



2023 Florida Legislative Agenda

Lawsuits

Lawsuit Abuse Reform (Support) - ✓ Passed

The legislature will consider a once-in-a-decade bill that would significantly reduce lawsuit abuse against small businesses and their insurance companies.

This reform would help small businesses by:

- Repealing one-way attorney fees in most cases, undercutting “you don’t pay if we don’t win” advertising claims.
- Prohibiting plaintiffs from collecting an award if they are found to be more than 50% responsible for their own injuries.
- Limiting “bad faith” claims, which is how overzealous trial lawyers win awards in excess of a business’ insurance policy limits.
- Requiring “truth in damages” to stop bad doctors from colluding with unscrupulous trial lawyers to inflate medical damages.

NFIB strongly supports legislation to curb lawsuit abuse in Florida.

Senate Bill 236/House Bill 837

Construction Defect Claims Liability Protections (Support) - ✓ Passed

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

Senate Bill 360/House Bill 85

Lawsuit Lending/Litigation Financing Reform (Support) - ✗ Failed

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.

Senate Bill 1612/House Bill 1447



Requires the Truth in any Legal Advertising in Florida (Support) - ✓ Passed

A bill has been filed this year that would prohibit law firms from using advertising tactics that make it appear that they are acting on behalf of a government agency by using state and federal logos. It would also prevent them from terms like medical alert, health alert, drug alert, or public service announcement that would lead a consumer to believe that the alert came from a government agency. **NFIB supports efforts to require truth in legal advertising.**

Senate Bill 1246/House Bill 1205

Taxes

Increasing Sales Tax Collection Allowance (Support) - ✗ Failed

Governor DeSantis recently announced that he supports doubling the sales tax collection allowance for businesses that collect and remit sales tax to the state in the course of their business. Current law allows a business owner to collect \$30/month; this legislation would make that \$60/month. **NFIB supports Governor DeSantis's provision to double the sales tax collection allowance for small businesses.**

Sales Tax Audits (Oppose) - ✗ Stopped

A bill has been filed that would create a presumption that a small business acted with "willful negligence, willful neglect, or fraud" if they fail to provide satisfactory documentation to the Department of Revenue during a sales tax audit. This was a major provision in a bill that Governor DeSantis vetoed last year, at NFIB's urging.

Senate Bill 182/House Bill 103

Reducing the Business Rent Tax (Support) - ✓ Passed

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 successfully lobbied to reduce the rate to 2%. **NFIB supports eliminating the Business Rent Tax.**

Unions

Prohibit State/Local Governments from Collecting Union Dues (Support) - ✓ Passed

The Florida legislature will consider a bill that would prohibit state and local governments from withholding union dues during payroll and transmitting those dues to a public sector union. The bill also allows a union member to resign membership in a union, without needing a reason for that resignation. **NFIB supports this effort to prohibit governments from collecting union dues on behalf of unions.**

Senate Bill 256/House Bill 1445

Regulations

Prohibiting State and Local Governments from Investing Based on ESG Principles (Support) - ✓ Passed

The Florida legislature will consider a bill that would prevent state and local governments from investing taxpayer money into investment funds that make investment decisions based on Environmental, Social, and Governance (ESG) factors that may reduce the rate of return based on political factors. The bill would also subject financial institutions to administrative sanctions for engaging in “unsafe and unsound business practices” by denying or canceling services based on political beliefs or affiliations, religious beliefs or affiliations, business sector, any other factor that is not a quantitative, impartial, risk-based standard, or applying social credit scores. **NFIB supports efforts to prohibit taxpayer funds from being used to further ESG goals.**

Senate Bill 302/House Bill 3

Business Impact Statements for Local Ordinances (Support) - ✓ Passed

The Florida legislature will consider a bill that would require local governments to conduct a business impact statement prior to enacting any ordinance that creates regulations for businesses. The bill also provides an avenue for businesses to challenge ordinances, and if successful in challenging the ordinance, get their attorney’s fees reimbursed by the local government. **NFIB supports this effort to reduce local regulations on businesses.**

Senate Bill 170/House Bill 1515

Allow Independent Repair Shops to Repair Ag Equipment (Support) - ✗ Failed

The Florida legislature will consider a bill that states the manufacturer of agriculture equipment shall provide any necessary codes or manuals to any person in the state if they already make those codes and manuals available to “authorized repair shops.” They can charge the same fees for those materials as they charge authorized repair shops. **NFIB supports this effort to allow individuals and independent repair shops to repair agriculture equipment.**

Senate Bill 422/House Bill 533

Creation of the Florida Department of Labor (Oppose) - ✗ Stopped

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 1598/House Bill 137



Prohibiting Use of Plastic Containers in Restaurants (Oppose) - ~~X~~ Stopped

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 regulations burdensome and costly regulations on businesses.**

Senate Bill 336

Removing Restrictions on Wine Bottle Sizes (Support) - ~~X~~ Failed

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

Senate Bill 534/House Bill 523

Prohibit Employers from Considering Salary History in Hiring (Oppose) - ~~X~~ Stopped

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 576/House Bill 663

Supporting Independent Pharmacies (Support) - Passed

The legislature is considering a bill that changes the way independent pharmacies interact with pharmacy benefit managers. The bill would prevent certain predatory practices that cause independent pharmacies to get reimbursed less money than they charged to dispense a drug. This has the practical effect of causing independent pharmacies to operate in the red in certain transactions. **NFIB supports efforts to end predatory practices that cause independent pharmacies to lose money dispensing lifesaving medication.**

Senate Bill 1550/House Bill 1509