



# WEEKLY UPDATE

*Legislative Session*



## FROM APRIL 5, 2023

The fifth week of the 2023 Legislative Session was short compared to a normal session week due to the Easter holidays, but that did not keep the legislature from staying at normal 'session speed' for the 3 days the legislature met this week.

This week marked the halfway point of session. So far, 1,814 bills have been filed, with only 19 bills having passed both chambers. But of those 19 bills, many of them have been substantial pieces of legislation that were priorities of the Governor, Senate President and House Speaker. Bills dealing with school choice, and constitutional carry have already been signed by the Governor, along with the AIF priorities of tort reform and affordable housing.

During this shortened week, the legislature still considered several bills important to the business community, with AIF supporting some that are beneficial while opposing others that cause problems.

Most prominently this week, AIF stood in opposition to SB 262 dealing with technology transparency and data privacy because of its negative effects on online advertising. In the same committee, AIF stood in support of SB 1308 that would limit excessive litigation due to a loophole in Florida's telephone solicitation law.

**Please see below for more information on the bills listed above or other pieces of legislation that the AIF team worked on this week.**

### INFORMATION TECHNOLOGY

#### **SB 262 – Technology Transparency**

On Tuesday, April 4, [SB 262](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Commerce and Tourism Committee and was reported favorably with 9 yeas and 0 nays.

**AIF stood in opposition to this legislation.**

SB 262 seeks to allow consumers to protect their personal data by allowing them to opt out of targeted advertising and implementing regulations on only the largest of technology companies operating in Florida. Unlike past versions of the bill that would have regulated a great deal of Florida businesses, this bill limits its focus to companies that make an excess of \$1 billion in annual revenue and either derive 50% of revenue from targeted advertising or operate a smart speaker device.

But while the vast majority of Florida businesses are not covered by the regulation of the bill, the bill will have a large impact on how businesses can use targeted advertising to market their goods and services. Online advertising is obviously an important tool and in its current form, this bill will make it less effective and more costly.

SB 262 is based on a 2018 California law. Since the California law has been enacted, other states have enacted data privacy legislation that offers better consumer protection with a more common-sense regulatory approach.

SB 262 will now go to the Judiciary Committee for consideration.

HB 1547 is the House companion and will now go to the House Commerce Committee.

**AIF opposes legislation that places onerous regulatory burdens on Florida businesses and reduces the ability for businesses to effectively utilize online advertising.**

## TRANSPORTATION

### **SB 712 - Relating to Motor Vehicle Sales**

On Tuesday, April 4, [SB 712](#) by Senator Bryan Avila (R-Miami) was heard by the Senate Commerce and Tourism Committee and was reported favorably with 8 yeas and 0 nays.

SB 712 amends the Florida Automobile Dealers Act, which primarily regulates the contractual business relationship between franchised motor vehicle dealers (dealers), and manufacturers, factory branches, distributors, and importers (manufacturers) and provides for the licensure of manufacturers. One provision of particular concern legislatively sets a profit-sharing arrangement for over the air updates. **AIF stood in opposition to the bill** because arrangements like these should be negotiated between private entities, not the legislature.

SB 712 will now go to the Rules Committee for consideration.

HB 637 is the House companion and will now go to the House Commerce Committee.

**AIF OPPOSES legislation that would intervene in any contractual agreement voluntarily entered into by a franchise and a manufacturer.**

## LEGAL & JUDICIAL

### SB 376 – Relating to Criminal History Information

On Tuesday, April 4, [SB 376](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Criminal Justice Committee and was reported favorably with 6 yeas and 0 nays. **AIF stood in support of this legislation.**

The bill revises the process for a court-ordered sealing of a criminal record to allow a person to petition a court to seal a criminal history record if the record has been automatically sealed by the State of Florida and the subject of the sealed record presents a certificate of sealing issued by the Florida Department of Law Enforcement.

SB 376 will now go to the Senate Judiciary Committee for consideration.

HB 593 is the House companion and will now go to the House Judiciary Committee.

**In order to prevent confusion and difficulty for employers and employees, AIF supports legislative efforts that allows individuals with sealed records at the State level to petition local government be sealed at the local level as well.**

## TELECOMMUNICATIONS

### SB 1308 – Relating to Telephone Solicitation

On Tuesday, April 4, [SB 1308](#) by Senator Clay Yarborough (R-Jacksonville) was heard by the Senate Commerce and Tourism Subcommittee and was reported favorably with a vote of 9 yeas and 0 nays. **AIF stood in support of this legislation.**

SB 1308 seeks to close a loophole created by a 2021 consumer protection bill that limited unsolicited telephone sales calls. While the 2021 bill has increased consumer protection, it has allowed for increased litigation on businesses contacting their customers for legitimate

reasons. By creating a definition of “automatic telephone dialing system” and inserting some clarifying language, SB 1308 will prevent crafty plaintiff’s bar attorneys from suing businesses attempting to legitimately contact customers. This bill will not remove any consumer protections originally passed in 2021.

An amendment, not supported by AIF, was placed on the bill that could reduce the effectiveness of the bill. AIF is working with the bill sponsor and amendment sponsor to ensure the bill is effective.

SB 1308 will now go to the Senate Regulated Industries Committee for consideration.

HB 761 is the House companion and will now go to the House Commerce Committee.

**AIF supports legislative efforts removing loopholes that help to enrich trial lawyers at the expense of businesses that produce goods and services on which all Floridians rely.**