



2021 LEGISLATIVE REPORT



President
Wilton Simpson

Speaker
Chris Sprowls

FBA Legislator
of the Year



Representative
Wyman Duggan

2021 Legislative Report

“Do What You Can With All You Have, Wherever You Are.”

Theodore Roosevelt

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President & Chief Executive Officer

Anthony F. DiMarco
Executive Vice President/ Director of Government Affairs

Kenneth D. Pratt
Senior Vice President of Government Affairs

Courtney J. Larkin
Assistant Vice President of Government Affairs



Alex Sanchez



Anthony DiMarco



Kenneth Pratt



Courtney Larkin

Dear Florida Bankers:

Last fall, in the weeks leading up to the 2021 Legislative Session, the presiding officers in the Florida House and Florida Senate announced several new COVID-19 meeting protocols, including the decision to prohibit the public from freely accessing the Capitol to meet with legislators. Considering a reported \$2 billion-dollar budget deficit was likely, it became immediately clear that the 2021 Legislative Session would be unlike any other legislative session in recent history.

Even with the challenges of managing the mechanics of a legislative session during a pandemic, legislative leaders still achieved an extensive list of legislative priorities. Registered lobbyists and public stakeholders were only allowed to provide remote, written and limited verbal testimony which resulted in members receiving many emails, texts and phone calls on the various issues coming before the various legislative bodies. The session ended as scheduled, on April 30th, with legislators unanimously passing a \$100 billion budget.

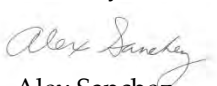
Roughly 1,745 general bills were filed this session; of those bills, only 265 passed both chambers. FBA was able to push forward our key legislative priorities and still defeat or amend several bills/amendments which would have negatively impacted the banking industry. Two of the 265 bills passed by both houses were major FBA priorities:


- House Bill 7061 – Tax Package, including a LIBOR provision
- Senate Bill 1070 – Trusts and Estates, including a director/employee trustee liability provision

There are two additional issues of significant note—public deposits for credit unions, and a new privacy bill. Although the public deposits for credit unions bill was not filed in 2021, that issue is one which we will vigilantly continue to watch on an annual basis. The new privacy legislation, which did not pass, did not provide for the industry preferred entity exemption. The FBA was able to amend language into the bill to minimize the negative impact.

We are especially appreciative of the continued support of our FBA Board, Government Relations Council and the entire membership who played an instrumental role in achieving goals of FBA’s legislative agenda. Special thanks goes to: Tom Pennekamp, Truist Bank; Aprill Springfield Blanco, Wells Fargo; Rick Mahler, JPMorgan Chase; Kelly Beazley, Bank of America; Erin Smith, TD Bank; Russ Hale, Carrie Ann Wozniak, Ginny Childs, and Betsy Hodge, Akerman LLP; Jim Daughton, Metz Husband & Daughton, PA (representing Regions Bank); Jeff Rabren, Regions Financial Corporation; Alan West, CitiBank, N.A.; Robert Kottler, IBERIABANK; Tom Lamb, PNC; Sean Stafford, McGuireWoods Consulting, LLC (representing Capital One); Lauren McKown, Capital One; Mike Carlson, BBVA; Dan Donohoe, Comerica Bank; Jon Johnson, Travis Blanton, Diane Carr, Johnson & Blanton (representing Bank of America), Tom Ruebel, U.S. Bank, Joan Saenz, Fifth Third Bank, Jim Nikolai, Synchrony Financial and Monte Stevens and Clark Smith, Southern Strategy Group (representing Wells Fargo).

Sincerely,


Alex Sanchez
President & CEO


Anthony DiMarco
EVP Government Affairs


Kenneth Pratt
Senior VP GR/ Director
of Trust Leg Affairs


Courtney Larkin
AVP Government Affairs

My Fellow FBA Colleagues,



**BUT IT OFTEN
RHYMES."**

Mark Twain

Since its founding in 1888, the Florida Bankers Association has experienced many unprecedented challenges, both foreign and domestic. One of the organization's early trials dates back to December of 1889, when Americans first learned of a deadly health pandemic in Russia which would soon come to be known as the Russian Flu or Asiatic Flu, ultimately responsible for killing over a million persons. Fast forward to today, more than a century later, we find ourselves recovering from another global health pandemic, caused by COVID-19, responsible for claiming the lives of almost 4 million persons worldwide. The similarity to how the industry responded then and how Florida bankers have responded in the present day can be summed up in one word – resiliency.

Over the last 365 days, Florida's banking industry has broadened our horizons beyond what many previously thought was possible. The year began in July on the heels of the first ever PPP loan program for small businesses. Florida bankers were top processors of PPP loans and responsible for processing over 1 million PPP loans for over \$51 Billion to qualifying businesses. Even though many businesses were forced to close their doors, Florida banks continued to serve their customers and operated as the financial first responders throughout the pandemic. Not even the global pandemic could stop Florida's bankers from advocating for our issues during our 65th Annual and first-ever Virtual Washington Fly-In. For several months, hundreds of bankers from around the state participated in over 50 calls and received important financial updates from some of the most powerful members of Congress. We also kept open the direct lines of communication to our banking regulators with virtual calls that included representatives from the FDIC, the Federal Reserve, the Office of the Comptroller of the Currency, and Florida's Office of Financial Regulation. In March, we continued our advocacy efforts in Tallahassee with a virtual Capitol Day that unfortunately did not conclude with our traditional banker fellowship and lobster. Nonetheless, it was a stressful session but thanks to many in the legislative leadership in Tallahassee, still a successful one. And then as American companies discovered a vaccine to lessen the effects of COVID-19 and infection numbers began to fall, Florida Bankers returned to face-to-face Washington meetings with additional members of Congress. Finally, we capped off the success of this year in June by reuniting with our friends and colleagues at our in-person Annual Meeting at The Breakers.

I am so extraordinarily appreciative of the heroic efforts of our industry throughout the last 12 months. Despite some of the most difficult circumstances in our organization's history, we have a great deal to be proud of based on our accomplishments. We can all hold our heads high knowing that we played a pivotal role in keeping our communities', state's and country's economy afloat during these difficult times. We never gave up, we never gave in and we outlasted the challenges presented. We can be confident that challenges will continue to come and that the leadership of this organization is ready to answer whatever challenges the Florida Bankers Association may face—just as we did in the early days of 1889.

Sincerely,

A handwritten signature in blue ink, appearing to read "Gregory L. Nelson".

Greg Nelson
Chairman, Florida Bankers Association

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MAJOR LEGISLATION

Civil Liability for Damages Relating to COVID-19 (HB 7/SB 72)

Description: This legislation provides COVID-19 related liability protections for businesses, education institutions, government entities, religious organizations, and several other entities. Under the bill, a covered entity that makes a good faith effort to substantially comply with applicable COVID-19 guidance is immune from civil liability for a COVID-19-related claim. The bill also provides heightened civil liability protections to health care entities for claims brought by patients related to COVID-19. Although this legislation provides a retroactive severability provision which applies retroactively, it does not apply in a civil action against a particular defendant if the action was filed before March 29, 2021.

Impact: This legislation provides a safe harbor from COVID-19 related claims to certain entities and may also reduce the financial risk of health care providers for civil liability claims related to the COVID-19 pandemic.

Additionally, the legislation may provide a positive economic impact on the private sector.

Reference: House Bill 7 by Representative Lawrence McClure (R-Plant City) and Senate Bill 72 by Senator Jeff Brandes (R-St. Petersburg)

Senate Bill 72 was substituted for House Bill 7, which passed both the House and Senate Chambers, and was signed by the Governor on March 29, 2021. The bill took effect upon becoming law. Please see Chapter No. 2021-001, Laws of Florida.

Documentary Stamp Tax Exemption (HB 917/ SB 1334)

Description: House Bill 917 and Senate Bill 1334 amend Florida law to provide that a modification to an original contract for the purpose of updating an interest reference rate that has been discontinued is not considered a renewal, and therefore does not trigger a taxable event.

Impact: This legislation will allow for customers who are impacted by

the discontinuation of an index (i.e. LIBOR), to not have to pay or repay documentary stamp taxes because of this involuntary change to their contracts.

Reference: House Bill 917 by Representative Stan McClain (R-Ocala) and Senate Bill 1334 by Senator Jim Boyd (R-Bradenton)

House Bill 917 passed out of the House, but Senate Bill 1334 died in Senate Appropriations. Ultimately the bill language was amended on to the annual tax package (HB 7061) which was signed into law and took effect July 1, 2021. Please see No. 2021-31, Laws of Florida.

Consumer Data Privacy (HB 969/ SB 1734)

Description: The legislation would establish a data privacy regime for all Florida businesses and a duplicate regime for financial institutions. House Bill 969 also has a private right of action for plaintiffs to sue even if there were no damages alleged. The legislation contains language to clarify exemptions for information covered by the Gramm-Leach-Bliley

Act (GLBA), business information, and employee information.

Impact: While the legislation aims to help protect the online data of Floridians, it also creates an extra burdensome regulatory regime that would negatively impact Florida financial institutions.

Reference: House Bill 969 by Representative Fiona McFarland (R-Sarasota) and Senate Bill 1734 by Senator Jennifer Bradley (R-Orange Park)

House Bill 969 passed out of the House but ultimately died in returning messages. Senate Bill 1734 was read a second time and substituted for HB 969.

"You may only succeed if you desire succeeding; you may only fail if you do not mind failing."

-Philippos

BANKING

Construction Liens and Bonds (HB 473/ SB 622)

Description: Under current law, a person who provides services, labor, or materials for improving, repairing, or maintaining real property (except public property) may place a construction lien on the property if they are not paid for their services in certain situations. The proposed legislation makes the following changes to current Florida law:

- Modifies the notice of commencement and notice of nonpayment forms;
- Prohibits anyone from requiring a person to sign a waiver or release of lien or a waiver of right to claim against a payment bond that differs from the statutory form unless the person agreed by contract to do so;
- Provides that any provision in a waiver or release of lien or in a waiver of right to claim against a payment bond that is unrelated to the waiver is unenforceable unless the party signing the waiver agreed by contract to such terms;
- Allows general or building contractors providing construction or program management services to claim construction liens for such services;
- Authorizes a lienor to record one claim of lien for services or materials provided under multiple direct contracts under specified conditions;
- Changes when a notice of termination must be recorded and served, and when such notice is effective;
- Modifies service requirements for various notices and other documents required or authorized by the construction lien law;
- Authorizes a subcontractor, laborer, or material supplier intending to make a claim against a payment bond to serve the surety with a copy of the notice of nonpayment, instead of an original document;
- Specifies that the methods for discharging a lien may

- also be used to release a lien, in whole or in part;
- Modifies the requirements for recording a satisfaction of lien with the clerk's office;
 - Entitles the prevailing party in an action to enforce a lien transferred to a security to recover reasonable attorney fees and costs.

Impact: This legislation will bring greater clarity to this portion of Florida Statutes and help subcontractors, laborers, and materialmen to receive compensation for their work. FBA had concerns about the bill because it would have changed our forms and requirements.

Reference: House Bill 473 by Representative Jackie Toledo (R-Tampa) and Senate Bill 622 by Senator Keith Perry (R-Gainesville)

While SB 622 passed the Senate, both SB 622 and HB 473 died on Second Reading in the House.

Public Records/Application for De Novo Banking Charter (HB 619/ SB 512)

Description: This legislation aims to make certain information provided by an applicant for authorization to establish a new state bank confidential and exempt from public record. The legislation only exempts potentially sensitive information that would be provided to the Office of Financial Regulation (OFR)

Impact: The legislation ensures OFR's ability to administer its regulatory duties regarding applications for authority to organize a new state bank while preventing unwarranted damage to the proposed bank or the shareholders, subscribers, proposed officers, or proposed directors of the proposed bank.

Reference: House Bill 619 by Representative Webster Barnaby (R-Orange City) and Senate Bill 512 by Senator Danny Burgess (R-Zephyrhills)

House Bill 619 died in House Rules Committee. Senate Bill 512 died in Senate Government Oversight and Accountability Subcommittee.

**Required Notice to Homeowners in
Mortgage Foreclosure Actions
(HB 591/ SB 1576)**

Description: Current Florida law sets the requirements for what must be included in a mortgage foreclosure complaint. This proposed new legislation would require a foreclosing lender to include a notice to a homeowner in the mortgage foreclosure complaint, and also gives specific requirements regarding how the notice must be displayed.

Impact: The legislation would require lenders to include the new language in a complaint and failure to include the language could create an affirmative defense.

Reference: House Bill 591 by Representative Traci Koster (R-Safety Harbor) and Senate Bill 1576 by Senator Darryl Rouson (R-St. Petersburg)

Neither House Bill 591 or Senate Bill 1576 received a committee hearing in either chamber.

**Residential Swimming Pool Safety
(HB 703/ SB 124)**

Description: The proposed legislation, titled “The Kacen’s Cause Act”, requires that all new swimming pools meet an additional safety requirement in order to pass final inspection. Additionally, the bill prohibits a property owner from transferring ownership of a parcel that has a swimming pool unless it also meets the additional safety requirement.

Impact: Although the legislation will help to ensure safety while using and around residential swimming pools, this could become a financial burden on banks in the instance of a foreclosure.

Reference: House Bill 703 by Representative Matt Willhite (D-Wellington) and Senate Bill 124 by Senator Ed Hooper (R-Palm Harbour)

Neither House Bill 703 or Senate Bill 124 received a committee hearing in either chamber.

Financial Institutions (HB 1641/ SB 1950)

Description: The legislation aims to ensure that the Division of Financial Institutions, within the OFR, is well-equipped to continue their regulatory oversight in a more modernized way and will bring Florida in a more competitive standing with federal banking regulations. The proposed legislation will:

- Provide the opportunity to appear via video conference in certain circumstances;
- Provide clarity relating to the acquisition of assets and the assumption of liabilities;
- Provide more flexibility in the scheduling timeline of examinations, while still maintaining sufficient oversight;
- Provide the OFR Commissioner the flexibility in determining when an examination cannot proceed because of circumstances outside of the financial institution's control (i.e. COVID 19);
- Eliminate the requirement that a proposed chief executive officer must have previously served as an executive officer, director, or regulator for at least 1 of the last 5 years and aligns

them with the requirements of federal chartering authorities;

- Require that the OFR be notified within 90 days of the acquisition of a financial institution through probate or trust;
- Provides that “companies, business entities, and partnerships” are incorporated into law to avoid situations where they may act as trustees without a charter;
- Outline the acceptable activities that a domestic trust representative office may participate in;
- Eliminate the need for a family trust company, licensed family trust company, or foreign licensed family trust company to maintain a deposit account in Florida, but does require that they maintain a deposit account in a federally-insured depository institution;
- Provide that a credit union may use up to 60 percent of equity to invest in assets, such as real estate and improvements therein (i.e., furniture and equipment). Current law allows for 5 percent of capital to be used;
- Amend current legacy chartering language to enhance the chartering capabilities of the OFR to consider the modernization of delivery

channels and operations of financial institutions;

- Add a consumer protection provision that prohibits a third-party agent or entity from directly or indirectly charging the consumer a fee for an online audit verification of an account.

Impact: The legislation aims to update the state banking code to remain competitive with federal banking law changes and modernization. The FBA objected to the credit union language and it was removed from SB 1950.

Reference: House Bill 1641 by Representative James Buchanan (R-North Port) and Senate Bill 1950 by Senator Joe Gruters (R-Sarasota)

House Bill 1641 died in House Insurance and Banking Subcommittee. Senate Bill 1950 died in Senate Rules Committee.

Money Services Businesses (HB 1351/ SB 1758)

Description: The legislation adds and amends definitions relating to virtual currency to provide clarity as to their meaning and to make virtual currency expressly subject to money transmitter regulations but not regulations for other types of licenses in Florida Statutes. Additionally, it clarifies that a money transmitter license is only required for a person acting as an intermediary between two parties, meaning that neither person in a two-party transaction is required to be licensed. The legislation also makes conforming changes to the prohibition on unlicensed activity, adds rulemaking authority for recordkeeping requirements related to virtual currency, and amends the permissible investments statute. Lastly, the bill makes conforming changes under the Financial Technology Sandbox, as well as other conforming changes to reflect the addition of virtual currency to money transmitter regulations.

Impact: The legislation aims to provide regulatory clarity as to the way in which virtual currency is regulated.

Reference: House Bill 1351 by Representative Vance Aloupis (R-Miami) and Senate Bill 1758 by Senator Jeff Brandes (R-St. Petersburg)

House Bill 1351 passed out of the House but ultimately died in Senate Rules Committee. Senate Bill 1758 died in Senate Rules Committee.

“Let us rather run the risk of wearing out than rusting out.”

-Theodore Roosevelt

REAL PROPERTY

Transfers in Divorce (HB 253/ SB 702)

Description: House Bill 253 and Senate Bill 702 aim to clarify that any interest in an IRA received during a transfer incident to divorce remains exempt from creditor claims after the transfer is complete. The proposed legislation applies retroactively to all transfers made incident to divorce.

Impact: This legislation would further clarify what is exempt from creditors in transfers in divorce.

Reference: House Bill 253 by Representative Joe Geller (D-Dania Beach) and Senate Bill 702 by Senator Perry Thurston (D-Fort Lauderdale)

House Bill 253 died in House Insurance and Banking Subcommittee. Senate Bill 702 died in House Messages.

**Improvements to Real Property
(HB 387/ SB 1208)**

Description: This legislation seeks to expand the list of eligible projects for PACE loans to include septic to sewer, lead paint and mold remediation, sea walls, flood controls, and numerous other projects. Additionally, the legislation adds significant consumer protections for PACE loans.

Impact: This legislation will expand the PACE program, and provide needed consumer protections, however, it would worsen the lien priority issue that banks currently face with the program.

Reference: House Bill 387 by Representative Randy Fine (R-Palm Bay) and Senate Bill 1208 by Senator Ana Maria Rodriguez (R-Doral)

House Bill 387 died on Second Reading. Senate Bill 1208 died in Senate Appropriations Committee.

**Assets of an Estate Administration
(HB 6077/ SB 1288)**

Description: The Federal Savings and Loan Insurance Corporation (FSLIC) was created in 1934 in order to insure deposits of savings and loan associations. However, the FSLIC was abolished in 1989 after the savings and loan crisis of the 1980s. Savings and loan associations are now insured by the Federal Deposit Insurance Corporation, as are commercial banks. This legislation removes a statutory reference to the FSLIC along with other obsolete language from statute.

Impact: The legislation broadens access to financial services by allowing a court to place assets of an estate in a savings and loan association without reference to the savings and loan association having insurance through the FSLIC, a now obsolete entity.

Reference: House Bill 6077 by Representative Will Robinson (R-Bradenton) and Senate Bill 1288 by Senator Jim Boyd (R-Bradenton)

Senate Bill 1288 was substituted for House Bill 6077, which passed both the House and Senate Chambers and

was signed by the Governor on June 29, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-239, Laws of Florida.

**Abandoned Residential Real
Property
(HB 1393/ SB 1808)**

Description: House Bill 1393 and Senate Bill 1808 deal with zombie residential properties. The legislation provides that those properties which meet certain criteria may be identified by local government as abandoned residential properties. Once identified, the bank is notified and then allowed to enter the property for the purpose of abating the nuisance and maintaining the property until transferred. If the nuisance is not abated by the bank, the city may make efforts to abate the nuisance and place a lien on the property for those services. The legislation also allows for entry on the property to address emergency situations where the public health and safety is threatened. The legislation only applies to one to four family unit dwellings.

Impact: The legislation seeks to help move abandoned residential real

property through an expedited judicial process.

Reference: House Bill 1393 by Representative Tracie Davis (D-Jacksonville) and Senate Bill 1808 by Senator Bobby Powell (D-West Palm Beach)

Neither House Bill 1393 or Senate Bill 1758 received a committee hearing.

FRIENDS OF THE FBA

LEGISLATOR
OF THE YEAR



Representative
Wyman Duggan

Pictured from left to right:
Senate President Wilton Simpson, Sen. Jim Boyd, Rep. Sam Garrison, Sen. Kathleen Passidomo, Speaker Chris Sprowls, Sen. Jennifer Bradley, Rep. Nick DiCeglie, Rep. Daniel Perez, Rep. Clay Yarborough, Sen. Jeff Brandes, Rep. Fentrice Driskell, Rep. Evan Jenne, Rep. Ben Diamond, Rep. Bobby Payne, Sen. Aaron Bean, Sen. Lori Berman, Rep. Bob Rommel, and Rep. Blaise Ingolia.





2021
FBA V I R T U A L
CAPITOL DAY

Featured Speakers

The 2021 Capitol Day was held as a virtual event which featured briefings from key legislative members in our state Capitol. Bankers from around the state attended the meeting, via Zoom, to advocate for FBA's legislative priorities for the year. The group discussed issues ranging from property insurance to PPP loans and the phasing out of the LIBOR index.



Jimmy Patronis
Chief Financial Officer of Florida



Senator Jim Boyd
Banking and Insurance Chairman



Representative Evan Jenne
Democratic Minority Leader



Representative Nick DiCeglie
Insurance and Banking Chairman

65TH ANNUAL
WASHINGTON, DC
VIRTUAL FLY-IN



The FBA was unable to travel to Washington, DC for our 65th Annual Fly-in. However, that did not stop the FBA Team and Florida bankers from having their voices heard on the Hill. The FBA conducted over 25 virtual fly-in visits to advocate on behalf of Florida's financial services industry. The FBA met with the following Congressional members:

Senator Ron Johnson, Senator John Boozman, Senator John Cornyn, Senator Marsha Blackburn, Senator Joe Manchin, Senator Ben Sasse, Senator Marco Rubio, Senator Rick Scott, Congressman Jodey Arrington, Congressman Dan Crenshaw, Congressman Trey Hollingsworth, Congresswoman Stephanie Murphy, Congressman Andy Barr, Congresswoman Debbie Wasserman-Schultz, Congressman Al Lawson, Congressman Byron Donalds, Congressman Blaine Luetkemeyer, Congressman Charlie Crist, Congresswoman Kathy Castor, Congressman Vern Buchanan, Congressman Brian Mast, Congressman Mario Diaz-Balart, Congressman Scott Franklin, Congressman Bill Posey, Congressman Carlos Gimenez, Congressman Greg Steube, Congressman Neal Dunn, and Congresswoman Maxine Waters

TRUST

Estates and Trusts (HB 609/ SB 1070)

Description: House Bill 609 and Senate Bill 1070 prevent beneficiaries from filing breach of duty lawsuits against employees, officers, and directors and extends the same statute of limitations protection.

Impact: House Bill 609 and Senate Bill 1070 will, in part, give financial institutions' employees, officers, and directors, the same liability shield that the financial institution currently has in breach of trust matters.

Reference: House Bill 609 by Representative Ben Diamond (D-St. Petersburg) and Senate Bill 1070 by Senator Lori Berman (D-St. Boynton Beach)

House Bill 609 was substituted for Senate Bill 1070, which passed both the House and Senate Chambers and was signed by the Governor on June 29, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-183, Laws of Florida.

“Things may come to
those who wait, but
only the things left by
those who hustle.”

-Abraham Lincoln

CONSUMER PROTECTION

Tax Exemption for Affordable Housing (HB 563/ SB 674)

Description: House Bill 563 and Senate Bill 674 authorize counties and municipalities to adopt ordinances to grant ad valorem tax exemptions to property owners whose properties are used for government or affordable housing. The property owner must have taken affirmative steps to prepare the property to provide affordable housing to persons or families that meet specified income limits to qualify for the affordable housing exemption. For the governmental exemption, a governmental or public purpose is served if a person provides a service that the state, any of its political subdivisions or any municipality, agency, special district, authority or other public body corporation of the state could properly perform or serve and if the governmental or public purpose would otherwise be a valid purpose for the allocation of public funds.

Impact: This legislation would provide tax exemptions or reductions to property owners whose property is used for providing affordable housing,

thus incentivizing owners to offer their properties for residents needing affordable housing.

Reference: House Bill 563 by Representative Anthony Rodriguez (R-Miami) and Senate Bill 674 by Senator Ana Maria Rodriguez (R-Doral)

Neither House Bill 563 or Senate Bill 674 received a committee hearing in either chamber.

Consumer Protection (HB 717/ SB 1598)

Description: The legislation prohibits unlicensed activity by an adjusting firm, prohibits a person from providing claims adjusting services unless the person meets specified requirements, and prohibits licensed contractors & subcontractors from engaging in certain activities unless licensed as public adjusters. The legislation also provides disclosure requirements that insurance coverage must meet before being eligible for export under Surplus Lines Law, prohibits foreign venue clauses in property insurance policies, and provides penalties for a licensed bail

bond agent or a temporary bail bond agent who knowingly engages in certain activities.

Additionally, the bill prohibits credit reporting agencies from charging any fee to reissue a PIN or provide a new unique PIN to consumers.

Impact: This legislation aims to provide Floridians with more consumer protections against insurance fraud, transparency of their rights, and aids in fighting fraud.

Reference: House Bill 717 by Representative Chuck Clemons (R-Jonesville) and Senate Bill 1598 by Senator Joe Gruters (R-Sarasota)

House Bill 717 was substituted for Senate Bill 1598, which passed both the House and Senate Chambers and was signed by the Governor on June 16, 2021, and took effect upon becoming law. Please see Chapter No. 2021-104, Laws of Florida.

Public Records (HB 781/ SB 844)

Description: The proposed legislation authorizes the clerk of circuit court to provide access to information

recorded in the official records of a county that is otherwise exempt from public records requirements to specified parties. Eligible parties are attorneys who are admitted to the Florida Bar, authorized title insurers, their affiliates, title insurance agents or title insurance agencies, financial institutions and their affiliates.

Impact: The legislation balances privacy and the safety of those in the judicial system with the needs of Florida commerce to access this information. Unfortunately, the final draft removed financial institutions from the list of those who could access the unredacted public records. Banks must now use attorneys to access the information.

Reference: House Bill 781 by Representative Will Robinson (R-Bradenton) and Senate Bill 844 by Senator Ed Hooper (R-Palm Harbor)

Senate Bill 844 was substituted for House Bill 781, which passed both the House and Senate Chambers and was signed by the Governor on June 29, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-215, Laws of Florida.

Consumer Finance Loans (HB 895/ SB 1478)

Description: House Bill 895 and Senate Bill 1478 amend the Florida Consumer Finance Act. The legislation authorizes consumer finance lenders to provide a surety bond, certificate of deposit, or letter of credit of a specified amount in lieu of maintaining liquid assets. Additionally, the legislation provides an express prohibition on prepayment penalties for consumer finance loans and requires a minimum loan term of at least 6 months for every loan, including a refinancing, made on or after October 1, 2021. Lastly, the legislation replaces two statutory references to “Board of Governors of the Federal Reserve System” with “Bureau of Consumer Financial Protection” in order to reflect current federal law.

Impact: The legislation will provide consumers with a better opportunity to repay the loan rather than the consumer having to refinance every so often in order to extend the time for repayment. Additionally, shifting from maintaining liquid assets will free up capital for lending activity and in the event that consumer harm coincides with a consumer finance

lender’s bankruptcy, the surety bond, certificate of deposit, or letter of credit may provide consumers a greater means of compensation as compared to the liquid assets.

Reference: House Bill 895 by Representative Cyndi Stevenson (R-Saint Augustine) and Senate Bill 1478 by Senator Audrey Gibson (D-Jacksonville)

House Bill 895 died on Second Reading. Senate Bill 1478 died in Senate Commerce and Tourism.

“The price of success is hard work, dedication to the job at hand, and the determination that whether we win or lose, we have applied the best of ourselves to the task at hand.”

-Vince Lombardi

INSURANCE

Insurance (HB 305/SB 76)

Description: This legislation aims to drive down the costs of property insurance while increasing its availability. The legislation prohibits practices by contractors including soliciting residential property owners through advertisements to a consumer that encourage, instruct, or induce a consumer to contact a contractor to file an insurance claim for roof damage; offering the residential property owner consideration to perform a roof inspection or file an insurance claim; and, unlicensed public adjusting. The legislation also gives the Office of Insurance Regulation (OIR) authority to regulate insurance affiliates, requires insurers to annually file specified data with OIR on residential and commercial property insurance closed claims, and puts in place new requirements to sue insurance companies for claims.

Impact: This legislation aims to drive down the rising cost of property insurance and should help to entice

insurers to continue to write property insurance in Florida.

Reference: House Bill 305 by Representative Bob Rommel (R-Naples) and Senate Bill 76 by Senator Jim Boyd (R-Bradenton)

House Bill 305 was substituted for Senate Bill 76, which passed both the House and Senate Chambers and was signed by the Governor on June 11, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-77, Laws of Florida.

Insurance (HB 815/ SB 742)

Description: House Bill 815 and Senate Bill 742 propose the following changes to Florida's insurance law. This bill:

- Modifies when a collateral protection insurance policy is eligible for Florida Hurricane Catastrophe Fund coverage.
- Provides that service of process is perfected on an insurer when process served on the Department of Financial Services is delivered to the insurer or DFS has notified

the insurer of its availability online.

- Revises requirements related to requests for, and insurers' production of, loss run statements.
- Allows Citizens Property Insurance the option to insure residential condominiums under commercial residential wind-only coverage if the units are intended for residential use, but are rented on a short-term basis.
- Authorizes electronic transmission of policy documents and claims communications.
- Reenacts the exemption from diligent search efforts when an agent is placing flood insurance on the surplus lines market.

Impact: The legislation aims to help policy holders who would benefit financially due to lower collateral protection insurance costs if more policies are eligible for coverage with the FHCF.

Reference: House Bill 815 by Representative Tommy Gregory (R-Bradenton) and Senate Bill 742 by Senator Keith Perry (R-Gainesville)

House Bill 815 died on Second Reading. Senate Bill 742 died in Senate Appropriations Committee.

Citizens Property Insurance Corporation

(SB 1574)

Description: Senate Bill 1574 revises Citizens Property Insurance Corporation eligibility criteria, rates, assessment surcharges on Citizens' policyholders, depopulation programs, producing agent commissions, and confidentiality exceptions for underwriting and claim files.

Impact: This legislation aims to bring Citizens Property Insurance Corporation's rates in line with market value.

Reference: Senate Bill 1574 by Senator Jeff Brandes (R-St. Petersburg).

Senate Bill 1574 died on the Calendar.

OTHER IMPACTFUL LEGISLATION

Taxation (HB 15/SB 50)

Description: This legislation requires out-of-state retailers and marketplace providers without a physical presence in the state to collect Florida's sales tax on purchases made by Florida buyers if there are a substantial amount of purchases. Substantial amount is defined as an amount exceeding \$100,000. Additionally, the legislation removes the requirement that dealers use a bracket system to calculate the applicable sales tax on transactions, and replaces it with a rounding system, and directs funds to be distributed from sales tax collections to the Unemployment Compensation Trust Fund until it reaches its pre-pandemic balance.

Impact: This legislation prevents substantial increases in reemployment assistance taxes facing most Florida businesses under current law, and will also address a competitive disadvantage that Florida businesses currently face when competing against out-of-state businesses that do not collect Florida sales tax on sales

they make in Florida. Additionally, the business rent tax will be reduced from 5.5% to 2.0% once the Unemployment Compensation Trust Fund is replenished, which will reduce the amount of tax that commercial lessees will be required to pay.

Reference: House Bill 15 by Representative Chuck Clemons (R-Jonesville) and Senate Bill 50 by Senator Joe Gruters (R-Sarasota)

Senate Bill 50 was substituted for House Bill 15, which passed both the House and Senate Chambers and was signed by the Governor on April 19, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-002, Laws of Florida.

Community Association Assessment Notices (HB 615/SB 56)

Description: House Bill 615 and Senate Bill 56 relate to a condo association's, cooperative association's, or a homeowner association's (HOA) collection of assessments, and notices to owners relating to such assessments. The legislation establishes certain delivery

requirements for notices and also establishes record keeping guidelines. The legislation also prohibits associations from collecting attorney fees related to any delinquent assessments without first delivering a written notice to the parcel owner.

Additionally, the legislation aligns condominium and cooperative law to HOA law by increasing the period of time that either a condominium or cooperative unit owner has to pay a delinquent assessment after receiving the association's notice of intent to record a lien or foreclose. The bill increases that time from 30 days to 45 days.

Impact: With the additional notice requirements, restrictions on collecting attorney fees, and increased notice period for a claim of lien being added to Florida law, it is expected that this will save association residents money and allow for greater time for settlement.

Reference: House Bill 615 by Representative Anthony Rodriguez (R-Miami) and Senate Bill 56 by Senator Ana Maria Rodriguez (R-Doral)

House Bill 615 was substituted for Senate Bill 56, which passed both the House and Senate Chambers and was signed by the Governor on June 16, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-91, Laws of Florida.

Notaries Public (HB 121/SB 228)

Description: Currently, Florida law allows for notarial services to be done using audio-video communication technology as long as certain procedures and standards are met. House Bill 121 and Senate Bill 228 amend current law to make the following changes:

- Notary session videos must be saved to the remote online notary platform,
- Requires the remote online notary to certify to the Florida Department of State that the platform complies with Florida law each year,
- Removes the requirement that a U.S. passport bear a U.S. stamp when performing notary services,

- Prohibits the remote online notary platform from selling user information,
- Allows for witnesses and newly admitted attorneys to be sworn in remotely,
- Clarifies that a principal does not need to satisfy a knowledge-based authentication and credential analysis if the online notary personally knows the principal,
- Distinguishes notary fees from the remote online notary platform’s fees.

Impact: This legislation will expand Floridians further access to electronic notary services.

Reference: House Bill 121 by Representative Sam Garrison (R-Orange Park) and Senate Bill 228 by Senator Jennifer Bradley (R-Orange Park)

Senate Bill 228 was substituted for House Bill 121, which passed both the House and Senate Chambers and was signed by the Governor on June 21, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-137, Laws of Florida.

Disposition of Unclaimed Property (HB 425/ SB 1434)

Description: House Bill 425 and Senate Bill 1434 change the current unclaimed property law to streamline the process for consumers. It establishes the Uniform Unclaimed Property Purchase Agreement and the Uniform Unclaimed Property Purchase Agreement within the Department of Financial Services. These agreements are similar to powers of attorney, but are more claimant friendly and provide benefits to consumers, such as a limit on fees that registrants may charge a claimant.

Impact: The legislation streamlines the unclaimed property process and limits fees, allowing consumers to be able to claim their belongings easier, and keep a greater percentage of the unclaimed property that they claim.

Reference: House Bill 425 by Representative Chuck Clemons (R-Jonesville) and Senate Bill 1434 by Senator Tom Wright (R-Port Orange)

Senate Bill 1434 was substituted for House Bill 425, which passed both the House and Senate Chambers and was

signed by the Governor on June 21, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-144, Laws of Florida.

Electronic Legal Documents (HB 483/ SB 848)

Description: While current Florida law allows for a notary public to perform notarial acts via electronic means, House Bill 483 and Senate Bill 848 make several clarifications to the current statute including:

- Online notarization procedures still apply in circumstances where an electronic document requires witnesses but not notarization;
- An online notary public’s supervision of an electronic record’s witnessing is a notarial act;
- The requirements for supervising of witnessing of electronic records are:
 - Applicable only when fewer than two witnesses are in the physical presence of the principal who is executing an

enumerated electronic estate planning document;

- Not limited to “a waiver of spousal rights;”
- Applicable to agreements or waivers of rights under current law;
- Applicable only to the testamentary aspects of a revocable trust.

Additionally, the legislation amends the definition of “online notarization” to include the appearance of witnesses by audio video communication technology and requires an online notary public to verify the principal’s identity when an online notary public is supervising the execution and witnessing of an electronic record.

Impact: The legislation aims to clarify current law which will help to make the statute more effective and user friendly for Floridians to execute various documents.

Reference: House Bill 483 by Representative Thad Altman (R-

Indian Harbour Beach) and Senate Bill 848 by Senator Bobby Powell (D-West Palm Beach)

Senate Bill 848 was substituted for House Bill 483, which passed both the House and Senate Chambers and was signed by the Governor on June 29, 2021, and took effect upon becoming law. Please see Chapter No. 2021-205, Laws of Florida.

Attorney Compensation (HB 625/ SB 954)

Description: House Bill 625 and Senate Bill 954 preserve the current presumption of reasonableness statutory framework for attorneys who represent personal representatives and trustees in probate proceedings. It also specifically adds the requirement that attorneys clarify to personal representatives that the framework may be challenged, and that personal representatives are entitled to receive a detailed billing of services provided by the attorney.

Impact: This legislation will help to make attorney's fees in estate and

trust proceedings more transparent for personal representatives.

Reference: House Bill 625 by Representative Clay Yarborough (R-Jacksonville) and Senate Bill 954 by Senator Aaron Bean (R-Jacksonville) *Senate Bill 954 was substituted for House Bill 625, which passed both the House and Senate Chambers and was signed by the Governor on June 21, 2021, and takes effect on October 1, 2021. Please see Chapter No. 2021-145, Laws of Florida.*

Community Associations (HB 867/ SB 630)

Description: House Bill 867 and Senate Bill 630 update the emergency powers of community association boards during a state health emergency, and allow board members to attend meetings remotely and implement emergency plans.

Additionally, the legislation aims to improve transparency among associations by allowing them to post documents to their websites and mobile applications. The legislation also adds additional requirements such as timely notices that must be

filed for all meetings, voting records document retention, and providing due dates for homeowner fines.

The legislation may also reduce homeowner association costs for Florida homeowners by allowing associations to better recoup actual costs related to background checks in connection with sale, lease or mortgaging of a unit, preventing those costs from being passed onto current unit owners.

Impact: This legislation will help better prepare community associations for emergency situations, like the COVID-19 pandemic, as well as make them more transparent, streamlined, and cost efficient.

Reference: House Bill 867 by Representative Jason Shoaf (R-Port St. Joe) and Senate Bill 630 by Senator Dennis Baxley (R-Lady Lake)

House Bill 867 was substituted for Senate Bill 630, which passed both the House and Senate Chambers and was signed by the Governor on June 16, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-99, Laws of Florida.

Homeowners' Association Rental Agreements (HB 665/ SB 872)

Description: The legislation provides that for an HOA with more than 15 parcels, a governing document or a governing document amendment enacted after July 1, 2021, prohibiting or regulating rental agreements for a term of six months or more only applies to an owner who acquires title to the parcel after the governing document or amendment's effective date, or consents to such governing document or amendment.

The legislation also allows an HOA with more than 15 parcels to amend its governing documents to prohibit or regulate rental agreements for terms of less than six months and parcel rental for more than three times a year.

Additionally, the legislation specifies that a change of ownership for the purposes of the application of an HOA rental provision does not occur 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 the parcel owner. The

legislation specifies that ownership does change when, with respect to a parcel owner that is a business entity, every person that owned an interest in the real property at the time of the enactment of the amendment or rule conveys their interest in the real property to an unaffiliated entity.

Impact: This legislation will help to ensure that HOA parcel owners who acquire title to their parcels before the enactment of a long-term rental restriction would not be subject to the restriction unless they consent to it.

Reference: House Bill 665 by Representative Lawrence McClure (R-Plant City) and Senate Bill 872 by Senator Ray Rodrigues (R-Fort Myers)

House Bill 665 died in House Rules Committee. Senate Bill 872 died in Senate Rules Committee.

Tax Exemption (SB 734)

Description: Senate Bill 734 establishes a 17-day “disaster preparedness” sales tax holiday, from

Friday, May 28, to Sunday, June 13, 2021, for certain disaster preparedness supplies such as radios, tarps, and other disaster supplies.

Additionally, the bill creates a documentary stamp tax exemption for federal loans made in response to a state of emergency declared by executive order or proclamation of the governor.

Impact: Under the proposed legislation, both consumers and businesses will financially benefit from substantial tax savings.

Reference: Senate Bill 734 by Senator Joe Gruters (R-Sarasota)

Senate Bill 734 died in Senate Appropriations Committee.

Department of Financial Services (HB 1209/ SB 1408)

Description: House Bill 1209 and Senate Bill 1408 modify several areas regulated by the Department of Financial Services. Some of the modified areas include the Division of Public Assistance Fraud, firefighter cancer benefits, sexual harassment

victims, funeral, cemetery, consumer services, explosives, firearm permits, insurance field representatives, protecting proprietary business information, surplus lines, fire prevention and control, bail bond agents, and false personation.

Impact: The legislation supports the Department of Financial Services' efforts to combat fraud, protect Florida firefighters, protect victims of sexual harassment, and support businesses that the department regulates.

Reference: House Bill 1209 by Representative Elizabeth Fetterhoff (R-Daytona) and Senate Bill 1408 by Senator Danny Burgess (R-Zephyrhills)

Senate Bill 1408 was substituted for House Bill 1209, which passed both the House and Senate Chambers and was signed by the Governor on June 16, 2021, and took effect on July 1, 2021. Please see Chapter No. 2021-113, Laws of Florida.

Tax Administration (HB 1241)

Description: House Bill 1241 makes the following tax administration related changes:

- Allows all taxpayers on a property tax installment payment plan to pay the first installment of property taxes by July 31 without penalty;
- Authorizes the Department of Revenue (DOR) to use the prior year's tax rate to determine the heavy minerals tax rate if the current producer price index can no longer be calculated and there is no comparable index;
- Creates an efficient, consistent method for forwarding agents to apply for and receive a Florida Certificate of Forwarding Agent Address from DOR to prove the tax-free status of purchases delivered for export and authorizes DOR to publish a list on its website of forwarding agents who have received a certificate, including the forwarding agent's entity name, address, and certificate expiration date to allow

vendors to verify tax-free status;

- Removes the current requirement for auditors to physically visit dealers for sales tax audits and requires dealers to provide electronic records when the dealer currently maintains the records in an electronic format;
- Clarifies language to specify that aggregation of collection periods is permitted to determine the degree of criminal offense for failure to remit taxes.

Impact: The legislation aims to assist the Department of Revenue in the administration of taxes in Florida.

Reference: House Bill 1241 by Representative Cyndi Stevenson (R-St. Augustine)

House Bill 1241 passed out of the House, but died in Senate Appropriations Committee. Ultimately the bill language was amended on to the annual tax package (HB 7061) which was signed into law and took effect on July 1, 2021.

Documentary Stamp Tax Distributions (HB 5401/ SB 2512)

Description: House Bill 5401 and Senate Bill 2512 revise documentary stamp tax distributions to several different state trust funds. The legislation reduces the distributions paid into the State Housing Trust Fund and the Local Government Housing Trust Fund and creates a distribution of 6.8% to be paid into the Resilient Florida Trust Fund to be used for planning and project grants and another 6.8% distribution to be paid into the Water Protection and Sustainability Program Trust Fund to be used for wastewater grants. It also expands the use of the Water Protection and Sustainability Trust Fund to include the wastewater grant program

Additionally, the legislation prohibits the funds distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund from being transferred to the General Revenue Fund in the General Appropriations Act.

Impact: This legislation aims to implement a permanent stop to housing trust fund sweeps into the

General Revenue Fund. The legislation also dedicates a percentage of the doc stamp collection for environmental projects.

Reference: House Bill 5401 by the House Agriculture and Natural Resources Appropriations Subcommittee and Representative Josie Tomkow (R-Auburndale) and Senate Bill 2512 by the Senate Appropriations Committee.

Senate Bill 2512 was substituted for House Bill 5401, which passed both the House and Senate Chambers and was signed by the Governor on June 2, 2021, and took effect upon becoming law. Please see Chapter No. 2021-39, Laws of Florida.

COVID-19 Related Claims Against Health Care Providers (HB 7005/ SB 74)

Description: House Bill 7005 and Senate Bill 74 are in response to the COVID-19 pandemic. The legislation provides heightened civil liability protections to health care entities for negligence claims brought by patients and residents related to:

- Diagnosis or treatment of, or failure to diagnose or treat, a person for COVID-19;
- Provision of a novel or experimental COVID-19 treatment;
- Transmission of COVID-19;
- Delay or cancellation of a surgery or medical procedure, test, or appointment in certain situations;
- An act or omission with respect to an emergency medical condition, which act or omission was due to a lack of resources directly caused by the COVID-19 pandemic.

Additionally, the legislation provides heightened liability protections for a negligence claim against a health care provider for causing a person who is not a patient or resident to contract COVID-19 (such as a claim brought against a health care provider by a visitor to the facility). A health care provider making a good faith effort to substantially comply with applicable COVID-19 guidance is immune from these negligence claims.

Impact: This legislation aims to extend temporary, provisional

immunity to healthcare providers for COVID-19 infections.

Reference: House Bill 7005 by Representative Colleen Burton (R-Lakeland) and Senate Bill 74 by Senator Jeff Brandes (R-St. Petersburg)

House Bill 7005 died on Second Reading. Senate Bill 74 died in Senate Rules Committee.

Social Media Platforms (HB 7013/ SB 7072)

Description: This legislation creates a private right of action for Floridians who are treated unfairly by social media platforms. The bill allows citizens to sue companies that violate the new law and potentially win monetary damages. This legislation aims to safeguard the rights of every Floridian by requiring social media companies to be transparent about their content moderation practices and give users proper notice of changes to those policies. Additionally, this gives the Attorney General of Florida the ability to bring action against technology companies that violate this law under Florida’s Unfair and Deceptive Trade Practices Act. If

social media platforms are found to have violated antitrust laws, they will be restricted from contracting with any public entity. Finally, “Big Tech” is prohibited from de-platforming Floridians who are political candidates. The Florida Election Commission will impose fines of \$250,000 per day on any social media company that de-platforms any candidate for statewide office and \$25,000 per day for de-platforming candidates for non-statewide offices.

Impact: This legislation aims to stop the censorship of Floridians by “Big Tech.”

Reference: House Bill 7013 by the Commerce Committee and Senate Bill 7072 by the Government Oversight and Accountability Committee.

Senate Bill 7072 was replaced for House Bill 7013, and passed both the House and Senate chambers, and was signed by the Governor on May 24, 2021. The bill took effect on July 21, 2022.

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