

MEMORANDUM

TO: NAIOP

FROM: GrayRobinson

DATE: February 14, 2021

SUBJECT: 2021 Legislative Session – Committee Week 4 (February 8-12)

In Memoriam: Before the hustle of this week begins, it's important to note that today is the third anniversary of the Parkland massacre, which claimed the lives of 14 students and 3 staff members at Marjory Stoneman Douglas High School. Our thoughts are with those who suffered loss that day and with all of Florida as we collectively mourn the anniversary of that unspeakable tragedy.

Final Committee Week: Tomorrow marks the beginning of the final committee week ahead of the 2021 Legislative Session in Tallahassee, and it promises to be the busiest one yet.

Numerous House budget subcommittees will meet to go over local budget requests, and the Joint Legislative Budget Commission will consider budget amendments from the Departments of Legal Affairs, Transportation, and Agriculture and Consumer Services.

Look Back: Last week, we saw a shakeup in the administration continue with Shane Strum leaving his position as chief of staff to the governor to become Broward Health's CEO. So far, Gov. Ron DeSantis has not announced who will replace Strum. According to news reports, leading candidates include Director of Legislative Affairs Stephanie Kopelousos, Deputy Chief of Staff Adrian Lukis, Budget Director (and GrayRobinson alum) Chris Spencer, and Department of Education Chief of Staff Alex Kelly.

News surrounding the COVID-19 pandemic continues with the state now reporting more than 1.8 million cases. However, daily new cases remained below the five-figure mark every day last week, and there have now been more than 2.5 million vaccine doses administered.

Activities and Bills related to NAIOP – Summary List

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Key Issues for 2021 As Determined at the NAIOP Summit

- Enacting provisions of the Georgia FAST Act in Florida;
- Phasing out the Business Rent Tax;
- Enforcing the Internet Sales Tax;
- Improving the State Fire Code, with particular regard to radio antenna requirements; and
- Monitoring Florida Building Commission membership and adding NAIOP member

Business Rent Tax – The Senate and House have both filed bills to enforce the internet sales tax (bills summarized below). Both chambers are expected to move this legislation and there is still a chance there will be a further reduction in the business rent tax.

FAST Act – House Commerce Committee staff is actively working on legislation to address delays in permits.

Fire Code – CFO Jimmy Patronis has included our language regarding in his official package (summarized below).

Detailed Activities and Bills related to NAIOPFL

The following are bills filed that impact (positively and/or negatively) the commercial real estate industry. Information that is **highlighted** is new as of this week.

Promoting Business Friendly CRE Regulations

Fire Prevention and Control – SB 360 (Hooper) and HB 415 (Botana)

Key Take Away

Requiring the authority having jurisdiction to determine certain minimum radio signal strength requirements for all new and existing buildings; authorizing the use of radio communication enhancement systems to comply with minimum radio signal strength requirements; extending the deadline to comply with minimum radio strength for fire department communications from 2019 to 2024 for permitting and from 2022 to 2027 for installation; providing an exception to the prohibition against installing or transporting certain radio equipment using law enforcement or fire rescue frequencies, etc.

House Approval Milestones – Bill filed January 25.

Insurance & Banking Subcommittee – Awaiting hearing.

State Administration & Technology Appropriations Subcommittee – N/A.

Commerce Committee – N/A.

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Senate Approval Milestones – Bill filed December 21.
Community Affairs - Awaiting hearing.
Banking & Insurance – N/A
Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Construction Defects – HB 21 (Andrade) and SB 270 (Perry)

Key Take Away

Defining the term “material violation”; requiring that a person submit a construction defect claim to the warranty provider before bringing a cause of action; requiring that a claimant submit a construction defect claim to the warranty provider before serving a notice of claim; authorizing a person served with a copy of a notice of claim to perform a reasonable inspection of the property subject to the claim; requiring, instead of authorizing, a person served with a notice to serve a copy of the notice to specified persons under certain circumstances, etc.

House Approval Milestones – Bill filed November 30, 2020.
Civil Justice & Property Rights Subcommittee – **On Committee Agenda for February 17.**
Regulatory Reform Subcommittee – N/A
Judiciary Committee – N/A

Senate Approval Milestones – Bill filed December 21.
Judiciary – **On Committee Agenda for February 15.**
Community Affairs – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Building Design – HB 55 (Overdorf) and SB 284 (Perry)

Key Take Away

If passed, would provide that regulations relating to building design elements may not be applied to residential dwellings unless they are historic properties; provides affected party may submit certain local government regulations to Florida Building Commission for review; provides for enforcement of such regulation.

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House Approval Milestones – Bill filed on December 10.
Regulatory Reform Subcommittee – Committee Substitute passed by vote of 10-5 on February 10.
Local Administration & Veterans Affairs Subcommittee – Awaiting Hearing.
Commerce Committee – N/A.

Senate Approval Milestones – Bill filed on January 11.
Community Affairs – Awaiting hearing.
Regulated Industries – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

County and Municipal Code Enforcement – SB 60 (Bradley) and HB 883 (Overdorf)

Key Take Away

If passed, would prohibit code inspectors designated by boards of county commissioners from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; require persons who report potential violations of codes and ordinances to provide specified information to the board before an investigation occurs; prohibit code inspectors designated by governing bodies of municipalities from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints, etc.

House Approval Milestones – Bill filed February 10. No Committee References yet.

Senate Approval Milestones – Bill filed January 5.
Community Affairs – Committee Substitute passed by vote of 6-3 on February 2.
Governmental Oversight and Accountability – Awaiting Hearing.
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Home-Based Businesses –SB 266 (Perry) and HB 403 (Giallombardo)

Key Take Away

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If passed, would specify conditions under which a business is considered a home-based business; authorize a home-based business to operate in a residential zone under certain circumstances; preempt to the state the ability to regulate or license home-based businesses; prohibit a local government from certain actions relating to the licensure and regulation of home-based businesses, etc.

House Approval Milestones – Bill filed January 25.

Regulatory Reform Subcommittee – On Committee agenda for February 18.
Commerce Committee – N/A.

Senate Approval Milestones – Bill filed on December 14.

Community Affairs – Awaiting hearing.
Commerce & Tourism – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Engineers – SB 572 (Baxley)

Key Take Away

Prohibiting a person who is not licensed as an engineer from using a specified name or title; prohibiting, after a specified date, a person who is not a licensed professional structural engineer from using specified names and titles or practicing professional structural engineering; authorizing the Board of Professional Engineers to refuse to certify an applicant for a professional structural engineer license for certain reasons; exempting certain applicants who apply for licensure before a specified date from having to pass a certain national examination, under certain conditions; specifying acts that constitute grounds for disciplinary action, including civil penalties, against a professional structural engineer, etc.

House Approval Milestones – No bill filed yet.

Senate Approval Milestones – Bill filed on January 12

Regulated Industries – Awaiting Hearing.
Commerce & Tourism – N/A.
Rules - N/A.

Weekly Roundup: N/A.

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Current Call to Action: No action needed at moment.

Florida Building Code – HB 401 (Fetterhoff) and SB 1146 (Brodeur)

Key Take Away

Provides that assisting living facilities are exempt from certain compliance standards; authorizes substantially affected person to file petition with Florida Building Commission to review local government regulations; provides requirements for such petition; provides requirements for commission when considering petition; requires commission to issue nonbinding advisory opinion within specified timeframe; authorizes commission to issue errata to code; prohibits local government from requiring certain contracts for issuance of building permit; requires evaluation entities that meet certain criteria to comply with certain standards.

House Approval Milestones – Bill filed January 25.

Regulatory Reform Subcommittee – Awaiting Hearing.

Local Administration & Veterans Affairs Subcommittee – N/A.

Professions & Public Health Subcommittee – N/A.

Commerce Committee – N/A.

Senate Approval Milestones – Bill filed February 8. No Committee References yet.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Alcoholic Beverage Licenses – HB 329 (Tomkow) and SB 134 (Brandes)

Key Take Away

Authorizes food service establishments to sell or deliver alcoholic beverages for off-premises consumption if requirements are met; revises provisions that authorize restaurant to allow patrons to remove partially consumed bottles of wine from restaurant for off-premises consumption; revises requirements for sale of alcoholic beverages by certain vendors.

House Approval Milestones – Bill filed January 19.

Regulatory Reform Subcommittee – On Committee Agenda for February 18.

Commerce Committee – N/A.

Senate Approval Milestones – Bill filed December 4, 2020.

Regulated Industries – Awaiting Hearing.

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Commerce and Tourism – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

**Tolling and Extension of Permits and Other Authorizations During States of Emergency–
SB 912 (Albritton) and HB 859 (Grant)**

Key Take Away

Adding consumptive use permits issued under part II of ch. 373, F.S., and specified development permits and development agreements to the list of permits and other authorizations that are tolled and extended during a state of emergency declared by the Governor for a natural emergency; providing for retroactive application.

House Approval Milestones – Bill filed February 9. No Committee References yet.

Senate Approval Milestones – Bill filed January 28.
Community Affairs – Awaiting Hearing.
Environment and Natural Resources – N/A.
Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Public Safety Emergency Communications Systems– HB 587 (Snyder)

Key Take Away

Revises requirements for minimum radio signal strength for fire department communications; requires State Fire Marshal to adopt minimum radio coverage design criteria for public safety emergency communications systems & minimum standards for interior radio coverage & signal strength in buildings; requires local jurisdiction's public safety emergency communications system be certified as meeting or exceeding certain criteria before new & existing buildings are required to install, or to be assessed for, two-way radio communications enhancement systems; requires local jurisdictions to produce radio coverage heatmaps; prohibits local jurisdictions from withholding certificates of occupancy under certain circumstances.

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House Approval Milestones – Bill filed January 29. No Committee References yet.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Building Inspections – HB 667 (Mooney)

Key Take Away

Requires certain counties & enforcement agencies allow requests for inspections to be submitted electronically; provides acceptable methods of electronic submission; authorizes enforcement agencies to perform virtual inspections; requires refund of fees in certain circumstances; requires surcharges be recalculated under certain conditions.

House Approval Milestones – Bill filed February 1. No Committee References yet.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Promote Feasible Sustainability Initiatives

Resiliency – SB 514 (Rodrigues) and HB 315 (LaMarca)

Key Take Away

Establishing the Statewide Office of Resiliency within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force adjunct to the office; authorizing the Department of Environmental Protection to contract for specified services, upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc.

House Approval Milestones – Bill filed January 19.

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Environment, Agriculture & Flooding Subcommittee – Awaiting Hearing.
Appropriations Committee – N/A.
State Affairs Committee – N/A

Senate Approval Milestones – Bill filed January 8.

Environment and Natural Resources – **On Committee Agenda for February 15.**
Appropriations Subcommittee on Agriculture, Environment, & General Government –
N/A.
Appropriations – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Renewable Energy – SB 208 (Brandes) and HB 775 (Omphroy)

Key Take Away

If passed, would authorize owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property the business owns or leases; authorizes owners or contracted third parties to sell electricity generated from the device to certain businesses regardless of whether the device is located in a utility's service territory, etc.

House Approval Milestones – **Bill filed February 4. No Committee References yet.**

Senate Approval Milestones – Bill filed December 7, 2020.

Regulated Industries – Awaiting Hearing.
Commerce and Tourism – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Renewable Energy – HB 539 (Byrd) and SB 896 (Brodeur)

Key Take Away

Provides definitions of terms "biogas" & "renewable natural gas"; revises definition of term "renewable energy" to include certain energy created to displace traditional fuel sources.

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House Approval Milestones – Bill filed January 28. No Committee References yet.

Senate Approval Milestones – Bill filed January 28.

Regulated Industries – Awaiting Hearing.

Environment and Natural Resources – N/A.

Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Brownfield Site Rehabilitation –SB 1054 (Broxen

Key Take Away

Requiring the Department of Environmental Protection to make information relating to areas of PFAS contamination available to certain governmental entities; requiring the department to provide constructive notice to local governmental entities and to certain property owners and residents when the department issues a site rehabilitation completion order that relies on intuitional controls not recorded in public records; requiring the department to adopt rules for statewide cleanup target levels for PFAS in soils and groundwater; providing that a person who executes a PFAS voluntary site rehabilitation agreement with the department is immune from and has no liability for certain claims under certain circumstances.

House Approval Milestones – No bill filed.

Senate Approval Milestones – Bill filed February 2.

Environment and Natural Resources – Awaiting Hearing.

Appropriations Subcommittee on Agriculture, Environment, and General Government – N/A.

Appropriations – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

State Preemption of Energy Infrastructure Regulation – SB 856 (Hutson) and HB 839 (Fabricio)

Key Take Away

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Prohibits local government from regulating energy infrastructure; preempts such regulation to state.

House Approval Milestones – Bill filed February 9. No Committee References yet.

Senate Approval Milestones – Bill filed January 27.

Regulated Industries – Awaiting Hearing.

Community Affairs – N/A.

Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Promote Fair Taxation

Internet Sales Tax Enforcement – SB 50 (Gruters) and HB 15 (Clemons)

Key Take Away

If passed, would revise definitions for “retail sale” and “mail order sale” to capture internet sales, and thus enforce the sales tax on internet sales.

House Approval Milestones – Bill filed on November 30, 2020.

Ways & Means Committee – Awaiting Hearing

Commerce – N/A

Senate Approval Milestones – Bill filed on December 18, 2020.

Commerce and Tourism – Approved by vote 11-0 on January 25.

Finance and Tax – On Committee agenda for February 18.

Appropriations – N/A

Weekly Roundup: Placed on Week 2 agenda in Senate.

Current Call to Action: No action needed at moment.

Back-to-School Sales Tax Holiday – SB 598 (Perry)

Key Take Away

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Providing exemptions from the sales and use tax on the retail sale of certain clothing, wallets, bags, school supplies, personal computers, and personal computer-related accessories during a specified timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements, etc.

House Approval Milestones – No bill filed yet.

Senate Approval Milestones – Bill filed on January 13.

Commerce and Tourism – On Committee Agenda for February 15.

Finance and Tax - N/A.

Appropriations – N/A.

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Sales Tax Holiday for Disaster Preparedness Supplies– SB 734 (Gruters)

Key Take Away

Providing exemptions from the sales and use tax for specified disaster preparedness supplies during a specified timeframe; requiring purchasers of certain items to furnish a specified affidavit and information to the selling dealer; providing a criminal penalty for furnishing a false affidavit with certain intent; authorizing the Department of Revenue to adopt emergency rules, etc. APPROPRIATION: \$70,072

House Approval Milestones – No bill filed.

Senate Approval Milestones – Bill filed January 22.

Commerce and Tourism – On Committee Agenda for February 15.

Finance and Tax – N/A.

Appropriations – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Tax Exemption for Affordable Housing – HB 563 (Anthony Rodriguez) and SB 674 (Ana Maria Rodriguez)

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Key Take Away

Authorizing counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for the governmental or public purpose of providing affordable housing to certain persons or families; specifying procedures in the event property is transferred for other purposes; specifying procedures in the event an exemption is improperly granted as a result of certain acts by the property appraiser, etc.

House Approval Milestones – Bill filed January 28. No Committee References yet.

Senate Approval Milestones – Bill filed January 15.

Community Affairs – Awaiting Hearing.

Finance and Tax – N/A.

Appropriations – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Impact Fees – HB 337 (DiCeglie) and SB 750 (Gruters)

Key Take Away

Specifies instances when local government or special district may collect impact fee; requires local governments & special districts to credit against collection of impact fee any contribution related to public facilities; provides annual limitations on impact fee increases; requires school districts to report specified items regarding impact fees; requires specified entities to file affidavit attesting that impact fees were appropriately collected & expended.

House Approval Milestones – Bill filed January 19.

Local Administration & Veterans Affairs Subcommittee – Awaiting Hearing.

Ways & Means Committee – N/A.

State Affairs Committee – N/A.

Senate Approval Milestones – Bill filed January 8.

Community Affairs – Awaiting Hearing.

Finance and Tax – N/A

Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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Small Business Saturday Sales Tax Holiday – HB 637 (DiCeglie) and SB 302 (Taddeo)

Key Take Away

Defining the term “small business”; providing that small businesses are not required to collect the sales and use tax on the retail sale of certain items of tangible personal property during a specified timeframe; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation.

House Approval Milestones – Bill filed February 1. No Committee References yet.

Senate Approval Milestones – Bill filed December 18.
Commerce and Tourism – Awaiting Hearing.
Finance and Tax – N/A.
Appropriations – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Tax Refund Program for Qualified Target Industry Businesses – SB 982 (Gruters)

Key Take Away

Deleting a provision prohibiting the certification of applicants after a specified date.

House Approval Milestones – No bill filed yet.

Senate Approval Milestones – Bill filed February 1.
Commerce and Tourism – Awaiting Hearing.
Finance and Tax – N/A.
Appropriations – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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State Housing Funds – SB 510 (Hooper) and HB 13 (Killebrew)

Key Take Away

If passed, would protect Housing Trust funds by exempting State Housing Trust Fund & Local Government Housing Trust Fund from provision authorizing Legislature, in GAA, to transfer unappropriated cash balances from specified trust funds to Budget Stabilization Fund & General Revenue Fund

House Approval Milestones – Bill filed November 30.

Infrastructure & Tourism Appropriations Subcommittee – Awaiting hearing.
Appropriations Committee – N/A

Senate Approval Milestones – Bill filed January 8.

Community Affairs – Passed by vote of 9-0 on February 2.
Finance & Tax – **On Committee agenda for February 18.**
Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Growth Management – HB 59 (McClain) and SB 496 (Perry)

Key Take Away

Requires local governments to include property rights element in their comprehensive plans; provides statement of rights that local government may use; requires local government to adopt property rights element by specified date; prohibits local government's property rights element from conflicting with statutorily provided statement of rights; provides that certain property owners are not required to consent to development agreement changes; prohibits municipality from annexing specified areas; requires DOT to afford right of first refusal to certain individuals; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended.

House Approval Milestones – Filed on December 10, 2020.

Local Administration & Veterans Affairs Subcommittee – Committee Substitute passed by vote of 12-6 on February 4.

Civil Justice & Property Rights Subcommittee – **On Committee agenda for February 17.**
State Affairs – N/A

Senate Approval Milestones – Filed on January 7.

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Community Affairs – Awaiting hearing.
Judiciary – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: N/A.

Small Scale Development Amendments – HB 487 (Duggan)

Key Take Away

Revises acreage thresholds adopting an amendment using a small scale development amendment.

House Approval Milestones – Bill filed January 27.

Local Administration & Veterans Affairs Subcommittee – Awaiting Hearing.
Commerce Committee – N/A.
State Affairs Committee – N/A.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Promote Economic Prosperity

Civil Liability for Damages Relating to COVID-19 – HB 7 (McClure) and SB 72 (Brandes)

Key Take Away

Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.

House Approval Milestones – **Filed on January 6.**

Civil Justice & Property Rights Subcommittee – Approved by vote 11-6 on January 13.

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Pandemics & Public Emergencies Committee – Passed by vote 11-6 on February 3.
Judiciary Committee- **On Committee agenda for February 16.**

Senate Approval Milestones – Filed on January 6.

Judiciary – Approved by vote 7-4 on January 25.

Commerce and Tourism Committee – **On Committee agenda for February 15.**

Rules – N/A

Weekly Roundup: Passed first House Committee. Up in Senate during Week 2.

Current Call to Action: N/A.

Evidentiary Standards for Actions Arising During an Emergency – HB 579 (Melo)

Key Take Away

Provides that specified actions taken by business during declared emergencies may not be used as evidence in certain civil causes of action.

House Approval Milestones – Bill filed January 29. No Committee References yet.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Governmental Actions Affecting Private Property Rights – HB 421 (Tuck)

Key Take Away

Revises notice of claim requirements for property owners; creates presumption that certain settlement offers protect public interest; specifies property owners retain option to have court determine awards of compensation; authorizes property owners to bring claims against governmental entities in certain circumstances; authorizes property owners to bring actions to declare prohibited exactions invalid; provides for resolution of disputes concerning comprehensive plan amendments under Florida Land Use & Environmental Dispute Resolution Act.

House Approval Milestones – Bill filed January 26.

Civil Justice & Property Rights Subcommittee – Awaiting hearing.

Local Administration & Veterans Affairs Subcommittee – N/A.

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Judiciary Committee- N/A.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Electronic Legal Documents – HB 483 (Altman) and SB 848 (Powell)

Key Take Away

Clarifies that supervising witnessing of electronic record by online notary public is notarial act; specifies applicability of online notarization procedures to supervision of witnessing of electronic record; modifies witnessing procedures; revises statutory forms for affidavit for acceptance of & reliance upon power of attorney, for notice of election relating to descent of homestead property, for self-proof of will or codicil, for disposition of certain assets at death, & for petition of summary relief for sale or transfer of property owned by absentee, to reflect means of notarization.

House Approval Milestones – Bill filed January 27.

Civil Justice & Property Rights Subcommittee – Awaiting hearing.

Commerce Committee – N/A.

Judiciary Committee- N/A.

Senate Approval Milestones – Bill filed January 27.

Commerce and Tourism – Awaiting Hearing.

Judiciary – N/A.

Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Tourism Marketing Entities – HB 675 (Plasencia) and SB 778 (Hooper)

Key Take Away

Authorizes Florida Tourism Industry Marketing Corporation to carry forward unexpended state appropriations into succeeding fiscal years; abrogates repeal of provisions

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establishing Florida Tourism Industry Marketing Corporation, direct-support organization of Enterprise Florida, Inc., & Division of Tourism Marketing within Enterprise Florida.

House Approval Milestones – Bill filed February 2. No Committee References yet.

Senate Approval Milestones – Bill filed January 25.

Commerce and Tourism – **On Committee agenda for February 15.**

Appropriations Subcommittee on Transportation, Tourism, and Economic Development – N/A.

Appropriations – N/A..

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Health Care Civil Liability – HHS1 (PCB Bill by Health & Human Services Committee)

Key Take Away

Provides protections for COVID-19 related claims for Health Care providers.

House Approval Milestones – Bill filed February 5.

Health & Human Services Committee – **On Committee Agenda for February 17.**

Senate Approval Milestones – No bill filed yet.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Repeal of Developer Incentive Requirements – HB 6067 (Eskamani)

Key Take Away

Removes provisions requiring counties & municipalities to provide incentives to fully offset costs of certain affordable housing contributions or linkage fees.

House Approval Milestones – **Bill filed February 9. No Committee References yet.**

Senate Approval Milestones – No bill filed yet.

Weekly Roundup: N/A.

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Current Call to Action: No action needed at moment.

Summary of Committee Week Four (Feb. 8-12) and Preview of Week Five

Week in Review

In case you missed it, here is an update on last week's legislation to watch:

COVID Health Care Liability Protections Legislation (PCB HHS1 21-01/[SB 74 by Sen. Brandes](#)) —The Senate Judiciary Committee approved SB 74 on a 6-4 vote. It now heads to the Senate Health Policy Committee.

Dues and Uniform Assessments Legislation ([SB 78 by Sen. Rodrigues](#)) —The bill passed the Senate Judiciary Committee on a 6-4 party-line vote. The bill now heads to the Senate Rules Committee.

Vacation Rental Preemption Legislation ([HB 219 by Rep. Fischer/SB 522 by Sen. Diaz](#)) — The House Regulatory Reform Subcommittee voted 10-7 to advance HB 219. Its next stop is the House Ways and Means Committee.

Cooperative Advertising Agreements Legislation ([HB 73 by Rep. Tomkow/SB 1062 by Sen. Brodeur](#)) — HB 73 cleared the House Regulatory Reform Subcommittee on a 9-8 vote. It now heads to the House Commerce Committee.

Vaccine Fraud Prevention Legislation ([HB 9 by Rep. Zika](#)) — The House Criminal Justice and Public Safety Subcommittee voted unanimously in favor of HB 9. It now goes before the House Judiciary Committee.

Building Design Legislation ([HB 55 by Rep. Overdorf/SB 284 by Sen. Perry](#)) — The House Regulatory Reform Subcommittee approved HB 55 on a 12-5 vote. It now heads to the Local Administration and Veterans Affairs Subcommittee.

Week Four Preview

COVID Business Liability Protections Legislation ([HB 7 by Rep. McClure/SB 72 by Sen. Brandes](#)) This previously reported-on liability protection measure continues moving forward on the fast track of the Legislature.—The Senate Commerce and Tourism Committee will hear SB 72 on Monday at 3:30 p.m. The House Judiciary Committee will hear HB 7 on Tuesday at 4 p.m. At this pace, both bills could be ready for final passage the first week of legislative session.

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Craft Distilleries Legislation ([SB 46 by Sen. Hutson](#)) – The bill would raise the cap for the craft distillery designation from 75,000 to 250,000 gallons a year and allow distilleries to sell their products by the drink for on-site consumption in addition to selling sealed containers for off-site consumption. It would also allow craft distilleries to conduct tastings and sales at farmers' markets, festivals, or other similar events. The Senate Commerce and Tourism Committee will hear SB 46 on Monday at 3:30 p.m.

Resiliency Legislation ([HB 315 by Rep. LaMarca/SB 514 by Sen. Rodrigues](#)) — The bills would establish the Office of Resiliency under the executive branch and set up a Sea Level Rise Task Force to study and make projections on sea-level rise. The chief resiliency officer, a gubernatorial appointee, would chair the nine-person task force while the chief science officer of the Department of Environmental Protection would serve as vice chair. The Senate President and House Speaker would each name one member. Representatives from the Department of Transportation, Division of Emergency Management, Department of Agriculture and Consumer Services, Fish and Wildlife Conservation Commission, and the Department of Economic Opportunity would make up the remainder of the commission. The Senate Environment and Natural Resources Committee will hear SB 514 on Monday at 3:30 p.m.

Right to Farm Legislation ([SB 88 by Sen. Brodeur](#)) — The bill would expand Florida's Right to Farm Act by restricting the types of civil lawsuits that can be filed against farms and requiring that plaintiffs prove noncompliance with state or federal requirements to prevail. It would also apply those protections to farms in the "agritourism" industry. The bill does not yet have a House companion, but it is a priority of Senate President Simpson, who is also an egg farmer. The Senate Environment and Natural Resources Committee will hear SB 88 on Monday at 3:30 p.m.

Vacation Rental Preemption Legislation ([HB 219 by Rep. Fischer/SB 522 by Sen. Diaz](#)) — The bills, similar but not identical, generally would preempt local ordinances regulating vacation rentals and set up a statewide regulatory framework for the industry, requiring platforms like Airbnb to collect and remit tourism taxes. In addition, property owners would have to display their vacation rental license, sales tax registration, and tourist development tax account numbers on site. Platforms would verify the license quarterly and delist any noncompliant property within 15 days. The bills would not supersede local ordinances enacted before June 1, 2011, or those less restrictive than state regulations. The Senate Regulated Industries Committee will hear SB 522 on Tuesday at 12:30 p.m.

Beverage Law Legislation ([SB 148 by Sen. Bradley](#)) — The bill would allow restaurants to continue selling alcoholic beverages to-go after the pandemic ends. Currently, the pandemic state of emergency declaration provides restaurants with the ability to sell to-go cocktails. The bill would require customers to purchase food alongside to-go and delivery drinks. The Senate Regulated Industries Committee will hear SB 148 on Tuesday at 12:30 p.m.

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Educational Scholarship Programs Legislation ([SB 48 by Sen. Diaz](#)) — The bill would streamline the state’s K-12 scholarships by folding the Florida Tax Credit Scholarship and Hope Scholarship into the Family Empowerment Scholarship and merging the McKay Scholarship Program for Students with Disabilities and the Gardiner Scholarship Program into a new program called the McKay-Gardiner Scholarship Program. The Senate Appropriations Subcommittee on Education will hear SB 48 on Wednesday at 3:30 p.m.

Technology Transparency Legislation — The House Commerce Committee will hold a workshop on draft legislation to create the Technology Transparency Act. The proposal, a priority of the governor, would impose a series of requirements on social media companies, such as Facebook and Twitter. The requirements include informing users of any change of terms of services; allowing people to opt-out of content algorithms; levying \$100,000 daily fines for “deplatforming” candidates for office; and creating a “cause of action” pathway for legal action from the attorney general or private citizens under the guise of deceptive and unfair practices. The committee will hold the workshop on Wednesday at 4 p.m.

Online Retailers Sales Tax Legislation ([HB 15 by Reps. Clemons/SB 50 by Sen. Gruters](#)) – The bills, although not identical, would require online retailers that make more than \$100,000 in sales to collect and remit sales tax, whether or not they have a physical presence in the state. Currently, only retailers with a physical presence in Florida must collect sales tax, and buyers must send the Department of Revenue a check for the tax the retailer would have collected. However, few buyers send those payments. Past analyses estimate the change would increase state revenues by \$480 million. The Senate Finance and Tax Committee will hear SB 50 on Thursday at 9 a.m.

Dues and Uniform Assessments Legislation ([HB 947 by Rep. Plakon/SB 78 by Sen. Rodrigues](#)) – This controversial union-busting bill has a House companion (filed last week) and appears on path for a full Senate vote the first week of session. As the final stop before a floor vote, the Senate Rules Committee will take up SB 78 on Thursday at 9 a.m.

Federal Spotlight

U.S. House committees speed through budget work

With a deadline of February 16, 12 House committees marked up legislation this week to apportion the \$1.9 trillion in COVID relief approved by the U.S. House and Senate. The individual bills would implement President Joe Biden’s American Rescue Plan, delivering direct payments, grants, and access to credit to individuals, families, small businesses, and state and local government entities. Some highlights:

- The **House Education and Labor Committee** approved \$130 billion to help K-12 schools reopen safely. (Separately, the Centers for Disease Control issued [new guidance for](#)

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[reopening schools safely](#) today.)

- The **House Energy and Commerce Committee** approved \$7.6 billion for the Federal Communications Commission to support broadband Internet access for schools and libraries.
- The **House Financial Services Committee** approved \$25 billion in emergency rental assistance and \$10 billion in homeownership assistance, most of which states, counties, and cities will distribute. They also voted to reestablish the State Small Business Credit Initiative originally created in 2008, allocating \$10 billion to the states to support up to \$100 billion in small business financing.
- The **House Oversight and Reform Committee** approved \$195.3 billion in payments to states and the District of Columbia and \$130.2 billion in payments to cities, towns, and counties.
- The **House Ways and Means Committee** approved \$593 billion in direct payments and tax credits to individuals and households. Individuals with income under \$75,000/year and couples with income under \$150,000 will receive payment of \$1,400 apiece; this amount will decrease as income increases, up to \$100,000 per individual or \$200,000 per couple; no one earning more than that will be eligible for payments.
- The House Education and Labor Committee also approved a new federal minimum wage of \$15/hour as part of its spending bill. This provision was not part of [S.Con.Res.5](#), the budget reconciliation agreement, and some have argued that the reconciliation process cannot include the provision since it is not explicitly a spending measure.

All of these bills go next to the U.S. House Budget Committee, which will consolidate them for action on the House floor. House and Senate Democratic leadership want to get a final bill to the president before many unemployment benefits expire on March 14.

To read more updates from our federal lobbying team, read last week's "On the Record with the Golden Apple" [here](#).

Current Bill Statistics

Total Bills Filed: 2,115 (1,500 House; 625 Senate)

Appropriations Bills Filed: 971

Total Appropriation Project Dollars Requested: \$1,085,954,613

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Schedule for Committee Weeks 4 and 5

The Senate's schedule can be viewed at the following link:

Week 5:

<https://www.flsenate.gov/Session/Calendar/2021/Weekly%20Schedules%202021-02-01%20161813.PDF>

The House's schedule can be viewed at the following link:

Week 5:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Interim&CommitteeId=&Session=2021&DocumentType=Interim%20Weekly%20Schedules&FileName=Interim%20Weekly%20Schedule%20for%20February%2015%20-%2019,%202021.pdf>

Preview of 2021 Legislative Session

Key Dates

The 2021 Legislative Session gavels-in on March 2, 2021.

Committee Week Schedule

- Week 5 – February 15-19