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Special COVID-19 Protocols for all Committee Meeting Weeks and Entirety of Session:

- **Senate** did not allow guests or general public into committee meetings or the Senate Office Building. All testimony given remotely from Donald Tucker Civic Center.
- House allowed for in-person meetings and committee attendance, but only on a first-come, first-served basis (with pre-registration) for committees and by documented appointment only (with escort in and out of building) for member meetings.
- Changes in Advocacy Direct access to members of House and Senate more important than ever as advocacy switched from the scheduled in-person meeting to (almost exclusively) calls and texts.

GRAYROBINSON ATTORNEYS | LOBBYISTS | CONSULTANTS El Know the Numbers 1,060 3,096 1,839 **Total Bills Filed** House **General Bills Appropriation** Bills 52 275 **Local Bills** Bills Passed in Both Chambers 24 of which were Local Bills and Concurrent Resolution · Of the 3,096 bills filed, 275 passed both legislative chambers for a chance to become

> During the 2020 Regular Session, the Legislature passed 210 bills. The last time the Legislature passed as many bills was 2016, hitting the "green" button for 279 bills.

law-representing just 8.85% of all bills filed.



18 Budget

- Went from projected deep cuts to the largest budget in state history in a matter of months
- Revenue Estimating Conference in Fall 2020 advised Legislature to plan for a \$2-3 billion shortfall in the FY 2020-2021 and an additional \$2-3 billion for FY 2021-2022
- Florida economy began to rebound and the revenue estimates got markedly better leading into session
- Then...The American Rescue Plan infused \$10 billion into the State budget

TOTALS

TRANSPORTATION

ENVIRONMENT PROTECTION ECONOMIC DEVELOPMENT

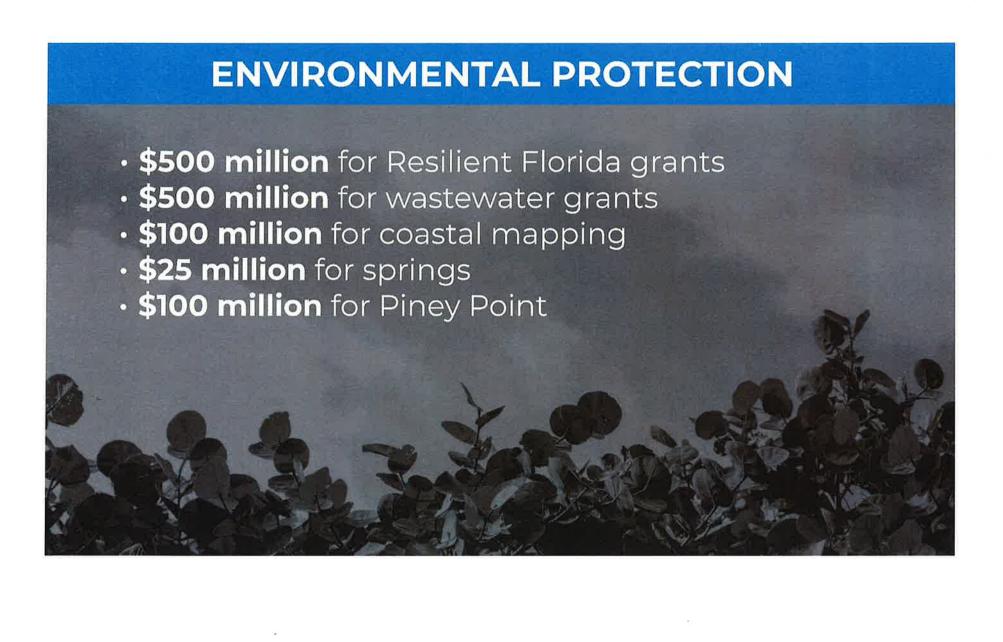
K-12 EDUCATION HIGHER EDUCATION HEALTH CARE SLICING UP THE PIE

\$101.5 BILLION TOTAL BUDGET

- **\$6.7 billion** in federal stimulus spending (the remainder bolstering reserves)
- \$6 billion in total reserves
- \$1,000 bonuses for teachers and first responders
- Increased minimum wage for state workers to \$13 per hour
- \$1 billion into emergency response funds



- **\$2 billion** for FDOT Transportation Trust Fund to fund operational needs at Florida's seaports (**\$250 million**) and kick-start projects delayed/deferred due to COVID
- Full funding of five-year work plan



ECONOMIC DEVELOPMENT

- \$56 million for rebuild of Reemployment Assistance System
- \$50 million for Job Growth Grant Fund
- **\$75 million** for VISIT FLORIDA
 - \$50 million general revenue
 - \$25 million in ARPA funds
- \$100 million for Workforce IT System

K-12 EDUCATION

- \$53 increase in base student allocation (\$7,795 per student)
- 3.5% increase in flexible funding for districts
- \$550 million for teacher salaries increase (first \$440 million retains last year's raise)
- \$180 million for safe schools
- \$120 million for student mental health

HIGHER EDUCATION

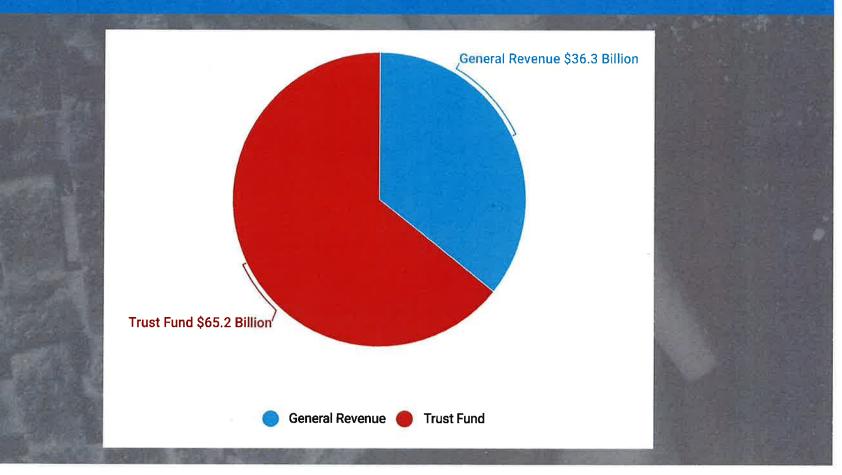
- Higher Education State University System
 - \$5.3 billion total
 - \$560 million for performance funding
 - \$11.8 million for integrated library system
 - No tuition Increase
- · Higher Education Florida College System
 - **\$2 billion** total
 - \$14 million for CAPE
 - \$30 million for student success incentives
 - \$25 million for operation enhancements
 - · No tuition increase

HEALTH CARE

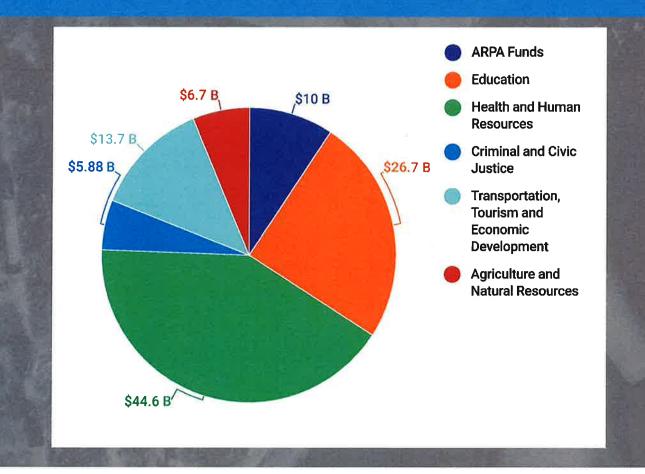
\$44.57 billion total

- \$4.3 billion for Medicaid
- \$240 million for Medicaid postpartum extension (Speaker priority)
- \$154 million for cancer hospitals
- \$117 million for Opioid Response Grant
- \$42 million for child welfare best practices
- \$15 million for Office of Medical Marijuana Use





SLICING UP THE PIE





TAX CUTS AND NEW TAX COLLECTIONS

Tax Cut Package

- · Passed on final day of session
- Expands tax credit for affordable housing
- Permanent sales tax exemption for independent living items
- 10 day "back-to-school" sales tax holiday (July 31 August 9)
- Disaster preparedness sales tax holiday (May 28 June 6)
- Freedom Week sales tax holiday (July 1-7)

New Tax Collections

- "Wayfair bill" passed and signed into law
- Revenues (\$1 billion per year estimated) will first go to refill the Unemployment Compensation Trust Fund (until fund is at \$4.01 billion) – avoiding a tax hike on businesses in order to replenish – and thereafter will go toward a reduction of the business rent tax

AFFORDABLE HOUSING TRUST FUND RESTRUCTURING

- The Sadowski Trust Fund will be, under new legislation, negotiated and passed in mid-session, protected from any future "raids"
- However, the fund has been modified to divide the money between SHIP and SAIL (~50% of the trust fund), resiliency/ sea-level rise projects (~25%), and septic-to-sewer conversion projects (~25%)

GAMING

- Special session going on RIGHT NOW
- Governor signed new compact with Seminole Tribe in penultimate week of session
- Under the Compact, the Tribe is slated to pay \$2.5 billion in revenue sharing to the State
- Legislature will consider up to 9 inter-related Senate bills and their House counterparts, addressing:
 - Ratification of the recently executed Seminole Gaming Compact
 - Creation of the Florida Gaming Control Commission under the Attorney General, and associated public records and public meeting exemptions
 - Revisions to parimutuel and related cardroom gaming, bingo gaming, and fantasy sports games



COVID-19 LIABILITY RELIEF

- · Top priority of Governor/Speaker/President going into session
- · Passed and signed into law swiftly
- · Covers all public, private, and health care entities
- · HB 1261 also passed to shield higher education institutions from liability related to COVID spread

GOVERNMENT POWERS AND VACCINE PASSPORTS

- On May 3, the Governor signed SB 2006 which, among other things:
 - · Curtails executive power at the state and local levels related to shutdowns and closures in times of emergency
 - Bans the use of "vaccine passports" in Florida by both government and private entities
 - Creates a statutory presumption that, in times of future public health emergencies, businesses and schools should remain open "to the greatest extent possible"

VACCINE FRAUD PROTECTION

- · HB 9 (Protecting Consumers Against Pandemic-related Fraud)
 - · Defines "personal protective equipment"
 - Prohibits dissemination of false or misleading information relating to personal protective equipment with specified intent; prohibits dissemination of false or misleading vaccine information with specified intent
 - · Authorizes state attorney or statewide prosecutor to prosecute violation
 - · Authorizes the Attorney General to seek civil remedies

EXECUTIVE ORDER CONFUSION

- On the day the Governor signed **SB 2006**, he also issued two executive orders that, taken together, immediately suspend and invalidate any local government COVID-19 restrictions or regulations
- Came only a week after the Governor extended his own declared State of Emergency for an additional 60 days and it was under the powers granted to the executive during a declared emergency that he used to invalidate/suspend local restrictions
- Governor also issued Executive Order 21-116, suspending the prosecution of penalties imposed by local government for violations of COVID-19 restrictions, and announced his intent to seek a full pardon for Floridians for this same purpose at the next Clemency Board meeting
- It is widely expected this most recent extension of the emergency declaration will be the last

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CONSUMER DATA AND PRIVACY

- · Made major headway but died on final day of session
- Will be back in 2022
- House and Senate failed to reach consensus on creation of a private cause of action (House priority), which ultimately killed the bill

HOME-BASED BUSINESSES

- **HB 403** passed on final day with the removal of the time restrictions adopted by the Senate
- Caused last-minute drama in the Senate as the Senate President asked for the bill back from the House to re-take a vote on the bill where three Senators – who were present for the vote – did not press a yes or no button

BIG TECH CENSORSHIP

Following the "de-platforming" from various social media giants of people, such as
former President Trump, the Governor and Legislature vowed to take on the big
tech companies, ultimately passing SB 7072, which prohibits a social media
platform from knowingly removing a candidate and instituting penalties for
noncompliance under the Unfair and Deceptive Trade Practices Act

ALCOHOL FREEDOM

- **SB 148 (Booze to-go!)** What started as an executive order during the pandemic will soon be codified in statute
- SB 46 (Craft Distillery Expansion) after many years and several efforts, new and expanded rights for craft distilleries (such as selling drinks by the glass on site) will help this growing industry flourish
- Cooperative Advertising not passed yet...but the effort continues

PIP Repeal

- Following extensive debate, extensive amendments, and last-minute committee meetings, the Legislature passed **SB 54** replacing Florida's motor vehicle "no-fault" law, aka PIP, with a bodily injury (BI) system
- PIP pays regardless of who is at fault
- BI coverage pays out only after a fault determination is made, which can leave health care providers or patients with unpaid bill
- Instead of requiring drivers to buy \$5,000 in MedPay coverage, the final bill allows motorists an "opt out" choice on \$5,000 to \$10,000 in MedPay coverage
- Makes it harder to sue insurance companies for bad faith

RESIDENTIAL PROPERTY INSURANCE & PENDING CRISIS IN FLORIDA MARKET

SB 76

- · Prohibits contractors from soliciting homeowners to file property insurance claims
- Increases regulatory oversight of property insurers
- · Amends Citizens Property Insurance Corporation's glide path and policyholder eligibility
- Revises notice requirement of property insurance claims
- · Creates a framework for property insurance suits not brought by an assignee
- · Consolidation of multiple residential property suits



MARINA EVACUATIONS

• **HB 223** will require the removal of all recreational vessels from marinas located within the waters of a deepwater seaport prior to the onset of a major storm

RESILIENT FLORIDA & RESILIENT FLORIDA TRUST FUND

- Sea-level rise and its impacts will now be an integral part of Florida investment and policy making through the passage of **SB 1954** and related trust fund bills
- A new grant program for resiliency is established through the Department of Environmental Protection (DEP), and a statewide sea-level rise impact study will be done to aid in future planning and development of our coast lines

PINEY POINT

- A near-environmental disaster took place in the heart of session and as the Legislature was building its budget
- As a result, the Legislature appropriated \$100 million to fix Piney Point (and close it), and the Governor directed DEP to begin drawing up plans to close other similar retention sites around the state

RIGHT TO FARM

- Top priority of the Senate President, SB 88 was signed into law in the final week of session following bi-partisan support in both chambers
- The bill seeks to balance the need to protect Florida's farms and agriculture industry with the constant pressures of growth throughout the state

CENTRAL FLORIDA WATER INITIATIVE

- In March, more than a dozen utilities filed legal challenges to a DEP rule adopted in February that would have forced water use cuts in Central Florida
- DEP claimed the cuts were necessary, but the regional utilities claimed it would cost \$1.7 billion
- After a few weeks of negotiations, the two sides agreed to new language that would delay some of the implementation of the water cuts and create a more surgical approach to how the cuts are implemented, thus avoiding small city utilities getting hit as hard as a larger utility
- The ratification of the DEP rule is part of **HB 1309** and will be sent to the Governor

REPEAL OF MCORES

- A major priority of former Senate President Galvano, to build a new toll road through the heart of the state from Pasco County to the Panhandle, barely lasted two years before being repealed this year by the Legislature
- Repeal came on the heels of a less-than stellar feasibility study by the Florida Department of Transportation (FDOT)

GRAYROBINSON K-12 and Higher Education

K-12

SCHOOL BOARD TERM LIMITS

- Recurring fight to institute term limits on school boards this year nearly was added to a wide ranging education and charter school bill in the final days but was ultimately stripped out by the Senate
- · It will be back next year

PURPLE STAR CAMPUSES

• HB 429/SB 938, which passed, creates a program within the Department of Education (DOE) to recognize and reward school districts that best serve the needs of Florida's active military and veterans

HOME BOOK DELIVERY

- HB 3 was an early learning priority of the Speaker and includes tens of millions in the budget to implement
- Will deliver books to kids throughout the state for free in an effort to have them reading on level before Kindergarten
- **HB 7011**, which was signed by the Governor on May 4, will overhaul Florida's early learning system and serve more students with basic literacy skills

MOMENTS OF SILENCE

• Long a priority of Senator Baxley, the Legislature passed **HB 529** requiring school districts to have an up to two-minute "moment of silence" during the first period of each school day

CIVIC EDUCATION

- HB 5 by Representative Zika and Senator Rodriguez was passed unanimously by both chambers
- Revises high school social studies graduation credit requirements and mandates DOE develop and institute a civics
 education curriculum that must "include a comparative discussion of political ideologies, such as communism and
 totalitarianism, that conflict with the principals of freedom and democracy essential to the founding of the United
 States"

SCHOOL CHOICE - LARGEST EXPANSION IN THE NATION

- **HB 7045** (signed by Governor) maximizes parental choice through expanded eligibility for low-income families, adopted children, and military families, and streamlines scholarship programs
- Family of four earning less than \$100,000 now eligible for Family Empowerment Scholarship
- McKay and Gardiner Scholarship programs consolidated in the Family Empowerment, but will operate as education savings accounts with more portability and will cover the same expenses as currently law
- Families at or below **185**% of federal poverty line are also eligible for **\$750** annually toward transportation costs to public or lab schools that do not provide it

PARENTS BILL OF RIGHTS

- HB 241 is designed to give parents more control over their child's education, mental health, and health care, including opting out of things like vaccines or sex ed
- Prohibits the government from infringing upon a parent's "fundamental rights" around upbringing of a child without showing a compelling state interest

EDUCATOR CONDUCT

- HB 131 ensures school personnel are kept from any further involvement with students following a termination or resignation due to sexual misconduct with a student
- Requires DOE to make and maintain a list of disqualified teachers and permanently revoke certificates for sexual misconduct with a student
- Creates processes for district-level accountability for such behavior and establishes reporting and record keeping requirements between the district and DOE

STUDENTS WITH DISABILITIES

- HB 149 restricts the use of restraints on students with disabilities except to protect them or others from imminent danger and prohibits the use of seclusion for these students
- Creates a pilot program for the use of video camera monitoring in classrooms in Broward County to monitor activity

CHARTER SCHOOLS

- A massive and far-reaching bill related to charter schools became the vehicle for many other policies at the end of the session
- What began as a school choice bill (building upon years of pro-charter school legislation in Florida), included items, such as extensions and new requirements for high-performing charter schools and charter school systems, and allowing a state university to be a charter school sponsor

TRANSGENDER ATHLETES

- An issue thought dead for the year in the penultimate week was revived in the final days as an amendment to charter school bill
- The provision cited as the Fairness in Women's Sports Act requires that the gender on the original birth certificate is the governing gender for the participation in youth sports
- The issue was highly controversial and emotionally charged, taking up hours of time in committee and on the floor even into the final day of session

EXECUTIVE ORDER ON SCHOOL GRADING & STANDARDIZED TESTING

- In the final weeks of session, a long-awaited announcement from DOE provided yet another year of relief to schools and districts in that, while the state assessments were still required and would be given, the results would not be used for school grading, student retention, or teacher performance pay due to the ongoing pandemic
- The executive orders DO NOT impact any school district policies for health and safety in place for the remainder of the school year

HIGHER EDUCATION

INTELLECTUAL FREEDOM BILL

 One of the first bills passed in session, HB 233 requires all state universities annually prepare and distribute a campuswide survey gauging intellectual freedom and diversity views and would prohibit the Board of Education or Board of Governors from shielding students, staff, and faculty from certain speech

GRANDPARENT BENEFIT FOR IN-STATE TUITION

- Tucked into the higher education bill, **HB 1261** was a provision that would grant in-state tuition to out-of-state students who have grandparents living in Florida
- Fiscal impact of this on the State is unknown but could potentially lure even more out-of-state students to Florida's topnotch State University System institutions
- Money Back Guarantee within HB 1507, the legislative train for workforce related programs and services, the Legislature created the Money-Back Guarantee Program, requiring each school district and FCS institution to refund the cost of tuition to students who are not able to find a job within 6 months of completing select programs

BUDGET CUTS

- · Spared from potentially devastating to manageable...but work remains
- The Senate had initially proposed hundreds of millions in recurring cuts to the SUS (under the premise that with CARES and ARPA funds the cuts would be made up with federal money), but the long-term implications of such a decision could have been devastating when those relief dollars ran out
- In budget conference, some cuts were ultimately still levied, but the deep recurring cuts were somewhat mitigated

BRIGHT FUTURES CHANGES

- The Senate proposed sweeping changes to the Bright Futures Scholarship, including making scholarships contingent upon what degree paths students chose
- They ultimately backed off the proposals during budget negotiations

GRAYROBINSON ATTORNEYS | LOBBYISTS | CONSULTANTS Local Government & Preemption

GAS STATIONS

 Under legislation passed and headed to the Governor (HB 839), local governments cannot ban gas stations in development code or ordinances

LEGAL NOTICES

- A long battle over public notices in local papers came to an amicable conclusion with the passage of HB 35, which has now been signed by the Governor
- The language was agreeable by advocates for more online postings and the newspaper industry which has long fought the bill (because of the revenue generated by the required notices)

FOREIGN INFLUENCE

- HB 7017 requires any state agency or political subdivision to disclose gifts or grants received from any foreign source both past and future
- Requires higher education institutions to report semi-annually any gifts or grants received directly or indirectly through a foreign source and establishes penalties for noncompliance
- Regulatory structure will fall under the Office of the CFO

VACATION RENTALS

- · Another year that the rewrite of vacation rental laws failed to reach final passage or consensus between the two chambers
- Status quo remains for another year

UTILITY SERVICES - HB 919 & HB 1239

- HB 919 (Preemption Over Restriction of Utility Services) Prohibits municipalities, counties, special districts, or other political subdivisions from enacting or enforcing a resolution, ordinance, rule, code, or policy that restricts or prohibits, or has the effect of restricting or prohibiting the types or the fuel sources of energy production used, delivered, converted, or supplied to customers
- HB 1239 (Broadband Internet Infrastructure) Establishes a framework for broadband providers to attach to utility poles owned by municipal electric utilities, while preserving all existing agreements; creates the Broadband Opportunity Program via the Department of Economic Opportunity (DEO) to award grants for the deployment of broadband in Florida

IMPACT FEES - HB 337

• At one point thought dead for the session, the House and Senate – with bipartisan support – passed sweeping changes to how impact fees are assessed and credits calculated (as well as the use of funds by local governments) for new development

GROWTH MANAGEMENT - HB 59

- Clarifies local comprehensive plans effective (rather than adopted) after January 1, 2016, must incorporate all development orders prior to said date
- · Requires all local governments to adopt a property rights element in their comprehensive plans
- Tweaks mechanism on how to amend or cancel an existing development agreement
- Requires FDOT, when disposing of surplus real property, to give the property's prior owner the right of first refusal to purchase the property
- Tweaks mechanism on how to amend "built out" developments of regional impacts (DRIs)

PUBLIC WORKS PROCUREMENT - HB 53

• Prohibits the state or any political subdivision that contracts for a public works project from preventing a certified, licensed contractor from participating in the bidding process based on the geographic location of the company headquarters or offices of the contractor, when the project exceeds **\$1 million** in State funding

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Miscellaneous

CONSTRUCTION INDUSTRY

Building Inspections - HB 667

- Passed to provide updates on Florida building inspection processes, including the ability of parties to request inspections electronically and to permit virtual inspections in certain instances
- Provides for a **10%** refund of permit and inspection fees to a permit holder if the local inspection agency deems an inspection a failure but fails to provide written justification within **5** business days

Florida Building Code - HB 401

- Relatively mundane building code bill became a legislative "train" in the final days of session, carrying several construction-related bills to passage
- Prohibits land development regulations relating to building design elements from being applied to single-family or two-family dwellings
- Streamlines processes for the adoption of local amendments to the Florida Building Code and permits an interested party to challenge any local regulation or policy they feel is actually a technical amendment to the building code and receive a non-binding opinion issued by the building commission
- Further prevents local governments from utilizing preliminary FEMA maps in creating land-use regulations and provides for a reduction in permit/inspection fees charged by a local enforcement agency when a contractor uses a private provider inspection service

CONSTRUCTION INDUSTRY

Construction Defects - HB 21

- Failure again for a multi-year effort to reform Florida's construction defects statutes
- Would have beefed up protections against fraud/abuse by requiring attestation of personal knowledge of a defect by the homeowner, requiring any applicable warranties to be exhausted before filing a defects claim, permitting greater opportunity for inspection by the contractor or subcontractor, and providing for notice to mortgagee of any alleged construction defects involving collateralized property
- Effort is likely to return again in 2022

Construction Liens and Bonds - HB 473

- Failure again for a multi-year effort to reform Florida's construction liens and bonds statutes
- Primary sticking point of the legislative effort was the statutory form for construction lien waivers and whether parties could deviate from the substance of the statutory form
- Ultimately failed because parties could not reach agreement on the enforceability of additional provisions in lien waivers beyond the form prescribed by statute

HEALTH CARE REFORMS

Pharmacy Benefit Managers (PBMs) - HB 1155

- PBMs represent health insurers and health plan sponsors, which include self-insured employers, union health plans, and government purchasers, in the selection, purchase, and distribution of pharmaceuticals. They also organize and service pharmacy networks.
- · Until recently, PBMs operated largely in the absence of federal or state regulation.
- The bill authorizes audited pharmacies to appeal certain findings in audit reports; provides that health insurers & health maintenance organizations that transfer certain payment obligation to pharmacy benefit managers remain responsible for specified violations; provides penalty for failure to register as pharmacy benefit managers under certain circumstances.

Physician Assistants (PAs) - HB 431

- · Revises legislative intent, as well as limitation on the number of PAs a physician may supervise at one time
- Deletes a requirement that a PA inform his or her patients that they have the right to see a physician before the PA prescribes or dispenses a prescription
- Authorizes PAs to procure drugs and medical devices
- Revises requirements for a certain formulary
- · Authorizes PAs to authenticate documents that may be authenticated by a physician

OTHER NOTEWORTHY BILLS THAT PASSED

Elections Reform

 Passed and signed by the Governor, SB 90 modifies (and tightens) laws around vote by mail, drop boxes, solicitation within 150 feet of polling places (or drop boxes), and responsibilities of Election Supervisors

Transportation "Train"

- Full of mostly noncontroversial clean-up language and FDOT priorities, was amended in the final days to include a variation of the Seaport Preemption bill that was a hot topic throughout the session
- Targeted at Key West's recent voter-approved referendum that limit the size
 of cruise ships in port, the bill thought dead on Day 56 was revived on Day 58
 and passed as an amendment to SB 1194
- Would prohibit local referendums or ballot initiatives from regulating or restricting maritime commerce and retroactively undo the Key West votes

OTHER NOTEWORTHY BILLS THAT DIED

Abortion

· Ban on disability abortions overwhelmingly passed by House but not taken up by Senate

Alimony Reform

- · Vetted thoroughly in both chambers again, but failed to reach passage yet again
- · House Sponsor Representative Andrade has vowed to bring it back in 2022

Medical Marijuana THC Caps

- Discussions resurfaced after attempts in 2020 to place a THC cap on medicinal marijuana...but were pretty quickly shut down
- Also on the marijuana front, mid-way through session, the Florida Supreme Court ruled the proposed 2022 recreational marijuana ballot initiative misleading, likely delaying its placement on the ballot until 2024

Pension Overhaul

• A recurring fight over forcing all new state retirement system hires into the defined contribution (401K-style) plan was proposed again in the Senate but not taken up by the House

Union Dues

· Florida's public employee unions once again fought off efforts to plan new restrictions on how dues are collected

Reemployment Assistance

• Legislation passed by the Senate to increase benefits (weekly maximum amount and length of time) was not taken up by the House and the Governor signaled opposition to increasing benefits