

WEEKLY UPDATE



For the 2021 Legislative Session

FROM APRIL 30, 2021

ECONOMIC DEVELOPMENT

HB 1239 – Relating to Broadband Internet Infrastructure

On Monday, April 26, [HB 1239](#) by Representative Josie Tomkow (R-Auburndale) was read a third time on the House floor, was amended, and passed unanimously with 114 yeas and 0 nays.

On Tuesday, April 27, HB 1239 was substituted for SB 1592 by Senator Danny Burgess (R-Zephyrhills) on the Senate floor, was amended, and passed with 40 yeas and 0 nays.

On Wednesday, April 28, HB 1239 was read a third time on the House floor and passed with 115 yeas and 0 nays.

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. Additionally, the bill provides a grant program for providers who seek to expand broadband Internet services to unserved areas of the state. The amendment provides for a geographic information system map of broadband Internet service availability throughout the state.

HB 1239 will now go to the Governor.

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

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

On Monday, April 26, [SB 912](#) by Senator Ben Albritton (R-Bartow) was read a second time on the House floor, was amended, and was rolled to third reading.

On Tuesday, April 27, SB 912 was read a third time on the House floor and passed with 116 yeas and 0 nays.

On Wednesday, April 28, SB 912 was amended on the Senate floor and passed with 40 yeas and 0 nays.

On Thursday, April 29, SB 912 was read a third time on the House floor and passed with 114 yeas and 0 nays.

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 Governor.

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.

ENERGY

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

On Monday, April 26, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was read a third time on the Senate floor and passed with 26 yeas and 12 nays.

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 go to the Governor.

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.

HB 919 – Relating to Preemption Over Restriction of Utility Services

On Monday, April 26, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was read a third time on the Senate floor and passed with 27 yeas and 13 nays.

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 Governor.

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.

ENVIRONMENT

SB 2516 – Relating to Water Storage North of Lake Okeechobee

On Friday, April 30, [SB 2516](#), sponsored by the Senate Appropriations Committee, was read a third time on the Senate floor and passed with 40 yeas and 0 nays.

Also on Friday, SB 2516 was read a third time on the House floor and passed with 118 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 Governor.

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.

HEALTH CARE

HB 485 – Relating to Personal Care Attendants

On Monday, April 26, [HB 485](#) by Representative Sam Garrison (R-Orange Park) was read a third time on the Senate floor and passed with 32 yeas and 7 nays.

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 go to the Governor.

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

INSURANCE

SB 76 – Relating to Property Insurance

On Tuesday, April 27, [SB 76](#) by Senator Jim Boyd (R-Bradenton) was read a second time on the House floor, was amended, and was rolled to third reading.

On Wednesday, April 28, SB 76 was read a third time on the House floor and passed with 74 yeas and 43 nays.

On Friday, April 30, SB 76 was read a third time on the Senate floor, was amended, and passed with 35 yeas and 5 nays.

Also on Friday, SB 76 was read a third time on the House floor and passed with 75 yeas and 41 nays.

The bill implements litigation reform, subjecting first party property lawsuits to a similar attorney fee structure as the 2019 AOB law, cracks down on contractor solicitation, and gives the Office of Insurance Regulation enhanced authority to examine domestic companies and their affiliates, to ensure amounts paid to managing general agents are reasonable. Notably, the Senate backed off on provisions regarding actual cash value payments on roofs and the contingency fee multiplier. In the final hours of session, after a number of questions were raised about the application of the proposal for settlement statute, clarifying amendments were negotiated to clarify that attorney's fees can only be awarded under s. 57.105 and the new statute for attorney's fees.

SB 76 will now go to the Governor.

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 1876 & HB 421 – Relating to Relief from Burdens on Real Property Rights

On Monday, April 26, [HB 421](#) by Representative Kaylee Tuck (R-Sebring) was substituted on the Senate floor for [SB 1876](#) by Senator Ben Albritton (R-Bartow) and passed with 34 yeas and 6 nays.

On Wednesday, April 28, HB 421 was read a third time on the House floor and passed with 79 yeas and 37 nays.

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.

HB 421 will now go to the Governor.

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

HB 969 & SB 1734 – Relating to Consumer Data Privacy

On Wednesday, April 28, [HB 969](#) by Representative Fiona McFarland (R-Sarasota) was substituted on the Senate floor for [SB 1734](#) by Senator Jennifer Bradley (R-Orange Park), was amended on second reading, and was rolled to third reading.

On Thursday, April 29, HB 969 was read a third time on the Senate floor and passed with 29 yeas and 11 nays.

On Friday, April 30, HB 969 was not taken up by the House in returning messages from the Senate and is therefore dead.

The amended bill gave consumers certain rights related to personal information collected by a business that controls the processing of personal information of 100,000 or more consumers, or 25,000 consumers and derives over 50% of revenue from selling the information. It required businesses to comply with consumer requests on stored information and make the information available on the businesses' website. The bill allowed 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 had an estimated total cost of compliance of \$36.5 billion.

HB 969 is dead.

While the bill moved in the right direction, AIF still had concerns with the cost of compliance on Florida businesses.

HB 35 & SB 402 – Relating to Legal Notices

On Thursday, April 29, [HB 35](#) by Representative Randy Fine (R-Palm Bay) was substituted for [SB 402](#) by Senator Ray Rodrigues (R-Fort Meyers) on the Senate floor and passed with 39 yeas and 0 nays.

Also on Thursday, HB 35 was read a third time on the House floor and passed with 105 yeas and 9 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;
- Available 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 Governor.

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.

TRANSPORTATION

SB 566 – Relating to Motor Vehicle Rentals

On Monday, April 26, [SB 566](#) by Senator Keith Perry (R-Gainesville) was read a third time on the Senate floor and passed with 28 yeas and 12 nays.

On Tuesday, April 27, SB 566 was read a second time on the House floor and was rolled to third reading.

On Wednesday, April 28, SB 566 was read a third time on the House floor and passed with 101 yeas and 15 nays.

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 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 go to the Governor.

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 Monday, April 26, [SB 100](#) by Senator Gayle Harrell (R-Stuart) was read a second time on the House floor and was rolled to third reading,

On Tuesday, April 27, SB 100 was read a third time on the House floor and passed with 115 yeas and 0 nays.

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 Governor.

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.