

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: January 6, 2023
SUBJECT: 2023 Legislative Session – Committee Week 2 (January 3-6)

Much work was done in the House and Senate during this second scheduled committee week, but the attention, both in Florida and nationally, was on the swearing-in ceremony for Governor Ron DeSantis and the Cabinet. On Tuesday morning, Governor Ron DeSantis officially took his oath and delivered his vision for the next four (or two?) years. His remarks included a focus on “freedom,” family values, parental rights in education, conservation and tax cuts. The question lingering over the inauguration (and frankly over the 2023 legislative session) is when and whether the Governor will declare his intention to seek higher office. This “will he or won’t he” narrative will shape many of the legislative issues this session.

Beyond the inauguration, the House and Senate committees tackled several topics, including appropriations, infrastructure, and disaster response. These and other highlights are featured below in our summary of the week that was in Tallahassee.

NAIOP Activities

The GrayRobinson team made the rounds at the inaugural activities and inquired about opportunities surrounding the business rent tax, permit reform and the building code. The current story is that there is still a desire by legislators to pursue a business rent tax cut, but the question remains whether the Governor will also advocate.

Additionally, our team has been coordinating with ICSC’s lobbyist for a joint Day at the Capitol on February 21 and 22. Lindsay Winter and GrayRobinson are coordinating the details, but please SAVE THE DATE. This Day at the Capitol will include panels with Department heads, legislators as well as other industry leaders.

Summary of Committee Week Two (January 3 - 6)

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Budget on the Mind

The House Appropriation subcommittees each met this week and focused on the current year's budget and how the dollars were being spent. This review and discussion addressed the various agencies' specific spending. The budget summaries can be found at these links:

- [Health and Human Services](#)
- [Infrastructure and Tourism](#)
- [PreK-12](#)
- [Higher Education](#)
- [Agriculture and Natural Resources](#)
- [Justice](#)
- [State Administration and Technology](#)

Both the House and Senate will spend a considerable amount of time on the budget during the upcoming committee weeks, with an expectation that the initial proposals will be released in mid-March during the regular session.

Notable Topics

Governor DeSantis Sworn In for Second Term

Governor Ron DeSantis was sworn in for a second term Tuesday DeSantis, 44, took the oath of office shortly before noon on the steps of the Florida Capitol. In a short inaugural address, the governor described Florida as the "promised land of sanity" in comparison to other places around the country, setting the state as different from others, and from the nation as a whole. "When other states consigned their people's freedom to the dustbin, Florida stood strongly as freedom's linchpin," the governor said. DeSantis was vague on particular policy issues, largely relying on buzzwords such as in a promise to oppose "wokeness." One specific proposal the governor did tout was lower taxes. "Florida has accumulated a record budget surplus, and we need to enact a record amount of tax relief, particularly for Florida families who are grappling with inflation," he said.

Kevin Guthrie, Director of FDEM, Seeks Improvements to Disaster Response Methods

The Director of Florida's Division of Emergency Management, Kevin Guthrie, presented at the Senate's Select Committee on Resiliency on Wednesday. He reported on the status of Florida post Hurricanes Ian and Nicole, as well as the challenges the Division is facing post-storm recovery. The Division has been working with the Federal Emergency Management Agency (FEMA) to streamline reimbursements from recovery. Director Guthrie encouraged the legislature to decrease the amount of time for people to remove damaged boats from waterways and provide a uniform statewide mechanism for waiving and expediting permits. He also called for revisions to the

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Emergency Preparedness and Response Fund, recommending additional clarity and expansion of individual assistance funds. Director Guthrie also provided legislative recommendations that would protect the Division from incurring interest expense on funds as they verify claims during a State of Emergency and advocated for the creation of a public records exemption for disaster survivors. Finally, he called for certain required elements in debris removal contracts executed by local governments.

Rep Payne Discusses Future of Infrastructure & Resiliency Policy in House Subcommittee

On Tuesday the House Agriculture, Conservation, & Resiliency Subcommittee conducted its first meeting. The first Subcommittee meeting began with an overview of the purpose of the Subcommittee, one of three committees under the Infrastructure Strategies Committee. Chairman Bobby Payne of the House Infrastructure and Strategies Committee spoke to the Subcommittee about the vision of infrastructure strategies under Speaker Renner. He emphasized the unprecedented growth within the state over the past few years, noting that with growth comes infrastructure challenges but also opportunities. The Subcommittee is tasked with working on policies to recognize growth, while creating strategies to protect land and water, and address transportation needs including roads, highways, maritime seaports, inland seaports, and rails. Additionally, the committee will tackle the goal of protecting Florida's water quality and quantity, and natural resources. Chairman Payne noted that while the terms "conservation" and "resiliency" have many definitions, he defines it as strengthening habitats and wildlife corridors, and enhancing sustainability in Florida's communities, development, and infrastructure. He closed his remarks with the importance of the Subcommittee, citing Florida's sustainable future in 30-40 years and the generations to come.

House Proposal Would Spell Out Officer Rights When They're on Prosecutors' 'Not Credible' Lists

Legislation filed this week in the House would spell out specific rights that must be afforded to police officers and corrections officers when their names are included on lists kept by prosecutors of officers whose credibility may be called into question on a witness stand in a criminal case. Many prosecutors' offices compile "Brady Lists" of officers whose disciplinary or testimonial history must be disclosed if they are called to testify, usually because of, in the words of the legislation, "sustained incidents of untruthfulness, issues with candor," or other issues that may hurt the credibility of their testimony. The requirement comes from *Brady v. Maryland*, in which the Supreme Court held that prosecutors must provide exculpatory information to defense counsel, and *Giglio v. United States*, in which the court extended the holding to include information suggesting a witness may not be credible. The bill (HB 95), filed earlier this week by Republican Rep. Wyman Duggan, enumerates several rights that must be afforded to officers on such lists, including that they can't be fired, suspended, demoted, or otherwise disciplined by their agency for being put on such a list, though it makes clear that the underlying behavior that led to them being

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listed might still be punishable. The measure also mandates disclosures of the criteria for being added to the list, among other requirements.

Current Bill Statistics

Total Bills Filed: 110 (55 House; 55 Senate)

Appropriations Requests Filed in the House: 11

Schedule for Committee Week 3 (January 16-20)

The Senate's schedule can be viewed [here](#).

The House's schedule can be viewed [here](#).

Schedule for Committee Week 4 (January 23-27)

The Senate's schedule can be viewed [here](#).

Preview of 2022 Legislative Session

Key Dates

The 2022 Legislative Session gavels-in on March 7, 2023.

Committee Week Schedule

- Week 3 – January 16-20
- Week 4 – January 23-27
- Week 5 – February 6-10
- Week 6 – February 13-17
- Week 7 – February 20-24

Other Key Dates

- February 13, 5:00pm
 - Deadline for submission of appropriation requests in the House
- January 26, 5:00pm
 - House Deadline for filing drafts of bills for introduction
- January 27, 5:00pm
 - Senate Deadline for filing drafts of bills for introduction

Bill Tracking

2023 Bills (3)				
Number	Title	Sponsor	Last Action	Date Foldered
HB 0041	<u>Land Development Initiative and Referendum Processes</u>	<u>Garcia</u>	12/23/22	01/04/23 08:02AM
<p>Land Development Initiative and Referendum Processes: Revises restrictions on initiative and referendum processes. Effective Date: July 1, 2023</p> <p>12/14/22 HOUSE Filed</p> <p>12/23/22 HOUSE Referred to Local Administration, Federal Affairs & Special Districts Subcommittee; Infrastructure Strategies Committee; State Affairs Committee</p> <p>12/23/22 HOUSE Now in Local Administration, Federal Affairs & Special Districts Subcommittee</p>				
HB 0085	<u>Causes of Action Based on Improvements to Real Property</u>	<u>Snyder</u>	12/29/22	01/04/23 08:05AM
<p>Causes of Action Based on Improvements to Real Property: Revises time in which action founded on design, planning, or construction of improvement to real property must be commenced; revises date on which statute of limitations period begins; provides for calculation of statute of limitations period for multi-dwelling buildings; defines "material violation." Effective Date: upon becoming a law</p> <p>12/29/22 HOUSE Filed</p>				
HB 0089	<u>Building Construction</u>	<u>Maggard</u>	01/03/23	01/04/23 08:00AM
<p>Building Construction: Revises definition of term "class A air-conditioning contractor"; prohibits certain persons or entities from making substantive changes to building plans after permit has been issued; provides exceptions; requires certain persons to provide certain information to certain persons or entities; provides that certain</p>				

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persons are subject to disciplinary action under certain circumstances. Effective
Date: July 1, 2023
01/03/23
HOUSE Filed