

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: October 24, 2021
SUBJECT: 2022 Legislative Session – Committee Week 3 Summary (October 18-22)

After a slow committee week last week, the Legislature immediately returned for the third committee week. While the workshops and topic presentations continued strong, the budget presentations are coming to an end, with only three committees meeting for that purpose. Additionally, we saw the first bills being heard so far during committee weeks, with four House bills and one Senate bill, all of them passing their first stops. As in the last two committee weeks, nothing too eventful happened this week with the exception of another prominent Democrat has entered the 2022 Governor's race, DeSantis called for a Special Session, and the next Senate President was nominated and confirmed for the 2022-2024 term. The legislators have the next week off, before returning to the Capitol for Committee Week 4 on November 1. These and other topics are covered below in our summary of the week that was in Tallahassee.

NAIOP Activities

The GR team met with House Commerce Chairman Blaise Ingoglia to discuss EV charging stations and city/county ordinances regarding same. The GR team is meeting with Chair Ingoglia's staff director next week to further discuss the issue.

Summary of Committee Week Three (October 18-22)

Bills Heard

The following bills were heard in the House:

- House Government Operations Subcommittee
 - HB 31 – Firefighter Inquiries and Investigations (Busatta Cabrera)
 - HB 159 – Pub. Rec./Lottery Winners (Davis)
- House Criminal Justice & Public Safety Subcommittee

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- HB 95 – Controlled Substance Offenses (Plakon)
- HB 6037 – Traveling Across County Lines to Commit a Burglary (Snyder)

The following bills were heard in the Senate:

- Senate Commerce and Tourism Committee
 - SB 174 – Trade (Pizzo)

Budget on the Mind

The following legislative budget request presentations were heard:

- Senate Appropriations Subcommittee on Criminal and Civil Justice
 - Department of Corrections
 - Department of Juvenile Justice
 - Department of Law Enforcement
 - Commission on Offender Review
 - Department of Legal Affairs
- House State Administration & Technology Appropriations Subcommittee
 - Department of Business and Professional Regulation
 - Department of Management Services
 - Division of Administrative Hearings
- House Justice Appropriations Subcommittee
 - Florida Department of Corrections
 - Florida Commission on Offender Review

Bill Implementation and Workshop Presentations

The following presentations were heard by the House:

- House Health Care Appropriations Subcommittee
 - Update on Florida Health Care Connections (FX) Fiscal Agent Replacement by Agency for Health Care Administration
 - Update on Enterprise Client Information and Registration Tracking System (eCIRTS) Project by Department of Elder Affairs
- House Public Integrity & Elections Committee
 - Report from Department of Children and Families' General Counsel, Javier Enriquez, on settlement of claims against the Florida Coalition Against Domestic Violence
 - Report from Chief Inspector General, Melinda Miguel, on review of non-profit contractor executive compensation
- House State Affairs Committee

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- Presentations by the Florida Fish and Wildlife Conservation Commission:
 - Overview of gopher tortoise relocation permitting requirements
 - Overview of the manatee program and an update on the recent mortality event
- House Appropriations Committee
 - Discussion of the budget outlook
 - Presentation on Debt, Bonding, and Reserves and Other Factors Influencing Bond Ratings by Ben Watkins, Division of Bond Finance
- House Ways & Means Committee
 - State Revenue Overview and Update by committee staff
- House Health & Human Services Committee
 - Panel Discussion on Health Care Staffing by:
 - Steven Bennett, MA, Workforce Development Manager, Florida Association of Community Health Centers
 - Mary Mayhew, President & CEO, Florida Hospital Association
 - Tracy Greene, NHA, Vice President of Operations, Southern Health Care Management, LLC
- House Civil Justice & Property Rights Subcommittee
 - Presentations on Guardianship, Dependency, and Trusts
- House Insurance & Banking Subcommittee
 - Presentations on:
 - Insurance fraud and fraud prevention by Department of Financial Services
 - Insurance fraud awareness and prevention initiatives, and consumer impacts by Insurance Consumer Advocate
- House Secondary Education & Career Development Subcommittee
 - Presentation on Florida's dropout prevention and academic intervention programs
- House Agriculture & Natural Resources Appropriations Subcommittee
 - Updates on:
 - Florida Citrus Recovery by Department of Citrus
 - Everglades Restoration and Protection of Water Resources by Department of Environmental Protection
- House Early Learning & Elementary Education Subcommittee
 - Presentation by the Department of Education on the governance of early learning programs
 - Panel discussion on policy barriers to access to high quality early learning
- House Local Administration & Veterans Affairs Subcommittee
 - Presentation by Florida Department of Veterans Affairs on available Mental Health and Suicide Prevention Services
- House Professions & Public Health Subcommittee
 - Optometry and Ophthalmology

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- Presentation by Jennifer Wenhold, MSW,CPM, Interim Director, Division of Medical Quality Assurance, Florida Department of Health
 - Panel: Darby D. Miller, MD, MPH; Ahad Mahootchi, MD; David Rouse, O.D., F.A.A.O; Mark T. Marciano, O.D.
- House Finance & Facilities Subcommittee
 - Implementation update on the Prescription Drug Importation Program by Agency for Health Care Administration Secretary Simone Marstiller
- House PreK-12 Appropriations Subcommittee
 - Overview on K-12 Virtual Instruction
 - Overview of Juvenile Justice Education Funding in the Florida Education Finance Program
- House Post-Secondary Education & Lifelong Learning Subcommittee
 - Presentation(s) on updates to student codes of conduct to incorporate additional student due process protections.
- House Children, Families & Seniors Subcommittee
 - Presentations on At-Risk Boys by the National Guard: Florida Youth Challenge Academy
 - Child Welfare Implementation Update by the Department of Children and Families on:
 - SB 80 and SB 96
 - Family First Prevention Services Act
- House Environment, Agriculture & Flooding Subcommittee
 - Update on the State 404 Program by the Department of Environmental Protection
- House Higher Education Appropriations Subcommittee
 - Presentation on recommendations on Effective Access to Student Education (EASE) Grant Program Minimum Performance Standards and Institutional Eligibility pursuant to HB 5601 (2021) by:
 - Independent Colleges and Universities of Florida (ICUF)
 - Department of Education

The following presentations were heard by the Senate:

- Senate Commerce and Tourism Committee
 - Update on Reemployment Assistance and CONNECT by Dane Eagle, Secretary of the Department of Economic Opportunity
- Senate Children, Families, and Elder Affairs Committee
 - Presentations by Department of Children and Families providing an overview of out-of-home care placements and recruitment, retention, and licensure of caregivers
 - Panel discussion on out-of-home care placements and issues pertinent to out-of-home caregivers, including representatives from: the Department of Children and Families, Childrens Home Society of Florida, Camelot Community Care,

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Northwest Florida Health Network Foster Family, Childrens Home Network, and Florida State Foster/Adoptive Parent Association

- Senate Military and Veterans Affairs, Space, and Domestic Security Committee
 - Presentation by Terrance McCaffrey, Col, USAF (Ret), MPA, Vice President, Military and Defense Programs, Enterprise Florida, on the Florida Defense Support Task Force
 - Presentation by Kellie Jo Kilberg, Chair, Florida Defense Alliance
- Senate Banking and Insurance Committee
 - Presentations on the Florida Property Insurance Market by:
 - Barry Gilway, Citizens Property Insurance Corporation
 - Mary Katharine Lawler, Doug Croley Insurance Services
 - Roger Desjardon, Florida Peninsula Insurance Company
- Senate Transportation Committee
 - Presentation on Regulatory Considerations Relating to Electric Vehicle Charging Infrastructure by the Public Service Commission
 - Panel Discussion on the Deployment of Electric Vehicle Charging Infrastructure
- Senate Agriculture Committee
 - Presentation on the Key Accomplishments in Fighting Citrus Greening by the University of Florida/IFAS
 - Discussion of Challenges Facing Florida Farmers
- Senate Governmental Oversight and Accountability Committee
 - Presentation by the Department of Management Services relating to the Division of State Group Insurance and the State Group Insurance Program
 - Presentation by the Reason Foundation regarding the Florida Retirement System Investment Plan
- Senate Health Policy Committee
 - Department of Health Implementation Update on:
 - HB 59 - Automated Pharmacy Systems (2020)
 - HB 389 - Practice of Pharmacy (2020)
 - SB 366 - Infectious Disease Elimination Programs (2019)
- Senate Appropriations Subcommittee on Education
 - Panel discussion on Reading Improvement

Notable Topics

Senator Taddeo enters Governor race

On Monday, Senator Annette Taddeo (SD 40 – part of Miami-Dade County) formally announced her candidacy for the 2022 Florida Governor race. Sen. Taddeo, aiming to be Florida's first Latina Governor, is a state senator serving since 2017. Taddeo previously ran as Charlie Crist's running mate for Lieutenant Governor in 2014, and more recently she ran for Congress in 2016 where she

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lost in the primary. She was the Vice Chair of the Florida Democratic Party from 2013-2016. With the primary only 10 months away, the Gubernatorial hopeful is starting from behind, as Democratic candidate Charlie Crist joined the race almost six-months ago, and Nikki Fried has the Agricultural Commissioner since 2018, when she was the first Democrat to win a statewide election since 2006.

First Lady makes first appearance

On October 4, Governor DeSantis released a statement announcing that First Lady Casey DeSantis was diagnosed with breast cancer. There have been no updates to date as of her status, however she made a surprise first public appearance since the announcement this past Saturday night at the Hernando County Lincoln/Reagan Day Dinner. She has since resigned from her position as Chair of the Florida Children and Youth Cabinet, which the Governor recently named the State Surgeon General, Dr. Joseph A. Ladapo, as chair.

Senate President Designation Ceremony

At the meeting of the Senate Republican Caucus on Tuesday, chaired by Senate Majority Leader Debbie Mayfield and President Simpson, Senator Kathleen Passidomo was nominated and confirmed to serve as President of the Florida Senate for the 2022-2024 legislative term. Passidomo would be the third woman to be Senate President, and the first in 22 years. During her designation speech, she said that unlike California “the land of dying dreams,” “Florida is: full of jobs and opportunity; the “go to” state for business relocation; a preeminent tourist destination; home to 20 major military installations and the most veteran friendly state in the nation; where students can get an excellent education and the opportunity for school choice; where homes and business can depend on affordable and reliable power; and where families can access high quality health care. Here in Florida, the Florida Dream is alive and well. But we cannot take that for granted. We have to fight for the Florida Dream.” She focused on economic growth and strengthening Florida’s education system. Governor DeSantis, Lieutenant Governor Nuñez, Chief Financial Officer Patronis, and Attorney General Moody, House Speaker Sprowls and Speaker-Designate Rennner, former Senate Presidents Tom Lee, Jeff Atwater, and Mike Haridopolos were all in attendance.

Florida’s Ports are open and ready

On Tuesday during a press conference at the Jacksonville Port, Governor DeSantis announced that Florida Seaports have open capacity and can meet holiday demand, while other seaports across the country are struggling to keep up. At the event, JAXPORT announced that they will be offering incentives to any company that chooses to bring its business to the port, freeing up backlogs at other ports while ensuring Americans are able to receive the goods they order faster. Florida has continually invested in its ports, and since 2019 alone, Florida has invested nearly \$1 billion into its seaports to ensure there is capacity to serve as much cargo as possible. The state has also invested in infrastructure to make sure roadways are capable of handling the demand of today’s freight movements.

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Governor suspends debt collections for unemployment overpayments

Last Friday, Governor DeSantis ordered the Department of Economic Opportunity to suspend sending Floridians to debt collections if they've been issued an "overpayment" notice for their unemployment claims. Thousands of Floridians have been mailed notices from DEO stating that they must payback overpayments or be sent to debt collectors. Often, the notices do not state why the recipient owes money, nor how the amount owed was calculated, and in some cases the notices have been sent out after the deadline to appeal them has passed. The state had already said it was suspending sending overpayment notices to debt collectors until 2023, although DeSantis' announcement suspended them "indefinitely."

Social media literacy

Senator Burgess filed SB 480, which if passed, would require public schools to include "social media literacy" in their curriculum. It would direct the Florida Department of Education and county school boards to develop curriculum to teach social media literacy. The bill offers a detailed definition of social media but does not specify what literacy entails. Sen. Burgess said this is an "attempt to protect the children and to empower parents" by gaining a better awareness of the hazards children might encounter on popular internet platforms and mobile applications.

Budget projections are looking good

During the House Appropriations committees first meeting of committee weeks, Chair Trumbull noted that the budget is on the right path, after a bullish year Florida's fiscal signs are even better. Trumbull credited the state's job navigating the financial brunt of the pandemic on prudent budgeting and keeping Florida's economy open. Trumbull emphasized the importance of staying fiscally responsible. He noted the need to fund environmental projects but steered away from approving new recurring programs.

Governor calls for a Special Session

During a press conference in Clearwater Thursday morning, Governor DeSantis announced he was calling on the Legislature to convene for a Special Session. The focus of the session is to block the Biden Administration's vaccine mandates on large companies. "We want to make sure that individuals in the state of Florida have their rights protected," DeSantis said. The details are still being worked out but Senate President Simpson and House Speaker Sprowls released a joint statement suggesting one route may be to exempt Florida from the jurisdiction of the federal Occupational Safety and Health Administration (OSHA), whom is responsible for enforcing Biden's mandate; if this is the chosen path, Florida would likely create their own program to take the place of the role OSHA plays. Governor DeSantis is asking the Legislature to provide protections for employees facing termination because of unfair, discriminatory COVID-19 vaccine mandates and to reaffirm that government entities including school districts may not fire any employee based on COVID-19 vaccine status. The Governor wants violating government entities to be held accountable, as well as to reevaluate employers' broad liability protections (passed last

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session) if they harm employees through vaccine mandates. DeSantis is also calling on the Legislature to provide greater protections to parents to manage the health care decisions of their children, including the freedom to opt their children out of mask mandates. Democrats immediately started to knock the Special Session as DeSantis' "latest campaign play." The Special Session will be in November, and will not be during one of the already scheduled Committee Weeks.

Bolstering criminal drug laws passes first stop

On Thursday, the House Criminal Justice and Public Safety subcommittee passed HB 95, sponsored by Rep. Plakon, with a 14-4 party line vote. The bill, if passed, would make charging a drug dealer easier if they sell a controlled substance that led to someone's death. Currently, a drug dealer may face a death sentence or life in prison if they sell a controlled substance that verifiably caused the death of a consumer, however, the bill would broaden the law's scope allowing prosecutors to charge drug dealers with first-degree murder if a controlled substance is found to be a "substantial factor" in a person's death.

Vacation rentals bill is back

Sen. Burgess and Rep. Fischer have filed bills (SB 512 and HB 325) for statewide vacation rental and marketing platform regulations; similar versions of the bill have been seen in past sessions, last session the bill made it further than the bill has in previous sessions, but nonetheless died in the closing days of session. Florida's traditional lodging industry wants to see regulation similar to what they have to follow, while cities and counties want vacation rentals regulated locally. The marketing platforms are for the bill, as it would create uniform regulations, whereas now they have to follow different complex laws in every city and county. The proposed bills do little to tighten regulations on vacation rentals beyond what cities or counties already require of every other home. The measures continue to preempt almost all laws and regulations to the state, unless they were in place by 2011. The bills do, however, give local governments the power to require that vacation rentals be registered with local authorities with processing fees of up to \$50. The state would require marketing platforms to make sure sales and tourist taxes are collected and paid to the government, and that basic laws such as anti-discrimination are followed. The Division of Hotels and Restaurants would get the power to suspend lodging licenses, including for multiple violations of city ordinances on things like noise, parking, and trash.

Single-use plastics

Sen. Stewart and Rep. Grieco (SB 320 and HB 6063) are returning to a years-long effort to allow local governments to ban single-use plastics. Florida law currently states that "no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags." That provision blocks cities and counties from barring those plastics, even if such a move would be supported by local residents. The bills would remove this language to give home rule back to cities and counties, enabling them

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to decide on the issue locally. Similar versions of these bills have been seen in years past, although none have made significant movement in the process. In an interesting, across party lines twist, the Governor vetoed Republican legislation in 2019 that attempted to stop all local bans on single-use plastic straws.

COVID Update

Florida reported 2,262 new COVID-19 cases and 465 more deaths on Thursday as the seven-day average dropped to its lowest point since July 5. The seven-day average for deaths was 186, and 2,207 for new cases. 59% of the state have been completely vaccinated. As of Thursday, there have been 3,633,097 confirmed cases of COVID-19 in the state and 58,608 Floridians have died since the start of the pandemic, with 2,730 people hospitalized with COVID-19 in Florida, a more than 25% decrease from the previous week.

Redistricting

The Senate committee met this week to discuss the map drawing process and directives to staff, while the two House subcommittees met to review and discuss the current maps. On Monday, guidelines were approved by the Senate panel that will be used by legislative staff as they begin the process to draw the new congressional and legislative maps. For the congressional maps, which will include the addition of a new 28th district, will be drawn to not deviate plus or minus one person of the ideal population of 769,221. For legislative maps, the guidelines included directives to design new Senate districts so that no district deviates more than 1 percent from the average population total of 538,455, which mirrors the maps that were signed off by the Florida Supreme Court during the last redistricting process. During the House State Legislative Redistricting Subcommittee on Wednesday, Chair Byrd said that no maps have been drafted yet. While the committee staff were working last session, the committees only work during the 2022 session:

- Senate Committee on Reapportionment (Met October 18)
 - Senate Select Subcommittee on Congressional Reapportionment
 - Senate Select Subcommittee on Legislative Reapportionment
- House Redistricting Committee
 - House Congressional Redistricting Subcommittee (Met October 20)
 - House State Legislative Redistricting Subcommittee (Met October 20)

Current Bill Statistics

Total Bills Filed: 656 (411 House; 245 Senate)

Appropriations Bills Filed: 176

Schedule for Committee Week 4 (November 1-5)

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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

- 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	WITHDRAWN ON 10/19/21		
SB 198	Seagrass Mitigation Banks	Rodrigues (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.	Tourism, Infrastructure & Energy Subcommittee	Ways & Means	Commerce			
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.	Civil Justice & Property Rights Subcommittee	Regulatory Reform Subcommittee	Judiciary			
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			

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
SB 382	Minimum Training Wage	Brandes	9/29/2021		Minimum Training Wage; Proposing an amendment to the State Constitution to authorize the Legislature to establish a minimum training wage rate lower than the Florida minimum wage rate which employers may elect to pay employees for the first 6 months of employment, etc.	None at this time.	Commerce and Tourism	Appropriations	Rules			
SB 468	Insurance	Perry	10/13/2021		General Omnibus Insurance Bill; monitoring for any issues affecting commercial development	None at this time.	Banking & Insurance	Judiciary	Appropriations			
SB 594	Discrimination on the Basis of COVID-19 Vaccination or Postinfection Recovery Status	Perry	10/21/2021	HB 75	Discrimination on the Basis of COVID-19 Vaccination or Postinfection Recovery Status; Prohibiting governmental entities from requiring proof of COVID-19 vaccination or postinfection recovery status as a condition of licensure or certification in this state; prohibiting employers from requiring COVID-19 vaccination or proof of COVID-19 vaccination or postinfection recovery as a condition of employment, promotion, or continued employment or from discriminating against employees on the basis of such status unless certain conditions are met; providing a right of action for aggrieved persons, etc. Effective Date: Upon becoming a law	None at this time. This bill will be relative to the potential special session in November.						

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 75	Limiting COVID-19 Restrictions	Sabatini	9/8/2021	SB 594	Prohibits state or any political subdivision from enacting mask mandate; provides any such mandate is void; prohibits state & local governments from requiring COVID-19 vaccinations, issuing vaccine passports or other standardized documentation to third parties, or otherwise publishing or sharing COVID-19 vaccination records; prohibits businesses from requiring customers to provide documentation certifying COVID-19 vaccination or COVID-19 post-transmission recovery or discriminating against customers on basis of their COVID-19 vaccination status or COVID-19 post-transmission recovery status; declares certain actions based on vaccination status or having immunity passport are unlawful discriminatory practices. Effective Date: upon becoming a law	None at this time.	Pandemics & Public Emergencies Committee	Commerce Committee	Health & Human Services			
SB 182	Renewable Energy	Brandes	9/21/2021		Authorizing 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 that the business owns or leases; authorizing owners or contracted third parties to sell electricity generated from the device to certain businesses regardless of whether the device is located in a utility's service territory; exempting the sale of electricity produced by such devices from regulation, etc. Effective Date: 7/1/2022	None at this time.	Regulated Industries	Commerce and Tourism	Rules			

[illegible]