



Florida **Billboard**

2018 Legislative Session
Special Preview Edition

January 8th, 2018

With committee weeks now behind us and session ready to get under way, it is once again time to take a glance ahead at Americans for Prosperity-Florida's first bill tracker for the 2018 legislative session.

Whether your primary interest is to rein in unchecked regulation, to ensure entrepreneurs are free to ply their trades, to fight wasteful corporate welfare, or if you just want to keep more of your own hard-earned money, there is something for everyone. While the bills may change from week to week as committees amend them or send them back and forth on the House and Senate floors, those changes will be tracked.

Check back every week for more updates!

Entries / Exits

More to Come!

Support Bills

HB 1 / SB 1172 – Hope Scholarship Program – Rep. Donalds / Sen. Galvano

This bill proposes the creation of a new school choice program in Florida, freeing students who have been victims of bullying or harassment and giving the opportunity to ‘vote with their feet’ to earn their education elsewhere, whether to attend another public school or to receive a scholarship for attending a private school.

HB 3 / SB 1714 – Local Government Transparency – Rep. Grant (M) / Sen. Perry

Building on the progress made from last year’s reforms of Visit Florida and Enterprise Florida, this bill introduces several similar transparency measures at the local level for economic development agencies and visitor bureaus. Among them, not only must annual disclosures be filed when board members of these local agencies have conflicts of interest but agencies are required to explicitly avoid, neutralize, or mitigate any significant organizational conflicts of interest before entering into contracts.

HB 7 / SB 1426 – Local Government Transparency – Rep. Burton / Sen. Lee

Every month, families across the Sunshine State keep careful watch of their finances, sticking to a budget. Elected officials, as spenders of tax money pulled from millions of family budgets, would do well to embrace such “dinner table” transparency and accountability. One notable way this bill ensures openness is by requiring local government bodies post their voting records whenever voting to increase taxes or take on more debt at the expense of the taxpayers. In addition, any local economic development agency spending more than \$25,000 in tax dollars on incentives will be required to provide more detail in their annual reports to the Florida legislature’s economists at the Office of Economic and Demographic Research.

HB 11 / SB 354 – Government Accountability – Rep. Metz / Sen. Stargel

While other proposals this year have focused on openness and transparency, this bill places more emphasis on accountability. This bill introduces reporting requirements of government bodies at the local and state level, including state agencies, school districts and water management districts. Not only will internal controls be established that will make it easier to detect waste, fraud and abuse, but budget documents will be more readily available online for citizens throughout the process.

HB 13 / SB 352 - Sports Franchise Incentive Restrictions - Rep. Avila / Sen. Garcia

As if it is not bad enough that state and local governments funnel hundreds of millions in current and future tax dollars to fund stadium construction for sports teams worth hundreds of millions of dollars already, some local governments have added insult to injury, leasing the land the stadium is built on at well below market value. This bill would put an end to this practice, prohibiting a sports franchise from building, renovating or improving a stadium on leased public land and requiring any purchase of public land to be at fair market value.

HB 15 / SB 526 - Deregulation of Occupational and Business Licenses - Rep. Beshears / Sen. Brandes

No one should be required to seek a permission slip from a licensing board or government bureaucrat to work in a field in which they are otherwise qualified. Building on the momentum of last year's deregulation package, which stopped just short of the goal line, this bill includes many similar components. Training hour requirements are reduced in several occupations, including a 600-hour reduction in training hours required to become a licensed barber—half of the previous requirement

HB 17 – Community Redevelopment Organizations – Rep. Raburn

Community Redevelopment Agencies are meant to redevelop blighted areas of towns across the state rather than remain permanent projects. However, most CRAs have had mixed results, at best, and in many cases, have been rife with conflicts of interest, waste, and abuse. This bill begins to phase out existing CRAs across Florida and, like SB 432, requires four hours of ethics training for board members.

HB 23 / SB 250 - Ambulatory Surgical Centers - Rep. Renner / Sen. Steube

This bill would accomplish what should be an uncontroversial idea: that surgery patients are not forced out of ambulatory surgical centers (ASC) during the same day their surgeries are performed. Unfortunately, current statute requires that Not only do ASCs lower the prices paid by patients, but they provide more options in locations with limited competition. Removing this unnecessary burden would increase the outpatient surgery options available to Floridians.

Support Bills

HB 25 / SB 1036 - Labor Organizations - Rep. Plakon / Sen. Steube

Unfortunately for many state employees in Florida, the choice of whether to be represented by a union in their employee contract negotiations was never offered to them. In some cases, collective bargaining units with hundreds and sometimes thousands of workers are given no choice but to be represented by unions with membership rates as small as 1-2 percent. Although Florida is a Right to Work state, the employees who are not union members are still required to live with whatever the union negotiates on their behalf. This bill would require additional info on annual certification paperwork for public sector unions, including the total number of employees the union represents in the bargaining unit and how many of them are dues-paying members. Any unions with less than 50% dues-paying members would be required to have a recertification election. At that point, each of the employees across the collective bargaining unit would be free to decide for themselves if they really want to be represented or not.

HB 27 / SB 1492 - Certificate of Need for Hospitals - Rep. Fitzenhagen / Sen. Brandes

While the original motivations for Certificates of Need laws are long gone, these unnecessary laws amount to granting government monopolies because if a new hospital wants to open up, it first has to prove that the community needs it and to ask the permission of the Agency for Health Care Administration (AHCA). This bill eliminates Certificates of Need for hospitals and hospital services in Florida, which have done little but to throw up needless barriers between the healthcare providers who wanted to open brand new hospital here but did not have the right permission slip.

HB 37 / SB 80 - Direct Primary Care - Rep. Burgess / Sen. Lee

After years of poking and prodding the market with regulations, subsidies, and tax exemptions, government red tape is hopelessly tangled. But one of the more promising health care reforms is notable because it gets back to the basics: doctor and patient. By bypassing the insurance companies that have often carried all of the government red tape, physician-entrepreneurs using the direct primary care payment model have discovered how to provide primary care for \$25-\$100 per person. In the spirit of simply getting out of the way, this bill's primary purpose is to stipulate that these simple, cost-effective agreements do not constitute insurance—and should not be regulated as insurance.

HB 58 - Corporate Income Tax Reduction - Sen. Hukill

This straightforward proposal would increase the maximum amount exempted in corporate income taxes by a flat \$25,000, going from \$50,000 to \$75,000. Because this is a tax that every business pays, to the exclusion of no one, it is a win-win for everyone. Not only would this bill's passage be a boon for every business in Florida, but customers would benefit as well, as businesses would have more wiggle room to compete through lower prices or higher quality.

HB 83 / SB 912 - Regulatory Cost Transparency - Rep. Spano / Sen. Broxson

It has often been said that there is no such thing as a free lunch. This is especially true when applied to government regulation, which is often written with little regard for how steep of costs might be imposed on citizens or how difficult it might make lives in the process. By requiring estimated regulatory costs to be posted on an agency website before adoption or amendment, not only can less costly alternatives be considered, but those writing the regulation in the first place will be more cost-conscious when they do.

HB 207 / SB 362 - Private Property Protection - Rep. McClain & Rep. Clemons / Sen. Perry

This bill requires local government to incorporate the protection of private property rights into their growth management plans by July 2020. Better yet, within a year of adopting the private property rights element, the governing body would be required to review and revise its land development regulations to reflect it.

HB 273 / SB 750 - Public Records - Rep. Rodrigues / Sen. Perry

This bill intends to put a halt to a troubling trend going on across the country by preventing governments in Florida from taking their own citizens to court over public records requests. Not only do these legal fights discourage open, transparent government, but they have chilling effects on citizens' abilities to trust their own government officials.

SB 312 - Excise Tax Exemptions - Sen. Steube

This bill would ensure that the transfer of deeds to homestead property within Florida can transfer between spouses without being taxable.

Support Bills

HB 317 / SB 272 - Local Tax Referenda - Rep. Ingoglia / Sen. Brandes

Tax referendums should not come and go without citizens being made fully aware. This bill requires any referendum to levy a discretionary sales surtax must be held during either a primary or a general election. Any such referendum held during a primary election must be approved by at least 60 percent of electors voting on the ballot question. A referendum held during a general election may be approved by a simple majority of electors voting on the question, as is currently the case.

HB 373 / SB 1228 - Annual Business Organization Reports and Fees - Rep. Grant (M) / Sen. Hukill

This bill would allow businesses in Florida to send their annual reports to the Department of State on a biennial basis, freeing them from the need to do it every year. Even if only a small victory over government paperwork, it is still saved time that Sunshine State entrepreneurs can devote back into their families or businesses.

HB 432 - Community Redevelopment Agencies Reform - Sen. Lee

Community Redevelopment Agencies were originally intended to be anything but permanent projects, meant to redevelop blighted areas of towns across the state. However, most CRAs have had mixed results, at best. This bill requires more accountability from CRAs to the local government that created it, including several reporting requirements that can help taxpayers better understand how their money was spent and if the program achieved its goals. Like HB 17, this proposal also requires four hours of ethics training for board members.

HB 521 / SB 574 - Private Property Rights - Rep. Edwards-Walpole / Sen. Steube

This legislation would preempt to the state the regulation of the trimming, removal, or harvesting of trees and timber on their own private property and would restrain local governments from charging fees or requiring the planting of new trees as conditions of using their land for these purposes.

HB 555 / SB 642 - Loosening Payday Loan Restrictions - Rep. Olszewski / Sen. Baxley

This bill expands the maximum rate of interest that can be charged on payday loans. In the House version, the maximum rises from 10% to 36%, while in the Senate version, it rises from 10% to 30%. While there are obviously some strong feelings about this issue, restrictions on payday loans often creates the unintended consequence of reducing access to credit for many who do not have other options.

HB 585 / SB 658 - Tourist Development Tax - Rep. Fine / Sen. Brandes

This bill gives local governments more freedom to direct Tourist Development Tax revenue toward community needs. This bill expands the potential uses of the Tourist Development Tax, allowing that tax revenue to be spent toward public facilities within the boundaries of the county or subcounty special taxing district in which the tax is levied, provided that the public facilities will increase tourist related business activities or the special district. These revenues can be used for land acquisition, land improvement, design or engineering costs, etc. and may be used toward capital improvements with a life expectancy of 5+ years, including transportation, sanitary sewer, solid waste, drainage, potable water and pedestrian facilities.

HB 657 - Loosening Licensing Requirements for Foreign-Born Physicians - Rep. Diaz (M)

This bill would expand the range of experiences that could qualify for meeting the minimum standards of licensing needed by foreign-born physicians who move to Florida.

HB 667 / SB 1020 - Alcohol Deliveries - Rep. Perez / Sen. Young

Laws and regulations which micromanage the relationship between buyers and sellers, especially ones that dictate how and when a service can be provided, decrease efficiency and often mean consumers get less value. Currently, the laws only allow alcohol deliveries to be made by vendors if orders were physically placed at the place of business, over the phone or by mail. This bill allow for vendor delivery if the order was made online, and free through third parties.

HB 669 / SB 296 - Beverage Law - Rep. Perez / Sen. Brandes

This bill would reduce several ridiculous, unreasonable restrictions on alcohol sales in Florida, including allowing cider to be sold in growlers like beer already is and allowing restaurant patrons to take home bottles of wine without first having to purchase a full course meal.

Support Bills

HB 683 / SB 1498 – Dental Therapist – Rep. Perez / Sen. Brandes

This bill would create an intermediate role of "dental therapist", who could operate under the supervision of a dentist and a clearly defined scope of practice. Just like the introduction of nurse practitioners programs relieved the burden of medical care falling on physicians, the introduction of dental therapists could mean greater access to dental care, especially for low income and uninsured patients. In Minnesota, the introduction of dental therapists meant as many as one-third of patients saw decreased wait times, especially in rural areas. Furthermore, dental assistants treated as many as 90% of Minnesota's uninsured or patients on public assistance.

HB 751 – Public Assistance Reform – Rep. Eagle

There is great value in work, not just for the increase in income that it provides, but research consistently shows that it also brings with it a sense of accomplishment. By increasing the enforcement of work requirements and helping recipients of temporary cash assistance develop a work plan, as this proposal does, more Floridians will be more prosperous and more independent.

HB 773 - Vacation Rentals - Rep. La Rosa

This bill extends the state preemption on vacation rentals. while providing that local governments still regulate problems that might arise as a result of vacation rentals --provided such regulation applies equally to all residential properties, regardless of whether it is a vacation rental, long term rental, or non-rental. In addition, the state's preemption is preserved, and even extended, such that local governments can make their laws, ordinances or regulations less restrictive.

HB 791 / SB 1268 – Regulatory Reform – Rep. Diaz / Sen. Perry

This bill establishes the Red Tape Reduction Advisory Council, whose members' primary purpose is to dig through the Florida Administrative Code to identify rules that are duplicative, obsolete, especially burdensome, disproportionately harm small businesses with fewer than 100 employees, or disproportionately affect businesses with annual revenue less than \$5m. To encourage agencies to be more judicious with their writing of future rules, the proposal also introduces a ceiling on the number of regulatory requirements that limit the introduction of future agency rules. For every new rule introduced, at least one must be cut: "one-in, one-out".

HB 829 / SB 1080 – McKay Scholarship Eligibility Expansion – Rep. Plasencia / Sen. Baxley

Just as every single student learns and grows differently, it stands to reason that every student's needs are different. For Florida's students with disabilities, this is especially true. This proposal expands access to the McKay Scholarship by allowing qualifying medical diagnoses to be made by physicians in other states or territories, freeing more Sunshine State families to benefit from attending schools that best meet their needs.

HB 909 / SB 1234 - Free Speech on College Campuses - Rep. Rommel / Sen. Baxley

This bill would eliminate the so-called "free speech zones", which arbitrarily place restrictions on the location of campus speech. In addition, the bill will help to ensure that administrators do not arbitrarily exercise authority over the allowance of some speech to the exclusion of others, creating a cause of action for students to sue if this right is abridged.

HB 939 / SB 60 - Reduction in Sales Tax on Commercial Leases – Rep. Toledo / Sen. Hukill

Florida is the only state in the country to even levy a sales tax on commercial leases. Whether its rent paid for leasing a building or rent paid for leasing equipment, this applies equally to all. Last year, Florida reduced this uncompetitive tax from 6% to 5.8%. This follow-up bill would continue by bringing it down from 5.8% to 5%, potentially more than \$200 million in savings.

SB 980 – Publicly Funded Retirement Programs – Sen. Brandes

Like all workers, Florida's state employees deserve to receive the benefits they were promised in exchange for their work. This is especially true for those who work their entire careers with those expectations. In fulfilling the financial promises made to state employees, legislators must have an accurate sense of how these promises will affect the state's budgeting process, now and in the future. This proposal serves both of those needs. First, this bill requires that preretirement and postretirement benefits to state employees--such as life insurance, health savings accounts, and continuing education credits--be included in regularly-scheduled actuarial reports.

Support Bills

HB 973 / SB 708 – Expansion of PA and ARNP Duties – Rep. Daniels & Rep. Plasencia / Sen. Brandes

Floridians are currently the victims of a physician shortage, due in no small part to restrictive regulations and licensing requirements. This means that patients wait longer to receive healthcare, and fewer enjoy more meaningful access. This proposal expands the range of legally-performable duties that can be performed by Florida's highly-skilled physician assistants and advanced registered nurse practitioners. Not only will this free physicians to spend more time with patients, but it will increase the efficiency of healthcare providers, who will be more free to discover the most efficient ways to meet patient needs.

HB 1019 – Financial Reporting – Rep. La Rosa

Floridians cannot hold public officials accountable for good stewardship of their tax dollars if documentation is not made readily available or if residents are inadvertently excluded by a casual sense of what some elected officials might refer to as "business as usual". Continuing on a theme, this proposal introduces several changes to financial reporting requirements. Several levels of government and several government entities, including water management districts, school districts and special districts will be required to submit financial reports to the legislature's economists at the Office of Economic and Demographic Research. In addition, each governmental entity must retain an online posting of its budget on its website for five years. Finally, the bill would give teeth to accountability measures by requiring, rather than authorizing, the Legislative Auditing Committee to schedule hearings if a governmental entity fails to comply with reporting requirements.

HB 1041 / SB 1114 - Professional Regulation – Rep. Plakon / Sen. Brandes

In integrating back into society, few barriers are as difficult for those with criminal records to overcome than getting back to work--and being gainfully employed has been shown to reduce the chances of recidivism. This bill would allow Floridians to seek declaratory statements from an agency regarding their ability to obtain a license, registration, or certificate, in light of a criminal history. Importantly, this would give more guidance to those reentering the workforce on what, if anything, could be done to reduce uncertainty and to show a capacity for meaningfully returning to work in their chosen profession.

HB 1311 / SB 1126 - Licensure of Check Cashers and Foreign Currency Exchangers - Rep. McClure / Sen. Brandes

While some laws and regulations at least intend to address real potential harms to others, others introduce unnecessary and arbitrary requirements. Unfortunately, a lot of government red tape is arbitrary, reduces the number of employment opportunities available to citizens and diminishes the value created by market competition. This bill would increase the dollar threshold--from \$2,500 to \$7,500--before licensing requirements begin to kick in, meaning fewer barriers to employment and increased access to these services.

HB 6005 / SB 778 - Sports Development - Rep. Avila / Sen. Lee (T)

This bill would eliminate Florida's Sports Development program, which serves as a potential avenue for corporate welfare for professional sports teams. While particular program has not yet been used, taxpayers should not be on the hook for the tens of millions this program could someday vacuum from their wallets, especially when it would be used to financially prop up sports teams worth hundreds of millions of dollars.

HB 6037 / SB 198 - Legalizing Fireworks in Florida – Rep. Grant (J) / Sen. Steube

This bill would eliminate the required legal registration on manufacturers, distributors, wholesalers, and retailers of sparklers. This bill would eliminate some of the red-tape surrounding the production of supplies often used in local celebrations and remove one more government obstacle to free expression.

HB 7001 / SB 1742 - Supermajority Vote for State Taxes or Fees - Rep. Leek / Sen. Stargel

The authority of any government to tax its citizens should never be taken lightly. This is especially true when just 51 can vote to increase taxes on the other 49, with a simple majority. This joint resolution proposes an amendment to the state Constitution that would increase the vote burden needed in the legislature to impose, authorize or raise taxes or fees. If passed, a new or increased tax or fee would require supermajority votes of two-thirds of the membership of each house of the legislature.

HB 7007 / SB 1534 – Ethics Reform – Rep. Sullivan / Sen. Mayfield

Few relationships contribute more to citizen distrust of elected officials than circumstances which permit influence-peddling and abuses of government power for personal gain. These very similar proposals will begin to address several important issues, like prohibiting certain officers and public employees from soliciting employment or financial relationships in conflict of interest and authorizes the Commission on Ethics to investigate in some instances.

Oppose Bills

HB 49 / SB 318 - Internship Tax Credit Program - Sen. Powell

Following its filing last year, this bill would create a \$2,000 tax credit given to employers who end up hiring interns who graduated from public colleges and universities in Florida. While new graduates sometimes struggle to find gainful employment, this would create a new special interest group, including not just almost exclusively younger Floridians but the employers who are first to rush to the front of the line.

SB 114 - Small Business Contracting - Sen. Campbell

While there is great value in the contributions of Florida's small businesses, tax dollars should only seek the best bang-for-the-taxpayers'-buck and should not discriminate between service providers on the basis of size. This bill would create a quota, requiring that a certain percentage of state contracts be offered to those defined as small businesses.

SB 216 - Schools of Hope Red-Tape - Sen. Book

Just one session after its passage, this bill would introduce new restrictions on the the Schools of Hope program. Rather than complying with the spirit of the Schools of Hope program's revolving loan program requirement that projects primarily serve students from within an area of persistently low performing schools, this bill would place an unrealistically high quota which would require 75% of the students in a Schools of Hope recipient school to be from the low performing school. Rather than ensure that those students who are most in need of options have them, this bill would cut the possibility of qualifying off at the knees by restricting the in-flow of students from outside the district--a problem that persistently low performing school districts should want to have.

SB 302 - Prohibition of Public ACA Waivers - Sen. Rodriguez

One of the hallmarks of a free and open economy is the ability to 'vote' with your dollars to pay for things you want and to abstain from paying for things that you do not. This bill would prohibit public employees from being issued waivers from mandated coverage requirements under ACA, requiring them to not only pay for insurance coverage they might not need, want, or may have an objection to paying to provide. Whatever the reason, Floridians should not be required to purchase something by public officials.

HB 341 / SB 1606 - Film Incentives - Rep. Silvers / Sen. Taddeo

Glamorous industries often command the most attention in receiving corporate welfare. This bill would create a new film and television incentive program in Florida, called the Florida Motion Picture Capital Corporation. Governed by a board made up of industry insiders, this program would disburse tax dollars in exchange for the promise of jobs and economic development. The fact is, not only is this an improper role for government to play, but it is an inefficient, wasteful use of tax dollars. While Florida's film and television industries are important contributors to the state's success, this is not the best way to support the sustainability of the industry. It would be preferable to enact broad-based tax-cuts that can continue to make Florida a great place to do business long after the next Hollywood blockbuster has come and gone.

HB 561 / SB 758 - Diabetes Educators Licensing - Rep. Plasencia / Sen. Gibson

This bill would introduce a new set of licensing requirements for diabetes educators. This requires navigating myriad complex requirements which require years of commitment, but still do not guarantee any more competence than those in related disciplines. Unfortunately, this proposal would serve to fence off more and more licensing territory, restricting access to consumers who are already protected by laws dealing with fraud.

SB 586 - Teacher Salaries - Sen. Rader

Whenever governments engage in price controls, like by mandating a minimum wage, there are always adverse and unintended consequences. This bill would create the "Florida Teacher Fair Pay Act", setting the minimum salary for Florida teachers at \$50,000, not only by limiting the options available to younger, less-experienced teachers in order to pay for it. But by reducing the relative incentives that come when incomes are more closely linked to performance, like exists in every other private industry.

HB 741 / SB 1868 - Professional Geology - Rep. Goodson / Sen. Broxson

This bill would further carve out an expansion of the definition of professional geology for the purposes of the licensing board, as well as introduce a few explicit exclusions from the definition. The bill also expands the fees the licensing board can charge biennially or for renewal, with little rationale or justification.

Oppose Bills

HJR 911 / SJR 1136 – Medicaid Expansion Amendment – Rep. Berman / Sen. Taddeo

This resolution would bring expansion of Medicaid up for a referendum. But Florida residents deserve better than Medicaid has to offer. Medicaid is a clear example of the axiom, "coverage is not care." Physicians more and more reluctant to deal with the paperwork and the long wait to receive payment, and Medicaid patients suffer long wait times. There is evidence it actually leads to worse health outcomes than being uninsured. Florida should redirect its attention to removing the giant state barriers that are explicitly designed to limit competition, like eliminating certificates of need and freeing physicians using direct primary care models to bring down the price of care.

HB 925 / SB 1266 – Charter Financial Disclosure – Rep. Newton / Sen. Thurston

This bill would provide financial disclosure requirements for charter school employees, including: owner, president, chairperson of the governing board of directors, superintendent or governing board member employed by a charter school system that operates in two or fewer districts. This presents privacy concerns for private citizens and creates a double-standard in public contracting where one set of rules exists for charters than exists for anyone other private citizen. There are other, less intrusive ways to achieve accountability.

HB 1083 / SB 638 - Nurse Staffing Minimums – Rep. Watson (B) / Sen. Campbell

This bill would impose minimum staffing ratios of registered nurses to patients, under a wide variety of circumstances. While the stated intent is to "retain sufficient nursing staff so as to promote optimal health care outcomes," every health provider's circumstances are different, and providers should not be pigeonholed. Aside from the chances of altering the makeup of a healthcare facility's staff for the worse in order to comply with the new requirements, there is evidence from several studies that these kinds of laws simply are not effective.

HB 6039 / SB 1014 – Removal of Preemption on Local Plastic Bag Regulation – Rep. Richardson / Sen. Stewart

This bill would eliminate the state's preemption of any rule, regulation or ordinance putting limits on or restricting the use of plastic bags. While there are valid concerns about the effects of plastic bags on Florida beaches, the solution is not to place additional burdens on businesses and consumers.

HB 6047 - Charter School Capital Outlay - Rep. Newton

This bill would effectively eliminate charter schools from receiving capital outlay funding by eliminating their reference in statutes dealing with capital outlay. Students in charter schools have historically received much lower funding than their traditional public school counterparts. This would exacerbate the issue, setting interests in parity aside and ignoring choices of many of Florida's families for the education of their children.