



PBC 2022

Legislative Update

Department of Legislative Affairs

Week 8: February 28 - March 4

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The number of bills available for lawmakers to consider shrinks after this weekend. House Rule 10.18 says that after the 55th day (Sunday, March 6) the House can no longer take up bills on second reading, meaning any House bill that is going to get a vote must already have been rolled over to third reading. Much of the final week of session will be taken up with bills that have already passed one chamber or the other and are in messages, or are bouncing back and forth between the chambers as they pass amendments to make the bills identical, or continue to haggle on language.

There are rule changes affecting amendments that come into play after the 55th day as well. Floor amendments are required to be filed no later than two hours before the start of session and amendments to floor amendments and substitute amendments are required to be filed by an hour before session.

BUDGET UPDATE:

In addition to bills on third reading and messages, the Legislature will have to take up a finalized budget this week. While the House and Senate continue budget negotiations, some projects are still fighting for a fully-funded spot. Legislators must agree on a final budget proposal by *Tuesday, March 8* to comply with the constitutionally required 72-hour "cooling off period" and vote on the final product before session adjourns. The committees responsible for different sections of the budget have bumped remaining unresolved items to be decided by budget chairs in each chamber.

The budget chairs met over the weekend and continue to make progress toward a completed budget. Items they are unable to resolve will be bumped up to the House Speaker and Senate President for final determination.

REDISTRCTING:

State Senate & Legislative Districts

After an initial review, the Florida Supreme Court unanimously approved the Legislature's new set of state maps – 120 districts for the House and 40 districts for the Senate.

Prior to the ruling published on Thursday, no one came forward to oppose the maps presented to the court. Justices concluded that although the new districts are more compact than the current map, the new maps showed no evidence of gerrymandering or weakening minority voting strength. Lower courts could still examine the maps more closely if they're challenged and that process could include testimony and evidence as to how they were drawn.

Congressional Districts

The House considered two 28-district congressional maps on Thursday, one aimed at appeasing Gov. Ron DeSantis' desire to move away from a map with a racially preferential set-aside in North Florida, and one that would allow for a minority district that could be put in place if the courts reject the first one.

SB 102 was gutted to include the House's version of a primary map that redraws Congressional District 5 in North Florida, which stretches from Jacksonville to Gadsden County. Under the primary map, Congressional District 5 would entirely be within Duval County and reduce the district's current Black population from 43% to 35.5%. Opponents filed multiple amendments, including some that would extend a 30-day deadline for lawsuits that could challenge the primary map's constitutionality - however, these amendments were unsuccessful. The House's secondary map is also included in the proposal but Gov. Ron DeSantis has previously vowed to veto that map. The House is expected to vote on the proposal containing both maps on Friday.

Shortly after the House passed two congressional maps in a 67-47 vote on Friday, the Senate passed the same map plan by a 24-15 vote near party lines. Lawmakers passed the unprecedented plan against the backdrop of a plainly worded Twitter threat from the Governor read aloud during House debate: "I will veto the congressional reapportionment plan currently being debated by the House. DOA." DeSantis tweeted.

The Governor could approve the Congressional maps, let them become law without his signature, or veto them, sending the Congressional redistricting process onto an unclear pathway. It is unclear whether the legislature would vote to overrule the veto, return for a special session to re-draw maps, or whether the courts would step in to draw maps.

Health

SB 146 / HB 5 - Reducing Fetal and Infant Mortality

The Senate voted late Thursday night in favor of a strict abortion ban in the state, passing a bill (HB 5) that would outlaw the procedure without exception after 15 weeks of pregnancy. Current Florida law allows abortions up to 24 weeks of pregnancy. Approval on a 23-15 vote came after two days of emotional debate in the chamber, and sends the bill to Gov. Ron DeSantis, who is expected to sign it. Pleas to at least include exceptions for rape, incest and human trafficking were rejected. In addition to the new abortion restriction, the measure also requires abortion providers to report medication abortions to the state. It also puts in place new measures intended to reduce maternal and fetal mortality, including funding for state review committees to study that problem. The measure had already passed in the House two weeks ago. The bill is expected to go into effect July 1.

If he does, and the ban is upheld by courts, Florida would join Texas and Mississippi in having strict abortion bans passed. The 15-week gestational limit is currently under review by the U.S. Supreme Court in a challenge to Mississippi's new law. A shift on the U.S. Supreme Court has made abortion opponents optimistic that they can push for stronger restrictions that will gain the court's approval and could lead to a weakening of legal protections for the procedure, or possibly overturn *Roe v. Wade*, the court case that made the procedure legal.

SB 1844 - Mental Health & Substance Abuse

Last Tuesday, the Senate passed SB 1844. A bill that would require officials to get the informed consent of a guardian before a minor can be committed for mental health treatment. The measure passed unanimously and now goes to the House.

Tax and Finance

HB 5001 - Inflation Fund

The Senate amended, passed, and sent back to the House legislation (HB 5011) that would set up an inflation fund for state agencies to tap if they need more money during the coming budget year because of rising prices. The bill as passed by the House was used by Republicans to make a political statement, naming the fund the "Budgeting for Inflation that Drives Elevated Needs Fund," making an acronym spelling Biden as a way of blaming the White House for increasing prices. The Senate dropped the title, calling the measure simply an "inflation fund." The Senate also removed an automatic \$2 billion contribution to get the fund started, leaving the initial funding for the proposal to budget conference negotiations. As amended, the measure passed the Senate on Wednesday 35-4 and was returned to the House.

HB 7071 - Taxation

The House on Wednesday unanimously passed a broad tax package that would provide what supporters say is the largest collection of tax cuts in Florida history. HB 7071 includes four sales tax holidays, a reduction in property taxes for some homeowners, and other tax cuts for consumers and businesses. The proposal would give Floridians tax cuts on diapers, baby and toddler clothes for one year, children's books for three months to encourage summer reading, and impact-resistant windows, doors and garage doors for two years. Additionally, Floridians purchasing ENERGY STAR appliances would pay less in sales tax for six months. It also does away with property taxes for those impacted by the Surfside condo collapse and includes tax breaks for all homes destroyed in a catastrophic event. The package dropped sales tax from World Cup Soccer events and Formula One car races as well. The measure heads to the Senate for approval where changes could occur this week.

Local Government and Administration

SB 254 / HB 215 - Religious Institutions

A bill prohibiting emergency orders from stopping regular services by religious institutions cleared the House on Wednesday, 88-29, and now heads to the governor for his signature.

SB 1664 / HB 1571 - Residential Picketing

Legislation passed by the House on Wednesday would put restrictions on protests in front of all homes, including the governor's mansion. HB 1571 would ban people from picketing or protesting outside a person's residence.

Under the measure, protestors caught harassing or disturbing a person's home could be charged with a second-degree misdemeanor. The bill doesn't require a homeowner to report they are being disturbed, instead allowing law enforcement officers to make that call. The proposal passed by a 76-41 vote and now heads to the Senate.

SB 434 / HB 489 – Florida Tourism Marketing

The House advanced a measure that would extend the life of the state's tourism marketing agency on Wednesday. SB 434 would delay Visit Florida's repeal date until 2028. The agency is currently set to expire in 2023. The bill now heads back to the Senate for approval.

SB 224 / HB 105 - Regulation of Smoking by Counties and Municipalities

The Senate gave final approval Wednesday to a measure that would allow local communities to once again regulate smoking on beaches in an effort to reduce litter, sending the bill (HB 105) to Gov. Ron DeSantis for his signature. Passage came over the objection of some who said that a carve-out that would still prevent banning smoking of cigars on beaches doesn't look good because they're unfiltered and produce no plastic litter. The bill passed 30-7.

SB 1024 / HB 741 - Net Metering

The House approved legislation on Wednesday seeking to change how rooftop solar is regulated in Florida. Currently, utility companies are required to grant credit for extra energy homeowners send to the grid from their solar panels. The bill would allow utility companies to phase in lower payments in an effort to reduce non-solar rates and limit how much non-solar customers "subsidize" people with solar panels as the renewable energy option expands. The proposal is pushed by Florida Power & Light, which says it's trying to save money for the large number of customers without solar panels, and opposed by advocates for more renewable energy use. It's also opposed by the solar panel installation industry, which has argued new financial rules could reduce use of the panels and put installers out of business. HB 741 would require the Public Service Commission to set up new state net metering rules by 2023. It passed 83-31 and now goes to the Senate.

SB 1864 / HB 9 - Consumer Data Privacy

A bill targeting big tech companies that record consumers' personal information and sell it, cleared the House on Wednesday. The proposal would require online companies to disclose what type of information they collect on consumers and how they analyze or sell that information. Additionally, consumers could sue a company if it doesn't comply within four days of the user's request to opt out. The measure now heads to the Senate where it has been assigned to a committee that is not expected to meet again this session.

SB 524 / HB 7061 - Elections

Bills in both the House and Senate seeking to crack down on voter fraud are now ready for the floor. The measures add new requirements for voters using mail-in ballots and create a new state office to investigate allegations of voter fraud, including a new "Elections Security Force." HB 7061 was amended in the House Appropriations Committee on Monday to mostly align with the Senate bill (SB 524), which cleared its final committee stop late last week after some changes, including removing some new requirements on identification and the process for voting by mail. The difference between the two bills is a provision included in the House version that would repeal statutory language that forbids poll workers from requesting additional identification from voters, such as reciting their home address. Supporters of the proposals say they don't go far enough, while opponents say the legislation creates unnecessary barriers that people must overcome to exercise their right to vote. The Senate passed SB 524 24-14 on Friday, which is now sent to the House.

HB 1 - Additional Homestead Property Tax Exemption for Specified Critical Public Service Workforce

A proposal (HJR 1, HB 1563) offering more than \$80 million in property tax breaks for teachers, first responders, military members and child welfare professionals is headed to the Senate floor following approval Monday in the Senate Appropriations Committee. The House passed this bill 115-0 two weeks ago.

SB 1728 / HB 1307 - Property Insurance

A proposal seeking to shore up Florida's property insurance market was amended at its final stop in the committee process. SB 1728 would require homeowners to go with private home insurance carriers that offer under 20% more than the state-supported Citizens Property Insurance rate. The measure also requires homeowners to write a check for the deductible before collecting on a roofing claim, an effort to help curb fraudulent roofing claims and rising deductibles. Additionally, the legislation was amended to punish some attorneys who file frivolous lawsuits. The bill passed the Senate Appropriations Committee on an 18-2 vote and is now ready for the Senate floor. A similar House proposal (HB 1307) does not address roofing insurance fraud but it does include provisions that would make it harder for homeowners to obtain coverage under the state-supported Citizens Property Insurance in order to lower the overall risk to Florida taxpayers if a major storm hits.

SB 280 / HB 403 - Local Ordinances

A measure paving the way for businesses to sue local governments and block enforcement of ordinances was approved Monday by a divided House State Affairs Committee, sending the measure to the House for a vote. The bill (HB 403) would halt enforcement of any ordinance for 90 days if a filed lawsuit claims its rules are "arbitrary or unreasonable." The legislation would also require governments to draft a "business impact estimate" for every ordinance. An identical Senate companion (SB 280) already passed the Senate late last month.

SB 962 / HB 981 – Mixed-use Residential Development Projects for Affordable Housing

This bill allows the board of county commissioners and the governing body of a municipality to approve a mixed-use residential project provided that a portion of the project includes affordable housing and the developer agrees not to apply for or receive funding from SAIL. The bill further provides that this provision is self-executing and does not require the adoption of an ordinance or regulation before this approval process may be used. SB 962 was passed by the Senate by a vote of 39-0 on February 10. On Thursday, the House substituted SB 962 for HB 981 and placed it on the third reading calendar.

CS/SB 518 & HB 1555 – Residential Home Protection – Tree Trimming

These bills amend a provision in current law prohibiting a local government from requiring a notice, application, approval, permit, fee, or mitigation for the pruning, trimming, or removal of a tree on residential property if the property owner obtains documentation from a certified arborist or a licensed landscape architect, that the tree presents a danger to persons or property. The bill adds certain qualifiers and definitions to provide clarity in the operation of the existing provision. CS/SB 518 was passed by the Senate with a vote of 38-0 on March 1. The House received that bill and added it to the Special Order calendar on Monday 2/7 for a floor vote.

SB 1078 / HB 783 - Soil and Water Conservation Districts

Under SB 1708, which passed last Monday's Senate committee, people who want to serve on local soil and water conservation boards would have to work in the agriculture industry and work for farms that bring in more than \$500,000 a year. Backers of the measure rejected pleas from members of the public and opponents on the committee who said it would unnecessarily stack the boards with representatives of big agriculture at the expense of other qualified people.

CS/HB 783 is on the House second reading calendar. The bill dissolves the Baker and Martin SWCDs and leaves the other 56 SWCDs intact. The CS creates a requirement that all five supervisors of the governing body of each district meet at least one time per calendar year. The bill further provides that failure to meet at least once per calendar year will result in automatic dissolution of the district and all assets and liabilities of the district will be transferred to the Florida Department of Agriculture and Consumer Services (FDACS). The Senate bill was amended on the floor to match that requirement and also removing the requirement that supervisors reside within one of the defined subdivisions and makes all five seats within each district at-large seats. It removes the \$500,000 minimum threshold language that was added in the Appropriations committee substitute that stated the supervisor be employed by or own a specified agriculture venture "which makes an annual gross revenue of more than \$500,000."

SB 1458 / HB 1197 - Employee Organizations Representing Public Employees

A proposal dealing with labor unions that represent public employees is now ready for a vote by the House as early as Friday. HB 1197 would impose new policies on unions that represent public employees, including revamping rules

for certifying and decertifying unions. Other provisions in the bill would regulate how unions recruit members, as well as eliminate payroll deductions for union dues. However, unions that represent law enforcement officers would still be allowed to deduct union fees out of paychecks. The Senate version, SB 1458, has yet to move. Similar legislation was filed last session but ultimately failed.

HB 777 / SB 1194 – Local Tax Referenda Requirements

The bill requires referenda authorizing certain optional local taxes to be held at a general election. The affected taxes are as follows:

- Tourist development tax
- Areas of critical state concern tourist impact tax
- Children's services independent special district tax
- County temporary excess ad valorem millage
- Municipal temporary excess ad valorem millage
- County transportation motor fuel tax
- Local option fuel tax
- School district millage

HB 777 was substituted for SB 1194 on the Senate floor on Wednesday and passed 39-0.

SB 578 / HB 837 – Hurricane Loss Mitigation Program

This bill extends the Hurricane Loss Mitigation Program (HLMP) within Florida's Division of Emergency Management until June 30, 2032. It would have expired this year if no legislative action was taken. The House passed HB 837, 117-0, on Wednesday. The Senate substituted HB 837 for SB 578 and passed it 37-0. The bill now heads to the governor.

Education

HB 1467 - K-12 Education

The Senate Rules Committee on Tuesday approved a measure (HB 1467) that would put 12-year term limits on local school board members and set out rules for what books schools may have in their libraries and how members of local communities can challenge decisions related to which books will be on those shelves. There was debate over the new term limits for school board members, as opponents noted that decisions about the elemental structure of local government usually require a constitutional change. However, most of the debate in the committee was over the rules on how schools will decide which books students have access to. The bill now goes to the Senate floor.

HB 513 / SB 1326 - Comprehensive Review Study of the Central and Southern Florida Project

The South Florida Water Management District (SFWMD) is the local sponsor for both the Project and CERP. The bill requires SFWMD to prepare and submit a consolidated annual report regarding the status of the restudy to the Office of Economic and Demographic Research, the Department of Environmental Protection, the Governor, and the Legislature by October 1, 2023, and each October 1st thereafter. HB 513 was passed by the House on Thursday by a vote of 113-0. On Wednesday March 2, the Senate substituted HB 513 for SB 1326 and passed the bill by a vote of 38-0. The bill can now be sent to the governor.

HB 909 / SB 1210 - Pollution Control Standards and Liability

This specifies that the Secretary of Environmental Protection has exclusive jurisdiction in setting standards or procedures for evaluating environmental conditions and assessing potential liability for the presence of contaminants on land that is classified as agricultural and is being converted to a nonagricultural use. The bill prohibits the Secretary from delegating such authority to a city, a county, or another unit of local government through a local pollution control program, but it does not preempt the enforcement authority of a local government through a local pollution control program. HB 909 was passed by the House with a vote of 98-16 on February 24, and the bill was passed by the Senate on March 2 by a vote of 38-0. It can now be sent to the governor.

SB 494 / HB 323 - Fish and Wildlife Conservation Commission

These bills mainly address boating and derelict vessel issues – Most significantly, activities within specified waterways and conditions for determining vessels at risk of becoming derelict. Legislation:

- Prohibits local governments from designating public bathing beach & swim areas within specified waterways,
- Repeals provisions relating to derelict vessels & relocation & removal of such vessels, and
- Authorizes FWCC to provide derelict vessel grants to local governments.

SB 494 passed the Senate by a vote of 39-0. The House laid HB 323 on the table and passed the Senate bill 112-1. It now goes to the governor.

HB 7053 / SB 1940 – Statewide Flooding and Sea Level Rise Resilience

CS/SB 1940 was heard on Monday, February 28, in the Appropriations Committee and reported favorably. The bill was placed on the Senate’s calendar on second reading.

CS/SB 1940:

- Retains the creation of the Statewide Office of Resilience headed by a Chief Resilience Officer.
- Requires the Department of Transportation (DOT) to develop a resilience action plan for the State Highway System. The plan, which includes identified goals and required components, must be submitted to the Governor and the Legislature by June 20, 2023. A status report reviewing updates to the action plan and associated implementation activities is required every third year on June 30, thereafter.
- Makes various revisions to s. 380.093, F.S., relating to statewide resiliency funding and planning.
- Adds drainage districts, erosion control districts, and regional water supply authorities to the entities that may submit a list of proposed projects to DEP that mitigate the risks of flooding or sea-level rise on water supplies or water resources.
- Directs surveyors and mappers, beginning January 1, 2023, to submit digital copies of the elevation certificates they complete to the Division of Emergency Management (DEM) as outlined on DEM’s website.

CS/HB 7053 was heard by the House on Tuesday, March 1 and was passed by a vote of 114-1 and was sent to the Senate.

This bill:

- Specifies the duties of the Statewide Office of Resilience and Chief Resilience Officer;
- Requires DEP to prepare a report regarding flood resilience and mitigation efforts in the state;
- Revises the definitions of “preconstruction activities” and “regionally significant assets”; and
- Expands the types of special districts that may submit proposed projects for the Statewide Flooding and Sea Level Rise Resilience Plan.

Ed Chase, Director of Intergovernmental Affairs
Phone: 561-355-2030 Email: EChase@pbcgov.org

Daniela Bocanegra, Legislative Aide
Phone: 561-355-3452 Email: DBocanegra@pbcgov.org

Palm Beach County Department of Legislative Affairs
301 N. Olive Ave. Suite 701
West Palm Beach, FL33401