



PBC 2022

Legislative Update

Department of Legislative Affairs

Week 6: February 14 - February 18

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Healthcare

SB 804 / HB 1239 - Nursing Home Facility Staffing Requirements

The House Health Care Appropriations Subcommittee advanced legislation on Monday that would allow nursing homes to reduce the number of hours devoted to direct patient care provided by certified nursing assistants. HB 1239 would also allow long-term care facilities to assign staff with less training to fulfill a portion of direct care hour requirements. Supporters of the bill say the nursing home industry needs more flexibility when it comes to staffing and caring for residents, especially during a health care worker shortage exacerbated by the pandemic. Opponents claim that facilities are just trying to save money by cutting minimum standards. The proposal passed on a 9-4 vote and has 8one more committee to clear. A similar Senate version (SB 804) also only has one more committee stop. Towards the end of the meeting, the Committee Chair noted that the subcommittee might not meet again this session.

SB 1184 / HB 687 - Free Speech of Health Care Practitioners

A bill that would prevent Florida health care licensing boards from sanctioning Florida doctors for publicly-stated opinions was approved Monday by the House Professions and Public Health Subcommittee. Opponents say the bill politicizes medicine and could cause disinformation to spread while supporters say the legislation merely reinforces the foundational American principle of freedom to offer opinions publicly, including on social media sites. HB 687, called the "Free Speech of Health Care Practitioners" bill, passed on a 12-5 vote and has two more committee stops in the House. A similar Senate companion, SB 1184, is awaiting consideration in its final committee of reference

SB 146 / HB 5 - Reducing Fetal and Infant Mortality

The House early Thursday morning passed a ban on abortions after 15-weeks after hours of debate through the night on Wednesday. The bill (HB 5) passed 78-39 and now heads to the Senate. The measure would ban abortions in the state after 15 weeks and revamp legal definitions of gestation. It would also include other pregnancy initiatives, such as requiring a tobacco use prevention program and providing money for fetal and infant mortality review committees. The proposal has no exceptions for rape, incest or human trafficking, but would allow for abortions in extreme cases of serious medical emergencies affecting the mother, or if fatal fetal abnormalities are present. The legislation would also require two separate physicians to certify in writing that termination of a pregnancy is necessary to save the pregnant person's life. A similar, yet not identical Senate companion, SB 146, recently passed its first committee of reference and has one more committee stop.

SB 498 / HB 79 - Insurance Coverage for Hearing Aids for Children

Health insurance providers would be required to cover at least \$3,500 per ear for children from birth through age 18 under a proposal that unanimously passed the House Finance and Facilities Subcommittee on Wednesday. The sponsor of HB 79, shared a personal and emotional story about his son who had to undergo surgery at a young age to get hearing devices implanted. He said the measure is an investment and will help tens of thousands of children across Florida. The bill has two more committees to clear but a similar bill (SB 498) already gained approval from the full Senate earlier this month.

Administration

SB 1044 / HB 719 - Swim-up Bars

An issue followed closely by Patrick Rutter, in-pool swim-up bars would be allowed in hotel, theme park and entertainment complex swimming pools under legislation (HB 719) approved Tuesday by the State Administration and Technology Appropriations Subcommittee. Currently, health rules prohibit swim-up bars in Florida public pools. This bill has yet to be heard by the Senate.

SB 920 / HB 737 - Electric Vehicle Transportation Electrification Plan

Legislation that cleared a House committee on Tuesday requires state regulators to make rules on putting electric vehicle charging infrastructure in place that open up the market for providing the electricity and charging system to competition, seeking to end an advantage that currently exists for the state's public electric utilities. The bill (HB 737), approved Tuesday by the House Tourism, Infrastructure and Energy Subcommittee on a 13-3 vote, would no longer allow electric utilities pass on the cost of developing charging stations to residential electricity customers, which some say provides an unfair advantage for the utilities to take the lead in providing the service.

SB 224 / HB 105 - Regulation of Smoking in Public Places

A bill attempting to keep cigarette butts off Florida's beaches is ready for the Senate floor after passing the Senate Rules Committee on Tuesday. SB 224 would allow cities and counties to enact new local restrictions on smoking on beaches, updating the "Florida Clean Indoor Air Act." The proposal was amended to allow for cigar and vape smoking on beaches as long as they don't have filters and was recently amended again to require signage at beaches where smoking is banned. A similar House companion (HB 105) passed its final House committee on Thursday.

SB 1954 / HB 1435 - Code and Traffic Enforcement

A proposal to allow Florida law enforcement to crack down on pop-up street racing and stunting events and also ban loud music from cars cleared its final committee in the Senate and is now ready for the floor. SB 1954 passed the Senate Rules Committee on Tuesday with an 11-6 vote. The measure defines pop-up events as unpermitted gatherings of at least 200 people organized on social media that disrupt traffic. Cars at the events could be impounded for non-criminal traffic infractions with twice the amount of fines. Organizers and promoters of such events 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. A similar yet not identical House bill (HB 1435) has one more committee stop.

SB 190/HB 195 - Controlled Substances

Prosecutors could more easily bring murder charges against people who provide drugs to overdose victims under legislation approved Tuesday by the Senate Rules Committee. Currently, prosecutors sometimes have trouble filing murder charges in such cases because it's hard to prove a particular drug alone was the cause of the victim's death, because other drugs or alcohol may have also been in their system. The bill (SB 190) would no longer require prosecutors to prove a particular drug was the sole direct cause of death and instead allow a murder conviction if prosecutors prove the drug was a "substantial factor" in producing the user's death. The bill also adds methamphetamine to the list of prosecutable controlled substances in such cases, and increases penalties for drug sales near substance abuse treatment centers.

SB 280 / HB 403 - Local Ordinances

A bill that would set out a path for businesses to sue to block enforcement of local ordinances was approved Wednesday by the House Civil Justice and Property Rights Subcommittee, sending the measure to its final committee stop before a floor vote in the chamber. 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 proposed legislation would also require governments to draft a “business impact estimate” for every ordinance. Backers of the legislation say it will reduce individual preemption measures where the Legislature seeks to take control of an issue to keep local governments from enacting proposals that lawmakers believe harm constituents. HB 403 moves to its final committee, State Affairs; SB 280 passed the Senate earlier in the Session.

SB 170 / HB 159 – Public Records/Lottery Winners

The Senate on Thursday passed a bill (HB 159) allowing people who win Lottery prizes over \$250,000 to remain anonymous for a period of time. The measure had passed the House earlier and now goes to the governor. Senate bill sponsor Sen. Tina Polsky, was asked why the threshold for keeping Lottery winners' identities secret was set at \$250,000 instead of a lower amount, and responded that Lottery officials have concerns about not being able to publicize Lottery winners, for fear that it would reduce the number of people buying tickets. The bill now goes to the Governor for signature.

SB 7042 / HB 7069 - Condominium and Cooperative Associations

A proposal that seeks to increase condominium-building inspections and financial reserves is ready to be considered by the Florida House. The proposal (HB 7069), stems from the collapse last year of the Champlain Towers South condominium building in Surfside that killed 98 people. The bill, in part, would place inspection requirements on condominium buildings that are three stories or higher. Inspections by engineers or architects would be required to “recertify” buildings that have been occupied for 30 years — or 25 years if the buildings are within three miles of the coastline. After initial recertifications, the buildings would have to go through the process every 10 years. If inspections determine that “there is substantial structural deterioration,” another round of inspections would be required, according to the bill. Condominium associations would need to make repairs of problems detailed in the second rounds of inspections. The bill also would require associations to conduct what are known as “reserve” studies every 10 years to try to ensure they have sufficient money to make repairs. HB 7069 moves to the House floor; SB 7042 is in its final committee; Appropriations.

HB 71 - Abatement of Taxes for Residential Dwellings Rendered Uninhabitable by Catastrophic Event

A House committee on Monday unanimously approved legislation (HB 71) that would give homeowners whose residences were made uninhabitable by natural or man-made disasters for at least 30 days to apply for local tax abatements. Rep. Marie Woodson, the sponsor of the bill, said the measure was inspired in part by the collapse of the Champlain Towers South condo in Surfside last June. The proposal was approved Monday in the House Local Administration and Veterans Affairs Subcommittee, but still faces two committee hearings before the House floor. An identical Senate measure (SB 568) is yet to have a committee hearing.

SB 96 / HB 7025 – Emergency Preparedness and Response Fund

On Thursday, the Governor signed into law legislation creating a discretionary emergency account to be used after declared disasters. The bill requires that funding, for the resources to respond to a disaster, first come from funds specifically appropriated to state and local agencies for disaster relief or response. If those funds are insufficient, authorizes the Governor to make funds available by transferring and expending moneys in the Emergency Preparedness and Response Fund. The bill authorizes the Governor to request the Legislative Budget Commission to approve a request to transfer additional funds to the Emergency Preparedness and Response Fund.

SB 2508 - Environmental Resources

After receiving assurances from the sponsor that a complicated environmental measure that drew intense opposition during the committee process wouldn't jeopardize work on the Everglades Agricultural Area, or EAA, Reservoir and wouldn't unduly shift the balance of how water is used more toward agricultural interests, the Senate easily approved the proposal Thursday. Passage of the bill (SB 2508) on a 37-2 vote came after approval of an amendment meant to try to clarify the measure in the face of a vocal opposition campaign that arose as the bill went through committee and resulted in people who make their livings from the water, including several fishing guides, coming to Tallahassee to lobby against the bill. Gov. Ron DeSantis also criticized the measure and how it was crafted.

Senators had several questions on floor, seeking assurance from the bill's main author, Sen. Ben Albritton, on the issues raised by opponents – which Albritton had maintained all along were a misunderstanding of the language in the legislation. Albritton said the amended bill doesn't affect funding for the EAA, which remains at \$64 million a year in the under-consideration budget, and said he doesn't believe anything in the bill gives more priority to agricultural water users than they already have. The measure directs state water management officials to follow in-place plans when dealing with the Army Corp of Engineers on managing the flow of water across South Florida. Albritton said there was "potentially" concern that the South Florida Water Management District wasn't protecting state water rights already set out in plans for apportioning use when dealing with the Army Corps of Engineers, cautiously echoing a concern raised by Senate President Wilton Simpson who charged recently that the Biden Administration was trying to change the way the ecosystem is managed. The conforming bill now goes to the House for consideration in the budget process.

Redistricting

House Republicans on Friday advanced a map for new congressional lines Friday that includes a disputed North Florida district closer to what the Senate proposed than what Gov. Ron DeSantis has sought. Still, the Republican-controlled House Congressional Redistricting Subcommittee voted along party lines to approve a plan (PCB CRS 22-01) that could add two seats for the GOP in Florida's congressional delegation. Democrats and other critics of the map contend the proposed map would not fully reflect the growth of Hispanic and Black populations in Central Florida and South Florida. But subcommittee Chairman Tyler Sirois, R-Merritt Island, said the House has engaged lawyers and outside experts to provide assistance with statistical analysis in anticipation of litigation.

The proposal would need approval from the House Redistricting Committee, which is scheduled to meet Thursday, before it could go to the full House. Ultimately, the Senate and House will have to reach agreement on a congressional map that then would go to the DeSantis.

Budget

The House on Wednesday voted 102-14 to approve its proposed \$105.3 billion budget for the coming fiscal year. Much of the debate on the House floor focused on a part of the education budget that seeks to punish districts that defied a state order against requiring masks in schools. The provision shifts new dollars away from those districts and toward the 55 districts that did comply with the mask mandate ban. Several Democrats said they generally thought most of the budget was worthy of support, but were declining to vote for it because of the mask punishment item. 13 Democrats and one Republican in the House opposed the House proposal. Many House Democrats — even those who voted for it — critiqued several portions of the plan, including withholding \$200 million from 12 school districts, cuts to Medicaid, and the lack of funds for the State Apartment Incentive Loan (SAIL) and State Housing Initiatives Partnership (SHIP) programs.

House members also spent considerable time on Tuesday discussing the PreK-12 education budget, which several Democrats complained had become a vehicle for making a political statement. The House's proposal, while increasing per-student spending, includes a provision that takes \$200 million from 12 school districts that defied the state's ban on mask mandates. All districts will receive additional money under the proposal, but the 55 districts that didn't mandate masks will get more. The House PreK-12 Appropriations Subcommittee chair, told concerned members that the Legislature has the right to use the "power of the purse" to hold local school districts accountable. The overall House education budget shows an 11.9% decrease from the current fiscal year due to the House not including billions in federal COVID relief funds. The Senate's does rely on federal money, and Fine said that difference would be ironed out in budget conference committees. Gov. DeSantis announced his support of this issue on Tuesday.

The Senate on Thursday unanimously passed its \$108 billion budget proposal – the largest in state history. Bipartisan approval of the Senate's plan, with almost no debate, certainly differed from the process in the House. The chambers are set to begin the conference process and have until March 8 to agree on a budget to vote on and send to Gov. Ron DeSantis to finish the session by the scheduled end date of March 11.

PCB Ways & Means Committee 22-01

The House Ways and Means Committee on Thursday unanimously supported a broad tax package that would provide what supporters say would be some of the largest tax cuts in Florida history. The Committee proposed legislation that includes four sales tax holidays, a reduction in property taxes for qualifying individuals, and other tax cuts for consumers. What the bill doesn't include, however, is a gas tax break supported by Gov. Ron DeSantis. PCB WMC 22-01 includes the "Freedom Week" sales tax holiday for the second year in a row, offering a break on purchases such as outdoor gear and tickets to sporting events, state parks and museums. The annual back-to-school sales tax holiday would expand from 10 days to 14 and a new sales tax holiday would be added for skilled workers' tools that would last a week through Labor Day. Additionally, a disaster preparedness sales tax holiday was amended to include pet items necessary for evacuation, such as kennels, carriers and food. The added pet-related items were pushed by a Girl Scouts troop that attended the committee meeting. The proposal would also 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. Floridians purchasing ENERGY STAR refrigerators, washers, dryers and water heaters, would also pay less in sales tax for six months. Provisions in the tax package include bills sponsored by both parties.

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

A leadership-backed proposal offering a property tax break for some public service employees passed in its final committee stop on Thursday. HB 1 was approved by the House State Affairs Committee on a 20-1 vote and now heads to the floor. The lone no vote was offered by Rep. Rick Roth of Palm Beach County, voicing concerns on fairness to workers who rent and the financial impact on local governments. It would give an additional \$50,000 homestead property tax exemption for public service workers such as teachers and first responders. The joint resolution, if passed by the Legislature, would still ultimately have to be ratified by Florida voters during the next general election. Its companion bill (HB 1563), which provides conditions and requirements for the exemptions along with the ballot language, also passed the committee. The Senate versions, SB 1746 and SB 1748 have one more committee to clear.

Other Bills Moving This Week

SB 160 / HB 37 - Pahokee Road Designation

Names the Deputy Sheriff Donta Manuel and Deputy Sheriff Jonathan Wallace Highway designation in Pahokee. SB 37 passed its second of three committees on Wednesday. HB 160 is waiting to be heard in its final committee, Commerce.

SB 578 / HB 837 - Hurricane Loss Mitigation

Delays the future repeal of the Hurricane Loss Mitigation Program. HB 837 passed the House Infrastructure & Tourism Appropriations Committee on Wednesday and has one more committee; Commerce. SB 578 has one committee remaining; Appropriations

SB 800 / HB 685 - Economic Development - Glades Rural Issues

HB 685 Passed the Commerce Committee on Thursday, and now heads to the House floor. SB 800 has one more committee remaining; Appropriations.

SB 934 / HB 699 - Public Records/Homelessness Counts and Information System

Provides an exemption from public records requirements for individual identifying information contained in certain homelessness counts and information systems. HB 699 passed the House Health and Human Services Committee on Thursday, its final committee, and now heads to the floor. The Senate bill has already passed, 38-1.

SB 1124 / HB 943 - Preemption of Local Government Wage Mandates

Revises prohibitions relating to political subdivisions enacting, maintaining, or enforcing wage mandates in an amount greater than the state or federal minimum wage. HB 943 was to be heard in the House State Affairs Committee on Thursday, but was pulled from the agenda at the last minute. The State Affairs Committee meets two more times. SB 1124 remains in its 2nd of 3 committees.

SB 1194 / HB 777 - Local Tax Referenda Requirements

Requires referenda elections related to tourist development taxes, tourist impact taxes, and children's services and independent special district property taxes to be held on the day of a general election; requiring referenda elections related to increases in county and municipal ad valorem tax millages to be held on the day of a general election; requiring referenda elections related to local option fuel taxes to be held on the day of a general election. HB 777 passed the State Affairs Committee on Thursday and was placed on the Special Order Calendar. Work continues to tighten this language to allow fiscally constrained counties some relief. SB 1194 is in its last Senate Committee.

SB 1542 / HB 673 - TDC Taxes

The bill:

- Provides that a fiscally constrained county located adjacent to the Gulf of Mexico or Atlantic Ocean may use up to 10 percent of TDT revenues received to reimburse for expenses incurred in providing public safety, even if a county does not meet the requirements to do so under current law;
- Clarifies if TDT taxes are used in this manner, they must be to reimburse expenses for public safety services necessary to address impacts related to increased tourism and visitors to an area; and
- Clarifies that counties who opt to use TDT revenues for these purposes may not use this money to supplant the normal operating expenses of an emergency medical services department, a fire department, a sheriff's office, or a police department.

We are keeping a close eye on this one because expansion of the use of TDT dollars dilutes their current uses. HB 673 passed the Ways and Means Committee on Thursday and moves to its final committee. SB 1542 has yet to be heard in the Senate, which means the bill is likely dead this Session. We will monitor other vehicles in case the issue is amended onto one of them, like the tax package.

SB 494 / HB 323 – Fish and Wildlife Conservation Commission

The bill does not yet include the language to match the Senate amendment, so this bill still inadvertently prohibits the creation of public bathing beaches when near the Intracoastal Waterway. Work continues with staff to see if the bill will

be amended in (H) State Affairs Committee or if it will be done on the House floor.

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

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. CS/SB 1326 was passed by the Rules Committee and now moves to the full Senate. HB 513 has been added to the House Second Reading Calendar and can be taken up by the full House.

SB 1078 / HB 783 – Soil and Water Conservation Districts

The bill, as now amended:

- 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.

HB 513 has one remaining committee of reference: State Affairs. SB 1078 has one remaining committee: Appropriations.

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