

DAILY BRIEF

For the 2022 Legislative Session



FROM MARCH 2, 2022

BUSINESS REGULATION

HB 9 – Relating to Consumer Data Privacy

On Tuesday, March 1, [HB 9](#) by Representative Fiona McFarland (R-Sarasota) was read a third time on the House floor and passed with 103 yeas and 8 nays.

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.

AIF supported amendments to this bill in committee and on second reading. Unfortunately, the amendments failed along 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 Senate 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.

ECONOMIC DEVELOPMENT

SB 434 – Relating to Florida Tourism Marketing

On Wednesday, March 1, [SB 434](#) by Senator Ed Hooper (R-Palm Harbor) was read a third time on the House floor and passed with 98 yeas and 17 nays.

VISIT FLORIDA is the name for the Florida Tourism Industry Marketing Corporation, a non-profit that serves as Florida's statewide destination marketing organization and represents the state's tourism industry. Under SB 434, the scheduled repeal date for VISIT FLORIDA and the Division of Tourism Marketing is extended from October 1, 2023, to October 1, 2028.

SB 434 will now go back to the Senate floor for consideration.

AIF supports investment in building a world-class marketing engine with top talent, analytics, and funding that develops and executes data-driven branding strategies to bolster tourism and further the economic growth of Florida.

ENERGY

HB 741 – Relating to Net Metering

On Wednesday, March 2, [HB 741](#) by Representative Lawrence McClure (R-Plant City) was read a third time on the House floor and passed with 83 yeas and 31 nays.

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 Senate 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.

ENVIRONMENT

SB 1210 & HB 909 – Relating to Pollution Control Standards and Liability

On Wednesday, March 2, [SB 1210](#) by Senator Ben Albritton (R-Bartow) was substituted for [HB 909](#) by Representative Bobby Payne (R-Palatka) on the Senate floor and HB 909 passed with 38 yeas and 0 nays.

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.

HB 909 will now go to the Governor.

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.

LEGAL & JUDICIAL

HB 7049 – Relating to Legal Notices

On Wednesday, March 2, [HB 7049](#) by the House Judiciary Committee, was read a third time on the House floor and passed with 78 yeas and 39 nays.

In 2021, the Florida Legislature passed legislation that modernized public notice. It was a collective piece of legislation that took input from a variety of stakeholders, including the business community, and, importantly, ensured businesses and individuals would not lose access to critical

information gained from public notice – most especially regarding private property rights, including judicial notice of sale.

The bill gives a governmental agency the option to publish legal notices on a publicly accessible website instead of in a print newspaper, essentially repealing and replacing the legislation from last year which will negatively impact businesses.

HB 7049 will now go to the Senate for consideration.

AIF opposes internet-only public notice, as it eliminates the wide net created by print media and the internet combined. Webpages are present one day and gone the next; the internet is an inherently unreliable platform for critical information.