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Client Alert: New Florida Laws Effective October 1, 2021

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As of October 1st, 27 new bills from the 2021 Legislative Session have taken effect. A number of bills passed during the 2021 Florida Legislative session were effective upon approval by Governor DeSantis, and many others took effect on July 1st. Some highlights from newly-effective bills, as well as a complete list, can be found below.

One of the substantial bills is [HB 833](#), by [Representative Tomkow](#), which restricts the usage of a person's DNA without express consent. The bill implements contemporary regulations on DNA use, mitigating any possible privacy concerns related to services that provide direct-to-consumer genetic tests, such as 23andMe and Ancestry.

Additionally, [SB 1080](#), by [Senator Hutson](#), shifts the state-wide legal age to purchase tobacco and nicotine products from 18 to 21 years old, enforcing the federal law passed in 2019 at the state level, and requires retailers of nicotine products to acquire a permit. It also prohibits people under 21 years old from vaping within 1,000 feet of an elementary, middle, or high school. [Representative Toledo](#) was instrumental in advocating for this legislation as [HB 987](#) was the vehicle to move this bill forward.

Several of the bills relate to child care and child welfare, including SB 80, SB 252, and SB 1532. [SB 80](#), by [Senator Brodeur](#), modifies statutes regarding the transition and placement processes for children in out-of-home care, seeking to reduce trauma incidents and allow children to remain in placement homes where they are most comfortable. [SB 252](#), by [Senator Stewart](#), creates new alarm requirements for vehicles belonging to child-care facilities in order to reduce child death and injury resulting from being left in cars during periods of hot weather. [SB 1532](#), by [Senator Book](#), alters child support payment provisions related to employment status and incarceration. It also implements new topics to be covered in the parent education and family stabilization course for minors whose parents are seeking a divorce, and allows children with special needs in those scenarios to be provided additional courses based on their specific needs.

[HB 701](#), by [Representative Stevenson](#), seeks to expand insurance coverage access to behavioral health services by mandating that insurers provide their insureds with a direct notice outlining state and federal requirements for behavioral health coverage. It also requires that this notice include the toll-free phone number to submit complaints regarding availability, affordability, and adequacy of behavioral health care services.

HB 921 and SB 890 both deal with electronic data and regulation. [HB 921](#), by [Representative Snyder](#), prohibits individuals from making threats via social media, such as those to kill, do bodily harm, or perpetrate an event of terrorism. [SB 890](#), by [Senator Hooper](#), places stricter regulations on the usage of information contained in the Driver and Vehicle Information Database, prohibiting usage or release of such information without prior legal authorization.

Finally, [HB 421](#), by [Representative Tuck](#), modifies the 1995 Bert Harris Act, which allowed property owners to seek compensation from state and local governments when a government action imposes an “inordinate burden,” but does not rise to the higher level of a constitutional taking. “When pursuing these types of claims, the law imposes specific time limits, notice requirements to local governments, and pre-litigation settlement processes. In its 2021 session, the Florida Legislature revised some of these requirements to streamline and simplify the process for property owners. “Although the process has been modified to favor property owners, the statute can still be challenging to navigate without the guidance of counsel,” said Matt Newton, an associate in Shumaker’s Real Estate and Development Service Line.

The 2022 Legislative Session kicks off January 11th. Legislation will continue to move through the Committee process during six interim committee weeks through December 4th. Aside from the aforementioned legislation, there are several other bills from the 2021 session effective as of October 1st listed below. For more information, please visit the link attached to each bill number.

- [HB 77](#): Diesel Exhaust Fluid, by Representative Overdorf
- [SB 82](#): Sponsorship Identification Disclaimers, by Senator Baxley
- [HB 363](#): Privileged Communications Made to Crime Stoppers Organizations, by Representative Chambliss
- [HB 625](#): Attorney Compensation, by Representative Yarborough
- [SB 676](#): Specialty and Special License Plates, by Senator Baxley
- [SB 838](#): Clerks of the Circuit Court, by Senator Boyd
- [SB 1046](#): Arrest Booking Photographs, by Senator Bean
- [HB 1059](#): Construction Permits, by Representative Robinson (W)
- [HB 1103](#): Special District Accountability by Representative Maggard
- [HB 1523](#): Corporate Espionage, by Representative Beltran
- [HB 1587](#): East Manatee Fire Rescue District, Manatee County, by Representative Gregory
- [HB 7001](#): OGSR/Nurse Licensure Compact, by Government Operations Subcommittee
- [HB 7003](#): OGSR/State Boxing Commission, by Government Operations Subcommittee
- [HB 7007](#): OGSR/Department of Agriculture and Consumer **Services**, by Government Operations Subcommittee
- [HB 7009](#): OGSR/Juvenile Criminal History Records, by Government Operations Subcommittee
- [SB 7014](#): OGSR/Office of Insurance Regulation, by Banking and Insurance
- [SB 7028](#): OGSR/Data Processing Software, by Regulated Industries
- [HB 7037](#): OGSR/State-funded Infrastructure Bank, by Government Operations Subcommittee.

Please reach out to us individually should you have any questions.

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