



DAILY BRIEF

Legislative Session



FROM MARCH 23, 2023

CIVIL JUSTICE

HB 837 - Civil Remedies

On Thursday, March 23, [HB 837/SB 236](#) 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.

Last Friday, March 17, the Florida House passed HB 837 with 80 yeas and 31 nays.

HB 837 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.

HB 837/SB 236 will now go to the Governor for approval.

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](#).

GENERAL GOVERNMENT

HB 1515- Relating to Local Ordinances

On Thursday, March 23, [HB 1515](#) by Representative Robbie Brackett (R-Vero Beach) 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.

EMPLOYMENT

SB 102/HB 627- Relating to Housing

On Thursday, March 23, [HB 627/SB 102](#) by Representative Demi Busatta-Cabrera (R-Coral Gables) and Vicki Lopez, (R-Miami) was introduced on the house floor. The bill was debated and questioned.

This bill seeks to address Florida's backlog of affordable and attainable workforce housing in the state. SB 102/HB 627 will not only maintain the high level of funding for Florida's SHIP (State Housing Initiatives Partnership) and SAIL (State Apartment Incentive Loan) programs, but it will provide additional funding for SAIL and work to increase attainable and affordable housing options for Floridians throughout the state. These programs provide long-term, sustainable access to affordable housing.

SB 102/HB 627 is expected to pass the House tomorrow.

AIF supports legislation which allows for continued and more reliable access to affordable housing in underdeveloped communities. These proposals create jobs and broaden the economic impact of communities with historically low economic returns.