



2021 Legislative Agenda

COVID-19 Liability Protections (Support)

In 2020, COVID-19 forced employers to change how they operate. Businesses were asked to enforce face coverings and social distancing to avoid the spread of the deadly coronavirus. In early stages of the pandemic, the Centers for Disease Control often changed its guidelines, and businesses scrambled to keep up with the evolving set of best practices. As a result, some trial attorneys in Florida are filing lawsuits that attempt to place liability at the feet of small business owners. The Florida legislature can act to prevent some of these lawsuits from taking place.

NFIB supports across the board business liability protections for small businesses from COVID-19-related lawsuits for a pandemic that they had no control over.

Ensuring Florida Doesn't Tax PPP Loans for Small Businesses (Support)

In 2020, businesses across Florida were hit hard by the COVID-19 pandemic. Many businesses took out federal Paycheck Protection Program (PPP) loans to help cover staff salaries and expenses while government lockdown orders were in place. Congress followed up by allowing normal business expenses from PPP loans to be deducted from their federal taxes. Many states are now following suit by ensuring that PPP loans are not taxable at the state level either.

NFIB supports exempting PPP loan expenses from corporate income taxes.

Lawsuit Lending/Litigation Financing Reform (Support)

We are seeing a new trend in Florida and across the country whereby plaintiffs are being directly funded by Wall Street bankers and other lenders who give cash advances on possible future settlements in exchange for a percentage of any award or settlement reached. In practice, these contingency fee contracts drive up the cost of litigation and drag out cases as plaintiffs – and their financiers – hold out for the largest possible settlement or jury award. There is no provision in Florida statute requiring plaintiffs to notify the judge or the defendant that a wealthy third party is the beneficiary of a lawsuit.

NFIB supports requiring plaintiffs in lawsuits to disclose third-party financing contracts to defendants in lawsuits and supports prohibiting lawsuit lenders from directing cases on behalf of plaintiffs.

Inflated Medical Damages Reform (Support)

Under current law, attorneys defending businesses in medical damages tort cases are prohibited from presenting to juries the medical expenses paid by the plaintiff and/or their insurer. Juries are typically presented with the medical expenses as billed by the provider, but the plaintiff's medical bills are often settled separately between the plaintiff and their insurer for less. In these circumstances, the defendant often ends up paying for medical damages that have never been and will never be paid.



NFIB supports legislation that allows juries to see medical expenses paid by plaintiffs and their insurers when awarding compensation in medical damages cases.

Third-Party ‘Bad Faith’ Lawsuit Reform (Support)

Plaintiff’s attorneys have come up with a system to gain awards above a policy’s stated limits by setting up the insurer for a “bad faith” lawsuit. Insurance rates are determined by many variables that consider all the costs associated with pooling the risk of those insured and paying claims. The rates business owners pay is based on the amount of coverage they decide to purchase. Any insurance system where insurers are compelled to pay awards beyond the stated limits in a policy is an untenable insurance system in the long run.

NFIB supports legislation to limit the practice of suing for “bad faith” where the plaintiff’s attorney intends to override policy limits.

E-Fairness Taxes (Neutral)

A bill is being considered that would require out-of-state businesses who ship products into Florida to collect and remit sales tax to Florida. This bill comes in response to South Dakota v. Wayfair, Inc. U.S. Supreme Court case where the court found that states could compel businesses in other states to collect and remit taxes if they are conducting commerce in that state.

NFIB is neutral on this issue; however, we are pushing to ensure that if a bill does pass, Florida does not adopt the issue retroactively, which would require businesses to collect and remit sales tax for past sales. NFIB opposes any efforts to expand E-fairness to a sales tax on services.

Cutting the Business Rent Tax (Support)

All small business owners who lease their business space pay a tax on the rent. Florida is the only state that charges this 5.5 percent sales tax. NFIB, alongside other business groups, successfully lobbied to bring the rate down from 6 percent in 2018 and 2019, and this year we’re fighting to reduce the tax even further.

NFIB supports reducing the business rent tax for small business owners in Florida.

Start-Up Business Regulatory Reform (Support)

Local governments across Florida are passing ever more invasive restrictions on start-up and home-based businesses, with some local governments effectively banning them altogether. Usually, these regulations do not apply across the board to businesses of all sizes.

NFIB supports a bill to level the playing field by prohibiting local governments from creating regulations that only apply to start-up and home-based businesses.



Reemployment Benefits Increases (Oppose)

Bills have been filed in the Florida legislature that would increase the weekly benefits for unemployed workers in Florida. It's important to remember that the reemployment trust fund is funded entirely by private sector employers. COVID-19 has hit the reemployment trust fund hard, and employers' taxes already are skyrocketing.

NFIB opposes efforts to increase benefits for workers paid for on the backs of employers who are already facing dramatic increases in reemployment taxes.

Reemployment Tax Reform (Support)

Many workers had to be laid off due to the pandemic and collected unemployment benefits for many months. As a result, the reemployment trust fund was nearly depleted, causing an automatic tax hike in statute to be triggered. The minimum unemployment tax in 2021 rose from \$7 per employee to \$20.30 or 190%. Unless the legislature addresses this issue, employers could be seeing an additional 300% increase in 2022.

NFIB supports reforming the reemployment tax rate code by flattening the repayment rate and spreading it over multiple years. This is the only way to blunt the dramatic increases in reemployment taxes on businesses.

Prohibiting Employers from Inquiring about an Applicant's Criminal History (Oppose)

Business owners have the right to know if a person they are interviewing for a job in their small business is a convicted felon.

NFIB opposes efforts to shield an applicant's criminal history from a prospective employer.

Stabilizing the Workers' Compensation System (Support)

Attorneys' fees in workers' comp cases are still skyrocketing following the Castellanos state Supreme Court decision. Overall, workers' comp rates are only being kept in check by employers creating safer workplaces, but an unbalanced and unsustainable system has been created which will result in spiking rates.

NFIB supports legislation to restore the fee cap for attorneys' fees with a "safety valve" clause for certain cases.

Vocational Training (Support)

Florida has a workforce training crisis that has been building for years. Small business owners are experiencing significant difficulties in finding qualified workers. According to NFIB's most recent monthly Jobs Report, 88 percent of small businesses with job openings reported few or no qualified applicants.



NFIB supports legislation that would create additional pathways for students to get vocational training that would fill the needs of small business owners across Florida.

Repealing the Constitution Revision Commission (Support)

Every 20 years, a group of citizens are appointed to consider amendments to the Florida Constitution. This panel, the Constitution Revision Commission, placed seven amendments directly onto the 2018 ballot, bypassing the legislative and petition collection processes. They received criticism from NFIB and other groups in Tallahassee for “bundling” amendments together that had nothing to do with one another, forcing voters to either approve multiple ideas or oppose all of the ideas grouped into a single amendment.

NFIB supports repealing the Constitution Revision Commission.