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MEMORANDUM

TO: NAIOP

FROM: GrayRobinson

DATE: March 14, 2021

SUBJECT: 2021 Legislative Session – Week 2 (March 8-12)

Gov. Ron DeSantis outlined how he wants to use <u>about \$4 billion</u> in federal stimulus funding Florida is in line to receive under the "American Rescue Plan" signed by President Joe Biden earlier this month.

The most significant items in his proposal were a trio of \$1 billion allocations. One would be directed to his proposed Resilient Florida Grant Program to help local governments address sealevel rise. Another would seed an Emergency Management Response Fund, which the state could use to respond to future natural disasters. The third would go to backfill the current fiscal year's transportation work program, which has been decimated due to low gas tax revenue.

But the recommendations that grabbed the most attention were proposals for \$260 million to help Florida's struggling seaports during the continued international pause in cruise operations, and \$208 million to send \$1,000 direct payments to all of Florida's EMTs, law enforcement officers, and firefighters.

Gov. DeSantis also requested \$150 million for the Job Growth Grant Fund; \$73.2 million to fix the state's unemployment system, which crashed at the beginning of the pandemic; \$72 million to modernize the state's behavioral health system; and \$50 million for the state's tourism marketing arm, VISIT FLORIDA, in addition to the \$50 million the Governor already requested in his previously proposed state budget.

GRAYROBINSON
PROFESSIONAL ASSOCIATION

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The Governor's recommendations would need legislative approval. He could get it. House Speaker Chris Sprowls, through a spokesperson, said he had "a strong desire to act on many of the items the Governor outlined."

Last week also saw rumblings on a potential gaming deal increase, details of which Gov. DeSantis said could be revealed this week. Gov. DeSantis and Senate President Wilton Simpson had a closed-door meeting with top brass at several Florida pari-mutuels on Thursday, at which they reportedly said they were "close" to hammering out a new deal with the Seminole Tribe of Florida.

Until 2019, the Tribe paid the state about \$350 million a year in exchange for exclusive rights to offer banked card games, such as pai-gow poker and blackjack, under a Gaming Compact. In 2015, the Department of Business and Professional Regulation began authorizing pari-mutuels to offer player-banked card games, violating the revenue sharing provisions of the Gaming Compact. After the Tribe successfully sued the State for violating the exclusivity in the Compact (resulting a federal court order in 2016), the Tribe continued to make payments to the state in good faith under the expectation that the State would administratively or legislatively reverse the authorization of player-banked games and more strictly enforce the gaming laws against parimutuels. However, in May of 2019, after failed legislative efforts to renegotiate the terms of the Gaming Compact or provide a legislative fix, the Tribe officially ceased payments due to continued concerns over the gaming subsequently authorized for pari-mutuels and the perceived lack of state enforcement.

Several bills also passed the full House and Senate, including fast-tracked legislation to shield businesses and health care providers from COVID-19 lawsuits. The Senate cleared its version of the bill mostly along party lines. During his press availability after Thursday's floor session, Speaker Sprowls indicated the House will likely take up and pass the legislation as soon as this week.

As for the pandemic, statewide case numbers ticked up slightly while the number of vaccine doses administered continued to come in at 50,000 or more a day for most of the week. However, there could be a temporary dip in the immediate future due to supply issues with the single-dose Johnson & Johnson vaccine.

Still, Gov. DeSantis said the state would expand eligibility to Floridians 50 and older this week. The move comes quickly after the state opened up vaccinations to residents 60 and up.

All of <u>these</u>, a preview of <u>Week 4</u>, our <u>Federal Spotlight</u> and current <u>Session Statistics</u> are detailed below.

Activities and Bills related to NAIOP – Summary List

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 online sales tax (bills summarized below). A deal was struck on the online sales tax with unemployment tax being the offset. There still, however, remains an opportunity for the annual tax package to include a reduction in the BRT.

FAST Act – HB 1059 which increases time by which cities/counties must react to permits is awaiting its final committee in the House. In the Senate, SB 1788 began moving last week and we expect it to continue moving this week.

Fire Code – CFO Jimmy Patronis has included our language regarding in his official package (summarized below). As well, we are in a standalone package dealing directly with the radio communication antennae.

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 – Committee Substitute passed by vote of 17-0 on March 17.

State Administration & Technology Appropriations Subcommittee – Awaiting Hearing. Commerce Committee – N/A.

Senate Approval Milestones – Bill filed December 21.

Community Affairs - Committee Substitute approved by vote of 9-0 on March 3. Banking & Insurance – Awaiting hearing. 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 – Committee Substitute passed by vote of 18-5 on March 8.

Judiciary Committee – Awaiting Hearing.

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.

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 – Approved by vote of 12-6 on March 3.

Commerce – Committee Substitute passed by vote of 18-5 on March 9.

House Floor – Placed on Calendar for 2nd Reading.

Senate Approval Milestones – Bill filed on January 11.

Community Affairs – Committee Substitute passed by vote of 6-3 on March 16. Regulated Industries – On Committee Agenda for March 23. 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)

Kev 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.

Local Administration & Veterans Affairs Subcommittee – Committee Substitute passed by vote of 13-4 on March 9.

Public Integrity & Elections Committee - Awaiting Hearing. State Affairs Committee - N/A.

Senate Approval Milestones – Bill filed January 5.

Community Affairs – Committee Substitute Approved by vote of 6-3 on February 2. Governmental Oversight and Accountability – Approved by vote of 4-1 on March 3. Rules – Approved by vote of 11-4 on March 11.

Senate Floor – Placed on Calendar for Third Reading for March 25.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Home-based Business – SB 266 (Perry) and HB 403 (Giallombardo)

Key Take Away

If passed, would provide legislative findings and intent; 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 – Committee Substitute Approved by vote of 14-8 on March 9. House Floor – Placed on Calendar for second reading.

Senate Approval Milestones – Bill filed on December 14.

Community Affairs – Committee Substitute passed by vote of 6-3 on March 10. Commerce and Tourism – On Committee Agenda for March 22. Rules – N/A

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Engineers – SB 572 (Baxley) and HB 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.

Regulatory Reform Subcommittee - Awaiting Hearing. State Administration & Technology Appropriations Subcommittee - N/A. Commerce Committee - N/A.

Senate Approval Milestones – Bill filed on January 12 Regulated Industries – Approved by vote of 9-0. Commerce & Tourism – Approved by vote of 11-0 on March 15. Rules – Awaiting Hearing.

Weekly Roundup: N/A.

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 – Committee Substitute approved by vote of 18-0. Local Administration & Veterans Affairs Subcommittee – Awaiting Hearing. 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 offpremises consumption if requirements are met; revises provisions that authorize restaurant to allow patrons to remove partially consumed bottles of wine from restaurant for offpremises 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 – Committee Substitute passed by vote of 24-0 on March 16.

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.

Pandemics & Public Emergencies Committee – Approved by vote of 16-0 on March 9. Commerce Committee – Awaiting Hearing. State Affairs Committee – N/A.

Senate Approval Milestones – Bill filed January 28. Community Affairs – Approved by vote of 9-0 on March 3. Environment and Natural Resources – On Committee Agenda for March 22. Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Public Safety Emergency Communications Systems— HB 587 (Snyder) and SB 1902 (Rodrigues)

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.

Insurance & Banking Subcommittee - Awaiting Hearing. State Administration & Technology Appropriations Subcommittee - N/A. Commerce Committee - N/A.

Senate Approval Milestones – Bill filed February 26. Banking and Insurance – Awaiting Hearing. Appropriations – N/A. Rules – N/A.

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 – Committee Substitute passed by vote of 17-0 on March 2.

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

Senate Approval Milestones – Bill filed February 17.

Community Affairs – Committee Substitute Approved by vote of 9-0 on March 10. Governmental Oversight and Accountability – Awaiting Hearing. Appropriations -N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Application for and Issuance of Building Permits-HB 1059 (Robinson) and SB 1788 (Boyd)

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 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.

Regulatory Reform Subcommittee – Committee Substitute passed by vote of 17-0 on March 2.

Commerce Committee – Awaiting Hearing.

Senate Approval Milestones – Bill filed February 26.

Community Affairs – Committee Substitute passed by vote of 9-0 on March 10. Governmental Oversight and Accountability – Awaiting Hearing. Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Department of Financial Services – SB 1408 (Burgess) and HB 1209 (Fetterhoff)

Key Take Away

Requires State Risk Management Trust Fund to provide insurance for certain firefighter cancer-related benefits; prohibits persons from acting or advertising themselves as funeral directors, embalmers, authorizes contractor repairing certain existing fire alarm systems to begin work after filing application for required permit; revises continuing education requirements for certain persons licensed to solicit, sell, or adjust insurance; provides exemption from diligent-effort requirement for surplus lines agents exporting contracts or endorsements providing flood coverage; extends deadline for certain buildings to comply with minimum radio signal strength requirement under Florida Fire Prevention Code; provides that certain persons serving as volunteer firefighters may serve as regular or permanent firefighters for limited period.

House Approval Milestones – Bill filed February 22.

Insurance & Banking Subcommittee – Committee Substitute approved by vote of 17-0 on March 17.

State Administration & Technology Appropriations Subcommittee – Awaiting Hearing. Commerce Committee – N/A.

Senate Approval Milestones – Bill filed February 18.

Banking and Insurance – Committee Substitute approved by vote of 11-0 on March 10. Appropriations – Awaiting Hearing. Rules – N/A.

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Licensure Requirements for Land Surveyors – HB 821 (Mariano) and SB 1342 (Perry)

Key Take Away

Authorizing an exiled professional to substitute specified lawful practice of profession for education requirement for examination; revises education requirements for licensure; provides that specified work experience or completion of specified apprenticeship program may be substituted for education requirements for licensure as land surveyor or mapper; provides applicant who holds license from other state, jurisdiction, or territory, & has certain experience in practice of surveying & mapping may take licensure examination to practice as land surveyor or mapper in this state.

House Approval Milestones – Bill filed March 1.

Regulatory Reform – Committee Substitute Approved by vote of 13-5. Agriculture & Natural Resources Appropriations Subcommittee – Awaiting Hearing. Commerce Committee – N/A.

Senate Approval Milestones – Bill filed February 26.

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.

Department of Business and Professional Regulation – HB 1517 (Duggan) and SB 1966 (Diaz)

Key Take Away

Revises & provides requirements relating to electronic reporting, application fee schedules, weight of boxing gloves, fingerprint processing procedures, proof of occupancy of premises, food service establishment audit schedules, delinquency of payment conditions, rules related to submission of certain complaints, & location of Office of the Condominium Ombudsman.

House Approval Milestones – Bill filed March 1.

Regulatory Reform – Awaiting Hearing. State Administration & Technology Appropriations Subcommittee -N/A. Commerce Committee -N/A.

Senate Approval Milestones – Bill filed February 26.

Regulated Industries – Awaiting Hearing. Appropriations – N/A. Rules – N/A.

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 – 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.

Tourism, Infrastructure & Energy Subcommittee - Awaiting Hearing. State Administration & Technology Appropriations Subcommittee - N/A. Commerce Committee - N/A.

Senate Approval Milestones – Bill filed December 7, 2020. Regulated Industries – On Committee Agenda for March 23. 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.

Tourism, Infrastructure & Energy Subcommittee – Approved by vote of 17-0 on March 9. Environment, Agriculture & Flooding Subcommittee – On Committee Agenda March 23. Commerce Committee – N/A.

Senate Approval Milestones – Bill filed January 28.

Regulated Industries – On Committee agenda for March 16. 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 – On Committee Agenda for March 22.

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.

Tourism, Infrastructure & Energy Subcommittee – Committee Substitute Approved by vote of 12-6 on March 9.

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

Senate Approval Milestones – Bill filed January 27.

Regulated Industries –Committee Substitute Approved by vote of 7-2 on March 9. Community Affairs – Committee Substitute Approved by vote of 6-3 on March 16. Rules – Awaiting hearing.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Public Financing of Potentially At-risk Structures – SB 1550 (Rodriguez)

Key Take Away

Providing that coastal building zones are areas at risk due to sea level rise and coastal structures within those areas are potentially at-risk structures; requiring state-financed constructors to include certain flood mitigation strategies in sea level impact projection studies.

House Approval Milestones - No Bill filed.

Senate Approval Milestones – Bill filed February 23.

Environment and Natural Resources – On Committee Agenda for March 22.

Community Affairs -N/A.

Appropriations -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 – Committee Substitute passed by vote of 16-2 on March 11. Commerce – Awaiting Hearing.

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

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 – Committee Substitute approved by vote of 18-0 on March 4.

Senate Floor - Placed on Special Order Calendar.

Weekly Roundup: N/A.

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 - Approved by vote of 8-0 on March 11.

Appropriations – Awaiting Hearing.

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.

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. Finance and Tax – Committee Substitute passed by vote of 8-0 on March 11. Appropriations – Awaiting Hearing.

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.

House Approval Milestones – Bill filed January 19.

Local Administration & Veterans Affairs Subcommittee – Committee Substitute passed by vote of 13-5.

Ways & Means Committee – Awaiting hearing. State Affairs Committee – N/A.

Senate Approval Milestones – Bill filed January 25. Community Affairs – On Committee Agenda for March 24. 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 – Committee Substitute approved by vote of 11-0 on March 15. Finance and Tax – Awaiting Hearing. 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) and HB 6071 (LaMarca)

Key Take Away

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

House Approval Milestones – Bill filed February 10.

Tourism, Infrastructure & Energy Subcommittee - Awaiting Hearing. Ways & Means Committee - N/A. Commerce Committee - N/A.

Senate Approval Milestones – Bill filed February 1.

Commerce and Tourism – Approved by vote of 10-0 on March 9.

Finance and Tax – Approved by vote of 8-0 on March 18.

Appropriations – Awaiting Hearing.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Government Property Tax Exemptions – HB 1555 (Harding) and SB 1702 (Hutson)

Key Take Away

Revising the types of lessees whose purposes and functions are deemed to be governmental, municipal, or public purposes or functions; providing exemptions from ad valorem taxes for certain real property.

House Approval Milestones – Bill filed March 1.

Tourism, Infrastructure & Energy Subcommittee - Awaiting Hearing. Ways & Means Committee - N/A. Commerce Committee - N/A.

Senate Approval Milestones – Bill filed February 25.

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.

Limitation on Assessment of Real Property Used for Residential Purposes – HB 1377 (Chaney) and SB 1182 (Brandes)

Key Take Away

Proposes amendment to State Constitution to authorize Legislature to prohibit consideration of changes or improvements made to real property used for residential purposes to improve property's resistance to flood damage in determining assessed value of such property for ad valorem taxation purposes.

House Approval Milestones – Bill filed February 22.

Environment, Agriculture & Flooding Subcommittee – Approved by vote of 17-0 on March 15.

Ways & Means Committee – Awaiting Hearing State Affairs Committee – N/A.

Senate Approval Milestones – Bill filed February 18. Community Affairs – Approved by vote of 9-0 on March 10. Finance and Tax – Awaiting Hearing. Appropriations – N/A.

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Tax Administration – HB 1241 (Stevenson)

Key Take Away

Requires tax collectors to accept late payments of prepaid property taxes; specifies severance tax rate for titanium; revises conditions for sales tax exception for tangible personal property exported out of state; specifies application requirements & procedures for forwarding agent; specifies procedures regarding forwarding agents and reporting tax; provides criminal penalties for certain violations; revises recordkeeping requirements for dealers collecting sales & use tax; provides that stolen sales tax revenue may be aggregated for purposes of determining grade of criminal offenses; authorizes DOR to publish list of forwarding agents' addresses on its website.

House Approval Milestones – Bill filed February 24. Ways & Means – Approved by vote of 16-0 on March 11. Appropriations – On Committee Agenda for March 22.

Senate Approval Milestones – No Bill filed.

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.

 $\label{eq:committee} \begin{tabular}{ll} Infrastructure \& Tourism Appropriations Subcommittee - Awaiting hearing. \\ Appropriations Committee - N/A \end{tabular}$

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

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 – Committee Substitute passed by vote of 20-3 on March 10.

House Floor- Added to 2nd reading calendar.

Senate Approval Milestones – Filed on January 7.

Community Affairs – Committee Substitute approved by vote of 9-0 on March 3.

Judiciary – Committee Substitute approved by vote of 11-0 on March 15.

Rules – Awaiting hearing.

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 – Approved by vote of 17-1 on March 3.

Commerce Committee – Approved by vote of 22-1 on March 9.

State Affairs Committee – Approved by vote of 20-3 on March 17.

House Floor – Placed on Calendar for Second Reading.

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 - Committee Substitute approved by vote of 14-7 on February 16. House Floor – Passed on March 5 by vote of 83-31 and sent to Senate.

Senate Approval Milestones – Filed on January 6.

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

Commerce and Tourism Committee – Approved by vote of 7-4 on March 3.

Rules – Committee Substitute passed by vote of 10-5 on March 11.

Senate Floor – HB received and on Special Order Calendar for March 25.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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 — Approved by vote of 14-1 on March 12. Pandemics & Public Emergencies Committee — Awaiting Hearing. Judiciary Committee — N/A.

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) and SB 1876 (Albritton)

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 – Approved by vote of 15-3 on March 4. Local Administration & Veterans Affairs Subcommittee – Awaiting hearing. Judiciary Committee- N/A.

Senate Approval Milestones –Bill filed February 26. Judiciary – On committee agenda for March 22. Community Affairs – N/A. Rules – N/A.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

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

Key Take Away

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

House Approval Milestones – Bill filed January 27.

Civil Justice & Property Rights Subcommittee – Awaiting hearing. Commerce Committee – N/A. Judiciary Committee- N/A.

Senate Approval Milestones – Bill filed January 27. Commerce and Tourism – Approved by vote of 11-0 on March 2. Judiciary – Approved by vote of 10-0 on March 9. Rules – Awaiting Hearing.

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, and Economic Development – Subcommittee Recommendation approved by vote of 10-0 on March 10.

Appropriations – Awaiting Hearing.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Health Care Civil Liability - HB 7005 (Formerly HHS1 Bill by Health & Human Services Committee)

Key Take Away

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

House Approval Milestones – Bill filed February 5.

Health & Human Services Committee – Passed by vote of 17-3 on February 17.

Pandemics & Public Emergencies - Committee Substitute passed by vote of 12-6 on March

Judiciary— Committee Substitute passed by vote of 15-5 on March 10.

House Floor – Placed on Calendar for Second Reading.

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.

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

Senate Approval Milestones – No bill filed yet.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Summary of Session Week 3 (March 15-19)

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

COVID Liability Protections Legislation (HB 7 by Rep. McClure/HB 7005 by Rep. Burton/SB 72 by Sen. Brandes) — The Senate merged protections to businesses and health care providers into a single bill (SB 72) and passed it this week on a near party-line vote. Linda Stewart was the lone Democrat to support. Business and health care protections are in separate bills in the House. However, House Speaker Sprowls said Thursday that the chamber would be "picking up [SB 72], passing it, and getting it to the Governor's desk as soon as possible." The protections are a priority of the Speaker, Senate President Simpson, and Gov. DeSantis, as well as most business groups.

Craft Distilleries Legislation (SB 46 by Sen. Hutson) – The bill would reduce regulations on craft distilleries, including raising the production cap from 75,000 to 250,000 gallons and allowing them

to sell directly to consumers by the drink or by the package. The bill passed the full Senate with a unanimous vote.

Right to Farm Legislation (SB 88 by Sen. Brodeur) — The bill would expand Florida's Right to Farm Act by restricting the types of civil lawsuits that can be filed against farms and requiring that plaintiffs prove noncompliance with state or federal requirements to prevail. The full Senate passed the bill with a 37-1 vote.

Une mployment System Legislation (<u>HB 1463 by Rep. LaMarca/SB 1948 by Sen. Bean</u>) — The legislation would make numerous changes intended to improve Florida's unemployment benefits system, including implementing a disaster preparedness plan and "continuous modernization initiatives." The Senate Commerce and Tourism Committee approved the bill unanimously. It now heads to its second stop, the Senate Appropriations Committee.

Technology Transparency Legislation (HB 7013 by Rep. Ingoglia) — Gov. DeSantis' priority legislation would penalize social media companies for "deplatforming" users or changing terms of service without advance notice. The House Appropriations Committee voted 19-8 in favor of the bill. It now heads to the House Judiciary Committee.

Vaccine Fraud Prevention Legislation (HB 9 by Rep. Zika/SB 1608 by Sen. Bean) — The legislation would increase penalties for vaccine-related schemes, such as fraudulently advertising access to COVID-19 vaccines in exchange for money. The full House has already approved the bill. The Senate version passed its first committee last week.

Home Book Delivery for Elementary Students (HB 3 by Rep. Trabulsy/SB 1372 by Sen. Burgess) — The legislation would create the "New Worlds Reading Initiative," which would provide free books to elementary school students who are reading below grade level. It is one of House Speaker Sprowls' priorities. The Senate version cleared the Senate Education Committee with a unanimous vote and now heads to the Senate Appropriations Subcommittee on Education.

Marina Evacuations (HB 223 by Rep. Plasencia/SB 578 by Sen. Wright) — The bills would require recreational vessels docked at marinas located within a deepwater seaport to evacuate upon issuance of an order by the U.S. Coast Guard in advance of a severe weather event such as a tropical storm or hurricane. The House version cleared the House State Affairs Committee with a unanimous vote and now heads to the chamber floor.

Civic Education Curriculum (<u>HB 5 by Rep. Zika/SB 1450 by Sen. Rodriguez</u>) — The bills would require high school government classes to include a comparative discussion of political ideologies,

including communism, and exposure to "first-person accounts of victims of other nations' governing philosophies." The House bill cleared the House Education and Employment Committee and is ready for a floor vote. The Senate bill was approved by the Senate Appropriations Subcommittee on Education this week and now heads to the Senate Appropriations Committee.

Preview of Week 4 (March 22-26)

Vacation Rental Preemption Legislation (HB 219 by Rep. Fischer/SB 522 by Sen. Diaz) — The bills originally would have preempted 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. As well, the bills would not have superseded local ordinances enacted before June 1, 2011. Since the original filing, the Senate has amended its legislation to remove the state preemption language. The House bill, which still has the preemption language, will go before the House Ways and Means Committee at 12:30 p.m. on Monday.

Foreign Influence Legislation (<u>HB 7017 by Rep. Grall/SB 2010 by Sen. Diaz</u>) — The bills would require organizations seeking state funding to disclose any financial ties to adversarial countries or "foreign countries of concern." The list includes China, Cuba, Iran, North Korea, Russia, Syria, and Venezuela. The legislation is a priority of Gov. DeSantis and House Speaker Sprowls. The House version goes before the House Appropriations Committee at 12:30 p.m. on Monday. The Senate Education Committee will hear the Senate version at 12:30 p.m. on Tuesday.

Pandemic Impact Presentations — The Senate Select Committee on Pandemic Preparedness and Response will hear presentations from business groups detailing the pandemic's impact on their operations. Presenters include the National Federation of Independent Business, the Florida Restaurant and Lodging Association, the Florida Retail Federation, and the Department of Business and Professional Regulation. The Senate Select Committee on Pandemic Preparedness and Response meets at 1 p.m. on Monday.

Appointments Considered — The Senate Commerce and Tourism Committee will decide whether to advance the appointment of former Rep. Dane Eagle as director of the Department of Economic Opportunity when it meets on Monday at 3:30 p.m.

Student Financial Aid Legislation (SB 86 by Sen. Baxley) — The bill would prevent Bright Futures scholarship funding from going toward degree programs determined not to lead directly to a job. The bill previously would have directed the State University System Board of Governors to create an annual list of eligible degree programs but was rewritten to require a list of ineligible

programs. The bill would not affect the first 60 credit hours of education. The bill narrowly passed its first committee last week and is scheduled to go before the Senate Appropriations Subcommittee on Education at 10:30 a.m. on Tuesday.

Appointments Considered — The Senate Regulated Industries Committee will decide whether to advance the confirmation process for Department of Business and Professional Regulation Secretary Julie Brown, Lottery Secretary John Davis, and Public Service Commissioner Mike La Rosa, a former state representative. The Senate Regulated Industries Committee meets at 3:30 p.m. on Tuesday.

Federal Spotlight

Is this the year for housing finance reform?

Last week's <u>U.S. Senate Banking Committee hearing on the state of U.S. housing</u> sounded remarkably bipartisan. U.S. Senator Pat Toomey (R-PA), the Committee's ranking member, issued a <u>set of principles for GSE reform</u> that shares several elements with proposals offered by Committee Chairman Sherrod Brown (D-OH) last year. Witnesses and U.S. Senators discussed several proposals to make homeownership easier for first-time homebuyers, but all agreed on the critical need to address the nationwide shortage of affordable housing. Senators on both sides of the aisle, from both urban and rural constituencies, stressed that these housing shortages are already constraining economic growth, as the lack of housing makes it impossible to attract new workers.

Nelson for NASA

President Biden will nominate former U.S. Senator from Florida, Bill Nelson, to head the National Aeronautics and Space Administration (NASA). Nelson was Florida's Treasurer from 1995-2001, served three terms in the U.S. Senate after nine terms in the U.S. House of Representatives, and was the first member of the U.S. House of Representatives to go into space, as a payload specialist on the Space Shuttle Columbia in January 1986.

For 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: 2,990 (1,973 House; 1,017 Senate)

Appropriations Bills Filed: 1,060

Total Appropriation Project Dollars Requested: \$1.174 billion

Session Weekly Schedules

House Week 4:

https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Session&CommitteeId=&Session=2021&DocumentType=Session%20Weekly%20Schedules&FileName=Session%20Weekly%20Schedule%20for%20Week%204%20March%2022%20-%2026,%202021.pdf

House Week 5:

https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Session&CommitteeId=&Session=2021&DocumentType=Session%20Weekly%20Schedules&FileName=Session%20Weekly%20Schedule%20for%20Week%205%20March%2029%20-%20April%202,%202021.pdf

Senate Week 4:

https://www.flsenate.gov/Session/Calendar/2021/Weekly%20Schedules%202021-03-11%20162007.PDF

Senate Week 5:

https://www.flsenate.gov/Session/Calendar/2021/Weekly%20Schedules%202021-03-18%20153340.PDF