

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: January 20, 2020
SUBJECT: 2020 Legislative Session – Week 1 (January 13-17)

Session has arrived.

The 60-day sprint began Tuesday with Governor Ron DeSantis outlining his successes one year into his first term before laying out his goals for 2020. Among his priorities: A \$600 million allocation to boost starting teacher pay, streamlining of occupational licensing requirements, and more legislative action on the environment, including stiffer fines for polluters.

House Speaker Jose Oliva and Senate President Bill Galvano see eye to eye with the Governor on most issues, but the teacher pay plan is still a question mark — both leaders have kept their cards close to the vest.

Activities and Bills related to NAIOP – Summary List

Key Issues for 2020 As Determined at the NAIOP Summit

- Enacting the FAST Act;
- Phasing out the Business Rent Tax;
- Removing the Witness Requirement for Commercial Leases;
- Maintaining a Commercial Building Representative on Florida Building Commission;
- Improving the State Fire Code; and
- Reining in Excessive Linkage Fees

Mark Your Calendar – NAIOP Legislative Days will take place on Tuesday, January 21 through Wednesday, January 22.

January 20, 2020
Page 2

Business Rent Tax – The Senate and House have both filed bills to enforce the internet sales tax (bills summarized below). The Senate bill is already moving. It is early, but both chambers are fully expected to propose a further reduction in the business rent tax.

FAST Act – Based on request/advice from House and Senate leadership, we are seeking to incorporate parts of the FAST Act in general omnibus legislation that emanates from the House Commerce Committee.

Lease Signatory Changes – The House bill passed its second committee (Civil Justice) on Thursday. Senator Simmons filed the bill in December and is scheduled for its first committee on Tuesday, January 21.

Florida Building Commission – As of now, the House will follow the Senate’s lead and NOT remove the commercial real estate representative on the FBC.

Fire Code – We are following the lead of House Commerce Chair Mike La Rosa to get this finalized in one of his committee bills.

Linkage Fees – Chair La Rosa has also agreed to address linkage fees in a committee bill this session.

Detailed Activities and Bills related to NAIOPFL

The following are bills filed that impact (positively and/or negatively) the commercial real estate industry. **Highlighted text** means the bill was newly filed since the last memo publication.

Promoting Business Friendly CRE Regulations

Impact Fees – HB 637 (DiCeglie) and SB 1066 (Gruters)

Key Take Away

If passed, would revise conditions that counties, municipalities, & special districts must satisfy before enacting an ordinance or passing resolution; provide that impact fee credits are assignable & transferrable under certain conditions; require certain counties & municipalities to establish impact fee review committees; provide for membership; provide procedures for meetings & establishing quorums; provides committee duties.

House Approval Milestones – Bill filed November 14.

Local, Federal & Veterans Affairs – **Passed 13-1 on January 15.**

Ways & Means – Awaiting hearing

State Affairs – N/A

January 20, 2020
Page 3

Senate Approval Milestones – Bill filed November 26.
Community Affairs – Awaiting Hearing
Finance & Tax – N/A
Appropriations – N/A

Weekly Roundup: Passed first House committee.

Current Call to Action: No action needed at moment.

Florida Building Code – SB 710 (Albritton)

Key Take Away

If passed, would require in the Florida Building Code that the entire envelope of certain buildings being constructed or rebuilt be impact resistant and constructed with high wind-resistant construction materials; require that all parts or systems of a building or structure envelope meet impact test criteria or be protected with an external protection device that meets such criteria; providing exceptions, etc.

House Approval Milestones – No house bill filed yet.

Senate Approval Milestones – Bill filed October 30.
Community Affairs – Awaiting hearing.
Infrastructure and Security – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Real Estate Conveyances – HB 469 (Duggan) and SB 1224 (Simmons)

Key Take Away

If passed, would provide that witnesses are not required to validate certain instruments conveying leasehold interests in real property.

House Approval Milestones – Bill filed October 28.
Civil Justice Subcommittee – Passed December 12.
Business & Professions – Passed 13-0 on January 15
Judiciary – Awaiting hearing.

Senate Approval Milestones – Bill filed December 12.

January 20, 2020
Page 4

Banking and Insurance – Agenda for January 21
Judiciary – N/A
Rules – N/A

Weekly Roundup: House bill passed second committee and placed on agenda for first Senate Committee.

Current Call to Action: No action needed at moment.

Home-Based Businesses – HB 537 (Donalds) and SB 778 (Perry)

Key Take Away

If passed, would specify conditions under which a business is considered a home-based business; authorize a home-based business to operate in a residential zone under certain circumstances; preempt to the state the ability to regulate or license home-based businesses; prohibit a local government from certain actions relating to the licensure and regulation of home-based businesses, etc.

House Approval Milestones – Bill filed on November 5.
Business & Professions Subcommittee – awaiting hearing
Local, Federal & Veterans Affairs – N/A
Commerce – N/A

Senate Approval Milestones – Bill filed on November 5.
Community Affairs – N/A
Commerce & Tourism – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Uniform Commercial Real Estate Receivership Act – 2020 – SB 660 (Berman) and HB 783 (Beltran)

Key Take Away

If passed, would create chapter 714, F.S., as the Uniform Commercial Real Estate Receivership Act; specifying that a court has exclusive jurisdiction to direct receivers and determine controversies under certain circumstances; providing requirements and authorizations relating to the appointment of a receiver; providing for defenses and immunities of a receiver; authorizing the court to enter certain orders if the court concludes

January 20, 2020
Page 5

that receivership property is likely to be insufficient to satisfy certain claims; requiring a receiver to file a final report containing certain information upon completion of the receiver's duties, etc..

House Approval Milestones – Bill filed on November 26.

Civil Justice – **On agenda for January 22.**

Justice Appropriations – N/A

Judiciary – N/A

Senate Approval Milestones – Bill filed on October 24.

Judiciary Committee – Approved on December 10

Commerce and Tourism – Awaiting hearing.

Rules – N/A

Weekly Roundup: Approved in first Senate committee.

Current Call to Action: No action needed at moment.

Nonservice Animals – HB 243 (Antone) and SB 1814 (Powell)

Key Take Away

If passed, would prohibit nonservice animals from entering specified public food service establishments or places of business; require DBPR to create & maintain publicly accessible website for complaints; provides penalties.

House Approval Milestones – Bill filed on September 30.

Business & Professions Subcommittee – Awaiting Hearing

Government Operations & Technology Appropriations – N/A

Commerce – N/A

Senate Approval Milestones – January 10.

Commerce & Tourism – Awaiting hearing

Innovation, Industry and Technology – N/A

Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Deregulation of Professions and Occupations – SB 474 (Albritton) and HB 1193 (Ingoglia)

January 20, 2020
Page 6

Key Take Away

If passed, would significantly revise the Florida Building Commission membership, however, it would not remove the commercial real estate representative. Additionally, this 77 page bill would, among other things, delete the requirement that a yacht broker maintain a separate license for each branch office; specify that the failure to repay certain student loans is not considered a failure to perform a statutory or legal obligation for which certain disciplinary action can be taken; revise licensure requirements for engineers who hold specified licenses in another state; provide that certain cosmetology services may be performed in a location other than a licensed salon under certain circumstances, etc.

House Approval Milestones – Bill filed January 9.
Business & Professions – On agenda January 21.
Government Ops & Technology Appropriations – N/A
Commerce – N/A

Senate Approval Milestones – Bill filed October 7.
Innovation, Industry and Technology – On agenda January 21.
Commerce and Tourism – N/A
Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Stormwater Management Systems – HB 405 (Good) and SB 686 (Gruters)

Key Take Away

If passed, would direct water management districts, with DEP oversight, to adopt rules for standards relating to new development & redevelopment projects specifically focusing on removal of nutrients from stormwater discharges; directs DEP to incorporate such rules for district use; directs DEP & districts to amend such rules into applicant's handbook; provides rebuttable presumption relating to water quality standards for certain systems; revises requirements for construction of certain systems; requires specified staff training; directs DEP & districts to initiate rulemaking..

House Approval Milestones – Bill filed on October 18.
Agriculture & Natural Resources – Awaiting hearing
Ag & Natural Resources Appropriations – N/A
State Affairs – N/A

Senate Approval Milestones – Bill filed October 28.

January 20, 2020
Page 7

Environment and Natural Resources – Awaiting hearing
Appropriation Subcommittee on Agriculture, Environment and Gen Gov – N/A
Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Promote Feasible Sustainability Initiatives
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Clean Energy Programs – HB 225 (Zika) and SB 824 (Hooper)

Key Take Away

If passed, would authorize property owner to apply to approved PACE administrator for loan; authorize local governments to enter into agreements with PACE administrators; provides requirements for PACE loan contracts; provides certain prohibitions; provides remedies.

House Approval Milestones – Bill filed on September 25.

Energy & Utilities – Awaiting Hearing

Ways & Means – N/A

State Affairs – N/A

Senate Approval Milestones – Filed on November 7.

Community Affairs – Awaiting hearing.

Innovation, Industry and Technology – N/A

Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Renewable Energy – SB 446 (Brandes)

Key Take Away

If passed, would authorize owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property the business owns or leases; authorizes owners or contracted third parties to sell electricity generated

January 20, 2020
Page 8

from the device to certain businesses regardless of whether the device is located in a utility's service territory, etc.

House Approval Milestones – No house bill filed yet.

Senate Approval Milestones – Bill filed October 4.
Innovation, Industry and Technology – Awaiting Hearing.
Commerce and Tourism – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Promote Fair Taxation

Taxation of Real Property – HB 1141 (Caruso) and SB 1778 (Gruters)

Key Take Away

If passed, would exempt from the sales and use tax certain property that is rented, leased, subleased, or licensed to a specified small business (less than nine employees); requiring the Department of Revenue to approve or deny such application within a specified time period, etc.

House Approval Milestones – Bill filed January 7.
Ways & Means – Awaiting Hearing
Commerce – N/A
Appropriations – N/A

Senate Approval Milestones – Bill filed on January 10.
Commerce and Tourism – Awaiting hearing
Finance & Tax – N/A
Appropriations – N/A

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Communications Services Tax – SB 1174 (Hutson) and HB 701 (Fischer)

January 20, 2020
Page 9

Key Take Away

If passed, would revise legislative intent regarding local communications services tax rates; revising downward the tax rate on the retail sale of communications services to 5%; delete a provision that specifies where proceeds of a communications services tax must be deposited and disbursed; require dealers to collect and remit local communications services taxes under certain conditions; authorizing the Legislature to appropriate moneys to offset specified direct reductions of the local communications services tax by certain counties and municipalities, etc..

House Approval Milestones – Bill filed November 19.

Ways & Means – Awaiting Hearing

Energy & Utilities – N/A

Appropriations – N/A

Senate Approval Milestones – Bill filed on December 9.

Innovation, Industry and Technology – Awaiting hearing

Community Affairs – N/A

Appropriations – N/A

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Small Business Saturday Sales Tax Holiday – SB 1052 (Taddeo)

Key Take Away

If passed, would define the term “small business”; providing that small businesses are not required to collect the sales and use tax on the retail sale of certain items of tangible personal property during a specified timeframe; authorize the Department of Revenue to adopt emergency rules, etc.

House Approval Milestones – No bill filed yet.

Senate Approval Milestones – Bill filed on November 25.

Commerce and Tourism – Awaiting hearing

Finance and Tax – N/A

Appropriations – N/A

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

January 20, 2020
Page 10

Affordable Housing Tax Reduction – SB 856 (Pizzo)

Key Take Away

If passed, would provide a reduction in certain property taxes to taxpayers building or renovating certain affordable, elderly, or workforce housing projects; specify the calculation of property assessments over the reduction term; authorize certain counties to limit the total number of qualifying projects, subject to certain requirements; specify a taxpayer's liability for back taxes, penalties, interest, and certain remedies under certain circumstances, etc..

House Approval Milestones – No bill filed yet.

Senate Approval Milestones – Bill filed on November 12.

Community Affairs – Awaiting hearing

Finance & Tax – N/A

Appropriations – N/A

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Internet Sales Tax Enforcement – SB 126 (Gruters) and HB 159 (Clemons)

Key Take Away

If passed, would revise definitions for “retail sale” and “mail order sale” to capture internet sales, and thus enforce the sales tax on internet sales.

House Approval Milestones – Bill filed on September 12.

Ways & Means Committee – Awaiting Hearing

Commerce – N/A

Appropriations – N/A

Senate Approval Milestones – Bill filed on August 14.

Commerce and Tourism – Passed unanimously on Wednesday, October 16.

Finance and Tax – Awaiting Hearing.

Appropriations – N/A

Weekly Roundup: N/A

Current Call to Action: No action needed at moment.

Collaborative Growth Management

Regional Planning Council Meetings – SB 1398 (Flores) and HB 1097 (Geller)

Key Take Away

Provides requirements for establishing quorum for meetings of certain councils when voting member appears via telephone, real-time videoconferencing, or similar real-time electronic or video communication.

House Approval Milestones – Bill filed on January 6.

Local, Federal & Veterans Affairs – **On agenda for January 21**

State Affairs – N/A

Senate Approval Milestones – Bill filed on January 6.

Community Affairs – **on agenda for January 21.**

Govt Oversight and Accountability – N/A

Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Private Property Rights Protection – HB 519 (Grant)

Key Take Away

If passed, would revise notice of claim requirements for property owners; revises procedures for determination of compensation; create presumption that certain settlements of claims apply to all similarly situated residential properties within political subdivision under certain circumstances; authorize property owners to bring claims against governmental entities in certain circumstances; provide that property owners are not required to submit formal development applications or proceed through formal application processes to bring claims in specified circumstances; authorize property owners to bring actions to declare prohibited exactions invalid; requires DOT to afford right of first refusal to previous property owner before disposing of property in certain circumstances.

House Approval Milestones – Bill filed on November 4.

Civil Justice Subcommittee – **Approved 10-5 on January 16**

Commerce – N/A

Judiciary – N/A

January 20, 2020
Page 12

Senate Approval Milestones – No companion filed yet.

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Community Development Districts – HB 493 (Cortes) and SB 1434 (Torres, Jr.)

Key Take Away

If passed, would authorize certain entities to petition court to dissolve community development district with outstanding financial obligations or operating or maintenance responsibilities; provides procedures to be used by court in appointing receivers; specify court authorities in issuing orders concerning duties of receiver. Effective Date: July 1, 2020.

House Approval Milestones – Bill filed on October 29.

Local, Federal & Veterans Affairs Subcommittee – Awaiting hearing

Civil Justice – N/A

State Affairs – N/A

Senate Approval Milestones – Bill filed January 6.

Community Affairs – Awaiting hearing

Judiciary – N/A

Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: No action needed at moment.

Affordable Housing Trust Fund – SB 306 (Mayfield) and HB 381 (Silvers)

Key Take Away

If passed, there would no longer be trust fund “sweeps” of the Sadowski Fund.

House Approval Milestones – Filed on October 16.

Transportation & Tourism Appropriations Subcommittee – Awaiting hearing

State Affairs

Appropriations

Senate Approval Milestones – Bill Filed September 17.

January 20, 2020
Page 13

Infrastructure and Security – Awaiting Hearing
Appropriations Subcommittee on Transportation, Tourism and Economic Dev: N/A
Appropriations – N/A

Weekly Roundup: N/A.

Current Call to Action: N/A

Development Order Attorney Fees – SB 250 (Berman) and HB 6019 (Casello) -

Key Take Away

If passed, would delete the entitlement for prevailing party to recover reasonable attorney fees and costs in challenge or defense of development order.

House Approval Milestones – Filed September 10.

Commerce – Awaiting hearing.

Judiciary – Awaiting hearing.

State Affairs – Awaiting hearing.

Senate Approval Milestones – Filed September 10.

Community Affairs Committee: Awaiting Hearing

Judiciary: N/A

Rules: N/A

Weekly Roundup: N/A.

Current Call to Action: N/A. Both bills are filed by Democrats and are an attack on the Republican-led legislation of 2019. It is unexpected this bill will move.

Property Rights Inserted into Growth Management – HB 203 (McClain) and SB 410 (Perry)

Key Take Away

Would make clear that a property owner's rights to develop his/her/its property must be honored by a local government.

House Approval Milestones – Filed on September 19.

Local, Federal & Veterans Affairs – Passed 9-5.

Commerce – N/A

State Affairs – N/A

Senate Approval Milestones – Filed on October 1.

Community Affairs – Awaiting hearing.

January 20, 2020
Page 14

Judiciary – N/A
Rules – N/A

Weekly Roundup: N/A.

Current Call to Action: N/A.

Hurdles: None yet. Although, it is worth noting that this same bill died in the House and Senate during 2019 session.

Promote Economic Prosperity

Brownfields – HB 1001 (Stone) and SB 1350 (Baxley)

Key Take Away

Revising the definition of the terms “housing project” and “mixed-use project” for purposes of specifying the projects eligible for certain tax exemptions; revising the conditions under which an applicant that has rehabilitated a contaminated site may submit and claim certain tax credits; revising the criteria for determining applicants who are redeveloping brownfield sites who may be eligible for certain tax credits; specifying defenses to specified causes of action concerning certain discharges or other types of pollution resulting from certain discharges or pollution, etc.

House Approval Milestones – Filed on December 18.

Agriculture & Natural Resources Subcommittee – Awaiting hearing

Ways & Means – N/A

State Affairs – N/A

Senate Approval Milestones

Environment and Natural Resources: Awaiting hearing.

Finance & Tax: N/A

Appropriations Committee: N/A.

Weekly Roundup: N/A

Current Call to Action: N/A.

Job Growth Grant Fund Revisions – SB 130 (Hutson) and HB 71 (Santiago)

Key Take Away

January 20, 2020
Page 15

Would authorize the Governor to approve workforce training grants to certain charter schools under the Florida Job Growth Grant Fund.

House Approval Milestones – Filed on August 20.

Transportation & Tourism Appropriations Subcommittee – Awaiting hearing
Education Committee – N/A
Appropriations – N/A

Senate Approval Milestones

Commerce and Tourism Committee: Passed 5-0 on October 15.
Education: Passed 8-0 on November 12
Appropriations Committee: Awaiting hearing.

Weekly Roundup: Senate bill passed Education Committee.

Current Call to Action: N/A.

Florida Tourism Marketing – SB 362 (Hooper) and HB 213 (Ponder)

Key Take Away

Would revise the scheduled repeal of the Florida Tourism Industry Marketing Corporation direct-support organization (aka Visit Florida) to the year 2028.

House Approval Milestones – Filed on September 23.

Workforce Development & Tourism – Awaiting hearing
Transportation & Tourism Appropriations Subcommittee – N/A
Commerce Committee – N/A

Senate Approval Milestones – Filed on September 23

Commerce and Tourism Committee: Passed 5-0 on November 5.
Appropriations Subcommittee on Transportation, Tourism and Economic Dev: Awaiting hearing.
Appropriations Committee: N/A.

Weekly Roundup: Senate bill passed first committee.

Current Call to Action: N/A.

Summary of Week One (January 13-17)

The Florida House of Representatives

January 20, 2020
Page 16

- House Speaker-designate Chris Sprowls mounted a major push to protect genetic data. A bill he is sponsoring would block life, disability, and long-term care insurers from using the results of a DNA test as grounds to cancel, limit, or deny coverage to customers. The House Health and Human Services Committee voted to advance the bill Thursday.
- There might not be a Constitutional Revision Commission come 2038, the next time the once-every-20-year panel is scheduled to convene. A pair of bills by state Representative Brad Drake that would repeal the CRC have made it through committee and are ready for a vote by the full House. The repeal will likely happen as the Senate is amenable — it approved similar legislation last year — and the Governor has said he’s on board. If passed, voters would need to approve the repeal.

Florida Senate

Senator Rob Bradley’s effort to relax mandatory minimums for some nonviolent drug offenses got a unanimous vote from the Senate Appropriations Committee, which he chairs. It was the final committee stop for SB 346, which now heads to the Senate floor.

Bill of the Week

Several health care policies advanced through committee in the opening week of the 2020 Legislative Session — measures that would allow nurses to open independent practices, enable pharmacists to test and treat strep throat, and cap the price of insulin all scored early wins.

One House bill gaining traction is HB 599 by Republican Representative Ana Maria Rodriguez, which would allow physicians and Consultant Pharmacists to enter into a Collaborative Practice Agreement (CPA). A CPA is a formal agreement in which a licensed physician refers patients to a pharmacist under a protocol that allows the pharmacist to perform medication management services for specified patient care functions.

A Consultant Pharmacist is a licensed pharmacist who provides expert advice on the use of medications, after completing an approved course and a 40-hour assessment and evaluation period.

The bill would permit Consultant Pharmacists to enter into CPAs with health care facility medical directors or licensed physicians, podiatric physicians, or dentists who are authorized to prescribe medicinal drugs. It would also require a pharmacist to complete additional training required by the Board of Pharmacy in order to be licensed as a Consultant Pharmacist.

January 20, 2020
Page 17

On Thursday, the House Health Quality Subcommittee added the bill to its agenda to be heard on Tuesday, January 21 at 10 a.m. in Mashburn Hall.

An approval of this bill by the Legislature would improve patient outcomes and decrease medical costs.

Federal Spotlight

GrayRobinson's Washington, DC office releases a newsletter each week entitled The Golden Apple, reporting on the "latest discord on Capitol Hill." This week's newsletter discusses affordable housing and if gentrification is worsening homelessness.

The House Financial Services Committee held a marathon hearing on Tuesday to discuss four legislative proposals that seek to preserve affordable housing and make more housing available, especially in gentrifying neighborhoods. Even outside major metropolitan centers, housing shortages and housing availability mismatches are making housing unaffordable for low and moderate-income families, and the panel argued over possible solution. Consensus emerged on the need to modify or reduce zoning restrictions that limit multifamily housing, but those changes generally need to be made at the local level, and are not within Congress's authority.

Witnesses suggested attaching housing commitments and tenant protection to Opportunity Zone grants, to prevent residents from being priced out of gentrifying neighborhoods. Although short-term rentals such as AirBnB have been blamed for driving up rents, witnesses noted that AirBnB rentals can provide income that allows residents to stay in homes they could not otherwise afford. Representative Cindy Axne (D-IA) expressed concern about rising rent on plots in manufactured housing communities, while Representative Andy Barr (R-KY) called for integrating manufactured housing into housing policy solutions.

Read The Golden Apple in its entirety [here](#).

Current Bill Statistics

Total Bills Filed: 3,396 (2,436 House; 960Senate)

Appropriations Bills Filed: 1,634 (1,296 passed through first committee)

Looking Ahead

The first week of the 2020 Legislative Session is in the books. Lawmakers will get a short break as Monday is Martin Luther King, Jr. Day and state offices are closed so no committee meetings will be held. They reconvene Tuesday.

January 20, 2020
Page 18

The full House is scheduled to meet on Wednesday and Thursday, where they will consider bills that have already made it through the committee process.

The upcoming House and Senate weekly schedules can be found as follows:

House Week 2:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Session&CommitteeId=&Session=2020&DocumentType=Session%20Weekly%20Schedules&FileName=Session%20Weekly%20Schedule%20for%20Week%202%20January%2020%20-%2024,%202020%20-%201st%20Amended.pdf>

House Week 3:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Session&CommitteeId=&Session=2020&DocumentType=Session%20Weekly%20Schedules&FileName=Session%20Weekly%20Schedule%20for%20Week%203%20January%2027%20-%2031,%202020.pdf>

Senate Week 2:

<http://www.flsenate.gov/Session/Calendar/2020/Weekly%20Schedules%202019-12-13%20084342.PDF>

Senate Week 3: <http://www.flsenate.gov/Session/Calendar/2020/Weekly%20Schedules%202020-01-16%20155332.PDF>