

DAILY BRIEF

For the 2021 Legislative Session



FROM APRIL 8, 2021

ECONOMIC DEVELOPMENT

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.

TAXATION

SB 50 – Relating to Taxation

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.