

MEMORANDUM

TO: NAIOP
FROM: GrayRobinson
DATE: January 20, 2023
SUBJECT: 2023 Legislative Session – Committee Week 3 Summary (January 17-20)

There was no inauguration. There was no special session. It was just committee work and there was plenty. Beyond that, several non-committee headlines took center stage as the week unfolded, including an education choice bill, an Advanced Placement class cancellation and continued hurricane relief.

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

NAIOP Activities

The GR team spent most of the week coordinating attendees for NAIOP's Day at the Capitol, in partnership with ICSC. In addition, the team made the rounds on the business rent tax with appropriation staff, and with the regulated industries staff to discuss fire antennas.

Summary of Committee Week Three (January 17-20)

House Bill 1 – School Choice

Order matters, and that is never more true than in the decision of what bill number to assign to legislation. Traditionally, the lower number bill slots are reserved for Speaker priorities. And while bill slot numbers 3, 5, 7 and 9 (the House bill numbers are odd numbers) are important, there is no question which one is the *most* important – House Bill 1. Republican leaders in the Florida House unveiled a significant school choice proposal (House Bill 1) Thursday that would drastically expand eligibility for the state's programs offering students vouchers to attend private schools. A long-expected move for Florida, the House legislation would clear the way for any K-12 student to be eligible for state-funded tuition at a private school of their choice regardless of income. It would also pay parents who home-school. This measure is likely to be one of the banner education

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bills of the upcoming 2023 legislative session as Florida seeks to follow other states like Arizona that have recently passed universal school choice policies.

Notable Other Topics

College Credits?

Florida is barring high school students from taking a new advanced placement course on African American studies over concerns the lessons run “contrary” to state law and that it “significantly lacks educational value.” In the state’s latest crackdown on how race is taught in schools, Florida education officials rejected the course from being implemented in classrooms as the College Board this year launches a pilot program for its development. The Florida Department of Education left the door open for possibly accepting the course eventually, but only if the content is tweaked to meet state guidelines.

Survey Says – Universities Spending Millions on DEI

Florida universities are spending a combined \$34.5 million on diversity, equity and inclusion (DEI) programs in 2022-23 according to the results of a new survey compiled at the request of Gov. Ron DeSantis to scrutinize possible “woke” higher education practices. This funding, of which approximately \$20.7 million comes from state dollars, goes toward high-ranking staff positions such as chief diversity officers on university campuses and faculty leading classes on subjects like “Nationality, Race, and Ethnicity in the United States” and the “Anthropology of Sport.” These programs represent a tiny fraction — less than 1 percent — of the state university system budget across 12 schools and could be closely examined by Republican policymakers during the upcoming legislative session.

Governor Touts Mental Health Funding for Hurricane Ian Survivors

Hurricane Ian survivors will get expanded mental health resources, including crisis counseling, under a \$13.8 million grant Gov. Ron DeSantis has directed the Department of Children and Families to use. Lee, Collier Sarasota, Hardee and DeSoto counties will also be awarded a combined \$1 million from the Florida Disaster Fund to support local teachers. The Florida Disaster Fund is a state-run charitable fund overseen by First Lady Casey DeSantis. Additionally, the governor highlighted that the Division of Emergency Management has obligated more than \$500 million in public assistance funding to the Southwest Florida communities impacted by the Category 4 storm. He said more than 140 travel trailers had been installed so far, with 2,400 additional trailers ordered for residents who lost their homes. "The funding we awarded today is an important part of the recovery process," said DeSantis. "We are committed to cutting red tape and getting temporary housing trailers delivered to these communities as fast as possible so they

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can accelerate the rebuilding process. We will continue to fund programs and fill the gaps for Floridians as they recover after Hurricane Ian."

COVID Theater

At an event that featured a dermatologist who spreads Covid-19 vaccine conspiracy theories, Gov. Ron DeSantis on Tuesday said he will push Florida's Republican-controlled Legislature to make permanent many of his pandemic-era policies that have made him a star with many in the GOP and a potential 2024 presidential candidate. The proposal, announced during a press conference in Panama City, would put into state law many of the policies DeSantis implemented through executive order or were temporarily passed during a 2021 special legislative session. It was at a time when he was actively making himself a counterweight to elected officials in other states who instituted pandemic mitigation measures such as mask and vaccine mandates. "We believe that there is no turning back from our direction," DeSantis said.

FDOT Secretary Perdue Presents Department Progress and Priorities

On Tuesday, the House Transportation & Modals Subcommittee heard a presentation from the Secretary of the Florida Department of Transportation (FDOT), Jared Perdue. Secretary Perdue discussed with the Subcommittee who FDOT is, how they operate, what they are doing now, where they are going, and the growing challenges within the Department. For the current year, FDOT's budget is \$12.6 billion dollars. FDOT's current year investments include:

- Highway Construction: \$4.4 Billion
- Bridge maintenance: \$236.6 Million
- Resurfacing: \$1.2 Billion
- Seaports: \$135.9 Million
- Transit: \$672.8 Million
- Rail/Freight: \$194.3 Million
- Aviation: \$252.7 Million
- Spaceports: \$61.8 Million

Every dollar invested in transportation projects is expected to yield an average \$4 in economic benefits. FDOT's funding sources come from two buckets: 75% of State Funding and 25% of Federal Funding.

The Infrastructure Investment and Jobs Act (IIJA) has provided States with \$974 billion over five years, including \$550 billion for new investments. Florida's federal formula funds increased 35% from \$10 billion to \$13.5 billion, and qualifications for funds do exist. FDOT is hosting information on Discretionary Grants for local agencies in the first quarter of 2023. FDOT has set up an office to assist local communities who are interested in the grants awarded from this Act.

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The Secretary mentioned the Department has an aggressive plan to handle the electric vehicle infrastructure provided through the Act. Over the next few years, FDOT plans to focus on safety, workforce development, technology, communities, resiliency, and robust supply chain. A growing challenge within the state is the rapid growth in population combined with the concentration of said population.

House Addresses Cybersecurity

Garrett Roberts, the General Counsel of the Highlands County Sheriff's Office, shared his county's experience with a ransomware attack earlier this year to the House Energy, Communications, and Cybersecurity Subcommittee. Roberts discussed the impact of ransomware attacks on communities, specifically targeting local governments, law enforcement, and emergency and healthcare providers. In May of 2022, Highlands County Sheriff's Office system was infiltrated with an attack that disrupted the system from within. Roberts discussed how the Sheriff's Office handled the detrimental event and coped with the consequences of the attack.

Jeremy Rogers, the Chief Information Security Officer of the Florida Digital Service, also delivered a presentation on the FL[DS] and its responsibilities. Rogers covered how the agency responds to cyber-attacks, reviews cybersecurity plans for local governments, and ensures the state is postured to effectively defend its constituents. Additionally, he reviewed the specific procedures to conduct risk assessments and report specific threat sightings.

NIL Bill on the Hill

The Florida House on Tuesday introduced a bill aiming to tweak the state's name, image and likeness rules for college student-athletes through changes that would allow schools to get more involved in the deal-making process. The proposal, sponsored by state Rep. Chip LaMarca (R-Lighthouse Point), builds on Florida's 2020 name, image and likeness, or NIL, law that helped spur the NCAA toward creating nationwide policies for compensating student-athletes. The legislation, which unanimously passed its first hearing Tuesday, would clear the way for colleges and universities to help connect athletes with possible endorsements — something that was originally outlawed in Florida law but is being done in other states, creating a disadvantage here.

Current Bill Statistics

Total Bills Filed: 261 (145 House; 116 Senate)

Appropriations Requests Filed in the House: 76

Appropriations Requests Filed in the Senate: 8

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Schedule for Committee Week 3 (January 23-27)

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

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

Schedule for Committee Week 4 (February 6-10)

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

Preview of 2022 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
- January 26, 5:00pm
 - House Deadline for filing drafts of bills for introduction
- January 27, 5:00pm
 - Senate Deadline for filing drafts of bills for introduction

Legislation Tracking (From Lobbytools Folder)

2023 Bills (6)				
Number	Title	Sponsor	Last Action	Date Foldered
HB 0305	Protection of Medical Freedom	Barnaby	01/20/23	01/20/23 12:57PM

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(I: [222](#)) 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 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

HB 0085	<u>Causes of Action Based on Improvements to Real Property</u>	<u>Snyder</u>	01/19/23	01/04/23 08:05AM
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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

SB 0222	<u>Protection of Medical Freedom</u>	<u>Gruters</u>	01/18/23	01/19/23 08:50AM
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(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

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include discrimination protection for vaccination or immunity status, etc. Effective Date: 7/1/2023

01/18/23
SENATE Filed

HB 0213	<u>Limitation of Actions Involving Real Estate Appraisers and Appraisal Management Companies</u>	Borrero	01/17/23	01/19/23 08:44AM
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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

HB 0089	<u>Building Construction</u>	Maggard	01/10/23	01/04/23 08:00AM
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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

HB 0041	<u>Land Development Initiative and Referendum Processes</u>	Garcia	12/23/22	01/04/23 08:02AM
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Land Development Initiative and Referendum Processes: Revises restrictions on initiative and referendum processes. Effective Date: July 1, 2023

12/14/22

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HOUSE Filed

12/23/22

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

12/23/22

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