

WEEKLY UPDATE



For the 2021 Legislative Session

FROM MARCH 26, 2021

ECONOMIC DEVELOPMENT

HB 1239 – Relating to Broadband Internet Infrastructure

On Monday, March 22, [HB 1239](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Tourism, Infrastructure & Energy Subcommittee and was reported favorable with 15 yeas and 1 nay. **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 provides a sales tax exemption for equipment purchased, leased, or sold in Florida for use by providers of telecommunications services and providers of Internet access service. The bill also states that existing pole attachment agreements must be renegotiated at the request of either party to bring the agreement in compliance with the bill and disputes must be adjudicated in circuit court.

HB 1239 will now go to the House Ways & Means 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 Thursday, March 25, [SB 148](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Rules Committee and was reported favorable with 15 yeas and 2 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, 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 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

HB 919 – Relating to Preemption Over Restriction of Utility Services

On Tuesday, March 23, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Local Administration & Veterans Affairs 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.**

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 House Commerce 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.

EMPLOYERS

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

On Monday, March 22, [SB 912](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Environment and Natural Resources Committee and was reported favorable with 6 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, 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 Rules 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.

HEALTH CARE

SB 1132 & HB 485 – Relating to Personal Care Attendants

On Tuesday, March 23, [SB 1132](#) by Senator Aaron Bean (R-Jacksonville) was heard by the Senate Children, Families, and Elder Affairs Committee and was reported favorable with 8 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Wednesday, March 24, [HB 485](#) by Representative Sam Garrison (R-Orange Park) was heard by the House Health & Human Services Committee and was reported favorable with 21 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bills 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 version, 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 Appropriations Committee.

HB 485 will now go to the House floor for consideration.

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

SB 786 – Relating to Prescription Insulin Drugs

On Wednesday, March 24, [SB 786](#) by Senator Janet Cruz (D-Tampa) was heard by the Senate Banking & Insurance Committee and was reported favorable with 12 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in opposition to this legislation.**

The bill requires individual and group health insurance policies and health maintenance organization (HMO) contracts that provide coverage for prescription insulin drugs for the treatment of diabetes to cap the cost-sharing obligation of an insured or subscriber for a 30-day supply of such drugs at an amount not to exceed \$100.

The Department of Management Services estimates that implementation of the bill will result in a negative fiscal impact.

SB 786 will now go to the Senate Appropriations Subcommittee on Health and Human Services.

AIF opposes legislation imposing additional burdens on health insurance providers that increase the cost of doing business for Florida’s employer community.

INSURANCE

SB 76 – Relating to Property Insurance

On Thursday, March 25, [SB 76](#) by Senator Jim Boyd (R-Bradenton) was heard by the Senate Rules Committee and was reported favorable with 12 yeas and 5 nays. **AIF’s Legislative Affairs Assistant, BD Jogerst, 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 floor for consideration.

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 1734 & HB 969 – Relating to Consumer Data Privacy

On Monday, March 22, [SB 1734](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Commerce and Tourism Committee and was reported favorable with 10 yeas and 1 nay.

AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation and stood in support of Amendments 122682 and 589178.

On Tuesday, March 23, [HB 969](#) by Representative Fiona McFarland (R-Sarasota) was heard by the House Civil Justice & Property Rights Subcommittee and was reported favorable with 17 yeas and 0 nays.

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

The bills give consumers certain rights related to personal information collected by a business. They require businesses to comply with consumer requests on stored information and make the information available on the businesses’ website. The bills allow 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 bills also create a new private civil cause of action that will open up employers to class action lawsuits.

SB 1734 will now go to the Senate Rules Committee.

HB 969 will now go to the House Commerce Committee.

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, annually. This legislation casts a wide net that will catch and harm small businesses that drive Florida's economy.

SB 402 – Relating to Public Notice and Voting Rights Restoration Database

On Monday, March 22, [SB 402](#) by Senator Ray Rodrigues (R-Estero) was heard by the Senate Judiciary Committee and was reported favorable with 8 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke 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;
- 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.

SB 402 will now go to the Senate Appropriations Subcommittee on Criminal and Civil Justice.

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 1876 – Relating to Governmental Actions Affecting Private Property Rights

On Monday, March 22, [SB 1876](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Judiciary 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 and Amendment 296194.**

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 land owners whose property is inordinately burdened by a local government regulation.

SB 1876 will now go to the Senate Community Affairs Committee.

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

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

On Thursday, March 25, [SB 72](#) by Senator Jeff Brandes (R-St. Petersburg) was read a second time on the House floor.

On Friday, March 26, SB 72 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, 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 Governor.

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 25, [SB 50](#) by Senator Joe Gruters (R-Sarasota) was read a second time on the Senate floor, was amended, was read a third time, and passed with 30 yeas and 10 nays.

This bill requires marketplace providers and out-of-state retailers (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 House for consideration.

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

TRANSPORTATION

SB 566 – Relating to Motor Vehicle Rentals

On Wednesday, March 24, [SB 566](#) by Senator Keith Perry (R-Gainesville) was heard by the Senate Banking & Insurance Committee and was reported favorable with 11 yeas and 1 nay. **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.

SB 566 will now go to the Senate Transportation Committee.

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 Thursday, March 25, [SB 100](#) by Senator Gayle Harrell (R-Stuart) was read a second time on the Senate floor, was amended, was read a third time, and passed with 39 yeas and 1 nay.

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 House 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.