

# WEEKLY UPDATE



*For the 2021 Legislative Session*

**FROM MARCH 5, 2021**

Welcome back for the first week of the 2021 Legislative Session. Below is a brief synopsis of this week's legislative action important to the business community.

## **AGRICULTURE**

### **SB 88 - Relating to Farming Operations**

On Thursday, March 4, [SB 88](#) by Senator Jason Brodeur (R-Sanford) 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 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 Senate floor for consideration.

**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.**

## **ENVIRONMENT**

### **SB 94 - Relating to Water Storage North of Lake Okeechobee**

On Tuesday, March 2, [SB 94](#) by Senator Jason Brodeur (R-Sanford) was heard by the Senate Environment and Natural Resources Committee and was reported favorable with 5 yeas and 0 nays. **AIF stood in support of this legislation.**

The bill requires the South Florida Water Management District in partnership with the U.S. Army Corps of Engineers to expedite implementation of the Lake Okeechobee Watershed Restoration Project (LOWRP). The LOWRP is a project that provides water storage north of Lake Okeechobee.

SB 94 will now go to the Senate Appropriations Committee.

**AIF supports efforts to capture and store water north of Lake Okeechobee which will support the reduction of harmful discharges from the lake thus preserving Florida's most important natural resource and the businesses that depend on clean water.**

## LEGAL & JUDICIAL

### **SB 72 – Relating to Civil Liability for Damages Relating to COVID-19**

On Tuesday, March 2, [SB 72](#) by Senator Jeff Brandes (R-St. Petersburg) was heard by the Senate Commerce and Tourism Committee and was reported favorable with 7 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill provides civil immunity from COVID-19 liability to businesses, educational institutions, religious institutions, governmental entities, and other covered entities that acted in good faith during the COVID-19 pandemic. The bill protects reasonably acting entities and institutions so that they can predict their COVID-19-related litigation risks, remain viable, and continue to contribute to the state's well-being.

SB 72 will now go to the Senate Rules Committee.

**AIF supports legislation that protects the Florida business community from frivolous and costly litigation by plaintiffs suing to settle that drives up the cost of doing business and deters further economic growth in the state.**

### **HB 7005 – Relating to Civil Liability for COVID-19 Related Claims Against Certain Health Care Providers**

On Tuesday, March 2, [HB 7005](#) (formerly PCB HHS1) sponsored by the House Health & Human Services Committee was heard by the House Pandemics & Public Emergencies Committee and was reported favorable with 12 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in support of this legislation.**

The bill provides heightened liability protections to health care providers for negligence claims by patients and residents arising under the existing laws that govern medical malpractice and long-term care facilities related to:

- Contracting COVID-19;
- Injury due to delay or omission in scheduling surgery or an act or omission in providing care for a medical condition due to a lack of resources caused by COVID-19;
- Novel or experimental COVID-19 treatment given to a COVID-19 patient; or
- Treatment of a COVID-19 patient whose injuries were related to an exacerbation of pre-existing conditions by COVID-19.

HB 7005 will now go to the House Judiciary Committee.

**AIF supports legislation that protects the Florida health care community, who has been on the frontline during this pandemic, from frivolous and costly litigation by plaintiffs suing to settle.**

#### **SB 74 – Relating to COVID-19-Related Claims Against Health Care Providers**

On Wednesday, March 3, [SB 74](#) by Senator Jeff Brandes (R-St. Petersburg) was heard by the Senate Health Policy Committee and was reported favorable with 5 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in support of this legislation.**

The bill limits civil claims against health care providers related to the COVID-19 pandemic and requires that the initial complaint in a COVID-19-related lawsuit be pled with particularity. The trial court must dismiss a case if not pled with particularity. The bill requires the claimant to prove that the health care provider was grossly negligent or engaged in intentional misconduct in failing to substantially comply with government health standards or guidance, in interpreting or applying the standards or guidance, or in the provision of a novel or experimental treatment. Additionally, a health care provider is immune from civil liability if supplies or personnel were not readily available to comply with the standards or guidance. A COVID-19-related claim against a health care provider must be commenced within 1 year.

SB 74 will now go to the Senate Rules Committee.

**AIF supports legislation that protects the Florida health care community, who has been on the frontline during this pandemic, from frivolous and costly litigation by plaintiffs suing to settle.**

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

On Wednesday, March 3, [SB 912](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Community Affairs Committee and was reported favorable with 9 yeas and 0 nays. **AIF stood in support of this legislation.**

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 go to the Senate Environment and Natural Resources Committee.

**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.**

## **HB 7 – Relating to Civil Liability for Damages Relating to COVID-19**

On Thursday, March 4, [HB 7](#) by Representative Lawrence McClure (R-Plant City) was read a second time on the House floor.

On Friday, March 5, HB 7 was read a third time on the House floor and passed with 83 yeas and 31 nays.

The bill provides civil immunity from COVID-19 liability to businesses, educational institutions, religious institutions, governmental entities, and other covered entities that acted in good faith during the COVID-19 pandemic. The bill protects reasonably acting entities and institutions so that they can predict their COVID-19-related litigation risks, remain viable, and continue to contribute to the state's well-being.

HB 7 will now go to the Senate for consideration.

**AIF supports legislation that protects the Florida business community from frivolous and costly litigation by plaintiffs suing to settle that drives up the cost of doing business and deters further economic growth in the state.**

## TAXATION

### **SB 50 – Relating to Sales and Use Tax**

On Thursday, March 4, [SB 50](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Appropriations Committee and was reported favorable with 18 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill requires marketplace providers and out-of-state retailers with no physical presence in Florida (such as online retailers) to collect Florida's sales tax on sales of taxable items delivered to purchasers in Florida if the marketplace provider or out-of-state retailer makes a substantial number of sales into Florida. A substantial number of remote sales means conducting any number of taxable remote sales in an amount exceeding \$100,000 during the previous calendar year.

SB 50 will now go to the Senate floor for consideration.

**AIF supports legislation that provides a level playing field for Florida's brick and mortar stores and online retailers.**

## TRANSPORTATION

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

On Wednesday, March 3, [SB 100](#) by Senator Gayle Harrell (R-Stuart) was heard by the Senate Transportation Committee and was reported favorable with 5 yeas and 3 nays. **AIF stood in support of this legislation.**

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 go to the Senate Appropriations Committee.

**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.**

### **SB 578 - Relating to Marina Evacuations**

On Thursday, March 4, [SB 758](#) by Senator Tom Wright (R-Port Orange) was heard by the Senate Rules Committee and was reported favorable with 16 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill prohibits, upon the issuance of a hurricane watch that affects marinas located in a deep-water seaport, vessels under 500 gross tons from remaining in the waters of marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deep-water seaport. Additionally, the bill grants the marina owner, operator, employee, or agent the right to remove vessels that have not been removed by the vessel owner. The bill also shields the marina from liability concerning the movement of the vessel.

SB 578 will now go to the Senate floor for consideration.

**AIF supports legislative efforts that protect Florida's seaport operators in the event of a hurricane. Florida's seaports are vitally important to economic development in the state and abroad and derelict vessels must not burden business operations in our ports.**