

DAILY BRIEF

For the 2022 Legislative Session



FROM FEBRUARY 23, 2022

AGRICULTURE

HB 1291 – Relating to Nutrient Application Rates

On Wednesday, February 23, [HB 1291](#) by Representative Lawrence McClure (R-Plant City) was heard by the House State Affairs Committee and was reported favorable with 23 yeas and 0 nays.

AIF stood in support of this legislation.

The bills allow certified crop advisors to recommend preferred fertilizer rates to tailor nutrient application rates. The bills provide that producers using rate tailoring are required to enroll in and implement applicable best management practices (BMPs) adopted by the Department of Agriculture and Consumer Services.

HB 1291 will now go to the House floor for consideration.

AIF supports legislation which protects an agricultural producers' enrollment in the Best Management Practices program while providing the ability to specifically tailor nutrient rates based upon variables such as crop variety, site-specific conditions, meteorological events, or pest and disease pressures.

BUSINESS REGULATION

HB 9 – Relating to Consumer Data Privacy

On Wednesday, February 23, [HB 9](#) by Representative Fiona McFarland (R-Sarasota) was heard by the House Judiciary Committee and reported favorable with 13 yeas and 4 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of Amendments 301055, 126479 and 750921 by Rep. Andrew Learned (D-Brandon) and spoke in opposition to the underlying legislation.**

The bill gives consumers certain rights related to personal information collected by a business and allows the Department of Legal Affairs (DLA) to enforce these rights by bringing an action against, and collecting civil penalties from, violators. Consumers whose personal information has been

sold or shared after opting-out or has been retained after a request to delete or correct may also bring a cause of action. Additionally, attorney fees are one way which will lead to serial plaintiffs seeking compensation.

Amendment 301055

- This amendment would have allowed businesses to resolve potentially accidental breaches of the bill before being sued by having a right to cure.
- This amendment helped limit the exposure of Florida businesses to frivolous lawsuits by allowing prevailing parties to recover reasonable attorney fees and costs.

Amendments 126479 & 750921

- These amendments would have helped focus the effect of the bill on entities who are primarily engaged in the business of buying and selling consumer data.

Unfortunately, the amendments failed along primarily partisan lines. If passed, these amendments would have helped resolve some of the most significant issues that we have brought to light and would have made this bill significantly better.

HB 9 will now go to the House floor for consideration.

AIF opposes legislation that imposes onerous mandates with significant financial burdens on private businesses. Additionally, AIF opposes the private right of action without a right to cure that will open a Pandora's box of costly lawsuits for the business community which creates the jobs that drive Florida's economy. AIF supports the privacy of consumers, but this must be done at the federal level to avoid a patchwork of regulations across every state.

SB 1564 - Relating to Telephone Solicitation

On Wednesday, February 23, [SB 1564](#) by Senator Travis Hutson (R-Palm Coast) was read a second and third time on the Senate floor and passed with 38 yeas and 1 nay.

In 2021, SB 1120 was passed and prevented telephonic sales calls using automated systems that select numbers **OR** the usage of automated systems that dial the numbers. This bill further clarifies that telephonic sales calls may not be made using automated number generators **AND** automated dialers, i.e., robocalls. The bill allows telephonic sales calls with human interaction and therefore clarifies the intent of the original 2021 bill to prevent robocalls to called parties that have not made an inquiry.

SB 1564 will now go to the House for consideration.

AIF supports legislative efforts that address some of the issues created by the 2021 passage of SB 1120 dealing with telephone solicitation to allow businesses to use certain systems to conduct legitimate telephone solicitation.

HB 337 – Relating to Administrative Procedures

On Wednesday, February 23, [HB 337](#) by Representative Stan McClain (R-Ocala) was heard by the House State Affairs Committee and was reported favorable with 23 yeas and 0 nays. **AIF 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.

HB 337 will now go to the House floor for consideration.

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.

ENERGY

HB 741 – Relating to Net Metering

On Wednesday, February 23, [HB 741](#) by Representative Lawrence McClure (R-Plant City) was heard by the House Commerce Committee and was reported favorable with 17 yeas and 4 nays. **AIF's Vice President of Governmental Affairs, Adam Basford, stood in support of this legislation.**

Net metering is a metering and billing methodology where customer-owned renewable generation (such as rooftop solar panels) is allowed to offset the customer's electricity consumption from utility providers. Under net metering, customers are credited for excess energy produced which flows back to the grid. A meter is used to record both electricity drawn from the grid and excess electricity that flows to the grid from the customer.

HB 741 will now go to the House floor for consideration.

AIF supports legislation that allows Florida's utility providers to best serve the state and the businesses located here while reducing the financial burden passed on to the general customer base.