



DAILY BRIEF

Legislative Session



FROM MARCH 22, 2023

CIVIL JUSTICE

HB 837 - Civil Remedies

On Wednesday, March 22, [HB 837/SB 236](#) was introduced on the Senate floor for consideration. Several amendments were filed with the intent of drastically reducing the overall impact of HB 837/SB 236 and would completely alter its intention of bringing common-sense civil justice reform to Florida. All the amendments were either defeated or withdrawn.

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.

The Senate is expected to pass HB 837/SB 236 tomorrow.

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](#).

AGRICULTURE

SB 1184- Relating to Agricultural Lands

On Tuesday, March 22, [SB 1184](#) by Senator Jay Collins (R-Tampa) was heard by the Senate Community Affairs Committee and was reported favorably with 8 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 1184 addresses several land issues facing Florida's agriculture industry and the lands they use to operate on. On current statute, counties are permitted to administer a fire protection service assessment on agricultural land buildings with a minimum value of \$10,000. This legislation would raise the minimum value of issuing these assessments from \$10,000 to \$350,000. SB 1184 also removes the authority of a local municipality from deleting agricultural

classifications on property used for farmworker housing. Additionally, SB 1184 would issue a credit on sales tax paid on the rental or purchase of housing for migrant farmworkers.

AIF supports legislation which increases the just value of nonresidential farm buildings which are exempt from local fire assessments and also creates guidance which more fairly and equitably assesses agricultural land and nonresidential farm buildings for the purposes of Fire Tax Assessments.