

# WEEKLY UPDATE



*For the 2021 Legislative Session*

**FROM APRIL 16, 2021**

## **AGRICULTURE**

### **HB 1601 – Relating to Farming Operations**

On Thursday, April 15, [HB 1601](#) by Representative Jayer Williamson (R-Pace) was heard by the House Judiciary Committee and was reported favorable with 18 yeas and 2 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill amends and strengthens the Florida Right to Farm Act, which is intended to protect reasonable agricultural activities conducted on farmland from nuisance lawsuits. The bill provides stronger liability protections to farms that comply with best management practices and environmental regulations, and:

- Adds Agritourism to the list of practices protected by the Right to Farm Act;
- Institutes parameters regarding punitive and compensatory damages; and
- Limits eligibility to file a lawsuit to individuals located within one half mile of the activity.

HB 1601 will now go to the House floor for consideration.

**AIF supports legislation that protects Florida's farmers and helps to eradicate bad faith litigation which drives up the cost of doing business, insurance rates, and negatively affects those providing food and resources to the state.**

## **ECONOMIC DEVELOPMENT**

### **SB 148 – Relating to Beverage Law**

On Tuesday, April 13, [SB 148](#) by Senator Jennifer Bradley (R-Orange Park) was substituted for HB 329 by Representative Josie Tomkow (R-Auburndale) on the House floor and was read a second time and was amended.

On Wednesday, April 14, SB 148 was read a third time on the House floor and passed with 115 yeas and 1 nay.

Under current law, qualifying restaurants may be licensed to sell beer, wine, and liquor for consumption on the premises only. This bill repeals the prohibition of sale for off-premises consumption of alcohol, thereby allowing restaurants to sell sealed containers of “alcohol-to-go” in conjunction with the sale of food on the same order. The amended bill requires food and nonalcoholic beverages to account for at least 25% of the order.

SB 148 will now go back to the Senate for consideration.

**AIF supports legislation removing antiquated regulations on restaurant and lodging establishments to encourage the development of new businesses and increase the financial success of existing businesses, especially during the pandemic.**

### **SB 1390 – Relating to Capital Investment Tax Credit**

On Wednesday, April 14, [SB 1390](#) by Senator Joe Gruters (R-Sarasota) was heard by the Senate Finance and Tax Committee and was reported favorable with 8 yeas and 0 nays. **AIF’s Legislative Affairs Assistant, BD Jogerst, stood in support of this legislation.**

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

SB 1390 will now go to the Senate Appropriations Committee.

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

### **SB 1444 – Relating to Florida Small Manufacturing Business Recovery Act**

On Wednesday, April 14, [SB 1444](#) by Senator Tom Wright (R-Port Orange) was heard by the Senate Finance and Tax Committee and was reported favorable with 8 yeas and 0 nays. **AIF’s Legislative Affairs Assistant, BD Jogerst, stood in support of this legislation.**

The bill creates the Florida Small Manufacturing Business Recovery Act, to be administered by the Department of Economic Opportunity (DEO). The bill uses tax credits against the state insurance premium tax to incentivize investors to give funds, known as “relief contributions,” to certified relief funds that will make capital or equity investments or loans with a maturity date of at least 2 years in an impact business. The total relief investment authorities are capped at \$100 million and relief contributions are capped at \$80 million.

An impact business is one that:

- Has fewer than 200 employees;
- Has its principal business operations in Florida; and
- Is engaged in manufacturing under North American Industry Classification System code 31-33. A business not engaged in manufacturing is considered an impact business under the bill if the DEO has determined that an investment in such a business will benefit the state’s recovery.

SB 1444 will now go to the Senate Appropriations Committee.

**AIF supports legislation that supports Florida manufacturers who provide over 380,000 high wage jobs which drives the economy and furthers economic development in the state.**

## **ENERGY**

### **HB 839 – Relating to Express Preemption of Fuel Retailers and Related Transportation Infrastructure**

On Wednesday, April 14, [HB 839](#) by Representative Tom Fabricio (R-Hialeah) was heard by the House Commerce Committee and was reported favorable with 17 yeas and 3 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill preempts the regulation of transportation energy infrastructure to the state, and specifies that any existing or future law, ordinance, regulation, policy, or resolution that is contrary to the preemption is void. Specifically, the bill prohibits local governments from:

- Prohibiting the redevelopment of a fuel retailer or the necessary related transportation infrastructure within that specific local government’s entire jurisdiction;
- Any action resulting in a de facto jurisdiction-wide prohibition against a fuel retailer or related and necessary transportation infrastructure; and

- Mandating any required infrastructure on a fuel retailer, including electric vehicle charging stations.

The bill does not preempt a municipality, county, special district, or political subdivision from adopting and implementing ordinances, regulations, policies, or resolutions on the siting, development, or redevelopment of fuel retailers or necessary related transportation infrastructure that are consistent with other allowable uses and general law.

HB 839 will now go to the House floor for consideration.

**AIF supports legislation that removes onerous regulations on Florida businesses that will streamline operations and allow these entities to operate on a statewide regulation basis rather than a patchwork of local ordinances.**

### **HB 919 – Relating to Preemption Over Restriction of Utility Services**

On Wednesday, April 14, [HB 919](#) by Representative Josie Tomkow (R-Auburndale) was heard by the House Commerce Committee and was reported favorable with 16 yeas and 6 nays. **AIF's Senior Vice President of State and Federal Affairs, Brewster Bevis, stood in support of this legislation.**

The bill preempts municipalities, counties, special districts, or other political subdivisions of the state from restricting utility service choice, regardless of fuel source. The bill prohibits these entities from enacting or enforcing any resolutions, ordinances, rules, codes, or policies that restrict a property owner, tenant, or utility service customer's choice of utility service type from a utility service provider.

HB 919 will now go to the House floor for consideration.

**AIF supports legislation that enhances free market decisions by consumers and allows Florida businesses equal opportunity to serve and operate in the various corners of the state.**

## LEGAL & JUDICIAL

### HB 969 – Relating to Consumer Data Privacy

On Wednesday, April 14, [HB 969](#) by Representative Fiona McFarland (R-Sarasota) was heard by the House Commerce Committee and passed with 22 yeas and 0 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

The bill gives consumers certain rights related to personal information collected by a business. It requires businesses to comply with consumer requests on stored information and make the information available on the businesses’ website. The bill allows the Department of Legal Affairs to bring an action against, and collect civil penalties from, a business who violates these requirements.

The bill also creates a new private right of action that will open up employers to class action lawsuits.

To businesses, the bill has an estimated total cost of compliance of \$36.5 billion.

HB 969 will now go to the House floor for consideration.

**AIF opposes legislation that imposes onerous and costly mandates on private businesses. The expense created by this legislation will be passed on to the consumer. This legislation casts a wide net that will catch and harm small businesses that drive Florida’s economy.**

### SB 402 – Relating to Legal Notices

On Friday, April 16, [SB 402](#) by Senator Ray Rodrigues (R-Estero) was heard by the Senate Appropriations Subcommittee on Criminal and Civil Justice and was reported favorable with 5 yeas and 3 nays. **AIF’s Senior Vice President of State and Federal Affairs, Brewster Bevis, spoke in opposition to this legislation.**

The Florida Constitution requires that public notice be given for meetings at which official acts are to be taken or where public business is to be conducted. All meetings of a county, municipality, school board, or special district at which official acts are to be taken or at which public business is to be discussed or transacted must be open to the public and notice must be given. All legal notices and publications must be made in a newspaper that meets the following qualifications:

- Published at least once a week;
- At least 25% of its words are in English;
- For sale to the general public; and

- Contains information of interest or value to the general public in the affected area.

The bill would allow a governmental agency the option to deviate from print and publish legally required advertisements and notices, such as impending sale of real property, on a publicly accessible website.

SB 402 will now go to the Senate Appropriations Committee.

**AIF opposes internet-only public notice, as it eliminates the wide net created by print media and the internet combined. Webpages are present one day and gone the next; the internet is an inherently unreliable platform for critical information.**

## TRANSPORTATION

### HB 223 & SB 578 – Relating to Marina Evacuations

On Wednesday, April 14, [HB 223](#) by Representative Rene Plasencia (R-Titusville) was substituted on the Senate floor for [SB 578](#) by Senator Tom Wright (R-Port Orange) and was read a second and third time and passed with 40 yeas and 0 nays.

The bill prohibits, upon the issuance of a hurricane watch that affects marinas located in a deep-water seaport, vessels under 500 gross tons from remaining in the waters of marinas that have been deemed not suitable for refuge during a hurricane. The bill requires that vessel owners promptly remove their vessels from the waterways upon issuance of an evacuation order by the deep-water seaport. Additionally, the bill grants the marina owner, operator, employee, or agent the right to remove vessels that have not been removed by the vessel owner. The bill also shields the marina from liability concerning the movement of the vessel.

HB 223 will now go to the Governor.

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