

WEEKLY UPDATE



For the 2022 Legislative Session

FROM FEBRUARY 11, 2021

This week, the Florida Legislature had a busy calendar and heard proposed legislation ranging from data privacy, automobile insurance issues affecting all drivers in the state and a measure focused on providing accountability for Water Management spending.

AIF spoke in opposition to, HB 9-Consumer Data Privacy in the House Commerce Committee on Thursday. AIF continues to work with other members of the business community to defeat the measure that would increase compliance costs and includes a private right of action that could lead to many “gotcha” lawsuits.

HB 1525 focuses on the repeal of Florida’s No-Fault Law and changes the insurance requirements from Personal Injury Protection (PIP) to Bodily Injury. AIF also spoke in opposition to this bill because it simply shifts costs and could lead to higher insurance bills for employers and employees.

AIF stood in support of SB 2508 which contains language focused on providing additional accountability and a framework for ensuring that the South Florida Water Management District continues to fulfill each of its statutory responsibilities of flood control, water supply, water quality, and natural systems while implementing large scale ecosystem restoration projects.

Scroll down for more in-depth information on these bills and all the other bills that AIF was involved with.

AGRICULTURE

SB 1210 – Relating to Development of Current or Former Agricultural Land

On Monday, February 7, [SB 1210](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Environment and Natural Resources Committee and was reported favorable with 6 yeas and 0 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.

SB 1210 will now go to the Senate Agriculture Committee.

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.

HB 1291 & SB 1000 – Relating to Nutrient Application Rates

On Tuesday, February 8, [HB 1291](#) by Representative Lawrence McClure (R-Plant City) was heard by the House Environment, Agriculture and Flooding Subcommittee and was reported favorable with 14 yeas and 4 nays. **AIF’s Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

On Thursday, February 10, [SB 1000](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Rules Committee with 17 yeas and 0 nays. **AIF’s Vice President of Governmental Affairs, Adam Basford, also stood in support of this legislation.**

The bills allow certified crop advisors to recommend preferred fertilizer rates to tailor nutrient application rates. The bills provide that producers using rate tailoring are required to enroll in and implement applicable best management practices (BMPs) adopted by the Department of Agriculture and Consumer Services.

HB 1291 will now go to the House Appropriations Committee.

SB 1000 will now go to the Senate floor for consideration.

AIF supports legislation which protects an agricultural producers' enrollment in the Best Management Practices program while providing the ability to specifically tailor nutrient rates based upon variables such as crop variety, site-specific conditions, meteorological events, or pest and disease pressures.

BUSINESS REGULATION

SB 1564 – Relating to Telephone Solicitation

On Tuesday, February 8, [SB 1564](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Regulated Industries Committee and was reported favorable with 6 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

In 2021, SB 1120 was passed and prevented telephonic sales calls using automated systems that select numbers **OR** the usage of automated systems that dial the numbers. This bill further clarifies that telephonic sales calls may not be made using automated number generators **AND** automated dialers, i.e., robocalls. The bill allows telephonic sales calls with human interaction and therefore clarifies the intent of the original 2021 bill to prevent robocalls to called parties that have not made an inquiry.

SB 1564 will now go to the Senate Rules Committee.

AIF supports legislative efforts that address some of the issues created by the 2021 passage of SB 1120 dealing with telephone solicitation to allow businesses to use certain systems to conduct legitimate telephone solicitation.

HB 9 – Relating to Consumer Data Privacy

On Thursday, February 10, [HB 9](#) by Representative Fiona McFarland (R-Sarasota) was heard by the House Commerce Committee and reported favorable with 23 yeas and 0 nays. **AIF’s Vice President of Governmental Affairs, Adam Basford, spoke in opposition to this legislation.**



Adam Basford speaks in opposition to HB 9
<https://youtu.be/BdX9flRqgal>

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

HB 9 will now go to the House Judiciary Committee.

AIF opposes legislation that imposes onerous mandates with significant financial burdens on private businesses. Additionally, AIF opposes the private right of action 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 685 – Relating to Rural Development

On Monday, February 7, [HB 685](#) by Representative Brad Drake (R-Marianna) was heard by the House Infrastructure and Tourism Appropriations Subcommittee and was reported favorable with 12 yeas and 0 nays. **AIF’s Legislative Affairs Assistant, BD Jogerst, stood in support of this legislation.**

Florida has a variety of economic grant and loan programs to aid the development of rural and otherwise economically distressed regions of the state. The bill reduces the required non-state match amount for the Regional Rural Development Grants Program from 25% to 15% and allows in-kind contributions to count toward this threshold. The bill removes the requirement that repaid funds from the Rural Community Development Revolving Loan Fund be matched in order to be retained to fund future loans. Finally, the bill revises the uses of the Rural Infrastructure Fund to remove the requirement that grants be linked to financing specific projects. It increases the proportion of an infrastructure project that may be covered by the grant from 50% to 75% and increases the maximum grant for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities to \$300,000 for all projects.

HB 685 will now go to the House Commerce Committee.

AIF supports legislative efforts to increase economic development in Florida's rural areas by increasing job growth and access to well-paying jobs.

ENERGY

SB 1024 - Relating to Renewable Energy Generation

On Tuesday, February 8, [SB 1024](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Community Affairs Committee and was reported favorable with 6 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.

SB 1024 will now go to the Senate Rules Committee.

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.

ENVIRONMENT

SB 2508 – Relating to Environmental Resources

On Wednesday, February 9, [SB 2508](#), sponsored and heard by the Senate Appropriations Committee, was reported favorable with 16 yeas and 4 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, spoke in support of this legislation.**

In the past two years, the Florida Legislature has provided over \$1.1 billion to the South Florida Water Management District (district). This level of investment by the State in Everglades restoration and water resource development requires additional accountability. The bill provides a framework for ensuring that the district continues to fulfill each of its statutory responsibilities of flood control, water supply, water quality, and natural systems while implementing large scale ecosystem restoration projects.

SB 2508 will now go to the Senate floor for consideration.

AIF supports legislation that addresses the existing water quality and quantity issues as Florida's businesses and citizens alike rely on access to clean, uncontaminated water.

INSURANCE

HB 1525 – Relating to Motor Vehicle Insurance

On Monday, February 7, [HB 1525](#) by Representative Erin Grall (R-Vero Beach) was heard by the House Civil Justice and Property Rights Subcommittee and was reported favorable with 15 yeas and 3 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, spoke in opposition to this legislation.**



Adam Basford speaks in opposition to HB 1525

<https://youtu.be/tAwtzO6ygbo>

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. By repealing PIP, the bill removes PIP's tort liability limitation, making drivers at fault in an accident fully liable for any damages they cause. 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.

HB 1525 will now go to the House 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.

LEGAL & JUDICIAL

HB 1259 – Relating to Criminal History Information

On Tuesday, February 8, [HB 1259](#) by Representative Spencer Roach (R-Fort Meyers) was heard by the House Regulatory Reform Subcommittee and was reported favorable with 16 yeas and 0 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, stood in support of this legislation.**

The bill revises the process by which a regulatory board within the Department of Business and Professional Regulation (DBPR) may consider the criminal background of license applicants. The bill revises the process for a court-ordered sealing of a criminal record to allow a person to petition a court to seal a criminal history record if the record has been automatically sealed by the State of Florida and the subject of the sealed record presents a certificate of sealing issued by the Florida Department of Law Enforcement.

HB 1259 will now go to the House Criminal Justice and Public Safety Subcommittee.

AIF supports legislative efforts that allows individuals with sealed records at the State level to petition local government to further seal their records. Businesses in Florida drive the economy and employers need employees. A sealed record at the state level is indicative of amends made, and therefore these subjects should have access to well-paying jobs that keep Florida moving forward.

SB 7014 & HB 7021 – Relating to COVID-19-Related Claims Against Health Care Providers

On Wednesday, February 9, [HB 7021](#) by the House Health & Human Services Committee was read on the House floor and substituted for SB 7014 by the Senate Judiciary Committee. SB 7014 was read a second time on the House floor and was placed on third reading to be voted on.

On Thursday, February 10, [SB 7014](#) by the Senate Judiciary Committee was read a third time on the House floor and passed with 87 yeas and 31 nays.

The bill extends the length of time that health care providers receive liability protections from COVID-19-related claims. According to legislation passed during the 2021 Legislative Session, liability protections from COVID-19-related claims apply to claims accruing within 1 year after the effective date of the act, which was March 29, 2022. The bill extends the application period of the liability protections, making them applicable to claims accruing before June 1, 2023. The net result of the bill is to extend the liability protections for about 14 months, from March 29, 2022, to June 1, 2023.

SB 7014, having passed both the House and the Senate, will now go to the Governor.

AIF supports legislation that protects the Florida health care community, who has been on the frontline during the pandemic, from frivolous and costly litigation by plaintiffs suing to settle.