

DAILY BRIEF

For the 2022 Legislative Session



FROM FEBRUARY 2, 2022

BUSINESS REGULATION

HB 569 – Relating to Business Damages Caused by Local Governments

On Wednesday, February 2, [HB 569](#) by Representative Lawrence McClure (R-Plant City) was heard by the House Local Administration and Veterans Affairs Subcommittee and was reported favorable with 11 yeas and 6 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill creates a mechanism for a Florida business owner to recover business damages related to government action. Specifically, the bill:

- Entitles a business that has engaged in lawful business in Florida for at least three years to claim business damages if the county or municipality enacts or amends an ordinance or charter provision that will cause a reduction of at least 15% of the business's profit;
- Provides several alternatives for local governments to avoid liability by repealing or amending the ordinance or charter provision giving rise to the business damages claim or granting a waiver to the business submitting a claim for damages.

HB 569 will now go to the House Judiciary Committee.

AIF supports legislation that grants businesses the right to challenge in court unjust and arbitrary local ordinances that create barriers to business which leads to jobs lost and a decelerated economy. Business is the lifeblood of Florida and owners deserve the right to protect their livelihood.

HEALTH CARE

SB 1374 – Relating to Clinical Laboratory Testing

On Wednesday, February 2, [SB 1374](#) by Senator Ana Maria Rodriguez (R-Doral) was heard by the Senate Health Policy Committee and was reported favorable with 10 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Currently, advanced practice registered nurses, registered nurses, licensed practical nurses, and licensed clinical laboratory personnel are permitted to perform testing at alternate-sites (lab testing under control of a hospital but not on-site) which allows for bedside, ER and operating room testing. A freestanding emergency department (FED) is a facility that receives individuals for emergency care and is structurally separate from a hospital. Only licensed clinical laboratory personnel may perform clinical laboratory testing in a FED. The bill exempts individuals who perform alternate-site testing outside of a central laboratory of a hospital or at a hospital-based, off campus emergency department from clinical laboratory personnel licensure requirements. This allows all individuals, not just licensed clinical laboratory personnel, to perform alternate-site testing within a hospital or in a FED.

SB 1374 will now go to the Senate Appropriations Committee.

AIF supports permitting registered nurses to perform moderately complex lab tests, outside of a clinical lab, but within a hospital department or an off-site hospital-based emergency department to ensure greater access to quality care.

INSURANCE

SB 150 – Relating to Motor Vehicle Insurance

On Wednesday, February 2, [SB 150](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Banking and Insurance Committee and was reported favorable with 10 yeas and 1 nay.

AIF’s Vice President of Governmental Affairs, Adam Basford, submitted an appearance card to speak against this legislation but due to committee time constraints, AIF’s opposition to this bill was recorded on the record.

The bill repeals the Florida Motor Vehicle No-Fault Law which requires every owner and registrant of a motor vehicle in this state to maintain Personal Injury Protection (PIP) coverage. Beginning July 1, 2023, the bill enacts financial responsibility requirements for liability for motor vehicle ownership or operation, as follows:

- For bodily injury (BI) or death of one person in any one crash, \$25,000 and \$50,000 for BI or death of two or more people in any one crash.
- The existing \$10,000 financial responsibility requirement for property damage is retained.

SB 150 will now go to the Senate Judiciary Committee.

AIF opposes this legislation in the current form as it simply shifts insurance costs – much like squeezing a balloon – rather than comprehensively lowering them. AIF believes it is critical that any discussions to repeal PIP and move to BI be deliberative, thoughtful, and involve all stakeholders from the outset.

SB 1728 – Relating to Property Insurance

On Wednesday, February 2, [SB 1728](#) by Senator Jim Boyd (R-Bradenton) was heard by the Senate Banking and Insurance Committee and was reported favorable with 9 yeas and 2 nays. **AIF’s Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill addresses contractor solicitations related to property insurance roof claims, the type of homeowners’ insurance coverage that insurers must offer for roof losses, and various aspects of Citizens Property Insurance Corporation. The bill allows contractors to make written or electronic communications to potential consumers to contact a contractor or public adjuster for the purpose of making an insurance claim for roof damage only if the following disclosures are included:

- The consumer is responsible for payment of any insurance deductible;
- It is insurance fraud punishable as a felony of the third degree for a contractor to pay, waive, or rebate all or part of an insurance deductible applicable to payment to the contractor for repairs to property covered by a property insurance policy; and
- It is insurance fraud punishable as a felony of the third degree to intentionally file an insurance claim containing any false, incomplete, or misleading information.

SB 1728 will now go to the Senate Appropriations Subcommittee on Agriculture, Environment and General Government.

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

SB 7018 – Relating to OGSR/Injured or Deceased Employee/Department of Financial Services

On Wednesday, February 2, [SB 7018](#) by the Senate Banking and Insurance Committee was read a third time on the House floor and passed with 116 yeas and 0 nays.

Prior to the passage of this public records exemption in 2017, the Division of Workers’ Compensation would receive approximately 90 requests monthly—from law firms—for the names and contact information of injured or deceased workers reported in the previous month. These

law firms would then use the information to solicit the nearly 5,000 employees per month that are injured on the job. Such solicitation violated the privacy of injured workers for the sole and exclusive purpose of driving litigation. AIF spearheaded the effort to protect this information in 2017 and it is important to make these protections permanent.

SB 7018 will now go to the Governor.

AIF supports protecting the private information of injured or deceased employees. Employees and employers deserve to be treated fairly in the workers' compensation process, and keeping this loophole closed avoids unnecessary interference by those seeking to exploit the system.