The Florida Legislature adjourned Sine Die at roughly 2:30pm on Friday, April 30, concluding what can only be described as a totally unique and extraordinary 60 days. Although session was different because the capitol was largely off limits due to COVID-19 safety protocols, at the end of the day the final numbers and budget reflect an ordinary session. For example, there were north of 3,000 bills filed during the 2021 session; ultimately only 275 bills were passed by both chambers. The attrition of bills is normal and serves as a great reminder that the process is really designed to keep bills from passing.

Globally, the legislature delivered on big policy issues which are part of a larger national discussion: anti-rioting legislation, elections reform, transgender issues, and social media platform reforms.

As for the state budget, what a difference a few months make! Leading up to the 2021 session, lawmakers warned of tough budget times. Honestly, a year ago, no one could predict how our economy would function as we all dealt with impacts from a global pandemic. In fact, the initial budgets proposed by both the Senate and the House were based on roughly a $3 billion shortfall in the state’s revenue collections. However, revenue estimates ultimately outperformed predictions and in March, the estimates were highlighted at $2 billion above original projections. In addition, the state received roughly $10 billion in federal coronavirus relief funds. The result was the passage of a $101 billion state budget.

The 2021 Session was full of victories for the forest and agricultural industry as well as the business community at large.

**HB 007/ SB 072, COVID Liability Protection by Rep. Lawrence McClure/ Sen. Jeffery Brandes:**
A key priority issue for the Governor, President of the Senate, the Speaker of the House and the Florida business community, this legislation provides Florida businesses with critical protections from frivolous lawsuits relating to COVID-19. Working in partnership with other business groups and participation with the Associated Industries of Florida RESET Taskforce, many of the recommendations for common sense practical measures were included into the law. Specifically, the legislation creates a limited cause of action for COVID-19 related claims:

- heightened culpability standards – a defendant must prove a business acted with gross negligence or intentional conduct;
- a heightened evidentiary standard – clear and convincing evidence is required to establish liability rather than a preponderance of evidence; and
- a shortened statute of limitations for COVID-related claims.

The Association’s number one priority bill for the 2021 session, this legislation modernizes and strengthens Florida’s Right to Farm Act. Unquestionably, this legislation reflects the legislature’s intent to protect food, fiber and foliage producers in Florida. Given the continued population growth of the state, it also telegraphs the importance of protecting one of Florida’s leading industries.

The bill includes provisions which minimize the potential for lawsuits by putting guardrails on who can bring a suit and discourage frivolous lawsuits by allowing the farmer to collect attorney’s fees if they
prevail in a court case; limit the amount of compensatory damages to the value of the property harmed and only allow for punitive damages in specific situations; and modernize the Right to Farm Act by extending protections to agritourism activities and expanding the roadside stand provision to include all “Farm Products” as defined in 823.14 FS.

This legislation contains a number of improvements to the Bert J. Harris Private Property Rights Act:

- uniformly applies the timeframe to respond to a Bert Harris claim down from 150 days to 90 days for all types of property;
- allows the property owner to elect to forego a jury trial for damages and move directly to a bench trial;
- adds language reinforcing that a settlement between a landowner and government entity are in the public interest;
- provides that if a property owner prevails in a Harris Act Claim then the property owner is entitled to having the government entity pay the attorney’s fees; and

This legislation creates a nexus between solar facilities and agricultural lands prospectively. In summary, this legislation states that a solar facility is a compatible use on all agricultural land-use categories contained in a local government comp plan. This legislation allows a local government to adopt ordinances relating to the setback or buffers for said solar facilities; however, the requirements must be similar to the setbacks and buffers established for agricultural facilities.

This legislation provides liability protection for landowners who enter into contracts with the State, which allow for ingress and egress through private property to access public recreational lands. This legislation, which moved rather quietly through the process, is a commonsense approach to protecting landowners who choose to provide a service to the state from frivolous lawsuits.

This legislation is in response to local governments who, by ordinance or other actions, have prohibited customers from having access to specific types of power sources. Most specifically, natural gas access and utilization has been the focus on several local government actions nationally. Here in Florida, several municipal governments have considered actions to prohibit new connections to natural gas or other “non-renewable” sources. This legislation would prohibit a local government from taking such action to restrict or prohibit access to these sources of energy.

This legislation combines two separate ratifications of the Department of Environmental Protection’s (DEP) rules.

The first, which was a directive in the 2020 Clean Waterways Act, is ratification of the biosolids rule. The updated rule contains restrictions and safeguards on where and how biosolids can be land applied. The rule is consistent with the recommendations provided by the Biosolids Technical Advisory Committee (TAC).
The second ratification contained in this legislation are the Central Florida Water Initiative (CFWI) rules. Roughly 10 years ago, DEP was charged with developing rules for a geographic region of the state, including Lake, Polk, Orange and Osceola Counties, where groundwater demand was going to significantly exceed water availability.

BUDGET

As previously noted, the Legislature ultimately had more flexibility in the budget process based upon better than expected revenue estimates and the supplemental federal money through the Coronavirus Relief Package.

**Florida Forest Service:**
Wildfire Suppression Equipment/Replacement
   (includes replacement of aircraft for wildfire control) $12.2 million
Road and Bridge Maintenance projects $ 7 million

**UF/IFAS:**
UF/IFAS Workload funding $ 4 million
School of Forest, Fisheries and Geomatic Sciences $ 1.1 million
Fertilizer Rate Study $ 1.6 million

**Florida Department of Environmental Protection:**
Resilient Trust Fund $500 million
Florida Wildlife Corridors $300 million
Florida Forever $100 million
Springs Protection $ 75 million

On the whole, the 2021 session was extremely productive and successful on both the policy and budget fronts. We would be remiss if we didn’t specifically thank Senate President Wilton Simpson and House Speaker Chris Sprowls for their leadership. In addition, there were many members who went above and beyond on behalf of Florida’s agriculture and forestry industries including, but not limited to, Senators Jason Brodeur, Kelli Stargel, Ben Albritton, Travis Hutson, Darryl Rouson, and Representatives Jayer Williamson, Jay Trumbull, Josie Tomkow, James Buchanan, Bobby Payne, Toby Overdorf, Chuck Clemons, Chuck Brannan, Wyman Duggan, Jason Shoaf, Kaylee Tuck and many other Senate and House members who voted to support our industry.

In addition, Association members deserve a big thank you. Your love and commitment to this industry and to the Association paid huge dividends. As mentioned in previous articles, the 2021 session was a test case in the value of relationships. Member commitment to funding TREEPAC, developing relationships back home with elected officials, and spending time away from your businesses to help the Association share the forestry story in Tallahassee was a huge key to success this session. Thank you for your tireless efforts!