

WEEKLY UPDATE



For the 2021 Legislative Session

FROM MARCH 19, 2021

AGRICULTURE

HB 1601 & SB 88 – Relating to Farming Operations

On Wednesday, March 17, [HB 1601](#) by Representative Jayer Williamson (R-Pace) was heard by the House Civil Justice & Property Rights Subcommittee and was reported favorable with 14 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Thursday, March 18, [SB 88](#) by Senator Jason Brodeur (R-Sanford) was read a third time on the Senate floor and passed with 37 yeas and 1 nay.

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

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

HB 1601 will now go to the House Environment, Agriculture and Flooding Subcommittee.

SB 88 will now go to the House 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.

ECONOMIC DEVELOPMENT

SB 1444 – Relating to Florida Small Manufacturing Business Recovery Act

On Monday, March 15, [SB 1444](#) by Senator Tom Wright (R-Port Orange) 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.**

The bill creates the Florida Small Manufacturing Business Recovery Act, to be administered by the Department of Economic Opportunity (DEO). The bill uses tax credits against the state insurance premium tax to incentivize investors to give funds, known as “relief contributions,” to certified relief funds that will make capital or equity investments or loans with a maturity date of at least 2 years in an impact business. The total relief investment authorities are capped at \$100 million and relief contributions are capped at \$80 million.

An impact business is one that:

- Has fewer than 200 employees;
- Has its principal business operations in Florida; and
- Is engaged in manufacturing under NAICS code 31-33. A business not engaged in manufacturing is considered an impact business under the bill if the DEO has determined that an investment in such a business will benefit the state’s recovery.

SB 1444 will now go to the Senate Finance and Tax Committee.

AIF supports legislation that supports Florida manufacturers who provide over 380,000 high wage jobs which drives the economy and furthers economic development in the state.

HB 329 – Relating to Alcoholic Beverage Licenses

On Tuesday, March 16, [HB 329](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Commerce Committee and was reported favorable with 24 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:

- Allows restaurants to sell or deliver alcoholic beverages to-go in a sealed container if accompanied by food;
- Allows restaurant patrons to take home a partially consumed bottle of wine with the purchase of a meal;
- Allows a restaurant licensed to sell wine to sell or deliver individual servings of wine and wine-based beverages in a sealed container if accompanied by food;
- Removes the “full course” part of the meal requirement for taking home an unfinished bottle of wine; and
- Allows bars to sell or deliver individual servings of liquor, or liquor-based beverages in a container sealed by the licensee if accompanied by food.

HB 329 will now go to the House floor for consideration.

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.

ENERGY

SB 856 – Relating to State Preemption of Transportation Energy Infrastructure Regulations

On Tuesday, March 16, [SB 856](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Community Affairs Committee and was reported favorable with 6 yeas and 3 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, 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 Rules Committee.

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 16, [SB 1128](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Community Affairs Committee and was reported favorable with 9 yeas and 0 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, 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 Rules Committee.

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

SB 1132 and HB 485 – Relating to Personal Care Attendants

On Wednesday, March 17, [SB 1132](#) by Senator Aaron Bean (R-Jacksonville) was heard by the Senate Health Policy 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.**

On Wednesday, March 17, [HB 485](#) by Representative Sam Garrison (R-Orange Park) was heard by the House Finance & Facilities Subcommittee 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 bills 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 bills define 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 House bill, HB 485, specifies that a PCA must complete the 16 hours of education prior to having any direct contact with a resident.

SB 1132 will now go to the Senate Children, Families, and Elder Affairs Committee.

HB 485 will now go to the House Health Care Appropriations Subcommittee.

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

LEGAL & JUDICIAL

HB 35 - Relating to Legal Notices

On Thursday, March 18, [HB 35](#) by Representative Randy Fine (R-Palm Bay) was read a second and third time on the House floor and passed with 85 yeas and 35 nays.

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 Senate 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.

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

On Thursday, March 18, [SB 72](#) by Senator Jeff Brandes (R-St. Petersburg) was read a second time, amended, and read a third time on the Senate floor and passed with 24 yeas and 15 nays.

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 is now in House messages to be considered on the House floor.

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

On Thursday, March 18, [SB 982](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Finance and Tax Committee and was reported favorable with 8 yeas and 0 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, 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 Appropriations Committee.

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

TRANSPORTATION

SB 100 – Relating to Highway Projects

On Thursday, March 18, [SB 100](#) by Senator Gayle Harrell (R-Stuart) was heard by the Senate Appropriations Committee and was reported favorable with 17 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This 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 floor for consideration.

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.

HB 365 – Relating to Motor Vehicle Rentals

On Tuesday, March 16, [HB 365](#) by Representative Michael Caruso (R-Boca Raton) was heard by the House Tourism, Infrastructure & Energy Subcommittee and was reported favorable with 13 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

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 the surcharge and sales taxes. It also establishes operational and insurance requirements for peer-to-peer vehicle sharing programs to protect consumers.

HB 365 will now go to the House Ways & Means Committee.

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

HB 223 – Relating to Marina Evacuations

On Wednesday, March 17, [HB 223](#) by Representative Rene Plasencia (R-Titusville) was heard by the House State Affairs Committee and was reported favorable with 23 yeas and 0 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.