

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: January 28, 2023
SUBJECT: 2023 Legislative Session – Committee Week 4 Summary (January 23-27)

The 2023 Legislative Session is starting to come into full view. With the early bill filing deadline passing and the drafting deadline set for Thursday in the House and Friday in the Senate, bills are getting filed. In total, well over 200 pieces of legislation were filed this week, and there were quite a few that gained headlines.

The Governor, meanwhile, continued to roll out his priorities this year. His education proposals include an additional \$200 million toward continuing to raise teacher salaries, bringing the total to \$1 billion, banning unions from automatically deducting dues from teachers' paychecks, and changing the state constitution to make school board races partisan. In addition, he announced a series of public safety proposals including allowing juries to administer the death penalty via a supermajority vote, additional penalties for the sale of fentanyl, broadening the state's capital punishment laws to include human traffickers and sexual predators, and preventing the immediate release of people arrested for crimes. With a scheduled press conference on the Old Capitol's steps on Monday with the Speaker of the House and members of law enforcement, one could guess that the announcements on major legislation will continue during the non-committee week.

These and other highlights are featured below in our summary of the week that was in Tallahassee.

NAIOP Activities

Our team spent much of the week working towards NAIOP Days at the Capitol and our reform efforts on the bi-directional antennas. Specifically to NAIOP Days, we further filled out the schedule with the following speakers:

- Karen Moore (of Moore Marketing to give a 10,000 foot view of messaging at the legislative level),

January 28, 2023

Page 2

- Enterprise Florida’s Laura DiBella (CEO) and Tyler Russell (Chief of Staff),
- DBPR Secretary Melanie Griffin, and
- Chris Spencer, Governor DeSantis’ Chief of Office of Policy and Budget

In addition, most legislators from our five chapters are invited and expected to attend our joint NAIOP and ICSC cocktail reception at the Governor’s Club.

Regarding the bi-directional antennas’ issue, our team met with Senator Ed Hooper, who is the chief stakeholder on this issue. He agrees that we need to either “kick the can” down the road for compliance on high rise building or completely redraft that statute. We have bill language in drafting and will be exploring a standalone bill or an amendment on a bigger package.

Finally, our team monitored the committee discussion on electronic vehicles and their impact on the state’s road fund. That is detailed below.

Summary of Committee Week Four (January 23-27)

Live Local – Senate’s Housing Legislation

Any story that involves the Governor usually takes the headline, but given the ongoing housing crisis in Florida, this legislation took center stage. An affordable housing package, SB 102, a top priority for Senate President Kathleen Passidomo, was released this week. The “Live Local Act” is a wide-ranging bill to provide incentives for developers, landlords and local governments to build or refurbish affordable housing units, lower rent and waive zoning requirements that prevent affordable housing units from being built. The bill, for example, would allow multi-family or mixed-use residential projects to be built in commercial areas without a zoning change if the project sets aside 40% for affordable housing. Developments that offer rents at least 10% below the local market rate would be exempt from property tax for each unit set aside for middle income families. Other provisions give incentives or tax exemptions to developers offering affordable housing units. Our team is putting together an in-depth analysis of the legislation and will provide soon.

House Bill 1 – School Choice Passes First Committee

The House’s school choice legislation cleared the first of three assigned House committees this week, expanding Florida’s private school scholarship programs. The bill would allow any Florida student to access the Florida Tax Credit Scholarship program and the Family Empowerment Scholarship program regardless of family income, although low-income students retain priority if there are more applicants than slots available. It also expressly authorizes any school in Florida, including public charter schools, to allow students to enroll part-time, with student funding tied to

January 28, 2023

Page 3

the student's classroom hours. The bill is a top priority for the Governor and House Speaker Paul Renner and is expected to move quickly through the legislative process this year.

Notable Other Topics

K-12 Proposal: More Money, Term Limits, and Less Unions?

Governor Ron DeSantis on Monday proposed to spend more money in the budget to again bump teacher pay up while providing districts the ability to decide which teachers should get more money, as part of a broader series of education proposals that also includes banning unions from automatically deducting dues from teachers' paychecks, further limiting terms for school board members and changing the state constitution to make school board partisan races. The governor's proposal would also prohibit teachers union officials from earning more than the highest-paid member they represent. The pay portion of the governor's proposal would put an additional \$200 million toward continuing to raise teacher pay, bringing total spending on salaries to \$1 billion. Pay for teachers has gone up during the governor's term to an average starting salary of \$48,000. Teachers and their union have noted in the past that the recent pay raises have boosted starting teacher pay, but haven't increased pay in many cases for veteran teachers. DeSantis answered that criticism by saying his proposal this year would allow school districts flexibility to decide how to use the extra salary money. "School districts will be able to apply the funding to continue raising starting teacher salaries or to provide salary increases for veteran teachers and other eligible instructional personnel," the governor said in a press release outlining the proposal. The infographic of the proposal can be found [here](#).

Law and Order...and Cash Bail and Death Penalty

Governor Ron DeSantis on Thursday proposed to bolster "law and order" in the state with measures aimed at making it easier for juries to impose the death penalty and strengthening penalties for offenses involving fentanyl and other drugs and sex crimes. The governor also wants the Florida Supreme Court to establish a uniform bond schedule for lower courts in an effort to head off the possibility that some jurisdictions might move away from the cash bail system in favor of one where judges determine whether to release people who have been arrested. The governor's death penalty proposal would change state law to allow juries to hand down the death penalty with a supermajority vote, rather than requiring unanimity, making Florida one of two states in the nation, along with Alabama, allowing non-unanimous jury votes for the death penalty. DeSantis proposed harsher penalties for drug-related crimes involving candy-like appearances, making it a first-degree felony to possess, sell or manufacture controlled substances that resemble candy, such as "rainbow fentanyl," which made national news after the U.S. Drug Enforcement Administration reported brightly colored pills and powder were found laced with fentanyl. Drug dealers supplying the brightly-colored substances would face a mandatory life sentence and a \$1 million fine for trafficking drugs that target children. The governor's proposal also includes \$20 million in local

January 28, 2023

Page 4

support funding for law enforcement agencies to deal with the illicit sale and trafficking of opioids, building on new mandatory minimum drug trafficking sentences approved by lawmakers last year. The second-term governor's criminal justice package would also increase penalties for child rapists and other sex-related crimes. More information on the proposal can be found [here](#).

Local Disclosure

House Bill 37 - Financial Disclosure for Local Officers by Rep. Roach was heard for the first time in House Ethics, Elections, & Open Government Subcommittee. The bill requires mayors, elected members of the governing body of a municipality, and county or municipal managers to begin filing the Form 6 annual disclosure with the Commission on Ethics starting January 1, 2024. The bill specifies that those individuals would thereafter not be required to file a Form 1 annual disclosure with the Commission on Ethics. Currently, the Governor and Cabinet, legislators, constitutional officers and county commissioners are required to submit a financial disclosure known as a Form 6, which includes an individual's total net worth and all assets and liabilities worth more than \$1,000. The bill passed on a 16-2 vote; however, members did voice some concern over the proposal's inclusion of city and county managers, who are not elected officials.

Senate Committee Hears Electric Vehicle Registration Fees, Likely Legislation Expected in 2023

The Senate Committee on Transportation met Tuesday morning and heard a presentation on electric vehicle fees. Over the past years, legislation has been filed to impose registration fees on electric vehicles, however, no legislation has been passed in the State of Florida. Thirty-one states currently impose a fee, with anticipated legislation to be filed in Florida for 2023. The committee staff provided an overview of the current transportation impact, the growing national trends of adoption, Florida's current registration structure, and the recent legislative proposals regarding electric vehicle registrations. Fees can range across the states and can depend on vehicle type- all-electric, plug-in hybrids, or hybrids.

The Presentation may be accessed below:

Senate Transportation Committee: [Video](#), [Meeting Packet](#)

Current Bill Statistics

Total Bills Filed: 454 (269 House; 185 Senate)

Appropriations Requests Filed in the House: 76

Appropriations Requests Filed in the Senate: 157

January 28, 2023
Page 5

Schedule for Committee Week 4 (February 6-10)

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

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

Preview of 2023 Legislative Session

Key Dates

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

Committee Week Schedule

- 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

Legislation Tracking (From Lobbytools Folder)

2023 Bills (17)				
Number	Title	Sponsor	Last Action	Date Foldered
HB 0439	Land Use and Development Regulations	McClain	01/24/23	01/27/23 02:05PM

Land Use and Development Regulations: Revises effect of special magistrate's recommendation; revises local governmental entity notification requirements; revises types of data that comprehensive plans & plan amendments must be based on; requires local government to submit affidavit for specified purposes; requires that EDR be sole publisher of specified estimates; revises elements that must be included in comprehensive plan; revises frequency at which local government must evaluate its comprehensive plan; prohibits local government from adopting plan amendments when it fails to meet certain requirements; revises exceptions to applicability of land development regulations relating to

January 28, 2023
Page 6

single-family or two-family dwelling building design elements; requires AG to audit county transportation trust fund. Effective Date: July 1, 2023

01/24/23
HOUSE Filed

SB 0408	Fire Sprinkler System Project Permitting	Perry	01/26/23	01/27/23 12:11PM
-------------------------	--	-----------------------	----------	---------------------

(C: [327](#))

Fire Sprinkler System Project Permitting; Defining terms; requiring replacement fire sprinkler system components to meet certain criteria; requiring local enforcement agencies to perform at least one inspection for a fire sprinkler system project; requiring contractors to keep certain documentation available at a worksite for a fire sprinkler system project and make such documentation available for inspection, etc. Effective Date: 7/1/2023

01/26/23
SENATE Filed

SB 0398	Limitation of Actions Involving Real Estate Appraisers and Appraisal Management Companies	Rodriguez	01/25/23	01/27/23 12:07PM
-------------------------	---	---------------------------	----------	---------------------

(I: [213](#))

Limitation of Actions Involving Real Estate Appraisers and Appraisal Management Companies; Defining terms; specifying statutes of limitations periods for certain actions involving real estate appraisers and appraisal management companies, etc. Effective Date: 7/1/2023

01/25/23
SENATE Filed

SB 0346	Public Construction	DiCeglie	01/24/23	01/27/23 11:41AM
-------------------------	-------------------------------------	--------------------------	----------	---------------------

(S: [383](#))

Public Construction; Providing that applications for approval of a development permit or development order which are under review by a municipality are deemed approved after a specified timeframe; requiring a certain list to include a dollar valuation using reasonable market rates of the estimated cost to complete items on the list; revising the timeframe within which proceedings must commence to resolve disputes between vendors and local governmental entities; revising the conditions that require a public entity to pay or release amounts subject to certain disputes or claims, etc. Effective Date: 7/1/2023

01/24/23
SENATE Filed

January 28, 2023
Page 7

SB 0102	Housing	Calatayud	01/26/23	01/27/23 11:19AM
(C: 220 229)	Housing Effective Date: Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2023			
	01/26/23 SENATE Filed			
	01/26/23 SENATE Referred to Community Affairs; Appropriations			
SB 0360	Causes of Action Based on Improvements to Real Property	Hutson	01/24/23	01/25/23 09:51AM
(S: 85)	Causes of Action Based on Improvements to Real Property; Revising the time in which an action founded on the design, planning, or construction of an improvement to real property must be commenced; revising the date on which the statute of limitations period begins; providing for the calculation of the statute of limitations period for multi-dwelling buildings, etc. Effective Date: Upon becoming a law			
	01/24/23 SENATE Filed			
HB 0383	Public Construction	Griffitts	01/23/23	01/24/23 12:52PM
(S: 346)	Public Construction: Provides that certain permit applications shall be deemed approved; revises provisions relating to payments for purchases of construction services by local governmental entities & public entities; revises time periods within which certain proceedings must be commenced & concluded; provides dates by which undisputed portion of certain payment requests must be paid. Effective Date: July 1, 2023			
	01/23/23 HOUSE Filed			
HB 0359	Local Government Comprehensive Plans	Duggan	01/23/23	01/24/23 12:50PM
	Local Government Comprehensive Plans: Authorizes certain administrative modifications to capital improvement schedules; provides that prevailing party in challenge to plan or plan amendment is entitled to recover attorney fees & costs; awards attorney fees & costs, including reasonable appellate attorney fees &			

costs, to prevailing party in challenge to compliance of small scale development amendment. Effective Date: July 1, 2023

01/23/23
HOUSE Filed

HB 0331	Liens and Bonds	Overdorf	01/23/23	01/24/23 12:47PM
<p>Liens and Bonds: Revises liens & bonds laws, including provisions relating to when notices must be served; notarizing forms; alternative forms of security; direct contracts; computation of time; extent of certain liens; requirements for notice of commencement, notice of termination, & notice of contest of lien; transferring lien to security; service of documents; immunity to issuing authority; & release of liens; authorizes attorney fees in certain actions. Effective Date: July 1, 2023</p>				
<p>01/23/23 HOUSE Filed</p>				
HB 0325	Flood Disclosures for Residential and Commercial Property Sales	Valdes	01/23/23	01/24/23 12:46PM
<p>Flood Disclosures for Residential and Commercial Property Sales: Requires seller of residential & commercial property to disclose certain flood information to prospective purchaser before executing contract for sale of property. Effective Date: July 1, 2023</p>				
<p>01/23/23 HOUSE Filed</p>				
HB 0327	Fire Sprinkler System Projects	Bell	01/23/23	01/24/23 12:46PM
(C: 408)	<p>Fire Sprinkler System Projects: Provides requirements for simplified permitting process for certain fire sprinkler system projects; revises definition of term "contractor" as it relates to fire sprinkler systems. Effective Date: July 1, 2023</p>			
<p>01/23/23 HOUSE Filed</p>				
HB 0305	Protection of Medical Freedom	Barnaby	01/20/23	01/20/23 12:57PM
(I: 222)	<p>Prohibits DOH from requiring enrollment in state's immunization registry or otherwise requiring persons to submit to immunization tracking; prohibits business & governmental entities from requiring individuals to provide proof of</p>			

January 28, 2023
Page 9

vaccination to gain access to, entry upon, or service from such entities; prohibits employers from refusing employment to, or discharging, disciplining, demoting, or otherwise discriminating against, individual on basis of vaccination or immunity status; revises purposes of Florida Civil Rights Act of 1992 to include discrimination protection for vaccination or immunity status. Effective Date: July 1, 2023

01/20/23
HOUSE Filed

<u>SB 0222</u>	<u>Protection of Medical Freedom</u>	<u>Gruters</u>	01/26/23	01/19/23 08:50AM
--------------------------------	--	--------------------------------	----------	---------------------

(I: [305](#))

Protection of Medical Freedom; Prohibiting the Department of Health from requiring enrollment in the state's immunization registry or otherwise requiring persons to submit to immunization tracking; prohibiting business and governmental entities from requiring individuals to provide proof of vaccination or postinfection recovery from any disease to gain access to, entry upon, or service from such entities; prohibiting employers from refusing employment to, or discharging, disciplining, demoting, or otherwise discriminating against, an individual solely on the basis of vaccination or immunity status; revising the purposes of the Florida Civil Rights Act of 1992 to include discrimination protection for vaccination or immunity status, etc. Effective Date: 7/1/2023

01/18/23
SENATE Filed

01/26/23
SENATE Referred to Judiciary; Health Policy; Rules

<u>HB 0213</u>	<u>Limitation of Actions Involving Real Estate Appraisers and Appraisal Management Companies</u>	<u>Borrero</u>	01/25/23	01/19/23 08:44AM
--------------------------------	--	--------------------------------	----------	---------------------

(I: [398](#))

Limitation of Actions Involving Real Estate Appraisers and Appraisal Management Companies: Specifies limitations periods for certain actions involving real estate appraisers & appraisal management companies. Effective Date: July 1, 2023

01/17/23
HOUSE Filed

01/25/23
HOUSE Referred to Civil Justice Subcommittee; Regulatory Reform & Economic Development Subcommittee; Judiciary Committee

January 28, 2023
Page 10

01/25/23
HOUSE Now in Civil Justice Subcommittee

HB 0085	Snyder	01/27/23	01/04/23 08:05AM
-------------------------	------------------------	----------	---------------------

**Causes of
Action Based
on
Improvements
to Real
Property**

(S: [360](#))

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

12/29/22
HOUSE Filed

01/10/23
HOUSE Referred to Civil Justice Subcommittee; Regulatory Reform & Economic Development Subcommittee; Judiciary Committee

01/10/23
HOUSE Now in Civil Justice Subcommittee

01/19/23
HOUSE On Committee agenda - Civil Justice Subcommittee, 01/26/23, 9:00 am, 404 H

01/26/23
HOUSE Favorable with CS by Civil Justice Subcommittee; 15 Yeas, 3 Nays

01/27/23
HOUSE Committee Substitute Text (C1) Filed

HB 0041	Garcia	12/23/22	01/04/23 08:02AM
-------------------------	------------------------	----------	---------------------

**Land
Development
Initiative and
Referendum
Processes**

Land Development Initiative and Referendum Processes: Revises restrictions on initiative and referendum processes. Effective Date: July 1, 2023

12/14/22
HOUSE Filed

12/23/22
HOUSE Referred to Local Administration, Federal Affairs & Special Districts Subcommittee; Infrastructure Strategies Committee; State Affairs Committee

12/23/22

January 28, 2023
Page 11

HOUSE Now in Local Administration, Federal Affairs & Special Districts
Subcommittee

HB 0089	Building Construction	Maggard	01/10/23	01/04/23 08:00AM
-------------------------	---------------------------------------	-------------------------	----------	---------------------

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 persons are subject to disciplinary action under certain circumstances. Effective Date: July 1, 2023

01/03/23

HOUSE Filed

01/10/23

HOUSE Referred to Regulatory Reform & Economic Development
Subcommittee; Local Administration, Federal Affairs & Special Districts
Subcommittee; Commerce Committee

01/10/23

HOUSE Now in Regulatory Reform & Economic Development Subcommittee