

2021

New Law Reference Guide *for Businesses*

*Do you know how these new laws
will affect your business?*



ASSOCIATED INDUSTRIES
OF FLORIDA



The Voice of Florida Business
Since 1920



Questions?

Contact Brewster Bevis
Senior Vice-President
of State and Federal
Affairs for Associated
Industries of Florida
at 850.224.7173 or
bbevis@aif.com

2021 New Laws Affecting the Business Community

Of the thousands of bills that were introduced to the Florida Legislature this year, Associated Industries of Florida reported to our members throughout the legislative process on the bills that could impact Florida's businesses. We actively opposed those bills that we identified as harmful to employers and provided our support to those that would improve the conditions to do business in the state. When session ended, we provided an analysis of how each legislator voted on the bills that were most important to the business community in our annual Voting Records publication.

The information contained in the New Law Reference Guide for Businesses summarizes the new laws that will have the broadest impact on businesses in our state. We include a short synopsis, highlight the more important provisions or requirements of those laws, and include the assigned Chapter Number within the Florida Statutes where this new law will now be placed.

To view the detailed language for a law, visit <http://laws.frules.org/> and reference the Chapter Number. To research the path of the original bill from its inception to becoming a Florida law, including amendments and votes, visit <http://www.leg.state.fl.us>.

Each of the laws contained in this publication is currently in effect. We hope this guide will serve as a valuable source of information as you navigate the complex regulatory environment. Visit AIF.com for more information on this and all other issues vital to Florida's future.



AIF New Law Reference Guide for Businesses is published by Associated Industries of Florida © 2021. All rights reserved.
516 North Adams Street • Post Office Box 784 • Tallahassee, FL 32302-0784
Phone: 850.224.7173 • E-mail: aif@aif.com

AIF.com

AGRICULTURAL

Farming Operations – (SB 88) Chapter No. 2021-007

What you need to know: The law amends and strengthens the Florida Right to Farm Act, which is intended to protect reasonable agricultural activities conducted on farmland from nuisance lawsuits. The law 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.

ECONOMIC DEVELOPMENT

Beverage Law – (SB 148) Chapter No. 2021-030

What you need to know: Throughout the last year, day to day life changed for everyone. The COVID-19 pandemic brought a multitude of hurdles to small and large businesses alike and the hospitality industry bore the brunt of the effects. The restaurant industry is notoriously difficult and outdated laws only add to their operational hurdles. A byproduct of the COVID-19 pandemic is that “alcohol-to-go” has come to Florida. Under previous law, qualifying restaurants could sell beer, wine, and liquor for consumption on the premises only. Due to its positive impact on the hospitality industry, the issue was supported by the Restore Economic Strength through Employment & Tourism (RESET) Task Force, an AIF-led group. This law repeals the prohibition of sale for off-premises consumption of alcohol, thereby allowing restaurants to sell sealed containers of “alcohol-to-go” with the sale of food on the same order. The law requires food and nonalcoholic beverages to account for at least 25% of the order.

Broadband Internet Infrastructure – (HB 1239) Chapter No. 2021-024

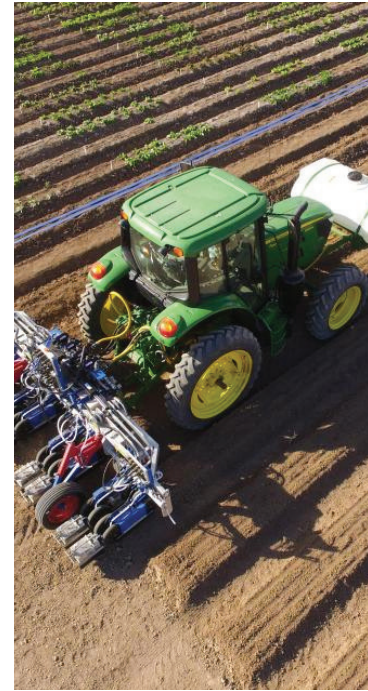
What you need to know: The COVID-19 pandemic brought with it a new age of working from home and remote learning. While inconsistent internet coverage in rural areas is not a new problem, the reliance on broadband for work and school helped reiterate the need to expand quality access. This bill provides 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 law 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.

EMPLOYERS

Tolling and Extension of Permits and Other Authorizations During States of Emergency – (SB 912) Chapter No. 2021-179

What you need to know: Permits, such as development or consumptive use, have an expiration date. Businesses are the driving force behind the economy and when circumstances beyond their control such as weather or health mandates arise and prevent them from working, they should not be penalized in lost permitted time.

The law 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 law is retroactive to include the entirety of the COVID-19 state of emergency.

ENERGY



Express Preemption of Fuel Retailers and Related Transportation Infrastructure – (HB 839) Chapter No. 2021-111

What you need to know: The law preempts the regulation of transportation energy infrastructure (such as natural gas and gas stations) 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 law 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 law 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.

Preemption Over Restriction of Utility Services – (HB 919) Chapter No. 2021-150

What you need to know: The law preempts municipalities, counties, special districts, or other political subdivisions of the state from restricting utility service choice, regardless of fuel source. The law 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.

Water Storage North of Lake Okeechobee – (SB 2516) Chapter No. 2021-040

What you need to know: The law 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 law also provides a \$50 million annual appropriation for the LOWRP.

HEALTH CARE

Personal Care Attendants – (HB 485) Chapter No. 2021-163

What you need to know: The law 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 law 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 law also specifies that a PCA must complete the 16 hours of education prior to having any direct contact with a resident.

INSURANCE

Property Insurance – (SB 76) Chapter No. 2021-077

What you need to know: The law implements litigation reform that:

- Subjects first party property lawsuits to a similar attorney fee structure as the 2019 Assignment of Benefits law;
- Cracks down on contractor solicitation; and
- Enhances authority of the Office of Insurance Regulation 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, 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.

LEGAL & JUDICIAL

Civil Liability for Damages Relating to COVID-19 – (SB 72) Chapter No. 2021-001

What you need to know: The law 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 law 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.

Relief from Burdens on Real Property Rights – (SB 1876) Chapter No. 2021-203

What you need to know: The law 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.

The substance of SB 1876 was amended on to HB 421 which was approved by the Governor and assigned Chapter No. 2021-203.

Legal Notices – (HB 35) Chapter No. 2021-017

What you need to know: 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 law 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.

TAXATION

Back-to-School Sales Tax Holiday – (SB 598) Chapter No. 2021-031

What you need to know: The law establishes a 10-day “back-to-school” sales tax holiday from Friday, July 30 to Sunday, August 8, 2021, for certain clothing, school supplies, personal computers, and personal computer-related accessories.

SB 598 died but portions of this bill were added to HB 7061 which was approved by the Governor and assigned Chapter No. 2021-31.

Sales Tax Holiday for Disaster Preparedness Supplies – (SB 734) Chapter No. 2021-031

What you need to know: The law establishes a 17-day “disaster preparedness” sales tax holiday from Friday, May 28 to Sunday, June 13, 2021, for certain disaster preparedness supplies such as radios, tarps, and other disaster supplies.

SB 734 died but portions of this bill were added to HB 7061 which was approved by the Governor and assigned Chapter No. 2021-31.

Taxation – (SB 50) Chapter No. 2021-002

What you need to know: The law 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.

TRANSPORTATION

Transportation – (HB 57) Chapter No. 2021-188

What you need to know: The law creates statutory provisions to increase safety for road construction workers on our state’s highways, allows larger Personal Delivery Devices to deliver packages within the state, makes changes to the State Arbitration Board, allows airports and seaports to have certifications for design-build projects and expands the ability for innovative design projects on road resurfacing projects.

The substance of HB 57 was included in SB 1194 which was approved by the Governor and assigned Chapter No. 2021-188.

Motor Vehicle Rentals – (SB 566) Chapter No. 2021-175

What you need to know: 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. The proceeds from the rental car surcharge funds the building and maintenance of the state’s infrastructure, which is very important to Florida businesses statewide.

The law clarifies that rental transactions made on peer-to-peer car sharing platforms are subject to a \$1 per day surcharge and applicable sales taxes. It also establishes operational and insurance requirements for peer-to-peer vehicle sharing programs to protect consumers.



Visit [AIF.com](https://www.aif.com)
for more
information.

Highway Projects – (SB 100) Chapter No. 2021-161

What you need to know: The law repeals the Multi-use Corridors of Regional Economic Significance (M-CORES) Program but retains the associated funding within the State Transportation Trust Fund. The law draws on the recommendations of the M-CORES task forces and prioritizes strategic improvements to existing highway facilities. The law 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.

Marina Evacuations – (HB 223) Chapter No. 2021-108

What you need to know: The law 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 law requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deep-water seaport. Additionally, the law grants the marina owner, operator, employee, or agent the right to remove vessels that have not been removed by the vessel owner. The law also shields the marina from liability concerning the movement of the vessel.



Online Voting Records — *a one-of-a-kind tool*



With this unique software created by AIF, you can choose to see votes by year, legislator's name, issue and party affiliation. You can go even further and see the exact votes that led to the percentage they received. Full transparency.

How robust is this program? It includes over 200,000 votes, more than 2,000 bills, and over 800 legislators over the span of 45 plus years — a one-of-a-kind tool only available at

[AIF.com/VotingRecords](https://www.aif.com/votingrecords).

Building for the Foundation of Florida's Future

The Foundation of Associated Industries of Florida was formed in 2008 to address the educational and development needs of Florida's business community. FAIF is governed by an independent board of directors, and does not engage in any political activities.

The private business sector's support is critical to the success and continuance of FAIF's initiatives and programs. Florida businesses cannot afford to rely on public opportunities alone to train and prepare their future employees and leaders. FAIF will foster programs that identify business needs today and create solutions that will last into the future.

We welcome your participation and suggestions as we move forward. Your contributions to FAIF are tax deductible and can be made by visiting FAIF.org or by contacting our executive director, Stephen Trickey at 850.224.7173.



FAIF is a 501 (c)(3) organization. Registration Number: CH28665. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL-FREE (800.435.7352) WITHIN THE STATE.

The Internet's Home for Florida Business

AIF.com
FAIF.org



Follow Us on Twitter @VoiceofFLBIZ