

DAILY BRIEF

For the 2022 Legislative Session



FROM MARCH 1, 2022

BUSINESS REGULATION

HB 9 – Related to Consumer Data Privacy

On Tuesday, March 1, [HB 9](#) by Representative Fiona McFarland (R-Sarasota) was read a second time on the House floor and was placed on third reading to be voted on. **AIF provided the House of Representatives with a letter indicating AIF’s support of the pro-business amendments 258739, 663407 and 848401 which would have made the underlying legislation significantly better.**

The bill gives consumers certain rights related to personal information collected by a business and allows the Department of Legal Affairs (DLA) to enforce these rights by bringing an action against, and collecting civil penalties from, violators. Consumers whose personal information has been sold or shared after opting-out or has been retained after a request to delete or correct may also bring a cause of action. Additionally, attorney fees are one way which will lead to serial plaintiffs seeking compensation.

Amendment 258739:

- Created a 10 day “right to cure” period, allowing businesses to resolve potentially accidental breaches of the bill before being sued.
- Helped limit the exposure of Florida businesses to frivolous lawsuits by allowing prevailing parties to recover reasonable attorney fees and costs.

Amendments 663407 and 848401:

- These amendments helped focus the effect of the bill on entities who are primarily engaged in the business of buying and selling consumer data as many companies are pulled into the bill with the very broad definition of “share.”

Unfortunately, the amendments failed along partisan lines. If passed, these amendments would have helped resolve some of the most significant issues that we have brought to light and would have made this bill significantly better.

HB 9 will now be read a third time on the House floor and receive votes.

AIF opposes legislation that imposes onerous mandates with significant financial burdens on private businesses. Additionally, AIF opposes the private right of action without a right to cure that will open a Pandora's box of costly lawsuits for the business community which creates the jobs that drive Florida's economy. AIF supports the privacy of consumers, but this must be done at the federal level to avoid a patchwork of regulations across every state.

ECONOMIC DEVELOPMENT

HB 489 & SB 434 – Relating to Florida Tourism Marketing

On Tuesday, March 1, [HB 489](#) by Representative Linda Chaney (R-St. Petersburg) was substituted for SB 434 by Senator Ed Hooper (R-Palm Harbor) on the House floor and was placed on third reading to be voted on.

VISIT FLORIDA is the name for the Florida Tourism Industry Marketing Corporation, a non-profit that serves as Florida's statewide destination marketing organization and represents the state's tourism industry. Under SB 434, the scheduled repeal date for VISIT FLORIDA and the Division of Tourism Marketing is extended from October 1, 2023, to October 1, 2028.

SB 434 will now be read a third time on the House floor and receive votes.

AIF supports investment in building a world-class marketing engine with top talent, analytics, and funding that develops and executes data-driven branding strategies to bolster tourism and further the economic growth of Florida.

ENERGY

SB 1024 & HB 741 – Relating to Renewable Energy Generation & Net Metering

On Tuesday, March 1, [SB 1024](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Rules Committee and was reported favorable with 12 yeas and 4 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Also on Tuesday, March 1, [HB 741](#) by Representative Lawrence McClure (R-Plant City) was read a second time on the House floor and was rolled to third reading to be voted on.

Net metering is a metering and billing methodology where customer-owned renewable generation (such as rooftop solar panels) is allowed to offset the customer's electricity

consumption from utility providers. Under net metering, customers are credited for excess energy produced which flows back to the grid. A meter is used to record both electricity drawn from the grid and excess electricity that flows to the grid from the customer.

SB 1024 will now go to the Senate floor for consideration.

HB 741 will now be read a third time on the House floor and receive votes.

AIF supports legislation that allows Florida's utility providers to best serve the state and the businesses located here while reducing the financial burden passed on to the general customer base.

HEALTH CARE

SB 1374 - Relating to Clinical Laboratory Testing

On Tuesday, March 1, [SB 1374](#) by Senator Ana Maria Rodriguez (R-Doral) was heard by the Senate Rules Committee and was reported favorable with 17 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 floor for consideration.

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.

SB 804 – Relating to Modernization of Nursing Home Facility Staffing

On Tuesday, March 1, [SB 804](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Rules Committee and was reported favorable with 12 yeas and 4 nays. **AIF’s Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill amends multiple sections of the Florida Statutes to modify nursing home staffing requirements. The bill modifies the definition of “resident care plan” and defines the terms “direct care staff” and “facility assessment.” The bill allows the currently required 3.6 hours of direct care to be met with direct care staff rather than requiring it be met by certified nursing assistant (CNA) and nurse staffing. The bill also reduces the requirement that a nursing home provide a minimum of 2.5 hours of CNA staffing per resident per day to 2.0 hours of staffing per resident per day.

SB 804 will now go to the Senate floor for consideration.

AIF supports legislative efforts that expand access to high quality care and keep health care costs low for Florida businesses.

LEGAL & JUDICIAL

HB 7049 – Relating to Legal Notices

On Tuesday, March 1, [HB 7049](#) by the House Judiciary Committee, was read a second time on the House floor and was placed on third reading to be voted on.

In 2021, the Florida Legislature passed legislation that modernized public notice. It was a collective piece of legislation that took input from a variety of stakeholders, including the business community, and, importantly, ensured businesses and individuals would not lose access to critical information gained from public notice - most especially regarding private property rights, including judicial notice of sale.

The bill gives a governmental agency the option to publish legal notices on a publicly accessible website instead of in a print newspaper, essentially repealing and replacing the legislation from last year which will negatively impact businesses.

HB 7049 will now be read a third time on the House floor and receive votes.

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.