



2022 LEGISLATIVE REPORT



President
Wilton Simpson

Speaker
Chris Sprowls

FBA Legislator of the Year



Senator Jim Boyd

2022 Legislative Report

“Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.” - Franklin D. Roosevelt

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Alex Sanchez



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Kenneth Pratt



Gina Rotunno

Dear Florida Bankers:

The major focus of the 2022 Legislative Session was the legislature's decennial task of drawing new state and congressional districts using census data collected in 2020. Despite the many significant non-banking related issues addressed during the session, the FBA continued to stay focused on pushing for key legislative priorities that would positively impact our industry. The session concluded slightly behind schedule on Monday, March 14th, as lawmakers returned to Tallahassee to vote on a record-breaking \$112.1 billion budget, a 10.2 percent increase since last year.

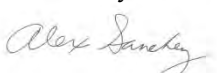
Approximately 3,685 bills were filed this session; of those bills, only 285 passed both chambers. Of the 285 bills passed by both the House and Senate chambers, the following three were major FBA priorities:

- House Bill 925 — Benchmark Replacements for LIBOR
- Senate Bill 1368 — Trusts
- Senate Bill 1054 — Financial Literacy

Public Deposits for Credit Unions (HB 1559/SB 1318) only passed one committee of reference in the Florida House and was never heard in the Florida Senate. FBA continues to fight to defeat this bill because of the unlevel business playing field it would provide for credit unions. Another bill of major concern, Consumer Data Privacy (HB 9/SB 1864), passed the full House but was never heard in the Florida Senate. This proposal would cause financial institutions to comply with another level of compliance, regarding the handling of certain consumer data. Overall, the 2022 Legislative Session was a success for the banking industry.

Our successes would not have been possible without the help of you – our association's lifeblood. We are especially appreciative of the continued support of our FBA Board, Government Relations Council and the entire membership who played an instrumental role in achieving goals of FBA's legislative agenda. Special thanks goes to: Tom Pennekamp, SunTrust Bank; Aprill Springfield Blanco, Wells Fargo; Rick Mahler, JPMorgan Chase; Fabiola Brumley and Kelly Beazley, Bank of America; Erin Smith, TD Bank; Ginny Childs, Elizabeth Hodge, James Goldsmith, Akerman; Jim Daughton, Metz Husband & Daughton, PA (representing Regions Bank); Jason Isbell, Regions Financial Corporation; Alan West, CitiBank, N.A.; Tom Ruebel, U.S. Bank; Tom Lamb, PNC; Sean Stafford, McGuireWoods Consulting, LLC (representing Capital One); Lisette Carbajal, Capital One; Dan Donohoe, Comerica Bank; Diane Carr, Johnson & Blanton (representing Bank of America) and Monte Stevens and Clark Smith (representing Wells Fargo); Jim Nikolai, Synchrony Financial; and Tim Sweeney & Jesse Villarreal, Banco Santander International.

Sincerely,



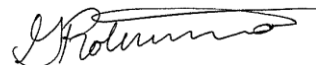
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My Fellow FBA Colleagues,

From Key West to Washington, from London to the Middle East, the Florida Bankers Association has established a national and international reputation as one of the most successful and highly-effective professional associations anywhere. Since 1888, the FBA has proudly represented Florida's banks of all shapes and sizes as our voice to address numerous legislative and administrative proposals impacting our industry. Over the past year, our unique brand of advocacy has never been more important to maintain our industry's strength.

Since assuming the chairmanship of the FBA, I have personally witnessed how our persistent advocacy has kept the FBA at the top of our game. We began in June of 2021, as it appeared that our COVID-19 numbers were falling, a small group of bankers joined me in traveling back to Washington. In August, we learned that Congress was considering two proposals, one that would require banks to monitor and report every customer's \$600 transaction to the IRS and another to have banks act as the climate police for those not meeting the current administration's climate goals. If passed, these proposals would have yet another significant compliance hurdle forced on community banks. As the month of September began, we learned of President Biden's nomination of Dr. Saule Omarova for OCC Comptroller. Her recent publications and public comments made clear that she would take aim at banking and our free enterprise system under her mantra to "change banking as we know it." FBA voiced our opposition against these Congressional proposals and the Omarova nomination via numerous Congressional Zoom calls and various television print and media pieces. Ultimately, neither the IRS or climate police proposal was adopted and in December, Dr. Omarova withdrew her nomination from Senate consideration. Even with powerful political pressures working against us, it was our continued focus on the issues that helped us to reach our goals.

In December, U.S. health officials reported the first case of the COVID-19 Omicron variant in the United States. FBA did not allow this new variant to deter our efforts and we shifted again to meet with policymakers via Zoom. In mid-January, we were able to safely return to an in-person Capitol Day + Night. Bankers from around the state showed up in large numbers to lobby our state legislators on key issues, including data privacy, PACE loans, and public deposits for credit unions. Working with our fantastic FBA team during the 2022 Legislative Session, we were able to adjust or defeat several harmful bills and amendments, while still passing legislation establishing a safe harbor for unnegotiated LIBOR contracts to default to SOFR.

Achieving these were significant objectives for our industry. It has been a rewarding pursuit to serve as a leader within this association and it has been one of the professional highlights of my banking career. I am forever grateful for the sage advice and professional assistance that I received from past FBA chairs, our knowledgeable membership, and of course our talented FBA staff, led by our CEO Alex Sanchez. There is no secret sauce to meeting our association's aspirations. We can never expect to be victorious on every issue we address. However, what does make our association special is our persistent and unwavering willingness to engage on the many issues that have an influence on our industry. Congratulations to all in achieving these major milestones.

Yours in Service,



Fabiola Brumley
Chair, Florida Bankers Association

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MAJOR LEGISLATION

Consumer Data Privacy (HB 9 / SB 1864)

Description: House Bill 9 and Senate Bill 1864 require certain businesses to provide notice to consumers about data collection, sharing, and selling practices and grants consumers the right to opt-in or opt-out of the sale or sharing of personal data. This bill applies to businesses that meet two of the three thresholds: have a global annual gross revenue of \$50 million or more, annually buy, sell, or share the data of 50,000 or more consumers for the purpose of targeted advertising, or derive 50% or more of its global revenue from selling personal data. This bill also allows legal action and civil penalties to be brought against businesses that violate a consumer's rights under this bill.

Impact: While the legislation aims to help protect Floridians' online data, it creates a burdensome data privacy regime that would negatively impact the Florida business sector. Since 1999, financial institutions have been regulated under federal law, the Gramm-Leach-Bliley Act, regarding how consumer data is handled. Passage of this bill

would create a potential conflict with current federal and state law for banks.

Reference: House Bill 9 by Representative Fiona McFarland (R-Sarasota) and Senate Bill 1864 by Senator Jennifer Bradley (R-Orange Park).

House Bill 9 died in Senate Judiciary Committee. Senate Bill 1864 died in Commerce and Tourism Committee.

Benchmark Replacements for London Interbank Offered Rate (LIBOR) (HB 925 / SB 1246)

Description: House Bill 925 and Senate Bill 1246 authorize a transition to the Secured Overnight Financing Rate (SOFR) as a replacement for the London Interbank Offered Rate (LIBOR) and provide for conforming changes to be made to the contract or instrument. This legislation seeks to clarify that any existing financial contract not amended with a substitute index will be deemed by an operation of law to be substituted with SOFR as the interest rate for the financial contract.

Impact: HB 925 and SB 1246 provide a safe harbor to address unamended

financial contracts that still utilize LIBOR.

Reference: House Bill 925 by Representative Cyndi Stevenson (R-St. Augustine) and Senate Bill 1246 by Senator Joe Gruters (R-Sarasota).

Senate Bill 1246 was substituted for House Bill 925, which passed both the House and Senate Chambers. House Bill 925 was approved by the Governor. Please see Chapter No. 2022-57, Laws of Florida. The law takes effect upon the Governor's approval.

Public Deposits (HB 1559 / SB 1318)

Description: House Bill 1559 and Senate Bill 1318 authorize state-chartered and federally-chartered credit unions to be eligible as qualified public depositories (QPD) and accept public deposits from state and local governments. Additionally, this legislation includes criteria that a credit union must meet before the Chief Financial Officer (CFO) can designate it as a QPD. This bill also creates separate mutual responsibility and contingent liability provisions for credit unions and requires the CFO to segregate and

separately account for any collateral proceeds, assessments, or penalties attributable to a credit union from those attributable to any bank, savings bank, or savings association.

Impact: Passage of this bill would effectively hurt community banks and negatively impact efforts to lend to small businesses and consumers. Public deposits leaving community banks would mean less available capital to loan to small businesses. In addition, this would allow credit unions to profit from lending deposits in a tax system that they do not pay equally into. The state's tax base is also reduced and therefore decreases funding for important and necessary government responsibilities.

Reference: House Bill 1559 by Representative Joe Harding (R-Ocala) and Senate Bill 1318 by Senator Travis Hutson (R-Palm Coast).

House Bill 1559 died in State Administration and Technology Appropriations Subcommittee after passing its first committee stop. Senate Bill 1318 died in Banking and Insurance Committee.

Taxation
(HB 1293 / SB 952)

Description: House Bill 1293 and Senate Bill 952 create a Documentary Stamp Tax exemption for federal loans made in response to a state of emergency declared by executive order or proclamation of the Governor. The bill also increases the combined amount of tax credits which may be awarded to qualified businesses for research and development from \$9 million to \$50 million in one calendar year.

Impact: This legislation prevents businesses from having to pay doc stamp taxes on emergency loans received from the Federal government.

Reference: House Bill 1293 by Representative Tommy Gregory (R-Bradenton) and Senate Bill 952 by Senator Joe Gruters (R-Sarasota).

House Bill 1293 was added to the Tax Package, House Bill 7071. Senate Bill 952 died in Appropriations Committee.

High School Graduation
Requirements in Personal Finance
(HB 1115 / SB 1054)

Description: Also known as the Dorothy L. Hukill Financial Literacy Act, House Bill 115 and Senate Bill 1054 revise the current credits for a standard high school diploma to include instruction on personal financial literacy and money management. Curriculum includes instruction on opening and managing a bank account, completing loan applications, simple contracts, receiving an inheritance, credit scores, and other basic principles of money management.

Impact: This legislation aims to better prepare high school students for adulthood by giving them the tools to be financially responsible.

Reference: House Bill 1115 by Representative Demi Busatta Cabrera (R-Coral Gables) and Senate Bill 1054 by Senator Travis Hutson (R-Palm Coast).

House Bill 1115 was substituted for Senate Bill 1054, which passed both the House and Senate Chambers and has been signed by the Governor. Please see Chapter No. 22-017, Laws of Florida.

The effective date of the bill is July 1, 2022.

“Success consists of going from failure to failure without loss of enthusiasm.”

- Winston Churchill

BANKING

Financial Institutions (HB 431 / SB 1680)

Description: House Bill 431 and Senate Bill 1680 update a number of current statutes relating to financial institutions, including:

- Revising the required scheduling dates for examination of financial institutions;
- Allowing the Office of Financial Regulation (OFR) 90 additional days to examine a financial institution in certain circumstances;
- Revising the definition of “financial institution” for the Florida Control of Money Laundering and Terrorist Financing in Financial Institutions Act;
- Allowing foreign nationals to appear via video during public hearings;
- Changing from “all or substantially all” assets to 50 percent of assets, liabilities, or a combination of assets and liabilities;
- Providing OFR may waive the requirement that the proposed president or chief executive

officer of a banking corporation have at least one year of direct experience as an executive officer, director, or regulator of a financial institution within the last five years under certain circumstances;

- Authorizes a family trust company, licensed family trust company, or foreign licensed family trust company to maintain a required deposit account with any bank that is insured by the Federal Deposit Insurance Corporation;
- Allows international bank agencies and international branches to maintain a required deposit in banks outside of Florida, provided the deposit is in a bank within the United States, and
- Defines a “de novo branch” for the purposes of an existing de novo interstate branching provision.

Impact: This legislation clarifies existing Florida Statutes to help financial institutions better comply with OFR regulatory procedures and rules.

Reference: House Bill 431 by Representative Webster Barnaby (R-

Orange City) and Senate Bill 1680 by Senator Joe Gruters (R-Sarasota).

House Bill 431 was substituted for Senate Bill 1680, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The effective date of the bill is July 1, 2022.

Senate Bill 486 was substituted for House Bill 273, which passed both the House and Senate Chambers. House Bill 273 was approved by the Governor. Please see Chapter No. 2022-113, Laws of Florida. The effective date of the bill is January 1, 2023.

Money Services Businesses (HB 273 / SB 486)

Description: House Bill 273 and Senate Bill 486 amend statutes relating to Money Services Businesses to define virtual currency, prohibit payment instrument sellers from transacting businesses involving virtual currency, and subject money transmitters to licensing requirements when transacting business involving virtual currency.

Impact: This legislation updates Florida's statutes to clarify how virtual currencies are regulated and who must be licensed as Money Service Businesses.

Reference: House Bill 273 by Representative Vance Aloupis, Jr. (R-Miami) and Senate Bill 486 by Senator Jason Brodeur (R-Lake Mary).

Mortgage Payoff Letters (HB 353 / SB 1016)

Description: House Bill 353 and Senate Bill 1016 specify the process for requesting an estoppel letter, reduce the timeframe in which a lender or servicer must send a requested mortgage payoff letter from 14 days to 10 days, standardize information that must be contained in the mortgage payoff letter and through what means the letter must be sent, and prohibits the mortgage lender or servicer from qualifying, reserving the right to change, or conditioning or disclaiming the reliance of others on the information provided in a mortgage payoff letter. The legislation also provides an opportunity for a mortgage lender or servicer to correct a mortgage payoff letter should that letter contain inaccurate information.

Impact: This legislation aims to provide additional clarity regarding the process

of requesting and receiving an estoppel letter and creates an opportunity for a lender to cure if that letter contains inaccurate information.

Reference: House Bill 353 by Representative Tom Fabricio (R-Hialeah) and Senate Bill 1016 by Senator Danny Burgess (R-Zephyrhills).

*House Bill 353 died on Second Reading.
Senate Bill 228 died in Messages.*

Liens and Bonds (HB 345 / SB 1272)

Description: House Bill 345 and Senate Bill 1272 revise several provisions of the Construction Lien Law regarding posting, direct contracts, computation of time, priority of lien, giving required notice, recording of documents, and filing of actions. This legislation also modifies the minimum bond required to transfer a lien to a security and specifies that a lien can be discharged partially or in whole.

Impact: This legislation provides additional clarity for lenders in the construction lien space.

Reference: House Bill 345 by Representative Toby Overdorf (R-Stuart) and Senate Bill 1272 by Senator Jennifer Bradley (R-Orange Park).

*House Bill 345 died on Second Reading.
Senate Bill 1272 died in Senate Judiciary Committee.*

Construction Liens (HB 263 / SB 352)

Description: Current law exempts certain direct contracts from being included on the notice of commencement required before a construction project begins, such as if they are valued at \$2,500 or less or if the replacement/repair of an HVAC system specifically is less than \$7,500. House Bill 263 and Senate Bill 352 revise current law to increase the HVAC exception limit from \$7,500 to \$12,500. The bills also increase the general direct contract exemption from \$2,500 to \$5,000, with exemptions relating to both clauses.

Impact: This legislation assists subcontractors, laborers, and materialmen to receive compensation for work provided and exempts smaller contracts from burdensome regulations.

Reference: House Bill 263 by Representative Melony Bell (R-Fort Meade) and Senate Bill 352 by Senator Ed Hooper (R-Palm Harbor).

House Bill 263 was substituted for Senate Bill 352, which passed both the House and Senate Chambers. Senate Bill 352 was approved by the Governor. Please see Chapter No. 2022-120, Laws of Florida. The effective date of the bill is July 1, 2022.

Money Services Business (HB 389 / SB 1536)

Description: House Bill 389 and Senate Bill 1536 amend existing provisions and definitions regarding individuals in control of a money services business, including creating the term “control person” and repealing the definitions of “officer” and “reasonable person”.

Impact: This bill works to streamline the application process pursuant to obtaining a license as a Money Services Business.

Reference: House Bill 389 by Representative Ardian Zika (R-Land O’ Lakes) and Senate Bill 1536 by Senator Jim Boyd (R-Bradenton).

Senate Bill 1536 was substituted for House Bill 389, which passed both the House and Senate Chambers. House Bill 389 was approved by the Governor. Please see Chapter No. 2022-135, Laws of Florida. The effective date of the bill is October 1, 2022.

Department of Financial Services (HB 959 / SB 1874)

Description: This legislation directs the Department of Financial Services (DFS) to create an online portal to accept service of process, reduces penalties and creates educational tools within the Division of Workers’ Compensation, and amends laws of the Division of Insurance Agent and Agency Services. It also removes provisions relating to the duties of AHCA and to the board of Florida Patient’s Compensation Fund and revises requirements to practice embalming and funeral directing.

Impact: The legislation supports the Department of Financial Services’ efforts to combat fraud, protect Floridians, and support businesses that the department regulates.

Reference: House Bill 959 by Representative Chip LaMarca (R-

Lighthouse Point) and Senate Bill 1874 by Senator Jim Boyd (R-Bradenton).

Senate Bill 1874 was substituted for House Bill 959, which passed both the House and Senate Chambers. House Bill 959 was approved by the Governor. Please see Chapter No. 2022-138, Laws of Florida. The effective date of the bill is July 1, 2022.

**Servicers and Lenders of Residential Mortgage Loans
(HB 1051 / SB 1706)**

Description: House Bill 1051 and Senate Bill 1706 amend several provisions related to the regulation of Florida’s residential mortgage industry, mortgage foreclosures, and insurance. This bill:

- Requires mortgage lenders and mortgage servicers regulated under Chapter 494, F.S., to comply with federal law requirements providing periodic statements at each billing cycle;
- Requires mortgage servicers and mortgage lenders subject to Chapter 494, F.S., to meet certain criteria before initiating foreclosure proceedings;

- Requires subsequent mortgage servicers subject to Chapter 494, F.S., to honor previously executed loan modification agreements and alternatives;
- Establishes requirements when a borrower requests a foreclosure prevention alternative;
- Establishes lender-placed insurance requirements for mortgage servicers, and
- Prohibits insurers and insurance agents from force-placing insurance with an affiliate or making payments to a mortgage lender or servicer.

Impact: This legislation aims to add additional requirements for mortgage lenders and servicers, subject to Chapter 494 of Florida Statutes.

Reference: House Bill 1051 by Representative Juan Fernandez-Barquin (R-Miami) and Senate Bill 1706 by Senator Ileana Garcia (R-Miami).

House Bill 1405 died in Insurance and Banking Subcommittee. Senate Bill 1706 died in Judiciary Committee.

Judgment Liens
(HB 1173 / SB 1758)

Description: House Bill 1173 and Senate Bill 1728 create the Judgment Lien Improvement Act to create two mechanisms by which a judgment creditor may cause a lien to be noted on the title certificate for a debtor's motor vehicle or vessel. This legislation also allows a lien to attach to payment accounts/intangibles as well as expressly states that a judgment lien on personal property can only be enforced through the judicial process, as opposed to self-help repossession or replevin.

Impact: This bill will positively impact judgment creditors as it expands the types of property to which a lien may attach and creates two new mechanisms where a lien can be noted.

Reference: House Bill 1173 by Representative Christopher Benjamin (D-Miami Gardens) and Senate Bill 1758 by Senator Victor Torres, Jr. (D-Kissimmee).

House Bill 1173 died in Regulatory Reform Subcommittee. Senate Bill 1758 died in Judiciary Committee.

Secured Transactions
(HB 451 / SB 406)

Description: This legislation clarifies, in Florida's Uniform Commercial Code, that language referring to the description of a specific asset, is sufficient enough to include the asset under a security agreement. Broad-based descriptions using general terms, such as "all the debtor's assets" or "all the debtor's personal property" do not sufficiently identify the collateral for debt pledging intents and purposes.

Impact: This legislation aims to provide clarity regarding how an asset must be adequately identified in order for it to be pledged as collateral in a lending agreement.

Reference: House Bill 451 by Representative Will Robinson (R-Bradenton) and Senate Bill 406 by Senator Lori Berman (D-Boynton Beach).

House Bill 451 was substituted for Senate Bill 406, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The law takes effect upon becoming law.

REAL PROPERTY

Improvements to Real Property

(REEF)

(HB 101 / SB 228)

Description: This legislation renames the PACE program to REEF (Resiliency Energy Environment Florida Program). The bill seeks to expand the program to commercial and government leased properties with some additional consumer protection statutes for PACE loans.

Impact: This legislation seeks to benefit the consumer as it adds additional consumer protections to the program. However, the legislation does not amend the bill to honor the longstanding provision of first in line is always first in right.

Reference: House Bill 101 by Representative Randy Fine (R-Palm Bay) and Senate Bill 228 by Senator Ana Maria Rodriguez (R-Doral).

House Bill 101 died in Commerce Committee. Senate Bill 228 died on Calendar.

Real Property Rights

(HB 219 / SB 1380)

Description: This legislation amends statutes regarding restrictions on the use of real property by limiting how older real estate contracts or restrictions apply in a manner that protects real property rights and honors certain requirements of a building or development permit. It also allows a property owner the right to establish their own rates and parking rules on their property.

Impact: This legislation aims to provide private property owners with additional statutory authority to help manage their property.

Reference: House Bill 219 by Representative Kaylee Tuck (R-Sebring) and Senate Bill 1380 by Senator Ana Maria Rodriguez (R-Doral).

House Bill 219 was substituted for Senate Bill 1380, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The law takes effect upon becoming law.

**Transfers in Divorce
(HB 649 / SB 968)**

Description: House Bill 649 and Senate Bill 968 clarify that any interest in an individual retirement account or individual retirement annuity received in a transfer incident to divorce remains exempt from creditor claims after the transfer has been completed. This legislation is remedial in nature as it aims to clarify existing law and applies retroactively to all transfers made incident to divorce.

Impact: This legislation aims to clarify that certain retirement accounts that are transferred in divorce proceedings are still protected from creditor claims.

Reference: House Bill 649 by Representative Fentrice Driskell (D-Tampa) and Senate Bill 968 by Senator Tina Polsky (D-Boca Raton).

House Bill 649 was substituted for Senate Bill 968, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The law takes effect upon becoming law.

**Condominium and Cooperative
Associations
(HB 1393 / SB 1942)**

Description: House Bill 1393 and Senate Bill 1942 revise and provide bylaw provisions for condominiums and cooperative associations relating to:

- Waiving or reducing amount of reserve funds;
- Reserving fund study requirements;
- Annual structural inspections of buildings;
- Structural and electrical recertification inspections;
- Reporting and penalties for failing to submit certain reports;
- Mandatory evacuations;
- Construction and renovation of residential condominiums, and
- Waterproofing measures.

Impact: This legislation aims to expand requirements and safety measures for condominiums and their cooperative associations.

Reference: House Bill 1393 by Representative Joe Geller (D-Dania Beach) and Senate Bill 1942 by Senator Jason Pizzo (D-Miami).

House Bill 1393 died in House Regulatory Reform Subcommittee. Senate Bill 1942 died in Senate Regulated Industries.

Senate Bill 1702 was substituted for House Bill 7069. House Bill 7069 died in returning Messages.

**Condominium and Cooperative Associations
(HB 7069 / SB 1702)**

Description: House Bill 7069 and Senate Bill 1702 revise and provide laws for condominiums and associations relating to disciplinary action, official records, reserve accounts and studies, recertifications and phase 2 inspections, and specified information that must be provided to potential buyers through various mediums.

Impact: This legislation aims to update existing laws regarding condominium safety in response to the Champlain Towers Collapse in Surfside, Florida on June 24, 2021.

Reference: House Bill 7069 by the Pandemics and Public Emergencies Committee, Representative Daniel Perez (R-Miami), and Representative Jackie Toledo (R-Tampa) and Senate Bill 1702 by Senator Jennifer Bradley (R-Orange Park).

**Vacation and Timeshare Plans
(HB 575 / SB 1216)**

Description: House Bill 575 and Senate Bill 1216 amend current statutes to revise requirements for vacation and timeshare plans, including:

- Allowing timeshare developers to electronically deliver certain documents and notices;
- Eliminating certain requirements for the offering of incidental benefits in a timeshare plan;
- Allowing a purchaser to assign incidental benefits without the approval of the provider;
- Revising the requirements for the cancellation of a timeshare plan;
- Expanding the definition of the term “advertising material” to reflect modern technological advancements;
- Allowing the board of administration and owner’s meetings to be conducted electronically;
- Authorizing the managing entity and the board of an owners’

association to exercise specified emergency powers in certain circumstances, and

- Revising certain foreclosure procedures.

Impact: This legislation aims to provide clarity and efficiency for vacation and timeshare owners.

Reference: House Bill 575 by Representative Stan McClain (R-Ocala) and Senate Bill 1216 by Senator Travis Hutson (R-Palm Coast).

House Bill 575 died in Commerce Committee. Senate Bill 1216 died in Community Affairs Committee.

“Whatever you are, be a good one.”

-Abraham Lincoln

TRUST

Trusts

(HB 1001 / SB 1368)

Description: This legislation revises provisions of the Florida Trust Code to extend the rule against perpetuities, trustee duties, methods of notice, representation by parents, noncharitable trusts, trust accounting and grantor trust reimbursements. House Bill 1001 and Senate Bill 1368 update Florida's rule against perpetuities by extending the time in which the trust must vest from 360 years to 1,000 years. It also authorizes a family trust company trustee to provide financial statements in lieu of an annual trust in certain circumstances, extends the right of a parent to represent or bind their grandchildren, authorizes service of a notice or document via email, and clarifies the applicability of a statute relating to a trustee's reimbursement to a grantor trust's grantor for tax payments made by the grantor.

Impact: This legislation aims to clarify certain provisions of the Florida Trust Code and to make the statute more effective for trustees and their clients.

Reference: House Bill 1001 by Representative Mike Beltran (R-Valrico)

and Senate Bill 1368 by Senator Joe Gruters (R-Sarasota).

House Bill 1001 was substituted for Senate Bill 1368, which passed both the House and Senate Chambers. Senate Bill 1368 was approved by the Governor. Please see Chapter No. 2202-96, Laws of Florida. The effective date of the bill is July 1, 2022.

Estates and Trusts

(HB 625 / SB 1502)

Description: House Bill 625 and Senate Bill 1502 prevent creditors from the requirement of filing a separate claim against an estate if a current and similar action exists. The bill also provides that certain trust assets are deemed to be distributed for tax purposes, even if the beneficiary predeceases the grantor spouse. The bill also permits a trust instrument to state the process of resignation for a trustee as long as certain notice requirements are still met.

Impact: The bill removes requirements for duplicate filings and allows trustees to determine how to resign from trust administration. The bill also avoids unintended tax consequences for Spousal Lifetime Access trusts.

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Reference: House Bill 625 by Representative Thad Altman (R-Indian Harbour Beach) and Senate Bill 1502 by Senator Bobby Powell (R-Palm Beach).

House Bill 625 was substituted for Senate Bill 1502, which passed both the House and Senate Chambers. Senate Bill 1502 was approved by the Governor. Please see Chapter No. 2022-101, Laws of Florida. The effective date of the bill is July 1, 2022.

“Whatever title or office we may be privileged to hold, it is what we do that defines who we are ... Each of us must decide what kind of person we want to be—what kind of legacy that we want to pass on.”

*- Queen Rania Al
Abdullah of Jordan*

CONSUMER PROTECTION

Consumer Finance Loans (HB 123 / SB 546)

Description: House Bill 123 and Senate Bill 546 amend the Florida Consumer Finance Act to:

- Prohibit prepayment penalties for consumer finance loans;
- Authorize an applicant for licensure as a consumer finance lender to provide a surety bond, certificate of deposit, or letter of credit in the amount of at least \$25,000 in lieu of current application requirement, and
- Require a business with at least one licensed location to provide a ride/surety bond of at least \$5,000 for each additional license.

Impact: House Bill 123 and Senate Bill 546 provide appropriate regulation for providers who offer these types of loans. Financial institutions are not impacted by these changes.

Reference: House Bill 123 by Representative Cyndi Stevenson (R-St. Augustine) and Senate Bill 546 by Senator Joe Gruters (R-Sarasota).

House Bill 123 was substituted for Senate Bill 546, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The effective date of the bill is October 1, 2022.

Contacting Consumer Debtors (HB 1153 / SB 1424)

Description: House Bill 1153 and Senate Bill 1424 prohibit contacting debtors regarding a debt that arose from documented domestic, elder, and/or economic abuse or as a result of human trafficking.

Impact: This legislation aims to protect persons who have experienced abuse from harassing phone calls.

Reference: House Bill 1153 by Representative Jackie Toledo (R-Tampa) and Senate Bill 1424 by Senator Ana Maria Rodriguez (R-Doral).

House Bill 1153 died in Insurance and Banking Subcommittee. Senate Bill 1424 died in Banking and Insurance Committee

**Telephone Solicitation
(HB 1095 / SB 1564)**

Description: This legislation authorizes use of automated systems with live messages or text messages in certain circumstances. It also provides limitations, exceptions, and prohibitions regarding certain telephonic sales calls.

Impact: This legislation aims to protect consumers by prohibiting robocalls without prior express written consent of the called party.

Reference: House Bill 1095 by Representative Mike Beltran (R-Valrico) and Senate Bill 1564 by Senator Travis Hutson (R-Palm Coast).

House Bill 1095 died on Second Reading. Senate Bill 1564 died in Messages.

**Acceptance of Cash Payments by
Businesses
(HB 233 / SB 408)**

Description: House Bill 233 and Senate Bill 408 require certain businesses to accept cash payments for services and prohibit fees or conditions for such transactions, with some exceptions.

Impact: This legislation aims to protect consumer's rights by requiring certain businesses to accept payments in the form of cash, without a charging a penalty.

Reference: House Bill 233 by Representative Matt Willhite (D-Wellington) and Senate Bill 408 by Senator Shevrin Jones (D-Miami Gardens).

House Bill 233 died in Insurance and Banking Subcommittee. Senate Bill 408 died in Commerce and Tourism Committee.

“The greatest leader is not necessarily the one who does the greatest things. He is the one that gets the people to do the greatest things.”

- Ronald Reagan

INSURANCE

Property Insurance (HB 1307 / SB 1728)

Description: House Bill 1307 and Senate Bill 1728 revise Citizens Property Insurance Corporation to provide an annual rate increase and threshold changes to make the state-run insurance company more actuarially sound. The bill also provides authorization for insurers to add a separate roof deductible as a condition of eligibility of renewal of a residential property insurance policy if all included conditions are met. Hurricane coverage is excluded from this roof deductible requirement.

Impact: This legislation aims to make Citizens' business model more structurally sound and looks to resolve roof replacement issues for Floridians.

Reference: House Bill 1307 by Representatives Mike Giallombardo (R-Cape Coral) and Tommy Gregory (R-Bradenton) and Senate Bill 1728 by Senator Jim Boyd (R-Bradenton).

House Bill 1307 died on Second Reading. Senate Bill 1728 died on Second Reading.

Citizens Property Insurance Corporation (SB 186)

Description: Senate Bill 186 revises current statutes regarding Citizens Property Insurance Corporation (CPIC) eligibility criteria, rates, assessment surcharges, depopulation programs, producing agent commission, and confidentiality exceptions. The bill:

- Makes it a requirement that CPIC merge their Personal Lines, Commercial Lines, and Coastal Accounts if financing obligations are no longer outstanding;
- Provides that CPIC residential policyholders are ineligible for renewal if an offer of coverage is received from an authorized insurer, unless that offer is more than 20% greater than the CPIC renewal premium for comparable coverage;
- Increases the maximum surcharge that may be levied on CPIC policyholders in certain circumstances;
- Provides framework regarding receiving a policy from an unsound insurer;
- Authorizes surplus lines insurers to participate in CPIC

depopulation, take-out, and keep-out plans in certain circumstances;

- Defines “primary residence” as it relates to qualifying for Citizens’ coverage;
- Limits the commissions that CPIC may pay to producing agents, and
- Clarifies exceptions for CPIC underwriting and confidentiality claim files.

Impact: Citizens Property Insurance Corporation (CPIC) is a state-created, nonprofit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage. This legislation takes aim at sustainability issues the CPIC is currently facing, including an overabundance of policyholders.

Reference: Senate Bill 186 by Senator Jeff Brandes (R-St. Petersburg).

Senate Bill 186 died in Appropriations Committee.

Insurance (HB 503 / SB 468)

Description: House Bill 503 and Senate Bill 468 amend the following provisions in insurance-related statutes:

- Modifies when a collateral protection insurance policy is eligible for Florida Hurricane Catastrophe Coverage;
- Allows the Office of Insurance Regulation (OIR) to conduct background checks on persons if the aggregate ownership by such persons exceeds 10% of a newly established insurer or an existing stock insurer;
- Authorizes meetings via technology;
- Adds to the list of designations that exempt an applicant for all-lines adjuster licensure from the passage of a written exam before being licensed;
- Modifies the notice requirement for insurers to make a change in the amount of the premium by automatic bank withdrawal from an increase of any amount to increases greater than \$10 and also reduces the notice that must be given from 15 days to 10 days;
- Authorizes electronic transmission of policy documents;

- Allows insurers to give mitigation credit for complying with standards developed by an independent, scientific research organization;
- Requires an automobile policy that does not provide coverage for bodily injury liability and property damage liability, to include notice in the declarations page, and
- Provides that the term “assignment agreement” does not include an instrument by which a public adjuster is compensated for their services.

Impact: This legislation makes a number of adjustments to protect insurance policyholders and promote efficiency for insurers.

Reference: House Bill 503 by Representative Tommy Gregory (R-Bradenton) and Senate Bill 468 by Senator Keith Perry (R-Gainesville).

House Bill 503 died on the Table. Senate Bill 468 died in returning Messages.

Insurer-Members of Federal Home Loan Banks (HB 1405 / SB 1888)

Description: House Bill 1405 and Senate Bill 1888 provide automatic stays in delinquency proceeding initiated by DFS against federal home loan bank insurer-members and prohibits banks from being stayed or precluded from certain rights. These bills also require banks to provide specified processes and establish timelines and prohibits receivers for federal home loan bank insurer-members from voiding transfers or obligations to make specified transfers relating to federal home loan security agreements.

Impact: This legislation adds additional statutory guidelines for insurer-members of the Federal Home Loan Bank.

Reference: House Bill 1405 by Representative James Buchanan (R-North Port) and Senate Bill 1888 by Senator Joe Gruters (R-Sarasota).

House Bill 1405 died in House Insurance and Banking Subcommittee. Senate Bill 1888 died in Senate Banking and Insurance Subcommittee.

**Property Insurer Reimbursements
(HB 695 / SB 1058)**

of Florida. The effective date of the bill is July 1, 2022.

Description: The bill amends the conditions under which a collateral protection insurance policy, which is insurance placed by an insurer when a homeowner's policy on the property has lapsed, is eligible for Florida Hurricane Catastrophe Fund (FHCF) coverage. The bill provides that a collateral protection insurance policy is eligible for FHCF coverage if it is placed for the amount of the last known coverage, the amount that the homeowner was notified of by the collateral protection insurer, or the amount that the homeowner requests from the collateral protection insurer.

Impact: Under the proposed legislation, more uninsured Floridians in Citizens are eligible for FHCF property insurance coverage.

Reference: House Bill 695 by Representative Cyndi Stevenson (R-St. Augustine) and Senate Bill 1058 by Senator Travis Hutson (R-Palm Coast).

House Bill 695 was substituted for Senate Bill 1058, which passed both the House and Senate Chambers. Senate Bill 1058 was approved by the Governor. Please see Chapter No. 2022-132, Laws

"You may have to fight a battle more than once in order to win it."

- Margaret Thatcher

OTHER IMPACTFUL LEGISLATION

Individual Freedom (HB 7 / SB 148)

Description: House Bill 7 and Senate Bill 148 amend the Florida Civil Rights Act to prohibit subjecting a person, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, or compels such individual to believe that members of one race, color, sex, or national origin are superior to one another, inherently racist, sexist, or oppressive, privileged or oppressed, or bear personal responsibility for actions committed in the past. It also prohibits any discussion, training, or instruction that may illicit feelings of guilt, anguish, or psychological distress to an individual on the basis of their color, sex, or national origin in which the individual played no part in and was committed by other members of the same race, color, sex, or national origin. A private legal action may be filed by persons alleging an entity has violated the statute. The bill applies to businesses, both public and private, that employ at least 15 employees as well as public schools.

Impact: This legislation aims to protect Floridians from undue discrimination on the basis of race, color, sex, or national origin.

Reference: House Bill 7 by Representative Bryan Avila (R-Hialeah) and Senate Bill 148 by Senator Manny Diaz (R-Hialeah Gardens).

Senate Bill 148 was substituted for House Bill 7, which passed both the House and Senate Chambers. House Bill 7 was approved by the Governor. Please see Chapter No. 2022-72, Laws of Florida. The effective date of the bill is July 1, 2022.

Value of Motor Vehicles Exempt from Legal Process (HB 265 / SB 528)

Description: This legislation increases the exempted value of motor vehicles owned by debtors in bankruptcy procedures. It increases the maximum value of a motor vehicle that may be exempted from legal process in a bankruptcy case from \$1,000 to \$5,000.

Impact: This legislation aims to provide debtors in bankruptcy proceedings with

additional exemption value for a motor vehicle.

Reference: House Bill 265 by Representatives Christopher Benjamin (D-Miami Gardens) and Michael Gottlieb (D-Sunrise) and Senate Bill 528 by Senator Tina Polsky (D-Boca Raton).

Senate Bill 528 was substituted for House Bill 265, which passed both the House and Senate Chambers, but was vetoed by the Governor.

Uniform Commercial Code (HB 519 / SB 336)

Description: House Bill 519 and Senate Bill 336 address a potential conflict between Florida’s Uniform Commercial Code and statutes that govern the transferability of ownership interests in general, limited, and limited liability partnerships. The bill provides that the override provisions set out in Article 9 do not apply to a security interest in an ownership interest in a general partnership, a limited partnership, or an LLC. This removes any potential conflict between these sections and the “pick your partner principle” and promotes the freedom of the owners in a

partnership or LLC to contract with their partner of choice.

Impact: This legislation aims to address and update current statutes to align Florida statutes with other states that have adopted the Uniform Commercial Code. The extended effective date of this legislation allows for the education of lenders regarding new changes.

Reference: House Bill 519 by Representative Thomas Leek (R-Daytona Beach) and Senate Bill 336 by Senator Lori Berman (D-Boynton Beach).

House Bill 519 was substituted for Senate Bill 336, which passed both the House and Senate Chambers. Senate Bill 336 was approved by the Governor. Please see Chapter No. 2022-119, Laws of Florida. The effective date of the bill is January 1, 2023.

Tax Discount Percentage Rates (HB 839 / SB 1152)

Description: House Bill 839 and Senate Bill 1152 revise tax discount percentage rates for all taxes collected by the county tax collector. Discounts for payments

made before delinquency shall be at the rate of:

- 6% in the month of November or any time within 30 days after sending the original tax notice;
- 5% in the month of December;
- 4% in the month of January;
- 3% in the month of February;
- 1% within the first 10 days in the month of March, and
- 0% after the first 10 days of March.

Impact: This legislation aims to encourage Floridians to pay their taxes in a timely manner.

Reference: House Bill 839 by Representative Jason Fischer (R-Jacksonville) and Senate Bill 1152 by Senator Ana Maria Rodriguez (R-Doral).

House Bill 839 died in Local Administration and Veterans Affairs Subcommittee. Senate Bill 1152 died in Community Affairs Committee.

Service of Process (HB 545 / SB 1062)

Description: House Bill 545 and Senate Bill 1062 amend laws governing service of process to provide guidance in situations when delivery is difficult and/or unattainable by conventional means. It also provides a framework for situations when an individual or entity resides in a foreign country or an individual is medically incompetent.

Impact: This legislation aims to modernize existing laws governing legal service of process difficulties.

Reference: House Bill 545 by Representative Mike Beltran (R-Valrico) and Senate Bill 1062 by Senator Jennifer Bradley (R-Orange Park).

House Bill 545 was substituted for Senate Bill 1062, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The effective date of the bill is January 2, 2023.

**Local Business Protection Act
(HB 569 / SB 620)**

Description: House Bill 569 and Senate Bill 620 authorize qualifying businesses to sue and claim business damages from a county or municipality if an ordinance or charter provision is enacted that results in at least a 15% loss of profits to the business. Local governments have the ability to cure by amending or repealing their actions within a 180-day settlement period. A prevailing business may be awarded damages and attorney fees from the county or municipality, however a prevailing county or municipality may not.

Impact: This legislation will protect businesses from harmful government ordinances which would economically destroy the business.

Reference: House Bill 569 by Representative Lawrence McClure (R-Plant City) and Senate Bill 620 by Senator Travis Hutson (R-Palm Coast).

House Bill 569 was substituted for Senate Bill 620, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The law takes effect upon becoming law.

**Internal Revenue Service Reporting
Requirements
(HB 641 / SB 982)**

Description: This memorial bill urges the Congress of the United States to oppose the proposed harmful and intrusive Internal Revenue Service (IRS) reporting requirements placed on financial institutions, small businesses, and consumers.

Impact: This memorial makes an official statement to Congress against overly burdensome IRS reporting requirements for financial institutions.

Reference: House Bill 641 by Representative Bob Rommel (R-Naples) and Senate Bill 982 by Senator Manny Diaz (R-Hialeah Gardens).

House Bill 641 was substituted for Senate Bill 982, which passed both the House and Senate Chambers and has been signed by Officers and filed with the Secretary of State.

Service of Process (SB 750)

Description: Senate Bill 750 establishes requirements for employers to facilitate service of process of their employees to accept service. The bill also provides penalties for those who fail to facilitate such service and clarifies the responsibilities of persons in charge of maintaining private mailboxes, virtual offices, executive offices, and mini suites to disclose certain information.

Impact: This legislation aims to prevent individuals from using employers to subvert legal service of process.

Reference: Senate Bill 750 by Senator Ana Maria Rodriguez (R-Doral).

Senate Bill 750 died in Judiciary Committee.

Tax Administration (HB 1041 / SB 1382)

Description: House Bill 1041 and Senate Bill 1382 revise current statutes relating to the Department of Revenue's rights and obligations before, during, and after an audit. This bill:

- Expands the department's authority to serve, suspend, and revoke subpoenas in certain circumstances;
- Clarifies activities that the department may engage in during the 60-day waiting period after notifying the taxpayer of the audit;
- Excludes documents withheld during an audit from being entered into evidence during litigation, and
- Clarifies that failure of a taxpayer to provide documents in certain circumstances creates a presumption that the proposed final action by the department is correct.

Impact: The legislation aims to help the Department of Revenue to carry out its duties and responsibilities regarding financial audits.

Reference: House Bill 1041 by Representative Cyndi Stevenson (R-St. Augustine) and Senate Bill 1382 by Senator Joe Gruters (R-Sarasota).

House Bill 1041 was substituted for Senate Bill 1382, which passed both the House and Senate Chambers and is

awaiting approval by the Governor. The effective date of the bill is July 1, 2022.

Sales of Tax Certificates (HB 977 / SB 1256)

Corporate Income Tax (HB 7071 / SB 1090)

Description: House Bill 7071 and Senate Bill 1090 update Florida's Corporate Income Tax Code by adopting provisions of the federal Internal Revenue Code that went into effect on January 1, 2022. The bill also allows taxpayers to use the bonus depreciation deduction for property in taxable years beginning on January 1, 2023

Impact: This legislation aims to positively impact Florida corporations and taxpayers.

Reference: House Bill 7071 by the Ways and Means Committee and Representative Bobby Payne (R-Palatka) and Senate Bill 1090 by Senator Joe Gruters (R-Sarasota).

Senate Bill 1090 was substituted for House Bill 7071, which passed both the House and Senate Chambers. House Bill 7071 was approved by the Governor. Please see Chapter No. 2022-97, Laws of Florida. The effective date of the bill is July 1, 2022.

Description: House Bill 977 and Senate Bill 1256 provide a declaration of public policy concerning the sale of tax certificates. The bills remove the ability for tax collector to require a deposit bid on tax certificates and provide that a tax certificate bidder who fails to pay is not prohibited from bidding in the future. The bills also repeal provisions concerning the commission due to the tax collector when a certificate is sold and adds definitions for terms such as "beneficial owner" and "legal entity".

Impact: This legislation aims to provide regulation in regards to selling, purchasing, and bidding on tax certificates.

Reference: House Bill 977 by Representative Mike Caruso (R-Boca Raton) and Senate Bill 1256 by Senator Joe Gruters (R-Sarasota).

House Bill 977 died in Ways and Means Committee. Senate Bill 1256 died in Community Affairs Committee.

**Unlawful Activities Under the
Uniform Commercial Code-Sales
(HB 313 / SB 1312)**

Description: House Bill 313 and Senate Bill 1312 provide a statutory cause of action for the tort of tortious interference. This bill provides that it is unlawful for any person to intentionally and unjustly cause the breach of a lawful contract by any party or interfere with or disrupt a business relationship.

Impact: This legislation adds further penalties against those who intentionally interfere with a contract or business relationship.

Reference: House Bill 313 by Representative Jenna Persons-Mulicka (R-North Port) and Senate Bill 1312 by Senator Ben Albritton (R-Bartow).

House Bill 313 died in Regulatory Reform Subcommittee. Senate Bill 1312 died in Commerce and Tourism Committee.

“The only safe ship in a storm is leadership.”

- Faye Wattleton

**Civil Actions for Deprivations of
Rights, Privileges, or Immunities
(HB 829 / SB 1342)**

Description: House Bill 829 and Senate Bill 1342 provide a cause of action for deprivation of certain rights and privileges under the State Constitution and waive sovereign immunity for such suits. These bills also outline the damages and reasonable attorney costs, including expert witness fees and contingency fees, owed to the prevailing party and prohibits the granting of injunctive relieve against a judicial officer in certain circumstances.

Impact: This legislation aims to provide Floridians with legal protection of their rights and privileges under the State Constitution.

Reference: House Bill 829 by Representative Cord Byrd (R-Jacksonville Beach) and Senate Bill 1342 by Senator Manny Diaz (R-Hialeah Gardens).

House Bill 829 died in Public Integrity and Elections Committee. Senate Bill 1342 died in Judiciary Committee.

**Guardianship Data Transparency
(HB 1349 / SB 1710)**

Description: This legislation requires the Florida Clerks of Court Operations Corporation (CCOC) and Clerks of Court to establish a database of guardians which may only be accessed by judges, judicial staff, and the clerks of the court. Using this data also requires the CCOC to generate quarterly reports to the Office of Program Policy Analysis and Governmental Accountability (OPPAGA) to evaluate trends in guardianships.

Impact: This legislation aims to streamline the guardianship process by creating a singular, universal guardian database, where this data can also be utilized to predict and evaluate current trends.

Reference: House Bill 1349 by Representative Linda Chaney (R-St. Petersburg) and Senate Bill 1710 by Senator Jennifer Bradley (R-Orange Park).

Senate Bill 1710 was substituted for House Bill 1349, which passed both the House and Senate Chambers and is awaiting approval by the Governor. The effective date of the bill is July 1, 2022.

**Taxation
(SB 1610)**

Description: Senate Bill 1610 provides property tax relief to parcel owners who have experienced and been affected by an unforeseen residential building collapse. Tax collectors are required to abate all property taxes and non-ad valorem assessments for each affected parcel and parcel owners are not required to remit payment.

Impact: This legislation aims to provide tax relief to Floridians who have experienced a catastrophic building collapse.

Reference: Senate Bill 1610 by Senator Ana Maria Rodriguez (R-Doral).

Senate Bill 1610 was added to the Tax Package, House Bill 7071.

**Statewide Flooding and Sea Rise
Resilience
(HB 7053 / SB 1940)**

Description: This legislation creates a Statewide Office of Resilience within Executive Office of the Governor, which will be headed by a Chief Resilience Office appointed by the Governor. This bill revises current states relating to

statewide resiliency funding and planning, including authorizing the use of Resilient Florida Grant Program funds to finance reconstruction activities for Statewide Flooding and Sea Level Rise Resilience Plan projects in counties and municipalities meeting certain criteria.

Impact: This legislation aims to make flood mitigation a critical part of Florida’s public safety infrastructure.

Reference: House Bill 7053 by Representative Demi Busatta Cabrera (R-Coral Gables) and Senate Bill 1940 by Senator Jason Brodeur (R-Lake Mary).

Senate Bill 1940 was substituted for House Bill 7053, which passed both the House and Senate Chambers. House Bill 7053 was approved by the Governor. Please see Chapter No. 2022-96, Laws of Florida. The effective date of the bill is July 1, 2022.

*“The achievements of an organization are the results of the combined effort of each individual.”
- Vince Lombardi*

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