

DAILY BRIEF

For the 2021 Legislative Session



FROM APRIL 20, 2021

ENERGY

SB 856 - Relating to Express Preemption of Fuel Retailers and Related Transportation Infrastructure

On Tuesday, April 20, [SB 856](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Rules Committee and was reported favorable with 11 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill centralizes energy infrastructure regulation by expressly preempting energy infrastructure regulation to the state. The bill prohibits local governments from implementing any law, ordinance, regulation, policy, or resolution that prohibits, restricts, or requires the construction of new energy infrastructure or the expansion, upgrading, or repair of existing energy infrastructure, or imposing any requirement regulating energy infrastructure that is more stringent than state law or rule. The bill voids any regulations enacted before the effective date of July 1, 2021.

SB 856 will now go to the Senate floor for consideration.

AIF supports legislation that removes onerous regulations on Florida businesses that will streamline operations and allow these entities to operate on a statewide regulation basis rather than a patchwork of local ordinances.

SB 1128 - Relating to Preemption Over Restriction of Utility Services

On Tuesday, April 20, [SB 1128](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Rules Committee and was reported favorable with 14 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill preempts municipalities, counties, special districts, or other political subdivisions from restricting utility service choice, regardless of fuel source. The bill prohibits these entities from enacting or enforcing any resolutions, ordinances, rules, codes, or policies that restrict a property

owner, tenant, or utility service customer's choice of utility service type from a utility service provider that serves the affected property.

SB 1128 will now go to the Senate floor for consideration.

AIF supports legislation that enhances free market decisions by consumers and allows Florida businesses equal opportunity to serve and operate in the various corners of the state.

HB 839 – Relating to Express Preemption of Fuel Retailers and Related Transportation Infrastructure

On Tuesday, April 20, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was read a second time on the House floor and was rolled to third reading.

The bill preempts the regulation of transportation energy infrastructure to the state, and specifies that any existing or future law, ordinance, regulation, policy, or resolution that is contrary to the preemption is void. Specifically, the bill prohibits local governments from:

- Prohibiting the redevelopment of a fuel retailer or the necessary related transportation infrastructure within that specific local government's entire jurisdiction;
- Any action resulting in a de facto jurisdiction-wide prohibition against a fuel retailer or related and necessary transportation infrastructure; and
- Mandating any required infrastructure on a fuel retailer, including electric vehicle charging stations.

The bill does not preempt a municipality, county, special district, or political subdivision from adopting and implementing ordinances, regulations, policies, or resolutions on the siting, development, or redevelopment of fuel retailers or necessary related transportation infrastructure that are consistent with other allowable uses and general law.

HB 839 will now be read a third time on the House floor and will receive votes.

AIF supports legislation that removes onerous regulations on Florida businesses that will streamline operations and allow these entities to operate on a statewide regulation basis rather than a patchwork of local ordinances.

LEGAL & JUDICIAL

SB 1876 - Relating to Relief from Burdens on Real Property Rights

On Tuesday, April 20, [SB 1876](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Rules Committee and was reported favorable with 10 yeas and 5 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill amends the Bert J. Harris, Jr., Private Property Rights Protection Act and the Florida Land Use and Environmental Dispute Resolution Act. Both acts provide procedures and remedies to landowners whose property is inordinately burdened by a local government regulation.

SB 1876 will now go to the Senate floor for consideration.

AIF supports legislation that protects the rights of Florida property owners and the businesses unnecessarily burdened by government overreach.