

March 2023 Activity Report

Overview

With last month kicking off the start of Session President Passidomo outlined their priorities for this Session. Which we have already seen come to pass. In their speeches, Speaker Renner emphasized his universal school choice bill, HB 1, as well as permit less carry legislation. President Passidomo referenced investments into the Florida wildlife corridor and an incentive package to increase small business investments into affordable housing. Both leaders are also committed to getting Governor DeSantis' agenda to the finish line. This year we are seeing more agreement than usual between legislative leadership and the Governor, as lawmakers are vocal about working to pass the Governor's priorities. Governor DeSantis gave his State of the State address in front of a Joint session. He touted Florida as the number one state in the nation, he quoted an influx of migration and a booming economy. DeSantis also pushed his policy priorities for the session including, Parental Rights in Education, Hurricane Recovery, Illegal Immigration, and Law Enforcement.

Among the bills passed by the Senate includes SB 102 – Affordable Housing, which includes \$700 million to boost affordable housing options in the state and give tax incentives to homebuilders. The bipartisan bill passed unanimously. SB 106 also passed unanimously, which makes major investments in the Florida Wildlife Corridor. The Senate also passed SB 170, a local ordinance lawsuit measure that allows businesses to sue local governments to block the enforcement of local laws that hurt their businesses. All these proposals have yet to be heard by the full House floor.

This past month in the HD 24 a special election primary was held. Ryan Chamberlin won the race for the Republican nomination and is all but expected to win the May 16th special election. This was the seat to replace former Rep. Joe Harding.

As we wrap up last month and now day 28 of the Florida Legislative Session, the Legislature continues moving at record pace to get bills and the budget moving. It is rare for budget negotiations to be announced so soon, with budget conference committees usually taking place on the last or second to last week of Session. This past month, the House and Senate appropriations committees signed off on their budget proposals, which will now be heard in their respective chambers next week. The House proposal is still around \$700 million less than the Senate's, with most of the discrepancy in the education silo. and at its current pace, they could be set to conference as soon as they return from Easter break.

Governor DeSantis signed off on the affordable housing and school voucher expansion bills this week. With HB 1 approved, all 2.9 million Florida school-age students are now eligible to seek a taxpayer-funded voucher or scholarship to attend private school or pay for certain educational expenses. The House last month moved through several educational bills on its agenda, including educational bills that address school start times, a ban on teaching about sexual orientation and gender in schools before 8th grade, and the use of social media platforms in schools. In healthcare news, HB 7 – a ban on abortions after 6 weeks, was also heard on the Senate Floor. Legislation that would expand Florida KidCare eligibility from 200% of the federal poverty level to 300% passed its first committee unanimously in the Senate.

Below is a rundown on key bills for this Session. .

Permit-less carry: For years, Second Amendment supporters have pushed for the state to loosen its restrictions on carrying guns. Last year, Gov. Ron DeSantis and other Republican leaders told supporters that “constitutional carry,” which means allowing the open carrying of guns without a permit, would be forthcoming. But now, some 2A advocates say they’ve been lied to, under a proposal that would allow lawful gun owners to carry their weapons *concealed* without a permit. 2A backers say concealed permit-less carry is far short of what they were promised. Meanwhile, gun violence prevention groups worry reducing restrictions on gun ownership will lead to more gun violence, while supporters argue people have the right to defend themselves with the least amount of red tape, possible.

Affordable housing: Many Floridians are rapidly getting priced out of their paradise amid an influx of new residents to the state, a spike in rental and home rates, and a series of natural disasters that have lowered housing stock. After years of growing calls for lawmakers to do more to expand affordable housing in the state, the legislature finally appears ready to do so. A proposal by Senate President Kathleen Passidomo would expedite the permitting process, put more money into key programs like SHIP and SAIL, encourage renovation of older properties focused on mixed use and urban-infill, and offer more sales tax exemptions to businesses that offer workforce housing. Also being floated: a plan to swap monthly fees for security deposits.

Term limits and partisan local races: Supporters say requiring candidates to disclose their party affiliation and applying term limits to more races will result in greater governmental transparency at the local level, since many local candidates are already being supported by parties, anyway Opponents argue it’ll inject politics into typically a-political issues.

'Woke' investing: Republicans are targeting so-called “woke” investments and say such policies have no place in business. The proposal would ban state and local governments from using factors such as “Environmental, Social and Governmental” considerations to make investment and financial decisions. ESG, or socially-responsible investing, is a practice meant to align business decisions with values; however, it’s gained backlash within the past two years with critics who say it misses the point—that the purpose of investing and banking is to get the best deals and make money. Anything outside of that, say those critics, is pointless.

Anti-woke higher ed: Measures banning certain majors and minors, and barring funding for certain types of teaching have been unveiled in the legislature as part of Gov. Ron DeSantis’ ongoing efforts to curb progressive ideologies in higher education. The move is part of his plans to crack down on so-called “woke ideology” and to reform the state’s higher education institutions to refocus more on merit, and less on equity, and similar themes. The moves come after years of conservative arguments that public colleges and universities discriminate against conservative thinkers and, to appeal to more people, have carved into ideas that defeat the purpose of higher ed.

Social media and minors: A bipartisan consensus are emerging that lawmakers should do SOMETHING to combat the harmful effects of social media among young users. Recent studies have shown children and teens are at risk for dangerous behaviors and even suicide given the influence of such platforms and the content kids are being exposed to. There are bills to require social media companies to disclose their algorithms and outline the steps they're taking to protect young users; there are plans to restrict the use of social media in schools and proposals that would ban TikTok on certain, government-owned Wi-Fi. It comes as social media companies are under more scrutiny than ever before, but a major question remains: are such potential policies, enforceable at the state level?

Media defamation: A measure to cancel journalists may have far broader implications if Florida lawmakers move forward on it in its present filed. As originally filed, but later withdrawn, the measure explicitly stated it was intended to attack the New York Times vs. Sullivan ruling which is widely held as setting the standard for protecting today's public debate and discourse. NYT vs. Sullivan limited frivolous lawsuits and protected journalists from being sued over unintentional mistakes. That ruling required public figures to prove an outlet had acted with "actual malice" when challenging stories. The bill in Florida would eliminate the actual malice standard, and it goes further; it could allow anyone (reporters, commentators, or just regular folks) to sue anyone over any statements published in print, broadcast, or the internet, for something they disagree with, even IF those claims are true, but still paint the subject negatively and aren't directly related to their official duties. Furthermore, the measure would prevent anyone from making claims about racism, bigotry, and discrimination against a subject if those positions are part of that person's scientific or religious beliefs.

Immigration: Gov. Ron DeSantis will try again to require all businesses in the state to verify an employee's immigration status using the E-Verify system. Right now, only the state government uses it. Similar bills have been floated and failed before due to push back from business lobbying groups. The governor is also looking to repeal a state law that granted in-state tuition to undocumented immigrants who were brought to the country as minors. These "dreamers" received the tuition benefit during the Rick Scott administration, and Scott has defended the program as something he would support all over again.

Local government ordinances: Efforts to curb local rules that have the potential to hurt businesses is again up for debate this year. A similar measure that would have allowed businesses to sue over local ordinances passed the senate last year but failed in the House. This year's measure would require local governments to stop enforcing an ordinance if it's challenged in court. Plaintiffs, if successful in their lawsuits, could receive attorney fees and recoup court costs.

All in all, Governor DeSantis continues to traverse the country, this month promoting his new book, which has already come a New York times Best Seller. The Governor has been visiting key primary states, as we all wait in anticipation for his announcement as a candidate for President of United States.

Budget

The House and Senate released their proposed subcommittee budgets. Which is the first step in the overall budget process. Below is a few highlights below I thought you would like to read. Specifically on the transportation work program. What happens next is the House and Senate will both vote on their proposed budgets. Once both budgets have passed on their respective floors. Lawmakers will then convene to discuss overall budget allocations. Once they have agreed to allocations, they will then enter the budget conference process. This is when the House and Senate come together to resolve differences in the budget and come to a joint budget. Once a joint budget is agreed to House and Senate lawmakers will pass that budget off their respective floors. This year the House will host.

As a reminder this is the only item the House and Senate must pass before Session ends, which is a balanced budget.

Senate Transportation Budget

- Line 151 \$13B for the transportation work program, this will fund the first year of the five year work program as asked by DOT.
- Line 152 \$156M for local transportation projects.

House Transportation Budget

- Line 261 Transportation Work Program same as Senate

Here is the [Senate's budget summary](#).

Proposed Rules

None to Share

Priority Bills

- **SB 360 Construction Defects – PASSED, waiting Governor Signature**
 - the Florida Senate passed SB 360 Causes of Actions Based on real Property Improvements off the Floor. This as a reminder is the Construction defects bill sending it to the Governor for his signature. The bill has not yet been presented to him, but we will let you know once that occurs.
 - SB 360 amends existing law with respect to causes of action based on improvements to real property. The bill shortens the timeframes within which a property owner may bring a cause of action against a builder for alleged construction defects. It also narrows the scope of certain statutory civil actions against builders for Florida Building Code violations.

- Specifically, the bill:
 - Revises the commencement of the 4-year statute of limitations by changing the listed potential commencement dates and causing the statute to run based upon whichever date is earliest instead of latest;
 - Shortens the 10-year statute of repose to 7 years;
 - Revises the commencement of the 7-year (currently 10-year) statute of repose by changing the listed potential commencement dates and causing the statute to run based upon whichever date is earliest instead of latest;
 - Provides that if a newly constructed single-dwelling residential building is used as a model home, the time to bring a construction defect action begins to run from the date that a deed is recorded first transferring title to another party;
 - Provides that if a project involves the construction of multiple buildings, each individual building must be considered its own improvement for purposes of determining the limitations period in the bill;
 - Provides a definition for “material violations” in connection with statutory civil actions against builders for alleged Florida Building Code violations, and amends existing law to limit recovery for material violations only; and
- Includes a savings clause to ensure that claimants having time remaining under the existing statute of limitations have at least 1 year from the effective date of the bill to initiate a construction defect action.
- [Click](#) here for the Staff Analysis
- [Click](#) here for the final bill Text.
- After four years this bill finally made it to the finish line and we do expect the Governor to sign it into law. Please let me know if you have any questions or need additional information.

SB 238/HB 837 Tort Reform – Passed, Signed by Governor

HB 837 will restore balance to Florida’s legal system by:

- Significantly limiting fee multiplier incentives for lawyers to collect higher fees when they sue
- Eliminating the ability of attorneys to claim bad faith on the part of insurance companies with vague and meritless claims
- Right-sizing verdicts by allowing a fairer assessment of fault in negligence cases
- Providing juries with more detail and transparency with respect to calculating medical damages in ordinary tort cases.
- Reducing frivolous lawsuits or threats of litigation by eliminating “one-way attorney fees” that incentivize fraudulent or inflated claims
- Streamlining the civil litigation process by reducing the statute of limitations from four years to two years

- Requiring a jury to consider the fault of an intentional wrongdoer in certain negligence cases and incentivizing property owners to implement security measures

Bill Text Click [Here](#)

Bill Summary Click [Here](#)

- **SB 624/HB 331 Liens and Bonds by Sen. Grall and Rep. Overdorf**
 - House bill is on the Floor for Second reading. The Senate bill has oen final committee stop Rules. We anticipate bill passing this year.

Articles of Interest

The following events took place in March 2023.

Date	Name	Purpose	Follow Up

Future Meetings

Date	Name	Purpose
5/18	FSA Annual Meeting Swann Resort Orlando	

- Provided info on Deland bonding information to Exec Committee
- Continuing to monitor and work on key legislative issues in Tallahassee
- HB 837 tort package monitoring and provided input on bonds for construction contracts
- Provided contact for City of Ft. Myers, following up with Ft. Myers
- Working on FDOT Secretary to be speaker at May 18th Conference