

WEEKLY UPDATE



For the 2021 Legislative Session

FROM APRIL 9, 2021

ECONOMIC DEVELOPMENT

SB 148 – Relating to Beverage Law

On Wednesday, April 7, [SB 148](#) by Senator Jennifer Bradley (R-Orange Park) was read a second and third time on the Senate floor and passed with 38 yeas and 2 nays.

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 House 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.

HB 1239 – Relating to Broadband Internet Infrastructure

On Thursday, April 8, [HB 1239](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Ways & Means Committee 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 Commerce 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.

EMPLOYERS

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

On Tuesday, April 6, [HB 859](#) by Representative Michael Grant (R-Port Charlotte) was heard by the House State Affairs Committee and was reported favorable with 21 yeas and 0 nays. **AIF stood in support of this legislation.**

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

On Wednesday, April 7, [SB 912](#) by Senator Ben Albritton (R-Bartow) was read a second and third time on the Senate floor and passed unanimously with 40 yeas and 0 nays.

The bills add 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 bills are retroactive to include the entirety of the COVID-19 state of emergency.

HB 859 will now go to the House floor for consideration.

SB 912 will now go to the House for consideration.

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.

ENVIRONMENT

SB 2516 – Relating to Water Storage North of Lake Okeechobee

On Wednesday, April 7, [SB 2516](#), sponsored by the Senate Appropriations Committee, was read a second and third time on the Senate floor and passed unanimously with 40 yeas and 0 nays.

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.

The bill provides a \$50 million annual appropriation for the LOWRP.

SB 2516 will now go to the House for consideration.

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.

INSURANCE

SB 76 – Relating to Property Insurance

On Wednesday, April 7, [SB 76](#) by Senator Jim Boyd (R-Bradenton) was read a third time on the Senate floor and passed with 27 yeas and 13 nays.

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 House 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 – Relating to Consumer Data Privacy

On Tuesday, April 6, [SB 1734](#) by Senator Jennifer Bradley (R-Orange Park) was heard by the Senate Rules Committee and was reported favorable with 11 yeas and 5 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation and stood in support of Amendment 968992.** AIF appreciates the Senate removing the private right of action and narrowing the threshold of businesses impacted by the bill. While AIF supports and appreciates those changes, the legislation is still confusing and will be very costly for Florida businesses to comply with.

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.

To businesses, the bill has an estimated total cost of compliance of \$36.5 billion.

SB 1734 will now go to the Senate floor for consideration.

AIF opposes legislation that imposes onerous and costly mandates on private businesses. The expense created by this legislation will be passed on to the consumer. This legislation casts a wide net that will catch and harm small businesses that drive Florida's economy.

TAXATION

SB 50 & HB 15 – Relating to Taxation

On Wednesday, April 7, [SB 50](#) by Senator Joe Gruters (R-Sarasota) was substituted on the House floor for HB 15 by Representative Chuck Clemons (R-Jonesville) and was amended on second reading and was rolled to third reading.

On Thursday, April 8, SB 50 by Senator Joe Gruters (R-Sarasota) was read a third time on the House floor and passed with 93 yeas and 24 nays.

Also on Thursday, April 8, SB 50 was read again on the Senate floor where the House amendment was accepted, and the bill passed the Senate with 27 yeas and 12 nays.

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.

The House amendment reduces the Business Rent Tax from 5.5% down to 2% and makes the bill revenue neutral.

SB 50 will now go to the Governor.

AIF supports legislation that provides a level playing field for Florida's brick and mortar stores and online retailers and a reduction of taxes imposed on rental fees charged for use of commercial real property.

TRANSPORTATION

HB 365 – Relating to Motor Vehicle Rentals

On Thursday, April 8, [HB 365](#) by Representative Michael Caruso (R-Boca Raton) was heard by the House Ways & Means Committee and was reported favorable with 14 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 amended 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.

HB 365 will now go to the House Commerce Committee.

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