

SHUMAKER

ADVISORS

2022 FLORIDA LEGISLATIVE SESSION

WEEKLY NEWSLETTER

Week of February 14th - 18th

HIGHLIGHTS

The sixth week of Florida's 2022 Legislative Session concluded today in Tallahassee. There are now three weeks remaining in this year's session, during which time legislators are set to tackle budget negotiations and debate more bills. This week, both chambers approved their budget proposals on the floor and continued moving bills through committees, convening in subcommittee meetings for the final time this session. The remaining 15 business days in Tallahassee will consist mainly of time on the floor, budget conferences, and meetings of the legislature's committees. Also this week, Governor DeSantis approved the first legislation of the year, signing two bills ([SB 96](#)/[SB 98](#)) that create and fund a \$500 million pot of money under the discretion of the Governor for use during unforeseen emergencies, such as hurricanes and pandemics.

ON THE GOVERNOR'S DESK

In addition to the Emergency Response Fund bills approved on Thursday, nine other pieces of legislation currently await the Governor's signature. Awaiting approval are public records exemption extensions for nonviable birth certificates ([SB 7000](#)), Florida College System technology systems ([SB 7004](#)), and injured or deceased employees ([SB 7018](#)); an extension of COVID-19 liability protections for health care providers ([SB 7014](#)); and five revisers bills. Nine additional bills are currently enrolled, meaning they have been approved and concurred upon by both chambers, and will be presented to the Governor in the coming weeks.



Florida's Historic Capitol building lit up purple last week to raise awareness for the 580,000 Florida residents affected by Alzheimer's. Photo via Twitter @AlexWorkman.

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LEGISLATIVE UPDATES



Speaker of the House Chris Sprowls presides over the House in Session on Wednesday evening. The Session adjourned after midnight following a vote on House Bill 5. Photo via Florida Politics.

HEALTH CARE House members debated on the floor long into Wednesday night, focusing a substantial portion of their time on a controversial abortion bill ([HB 5](#)) that would effectively ban all abortions beyond 15 weeks of pregnancy. The measure is similar to those approved in Mississippi and Texas, and does not provide exceptions for incest, rape, or human trafficking. It includes a number of other provisions relating to pregnancy, including updates to the statutory definition of gestation and the creation of a tobacco use prevention program. The Senate version ([SB 146](#)) is not quite identical, and was approved in its first of two committee stops at the beginning of the month.

In the continued effort to modernize Florida's mental health care landscape, a proposal passed through its penultimate House committee this week ([HB 1277](#)) that seeks to amend the state's Baker and Marchman Acts. If passed, the bill would require officers to notify emergency contacts of individuals who are being involuntarily held for examination. Additionally, the bill would increase the severity of penalties for those who provide false information while in involuntary admission.

Legislation seeking to update the state's Medicaid managed care programs continued to move through the process this week, although differences between House and Senate versions have sparked concern. [SB 1950](#) and [HB 7047](#) make a number of changes to the programs, but do not align on dental provisions, which the Senate bill's sponsor Senator Aaron Bean says puts the bills on a "collision course." Although a number of amendments to this point have begun to do so, the chambers must continue to reconcile the differences in the next three weeks in order for the legislation to be successful.

Certified paramedics working under the supervision of a physician would be authorized to perform a breadth of essential health care services to at-home patients in

non-emergency community settings under [SB 1222](#) and [HB 937](#). The Senate bill will be heard on the floor next week, and the House bill was approved unanimously in its final committee on Thursday. Only hospitals that have gotten a waiver from the Centers for Medicare & Medicaid Services could partner with paramedics to offer their patients at-home access to health care services that would otherwise be provided inside the walls of a hospital.

EDUCATION Debate over a controversial measure to prohibit classroom conversations surrounding sexual orientation and gender identity continued this week, with [HB 1557](#)'s final committee approval on Thursday. The bill has been dubbed the "Don't Say Gay Bill" by its opponents, and is now headed to a vote on the House floor.

Florida's standardized testing protocols are likely to get a facelift under [HB 1193](#), which was approved by its second of three committees this week, and [SB 1048](#), which awaits consideration on the Senate floor. The bills would nix Florida Standards Assessments, the end-of-year statewide testing currently in place, in favor of more frequent progress monitoring assessments. A Department of Education representative expressed that the change was recommended as a result of extensive surveying of students, parents, and districts that urged the legislature to embrace accountability methods allowing tailored instruction and reducing "high-stakes" testing.

ENVIRONMENT Legislation allowing cities and counties to further restrict smoking within the boundaries of public beaches and public parks is gearing up for votes on the floor. [SB 224](#) and [HB 105](#) were approved in their final committee stops this week, and aim to reduce littering at beaches and parks by allowing local prohibition of cigarettes and cigars with plastic tips. Although cities and counties would not be able to completely ban tobacco products, environmentalists believe that the legislation would have a positive impact on beach quality regardless by reducing littering of harmful materials. Increased tourism and quality ratings have also been highlighted as a favorable expected outcome of the measure.

A bill that would provide grants to municipalities for waste-to-energy facilities was approved in its first of three House committees this week. [HB 1419](#) would promote the conversion of trash into renewable energy through \$100 million in recurring funding and a program within the Department of Agriculture and Consumer Services. Its Senate counterpart ([SB 1764](#)) was also approved in committee this week, and is scheduled for its final vote prior to the floor on Monday.

MISCELLANEOUS LEGISLATIVE UPDATES

LOCAL ORDINANCES Legislation proposing to allow businesses to sue governments and cease local ordinances has one more stop before reaching the House floor after approval by its second of three committees this week. [HB 403](#) would temporarily halt local ordinances for 90 days if a lawsuit is filed and claims that rules within local ordinances are "arbitrary or unreasonable." It would also require a business impact estimate to be procured in conjunction with all ordinances. Several amendments were added to the House bill to expand exemptions and allow businesses to appeal rulings, and the "arbitrary or unreasonable" provision was questioned on the grounds that the terms do not have substantial legal precedent. The Senate version ([SB 280](#)) of the measure passed on the floor last week, along with a related "Local Business Protection Act" ([SB 620](#)) whose House version ([HB 569](#)) awaits consideration in its final committee.

HUMAN TRAFFICKING An additional human trafficking measure ([SB 760](#)) has one remaining committee hearing in the Senate after unanimous approval in its second stop this week. Other legislation seeking to prohibit hourly hotel or motel rates to reduce human trafficking has been moving swiftly so far, and this bill more expressly prohibits prostitution, lewdness, or assignation in an effort to eradicate "pimp-like behavior."

SWIM-UP BARS Currently prohibited in Florida, swim-up bars in public pools could be legalized under a bill ([HB 719](#)) approved in its second House committee this week.

IMMIGRATION Law enforcement officers could be required to partake in the U.S. Immigration and Customs Enforcement program that provides training on identification and removal of unapproved immigrants under a House measure ([HB 1355](#)) approved by its second of three committee stops this week.

FATHERHOOD After a press conference held by Speaker Chris Sprowls on Wednesday, the House unanimously passed a bill ([HB 7065](#)) that would establish June as Responsible Fatherhood Month and create programs for children without a present father. Speaker Sprowls attributed negative outcomes for young men and boys as being largely a result of a lack of a father figure. The bill would also allocate \$70 million to community grants in an effort to provide mentorship and education for fatherless at-risk youth.

PROPERTY INSURANCE In the midst of a looming property insurance "catastrophe," a number of Senate proposals have been making their way through the process. This week, two measures ([SB 1728](#)/[SB 186](#)) were approved in committee on Wednesday that would make changes to rates and coverage under the state-created Citizens Property Insurance Corporation and to protocols for privately insured roof claims, shifting payouts on roof replacements from full replacement cost to actual cash value, among other things. Senator Jim Boyd, the owner of an insurance agency by profession, regards Florida's current insurance situation as a crisis on the verge of going beyond a crisis. Currently, the House is not fully aligned with the Senate bills' provisions.

IN THE BUDGET

Both the House and Senate took up their budget proposals on the floor this week, engaging in questioning and debate on each silo of the spending plans. The Senate approved their appropriations act ([SB 2500](#)) unanimously and without much debate on Thursday. The same cannot be said for the House, which spent several hours Wednesday afternoon debating their proposal ([HB 5001](#)) and eventually forwarding it on a 102-14 vote. As passed, the proposals differ by \$3.3 billion and include a number of discrepancies— one of the more controversial being a House proposed \$200 million cut to school districts that defied the Governor and mandated masks in the midst of COVID-19. The House and Senate also approved a multitude of conforming bills, including one ([SB 2508](#)) that would have diverted funding from the Everglades Agricultural Area Reservoir before the provision was removed in response to an uproar of opposition from environmentalists and the Governor. Budget negotiations will take place over the next two weeks, until which point the chambers agree on a singular budget to be presented to the Governor for approval.

REDISTRICTING

Redistricting processes continued this week with favorable progress for state House and Senate district maps in the Florida Supreme Court, and with the House Congressional Redistricting Committee convening Friday morning for the first time since Governor DeSantis's request for constitutional review of current districts was denied. The Senate approved congressional districts earlier in session, although the Governor has pledged to veto the maps if they remain in their current state. The House released a proposal late last week that was considered Friday morning. Once concurred-upon by the legislature, the Governor will have veto power over congressional maps. He will not have final say, however, over state-level maps that are currently being reviewed by the Florida Supreme Court.

QUESTIONS?

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