

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: February 21, 2021
SUBJECT: 2021 Legislative Session – Committee Week 5 (February 15-19)

The next time lawmakers and lobbyists descend upon the Capitol, the 2021 Legislative Session will be underway. The final committee week wasn't action packed, though there were a few bills that brought out some chippiness on the committees that heard them. Namely, the college campus freedom of speech bill [brought out some uncomfortable debate](#) on when and where controversial speech is allowed on college campuses. Less chippy, but still drawing attention, the Senate started moving both the vacation rental preemption and the online sales tax legislation.

The COVID-19 Liability legislation hit a snag in the Senate Commerce & Tourism Committee when the primary sponsor (Jeff Brandes) was delayed in another committee and could not present. As a result, the legislation was temporarily postponed and will be taken up at the next meeting on March 2. This delay prevents the legislation from being ready for a floor vote in the House and Senate, as many had expected. Still, this legislation will likely head to the floor in weeks two or three of the legislative session.

Finally, Governor DeSantis appointed PSC Commissioner Julie Brown as Secretary of the Department of Business and Professional Regulation. Secretary Brown replaced Halsey Beshears who resigned last month. This appointment leaves the Governor with the remaining tasks of appointing a secretary to the Department of Management Services and finding a new Chief of Staff when Shane Strum officially leaves the role at the end of the month.

All of [these](#), our [Federal Spotlight](#) and current [Session Statistics](#) are detailed below.

Activities and Bills related to NAIOP – Summary List

Key Issues for 2021 As Determined at the NAIOP Summit

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- 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.

Senate Approval Milestones – Bill filed December 21.

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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 – **Approved by vote of 10-8 on February 17.**

Regulatory Reform Subcommittee – **Awaiting Hearing.**

Judiciary Committee – N/A

Senate Approval Milestones – Bill filed December 21.

Judiciary – **Approved by vote of 9-1 on February 15.**

Community Affairs – **Awaiting Hearing.**

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 – Approved by vote of 10-6 on February 18.

Commerce Committee – Awaiting Hearing.

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) and SB 931 (Toledo)

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 – Bill filed February 11..

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.

Community Affairs – Awaiting Hearing.

Appropriations – N/A.

Rules – N/A.

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 – Passed by vote of 14-0 on February 18.
Commerce Committee – Awaiting Hearing.

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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.

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

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radio coverage heatmaps; prohibits local jurisdictions from withholding certificates of occupancy under certain circumstances.

House Approval Milestones – Bill filed January 29.

Insurance & Banking Subcommittee – Awaiting Hearing.

State Administration & Technology Appropriations Subcommittee – N/A.

Commerce Committee – N/A.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Building Inspections – HB 667 (Mooney) and SB 1382 (Perry)

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.

Regulatory Reform Subcommittee – Awaiting Hearing.

Local Administration & Veterans Affairs Subcommittee – N/A.

Commerce Committee – N/A.

Senate Approval Milestones – Bill filed February 17. No Committee References yet.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Application for and Issuance of Building Permits– HB 1059 (Robinson)

Key Take Away

Application for and Issuance of Building Permits: Requires county that issues building permits & local enforcement agency to post certain information on their websites; authorizes all components to completed application be submitted electronically or in person; requires local enforcement agency, local government, or local building department

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to reduce permit fee by specified amount for failing to meet certain deadlines; prohibits authority that issues building permit from requiring applicant to provide specified contracts as part of application for certain construction.

House Approval Milestones – Bill filed February 17. No Committee References yet.

Senate Approval Milestones – No bill filed.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Department of Financial Services – SB 1408 (Burgess)

Key Take Away

Specifying powers and duties of the Division of Public Assistance Fraud; specifying a condition that must be met before certain firefighter cancer-related benefits may be paid from the State Risk Management Trust Fund; specifying a criminal penalty for the willful and knowing dissemination of a sexual harassment victim's personal identifying information, except under certain circumstances; prohibiting persons from acting as or advertising themselves as being funeral directors, embalmers, direct disposers, or preneed sales agents unless they are so licensed; extending a deadline for certain buildings to comply with a minimum radio signal strength requirement under the Florida Fire Prevention Code.

House Approval Milestones – No bill filed.

Senate Approval Milestones – Bill filed February 18. No Committee References yet.

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

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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 – **Passed by vote of 6-0 on February 15.**
Appropriations Subcommittee on Agriculture, Environment, & General Government – **Awaiting Hearing.**
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.

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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.

Tourism, Infrastructure & Energy Subcommittee – Awaiting Hearing.

Environment, Agriculture & Flooding Subcommittee – N/A.

Commerce Committee – N/A.

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.

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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

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.

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Commerce and Tourism – Approved by vote 11-0 on January 25.
Finance and Tax – Committee Substitute passed by vote of 8-0 on February 18.
Appropriations – Awaiting Hearing.

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

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 – Committee Substitute passed by vote of 11-0 on February 15.
Finance and Tax – Awaiting Hearing.
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 – Committee Substitute passed by vote of 11-0 on February 15.

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Finance and Tax – Awaiting Hearing.
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)

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.

Local Administration & Veterans Affairs Subcommittee – Awaiting Hearing.

Ways & Means Committee – N/A.

State Affairs Committee – N/A.

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.

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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.

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.
Ways & Means Committee – Awaiting Hearing.
Commerce Committee – N/A.
Appropriations – N/A.

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.

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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.

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 – Passed by vote of 7-1 on February 18.

Appropriations – Awaiting Hearing.

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

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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 – Committee Substitute passed by vote of 12-6 on February 17.

State Affairs – Awaiting Hearing.

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.

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.

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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 - Committee Substitute approved by vote of 14-7 on February 16.

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.

Civil Justice & Property Rights Subcommittee – Awaiting Hearing.

Pandemics & Public Emergencies Committee – N/A.

Judiciary Committee – N/A.

Senate Approval Milestones – No bill filed.

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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.

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.

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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 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.

Infrastructure & Tourism Appropriations Subcommittee – Awaiting Hearing.
Tourism, Infrastructure & Energy Subcommittee – N/A.
Appropriations Committee – N/A.

Senate Approval Milestones – Bill filed January 25.

Commerce and Tourism – Passed by vote of 10-1 on February 15.
Appropriations Subcommittee on Transportation, Tourism, & Economic Development – Awaiting Hearing.
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.

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House Approval Milestones – Bill filed February 5.
Health & Human Services Committee – **Passed by vote of 17-3 on 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.

Current Call to Action: No action needed at moment.

Summary of Committee Week Five (Feb. 15-19)

Tallahassee Week in Review

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

COVID-19 Liability Legislation Delayed in the Senate

A scheduled committee vote on a bill (SB 72) that would protect businesses from coronavirus-related lawsuits was delayed Monday after sponsor Sen. Jeff Brandes, R-St. Petersburg, was delayed in another meeting. Senate Commerce and Tourism Chairman Ed Hooper stated that the measure would most likely be considered at his committee's next meeting, now set for March 2, the opening day of the 2021 legislative session.

Vacation Rental Legislation Begins Moving in the Senate

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A move to further limit local governments' ability to regulate and inspect vacation rental properties, such as those available on Airbnb, is advancing in the Senate. A bill (SB 522) approved Tuesday on a 6-3 vote in the Senate Regulated Industries Committee would, for the first time, require online platforms to collect and remit taxes on vacation rental properties, ensure that only properly licensed rentals are advertised and provide the state with specific information about the rentals. The catch: regulation would be preempted to the state, largely preventing local governments from licensing or inspecting the rentals. Local governments could only regulate the rentals in the same way as other properties in neighborhoods, a restriction that cities and counties oppose.

Julie Brown Appointed to DBPR

Governor Ron DeSantis on Thursday appointed Public Service Commission member Julie Brown to be secretary of the Department of Business and Professional Regulation.

The details: Brown starts on Monday, serving in a position that's been vacant since January when Halsey Beshears stepped down, citing health issues.

DeSantis said in a statement that Brown "brings a unique blend of experience in the private and public sectors" to the DBPR job, which the governor described as cutting red tape and easing regulations on businesses and residents.

The backstory: Brown, a lawyer, was appointed to the PSC in 2011 by then-Gov. Charlie Crist and reappointed twice by Sen. Rick Scott. She serves on the board of directors of the National Association of Regulatory Utility Commissioners.

She was previously an associate legal counsel for First American Corp., and was an assistant city attorney for the city of Tampa.

Her appointment creates a vacancy on the PSC as it prepares to review rate case requests to be filed by the state's largest utilities, Florida Power & Light Co., Duke Energy Florida and Tampa Electric Co.

DeSantis will fill Brown's seat for the unexpired term ending on Jan. 1, 2023 from names provided by the Public Service Commission Nominating Council.

Online Sales Tax Moves Forward

Florida lawmakers appear poised to finally require out-of-state online retailers to collect sales taxes, a move that could bring the state more than \$1 billion, but a fight over how to use that additional revenue remains.

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Supporters of the proposal got a jolt of momentum this week when state economists estimated the legislation, Senate Bill 50, requiring out-of-state online retailers to collect online sales taxes at the time of sale would generate \$1.3 billion in new revenue, of which roughly \$900 million would flow to state coffers.

On Thursday, days after the huge revenue forecast was published, the Senate Finance and Tax Committee easily passed the online sales tax legislation, which is sponsored by state Sen. Joe Gruters (R-Sarasota), who has sponsored similar failed measure in recent session.

Tax fight ahead: The idea of requiring online sales tax collection from out-of-state retailers has largely bipartisan support, but what to do with the resulting revenue boost could cause some partisan heartburn.

Gruters told the committee that he's looking for ways to make the bill more “revenue neutral,” meaning he could attach tax cuts to the proposal to offset the wave of new money that would flow into the state if the bill becomes law, an idea supported by some in the GOP majority.

What's next: Gruters said he could amend his bill when it's considered by the Senate Appropriations Committee, it's final stop before a floor vote, to include tax cuts, but he didn't elaborate on what specific cuts or how large his proposal could be.

One idea discussed during Thursday's meeting was another reduction to the tax businesses pay on rent. That business rent tax is only charged in Florida, and reducing or eliminating the levy has long been a top priority for Republicans and the state's powerful business lobby.

Federal Spotlight

House Budget Committee releases reconciliation text, sets markup for Monday

Today the House Budget Committee released a [new report](#) on and the full text of legislation to implement S.Con.Res. 5, the budget reconciliation agreement that would implement President Biden's American Rescue Plan. “We are in a race against time, and aggressive, bold action is needed before our nation is permanently scarred by the human and economic costs of inaction,” said Budget Committee Chairman John Yarmuth (D-KY). “We have the plan and the fiscal space, we have the American people behind us, and now we have the bill to get it done.” Speaker of the House Nancy Pelosi (D-CA) has said that the House will vote on the bill next week, and Senate Majority Leader Chuck Schumer (D-NY) has promised that the Senate will complete its work on the bill by March 14.

Biden extends foreclosure moratorium, mortgage forbearance through June 30

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President Biden [announced on Tuesday](#) that the Departments of Housing and Urban Development, Veterans Affairs, and Agriculture are extending their forbearance and foreclosure relief programs through June 30. Borrowers who entered forbearance on or before June 30, 2020, may apply for up to six months of additional forbearance, in three-month increments. These programs will cover 70 percent of existing single-family mortgages. The Consumer Financial Protection Bureau website offers [centralized information](#) for homeowners seeking assistance.

Brown says 117th Congress will prioritize working families

Senate Banking Committee Chairman Sherrod Brown (D-OH) [opened his first hearing](#) with a promise to get help to “all people — to stay in their homes, and pay their bills.” At a [hearing](#) that focused on the need to provide additional relief to businesses and smaller cities hurt by the COVID-19 pandemic, Brown said the pandemic had worsened racial and gender disparities and economic inequality. “Ohio and the rest of the country do not have to settle for a Wall Street-first recovery,” he said. Senator Pat Toomey (R-PA), the Committee’s ranking member, called President Biden’s American Rescue Plan “wasteful, poorly targeted, and largely unrelated to COVID,” and warned that raising the minimum wage to \$15/hour could cost up to 3.7 million jobs.

House panel grills Robinhood, Reddit execs on the GameStop bubble

After social media drove the stock price of GameStop and other companies to artificially high levels last month, House Financial Services Committee ranking member Patrick McHenry (R-NC) was among the first to call for hearings into exactly what happened. Committee Chairwoman Maxine Waters (D-CA) obliged by calling the [first of what she said would be a series of hearings](#) on the episode yesterday. The CEOs of Robinhood, Reddit, Citadel, and Melvin Capital Management appeared alongside Keith Gill, the retail investor known as Roaring Kitty on Reddit, for more than five hours of questioning by all 54 members of the committee. Chairwoman Waters said that future hearings would include testimony from the new SEC Chair, once confirmed, and from other industry and regulatory representatives. Rep. McHenry said that the GameStop incident had shown the relative sophistication of US retail investors, and was the result of “years of pent-up frustration” with restrictions such as the accredited investor rule.

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: 2,395 (1,667 House; 728 Senate)

Appropriations Bills Filed: 1,025

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Total Appropriation Project Dollars Requested: \$1,140,102,136

Session Weekly Schedules

House Week 1:

<https://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Session&CommitteeId=&Session=2021&DocumentType=Session%20Weekly%20Schedules&FileName=Session%20Weekly%20Schedule%20for%20Week%201%20March%201%20-%205,%202021.pdf>

Senate Week 1:

<https://www.flsenate.gov/Session/Calendar/2021/Weekly%20Schedules%202021-02-15%20140521.PDF>

Senate Week 2:

<https://www.flsenate.gov/Session/Calendar/2021/Weekly%20Schedules%202021-02-18%20142639.PDF>

Preview of 2021 Legislative Session

Key Dates

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