

WEEKLY UPDATE

For the 2022 Legislative Session



FROM FEBRUARY 4, 2021

This week, the Florida Legislature heard a litany of bills ranging across all industries of business. From insurance to health care to agriculture and more. Week four of the 2022 Session was filled with both good and bad policy proposals. In addition, the House and Senate released their proposed budgets of what would be a record-breaking \$105.3 billion and \$108.6 billion, respectively. You can find more information on the Senate budget proposal here:

<https://www.flsenate.gov/Session/Bill/2022/2500>

and the House budget proposal here:

[https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3084&Session=2022&DocumentType=Proposed+Committee+Bills+\(PCBs\)&FileName=PCB+APC+22-01_GAA.pdf](https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3084&Session=2022&DocumentType=Proposed+Committee+Bills+(PCBs)&FileName=PCB+APC+22-01_GAA.pdf)

AIF worked against Senate Bill 150 aimed at repealing the requirement that Florida drivers maintain personal injury protection (PIP) and instead transitions to bodily injury protection. AIF was prepared to speak against this bill in committee but due to committee time constraints, our opposition was recorded on the official record, and we will continue to watch this bill in the future.

AIF stood in support of House Bill 741 on Net Metering, which ensures utility providers are able to best serve Floridians and the businesses they operate while guaranteeing costs are not subsidized by the general body of ratepayers.

In addition to the bills discussed above, please continue reading below for an in depth look at all the legislation AIF supported and opposed this week including a video link!

AGRICULTURE

HB 909 – Relating to Development of Current or Former Agricultural Land

On Thursday, February 3, [**HB 909**](#) by Representative Bobby Payne (R-Palatka) was heard by the House Environment, Agriculture & Flooding Subcommittee and was reported favorable with 14

yeas and 3 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

As a matter of common practice in real estate transactions and other permitting, environmental assessments are conducted to ensure there are not any environmental contamination issues. In a vast majority of transactions on agricultural lands, a relatively simple “phase 1” assessment suffices. However, recently some municipalities have implemented new criteria which presume all agricultural lands are contaminated. As such, they must complete a “phase 2” assessment which includes taking representative samples throughout the entire parcel for analysis.

The bill specifies that the Secretary of Environmental Protection (Secretary) has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural and is being converted to a nonagricultural use. The bill prohibits the Secretary from delegating such authority to a city, a county, or another unit of local government through a local pollution control program.

HB 909 will now go to the House Agriculture and Natural Resources Appropriations Subcommittee.

AIF supports legislation which protects the normal and customary procedures for environmental assessments on agricultural lands. AIF further supports unifying regulatory authority over site assessments for current or former agricultural lands by making the Florida Department of Environmental Protection the sole authority for evaluating environmental conditions and assessing potential liability for the presence of contaminants on current or former agricultural properties.

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.

ECONOMIC DEVELOPMENT

SB 434 – Relating to Florida Tourism Marketing

On Thursday, February 3, [**SB 434**](#) by Senator Ed Hooper (R-Palm Harbor) was read a third time on the Senate floor and passed with 36 yeas and 1 nay.

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 the bill, the scheduled repeal date for VISIT FLORIDA and the Division of Tourism Marketing is extended from October 1, 2023, to October 1, 2031.

SB 434 will now go to the House for consideration.

[**HB 489**](#), the House companion bill, will be considered on the House floor.

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

HB 741 – Relating to Net Metering

On Thursday, February 3, [**HB 741**](#) by Representative Lawrence McClure (R-Plant City) was heard by the House Tourism, Infrastructure and Energy Subcommittee and was reported favorable with

13 yeas and 3 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

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.

HB 741 will now go to the House State Administration and Technology Appropriations Subcommittee.

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.

GENERAL GOVERNMENT

HB 943 – Relating to Preemption of Local Government Wage Mandates

On Thursday, February 3, [**HB 943**](#) by Representative Joe Harding (R-Ocala) was heard by the House Regulatory Reform Subcommittee and was reported favorable with 10 yeas and 7 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill prohibits political subdivisions from enacting, maintaining, or enforcing any wage mandates in an amount greater than the state minimum wage rate calculated pursuant to the State Constitution, and provides that any wage mandates in conflict with the state minimum wage are void.

HB 943 will now go to the House State Affairs Committee.

AIF supports legislation that allows Florida businesses to adhere to state or federal wage requirements, thus eliminating onerous regulations set by municipalities.

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

HB 7013 & SB 7018 – Relating to OGSR/Injured or Deceased Employee/Department of Financial Services

On Tuesday, February 1, [**HB 7013**](#), sponsored by the House Government Operations Subcommittee, was substituted for SB 7018, the Senate companion bill, on the House floor.

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.

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.

LEGAL & JUDICIAL

JDC 22-02 – Relating to Legal Notices

On Tuesday, February 1, [**Proposed Committee Bill \(PCB\) JDC 22-02**](#), sponsored and heard by the House Judiciary Committee, was reported favorable with 14 yeas and 5 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, spoke in opposition to this legislation.**



Adam Basford Testimony before House Judiciary Committee

<https://youtu.be/TzMV4BgK3H4>

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.

PCB JDC 22-02 will now receive committee references in the House.

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.

TAXATION

SB 1090 – Relating to Corporate Income Tax

On Thursday, February 3, [**SB 1090**](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Finance and Tax Committee and was reported favorable with 5 yeas and 3 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, stood in support of this legislation.**

The bill updates Florida's Corporate Income Tax Code by adopting the federal Internal Revenue Code in effect on January 1, 2022. Additionally, the bill:

- Adopts the changes originally made in the Tax Cuts and Jobs Act of 2017 to s. 174 of the Internal Revenue Code, relating to the treatment of research and development expenditures.
- Allows taxpayers to use the bonus depreciation deduction for property placed in service in taxable years beginning on or after January 1, 2023.
- Revises the calculation of the business interest expense deduction for Florida tax purposes for taxable years beginning on or after January 1, 2023, to allow taxpayers to deduct the amount that would have been allowed prior to the federal Tax Cuts and Jobs Act of 2017.

SB 1090 will now go to the Senate Appropriations Committee.

AIF supports legislation decouples Florida's Corporate Income Tax from provisions enacted in late 2017 by the federal government to support job and business growth.

TELECOMMUNICATIONS

HB 1543 – Relating to Broadband Infrastructure &

HB 1545 – Relating to Trust Funds/Broadband Pole Replacement Trust Fund/DEO

On Thursday, February 3, [HB 1543](#) and [HB 1545](#) by Representative Josie Tomkow (R-Auburndale) were heard by the House Tourism, Infrastructure and Energy Subcommittee and both bills were reported favorable with 16 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of both pieces of legislation.**

HB 1543 creates the Broadband Pole Replacement Program, to be administered by the Office. The program will reimburse fixed, wireline broadband service providers for their costs incurred for the removal and replacement of existing utility poles in areas of Florida that are unserved by broadband Internet service. Reimbursements under the program are limited to 50 percent of the broadband Internet service provider's eligible pole replacement cost or \$5,000, whichever is less, in addition to their administrative costs related to the preparation and submission of the application for reimbursement.

HB 1545 creates the Broadband Pole Replacement Trust Fund within the Department of Economic Opportunity (DEO) and provides that the trust fund is established as a depository for funds appropriated by the Legislature, federal funds received from the Coronavirus Capital Projects Fund, funds transferred by DEO, interest earnings, grants, gifts, and other contributions made directly to the fund. The bill is linked to HB 1545 which creates the Broadband Pole Replacement Program within the Department's Office of Broadband.

HB 1543 & HB 1545 will now go to the House Infrastructure and Tourism Appropriations Subcommittee.

AIF supports efforts to increase economic development in Florida's rural areas by expanding access to broadband internet which allows residents to connect with employers and educators which in turn strengthens the workforce and access to high wage jobs.

TRANSPORTATION

SB 474 – Relating to Recreational Off-Highway Vehicles

On Thursday, February 3, [SB 474](#) by Senator Keith Perry (R-Gainesville) was read a second and third time on the Senate floor and passed with 37 yeas and 0 nays.

The bill increases the dry weight allowed for recreational off-highway vehicles (ROV) from 2,500lbs to 3,500lbs. This increase is necessary to allow for the development of electric powered ROVs

because the battery components often weigh significantly more than internal combustion vehicles.

SB 474 will now go to the House for consideration.

[HB 145](#), the House companion bill, will now go to the House floor for consideration.

AIF supports legislation that encourages revisions to outdated regulations that bolster the business climate and drive competition for new and better products for Florida's businesses and consumers.