DIED (NEUTRAL)  
Authorizes Florida Tourism Industry Marketing Corporation to enter into agreement with DEO for certain purposes & to use certain funds; provides that certain funds shall be transferred to or deposited in General Revenue Fund; transfers certain responsibilities from Enterprise Florida, Inc., to DEO; terminates certain trust funds; revises provisions relating to expenses, funds, duties, & transparency of corporation & requires one-to-one match of private to public contributions to corporation; terminates Division of Tourism Marketing of Enterprise Florida, Inc.
- **HB 17 (Fine) — Relating to Local Regulation Preemption** DIED (Worked with Business and Industry to SUPPORT)  
Prohibits certain local governments from imposing or adopting certain regulations on businesses, professions, & occupations after certain date; preempts to state regulations concerning businesses, professions, & occupations; provides exceptions to preemption. Effective Date: July 1, 2017
- **SB 90 (Brandes) — Relating to Renewable Energy Source Devices** PASSED; SIGNED BY GOVERNOR (NEUTRAL)  
Revising and defining terms related to renewable energy source devices; prohibiting consideration of the just value of property attributable to a renewable energy source device in determining the assessed value of residential real property; exempting a specified percentage of the assessed value of certain renewable energy source devices from ad valorem taxation; exempting a specified percentage of the assessed value of renewable energy source devices affixed to property owned or leased by the United States Department of Defense for the military from ad valorem taxation, etc.
- **HB 99 (Jones) — Relating to Internship Tax Credit Program** DIED (NEUTRAL)  
Authorizes corporate income tax credit of up to specified amount for degree-seeking student hired by certain businesses after internship by student; provides eligibility criteria; authorizes DOR to adopt rules governing applications & establish qualification requirements; authorizes business to carry forward tax credit for specified period.
- **SB 276 (Bracy)/HB 275 (Alexander) — Relating to State Work Opportunity Tax Credit** DIED (NEUTRAL)  
Providing an additional credit against the corporate income tax, beginning on a specified date and under certain circumstances, for businesses hiring certain persons convicted of a felony, etc. Effective Date: Upon becoming a law
- **SB 330 (Steube)/HB 487 (Renner) — Relating to Local Business Taxes** DIED (NEUTRAL)  
Prohibiting the governing bodies of counties and municipalities, respectively, from levying a local business tax that was not adopted before a specified date; deleting certain provisions that, for counties and municipalities, limit the rate of the tax and authorize increases of the tax; providing an exemption from the business tax, subject to certain conditions, to specified veterans, spouses of veterans and active service members, and low-income individuals, etc. Effective Date: Upon becoming a law
- **SB 484 (Hukill) — Relating to Taxes on Sales, Use and Other Transactions** DIED (Worked with Business and Industry to SUPPORT)  
Reduces the business rent tax by 1 percent

- **SB 486 (Hukill) — Relating to Tax-exempt Income** **DIED** (Worked with Business and Industry to SUPPORT)  
Increases the exemption from \$50,000 to \$75,000 against the state's Corporate Income Tax
- **SB 664 (Bean)/HB 555 (Fischer) — Relating to Disaster Preparedness Tax Exemption** **DIED**  
Providing a sales and use tax exemption for certain tangible personal property related to disaster preparedness during a specified period, etc. APPROPRIATION: \$290,580.00 Effective Date: Upon becoming a law
- **SB 704 (Garcia)/HB 463 (Raschein) — Relating to Tax on Sales, Use, and Other Transactions** **DIED** (Worked with Business and Industry to SUPPORT)  
Exempts property taxes from the business rent tax; Providing a limited exception from the tax on rental or license fees charged for the use of real property for certain ad valorem tax charges; providing that tax charges in excess of a specified limit are subject to tax; requiring ad valorem tax charges for multiple tenants or licensees of a parcel of property or portions of a property to be calculated in a specified manner under certain circumstances, etc.
- **SB 750 (Latvala) — Relating to Franchises** **DIED** (NEUTRAL; Actively Monitored)  
Creating the "Protect Florida Small Business Act"; prohibiting a franchisor from terminating a franchise under certain circumstances; prohibiting a franchisor from denying certain persons the opportunity to participate in the ownership of a franchise for a specified period after the death of the franchisee or the person controlling a majority interest; providing that a franchisee must have the opportunity to monetize certain equity from the franchise business under certain circumstances, etc.
- **HB 5501 (Ingram) — Relating to Economic Programs** **VETOED BY THE GOVERNOR AS THE LANGUAGE IN THIS BILL HAS BEEN SUPERSEDED AND MADE OBSOLETE BY HB 1A WHICH WAS PASSED BY THE LEGISLATURE DURING SPECIAL SESSION** (NEUTRAL; Opposed by business and industry)  
Significantly reforms Enterprise Florida and VISIT FLORIDA and provides for reduced funding for the upcoming fiscal year.
- **HB 7005/CCS1 (Careers & Competition Subcommittee) — Relating to Economic Programs** **DIED** (NEUTRAL; Opposed by business and industry)  
Eliminates the state's role in economic development by eliminating Enterprise Florida and two dozen economic development initiatives.

## TRANSPORTATION

- **SB 2500 — Relating to Appropriations** **PASSED; SIGNED BY GOVERNOR** (SUPPORT)  
Per **HB 2301 (Beshears)**, Specific Line Item Appropriation 1920 allocates \$800,000 to Highway Beautification/Keep Florida Beautiful from the State's Transportation Grant Fund. Effective Date: July 1, 2017

## WORKPLACE

- **HB 11 (Plankon)/SB 1292 (Baxley) — Relating to Labor Organizations** **DIED** (NEUTRAL; Supported by business and industry)  
Would add transparency into all levels of collective bargaining and lobbying by giving the public a clearer understanding of how many people the union represents.
- **HB 31 (Jones) — Relating to Background Screening** **DIED** (NEUTRAL; Opposed by business and industry)  
Prohibits employers from excluding applicant from initial interview for employment under certain conditions; provides applicability; provides exceptions; requires DEO to enforce act. Effective Date: July 1, 2017

- **HB 109 (Baez)/SB 194 (Gibson)** — Relating to Equal Rights for Men and Women **DIED (NEUTRAL)**  
Ratifies proposed amendment to U.S. Constitution relating to equal rights for men & women.
- **Gun Bills** — A plethora of gun bills were proposed and **DEFEATED** this legislative session. Some of the topics addressed by the bills included:
  - Openly carrying a handgun (SB 140/SB 245/SB 646); Prohibiting the sale of assault weapons or large capacity ammunition (HB 167); Prohibiting locations where a firearm can be taken (SB 170 / HB 235); Providing that a person with a conceal and carry license does not violate certain provisions if the firearm is openly and temporarily displayed (HB 779); Removing restriction on where a licensed concealed carry holder may take firearms (HB 803/HB 6005); Allowing persons holding a concealed carry license to take firearms on school property and pharmacies (SB 908); Revising areas of an airport where a person is prohibited from carrying a handgun (HB 6001/SB 618)
- **SB 160 (Rodriguez)/HB 945 (Jaquet)** — **Relating to Minimum Wage** **DIED (NEUTRAL; Opposed by business and industry; Actively Monitored)**  
Revising the formula for the adjusted state minimum wage, etc.
- **HB 319 (Berman)** — **Relating to Discrimination in Labor and Employment** **DIED (NEUTRAL; Actively Monitored)**  
Creates "Helen Gordon Davis Fair Pay Protection Act"; revises provisions prohibiting discrimination on basis of sex to include discrimination on basis of gender identity; prohibits employer from providing less favorable employment opportunities to employees based on sex or gender identity; provides exceptions; specifies civil penalties; revises applicability; prohibits employer from taking certain employment actions against employees; prohibits employer from engaging in certain activities relating to employee wages & benefits or requiring employee to sign certain waivers.
- **SB 334 (Steube)/HB 469 (Harrison)** — **Relating to Prejudgment Interest** **DIED (NEUTRAL/OPPOSE; Opposed by business and industry; Actively Monitored)**  
Requiring a court to include interest on economic damages and costs in the final judgment of a negligence action as a result of a personal injury; specifying the date from which interest accrues, etc.
- **SB 610 (Steube)/HB 819(Byrd)** — **Relating to Firearms** **DIED (Worked with Business and Industry to OPPOSE)**  
Requiring a business, organization, or entity that prohibits a concealed weapon or firearm licensee from carrying a weapon or firearm onto its property to assume certain responsibility for the safety and defense of such licensee; providing a cause of action for a concealed weapon or firearm licensee who incurs injury, death, damage, or loss as the result of certain acts or attacks occurring on the property of such business, organization, or entity or on other specified properties, etc.
- **SB 650 (Book)/HB 669 (Moskowitz)** — **Relating to Retail Establishments and Shopping Centers** **DIED (NEUTRAL)**  
Requiring certain parking lots to contain a minimum amount of parking spaces designated for use by expectant mothers, subject to certain requirements; requiring the Department of Transportation to establish requirements for signage and markings for such parking spaces; requiring certain retail establishments and shopping centers to provide and maintain breastfeeding areas, etc.
- **HB 659 (Raschein)/SB 742(Latvala)** — **Relating to Housing Discrimination** **DIED (NEUTRAL)**  
Removes housing discrimination as cause of action for certain relief & damages resulting from violations of Florida Civil Rights Act of 1992; revises provisions of the Fair Housing Act to prohibit discrimination on the basis of sexual orientation & gender identity; revises conditions under which aggrieved person may commence civil action against specified respondent; prohibits aggrieved person from commencing specified

civil action if such person has consented to conciliation agreement, with exception, or if administrative law judge has commenced hearing on record on allegation.

- **SB 836 (Gibson)/HB 561 (Daniels) — Relating to Preference in Hiring Veterans** **DIED (NEUTRAL)**  
Citing this act as "Veterans Preference Incentive Act"; authorizing a corporate income tax credit for private employers hiring certain veterans or spouses of veterans, etc.
- **HB 1107 (Albritton)/SB 1008 (Perry) — Relating to public Records/Workers' Compensation** **PASSED; PRESENTED TO THE GOVERNOR (Supported by business and industry)**  
Exempts private and personal identifying information of an injured worker or deceased employee from public record. Currently, this information is open to the public and, often, injured workers are unundated with outreach from attorneys encouraging them to sue their employer.
- **HB 7085 (Burgess)/SB 1582 (Bradley) — Relating to Workers' Compensation Insurance** **DIED (NEUTRAL; Opposed by business and industry)**  
Requiring carriers to authorize or decline, rather than respond to, certain requests for authorization within a specified time; revising conditions under which the Office of the Judges of Compensation Claims must dismiss petitions for benefits; adding prospective loss costs to a list of reviewable matters in certain proceedings by appellate courts; requiring copies of prospective loss costs to be filed with the Office of Insurance Regulation, etc. APPROPRIATION: \$847,838.00.