



2022 Legislative Agenda

COVID-19

Renew COVID-19 Liability Protections for Healthcare Workers (Support)

The COVID-19 liability protections passed in the 2021 legislative session are slated for automatic repeal in 2022 unless renewed by the legislature. **NFIB supports renewing the COVID-19 liability protections for healthcare workers.**

Senate Bill 7014/House Bill 7021

Requiring Employer's Insurance Policies to Pay for At-Home COVID-19 Tests (Oppose)

The Florida legislature will consider whether to require insurance companies to pay for 100% of the costs of at-home COVID tests, regardless of the test's cost or necessity. **NFIB opposes health insurance mandates that are costly and may not be necessary.**

Senate Bill 328/House Bill 129

Requiring Employers to Provide 14 Days of Leave to Employees (Oppose)

The Florida legislature will consider a bill to require employers to provide 14 days of leave to employees who test positive for COVID-19. The bill allows an affected employee to sue their employer for violating this section. **NFIB opposes mandated employee leave.**

Senate Bill 1714/House Bill 1113

Taxes

Eliminating 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 sales tax. NFIB and other business groups successfully lobbied to reduce the rate to 2% but tied the reduction of that tax rate to shoring up the Unemployment Trust Fund. **NFIB supports eliminating the Business Rent Tax.**

Senate Bill 1558/House Bill 6093

Reducing Corporate Filing Fees (Support)

The Florida Department of State charges a \$150 fee for most corporations to file their annual report paperwork to keep the corporation current. If a corporation is even one day late, the Department charges a \$400 late fee. This exorbitant late fee causes many business owners to simply file for a new corporation to avoid the \$400 late fee. This has resulted in thousands of defunct corporations in the state database. **NFIB supports reducing the late fee to a more reasonable \$150.**

Shoring up the Unemployment Trust Fund (Support)

NFIB fought successfully in 2021 to pass a provision that would compel the state to shore up the Unemployment Trust Fund by diverting \$1 billion per year for four years into the trust fund. With the surplus of federal dollars coming into the state budget, **NFIB supports diverting federal one-time dollars to speed up the replenishment of the trust fund.**



Lawsuits

Construction Defect Claims Liability Protections (Support)

The legislature will consider a bill that would provide a 4-year statute of repose on certain types of lawsuits against home building contractors. **NFIB supports legislation to reduce time limits for lawsuits against businesses.**

Senate Bill 736/House Bill 583

Contingency Fee Multiplier Reform (Support)

The legislature will consider a bill that would reform the attorney's fee structure in certain types of lawsuits against businesses. The bill would reduce the frequency with which attorney's fee multipliers are used in damage awards to plaintiff's attorneys. **NFIB supports reforming the contingency fee multiplier statute.**

Senate Bill 1910

Suing Local Governments for Illegal Local Ordinances and Regulations (Specific Concerns)

The legislature will consider a pair of bills that make it easier for businesses to sue local governments when local governments pass ordinances that are preempted by state law. **NFIB supports the idea of keeping local government overreach in check but generally opposes causes of action that seek to enrich attorneys.**

Senate Bills 280 and 620/House Bills 403 and 569

Data Privacy (Specific Concerns)

The legislature will consider a bill that would provide protections for customers whose data is collected by businesses in the normal course of business. The House and Senate have taken different approaches to the legislation with the House providing a private cause of action that could lead to a massive expansion in class-action lawsuits. The Senate version would provide the Attorney General the ability to fine a company that failed to protect the customer's data. Both bills provide penalties for companies that fail to protect customer's data and both bills provide small business exemptions. **NFIB has specific concerns with a private cause of action and has technical concerns with compliance costs of badly worded legislation. NFIB supports amendments to fix these issues in the bill.**

Senate Bill 1864/House Bill 9

Discrimination in Employee Training (Specific Concerns)

The legislature will consider a bill that would create a new cause of action in the Florida Civil Rights Act that would allow employees to sue their employers if the employer taught Critical Race Theory concepts during employee training. **NFIB generally opposes causes of action that allow employees to sue employers for any reason.**

Senate Bill 147/House Bill 7

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.**

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.**

Regulations

Changes to Solar Net Metering (Oppose)

The Florida legislature is considering a bill brought forward by the large utility companies that would make significant changes to the solar industry including allowing the utility companies to charge a solar power user a minimum monthly fee regardless of whether that person or business consumed any electricity from the utility provider. **NFIB opposes changes to solar net metering that would unfairly shift costs from the utility provider to the business or residence using solar power.**

Senate Bill 1024/House Bill 741

Rent Controls (Oppose)

The Florida legislature will consider a bill that would permit local governments to impose endless rent controls on housing in their jurisdiction. **NFIB opposes government price controls.**

Senate Bill 580/House Bill 6017

Easing Regulations on Start-Up Food Service Businesses (Support)

The Florida legislature will consider a bill that would allow home-based businesses to start up in home kitchens with minimal regulations to give the business a head start before transitioning into a restaurant space. **NFIB supports reducing regulations on start-up businesses.**

Senate Bill 1158/House Bill 707

Creation of the Florida Department of Labor (Oppose)

The Florida legislature will consider a bill that would create a new state agency charged with penalizing employers for newly created regulations dealing with employer/employee relations. **NFIB opposes the creation of a new Department of Labor.**

Senate Bill 1756/House Bill 507

Requiring Businesses to Accept Cash Payments (Specific Concerns)

The Florida legislature will consider a bill that would require front-facing businesses to accept U.S currency cash payments from customers. This bill comes as many businesses have shifted



to electronic only payments through credit cards. **NFIB is neutral on requiring businesses to accept U.S. currency but is opposed to requirements to provide change to customers who do not pay with exact change.**

Senate Bill 408/House Bill 233

Prohibiting Use of Plastic Containers in Restaurants (Oppose)

The legislature is considering a bill that would prohibit restaurants in coastal communities from using single-use plastic containers for to-go orders. **NFIB opposes burdensome and costly regulations on businesses.**

Senate Bill 1580/House Bill 1145

Removing Restrictions on Wine Bottle Sizes (Support)

The legislature is considering a bill that would remove arbitrary laws limiting the size of wine bottles in Florida. **NFIB opposes arbitrary regulations on businesses that do not serve a health/safety purpose.**

Senate Bill 384/House Bill 6031

Prohibiting Employers from Considering Salary History in Hiring (Oppose)

A provision in several bills filed this year would prohibit employers from verbally or in writing requesting or inquiring into an applicant's salary history during the hiring process. **NFIB opposes regulations that seek to shield an applicant's prior work history from a prospective employer.**

Senate Bills 322 and 376/House Bills 293 and 291