

# WEEKLY UPDATE



*For the 2021 Legislative Session*

**FROM MARCH 12, 2021**

## **AGRICULTURE**

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

On Thursday, March 11, [SB 88](#) by Senator Jason Brodeur (R-Sanford) was read a second time on the Senate floor and was amended.

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 and was placed on third reading where it will be voted on by the Senate.

**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.**

## **ECONOMIC DEVELOPMENT**

### **HB 947 - Relating to Dues and Uniform Assessments**

On Monday, March 8, [HB 947](#) by Representative Scott Plakon (R-Longwood) was heard by the House Government Operations Subcommittee and was reported favorable with 12 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The State Constitution of Florida forbids an employer from denying citizens the right to work based on membership or non-membership in any employee organization. This bill requires an

employee wanting to join a union to submit a signed membership authorization form and the union must revoke the membership if the employee submits a signed request for revocation. The union may not require a reason for the employee's decision to revoke membership.

The bill also requires an employee to submit a signed dues deduction form before an employer may deduct union dues from an employee's pay. The employer must confirm with the employee that the employee authorized the deduction.

HB 947 will now go to the House State Affairs Committee.

**AIF supports legislation that helps Florida compete for and protect workers and further enhances the economic development in the state.**

### **SB 1592 - Relating to Broadband Internet Infrastructure**

On Tuesday, March 9, [SB 1592](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Regulated Industries Committee and was reported favorable with 9 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill provides a procedure for access by broadband providers for attachments to utility poles of municipal electric utilities. It provides for the adoption of rates, terms, and conditions for the access to the poles consistent with federal requirements for pole attachments. Additionally, the bill prohibits municipal electric utilities from preventing broadband providers from using certain techniques and equipment in the installation of attachments which are done in accordance with established safety standards. The bill also prevents municipal electric utilities from requiring a broadband provider to comply with pole attachment specifications that exceed existing codes standards.

SB 1592 will now go to the Senate Finance and Tax Committee.

**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.**

### **SB 148 - Relating to Beverage Law**

On Tuesday, March 9, [SB 148](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Commerce and Tourism Committee and was reported favorable with 11 yeas and 0 nays. **AIF's**

**Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Under current law, qualifying restaurants may be licensed to sell beer, wine, and liquor for consumption on the premises only. This bill repeals the prohibition of sale for off-premises consumption of alcohol, thereby allowing restaurants to sell sealed containers of “alcohol-to-go” in conjunction with the sale of food on the same order.

SB 148 will now go to the Senate Rules Committee.

**AIF supports legislation removing antiquated regulations on restaurant and lodging establishments to encourage the development of new businesses and increase the financial success of existing businesses, especially during the pandemic.**

**HB 859 – Relating to Expiration of Permits and Agreements During Natural Emergencies**

On Tuesday, March 9, [HB 859](#) by Representative Michael Grant (R-Port Charlotte) was heard by the House Pandemics and Public Emergencies Committee and was reported favorable with 16 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.

HB 859 will now go to the House Commerce 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.**

## **SB 778 – Relating to Florida Tourism Marketing**

On Wednesday, March 10, [SB 778](#) by Senator Ed Hooper (R-Palm Harbor) was heard by the Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development and was reported favorable with 10 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

VISIT FLORIDA is the name for the Florida Tourism Industry Marketing Corporation, a non-profit that serves as Florida’s statewide destination marketing organization and represents the state’s tourism industry. This bill permits VISIT FLORIDA to carry forward any unexpended state appropriations into succeeding fiscal years. The bill also removes the scheduled repeal date of October 1, 2023, for both VISIT FLORIDA and the Division of Tourism Marketing within Enterprise Florida.

SB 778 will now go to the Senate Appropriations Committee.

**AIF supports investment in building a world-class marketing engine with top talent, analytics, and funding that develops and executes data-driven branding strategies to bolster tourism and further the economic growth of Florida.**

## **ENERGY**

### **SB 856 – Relating to State Preemption of Energy Infrastructure Regulations**

On Tuesday, March 9, [SB 856](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Regulated Industries Committee and was reported favorable with 7 yeas and 2 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

### **HB 839 – Relating to State Preemption of Energy Infrastructure Regulation**

On Tuesday, March 9, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was heard by the House Tourism, Infrastructure and Energy Subcommittee and was reported favorable with 12 yeas and 6 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bills expressly preempt energy infrastructure regulation to the state. The bills prohibit 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 Community Affairs Committee.

HB 839 will now go to the House Local Administration and Veterans Affairs Subcommittee.

**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 on Restriction of Utility Services**

On Tuesday, March 9, [SB 1128](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Regulated Industries Committee and was reported favorable with 8 yeas and 1 nay. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

### **HB 919 – Relating to Preemption Over Restriction of Utility Services**

On Thursday, March 11, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Tourism, Infrastructure and Energy Subcommittee and was reported favorable with 16 yeas and 1 nay. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bills preempt municipalities, counties, special districts, or other political subdivisions of the state from restricting utility service choice, regardless of fuel source. The bills prohibit 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.

SB 1128 will now go to the Senate Community Affairs Committee.

HB 919 will now go to the House Local Administration and Veterans Affairs Subcommittee.

**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 1219 – Relating to Hospital, Hospital System, or Provider Organization Transactions**

On Monday, March 8, [HB 1219](#) by Representative Erin Grall (R-Vero Beach) was heard by the House Finance & Facilities Subcommittee and was reported favorable with 15 yeas and 0 nays.

**AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this legislation.**

### **SB 1064 – Relating to Hospital, Hospital System, or Provider Organization Transactions**

On Wednesday, March 10, [SB 1064](#) by Senator Jason Brodeur (R-Sanford) 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, stood in opposition to this legislation.**

The bills impose reporting requirements when a transaction between two health care entities results in an affiliation or a material change to the health care market which could create a monopoly. Failure to comply with the requirements would be subject to a civil penalty up to \$500,000. Lastly, the Office of the Attorney General may review the transactions before (rather than after) they occur to determine whether a proposed transaction has antitrust implications and, if warranted, take action to prevent a coercive monopoly from forming in the health care market.

HB 1219 will now go to the House Appropriations Committee.

SB 1064 will now go to the Senate Judiciary Committee.

**AIF opposes this legislation because there is no identified need or purpose for state regulatory interference in the marketplace; the standards and criteria to be applied are not clearly identified, and it will increase the cost and uncertainty of transactions. In addition, this legislation will create the need for an additional \$1 million in government bureaucracy.**

## INSURANCE

### **SB 76 – Relating to Residential Property Insurance**

On Tuesday, March 9, [SB 76](#) by Senator Jim Boyd (R-Bradenton) was heard by the Senate Judiciary Committee and was reported favorable with 7 yeas and 3 nays.

**AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill makes various changes to address issues related to property insurance policies, claims, and litigation. The bill:

- Provides federal standard for award of contingency fee multipliers under property insurance policies;
- Adjusts the claim filing deadline to 2 years after the date of loss; applies to hurricanes and other perils; and
- Requires a pre-suit notice of intent to initiate litigation be served at least 60 days before filing suit and requires the notice to specify the reason for the suit, the demand, and the amount of reasonable attorney fees incurred by the claimant.

SB 76 will now go to the Senate Rules Committee.

**AIF supports legislative efforts that prevent unscrupulous actors from taking advantage of property insurance disputes which keeps insurance rates low and allows growth in Florida businesses.**

## LEGAL & JUDICIAL

### SB 846 – Relating to Medical Expenses

On Tuesday, March 9, [SB 846](#) by Senator Jeff Brandes (R-St. Petersburg) was heard by the Senate Judiciary Committee and was reported favorable with 7 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill significantly alters the current method of proving medical cost damages at trial. The bill limits the scope of evidence that is admitted to prove past paid and unpaid medical charges in a personal injury or wrongful death lawsuit. To prove past paid medical expenses that have been satisfied, evidence is limited to the amount paid. The damages that may be recovered by a plaintiff for the cost or value of medical services provided may not exceed the sum of the amounts paid to the health care provider and any amounts necessary to satisfy charges that have been incurred but remain unpaid.

SB 846 will now go to the Senate Health Policy Committee.

**AIF supports legislation that creates transparency around medical expenses thereby reducing the costs of health care and insurance while increasing access to care for all Floridians.**

## **HB 969 – Relating to Consumer Data Privacy**

On Wednesday, March 10, [HB 969](#) by Representative Fiona McFarland (R-Sarasota) was heard by the House Regulatory Reform Subcommittee and was reported favorable with 18 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

The bill gives consumers certain rights related to personal information collected by a business. It requires businesses to comply with consumer requests on stored information and make the information available on the businesses' website. The bill allows the Department of Legal Affairs to bring an action against, and collect civil penalties from, a business who violates these requirements. Consumers whose personal information is the subject of a data breach may also bring a cause of action against the business. The bill also creates a new private cause of action that could open up employers to class action lawsuits.

HB 969 will now go to the House Civil Justice and Property Rights Subcommittee.

**AIF opposes legislation that imposes onerous mandates on private businesses. This legislation will negatively impact businesses that have more than 137 website visitors per day and/or any business that processes 14 credit card transactions per hour. This legislation casts a wide net that will catch and harm small businesses that drive Florida's economy.**

## **HB 35 – Relating to Legal Notices**

On Wednesday, March 10, [HB 35](#) by Representative Randy Fine (R-Palm Bay) was heard by the House Judiciary Committee and was reported favorable with 17 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this legislation.**

The Florida Constitution requires that public notice be given for meetings at which official acts are to be taken or where public business is to be conducted. All meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted must be open to the public and notice must be given. All legal notices and publications must be made in a newspaper that meets the following qualifications:

- Published at least once a week;
- At least 25% of its words are in English;
- Considered a periodical by the post office;
- For sale to the general public; and
- Contains information of interest or value to the general public in the affected area



The bill would allow a governmental agency the option to deviate from print and publish legally required advertisements and notices, such as impending sale of real property, on a publicly accessible website.

HB 35 will now go to the House floor for consideration.

**AIF opposes internet-only public notice, as it eliminates the wide net created by print media and the internet combined. Webpages are present one day and gone the next; the internet is an inherently unreliable platform for critical information.**

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

On Wednesday, March 10, [HB 7005](#) (formerly PCB HHS1) by the House Health and Human Services Committee, was heard by the House Judiciary Committee and was reported favorable with 15 yeas and 5 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This 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 floor for consideration.

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

On Thursday, March 11, [SB 72](#) by Senator Jeff Brandes (R-St. Petersburg) 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 and in support of Amendment 149800.**

In committee, Amendment 149800 by Senator Brandes amended the bill to include provisions from SB 74, Relating to COVID-19-Related Claims Against Health Care Providers, to provide civil liability protections for health care providers as well. **AIF supported SB 74 throughout the committee process.**

The bill provides civil immunity from COVID-19 liability to businesses, educational institutions, religious institutions, governmental entities, health care providers, 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 floor 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.**

**HB 557 – Relating to Payments to Clerks of the Circuit Courts**

On Friday, March 12, [HB 557](#) by Representative Chip LaMarca (R-Lighthouse Point) was heard by the House Civil Justice and Property Rights Subcommittee 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 requires clerks of court to establish uniform payment plans for court-related fees, service charges, costs, and fines for persons who apply for a payment plan. When a person seeks to be enrolled in a payment plan, the clerk must require the person to set up automatic withdrawals, if the person has such capability. If the person is unable to comply with the payment plan terms, a court may modify the plan or convert the outstanding amount to community service. The bill provides a 30-day grace period for certain payments prior to the Department of Highway Safety and Motor Vehicles being notified to suspend a person's driver license. The bill also removes the clerk's authority to suspend a driver license based on a failure to pay fines or fees if the underlying offense is not driving-related. The bill allows a person whose driver license is suspended for nonpayment of such fines and fees to reinstate his or her license upon payment of a reinstatement fee.

HB 557 will now go to the House Justice Appropriations Subcommittee.

**AIF supports legislation that clarifies regulations and helps protect jobs by preventing employees from losing their means to get to and from work.**

## TAXATION

### **SB 982 – Relating to Tax Refund Program for Qualified Target Industry Businesses**

On Tuesday, March 9, [SB 982](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Commerce and Tourism Committee and was reported favorable with 10 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The Qualified Target Industry (QTI) Tax Refund Program was created by the Legislature to encourage the creation and retention of high-quality, high-wage jobs by providing a state grant equal to the amount paid for certain state and local taxes to eligible businesses creating jobs in target industries. The bill reauthorizes the QTI Tax Refund Program by repealing the June 30, 2020 deadline for applicants to be certified for the program.

SB 982 will now go to the Senate Finance and Tax Committee.

**AIF supports QTI legislation that encourages economic investment in Florida, creates additional jobs, and will continue to drive Florida’s business friendly climate.**

### **HB 15 – Relating to Sales and Use Tax**

On Thursday, March 11, [HB 15](#) by Representative Chuck Clemons (R-Jonesville) was heard by the House Ways and Means Committee and was reported favorable with 16 yeas and 2 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This 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.

HB 15 will now go to the House Commerce Committee.

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

## TRANSPORTATION

### HB 223 – Relating to Marina Evacuations

On Tuesday, March 9, [HB 223](#) by Representative Rene Plasencia (R-Titusville) was heard by the House Pandemics and Public Emergencies Committee and was reported favorable with 15 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This 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.

HB 223 will now go to the House State Affairs Committee.

**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.**