



WEEKLY UPDATE

Legislative Session



FROM MARCH 24, 2023

The 3rd week of the 2023 Legislative Session has come to a close with Governor DeSantis signing HB 837. This week, the Florida Legislature passed one of the most bold and comprehensive civil justice reforms in history. Under the decisive leadership of Governor DeSantis, Speaker Paul Renner, and Senate President Kathleen Passidomo, Florida businesses and consumers have been officially relieved of the ‘tort tax’ imposed on them for the better part of three decades by the trial bar.

AIF President & CEO Brewster Bevis released the following statement following the signing of HB 837: **“AIF, and Florida’s entire business community, is immensely grateful to Governor DeSantis for acting so swiftly to sign this landmark legislation into law and finally begin putting an end to lawsuit abuse in the Sunshine State. Florida’s difficult legal climate has plagued businesses in our state for too long and was holding our economy back from achieving even greater prosperity. Thanks to the bold leadership of the governor, House Speaker Paul Renner, and Senate President Kathleen Passidomo balance will once again be restored to the legal system and billboard lawyers will no longer be allowed to get away with abusing it for their own benefit.”**

Throughout the final committee weeks leading up to session and the first 3 weeks of session, SB HB 837 was successfully shepherded by Senator Travis Hutson and Representative Tommy Gregory who masterfully crafted this monumental reform into the final bill that has successfully become law.

In addition to the busy week of civil justice reform, the AIF advocacy team was hard at work on other issues that the legislature is working on this year as well. See below for details!

CIVIL JUSTICE

HB 837/SB236 - Civil Remedies

On Friday, March 24, Governor Ron DeSantis signed HB 837 into law.

Earlier in the week, [HB 837](#) was introduced on the Senate floor for consideration. Senator Erin Grall filed an amendment that would have drastically reduced the impact of the bill. AIF opposed the amendment and it was defeated by a 23-16 margin. Five Republicans, including Senators Jennifer Bradley (R-Orange Park), Jason Brodeur (R-Sanford), Erin Grall (R-Vero Beach), Joe Gruters (R-Sarasota) and Jonathan Martin (R-Fort Myers) voted in favor of the amendment. Other amendments opposed by AIF were withdrawn.

On Thursday, March 23, HB 837 was debated on the Senate floor and passed by a vote of 23 yeas and 15 nays. Republican Senators Jennifer Bradley (R-Orange Park), Jason Brodeur (R-Sanford), Erin Grall (R-Vero Beach), and Jonathan Martin (R-Fort Myers) joined all but one Democrat in voting against the bill. Democratic Senator Linda Stewart (D-Orlando) was the only Democrat to vote for the bill.

HB 837/SB 236 seeks 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.

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 - Relating to Motor Vehicle Glass.

On Monday, March 20th, [SB 1002](#) by Senator Linda Stewart (D-Orlando) was heard by the Senate Commerce and Tourism Committee and was reported favorably with 9 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 Rules Committee for consideration.

The House companion, HB 541 by Representative Griff Griffiths (R-Panama City), will be up for consideration by the House Civil Justice Committee on Monday, March 27.

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](#).

GENERAL GOVERNMENT

HB 1515- Relating to Local Ordinances

On Monday, March 20th, [HB 1515](#) Representative Robbie Brackett (R-Vero Beach) was heard by the House Civil Justice Subcommittee and was reported favorably by a vote of 10 yeas and 5 nays. On Thursday, March 23, HB 1515 was heard by the House State Affairs Committee and was reported favorably by a vote of 14 yeas and 6 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 Floor 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.

TRANSPORTATION

SB 1258 - Relating to Use of Phosphogypsum

On Monday, March 20, [SB 1258](#) by Senator Jay Trumbull (R-Panama City) was heard by the Senate Transportation Committee and was reported favorably with 9 yeas and 1 nays. **AIF stood in support of this legislation.**

SB 1258 directs the Florida Department of Transportation (FDOT) to experiment the use of Phosphogypsum (PG) as a road construction aggregate material. 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. SB 1258 would allow the first step to take place in determining PG's viability as an aggregate to be used on Florida's roadways.

SB 1258 will now go to the Senate Environment and Natural Resources Committee for consideration.

AIF supports efforts to utilize manufacturing byproducts for beneficial purposes.

SB 712 - Relating to Motor Vehicle Sales

On Monday, March 20, [SB 712](#) by Senator Bryan Avila (R-Miami) was heard by the Senate Transportation Committee and was reported favorably with 9 yeas and 1 nay.

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 Commerce and tourism Committee for consideration.

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

HB 645 – Unmanned Aircraft Systems Act of 2023

On Tuesday, March 21, [HB 645](#) by Representative Robbie Brackett was heard by the House Criminal Justice Subcommittee and was reported favorably with 17 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 House Infrastructure Strategies 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. Protecting Florida’s supply chain infrastructure is vital to keep Florida’s economy moving forward.

ENERGY

SB 322 – Relating to Natural Gas Fuel Taxes

On Tuesday, March 21, [SB 322](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Finance and Tax Committee and was reported favorably with 10 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.

SB 322 will now go to the Senate Appropriations Committee for consideration.

AIF supports legislation that reduces the state sales tax on natural gas. 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 821 – Relating to Renewable Energy Cost Recovery

On Tuesday, March 21, [HB 821](#) by Representative Brad Yeager (R-New Port Richey) was heard by the House Energy, Communications & Cybersecurity Subcommittee and was reported favorable with 18 yeas and 0 nays. **AIF stood in support of this legislation.**

The bill allows electric and natural gas public utilities to recover through rates the costs for renewable natural gas (RNG) and hydrogen infrastructure projects. This will help encourage the production and use of RNG and provides for fuel diversification.

HB 821 will now go to the State Administration & Technology Appropriations Subcommittee for consideration.

AIF supports legislation that will enable utilities to develop renewable energy resources using the technology and scale that makes most sense for those utilities and their customers.

AGRICULTURE

HB 1279 – Relating to the Department of Agriculture and Consumer Services

On Tuesday, March 21, [SB 1279](#) by Senator Jay Collins (R-Tampa) was heard by the House Agriculture, Conservation & Resiliency Subcommittee and was reported favorably with 17 yeas and 0 nays. **AIF stood in support of this legislation.**

HB 1279 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. HB 1279 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, HB 1279 also revises and eliminates several advisory councils under the Florida Department of Agriculture and Consumer Services.

HB 1279 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. “If you eat, you’re involved in agriculture.” Lowering costs for agricultural producers trickles down to lower prices for the consumer.

SB 1184- Relating to Agricultural Lands

On Tuesday, March 22, [SB 1184](#) by Senator Jay Collins (R-Tampa) was heard by the Senate Community Affairs Committee and was reported favorably with 8 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 1184 addresses several land issues facing Florida’s agriculture industry and the lands they use to operate on. On current statute, counties are permitted to administer a fire protection service assessment on agricultural land buildings with a minimum value of \$10,000. This legislation would raise the minimum value of issuing these assessments from \$10,000 to \$350,000. SB 1184 also removes the authority of a local municipality from deleting agricultural classifications on property used for farmworker housing. Additionally, SB 1184 would issue a credit on sales tax paid on the rental or purchase of housing for migrant farmworkers.

SB 1184 will now go to the Senate Finance and Tax Committee for consideration.

AIF supports legislation which increases the just value of nonresidential farm buildings which are exempt from local fire assessments and also creates guidance which more fairly and equitably assesses agricultural land and nonresidential farm buildings for the purposes of Fire Tax Assessments.

TAXATION

SB 1432 – Relating to Communications Services Tax

On Tuesday, March 21, [SB 1432](#) by Senator Jay Trumbull (R-Panama City) was heard by the Senate Regulated Industries Committee and was reported favorably with 9 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 1432 provides a decrease in the tax rate on the retail sale of communication services and keeps the decreased rate until 2026. The term “communications services” means the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method, regardless of the protocol used for such transmission or conveyance.

SB 1432 will now go to the Senate Community Affairs Committee for consideration.

AIF supports continued reductions in the state portion of the communications services tax and supports reviewing and standardizing the local communications services tax rates. Keeping communication services tax rates low allows markets to be more competitive and in-turn provides a lower cost for the consumer.

ECONOMIC DEVELOPMENT

HB 1221 – Relating to Broadband Internet Service Providers

On Tuesday, March 21, [HB 1221](#) by Representative Josie Tomkow (R-Polk City) was heard by the House Energy, Communications & Cybersecurity Subcommittee and was reported favorable with a vote of 18 yeas and 0 nays. **AIF stood in support of this legislation.**

HB 1221 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.

HB 1221 will now go to the House State Administration & Technology Appropriations Subcommittee for consideration.

AIF supports the expansion of broadband services to all Floridians and supports legislation that seeks to promote that goal. Broadband expansion is most critical, in the 21st century, for businesses operating in rural communities with limited access to the internet so they can have the tools necessary to provide for their customers.

INFORMATION TECHNOLOGY

HB 1511 – Relating to Cybersecurity

On Tuesday, March 21, [HB 1511](#) by Representative Mike Giallombardo (R-Cape Coral) was heard by the House Energy, Communications & Cybersecurity Subcommittee and was reported favorable with 18 yeas and 0 nays. **AIF stood in support of this legislation.**

Cybersecurity is a significant and growing concern and recent cyberattacks have continued to place a focus on the harmful issue that impacts Florida businesses. Among other things, HB 1511 provides liability protection for businesses that have adopted a cybersecurity program that complies with industry-recognized cybersecurity standards. This helps to encourage businesses to take the proper cybersecurity safeguards while protecting them from liability if they have taken the proper precautions. The bill also allows the Florida Digital Service to operate more independently with respect to technology and cybersecurity.

HB 1511 will now go to the House State Administration & Technology Appropriations Subcommittee for consideration.

AIF supports measures that help aid the prevention of cyberattacks and data breaches in a way that does not create a new cause of action.