

MEMORANDUM

TO: NAIOP

FROM: GrayRobinson

DATE: February 7, 2021

SUBJECT: 2021 Legislative Session – Committee Week 3 (February 1-5)

The Florida Legislature’s penultimate committee week begins tomorrow in Tallahassee, where legislative business will continue under the COVID-19 guidelines set by each chamber. Making major headlines as last week wound to a close was Governor DeSantis’ appointment of new agency heads at the Agency for Health Care Administration (AHCA) and the Department of Children and Families (DCF). News of DCF Secretary Chad Poppell’s resignation hit Friday and was followed - almost immediately - by the appointment of acting AHCA Secretary Shevaun Harris to replace him and Department of Juvenile Justice Secretary Simone Marstiller to take over as Secretary of AHCA. All of this was then followed by word that DMS Secretary Jonathan Satter had turned in his resignation letter on January 5. Friday’s turnover, coupled with the previous announced resignation of Department of Business and Professional Regulation Secretary Halsey Beshears, leaves the Governor with three empty agency posts to fill.

Four House appropriations subcommittees will meet this week to receive presentations on their sections of the Governor’s \$96.6 billion budget recommendation. Last week, the Senate Appropriations Committee discussed the recommendation and the chair, Senator Kelli Stargel, indicated her chamber would take a more “conservative” approach to this year’s budget. The Senate also released a survey to all entities that receive recurring state dollars. The questions include salary information of their top employees and is due by February 19.

On the COVID-19 front, Wednesday, February 3, marked the first day the Department of Health reported more vaccinations than infections. The news came as Gov. DeSantis announced efforts to distribute more vaccines in minority communities, including a goal of vaccinating all Holocaust survivors in the state.

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. No Committee References yet.

Senate Approval Milestones – Bill filed December 21.

Community Affairs - Awaiting hearing.

Banking & Insurance – N/A

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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 – Awaiting hearing.

Regulatory Reform Subcommittee – N/A

Judiciary Committee – N/A

Senate Approval Milestones – Bill filed December 21.

Judiciary - Awaiting hearing.

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.

House Approval Milestones – Bill filed on December 10.

Regulatory Reform Subcommittee – On Committee Agenda for February 10.

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Local Administration & Veterans Affairs Subcommittee – N/A.
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)

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 – No bill filed 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

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

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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. No Committee References yet.

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.

Current Call to Action: No action needed at moment.

Florida Building Code – HB 401 (Fetterhoff)

Key Take Away

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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. No Committee References yet.

Senate Approval Milestones – No bill filed.

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 – Awaiting Hearing.

Commerce Committee – N/A.

Senate Approval Milestones – Bill filed December 4, 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.

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

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 – No bill filed.

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.

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.

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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.

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 – Awaiting Hearing.

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

Appropriations – N/A.

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Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Renewable Energy – SB 208 (Brandes)

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 – No house bill filed 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.

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

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

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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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. No Committee References yet.**

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 – Awaiting Hearing.
Appropriations – N/A

Weekly Roundup: Placed on Week 2 agenda in Senate.

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Current Call to Action: No action needed at moment.

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

Key Take Away

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 – Awaiting Hearing.

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

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

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Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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 2. 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. No Committee References yet.

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

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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Collaborative Growth Management

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 – Awaiting Hearing.
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 – Awaiting Hearing.
State Affairs – N/A

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Senate Approval Milestones – Filed on January 7.
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. No Committee References yet.

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.

Pandemics & Public Emergencies Committee – Passed by vote 11-6 on February 3.

Judiciary Committee- Awaiting Hearing.

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Senate Approval Milestones – Filed on January 6.

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

Commerce and Tourism Committee – Awaiting Hearing.

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. No Committee References yet.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

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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. No Committee References yet.

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)

Key Take Away

Authorizes Florida Tourism Industry Marketing Corporation to carry forward unexpended state appropriations into succeeding fiscal years; abrogates repeal of provisions 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 – No bill filed yet.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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Summary of Committee Week Three (Feb. 1-5) and Preview of Week Four

Week in Review

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

Marina Evacuations Legislation ([HB 223 by Rep. Plasencia/SB 578 by Sen. Wright](#)) — The Senate Environment and Natural Resources Committee approved SB 578 with a unanimous vote. It now heads to the Senate Transportation Committee.

Right to Farm Legislation ([SB 88 by Sen. Brodeur](#)) — The Senate Judiciary Committee advanced SB 88 with a 10-1 vote. The next stop is the Senate Environment and Natural Resources Committee.

Educational Scholarship Programs Legislation ([SB 48 by Sen. Diaz](#)) — The Senate Education Committee approved SB 48, as amended, with a 6-4 party-line vote. The expected next stop for the committee substitute is the Appropriations Subcommittee on Education.

COVID Business Liability Protections Legislation ([HB 7 by Rep. McClure/SB 72 by Sen. Brandes](#)) — The House Pandemics and Public Emergencies Committee passed HB 7 with an 11-6 party-line vote. It now heads to the House Judiciary Committee.

Home Book Delivery for Elementary Students Legislation ([HB 3 by Rep. Trabulsy](#)) — The House Early Learning and Elementary Education Subcommittee approved HB 3 with a unanimous vote. The House PreK-12 Appropriations Subcommittee is next.

Week Four Preview

2020 Election Performance — The Public Integrity & Elections Committee will receive presentations from the Florida Department of State and the Florida Supervisors of Election on 2020 election performance when it meets on Tuesday at 3 p.m.

COVID Health Care Liability Protections Legislation ([PCB HHS1 21-01/SB 74 by Sen. Brandes](#)) — The Senate bill would protect health care providers from COVID-related lawsuits if they “substantially” followed government-recommended guidance to mitigate the spread of the virus. Under SB 74, a lawsuit would need to prove “gross negligence or intentional misconduct” to be successful. On Friday, the House Health and Human Services Committee released its proposed committee bill (HHS1) which is very similar to Sen. Brandes’ legislation. Two notable differences are that the House proposed bill requires a doctor’s affidavit attesting to his or her belief, within a reasonable degree of medical certainty, that plaintiff’s claims occurred as a result

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of defendant's acts or omissions, and a two-step process a plaintiff must take to overcome immunity before the case can proceed. The legislation is analogous to the business liability protections legislation moving through both chambers. The Senate Judiciary Committee will hear the bill on Wednesday at 9 a.m.

Dues and Uniform Assessments Legislation ([SB 78 by Sen. Rodrigues](#)) — The controversial bill would add a step before employers could deduct union dues from paychecks. It adds a requirement that government employers confirm with employees whether they want union dues withheld. They must also continue following the current rules, which require a written request before deductions can begin. The bill passed the Senate Governmental Oversight and Accountability last month on a party-line vote but then was temporarily postponed last week by the Senate Judiciary Committee after a contentious debate where teachers and first responders expressed opposition to the bill. The committee will rehear the bill on Wednesday at 9 a.m.

Vacation Rental Preemption Legislation ([HB 219 by Rep. Fischer/SB 522 by Sen. Diaz](#)) — The bills 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. Also, 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 bill would not supersede local ordinances enacted before June 1, 2011, or those less restrictive than state regulations. The House Regulatory Reform Subcommittee will hear HB 219 when it meets on Wednesday at 1 p.m.

Cooperative Advertising Agreements Legislation ([HB 73 by Rep. Tomkow/SB 1062 by Sen. Brodeur](#)) — The bills would allow beer companies to enter advertising agreements with theme parks, such as sponsorship of a concert held in the park. Similar bills have been contentious in past legislative sessions, drawing opposition from the craft beer industry, which claims the legislation would favor big brewers and beer distributors who warn of the dangers of tinkering with Florida's three-tier system that governs alcohol. Large brands have also said the legislation could allow parks to "extort" them for advertising dollars. The House Regulatory Reform Subcommittee will hear HB 73 on Wednesday at 1 p.m.

Vaccine Fraud Prevention Legislation ([HB 9 by Rep. Zika](#)) — The bill would increase penalties for vaccine-related schemes, such as fraudulently advertising access to COVID-19 vaccines in exchange for money. The schemes would become a third-degree felony for a first offense and a second-degree felony for a second or subsequent offense. It would also authorize the Attorney General to institute a civil action against suspected schemers and allow victims of vaccine-related fraud schemes to pursue civil remedies against fraudsters. The bill, a priority of House Speaker Chris Sprowls, does not yet have a Senate companion. It cleared its first committee with a unanimous vote. The House Criminal Justice & Public Safety Subcommittee will consider the bill when it meets on Wednesday at 2:30 p.m.

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Federal Spotlight

Senate, House approve \$1.9 trillion relief plan through reconciliation

You'd think something called "vote-a-rama" would be more fun. The Senate voted to proceed on [S.Con.Res. 5](#), a resolution that lays out the budget framework for President Biden's \$1.9 billion COVID relief package, on Tuesday, and took its final vote on the resolution after 5:00 this morning. The 41 roll-call votes covered a wide range of issues, from expanding health savings accounts (passed, 53-47) to prohibiting new employment visas until the economy stabilizes (failed, 40-60). Vice President Kamala Harris cast the tie-breaking vote on final passage. The House approved the revised resolution this afternoon, 219-209. House and Senate Committees now have until February 16 to write and approve implementing legislation.

Schumer becomes Majority Leader as Senate organizes

The Senate approved its [power-sharing agreement](#) on Wednesday, installing Senator Chuck Schumer (D-NY) as Majority Leader and Senator Mitch McConnell (R-KY) as Minority Leader. Since the Senate is evenly divided between Republicans and Democrats, committee membership will be evenly divided as well, with Democrats serving as committee chairs. The Senate did not agree to abandon the filibuster. Vice President Kamala Harris will cast tie-breaking votes when necessary.

Committee chairs and ranking members for this Congress are:

- **Agriculture, Nutrition & Forestry** — [Senator Debbie Stabenow](#) (D-MI), chair; [Senator John Boozman](#) (R-AR), ranking member
- **Appropriations** — [Senator Patrick Leahy](#) (D-VT), chair; [Senator Richard Shelby](#) (R-AL), ranking member
- **Armed Services** — [Senator Jack Reed](#) (D-RI), chair; [Senator James Inhofe](#) (R-OK), ranking member
- **Banking, Housing & Urban Affairs** — [Senator Sherrod Brown](#) (D-OH), chair; [Senator Patrick Toomey](#) (R-PA), ranking member
- **Budget** — [Senator Bernie Sanders](#), chair (I-VT); [Senator Lindsey Graham](#) (R-SC), ranking member
- **Commerce, Science & Transportation** — [Senator Maria Cantwell](#) (D-WA), chair; [Senator Roger Wicker](#) (R-MS), ranking member
- **Energy & Natural Resources** — [Senator Joe Manchin](#) (D-WV), chair; [Senator John Barrasso](#) (R-WY), ranking member
- **Environment & Public Works** — [Senator Tom Carper](#) (D-DE), chair; [Senator Shelley Moore Capito](#) (R-WV), ranking member
- **Finance** — [Senator Ron Wyden](#) (D-OR), chair; [Senator Mike Crapo](#) (R-ID), ranking member

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- **Foreign Relations** — [Senator Robert Menendez](#) (D-NJ), chair; [Senator James E. Risch](#) (R-ID), ranking member
- **Health, Education, Labor & Pension** — [Senator Patty Murray](#) (D-WA), chair; [Senator Richard Burr](#) (R-NC), ranking member
- **Homeland Security & Governmental Affairs** — [Senator Gary Peters](#) (D-MI), chair; [Senator Rob Portman](#) (R-OH), ranking member
- **Intelligence** — [Senator Mark Warner](#) (D-VA), chair; [Senator Marco Rubio](#) (R-FL), ranking member
- **Judiciary** — [Senator Dick Durbin](#) (D-IL), chair; [Senator Chuck Grassley](#) (R-IA), ranking member
- **Rules & Administration** — [Senator Amy Klobuchar](#) (D-MN), chair; [Senator Roy Blunt](#) (R-MO), ranking member
- **Small Business & Entrepreneurship** — [Senator Ben Cardin](#) (D-MD), chair; [Senator Rand Paul](#) (R-KY), ranking member
- **Veterans' Affairs** — [Senator Jon Tester](#) (D-MT), chair; [Senator Jerry Moran](#) (R-KS), ranking member
- **Ageing** — [Senator Bob Casey](#) (D-PA), chair; [Senator Tim Scott](#) (R-SC), ranking member
- **Ethics** — [Senator Chris Coons](#) (D-DE), chair; [Senator James Lankford](#) (R-OK), ranking member
- **Indian Affairs** — [Senator Brian Schatz](#) (D-HI), chair; [Senator Lisa Murkowski](#) (R-AK), ranking member
- **Joint Economic** — [Senator Martin Heinrich](#) (D-NM), vice chair; [Senator Mike Lee](#) (R-UT), senior Republican

Current Bill Statistics

Total Bills Filed: 1,623 (1,097 House; 526 Senate)

Appropriations Bills Filed: 653

Schedule for Committee Weeks 4 and 5

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

Week 4:

<https://www.flsenate.gov/Session/Calendar/2021/Weekly%20Schedules%202021-01-25%20161855.PDF>

Week 5:

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<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 4:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Interim&CommitteeId=&Session=2021&DocumentType=Interim%20Weekly%20Schedules&FileName=Interim%20Weekly%20Schedule%20for%20February%208%20-%2012,%202021.pdf>

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 4 – February 8-12
- Week 5 – February 15-19

Other Key Dates

- February 2, 5:00pm
 - Deadline for submission of appropriation bills in the House