

WEEKLY UPDATE

Legislative Session



FROM MARCH 17, 2023

The second week of the 2023 legislative session has come to a close. This week was very productive as both the House and the Senate took significant action on the bold, decisive plan to overhaul Florida's hellish legal climate outlined by Governor DeSantis, Speaker Paul Renner, and Senate President Kathleen Passidomo.

On Friday, March 17, the House passed HB 837 with 80 yeas and 31 nays. Paula Stark (R-St. Cloud) was the only Republican to vote against HB 837. The bill awaits Senate approval before heading to the Governor.

The Senate took the unusual step of passing its tort reform bill, SB 236 through two committees this week. Now it is ready to be heard on the Senate floor as early as next Wednesday.

This week, another bill designed to reduce lawsuits, this one specifically related to auto glass repair, passed in each chamber's Insurance and Banking Committee.

We are pleased to see both the House and Senate taking significant steps in legal reform.

But legal reform is not the only issue being dealt with in the legislature this session. Below is a description of all the bills AIF took action on this week.



[Representative Tommy Gregory's opening statement on HB 837 related to Civil Remedies.](#)

CIVIL JUSTICE

SB 236/HB 837 - Civil Remedies

On Friday, March 17, the House passed [HB 837](#) with 80 yeas and 31 nays. Paula Stark (R-St. Cloud) was the only Republican to join the Democrats in voting against HB 837.

On Tuesday, March 14th, [SB 236](#) by Senator Travis Hutson (R-Palm Coast) was heard in the Senate Judiciary Committee and passed by vote of 8 yeas and 4 nays. **AIF stood in support of this legislation.**

On Thursday, March 16, the bill was heard again by the Senate Fiscal Policy Committee and this time passed with a vote of 13 yeas and 6 nays. Senator Tom Wright (R-New Smyrna Beach) was the only Republican to vote against the bill while the lone Democrat to vote for the bill was Senator Linda Stewart (D-Orlando). **AIF stood in support of this legislation.**

Both HB 837 and SB 236 seek to eliminate the cottage industry of trial lawyers and frivolous legal artists undermining the integrity of our civil justice system in Florida. The bill addresses current loopholes in our laws and court procedures that keep their cottage industry alive by addressing seven main issues:

- **Transparency in Damages:** It will institute true transparency in damages so that juries base damages awards on the true cost of medical treatment instead of inflated bills.
- **Third-Party Bad Faith:** It encourages settlements and discourages litigation by requiring third parties to cooperate in good faith and allowing insurers to pay the lesser of policy limits or the demand within 120 days after receiving actual notice of a claim accompanied by sufficient evidence. It also reverses Florida Supreme Court rulings that have led to ordinary negligence being deemed as bad faith.
- **Modified Comparative Liability:** It promotes personal responsibility by stating that a party that is more than 50 percent at fault for their own injuries may not recover damages from other minimally-at-fault parties, but exempts medical malpractice claims from this new threshold.
- **Contingency Risk Multiplier:** In 2017, the Florida Supreme Court rejected the federal standard that attorney fee multipliers should only be applied in "rare and exceptional" circumstances, ruling instead that multipliers could be applied in almost any case. This bill restores the award of contingency risk multipliers to only rare and exceptional circumstances for all litigation.
- **One-Way Attorney Fees:** The bill reverses the system that incentivizes attorneys to bring frivolous lawsuits by limiting the recovery of one-way fees to only declaratory

judgment actions seeking a determination of coverage against an insurer which denied coverage.

- Statute of Limitations: It will reduce the statute of limitations for negligence cases from four years to two years.
- Premises Liability: The bill states that in a lawsuit against a property owner for "negligent security," a jury may consider the fault of the person who actually committed the underlying criminal act. It also provides liability protection for multifamily residential properties that implement specific security requirements.

After Friday's passage of HB 837, the Senate is poised to take up SB 236 as early as next Wednesday.

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.

For more information on AIF's efforts relating to Tort Reform, please visit [AIF | Tort Reform](#).

SB 1002/HB541 - Relating to Motor Vehicle Glass.

On Wednesday, March 15th, [SB 1002](#) by Senator Linda Stewart (D-Orlando) was heard by the Senate Insurance and Banking committee and was reported favorably with 11 yeas and 0 nays. **AIF stood in support of this legislation.**

On Tuesday, March 14, [HB 541](#) by Representative Griff Griffitts (R-Panama City) was heard by the House Insurance and Banking Subcommittee and was reported favorably with 15 yeas and 0 nays. **AIF stood in support of this legislation.**

This bill provides that a motor vehicle repair shop may not offer a customer a rebate, gift, gift card, cash, coupon, or other item of value in exchange for making an insurance claim for motor vehicle glass replacement or repair. The bill also prohibits the assignment of benefits for auto glass repairs.

SB 1002 will now go to the Senate Commerce and Tourism Committee for consideration.

HB 541 will now go to the House Civil Justice Subcommittee for consideration.

AIF supports efforts by the legislature to bring more transparency and fairness in the auto repair market between insurance providers and policy holders. Litigation should not be auctioned off frivolously when the alternative is better for the policy holder in the long run.

For more information on AIF's efforts relating to Tort Reform, please visit [AIF | Tort Reform](#).

ENERGY

SB 322 – Relating to Natural Gas Fuel Taxes

On Tuesday, March 14th, [SB 322](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Transportation Committee and was reported favorably with 6 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. These cost-cutting measures keep Florida's business market competitive against other states, improve our energy independence, and retain jobs in the sunshine state.

SB 322 will now go to the Senate Finance and Tax Committee for consideration.

AIF supports legislation that reduces the state sales tax on natural gas.

SB 844 – Relating to Sales Tax Exemption for Renewable Natural Gas Machinery and Equipment.

On Tuesday, March 14th, [SB 844](#) by Senator Clay Yarborough (R-Jacksonville) was heard by the Senate Finance and Tax Committee and was reported favorably with 9 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 844 seeks to exempt machinery and equipment used at a fixed location that produce, store, transport, compress, or blend renewable natural gas from the Florida standard 'sales and use' tax rate.

SB 844 will now go to the Senate Appropriations Committee for consideration.

AIF supports energy policies that allow for the research, development, and distribution of alternative energy fuels.

TRANSPORTATION

SB 908- Unmanned Aircraft Systems Act of 2023

On Tuesday, March 14th, [SB 908](#) by Senator Ana Maria Rodriguez was heard by the Senate Transportation Committee and was reported favorably with 6 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.

SB 908 will now go to the Senate Military and Veterans Affairs, Space, and Domestic Security Committee 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.

HB 1191- Relating to Use of Phosphogypsum

On Wednesday, March 15, [HB 1191](#) by Representative Lawrence McClure was heard by the House Transportation and Modals Subcommittee and was reported favorably with 14 yeas and 3 nays. **AIF stood in support of this legislation.**

HB 1191 directs the Florida Department of Transportation (FDOT) to experiment the use of Phosphogypsum (PG) as a road construction aggregate materiel. Phosphate is produced at a rapid rate in Florida and PG is a byproduct of the manufacturing process. For every ton of phosphate manufactured, 5 tons of PG is made. PG is used primarily for agricultural purposes,

however, it can also be used for roadway paving materials. HB 1191 would allow the first step to take place in determining PG's viability as an aggregate to be used on Florida's roadways.

AIF supports efforts to utilize manufacturing byproducts for beneficial purposes.

GENERAL GOVERNMENT

HB 1515- Relating to Local Ordinances

On Wednesday, March 15th, [HB 1515](#) Representative Robbie Brackett (R-Vero Beach) was heard by the House Local Administration, Federal Affairs & Special Districts Subcommittee and was reported favorably by a vote of 13 yeas and 4 nays. **AIF stood in support of this legislation.**

HB 1515 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 and issues a cap on attorney fees for prevailing parties in litigation against municipalities.

HB 1515 will now go to the House Civil Justice Subcommittee for consideration.

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

BUSINESS REGULATION

SB 814 – Relating to Supplemental Nutrition Assistance Program/Soft Drinks.

On Monday, March 13, [SB 814](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Agriculture Committee. In its original form, SB 814 would have requested that Congress prohibit recipients of Supplemental Nutrition Assistance Program (SNAP) recipients from using such benefits to purchase carbonated beverages sweetened with natural or artificial sweeteners, also known as "soft drinks."

AIF stood in support of an amendment that changes the bill to now urge Congress to perform an updated study on the foods typically purchased by users of SNAP. The last study was done in 2011.

After the passage of the amendment, the bill was reported favorably with 8 yeas and 0 nays.

AIF supports gathering updated data before suggesting significant changes to the implementation of the Supplemental Nutrition Assurance Program.

AGRICULTURE

SB 1164- Relating to the Department of Agriculture and Consumer Services

On Monday, March 13, [**SB 1164**](#) by Senator Jay Collins (R-Tampa) was heard by the Senate Agriculture Committee and was reported favorably with 8 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 1164 primarily creates a program for sales tax exemptions for production materials used by agricultural producers. The program will allow farmers to apply for and use a Farm Tax Exempt Agricultural Materials (TEAM) card to receive the exemptions. This program works similarly in Georgia and is beneficial to the agriculture community there as well. SB 1164 requires state agencies, universities, and colleges to give preference to food commodities grown or produced in Florida under certain purchasing agreements. Among other mostly technical changes, SB 1164 also revises and eliminates several advisory councils under the Florida Department of Agriculture and Consumer Services.

SB 1164 will now go to the Senate Appropriations Committee on Agriculture, Environment, and General Government.

AIF supports sales tax exemptions for Florida's agricultural producers and efforts to make these exemptions easier to access.