

WEEKLY UPDATE



For the 2021 Legislative Session

FROM APRIL 23, 2021

AGRICULTURE

SB 88 & HB 1601 – Relating to Farming Operations

On Wednesday, April 21, [SB 88](#) by Senator Jason Brodeur (R-Sanford) was substituted for [HB 1601](#) by Representative Jayer Williamson (R-Pace) on second reading and was rolled to third reading.

On Thursday, April 22, SB 88 was read a third time on the House floor and passed with 110 yeas and 7 nays.

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 Governor.

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 1239 – Relating to Broadband Internet Infrastructure

On Monday, April 19, [HB 1239](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Commerce Committee and was reported favorable with 22 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Thursday, April 23, HB 1239 was read a second time on the House floor and was rolled to third reading.

The amended bill provides a procedure for access by broadband providers for attachments to utility poles of municipal electric utilities. It directs the Florida Office of Broadband to create a strategic plan to increase broadband Internet services in the state. The bill also provides for a municipal electric utility promotional rate of \$1 per wireline attachment per pole per year, for any new attachments necessary to expand broadband Internet to unserved and underserved areas. Additionally, the bill provides a grant program for providers who seek to expand broadband Internet services to unserved areas of the state.

HB 1239 will now be read a third time on the House floor and receive votes.

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 1592 - Relating to Broadband Internet Infrastructure

On Monday, April 19, [SB 1592](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Appropriations Committee and was reported favorable with 20 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. The bill also provides for a municipal electric utility promotional rate of \$1 per wireline attachment per pole per year, for any new attachments necessary to expand broadband Internet to unserved and underserved areas.

SB 1592 will now go to the Senate floor for consideration.

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.

ENERGY

HB 839 – Relating to Express Preemption of Fuel Retailers and Related Transportation Infrastructure

On Tuesday, April 20, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was read a second time on the House floor and was rolled to third reading.

On Thursday, April 22, HB 839 by Representative Tom Fabricio (R-Hialeah) was substituted for SB 856 by Senator Travis Hutson (R-Palm Coast) on the Senate floor and was rolled to third reading.

The bill preempts the regulation of transportation energy infrastructure to the state, and specifies that any existing or future law, ordinance, regulation, policy, or resolution that is contrary to the preemption is void. Specifically, the bill prohibits local governments from:

- Prohibiting the redevelopment of a fuel retailer or the necessary related transportation infrastructure within that specific local government's entire jurisdiction;
- Any action resulting in a de facto jurisdiction-wide prohibition against a fuel retailer or related and necessary transportation infrastructure; and
- Mandating any required infrastructure on a fuel retailer, including electric vehicle charging stations.

The bill does not preempt a municipality, county, special district, or political subdivision from adopting and implementing ordinances, regulations, policies, or resolutions on the siting, development, or redevelopment of fuel retailers or necessary related transportation infrastructure that are consistent with other allowable uses and general law.

HB 839 will now be read a third time on the House floor and will receive votes.

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 856 - Relating to Express Preemption of Fuel Retailers and Related Transportation Infrastructure

On Tuesday, April 20, [SB 856](#) by Senator Travis Hutson (R-Palm Coast) was heard by the Senate Rules Committee and was reported favorable with 11 yeas and 4 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Thursday, April 22, HB 839 by Representative Tom Fabricio (R-Hialeah) was substituted for SB 856 by Senator Travis Hutson (R-Palm Coast) on the Senate floor.

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.

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 Over Restriction of Utility Services

On Tuesday, April 20, [SB 1128](#) by Senator Travis Hutson (R-Palm Coast) 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.**

On Thursday, April 22, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was substituted for SB 1128 by Senator Travis Hutson (R-Palm Coast) on the Senate floor.

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.

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.

HB 919 - Relating to Preemption Over Restriction of Utility Services

On Thursday, April 22, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was substituted for SB 1128 by Senator Travis Hutson (R-Palm Coast) on the Senate floor and was rolled to third reading.

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 be read a third time on the Senate floor and receive votes.

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 – Relating to Personal Care Attendants

On Monday, April 19, [SB 1132](#) by Senator Aaron Bean (R-Jacksonville) 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.**

On Thursday, HB 485 by Representative Sam Garrison (R-Orange Park) was substituted for SB 1132 by Senator Aaron Bean on the Senate.

The bill allows 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 bill defines 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 bill also specifies that a PCA must complete the 16 hours of education prior to having any direct contact with a resident.

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

HB 485 – Relating to Personal Care Attendants

On Thursday, April 22, [HB 485](#) by Representative Sam Garrison (R-Orange Park) was read a third time on the House floor and passed with 106 yeas and 11 nays.

Also on Thursday, HB 485 was substituted for SB 1132 by Senator Aaron Bean (R-Jacksonville) on the Senate floor and was rolled to third reading.

The bill 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 bill defines 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 bill also specifies that a PCA must complete the 16 hours of education prior to having any direct contact with a resident.

HB 485 will now be read a third time on the Senate floor and receive votes.

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

LEGAL & JUDICIAL

SB 1876 - Relating to Relief from Burdens on Real Property Rights

On Tuesday, April 20, [SB 1876](#) by Senator Ben Albritton (R-Bartow) 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.**

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 landowners whose property is inordinately burdened by a local government regulation.

SB 1876 will now go to the Senate floor for consideration.

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

TRANSPORTATION

SB 566 & HB 365 – Relating to Motor Vehicle Rentals

On Monday, April 19, [SB 566](#) by Senator Keith Perry (R-Gainesville) was heard by the Senate Appropriations Committee and was reported favorable with 13 yeas and 7 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

Also on Monday, [HB 365](#) by Representative Michael Caruso (R-Boca Raton) was heard by the House Commerce Committee and was reported favorable with 21 yeas and 1 nay. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Thursday, April 22, SB 566 by Senator Keith Perry (R-Gainesville) was heard read a second time on the Senate floor and was rolled to third reading.

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 bills clarify 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.

SB 566 will now be read a third time on the Senate floor receive votes.

HB 365 will now go to the House floor for consideration.

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