

# DAILY BRIEF

*For the 2021 Legislative Session*



**FROM APRIL 26, 2021**

## **ECONOMIC DEVELOPMENT**

### **HB 1239 – Relating to Broadband Internet Infrastructure**

On Monday, April 26, [HB 1239](#) by Representative Josie Tomkow (R-Auburndale) was read a third time on the House floor, was amended, and passed unanimously with 114 yeas and 0 nays.

The amended bill provides a procedure for access by broadband providers for attachments to utility poles of municipal electric utilities. It directs the Florida Office of Broadband to create a strategic plan to increase broadband Internet services in the state. Additionally, the bill provides a grant program for providers who seek to expand broadband Internet services to unserved areas of the state.

HB 1239 will now go to the Senate for consideration.

**AIF supports increased access to broadband internet as quality connectivity has become imperative to business operations across the state, especially during a time when so many businesses are operating remotely.**

## **EMPLOYERS**

### **SB 912 – Relating to Tolling and Extension of Permits and Other Authorizations During States of Emergency**

On Monday, April 26, [SB 912](#) by Senator Ben Albritton (R-Bartow) was read a second time on the House floor, was amended, and was rolled to third reading.

The bill adds certain permits and development agreements, including consumptive use permits and local government development agreements, to the current emergency tolling statute. The tolling statute allows for the tolling of the time of the state of emergency plus an additional six months. For example, if a state of emergency is declared for a hurricane that lasts for two months, at the end of the state of emergency, a permit holding entity can exercise the tolling option and

receive those two months back to the permitted time allotment and add on an additional six months. The bill is retroactive to include the entirety of the COVID-19 state of emergency.

SB 912 will now be read a third time on the House floor and receive votes.

**AIF supports legislation that prevents Florida businesses from being penalized on permitted time due to a state of emergency that is out of their control. Economic recovery after an emergency is imperative and businesses drive recovery via employment and production, none of which is possible if an operating permit has expired.**

## ENERGY

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

On Monday, April 26, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was read a third time on the Senate floor and passed with 26 yeas and 12 nays.

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 go to the Governor.

**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 Monday, April 26, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was read a third time on the Senate floor and passed with 27 yeas and 13 nays.

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 go to the Governor.

**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 Monday, April 26, [HB 485](#) by Representative Sam Garrison (R-Orange Park) was read a third time on the Senate floor and passed with 32 yeas and 7 nays.

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 go to the Governor.

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

## LEGAL & JUDICIAL

### **SB 1876 & HB 421 – Relating to Relief from Burdens on Real Property Rights**

On Monday, April 26, [HB 421](#) by Representative Kaylee Tuck (R-Sebring) was substituted on the Senate floor for [SB 1876](#) by Senator Ben Albritton (R-Bartow) and passed with 34 yeas and 6 nays.

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.

HB 421 will now go back to the House for consideration.

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

## TRANSPORTATION

### **SB 566 – Relating to Motor Vehicle Rentals**

On Monday, April 26, [SB 566](#) by Senator Keith Perry (R-Gainesville) was read a third time on the Senate floor and passed with 28 yeas and 12 nays.

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 bill clarifies 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 go to the House for consideration.

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

### **SB 100 – Relating to Highway Projects**

On Monday, April 26, [SB 100](#) by Senator Gayle Harrell (R-Stuart) was read a second time on the House floor and was rolled to third reading.

The bill repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) Program but retains the associated funding within the State Transportation Trust Fund. The bill draws on the recommendations of the M-CORES task forces and prioritizes strategic improvements to existing highway facilities. The bill builds on a primary focus of the M-CORES task forces to maximize the use of existing facilities to evaluate existing roadways or portions of existing roadways for development, upgrades, and improvements.

SB 100 will now be read a third time on the House floor and receive votes.

**AIF supports efforts to reassess and update Florida’s existing roadway infrastructure that businesses rely on to move products and resources which further drives economic development in the state.**