

WEEKLY UPDATE



For the 2021 Legislative Session

FROM APRIL 2, 2021

On Monday, AIF was honored to host business leaders as we listened to Senator Powell, Senator Boyd, and Representative Ingoglia provide an update on the 2021 Session. Check out the videos of the Session Briefing below!



Sen. Bobby Powell - <https://youtu.be/sCuEmp1V3j8>



Sen. Jim Boyd - <https://youtu.be/mrqXJ99zGfg>



Rep. Blaise Ingoglia - <https://youtu.be/OudLLWFQy1g>

AGRICULTURE

HB 1601 – Relating to Farming Operations

On Tuesday, March 30, [HB 1601](#) by Representative Jayer Williamson (R-Pace) was heard by the House Environment, Agriculture and Flooding Subcommittee and was reported favorable with 14 yeas and 4 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

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.

HB 1601 will now go to the House Judiciary Committee.

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

SB 1390 – Relating to Capital Investment Tax Credit

On Monday, March 29, [SB 1390](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Commerce and Tourism Committee and was reported favorable with 11 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill allows eligible projects that create or develop intellectual property to qualify for the Capital Investment Tax Credit. Under the bill, a project that creates intellectual property is eligible for a tax credit equal to 20% of the project’s eligible capital costs if the capital costs of one or more projects is in aggregate of at least \$50 million per year for 3 consecutive years. A qualifying business that establishes a “strategic priority project,” an intellectual property project that demonstrates the potential for measurable value to the state, is eligible for a tax credit equal to 20% of the eligible capital costs if the costs are at least \$75 million.

SB 1390 will now go to the Senate Finance and Tax Committee.

AIF supports legislative efforts to modernize the Capital Investment Tax Credit program to help Florida compete for sustainable high wage jobs for the development of leading-edge intellectual property projects.

SB 1592 – Relating to Broadband Internet Infrastructure

On Wednesday, March 31, [SB 1592](#) by Senator Danny Burgess (R-Zephyrhills) was heard by the Senate Finance and Tax Committee and was reported favorable with 6 yeas and 2 nays. **AIF's Legislative Affairs Assistant, BD Jogerst, 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 prohibits municipal electric utilities from preventing broadband providers from using certain techniques and equipment in the installation of attachments which are done in accordance with established safety standards. The bill also prevents municipal electric utilities from requiring a broadband provider to comply with pole attachment specifications that exceed existing codes standards.

SB 1592 will now go to the Senate Appropriations 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 Monday, March 29, [HB 859](#) by Representative Michael Grant (R-Port Charlotte) was heard by the House Commerce Committee and was reported favorable with 22 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, March 31, [SB 912](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Rules Committee and was reported favorable with 15 yeas and 0 nays. **AIF stood in support of this legislation.**

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 State Affairs Committee.

SB 912 will now go to the Senate floor 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.

ENERGY

HB 839 – Relating to State Preemption of Transportation Energy Infrastructure Regulation

On Thursday, April 1, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was heard by the House Local Administration and Veterans Affairs Subcommittee and was reported favorable with 15 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

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. The bill was amended in committee. Specifically, the amended 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 amended 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 House Commerce Committee.

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.

ENVIRONMENT

SB 2516 – Relating to Water Storage North of Lake Okeechobee

On Wednesday, March 31, [SB 2516](#), sponsored and heard by the Senate Appropriations Committee, was reported favorable with 19 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

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 Senate floor 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 Thursday, April 1, [SB 76](#) by Senator Jim Boyd (R-Bradenton) was read a second time on the Senate floor and was rolled to third reading.

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

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 386 & HB 557 – Relating to Payments to the Clerk of the Circuit Courts

On Monday, March 29, [SB 386](#) by Senator Tom Wright (R-Port Orange) was heard by the Senate Judiciary Committee and was reported favorable with 11 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

On Tuesday, March 30, [HB 557](#) by Representative Chip LaMarca (R-Lighthouse Point) was heard by the House Justice Appropriations Subcommittee and was reported favorable with 11 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bills require clerks of court to establish uniform payment plans for court-related fees, service charges, costs, and fines for persons who apply for a payment plan. When a person seeks to be enrolled in a payment plan, the clerk must require the person to set up automatic withdrawals, if the person has such capability. If the person is unable to comply with the payment plan terms, a court may modify the plan or convert the outstanding amount to community service. The bills provide a 30-day grace period for certain payments prior to the Department of Highway Safety and Motor Vehicles being notified to suspend a person's driver license. The bills also remove the clerk's authority to suspend a driver license based on a failure to pay fines or fees if the underlying offense is not driving-related. The bills allow a person whose driver license is suspended for nonpayment of such fines and fees to reinstate his or her license upon payment of a reinstatement fee.

SB 386 will now go to the Senate Appropriations Subcommittee on Criminal and Civil Justice.

HB 557 will now go to the House Judiciary Committee.

AIF supports legislation that clarifies regulations and helps protect jobs by preventing employees from losing their means to get to and from work.

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

On Tuesday, March 30, [SB 1876](#) by Senator Ben Albritton (R-Bartow) was heard by the Senate Community Affairs Committee and was reported favorable with 6 yeas and 3 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation and Amendment 296194.**

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 Rules Committee.

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

TAXATION

HB 15 – Relating to Sales and Use Tax

On Monday, March 29, [HB 15](#) by Representative Chuck Clemons (R-Jonesville) was heard by the House **Commerce Committee** and was reported favorable with 23 yeas and 0 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

This bill requires marketplace providers and out-of-state retailers (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.

HB 15 will now go to the House floor for consideration.

AIF supports legislation that provides a level playing field for Florida's brick and mortar stores and online retailers.

TRANSPORTATION

SB 566 – Relating to Motor Vehicle Rentals

On Tuesday, March 30, [SB 566](#) by Senator Keith Perry (R-Gainesville) was heard by the Senate Transportation Committee and was reported favorable with 8 yeas and 0 nays. **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 bill clarifies that rental transactions made on peer-to-peer car sharing platforms are subject to the 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 Senate Appropriations Committee.

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

HB 223 – Relating to Marina Evacuations

On Wednesday, March 31, [HB 223](#) by Representative Rene Plasencia (R-Titusville) was read a second time on the House floor and was rolled to third reading.

On Thursday, April 1, HB 223 was read a third time on the House floor and passed with 116 yeas and 0 nays.

The bill 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 bill requires that vessel owners

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

HB 223 will now go to the Senate for consideration.

AIF supports legislative efforts that protect Florida's seaport operators in the event of a hurricane. Florida's seaports are vitally important to economic development in the state and abroad and derelict vessels must not burden business operations in our ports.