



PBC 2022

Legislative Update

Department of Legislative Affairs

Week 5: February 7 - February 11

The Florida Legislature's 60-day session reached its halfway point Wednesday. So, let's dive into a recap of a few big issues this session. Remember: if you want to read more about bills mentioned visit myfloridahouse.gov or flsenate.gov.

Healthcare

- Senate Republicans appear poised to approve the confirmation of state Surgeon General Joseph Ladapo, who has drawn heavy opposition from Democrats because of his views on COVID-19. Lawmakers also are looking at issues such as staffing standards for nursing homes, which face worker shortages.
- Legislation that would continue liability protections from COVID-related claims and lawsuits filed against health care providers passed on the House floor Thursday with a 87-31 vote. The Legislature passed the protective measure last year but the law has an expiration date that only grants immunity through March 2022. The full Senate already passed SB 7014 by a 22-13 vote late last month. The measure extends liability protections until June 1, 2023 following the governor's approval.
- Florida's proposed 15-week abortion ban bill brought another crowd of people hoping to testify on the measure at its final committee stop but even after members waived their time to debate, members of the public were only given 45 seconds to speak. The House Health and Human Services Committee advanced the legislation on Thursday with a 14-7 vote along party lines. HB 5 would ban abortions in the state after 15 weeks and revamp legal definitions of gestation.

Insurance

- With homeowners seeing hefty rate increases or losing policies, it remains unclear how lawmakers will address problems in the property-insurance system. A Senate proposal, in part, targets roof-damage claims that insurers blame for increased costs. A House proposal focuses on issues related to the state-backed Citizens Property Insurance Corp.

Taxes

- Lawmakers near the end of the legislative session will likely agree on a tax-cut package, though it remains unclear whether they will approve a DeSantis proposal to suspend gasoline taxes for five months starting July 1. Lawmakers are looking at increasing the homestead property-tax exemption for teachers, military members and first responders.

Environment

- SB 494 Fish and Wildlife Conservation Commission was passed by the Senate in a 39Y, 0N vote on Thursday. The bill revises laws administered by the Fish and Wildlife Conservation Commission (FWC) and other law enforcement entities. The bill will have an indeterminate fiscal impact on the FWC as the derelict vessel removal grants to local governments will be subject to appropriation.
- HB 717 Agritourism has been placed on the Calendar for second reading after being passed by the State Affairs Committee. Prohibits the denial of an agricultural land classification solely due to the conduct of an agritourism activity. Qualifying lands under the agricultural land classification are allowed lower tax assessments. The land must be considered agriculture in nature so long as the structure is an integral part of the agricultural operation.
- SB 2508 was approved this past week by the Senate Appropriations Committee amid lengthy discussion over exactly what the measure even does – with the bill's author defending it to critics who he said were misled on what it would do. The bill ensures state control over Lake Okeechobee water supply levels that prioritizes current users. It directs SFWMD to protect current users when making recommendations to the Army Corps and would require them to follow state rules on water shortages that take effect on January 1st.

Some environmentalists oppose the language and accuse the bill of protecting the sugar industry, however the Chair stated it was imperative that the state is able to manage water supply levels especially for South Florida areas impacted by lower levels. Governor DeSantis publicly criticized the legislation stating “SB 2508 is being rammed through the budget process, short-circuiting public engagement and leaving affected agencies in the dark.” On Thursday, DeSantis joined the chorus of skepticism on the measure. "I have been a champion for Everglades restoration and oppose any measure that derails progress on reducing harmful discharges and sending more water to the Everglades," DeSantis said in a released statement. "Moreover, I reject any attempt to deprioritize the EAA Reservoir project south of Lake Okeechobee."

Senate President Wilton Simpson responded that the state had invested billions in Everglades restoration and other water improvements and that the bill would keep state efforts going in the face of a threat to cede more authority on the issue to federal agencies. He also said, “No Senator has to check in with a state agency before filing a bill.” He added that he reports to his constituents, not appointed bureaucrats, referring to the South Florida Water Management District who complained about not being consulted in advance on the bill.

- The Senate Environment and Natural Resources Committee approved Sean Hamilton as the Secretary of the Department of Environmental Protection on Monday. His confirmation now heads to the Senate Ethics and Elections Committee, prior to floor consideration and a vote from the full Senate. Gov. Ron DeSantis appointed Hamilton, who previously served as interim secretary of the agency, on Aug. 31, 2021.

Condominium Safety & Inspections Bill

- A House committee on Thursday approved legislation to strengthen financial requirements on condominiums in a bid to make sure needed repairs are made to avoid disastrous structural failures like the one that happened last year in Miami-Dade County where a high-rise condo building in Surfside crumbled to the ground killing nearly 100 people. The measure (PCB PPE 22-03) was passed unanimously by the House Pandemic and Public Emergencies Committee, sending the proposal to the full House for consideration. The measure is backed by leadership in both chambers and expected to pass. The increased financial requirements won't come without cost to condo owners, who could see association fee increases. The bill also requires earlier and more frequent inspections and re-certifications of the structural safety of condo buildings, calling for structural inspections and reports starting 25 years after completing construction for buildings within three miles of the coastline, and beginning 30 years for other buildings after the condo has been built. Condominiums would also be required to be inspected every 10 years following. The measure also requires more public disclosure of inspection reports and information about the amount of financial reserves held by condo associations. Similar measures in the Senate are also moving. Both SB 1702 and SB 7042 have one more committee to clear. All of the bills include recommendations made by the architects and engineers involved in the Surfside Working Group.

Education

Bill to Create Term Limits for School Boards:

- School board members would retain their regular salaries – though they'd face term limits – under a significant amendment added to a closely-watched bill this week and approved by the full House on Thursday. The bill originally would have eliminated salaries for all local school board members but was amended during the committee process to allow for per-meeting pay, capped at \$4,800 per year. In its current form, HB 1467 now creates term limits for school board members and restores their current salary. School board members will have to follow similar term limit rules in place for state legislators, a maximum of 8 consecutive years. However, the provision is not retroactive.

College Presidential Candidates Identity Protection:

- After several years of trying, backers of a measure to put privacy protections in place for applicants for state university president jobs won approval of the idea in the Senate Thursday. The proposal (SB 520) garnered 28 Senate votes, just over the two-thirds threshold for public records law exemptions, sending the bill to the House, which is contemplating a similar – though not identical – bill (HB 703).

School Districts that Defied Mask Rules Would Be Punished in House Budget:

- The House Appropriations Committee on Wednesday approved a proposal that would cut \$200 million from the budgets of a dozen school districts that defied Gov. Ron DeSantis and legislators by requiring students to wear masks to combat the spread of COVID despite a state law banning such mandates. Alachua, Duval, Brevard, Broward, Hillsborough, Indian River, Leon, Miami-Dade, Orange, Palm Beach, Sarasota and Volusia counties all had mask requirements during the height of the pandemic. Budget legislation approved Wednesday by the House panel would cut \$200 million from those districts' budgets. That money would be shifted to the budgets of the 55 other districts that didn't put mask mandates in place.

Ban on Discussing Sexual Orientation in Schools:

- Republican-backed legislation (HB 1557, SB 1834) that advanced on Tuesday in the Senate would prohibit discussions of sexual orientation or gender identity in schools. Supporters, including Gov. Ron DeSantis, say the measures are aimed at asserting the rights of parents to control what their kids learn in school. The proposal cleared the Senate Education Committee by a 6-3 vote, with one Republican noting that the classroom discussion provision may be too broad. Opponents worry the proposal could be detrimental for some children's well-being, especially LGBTQ youth and kids living in abusive households. The Senate bill has two more committees to clear and a similar House companion has one more committee stop.

Prohibiting Teaching About Institutional Racism:

- An effort to regulate how Florida students and employees think about the role of race and racism in the country cleared its final committee on Tuesday in the House after a heated debate and more than 100 people signing up to testify - most in opposition. HB 7 seeks to reduce the influence of "critical race theory" in schools and businesses, including limiting the idea that people should feel guilt for past actions by people of their race. The bill sponsor amended the bill in the House Education and Employment Committee on Tuesday, with changes including requiring the Department of Education to create a curriculum featuring motivating stories throughout American history. The proposal now heads to the House floor with Democrats opposing the measure. A similar Senate version, SB 148, still has one more committee stop.

Financial Literacy Class Requirement

- Florida high school students would have to take a class on financial literacy and money management to graduate under a bill (SB 1054) called the Dorothy L. Hukill Financial Literacy Act that was approved Tuesday by the Senate Education Committee. The House version of the bill (HB 1115) passed its first committee earlier in the week. The Senate measure goes now to the Rules Committee.

Elections

- The House and Senate have started moving forward with proposals that include adding steps for voting by mail and creating a state office to investigate alleged election irregularities. Republicans contend the bills would help curb fraud, while Democrats say they would make it harder for people to vote. Language allowing Palm Beach County to offer two additional “wild card” early voting sites did not make it into the current version, but efforts continue to have it returned to the bill.

Supreme Court Refuses Request for Opinion on North Florida Congressional District

- The Florida Supreme Court unanimously rejected Gov. Ron DeSantis' request to review the legality of a North Florida congressional district on Thursday. DeSantis had asked the court for an advisory opinion on a majority African-American Congressional district in North Florida that stretches from Jacksonville to Gadsden County. A proposal from the governor's office for a new congressional district map doesn't have a minority congressional district across North Florida but the state constitution requires some districts to be drafted in a way that permits minorities to elect candidates of their choice. The governor had asked whether that requirement might be unconstitutional. The Supreme Court found that it was unable to answer the governor's question since there was no full map of the congressional districts presented to the court, making it impossible to do a statistical analysis of the districts. Upon hearing this decision, the House scheduled a Congressional Redistricting Committee meeting for Monday morning, but canceled it shortly after announcing it.

Budget: House, Senate Budget Committees Approve Proposed Spending Bills

- Appropriations committees in the House and Senate on Wednesday approved budget bills setting them up for passage by the respective chambers and negotiations over the differences. The Senate Appropriations Committee unanimously passed SB 2500, without extensive debate, on Wednesday. Over 100 amendments were added through a consent process, also without debate. Those amendments included \$250,000 for the RESTORE Reentry Program and \$250,000 for the Homeless Resource Center 2 Project, and we thank Sen. Bobby Powell and Sen. Lori Berman for their work on those successful amendments. The House Appropriations Committee was more divided, voting 20-9 to approve the House budget proposal (PCB APC 22-01). Both measures are now ready for floor debate and amendments. The budgets are just over \$3 billion apart, with the House bill at \$105.3 billion and the Senate plan proposing \$108.6 billion in spending.

Other

Immigration:

- In a priority of Governor DeSantis, Republican lawmakers are pursuing bills that seek to boost immigration enforcement and penalize companies that transport undocumented immigrants into Florida. Opponents contend, in part, that the bills could prevent unaccompanied immigrant children from being brought into Florida for care and shelter.

Hotel Rooms by the Hour:

- A measure (SB 1852) approved Tuesday by the Senate Regulated Industries Committee would prohibit the renting of motel or hotel rooms, or vacation rentals, by the hour in a bid to fight human trafficking for prostitution. The committee approved an amendment to the bill to toughen penalties for people who solicit or procure another person to commit prostitution. The measure goes next to the Senate Commerce and Tourism Committee. The House companion, HB 1439, awaits a vote on the House floor.

Home Protest Ban:

- Committees in the House and Senate advanced legislation on Tuesday that puts restrictions on protests in front of homes. SB 1664 and HB 1571 would ban people from picketing or protesting outside a person's residence. Under both measures, protestors caught harassing or disturbing a person's home could be charged with a second degree misdemeanor. Both proposals have one more committee stop.

Other

Prohibiting Pop-Up Events:

- Bills gaining traction in both the House and Senate would allow law enforcement to crack down on pop-up events and also ban loud music from cars. The House bill, HB 1435, passed the Tourism, Infrastructure and Energy Subcommittee on Tuesday and defines pop-up events as unpermitted gatherings of at least 50 people organized on social media that disrupt traffic. The Senate version (SB 1954) differs by requiring the group to be made up of at least 200 people. Cars at the events could be impounded for non-criminal traffic infractions with twice the amount of fines. Organizers and promoters of the event would also be required to pay the city for police and other expenses. Additionally, the proposals ban cars and trucks from playing loud music that can be heard 25 feet away but exceptions for businesses are included in the provisions. Both measures have one more committee to clear before they're ready for their respective chamber floors.

More Bills Affecting Palm Beach County

SB 974 / HB 985 – Sovereign Immunity:

- A measure raising the threshold in legal actions against the government before requiring a claims bill was approved Tuesday in a Senate committee. The bill (SB 974), again raising the cap to \$1 million per person and \$3 million per incident before requiring legislative relief, was approved on a 6-3 vote in the Senate Community Affairs Committee. The committee approved an amendment allowing the higher thresholds after lowering the amounts at a previous committee stop. The House bill, with similar cap increases, is in its final committee; Judiciary.

SB 1326 / HB 513 – Comprehensive Review of the C&SF Project:

- CS/SB 1326 was heard on Tuesday, February 8, by the Community Affairs Committee. The bill was reported favorably as a CS. The CS clarified the name of the study about which the SFWMD must prepare a report and clarified the specific information that must be included in the report. The bill has one remaining committee: Rules. CS/HB 513 has been added to the House Second Reading Calendar and can be taken up by the full House.

SB 1078 - Soil and Water Conservation Districts:

- On Tuesday, February 8, SB 1078 was heard in the Ethics and Elections Committee. The bill was reported favorably as a committee substitute. The bill has one remaining committee of reference: Appropriations. The Committee Substitute:
 - Clarifies that candidates for supervisor of Soil and Water Conservation Districts must be eligible voters of the subdivision they will be elected from, and actively engaged in, or retired after 15 years being engaged in, agriculture per s. 570.02, F.S., or employed by agricultural producer.
 - Provides that if a subdivision does not have a qualified candidate one week before the qualifying period, any qualified candidate in the district can seek to be elected in that subdivision.
 - Requires candidates for supervisors to submit a statement affirming they meet the requirements per statute.
 - Requires all supervisors to seek election in the 2022 general election.

There is no House companion.

CS/CS/SB 962 (CS/CS/HB 981) – Mixed-use Residential Development Projects for Affordable Housing:

- On Thursday, February 10, CS/CS/SB 962 was heard by the full Senate. One amendment was adopted, and the bill passed the Senate by a vote of 39-0. Amendment barcode 163574 changed terminology throughout the bill from “sponsor” to “developer.” CS/CS/HB 981 can now be taken up by the full House. 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 1542 / HB 673 - Tourist Development Taxes:

- HB 673 was heard in the House Tourism, Infrastructure & Energy Subcommittee, and passed an amendment to the bill that would clarify that fiscally constrained counties could not use the funds to supplant normal operating expenses; rather they would have to be used to reimburse EMS or public safety services for tourism or special events. The amendment was offered after several committee members had concerns, including members of the Palm Beach County Delegation. HB 673 has two more committee stops. The Senate companion, SB 1542, has not been heard in any committee.

More Bills Affecting Palm Beach County

CS/CS/HB 635 (SB 1020) – Building Plan Changes:

CS/CS/HB 635 was on the agenda on Monday, February 07. The bill was reported favorably as a committee substitute. The CS:

- Requires local governments that make substantive changes to building plans to notify the permit holder of the specific reasons for changes.
- Prohibits local governments from making substantive changes to plans after a permit has been issued unless the changes are required for compliance with the Building Code or the Fire Prevention Code.
- Requires a building official or inspector who requests another person review building plans, notify the local government if such person determines the plans do not comply with the Building Code.
- Requires a local fire official to notify the permit applicant if building plans do not comply with the Fire Prevention Code and give specific reasons why the plans are not in compliance.
- Allows a plans reviewer, inspector, building official or fire safety inspector to be disciplined for failure to notify the appropriate person of the reasons for making substantive changes to building plans.
- Prohibits local governments from prohibiting or restricting private property owners from demolishing single-family buildings that are in certain flood zones, while exempting certain historic buildings.
- Limits the review process for applications for such demolition permits and provides that such applications may not be subject to additional local regulations or public hearings.
- Prohibits local governments from requiring additional building requirements for new homes built on the construction site of such demolished single-family buildings.
- Removes the provision that incorrectly identified the local inspector or fire safety inspector as a person who denies a permit application or revokes a building permit.

The bill has one remaining committee of reference: the Commerce Committee. The Senate bill, SB 1020, which was identical to the House Bill prior to the CS, has three committees of reference: Community Affairs, Banking & Insurance, and the Rules Committee.

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