



WEEKLY UPDATE

Legislative Session



FROM MARCH 10, 2023

The 2023 legislative session kicked off this Tuesday with the normal pomp and circumstance surrounding the opening ceremonies and the Governor's state of the state address. But this week has been far more than ceremonial, as both the House and Senate took significant action on the AIF top tier issue: tort reform. During Governor DeSantis' state of the state address he said "Florida's lawsuit happy legal climate is still holding us back. The legal system should be centered on achieving justice, not lining the pockets of lawyers."

Both Senate President Passidomo and House Speaker Renner had similar remarks during their opening remarks and took action to move significant tort reform bills through committees later in the week. SB 236 by Sen. Travis Hutson (R-Palm Coast) passed the Banking and Insurance Committee on Tuesday and HB 837 by Rep. Tommy Gregory (R-Lakewood Ranch) and Rep. Tom Fabricio (R-Miami Lakes) passed the Judiciary Committee on Wednesday.

The first week of the 2023 legislative session was a busy one for the AIF Advocacy Team, and you can read below about all the actions AIF took throughout the week.

At the bill filing deadline on Tuesday, 1,718 bills have been filed, and many could have impacts on Florida's business community. Over the past week, bills have been filed on immigration, technology transparency and other topics that AIF will be monitoring and working on where necessary.

CIVIL JUSTICE

SB 236/HB 837 - Civil Remedies

On Tuesday, March 7, [SB 236](#) by Senator Travis Hutson (R-Palm Coast) was heard in the Senate Banking and Insurance Committee and was reported favorable with a party line vote of 8 yeas and 3 nays. **AIF stood in support of this legislation.**

On Wednesday, March 8th, [HB 837](#) by Representative Tommy Gregory (R-Lakewood Ranch) was heard in the House Judiciary Committee and was reported favorable with a vote of 16 yeas and 8 nays. Republican Paula Stark (R-Kissimmee) joined all 7 Democratic members in opposing the bill. **AIF stood in support of this legislation.**

While there are some differences in the bills, both SB 236 and HB 837 seek to eliminate the cottage industry of trial lawyers and frivolous legal artists undermining the integrity of our civil justice system in Florida. Both bills address current loopholes in our laws and court procedures that keep their cottage industry alive by addressing 7 main issue areas.

- It will institute true transparency in damages so that juries base damages awards on the true cost of medical treatment instead of inflated bills.
- For third-party bad faith claims, it will allow a 60-day notice and right to cure, affirm that mere negligence does not amount to bad faith as well as require plaintiffs and their representatives to cooperate in good faith.
- It will change Florida's comparative negligence system so that a party who is more than 50 percent at fault for their own injuries may not recover damages.
- It will limit the use of a contingency fee multiplier for attorney fee awards so they may only be used in rare and exceptional circumstances.
- It will repeal Florida's one-way attorney fees.
- It will reduce the statute of limitations for negligence cases from four to two years.
- It will provide premises liability protection when someone is injured on a property owner's premises by a third party conducting a criminal act.

SB 236 will be heard on Tuesday, March 14th in the Senate Judiciary Committee.

HB 837 will now go to the House floor for consideration.

AIF supports legislation that will help eliminate unnecessary legal costs and provide much needed stability for Florida businesses and consumers. Florida has been labeled a "judicial hellhole" for far too long. Comprehensive 'tort reform' is needed to spur future investment and alleviate the concerns of those who fear the cost of doing business in Florida due to frivolous litigation.

EMPLOYMENT

SB 102/HB 627- Relating to Housing

On Wednesday, March 8th, Senator Alexis Calatayud (R-Miami) introduced [SB 102](#) on the Senate floor and passed unanimously with 40 yeas and 0 nays.

Also on Wednesday, the House companion, [HB 627](#) by Representative Demi Busatta-Cabrera (R-Coral Gables) and Vicki Lopez, (R-Miami) was heard by the House State Affairs Committee and was reported favorable by a vote of 18 yeas and 3 nays. **AIF stood in support of this legislation.**

These bills seek to address Florida's backlog of affordable and attainable workforce housing in the state. SB 102 and HB 627 will not only maintain the high level of funding for Florida's SHIP (State Housing Initiatives Partnership) and SAIL (State Apartment Incentive Loan) programs, but it will provide additional funding for SAIL and work to increase attainable and affordable housing options for Floridians throughout the state. These programs provide long-term, sustainable access to affordable housing.

HB 627 will now go to the House Appropriations Committee for consideration.

AIF supports legislation which allows for continued and more reliable access to affordable housing in underdeveloped communities. These proposals create jobs and broaden the economic impact of communities with historically low economic returns.

ENERGY

HB 529 – Relating to Natural Gas Fuel Taxes

On Tuesday, March 7, 2023, [HB 529](#) by Representative Jim Mooney (R-Islamorada) was heard by the House Energy, Communications & Cybersecurity Subcommittee and was reported favorably with 17 yeas and 0 nays. **AIF stood in support of this legislation.**

In 2014 the Florida legislature passed a measure that provided for a sales tax exemption for natural gas fuels until January 1st, 2024. HB 529 would extend this tax exemption until January 1st, 2026. Many logistical and industrial operators in Florida use natural gas fleets to service their customers. This relief has allowed Florida businesses to keep operating costs low, which trickles down to lower costs for consumers. In addition to the economic pros of HB 529, the

environmental impacts are very substantial. By providing more access to natural gas, we can cut down on Florida's overall carbon footprint. These cost-cutting measures keep Florida's business market competitive against other states, improve our energy independence, and retain jobs in the sunshine state.

HB 529 will now go to the Ways & Means Committee for consideration.

AIF supports legislation that reduces the state sales tax on commercial electricity and gas consumption. Reducing this expense is a good way to make Florida more attractive for businesses to locate in the state and lowers costs for consumers.

LEGAL AND JUDICIAL

HB 593 – Relating to Criminal History Information

On Tuesday, March 7, 2023 [HB 593](#) by Representative Spencer Roach (R-Fort Meyers) was heard by the House Criminal Justice Subcommittee and was reported favorable with 15 yeas and 1 nays. **AIF stood in support of this legislation.**

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 593 will now go to the Ethics, Elections and Open Government Subcommittee for consideration.

In order to prevent confusion and difficulty for employers and employees, AIF supports legislative efforts that allows individuals with sealed records at the State level to petition local government be sealed at the local level as well.

TELECOMMUNICATIONS

SB 626- Relating to Rural Electric Cooperatives

On Tuesday, March 7, [SB 626](#) by Senator Nick DiCeglie (R- St. Petersburg) was heard in the Senate Regulated Industries Committee and was reported favorable with a vote of 10 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 626 seeks to create a level playing field in broadband deployment. Access to Cooperative Utility poles on reasonable terms and conditions is necessary for broadband services to be deployed in many areas across Florida. AIF believes parties should be encouraged to come to an agreement related to pole access and reasonable terms and conditions.

AIF supports the expansion of broadband services to all Floridians and supports legislation that seeks to promote that goal.

HB 761 – Relating to Telephone Solicitation

On Thursday, March 9th, [HB 761](#) by Representative Tom Fabricio (R-Miami) was heard by the House Regulatory Reform & Economic Development Subcommittee and was reported favorably with a vote of 12 yeas and 0 nays. **AIF stood in support of this legislation.**

HB 761 seeks to close a loophole created by a 2021 consumer protection bill that limited unsolicited telephone sales calls. While the 2021 bill has increased consumer protection, it has allowed for increased litigation on businesses contacting their customers for legitimate reasons. By creating a definition of “automatic telephone dialing system” and inserting some clarifying language, HB 761 will prevent crafty plaintiff’s bar attorneys from suing businesses attempting to legitimately contact customers. This bill will not remove any consumer protections originally passed in 2021.

HB 761 will now go to the House Civil Justice Subcommittee for consideration.

AIF supports legislative efforts removing loopholes that help to enrich trial lawyers at the expense of businesses that produce goods and services on which all Floridians rely.

GENERAL GOVERNMENT

SB 170- Relating to Local Ordinances

On Thursday, February 23rd, [SB 170](#) by Senator Jay Trumbull (R-Panama City) was introduced on the Senate floor and passed by a vote of 29 yeas and 11 nays.

SB 170 is a bill that would require counties and cities to prepare business impact statements for official review before a proposed ordinance can take effect. This is vital to securing a more free-market, business friendly, environment so businesses are protected from unnecessary, burdensome regulations. Additionally, this legislation requires a county or city to suspend an ordinance that is pending authorization by a court of law.

SB 170 is in House messages. Its companion bill, HB 1515 by Representative Robbie Brackett (R-Vero Beach) has not yet been heard.

AIF supports legislation which holds local governments accountable for the actions they take that can have a negative impact on businesses in their jurisdiction.

TRANSPORTATION

HB 645- Unmanned Aircraft Systems Act of 2023

On Friday, March 10th, [HB 645](#) by Representative Robbie Brackett was heard by the House Transportation and Modals Subcommittee and was reported favorably with 16 yeas and 0 nays.

AIF stood in support of this legislation.

The bill amends the definition of "critical infrastructure facility" to include a deepwater port or a railroad switching yard.

HB 645 will now go to the Criminal Justice Subcommittee for consideration.

AIF supports adding greater protection for Florida's deepwater ports and railyards by including them and their facilities as critical infrastructure in Florida law.