

DAILY BRIEF

For the 2022 Legislative Session



FROM FEBRUARY 28, 2022

BUSINESS REGULATION

HB 403 – Relating to Local Ordinances

On Monday, February 28, [HB 403](#) by Representative Mike Giallombardo (R-Cape Coral) was heard by the House State Affairs Committee and was reported favorable with 14 yeas and 9 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill

- Requires counties and municipalities to prepare a “business impact statement” before the adoption of any proposed ordinance, which statement must be published on the local government’s website and contain specified information;
- Provides for expedited court review of challenged ordinances; and
- Establishes criteria for courts to consider when determining if an ordinance is arbitrary or unreasonable.

HB 403 will now go to the House floor for consideration.

AIF supports legislation bolstering the rights of businesses to recoup undue losses at the hands of local governments to maintain a prosperous business climate in Florida.

HB 1197 – Relating to Employee Organizations Representing Public Employees

On Monday, February 28, [HB 1197](#) by Representative Scott Plakon (R-Longwood) was heard by the House State Affairs Committee and was reported favorable with 14 yeas and 10 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill requires a public employee who wants to join an employee organization to sign a membership authorization form that contains the following acknowledgement:

- I acknowledge and understand that Florida is a right-to-work state, and that union membership is not required as a condition of employment. I understand that union

membership and payment of union dues and assessments is voluntary and that I may not be discriminated against in any manner if I refuse to join or financially support a union.

The bill requires an employee organization to revoke a public employee's membership upon receipt of the employee's written request. If the public employee must complete a form to request revocation, the form may not require the public employee to provide a reason for membership revocation.

HB 1197 will now go to the House floor for consideration.

AIF supports legislation that helps Florida compete for and protect workers and further enhances the economic development in the state.

SB 536 – Relating to Administrative Procedures

On Monday, February 28, [SB 536](#) by Senator Manny Diaz (R-Hialeah) was heard in the Senate Appropriations Committee and was reported favorable with 18 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

The bill requires each agency to review its rules every 5 years in order to provide assurances that all of its rules are consistent with current statutory authority and to repeal those rules that are no longer necessary or authorized by current statutory authority. If an agency fails to re-promulgate its rules, the current bill will automatically repeal such rules. Simple inaction by an agency would eliminate rules without public input. Potential automatic repeal of agency rules is problematic because there is no opportunity for stakeholder involvement or comment and the process creates substantial regulatory uncertainty, potential hardship, and a lack of transparency.

The amended bill accomplishes the intended goal by amending the existing requirements for annual agency review of existing rules and increasing the authority of the Legislature's Joint Administrative Procedures Committee to ensure the agencies are following the new directives.

The amended bill bolsters the current annual regulatory plan by:

- Including a mandatory and continuous 5-year review of all agency rules, including a schedule for repeal of those rules that an agency determines are not consistent with current statutory authority.
- Limiting additional rulemaking to needed changes utilizing established procedures,
- Accomplishes goal of comprehensive and ongoing rule review to assure consistency with current law, and
- Creating a fully transparent process within current robust public notice and participation requirements.

- Reducing the burden on the regulated community and other interested stakeholders by focusing resources on rules identified as inconsistent with existing authority.

SB 536 will now go to the Senate Rules Committee.

AIF supports legislative efforts that clarify and streamline adherence to rules which affect all regulated industries and businesses in the state as uncertainty creates unnecessary hardships in an already difficult time.

ENVIRONMENTAL

SB 1210 – Relating to Pollution Control Standards and Liability

On Monday, February 28, [SB 1210](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Appropriations Committee and was reported favorable with 19 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 floor for consideration.

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.

INSURANCE

SB 1728 – Relating to Property Insurance

On Monday, February 28, [SB 1728](#) by Senator Jim Boyd (R-Bradenton) was heard by the Senate Appropriations Committee and was reported favorable with 18 yeas and 2 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in opposition to Amendment 700006 and stood in support of the underlying 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 floor for consideration.

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

SB 1302 – Relating to Criminal History Information

On Monday, February 28, [SB 1302](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Appropriations Committee and was reported favorable with 19 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, 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 criminal history record to be sealed if the record has been automatically sealed by the State of Florida.

SB 1302 will now go to the Senate floor.

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.

TELECOMMUNICATIONS

SB 1800 & SB 1802 – Relating to Broadband Infrastructure & Relating to Broadband Pole Replacement Trust Fund

On Monday, February 28, [SB 1800](#) by Senator Jim Boyd (R-Bradenton) was heard by the Senate Appropriations Committee and was reported favorable with 18 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Also on Monday, February 28, [SB 1802](#) by Senator Boyd was heard by the Senate Appropriations Committee and was reported favorable with 18 yeas and 0 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

SB 1800 creates the Broadband Pole Replacement Program, to be administered by the Office of Broadband within the Department of Economic Opportunity. The Program will reimburse eligible broadband Internet 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.

SB 1802 creates the Broadband Pole Replacement Trust Fund within the Department of Economic Opportunity. The bill is linked to SB 1800 which creates the Broadband Pole Replacement Program within the Department's Office of Broadband.

SB 1800 & SB 1802 will now go to the Senate floor for consideration.

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.