

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: October 17, 2021
SUBJECT: 2022 Legislative Session – Committee Week 2 Summary (October 11-15)

After two weeks off, the Florida Legislature convened in Tallahassee this week for Committee Week 2. Although Capitol Hill was busy with foot traffic and the Capitol is back open to lobbyists and constituents, it was a rather slow week news- and event-wise. Just as in Committee Week 1, this week's committee meetings, mainly, focused around overviews of Agency and Department budget requests and legislative priorities, as well as presentations on implementation updates of certain bills passed last legislative session. No filed 2022 session bills were heard this week. These and other topics are covered below in our summary of the week that was in Tallahassee.

NAIOP Activities

The GR team met with Senator Ed Hooper to discuss his fire code bill. He believes the legislation will be filed by the end of next week. As well, Chris Carmody held a phone conference with FBC member Joe Territo to discuss EV charging stations. This issue is ongoing.

Summary of Committee Week Two (October 11-15)

Budget on the Mind

The following legislative budget request presentations were heard:

- House Health Care Appropriations Subcommittee
 - Agency for Health Care Administration
 - Department of Children and Families
 - Department of Health
- House Infrastructure & Tourism Appropriations Subcommittee
 - Department of Economic Opportunity
 - Department of State

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- Department of Emergency Management
- Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development
 - Executive Office of the Governor – Division of Emergency Management
 - Department of Economic Opportunity
 - Department of Highway Safety and Motor Vehicles
 - Department of Military Affairs
 - Department of State
 - Department of Transportation
- Senate Appropriations Subcommittee on Criminal and Civil Justice
 - State Court System
 - State Attorney
 - Public Defenders
 - Justice Administration Commission
 - Offices of Criminal Conflict and Civil Regional Counsels
 - Capital Collateral Regional Counsels
 - Statewide Guardian ad Litem Program
 - Clerks of Court
- House State Administration & Technology Appropriations Subcommittee
 - Department of Financial Services
 - Department of Revenue
 - Florida Gaming Control Commission
 - Office of Insurance Regulation
- House Justice Appropriations Subcommittee
 - State Courts System
 - State Attorneys
 - Public Defenders and Appellate Public Defenders
 - Criminal Conflict and Civil Regional Counsels
 - Capital Collateral Regional Counsels
 - Guardian Ad Litem Program
 - Justice Administration Commission

Bill Implementation and Workshop Presentations

The following presentations were heard by the House:

- House Public Integrity & Elections Committee
 - Presentation on Amendment 12, 2018 (Art. II, Sec. 8(f)) by Michael Maida, House General Counsel
- House Education & Employment Committee

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- Presentations on the Development and Implementation of Individualized Education Programs
- House Judiciary Committee
 - Discussion of status of judicial system with the Office of State Courts Administrator, Clerks of Court, Public Defenders and State Attorneys
- House Pandemics & Public Emergencies Committee
 - Presentation on risk management strategies for Florida by Willis Towers Watson
- House Insurance & Banking Subcommittee
 - Citizen Property Insurance presentation regarding the state of the property insurance marketplace in Florida
- House Secondary Education & Career Development Subcommittee
 - Presentation and panel discussion on Florida's registered apprenticeship and pre-apprenticeship training programs
- House Agriculture & Natural Resources Appropriations Subcommittee
 - Update by the Department of Environmental Protection on Coral Reef Protection Efforts
 - Presentations by the Fish and Wildlife Conservation Commission:
 - Red Tide Update and Program Review
 - Manatee Program Review and Overview of East Coast Mortality Event
- House Early Learning & Elementary Education Subcommittee
 - Implementation of HB 419 (2021), Early Learning and Early Grade Success
- House Professions & Public Health Subcommittee
 - Presentations on Infant Mortality Prevention Efforts:
 - Fetal and Infant Mortality Review Projects - Cathy Timuta, Chief Executive Officer, Florida Association of Healthy Start Coalitions, Inc.
 - Faye Johnson, Chief Executive Officer, Northeast Florida Healthy Start Coalition
- House Government Operations Subcommittee
 - Update by the Department of Management Services on:
 - Implementation of CS/CS/HB 1079 (2021), relating to agency contracts for commodities and contractual services
 - Creation and operation of contract oversight teams across state government
- House PreK-12 Appropriations Subcommittee
 - Fiscal Issue Update by the Department of Education on:
 - Implementation of HB 419 (2021), Relating to Early Learning and Early Grade Success
 - Implementation of CS/HB 7011 (2021), Relating to Student Literacy
- House Regulatory Reform Subcommittee
 - Update on the implementation of bills passed in the 2021 legislative session by the Department of Business and Professional Regulation
- House Criminal Justice & Public Safety Subcommittee

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- Discussion on 2022 Legislative Priorities by:
 - Florida Sheriffs Association
 - Florida Police Chiefs Association
- House Children, Families & Seniors Subcommittee
 - Presentations on At-Risk Boys and Fatherhood by:
 - Donnie Read, CEO, Twin Oaks Juvenile Development
 - Faye Johnson, CEO, Northeast Florida Healthy Start Coalition
- House Environment, Agriculture & Flooding Subcommittee
 - Presentations by the Department of Environmental Protection:
 - Update on implementation of the Clean Waterways Act, Chapter 2020-150, Laws of Florida (CS/CS/SB 712)
 - Overview of the Onsite Sewage Program
- House Higher Education Appropriations Subcommittee
 - Fiscal Issue Update by the Department of Education on the implementation of HB 1507 (2021), relating to Workforce Related Programs and Services

The following presentations were heard by the Senate:

- Senate Commerce and Tourism Committee
 - Update by Dana Young, President and CEO of VISIT FLORIDA
- Senate Children, Families, and Elder Affairs Committee
 - Presentations by Department of Children and Families Secretary, Richard Prudom, on:
 - Overview of the department and its services.
 - Update on the Department's provision of services in the ongoing pandemic
- Senate Criminal Justice Committee
 - Workshop on Community Violence
- Senate Education Committee
 - Panel on Higher Education: Meeting the State's Education, Innovation, and Workforce Needs by various by the Chancellor and various Presidents from the Florida College System and the State University System
- Senate Military and Veterans Affairs, Space, and Domestic Security Committee
 - Presentation by Major General James S. Hartsell, Executive Director, Florida Department of Veterans Affairs
 - Presentation by Major General James O. Eifert, Adjutant General of the Florida National Guard, Department of Military Affairs
- Senate Transportation Committee
 - Update on Digital Driver Licenses and Identification Cards by the Department of Highway Safety and Motor Vehicles
 - Presentation on Transportation Infrastructure Resiliency by the Department of Transportation
- Senate Agriculture Committee

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- Presentation on Artificial Intelligence and Precision Agriculture by the University of Florida/IFAS
 - Presentation on Extension Services Supporting Workforce Development in Agriculture, Natural Resources, and Food Systems by the University of Florida/IFAS
 - Florida A&M University Agricultural Innovation & Impact Presentation
- Senate Governmental Oversight and Accountability Committee
 - Presentation by J. Todd Inman, Florida Secretary of Management Services providing an overview of legislative proposals for FY 2021-2023:
 - fleet management and identifying any potential modifications to the fleet management program
 - the Facilities Program and identifying any potential modifications to the program
 - Presentation by the Department of State providing an overview of the following divisions within the department and identifying any legislative proposals relating to these divisions:
 - Division of Historical Resources
 - Division of Library and Information Services
 - Division of Cultural Affairs
- Senate Health Policy Committee
 - Update on COVID-19 status and mitigation efforts by the Department of Health and the Agency for Health Care Administration
- Senate Appropriations Subcommittee on Health and Human Services
 - Update on Implementation of Senate Bill 82 (2020) - Chapter No. 2020-71 by the Agency for Persons with Disabilities
- Senate Appropriations Subcommittee on Agriculture, Environment, and General Government
 - Presentation on the Acquisition Restoration Council List by the Department of Environmental Protection
 - Presentation on the Statewide Law Enforcement Radio System (SLERS) by the Department of Management Services
 - Progress Update on Florida PALM (Planning, Accounting, and Ledger Management) by the Department of Financial Services
- Senate Appropriations Committee
 - Presentation on the Long-Range Financial Outlook by Amy Baker, Coordinator, Office of Economic and Demographic Research

Notable Topics

COVID Update

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For the first time in months, less than 5% of Florida's COVID-19 test results are positive. This is significant because health experts recommend that average positivity rates remain below 5% for at least two weeks before the virus is considered under control. The state Department of Health reported last Friday that Florida was at an average 4.8% positivity rate last week; the last time the State met the 5% threshold was June 25. The average daily case count is also at a three-month low. Currently 59% of Floridians over the age of 12 are fully vaccinated, with 72% of eligible residents receiving at least one shot.

Fight over masks in schools

The state Board of Education voted to approve sanctions on eight school districts for not following DeSantis' order that masks are to be optional for students in classrooms. The eight districts had 48 hours to show that they will comply with state orders, or use the districts could face cutbacks equal to their school board members' salaries. The districts are Alachua, Brevard, Broward, Duval, Leon, Miami-Dade, Orange and Palm Beach.

Sports gambling won't start just yet

When the Department of Interior approved the gaming compact by default, it paved the way for the Tribe to be able to start sports betting on October 15th. According to the Seminole gaming spokesperson, the Seminoles never intended to start sports betting on October 15th, but they also never established a specific starting date and they still haven't. The only indication the Tribe has given is that sports betting would begin "in the fall."

Proposed ban on no-cash businesses

Rep. Willhite filed HB 233, and Sen. Jones filed companion SB 408, which would require businesses operating at physical locations to accept paper and coin tender as payment for goods or services. Rep. Willhite said that the trend of businesses not accepting cash excludes some of Florida's less well-to-do residents. "Getting a credit or debit card often requires money to deposit or financial history. Excluding people from paying with cash essentially blocks low-income people, homeless people and so many others from participating in the economy in the first place."

Fee waivers for students in sober homes

Sen. Polsky (SB 396) and Rep. Skidmore (HB 191) filed companion bills that would waive out-of-state fees for up to 50 college students living in recovery residences or sober living homes. This is significant because Florida has a billion-dollar drug treatment industry, where thousands arrive yearly from across the country to get clean and renew their lives. Students working at least 20 hour per week would qualify for waiver of fees for one academic year, with the opportunity to renew the waiver if they maintain a 2.5 GPA.

Tallahassee to challenge anti-riot bill

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This week Tallahassee city commission unanimously approved a motion to join a lawsuit challenging Florida's HB 1, the "anti-riot" bill which passed last legislative session. The city of Gainesville has already challenged the bill, which Tallahassee will be joining.

Winter Haven receives \$9 million from DeSantis

The Governor announced this week that more than \$9 million in state funding will be going to improve access to the Central Florida Intermodal Logistics Center in Winter Haven. The state Department of Transportation is putting up \$3 million for the improvements, and another \$6.4 million is coming from the state's Job Growth Grant Fund.

Leon County facing \$3.57 million fine

DeSantis gave Leon County until November 5th to pay a \$3.57 million penalty for their employee vaccine requirement. Leon County Administrator Vince Long made vaccines a requirement of employment, all 714 employees had to get vaccinated or fall under a select few exemptions by Oct. 1. In all, 14 employees were fired because they declined to do so.

DeSantis will look at law against vaccine-related firings

A day after Texas' Governor banned private companies from mandating vaccines, DeSantis said he would challenge the federal government's plan to mandate vaccines for large private-sector businesses. DeSantis wasn't sure if he could block employers from firing unvaccinated employees, although he said he would explore all options, but rather he said the legislature would have to take the lead.

Digital driver's licenses coming soon

The Florida Department of Highway Safety and Motor Vehicles announced that Floridians could start downloading an app for digital driver's licenses and ID's next month. The app is the Florida Smart-ID app, which is already live but unavailable to the public.

Bill filed to expand hate crimes in Florida

Sen. Berman (SB 308) and Rep. Geller (HB 111) filed companion bills to amend Florida's 30-year-old hate crime laws to recognize physical disabilities, gender, and gender identity as a hate crime motivator. Similar legislation has been filed in recent sessions.

Bill filed to get guns out of hands of domestic abusers

Sen. Berman (SB 372) and Rep. Eskamani (HB 83) filed companion bills to require people convicted of misdemeanor domestic violence to surrender their firearms, ammunition, and concealed carry licenses to police. The bills also would provide police the authority to temporarily confiscate firearms at the scenes of reported domestic violence. Similar legislation has been filed before, although all of them have died without hearings.

Broadened DUI laws

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Sen. Berman (SB 436) and Rep. Casello (HB 271) filed bills that would broaden the definition of “controlled substances” to include prescriptions and over-the-counter medications that are known to impair motorists. The sponsors claim that the current list of controlled substances cannot keep up with the latest drug trends, creating loopholes within state law.

Redistricting

Redistricting will be a major topic this session, as it only happens once every ten years. Just as in Committee Week 1, the committees that met didn’t discuss any business yet, but rather discussed an introduction to redistricting law, 2022 the map drawing application – advanced functionality, and website updates. (<https://www.floridaredistricting.gov/>). Federal law demands near-perfectly divided districts for congressional seats. The ideal population, based on the 2020 count of residents, would put each district as home to 769,221 people. The Legislature may vary districts in size by one. While the committee staff were working last session, the committees only work during the 2022 session:

- Senate Committee on Reapportionment (Met October 11)
 - Senate Select Subcommittee on Congressional Reapportionment
 - Senate Select Subcommittee on Legislative Reapportionment
- House Redistricting Committee (Met October 12)
 - House Congressional Redistricting Subcommittee (Met October 13)
 - House State Legislative Redistricting Subcommittee (Met October 13)

Current Bill Statistics

Total Bills Filed: 499 (299 House; 200 Senate)

Appropriations Bills Filed: 115

Schedule for Committee Week 3 (October 18-22)

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

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

Preview of 2022 Legislative Session

Key Dates

The 2022 Legislative Session gavels-in on January 11, 2022.

Committee Week Schedule

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- Week 3 – October 18-22
- Week 4 – November 1-5
- Week 5 – November 15-19
- Week 6 – November 29 - December 3

Other Key Dates

- November 17, 5:00pm
 - Deadline for submission of appropriation bills in the House
- January 11, 12:00pm
 - Deadline for filing drafts of bills for introduction

Bill	Title	Sponsor	Date Filed	Related Bills	Summary	Action Needed	Committee of Reference	Committee of Reference	Committee of Reference	House Floor Action	Senate Floor Action	Governor's Actions
HB 119	Appeals by Property Appraisers	Borrero	9/16/2021		Revises upward percent variance that must exist for property appraiser to appeal value adjustment board assessment of property value. Effective Date: July 1, 2022	None at this time.	Local Administration & Veterans Affairs	Ways & Means	State Affairs			
SB 198	Seagrass Mitigation Banks	Rodriguez (A)	9/21/2021		Authorizing the Board of Trustees of the Internal Improvement Trust Fund to establish seagrass mitigation banks under certain conditions; providing construction, etc. Effective Date: 7/1/2022	None at this time.	Environmental and Natural Resources	Community Affairs	Appropriations			
HB 247	Florida Main Street Programs	Salzman	10/11/2021		Florida Main Street Program and Historic Preservation Tax Credits: Specifies eligibility requirements for receiving specified tax credits for taxpayers that rehabilitate certified historic structures; specifies amount of tax credits; authorizes carryforward, sale, & transfer of tax credits; provides DOR audit & examination powers; requires return of forfeited tax credits; requires DOR to provide annual reports to Legislature. Effective Date: July 1, 2022	None at this time.						
HB 263	Notice of Commencement Requirements	Bell	10/12/2021	SB 352	Notice of Commencement Requirements: Exempts specified direct contracts from certain notice of commencement requirements. Effective Date: July 1, 2022	None at this time.						
SB 352	Construction Liens	Hooper	9/27/2021	HB 263	Construction Liens; Revising the threshold for determining whether certain direct contracts to repair or replace an existing heating or air-conditioning system are exempt from specified notice of commencement and applicability of lien requirements for authorities issuing building permits, etc. Effective Date: 7/1/2022	None at this time.	Community Affairs	Regulated Industries	Rules			

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