

DAILY BRIEF

For the 2021 Legislative Session



FROM APRIL 22, 2021

AGRICULTURE

SB 88 – Relating to Farming Operations

On Thursday, April 22, [SB 88](#) by Senator Jason Brodeur (R-Sanford) was read a third time on the House floor and passed with 110 yeas and 7 nays.

The bill amends and strengthens the Florida Right to Farm Act, which is intended to protect reasonable agricultural activities conducted on farmland from nuisance lawsuits. The bill provides stronger liability protections to farms that comply with best management practices and environmental regulations, and:

- Adds Agritourism to the list of practices protected by the Right to Farm Act;
- Institutes parameters regarding punitive and compensatory damages; and
- Limits eligibility to file a lawsuit to individuals located within one half mile of the activity.

SB 88 will now go to the Governor.

AIF supports legislation that protects Florida’s farmers and helps to eradicate bad faith litigation which drives up the cost of doing business, insurance rates, and negatively affects those providing food and resources to the state.

ENERGY

SB 856 & HB 839 – Relating to Express Preemption of Fuel Retailers and Related Transportation Infrastructure

On Thursday, April 22, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was substituted for [SB 856](#) by Senator Travis Hutson (R-Palm Coast) on the Senate 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 Senate floor and 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.

HB 919 – Relating to Preemption Over Restriction of Utility Services

On Thursday, April 22, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was substituted for SB 1128 by Senator Travis Hutson (R-Palm Coast) on the Senate floor and was rolled to third reading.

The bill preempts municipalities, counties, special districts, or other political subdivisions of the state 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.

HB 919 will now be read a third time on the Senate floor and receive votes.

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.

HEALTH CARE

HB 485 – Relating to Personal Care Attendants

On Thursday, April 22, [HB 485](#) by Representative Sam Garrison (R-Orange Park) was read a third time on the House floor and passed with 106 yeas and 11 nays.

Also on Thursday, HB 485 was substituted for SB 1132 by Senator Aaron Bean (R-Jacksonville) on the Senate floor and was rolled to third reading.

The bill will allow nursing homes to employ personal care attendants (PCA) and to allow a PCA to work as a nursing assistant (and count as a certified nursing assistant (CNA) for the purposes of staffing requirements) for a period of up to four months if the PCA is participating in the PCA training program established by the Agency for Health Care Administration in consultation with the Board of Nursing. The training program must consist of at least 16 hours of education which will lead to a PCA becoming a CNA. The bill defines a PCA as a person who provides care to and assists residents with tasks related to the activities of daily living and prohibits a PCA from performing any task that requires clinical assessment, interpretation, or judgment, or from working as a PCA for more than one nursing home before becoming a CNA.

The bill also specifies that a PCA must complete the 16 hours of education prior to having any direct contact with a resident.

HB 485 will now be read a third time on the Senate floor and receive votes.

AIF supports legislative efforts that expand access to care and keep health care costs low for Florida businesses.

TRANSPORTATION

SB 566 – Relating to Motor Vehicle Rentals

On Thursday, April 22, [SB 566](#) by Senator Keith Perry (R-Gainesville) was heard read a second time on the Senate floor and was rolled to third reading.

A person renting a car in Florida is levied a \$2 per day rental car surcharge. The 6% sales tax is also due on the transaction. Peer-to-peer car sharing programs are app-based platforms where owners list and rent out their personal vehicle. However, these businesses are not collecting the rental car surcharge or the 6% sales tax which is already due in Florida. The proceeds from the rental car surcharge paid by consumers who rent vehicles builds and maintains the state's infrastructure, which is very important to Florida businesses statewide.

The bills clarify that rental transactions made on peer-to-peer car sharing platforms are subject to a \$1 per day surcharge and sales taxes. It also establishes operational and insurance requirements for peer-to-peer vehicle sharing programs to protect consumers.

SB 566 will now be read a third time on the Senate floor and receive votes.

AIF supports the proposed measures in this bill to hold all rental car services accountable, regardless of how the vehicle is accessed.