



DAILY BRIEF

Legislative Session



FROM APRIL 24, 2023

INFORMATION TECHNOLOGY

HB 1547/SB 262 – Technology Transparency

On Monday, April 24, [HB 1547](#) by Representative Traci Koster (R-Tampa) was heard by the House Commerce Committee and was reported favorably. **AIF stood in opposition to this legislation.**

This bill seeks to allow consumers to protect their personal data by allowing them to opt out of targeted advertising and implementing regulations on only the largest of technology companies operating in Florida. Unlike past versions of the bill that would have regulated a great deal of Florida businesses, this bill limits its focus to companies that make an excess of \$1 billion in annual revenue and either derive 50% of revenue from targeted advertising or operate a smart speaker device.

But while the vast majority of Florida businesses are not covered by the regulation of the bill, the bill will have a large impact on how businesses can use targeted advertising to market their goods and services. Online advertising is obviously an important tool and in its current form, this bill will make it less effective and more costly.

This bill is based on a 2018 California law. Since the California law has been enacted, other states have enacted data privacy legislation that offers better consumer protection with a more common-sense regulatory approach.

The Senate companion, [SB 262](#), by Senator Jennifer Bradley (R-Orange Park) was heard and amended by the Senate Rules Committee and was reported favorably. **AIF stood in support of a strike all amendment that made significant changes to the bill.**

The amendment to SB 262, passed by the Senate Rules Committee, provided similar language to data privacy laws in other states that protects consumer privacy while allowing businesses to responsibly utilize targeted advertising.

Although not perfect, the adoption of the amendment to SB 262 is a significant step forward in the right direction to a balanced proposal that favors all parties involved. **AIF continues to have concerns with the implementation date and the significant fines associated with the bill.**

We will continue to push for changes, but this Senate amendment has clearly made the bill significantly better.

HB 1547 will now go to the House Floor for consideration. SB 262 will now go to the Senate Floor for consideration.

AIF opposes legislation that places onerous regulatory burdens on Florida businesses and reduces the ability for businesses to effectively utilize online advertising.

TRANSPORTATION

SB 712 - Relating to Motor Vehicle Sales

On Monday, April 24, [SB 712](#) by Senator Bryan Avila (R-Miami) was heard by the Senate Rules Committee and was reported favorably.

SB 712 amends the Florida Automobile Dealers Act, which primarily regulates the contractual business relationship between franchised motor vehicle dealers (dealers), and manufacturers, factory branches, distributors, and importers (manufacturers) and provides for the licensure of manufacturers. One provision of particular concern legislatively sets a profit-sharing arrangement for over-the-air updates. **AIF stood in opposition to the bill** because arrangements like these should be negotiated between private entities, not the legislature.

SB 712 will now go to the Senate Floor for consideration. The House companion, SB 637, awaits further action on the House Floor.

AIF OPPOSES legislation that would intervene in any contractual agreement voluntarily entered into by a franchise and a manufacturer.

TELECOMMUNICATIONS

SB 1308 – Relating to Telephone Solicitation

On Monday, April 24, [SB 1308](#) by Senator Clay Yarborough (R-Jacksonville) was heard by the Senate Rules Committee and was reported favorably. **AIF stood in support of this legislation.**

SB 1308 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, SB 1308 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.

SB 1308 will now go to the Senate Floor for consideration. The House companion, HB 761, awaits further action on the House floor.

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.

LEGAL & JUDICIAL

SB 376 – Relating to Criminal History Information

On Monday, April 24, [SB 376](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Rules Committee and was reported favorably. **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.

SB 376 will now go to the Senate Floor for consideration. The House companion, HB 593, was passed by the House Judiciary Committee on the 19th of April and awaits further consideration on the House Floor.

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.

EMPLOYMENT

HB 1617- Relating to Unlawful Immigration

On Monday, April 24, [HB 1617](#) by Representative Kiyon Michael (R-Jacksonville) was heard by the House Commerce Committee and was reported favorably. **AIF stood in opposition to this legislation.**

HB 1617 requires any employer with over 25 employees to use the electronic (E-Verify) system to validate if an employee is a lawfully present in the United States.

The E-Verify system continues to be a pilot program at the federal level and has been known to be unreliable and inconsistent. AIF believes the current I-9 process for verification of employment eligibility is sufficient and an E-Verify mandate is unnecessary.

The penalties for noncompliance are also significant and should be adjusted to be more proportionate. This law would take effect on July 1, 2023.

AIF opposes legislation that creates undue, burdensome regulations on Florida employers that causes a negative economic reaction on businesses as small as 25 employees. E-Verify is costly to operate and serves no purpose as the Federally mandated I-9 system is just as effective.