

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 46 — Craft Distilleries

by Commerce and Tourism Committee; Regulated Industries Committee; and Senators Hutson and Rouson

The bill revises the licensing requirements for craft distilleries. The bill permits certain craft distilleries to qualify for a vendor's license for the sale of beer, wine, and liquor if the craft distillery is located on a property within a destination entertainment venue, as defined by the bill, and open for tours during normal business hours. Under current law, a manufacturer of craft distilleries, such as a craft distillery, may not qualify for a vendor's license unless an exemption from the prohibition is provided by law.

The bill increases the production limit for distilleries to qualify as craft distilleries from 75,000 gallons per year to 250,000 gallons per year. Craft distilleries may only sell up to 75,000 gallons of branded products in gift shops or tasting rooms and may not ship products to customers. A maximum of 10 craft distilleries meeting certain requirements may share common ownership.

Effective July 1, 2026, a minimum of 60 percent of a craft distillery's total finished branded products must be distilled in the state and contain one or more of Florida's agricultural products.

Under the bill, craft distilleries must keep records of all alcoholic beverages received from within or outside the state for a period of three years.

The bill also allows craft distilleries to qualify for a permit to conduct tastings at Florida fairs, trade shows, farmers markets, expositions, and festivals.

If approved by the Governor, these provisions take effect July 1, 2021, unless otherwise provided.

Vote: Senate 39-0; House 116-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 56 — Community Association Assessment Notices

by Rules Committee; Community Affairs Committee; and Senator Rodriguez

The bill provides additional notice requirements for condominium, cooperative, and homeowners' associations when collecting assessments.

For community associations that send out invoices for assessments or statements of the account to unit or parcel owners, the bill revises how an association may deliver and change its method of delivery:

- Requires any invoice for assessments or statement of account to be sent by first-class mail or electronic transmission to the owner's email address maintained in the association's official records.
- Requires the association, before changing the method of delivery for any invoice for assessment or statement of account, to deliver the written notice of such change to the owner.
- Requires the notice to be sent by first-class mail and delivered to the owner's address maintained in the association's official records at least 30 days before the delivery method is changed.
- Requires the owner to affirmatively acknowledge his or her understanding that the association has changed its method of delivering the invoice for assessment or statement of account to delivery by electronic transmission before the association may change its method of delivery.
- Requires the owner's affirmative acknowledgment to be maintained by the association as an official record, but such record is not accessible to other owners as an official record.

The bill provides that community associations may not require the payment of attorney fees related to past due assessments without first delivering a written notice of late assessment to the unit or parcel owners. The written notice must specify the amount owed and allow the owner to pay past due assessments without paying additional attorney fees. The bill provides the form of this written notice. The bill authorizes the use of a sworn affidavit as the method for associations to provide a rebuttable presumption that the association complied with these notice and delivery requirements for the notice of late assessment.

The bill also increases the period of time a condominium or cooperative unit owner has to pay a monetary obligation after receiving an association's Notice of Intent to Record a Claim of Lien. This period is increased by the bill from 30 days to 45 days. The bill revises the timeframe for condominium and cooperative unit owners to conform to current law's 45-day payment period to parcel owners in a homeowners' association.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 148 — Beverage Law

by Regulated Industries Committee and Senator Bradley

The bill permits certain public food service establishments (restaurants) with an alcoholic beverage vendor license to sell and deliver for off-premises consumption alcoholic beverage drinks prepared and sealed by the vendor under certain conditions. Alcoholic beverages sold for off-premises consumption in containers sealed by the vendor must be accompanied by the sale of food within the same order.

The bill applies to restaurants with a “quota alcoholic beverage” license, i.e., vendors licensed to sell beer, wine and liquor for on-premises consumption and “special restaurant” alcoholic beverage licensees, known as “SRX licensees.”

Current law permits SRX licensees to sell beer, wine and liquor for on-premises consumption with certain conditions, including the requirements that the business derive at least 51 percent of gross food and beverage revenue from the sale of food and nonalcoholic beverages, and may not sell alcoholic beverages after the hours of serving or consumption of food have elapsed. Under current law, an SRX licensee may not sell manufacturer-sealed containers of beer, wine, or liquor for off-premises consumption. The bill permits an SRX licensee to sell manufacturer-sealed containers of beer and wine for off-premises consumption. The bill also permits an SRX licensee to sell and deliver alcoholic beverage drinks in containers sealed by the licensee. However, the bill prohibits an SRX licensee from selling bottles of distilled spirits for off-premises consumption.

Current law permits a restaurant with a consumption on-premises quota license (quota licensee) to sell manufacturer-sealed containers of beer, wine, and liquor for off-premises consumption. Under the bill, a quota licensee may sell containers of alcoholic beverages sealed by the licensee or its employees only if: the quota licensee is also licensed as a public food service establishment under ch. 509, F.S., the sale or delivery of the sealed containers is accompanied by the sale of food within the same order, the charge for the sale of food and nonalcoholic beverages is at least 40 percent of the total charge for the order, and the sale or delivery of the sealed containers does not occur after food preparation has stopped for the day or midnight, whichever is earlier. The percentage of food sales requirement does not apply to sales by SRX licensees.

The bill requires alcoholic beverage drinks prepared by the licensee to be sealed by the licensee with an unbroken seal that prevents the beverage from being consumed, and placed in a bag or other container secured in such a manner that it is visibly apparent if the container has been opened or tampered with. A dated receipt of the beverage and meal must be provided and attached to the container. Alcoholic beverages prepared and sealed by the licensee that are delivered or transported by motor vehicle must be placed in a locked compartment, locked trunk, or other area behind the last upright seat of the motor vehicle.

Additionally, the bill provides that allowing a person under 21 years of age to deliver an alcoholic beverage on behalf of an alcoholic beverage vendor is a violation of the prohibition against selling, giving, or serving alcoholic beverages to a person under 21 years of age. It also requires an alcoholic beverage vendor or an agent or employee of a vendor to verify that the person making a delivery of an alcoholic beverage is at least 21 years of age.

The bill also amends s. 564.09, F.S., which under current law permits a restaurant patron to take home a partially consumed bottle of wine under certain conditions if the restaurant patron purchases and consumes a full course meal consisting of an entrée, salad or vegetable, beverage, and bread. The amendment repeals the requirement that the meal purchased and consumed by the patron be a full course meal consisting of an entrée, salad or vegetable, beverage, and bread.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 111-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 286 — Fire Sprinklers

by Regulated Industries Committee and Senator Perry

The bill revises the scope of fire protection system work for persons certified as a contractor by the Division of State Fire Marshal (Division) within the Department of Financial Services.

Under the bill, a Contractor I or a Contractor II as defined in ch. 633, F.S., relating to Fire Prevention and Control, is authorized to design new fire protection systems of 49 or fewer sprinklers. A Contractor I and II would also be allowed to design the alteration of an existing system regardless of the size of the system, if the alteration relocates or deletes 249 or fewer sprinklers. Such authorization is conditioned on the occupancy and water demand, as defined in applicable codes, being unchanged, and the occupancy hazard classification must be reduced or unchanged. The bill eliminates the authorization for a Contractor IV to similarly design or alter such fire protection systems.

The bill clarifies that a Contractor I, Contractor II, or Contractor IV is authorized to design a new fire protection system, or design the alteration of an existing fire sprinkler system, when the system meets a specified standard for installation in a one-family or two-family dwelling or manufactured home.

The bill revises the work authorized to be undertaken by a person certified as a Contractor V. Under the bill, a Contractor V would be authorized to inspect underground piping for a water-based fire protection system only under the direction of a Contractor I or Contractor II. A Contractor V may continue to fabricate, install, alter, repair, and service the underground piping for a water-based fire protection system.

The bill clarifies that fire protection systems include tanks providing water supply or pump fuel, and piping for such tanks.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 346 — Florida Real Estate Appraisal Board

by Senators Rodriguez and Hutson

The bill maintains the number of members in the nine-member Florida Real Estate Appraisal Board (board) within the Department of Business and Professional Regulation. This bill removes one of the two members representing the appraisal management industry, and increases from two members to three the number of members representing the general public and not connected in any way with the practice of real estate appraisal.

The board regulates real estate appraisers under ch. 475, part II, F.S. The Governor appoints the members of the board.

If approved by the Governor, these provisions take effect November 1, 2021.

Vote: Senate 40-0; House 119-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 369 — Construction Contracting Regulation Exemption

by Reps. Rodriguez, Fernandez-Barquin, and others (SB 1212 by Senator Rodriguez)

The bill exempts members of the Miccosukee Tribe of Indians of Florida and members of the Seminole Tribe of Florida from the provisions of ch. 489, part I, F.S., relating to Construction Contracting, when constructing a chickee. A chickee is an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other nonwood features.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 463 — Community Association Pools

by Professions and Public Health Subcommittee and Rep. Roach and others (CS/SB 902 by Regulated Industries Committee and Senator Rodrigues)

The bill exempts from supervision by the Department of Health (DOH) swimming pools serving homeowners' associations and other property associations that have no more than 32 units or parcels and are not operated as public lodging establishments. Under the bill, swimming pools in such communities are not required to have a permit issued by the DOH.

The bill authorizes the DOH to supervise such pools when necessary to ensure water quality and for required safety features, such as an anti-entrapment system or device, systems or devices that protect against evisceration and body-and-limb suction entrapment, and systems that cease the operation of the pump when a blockage is detected.

Under the bill, the DOH may impose fines of up to \$500 per violation. The bill also authorizes the county health department or the DOH to bring an action to abate or enjoin the use of an exempted public swimming pool that is a nuisance because it presents a significant risk to public health by failing to meet sanitation and safety standards.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 118-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/SB 616 — Public Accountancy

by Rules Committee and Senator Gruters

The bill permits a nonresident Florida-licensed certified public accountant (CPA) to renew his or her license if the CPA has complied with the continuing education requirements in the state in which his or her office is located. However, a nonresident CPA must satisfy Florida's ethics-related continuing education requirements. If the state in which the nonresident CPA's office is located does not have continuing education requirements as a condition for license renewal, the nonresident CPA must comply with the continuing education requirements in Florida.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 113-1

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 630 — Community Associations

by Rules Committee; Regulated Industries Committee; and Senators Baxley, Hutson, and Rodriguez

The bill revises the regulation and governance of condominium, cooperative, and homeowners' associations under chs. 718, 719, and 720, F.S., respectively. The bill authorizes condominium, cooperative, and homeowners' associations to extinguish discriminatory restrictions in recorded title transactions.

For condominium associations, the bill:

- Prohibits a unit owner's insurance policy from including rights of subrogation against the association if the association's policy does not provide subrogation rights against the unit owner;
- Provides that a multicondominium association may adopt a consolidated or combined declaration of condominium if such declaration complies with the requirements for the creation of a condominium, does not merge the condominiums, or change the legal descriptions of the condominium parcels, unless accomplished in accordance with law;
- Reduces the time period an association must maintain official records of bids for work, equipment, or services to be performed from seven years to one year after receipt of the bid;
- Allows a renter to inspect and copy the declaration of condominium.
- Permits associations with 150 or more units to make official records available for inspection through an application that can be downloaded to a mobile device;
- Provides that only a board member's service that occurs on or after July 1, 2018, may be used when calculating a board member's term limit;
- Permits associations to electronically transmit the written notice of a meeting;
- Increases the maximum permissible fee an association may charge for the transfer of a unit from \$100 to \$150, and provides for the adjustment of the fee every five years to an amount equal to the total annual increases in the Consumer Price Index during that period;
- Removes the prohibition against an association employing or contracting with any service provider that is owned or operated by a board member or person who has a financial relationship with a board member or officer;
- Permits unit owners to install a charging station for an electric vehicle or a natural gas fuel vehicle on a parking area exclusively designated for use by the unit owner. The unit owner is required to be responsible for the costs related to the installation, maintenance, and removal of the charging station for an electric vehicle or a natural gas fuel vehicle;
- Authorizes the board of administration to make available, install, or operate an electric vehicle charging station or a natural gas fuel station upon the common elements or association property, and to establish the charges or the manner of payments for the unit owners, residents, or guests who use the electric vehicle charging station or natural gas fuel station;

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- Provides that a condominium developer may expend escrow funds to satisfy actual costs of construction and development, but excludes other specified costs, such as marketing costs, loan expenses, professional fees, and insurance costs;
- Repeals the requirement that the condominium ombudsman must maintain his or her office in Leon County.

For cooperative associations, the bill:

- Provides that an interest in a cooperative unit is an interest in real property; and
- Permits board or committee members to appear and vote by telephone, real-time video conferencing, or similar real-time electronic or video communication.

For homeowners' associations, the bill:

- Removes an association's rules and regulations from the definition of the term "governing documents;"
- Permits an association to adopt, by rule, procedures for posting meeting notices and agendas on a website and emailing members meeting notices and agendas;
- Requires sign-in sheets, voting proxies, ballots, and all other papers related to voting to be maintained as official records for at least one year after the event;
- Makes confidential any information an association obtains in connection to guests visiting homeowners in a gated community;
- Clarifies the situations in which an association is obligated to create or fund association reserve accounts;
- Specifies the types of expenses the developer is not obligated to pay;
- Provides that any governing document or an amendment to a governing document of a homeowners' association enacted after July 1, 2021 prohibiting rentals or regulating rental rights applies only to a parcel owner who acquires title to the parcel after the effective date of the governing document or amendment or who consents, individually or through a representative, to the governing document or amendment;
- Allows associations to prohibit or regulate rentals for less than six months or to prohibit rentals more than three times in a calendar year and to apply such prohibitions or regulations to all parcel owners, regardless of when the parcel owner acquired title to their parcel or whether they consent to the amendment;
- Exempts homeowners' associations with 15 or fewer parcel owners from the provisions in the bill related to rental rights;
- Provides that a change of ownership does not occur for purposes of applying an amendment restricting rental rights when a parcel owner conveys the parcel to an affiliated entity, when beneficial ownership of the parcel does not change, or when an heir becomes a parcel owner; and
- Revises the conditions under which non-developer members of a homeowners' association are entitled to elect the majority of the board, to consistently distinguish between developer members and non-developer members.

For condominium and cooperative associations, the bill:

- Prohibits an association from requiring members to demonstrate any purpose or state any reason for inspecting official records; and
- Provides a process to resolve disputes by initiating presuit mediation as an alternative to mandatory nonbinding arbitration by the Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation.

For condominium, cooperative, and homeowners' associations, the bill:

- Provides that recall and election disputes are not eligible for mediation and must be arbitrated by the division or filed in court;
- Provides additional emergency powers to respond to injury and to an anticipated declared state of emergency; and
- Clarifies that payment of a fine is due five days after notice of the fine is provided to the unit owner, tenant, or invitee of the unit owner.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 114-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 649 — Petition for Objection to Assessment

by Civil Justice and Property Rights Subcommittee and Rep. Fernandez-Barquin (SB 996 by Senators Garcia and Hutson)

The bill authorizes condominium and cooperative associations to represent the association's unit owners in court proceedings that relate to an association's joint petition to a value adjustment board.

Current law permits a condominium, cooperative, and mobile homeowners' association to petition the value adjustment board on behalf of the unit owners to challenge the property appraiser's tax assessment. Current law also permits associations to appeal the decision of the value adjustment board in circuit court. However, an association may not defend unit owners on an appeal by the property appraiser in circuit court.

The bill requires an association to provide unit owners with notice of its intent to represent the unit owners' interests in the court proceedings and advise the unit owners that they may opt out of being represented by the association within 14 days of receiving the notice. The notice must advise the parcel or unit owners that they may elect to retain their own counsel to defend the appeal for their units or parcels, choose not to defend the appeal, or be represented by the association.

The notice must be hand delivered or sent by certified mail, return receipt requested, except that such notice may be electronically transmitted to a unit or parcel owner who has expressly consented in writing to receiving such notices by electronic transmission. However, the notice must also be posted conspicuously on the condominium or cooperative property in the same manner for notice of board meetings. An association must give unit or parcel owners 14 days to opt out of the association's representation. Unit or parcel owners who do not respond to the association's notice will be represented in the response or answer filed by the association.

Tax collectors must accept payment of the estimated amount in controversy, as determined by the tax collector, as to a specific unit or parcel. Upon the payment, the unit or parcel would be released from any lis pendens, i.e., the pending lawsuit or a recorded notice in the chain of title that the property is the subject of a matter on litigation, and the unit or parcel owner may elect to remain in or be dismissed from the action.

The bill provides that the ability of the association to represent the individual property owners in related judicial proceedings is intended to clarify existing law and applies to cases pending on July 1, 2021.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 663 — Cottage Food Operations

by Regulatory Reform Subcommittee and Reps. Salzman, Botana, and others (CS/SB 1294 by Rules Committee and Senator Brodeur)

The bill revises the regulations on cottage food operations and cottage food sales. Under current law, a cottage food operation is a natural person who produces or packages cottage food products, defined by the Department of Agriculture as any food that is not a potentially hazardous food, at his or her residence.

The bill allows individual cottage food operations to sell, offer for sale, and accept payment for cottage food products as a business entity. The bill also allows cottage food products to be sold, offered for sale, and paid for by mail order, and permits cottage food products to be delivered by mail.

Under current law, cottage food operations are exempt from food permitting requirements if the cottage food seller complies with s. 500.80, F.S., and has annual gross sales of up to \$50,000. The bill increases the maximum allowable gross sales to \$250,000.

The bill preempts the regulation of cottage food operations to the state. However, cottage food operations must comply with all applicable county and municipal laws and ordinances regulating traffic, parking, noise, signage, and hours of retail operation.

The bill provides that this act may be cited as the “Home Sweet Home Act.”

Under the bill, cottage food operations must comply with the conditions for the operation of home-based businesses under s. 559.955, F.S., which is a provision created by CS/HB 403 to prohibit the licensing and regulation of home-based businesses by local governments. CS/HB 403 also establishes standards for the conduct of a home-based business, including requiring compliance with relevant traffic, noise, and signage requirements. CS/HB 403 was adopted by the Legislature during the 2021 Regular Session. If approved by the Governor, CS/HB 403 takes effect July 1, 2021.

If approved by the Governor, these provisions take effect on the same date that HB 403 or similar legislation takes effect, if such legislation is adopted in this legislative session and becomes law.

Vote: Senate 30-10; House 90-28

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 735 — Preemption of Local Occupational Licensing

by Rep. Harding and others (CS/SB 268 by Regulated Industries Committee and Senator Perry)

The bill expressly preempts the licensing of occupations to the state and supersedes any local government licensing of occupations, with the exception of local government licensing of occupations authorized by general law or occupational licenses imposed by a local government before January 1, 2021. However, the exception for local government licensing imposed by a local government expires July 1, 2023. Local government occupational licensing requirements in place by January 1, 2021 may not be increased or modified thereafter.

The bill specifically prohibits local governments from requiring a license for a person whose job scope does not substantially correspond to that of a contractor or journeyman type licensed by the Construction Industry Licensing Board, within the Department of Business and Professional Regulation. It specifically precludes local governments from requiring a license for: painting, flooring, cabinetry, interior remodeling, driveway or tennis court installation, handyman services, decorative stone, tile, marble, granite, or terrazzo installation, plastering, stuccoing, caulking, and canvas awning and ornamental iron installation.

The bill authorizes counties and municipalities to issue journeyman licenses in the plumbing, pipe fitting, mechanical, and HVAC trades, as well as the electrical and alarm system trades, which is the current practice by counties and municipalities. As a result of this authorization in general law, local journeyman licensing is excepted from the preemption of local licensing to the state under the bill.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 22-18; House 82-32

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 823 — Alarm System Contractors

by Regulatory Reform Subcommittee and Rep. Mariano (SB 998 by Senator Brodeur)

The bill revises s. 489.521, F.S., relating to alarm system contractors, and s. 553.7921, F.S., relating to fire alarm permit applications.

Current law requires an alarm system contractor's registration or certification number to be stated in each offer of services, business proposal, or advertisement. Under the bill, if a contractor maintains an Internet website that contains the contractor's registration number or certification number, and an advertisement directs consumers to the website, then advertisements in a newspaper, magazine, flyer, billboard, phone book, Internet, or broadcast advertisement need not include the contractor's registration or certification number.

The bill amends the fire alarm permit application procedure in s. 553.7921, F.S., when a local enforcement agency requires a fire alarm permit to repair a previously permitted alarm system. Under the bill, a contractor must file a Uniform Fire Alarm Permit Application, but may begin the repair work before receiving the permit. However, until the required permit has been issued and the local enforcement agency has approved the repair, a repaired fire alarm system is not in compliance with applicable codes and standards. The bill removes a requirement in the Uniform Fire Alarm Permit Application that a contractor certify that no work or installation has commenced before the filing of the application.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 839 — Express Preemption of Fuel Retailers and Related Transportation Infrastructure

by Local Administration and Veterans Affairs Subcommittee; Tourism, Infrastructure and Energy Subcommittee; and Rep. Fabricio and others (CS/CS/SB 856 by Community Affairs Committee; Regulated Industries Committee; and Senator Hutson)

The bill expressly preempts a municipality, county, special district, or political subdivision from adopting a law, an ordinance, a regulation, a policy, or a resolution that:

- Prohibits the siting, development, or redevelopment of a fuel retailer or its necessary related transportation infrastructure;
- Results in a de facto prohibition on a fuel retailer or its necessary related transportation infrastructure;
- Requires a fuel retailer to install or invest in a particular kind of fuel infrastructure.

The bill does not preempt any such action which is consistent with zoning, land use, and other allowable uses and general law, as long as it does not result in a de facto prohibition of fuel retailers or related transportation infrastructure. Definitions for the terms “fuel retailer,” and “related transportation energy infrastructure” are provided for in the bill.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 26-12; House 79-38

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 855 — Barber Services

by Reps. Morales and others (SB 1176 by Senators Stewart and Bracy)

The bill permits a barber to shampoo, cut, or arrange hair at a location other than a registered barbershop without arranging the barber service through a registered barbershop. Current law requires arrangements for the performance of barber services at a location other than a registered barbershop to be made through a registered barbershop.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 896 — Renewable Energy

by Rules Committee; Regulated Industries Committee; and Senators Brodeur and Hutson

The bill requires solar facilities to be a permitted use in all agricultural land use categories in a local government's comprehensive plan and all agricultural zoning districts within an unincorporated area. Under the bill, such facilities are required to comply with certain criteria including setback and landscaped buffer areas and counties may adopt ordinances specifying buffer and landscaping requirements. However, such requirements may not exceed those of similar uses in agricultural land use categories and zoning districts. The bill provides that s. 163.3205, F.S., as created by the bill, relating to solar facility approval process, is not applicable to any site that was the subject of an application to construct a solar facility submitted to a local governmental entity before July 1, 2021.

Additionally, the bill expands the term "renewable energy," and adds the terms "biogas" and "renewable natural gas." "Renewable energy," is expanded to mean electrical energy produced from a method that uses one or more of the following fuels or energy sources: hydrogen produced or resulting from energy sources other than fossil fuels, biomass, solar energy, geothermal energy, wind energy, ocean energy, and hydroelectric power. "Biogas," is defined as a mixture of gases, largely comprised of carbon dioxide, hydrocarbons, and methane gas, that is produced by the biological decomposition of organic materials. "Renewable natural gas" is defined as anaerobically generated biogas, landfill gas, or wastewater treatment gas, which is refined to a methane content of 90 percent or more, that may be used as transportation fuel, for electric generation, or is of a quality capable of being injected into a natural gas pipeline.

The bill provides that the Public Service Commission may approve cost recovery by a gas public utility for renewable natural gas purchase contracts in which the pricing provisions exceed the current market price of natural gas, but which are otherwise deemed reasonable and prudent by the commission.

The bill includes conforming changes in ss. 366.92, 373.236, and 403.973, F.S., to reflect the revised definition of "renewable energy" and reenacts s. 288.9606(7), F.S., without modification, to incorporate the changes made to s. 366.91, F.S.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 25-14; House 86-29

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 919 — Preemption Over Restriction of Utility Services

by Commerce Committee; Tourism, Infrastructure and Energy Subcommittee; Rep. Tomkow, and others (SB 1128 by Rules Committee; Community Affairs Committee; Regulated Industries Committee; and Senator Hutson)

The bill prohibits municipalities, counties, special districts, or other political subdivisions from enacting or enforcing a resolution, ordinance, rule, code, or policy that restricts or prohibits, or has the effect of restricting or prohibiting the types or the fuel sources of energy production used, delivered, converted, or supplied to customers by:

- Public or electric utilities;
- Entities created pursuant to an interlocal agreement that generate, sell, or transmit electrical energy;
- Natural gas utilities or transmission companies; or
- Liquid petroleum gas dealers, dispensers, or cylinder exchange operators.

The bill expressly states that a municipality's board or a governmental entity is not prevented from passing rules, regulations, or policies governing an electric or natural gas utility that it owns or operates and directly controls. The bill further states that it does not expand or alter the jurisdiction of the Public Service Commission over public or electric utilities. The bill voids any charter, resolution, ordinance, rule, code, policy, or action by any municipality, county, special district, or political subdivision, existing on or before the bill's effective date, which is preempted by this bill.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 27-13; House 81-34

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 1080 — Tobacco and Nicotine Products

by Health Policy Committee; Regulated Industries Committee; and Senator Hutson

The bill revises the regulation of the retail sale of tobacco products and nicotine products. The bill:

- Increases the minimum age to lawfully purchase and possess tobacco products and nicotine products from 18 years of age to 21 years of age. However, the bill keeps the exemption in current law for underage persons in the military and persons acting in the scope of lawful employment.
- Creates a new part of ch. 569, F.S., to regulate the sale of, and create a separate licensing structure for, the retail sale of “nicotine dispensing devices” and nicotine products. Under the bill, nicotine products and “nicotine dispensing devices” are not classified as tobacco products.
- Regulates tobacco products under ch. 569, part I, F.S., which consists of the current-law provisions.
- Regulates nicotine products under ch. 569, part II, F.S., which includes the requirements in current law for the sale of nicotine products, including applicable penalties for the illegal possession or sale, and provides additional provisions for the regulation of nicotine product sales that are the same as currently apply to the regulation of tobacco product sales.
- Requires retail dealers of nicotine products to have a permit issued by the Division of Alcoholic Beverages and Tobacco, but does not require a fee for the permit. However, the holder of a retail tobacco products dealer permit may sell nicotine products without an additional permit.
- Requires applicants for a retail tobacco products dealer permit and a retail nicotine products dealer permit to be at least 21 years of age.
- Preempts to the state the establishment of a minimum age for purchasing or possessing tobacco or nicotine products as well as regulation of the marketing, sale, or delivery of tobacco or nicotine products.
- Prohibits smoking and vaping by any person under 21 years of age on or near school property. (Current law applies the prohibition to persons under 18 years of age).
- Requires age verification before a sale or delivery of tobacco products and nicotine products to persons who appear to be under 30 years of age.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 29-9; House 103-13

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/HB 1239 — Broadband Internet Infrastructure

by Commerce Committee; Ways and Means Committee; and Rep. Tomkow and others
(CS/CS/SB 1592 by Appropriations Committee; Finance and Tax Committee; and Senators Burgess, Diaz, and Albritton)

The bill, which may be cited as the “Florida Broadband Deployment Act of 2021,” revises the Office of Broadband’s (office) strategic plan related to goals and strategies for increasing and improving broadband availability and access; creates the Broadband Opportunity Program to award grants; provides an appropriation to the Department of Economic Opportunity (DEO) for geographic information system mapping of broadband internet service; and establishes a promotional period for one dollar pole attachments of broadband facilities to municipal electric utility poles.

As to the office and its strategic plan, the bill revises the duties of the office to include improving the availability of, access to, and use of broadband. The bill requires the strategic plan to incorporate applicable federal broadband activities and identify available federal funding. The strategic plan must be submitted to the Governor, the Senate President, and the Speaker of the House by June 30, 2022, and updated biennially. Local technology planning teams are required by the bill to work with rural communities in order to help communities understand current broadband availability, locate unserved and underserved businesses and residents, identify assets relevant to deployment, build partnerships with providers, and identify opportunities. It requires the teams to be proactive in fiscally constrained counties to apply for federal grants.

The terms “broadband Internet service,” “deployed,” “sustainable adoption,” “underserved,” and “unserved,” are provided for in this section of the bill.

A non-recurring sum of \$1,500,000 for Fiscal Year 2021-2022 is appropriated from the General Revenue Fund to the DEO, to develop geographic information system maps of broadband Internet service availability though the state. The bill specifies the content required to be included in the maps and that they must be developed by June 30, 2022.

The bill creates the Broadband Opportunity Program, housed in the office, to award grants, subject to appropriation, to applicants who seek to install or deploy infrastructure that expands broadband service to unserved areas. The bill specifies the types of entities eligible for such grants, provides application requirements and evaluation criteria, and requires the office to enter into an agreement with each grant recipient that specifies performance conditions, including potential sanctions. The bill establishes a process by which an existing broadband provider may challenge a grant application on the grounds that the provider already offers or plans to offer service in the area at issue. The bill limits grant awards to 50 percent of the total cost of a project, but no more than five million dollars per grant, and prohibits grant awards for projects that receive other federal funding. The bill requires the office to prepare an annual report summarizing the activity under this program.

The bill creates s. 288.9963, F.S., relating to attachment of broadband facilities to municipal electric utility poles, which requires municipal electric utilities to provide broadband providers access for attachments to utility poles at a promotional rate of one dollar per attachment per pole, from July 1, 2021, to July 1, 2024. The bill provides terms for these discounted attachments and specifies each party's responsibility for costs associated with replacement poles necessary to make attachments. The bill requires these attachments to be made following the higher of the safety standards in the National Electrical Safety Code or the standards set by the utility. The promotional rate is available after application and can be lost if unserved or underserved customers are not provided with broadband Internet access within twelve months of the attachments being made and the provider may be required to pay the prevailing rate for the attachments that failed to make broadband available to the intended customers. The bill prohibits municipal electric utilities from raising their current pole attachment rates for broadband providers between July 1, 2021, and July 31, 2022.

The bill also provides procedures for wireline attachments and allows for a one dollar promotional rate until July 1, 2024. Such attachments must comply with safety and reliability standards, however, wireline attachments that complied with safety and reliability standards when installed, do not need to be modified to comply with new requirements unless necessary for safety reasons as determined by municipal electric utilities.

The bill also provides for procedures and costs for replacement of utility poles by the municipal electric utilities where necessary to comply with applicable engineering and safety standards. If the replacement is necessary to correct an existing violation, to bring the pole into compliance, or because the pole is at the end of its useful life, the replacement cost may not be charged to the broadband provider.

Definitions for the terms "broadband provider," "broadband service," "safety and reliability standards," "underserved," "unserved," "wireline attachment," are provided for in this section.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 115-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/HB 1311 — Public Records and Public Meetings/Public Service Commission

by Commerce Committee and Rep. Payne (SB 7066 by Regulated Industries Committee)

The bill creates a public meeting and a public record exemption under s. 350.01, F.S., relating to the Florida Public Service Commission (PSC). Under the bill, portions of a PSC hearing discussing proprietary confidential business information that is confidential or exempt from public record requirements are made exempt from public meeting requirements. The bill provides that the entire hearing, including exempt portions must on the record, recorded, and transcribed.

The bill also creates a public record exemption for the recordings and transcripts. The recordings and transcripts are confidential and exempt from disclosure unless a court of competent jurisdiction, after an in camera review, determines that such portions of the hearing were not restricted to discussion of proprietary confidential business information, under ss. 364.183, 366.093, 367.156, and 368.108, F.S. If such a judicial determination is made, only the portion of the recording and transcript which reveals nonexempt information may be disclosed to a third party.

As required by the State Constitution, the bill provides a statement of public necessity, subjects the exemptions to the Open Government Sunset Review Act, and will stand repealed on October 2, 2026, unless reenacted by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-1; House 113-5

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

CS/CS/SB 1966 — Department of Business and Professional Regulation

by Appropriations Committee; Regulated Industries Committee; and Senators Diaz and Garcia

The bill revises provisions relating to the licensing and regulation of cosmetics manufacturers, construction contractors, tobacco products, alcoholic beverages, pugilistic events, condominium associations, and public food and lodging establishments by the Department of Business and Professional Regulation (DBPR).

Relating to reporting requirements for tobacco product wholesalers, the bill:

- Requires tax and sales reports to be filed with the Division of Alcoholic Beverages and Tobacco through the agency's electronic system; and
- Revises the reporting requirements.

Relating to construction contracting, the bill deletes the deadline for registered contractors to apply for a statewide certified contractors' license if they otherwise meet the local licensure, examination, experience, discipline, and financial requirements.

Relating to construction and electrical contractors, the bill repeals the \$4 fee all certificate holders and registrants must pay to the DBPR at the time of application or renewal, to fund projects relating to the building construction industry or continuing education programs offered to building construction industry workers in Florida.

Relating to cosmetic manufacturers, the bill:

- Creates an exemption from the cosmetic manufacturing permit requirements for a person who manufactures limited cosmetic products, such as soaps, and has annual gross sales of \$25,000 or less;
- Requires each unit of an exempted cosmetic product to a statement indicating that the product is made by a manufacturer exempt from Florida's cosmetic manufacturing permit requirements;
- Authorizes a temporary permit for 90 calendar days to allow continued operation of a cosmetics establishment when there is a change of ownership, controlling interest, or location; and
- Authorizes the DBPR to issue remedial, non-disciplinary citations for violations that do not pose a substantial threat to the public health, safety, or welfare.

Relating to regulation of pugilistic events, the bill:

- Changes the name of the Florida State Boxing Commission to the Florida Athletic Commission (commission);
- Authorizes the commission to establish the need for gloves and the weight of any gloves used in pugilistic matches by rule; and
- Deletes the requirement for all participants in pugilistic matches to wear gloves.

Relating to alcoholic beverage regulations, the bill:

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- Deletes the definition for the obsolete “carrier permit.”
- Requires applicants for an alcoholic beverage license to submit fingerprints to the DBPR electronically, provide proof of the applicant’s right of occupancy for the entire premises they are seeking to license, and maintain a current electronic mailing address with the DBPR;
- Authorizes the use of a lottery drawing for a quota license that has been cancelled;
- Requires licensees to submit alcohol sales reports through the DBPR’s electronic system;
- Requires notices related to a vendor’s delinquent payment to a distributor be provided by the DBPR through electronic mail;
- Revises the compliance audit timeframes for special restaurant licensees;
- Removes “grains of paradise” from the list of prohibited ingredients in liquor under the crime of “adulterating liquor;” and
- Prohibits alcoholic beverage vendors from storing or keeping alcoholic beverages in any building or room that is not the licensed premises; any building or room approved by the Division of Alcoholic Beverages and Tobacco that is located in the county where the vendor is licensed; or a building or room approved by the division and used only in conjunction with a catered event operated by an entity licensed to sell beer, wine, and liquor only sealed containers for off-premises consumption (a package store) or on-premises consumption.

Relating to condominium and cooperative associations, the bill:

- Requires a proposed annual budget to be provided to members of the association and adopted by its board of directors no later than 14 days before the beginning of the fiscal year; and
- Provides the board’s failure to timely adopt the annual budget a second time is a minor violation and the prior year’s budget will continue in effect until a new budget is adopted.

Relating to condominium associations, the bill:

- Provides that a person is delinquent in a payment due to the association if the payment is not made by the due date identified in the association’s governing documents, or the first day of the assessment period if no due date is specifically identified in the governing documents;
- Deletes the requirement that the condominium ombudsman keep his or her principal office in Leon County; and
- Authorizes the DBPR to adopt rules for submitting complaints against condominium associations.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 40-0; House 117-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

HB 7003 — OGSR/State Boxing Commission

by Government Operations Subcommittee and Rep. Rizo (SB 7026 by Regulated Industries Committee)

The bill saves from repeal the public records exemption for proprietary confidential business information provided by a promoter to the Florida State Boxing Commission (commission) or through an audit of the promoter's books and records. In current law, a "promoter" is any person, and includes any officer, director, employee, or stockholder of a corporate promoter, who produces, arranges, or stages any match involving a professional. Within seventy-two hours after a match, the promoter of that match must file a written report with the commission. The promoter's report must include information about the number of tickets sold, the amount of gross receipts, and any other facts that the commission requires.

This public records exemption would stand repealed on October 2, 2021, unless it is reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 40-0; House 116-0

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

**SB 7022 — Open Government Sunset Review/Proprietary Confidential
Business Information**

by Regulated Industries Committee

The bill revises and saves from repeal the public records exemption for proprietary confidential business information submitted by voice communications services providers to the E911 Board, the Division of Telecommunications within the Department of Management Services, or the Department of Revenue as an agent of the E911 Board. The bill narrows the exemption by deleting trade secrets, including trade secrets as defined in s. 812.081, F.S., relating to trade secrets, theft, embezzlement, unlawful copying, definitions, and penalty, from the definition of “proprietary confidential business information.” The bill removes the scheduled repeal date of October 2, 2021, to continue the confidential and exempt status of the information.

If approved by the Governor, these provisions take effect July 1, 2021.

Vote: Senate 39-0; House 114-2

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Regulated Industries

SB 7028 — OGSR/Data Processing Software

by Regulated Industries Committee

The bill revises the public records exemptions in s. 119.071(1)(f), F.S. The bill repeals the public records exemption for data processing software obtained by an agency under a licensing agreement that prohibits its disclosure and which software is a trade secret, as defined in s. 812.081, F.S.

Additionally, the bill saves from repeal the public records exemption for agency-produced data processing software that is designated as sensitive.

The public records exemption for agency-produced data processing software that is sensitive would stand repealed on October 2, 2021, unless it is reenacted by the Legislature under the Open Government Sunset Review Act. The bill removes the scheduled repeal to continue the exempt status of agency-produced data processing software that is sensitive.

If approved by the Governor, these provisions take effect October 1, 2021.

Vote: Senate 38-2; House 113-3