



2022 Legislative Session Interim Committee Week 09-20-21

The Legislature convened for the first interim committee week of the 2022 Legislative Session, but much of the focus was on elections. House and Senate Redistricting committees also began meeting this week, and Legislators held several fundraisers throughout the week to increase their head start for wherever the battle lines may fall. House Republicans also officially selected Representative Paul Renner as House Speaker Designate, slating him to take the reins after the 2022 elections. The Governor's office was equally busy- starting with the appointment of a new Surgeon General. Next week, the Marjory Stoneman Douglas High School Public Safety Committee is slated to meet Monday and Tuesday in Sunrise ([Agenda](#))

COVID-19

New Surgeon General: Governor Desantis made multiple major announcements this week beginning with the appointment of [Dr. Joseph Ladapo](#) as the State's next Surgeon General, subject to Senate approval. Dr. Ladapo was most recently an associate professor at UCLA's medical school, and now a professor at University of Florida, whose research focuses on cardiovascular disease. He holds both an M.D. and Ph.D. from Harvard. In his remarks, Dr. Ladapo pledged to not allow "fear" to lead Florida's health policy decisions.

Student Quarantines: Shortly after Dr. Ladapo's appointment, he joined the Governor and Commissioner of Education to announce a change to the Department's Emergency Rule related to student quarantines. [Emergency Rule 64DER21-15](#) provides that, for students who have come into contact with someone positive for COVID-19, parents may choose to allow their children to attend school and school activities without restriction so long as they remain asymptomatic. Alternatively, they may choose to quarantine their children for up to seven days. The previous rule required the students to quarantine for at least four days, and either return to school with a negative COVID test or continue quarantine for an additional three days (total of 7) sans testing. Commissioner Corcoran stated that the previous rule was causing chronic absenteeism despite 98% of quarantined children never showing symptoms. Osceola's superintendent spoke in favor of the rule change, sharing that up to 19% of students in their district were quarantined at one point despite cases trending downward.

Monoclonal Antibody Treatments: The Governor announced that Florida has made its first purchase of treatments under a direct purchasing agreement with GlaxoSmithKline- 3,000 doses of the drug sotrovimab. The state sought the direct-purchase agreement after the Federal government announced earlier this month that it was limiting distribution of Regeneron. The Governor stated that, under the new Federal system, the state expects to receive 18,000 doses of Regeneron in the next shipment for state sites and hospitals throughout the entire state, significantly less than the 30,000 doses that state sites alone were administering in previous weeks.



Redistricting

The House and Senate began the once-a-decade redistricting process this week with committees receiving an overview of the process, Constitutional Amendments, and census data. <https://www.floridaredistricting.gov/> - A joint House and Senate website for public information and engagement went live this week. The website will host proposed maps as well as maps submitted by the public along with other resources. Census data showed the most significant changes in the high population growth in Central Florida along the I-4 corridor. The committee chairs also pointed out that, while the state lost court challenges during the 2012 redistricting process, the “Fair District” Constitutional Amendments were newly enacted at that time. The 2022 Legislature has the benefit of this case law to better understand how the Constitution applies.

[Senate Reapportionment](#) [House Redistricting](#)

Intergovernmental Relations

Sovereign Immunity

House Civil Justice & Property Rights heard from committee staff on the legislative claims process and sovereign immunity. During questions, one influential member laid out his case for raising sovereign immunity caps from \$300,000 to potentially \$1 million. He stated that because it is regular practice for sovereigns to have insurance for up to \$1 million, there would be no prejudice to the taxpayer should caps be raised to \$1 million. He asked staff to highlight how the current caps have impacted the families involved in the Marjory Stoneman Douglas High School shooting. He also questioned if the 25% cap on attorneys fees created a chilling effect on litigation against the state and others.

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Health & Human Services

Update on Florida Hospital System

House Pandemics & Public Emergencies heard from the CEOs of Tampa General, Mt. Sinai, and Ascension. All of the health systems noted decreasing COVID cases and hospitalizations but also the stress of the pandemic on the workforce. Due to workforce shortages, hospitals must pay significantly higher amounts to hire and retain staff- in most cases \$150-\$200/hr. This compounds an increase in operating expenses beginning from the delay of elective surgeries. The high cost of personnel is unsustainable and has led to significant financial shortfalls in our hospital systems. Hospitals must also now focus on improving the mental wellness of staff, who are suffering from both burnout and PTSD. In questions, the hospitals addressed outreach to combat misinformation on vaccines and encourage vaccination in an empathetic way. They also expressed frustration on the Federal government limiting monoclonal antibody treatments. They



also noted that the constant communication during the pandemic between the state, federal, and local governments as well as between hospital systems has enabled them to combat the surge without having to implement crisis protocols due to low oxygen supply, etc. They also

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Public Safety

Florida Sheriffs and Police Chiefs priorities

The Florida Sheriffs Association (FSA) and Florida Police Chiefs Association (FPCA) shared their priorities to the Senate Criminal Justice Committee.

- FSA shared their priority of getting full accreditation of all agencies in order to ensure transparency, accountability, and best practices.
- FPCA shared their priority is on officer wellness. They shared that an estimated 15% of officers struggle with PTSD and the risk of suicide among law enforcement officers is 54% greater than the general population. They asked the state to look at eligibility for workers compensation for PTSD, noting that officers only qualify if they suffered from a singular traumatic event in which a death was witnessed. They stated that PTSD is often brought on by a series of traumatic events, doesn't follow an arbitrary timeline, and that an event can be sufficiently traumatic to cause mental injury without a death occurring. They also offered ideas to help the recruitment & retention of officers as well as fostering better community relations.
- In questions, committee members focused on recidivism rates, diversion programs, and gaintime reforms that incentivize rehabilitation. When asked why the FPCA opposed the DJJ diversion package in 2021, which Governor DeSantis ultimately vetoed, they denied directly lobbying the Governor for the veto and stated the confusion arose from a letter they had written to explain their position earlier in the process. He stated they are supportive of opportunities to help place young people on a pathway to improvement and are open to reviewing new language. FSA also emphasized that juvenile offenders are done a disservice when they are allowed to continue to rack up charges on their criminal records rather than getting the services they need.
- The Chair committed to supporting mental health and improving community relations. He noted that only two professions require absolute perfection: commercial pilots and law enforcement officers.

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Criminal Justice Data

FDLE updated House Judiciary on multiple projects related to criminal justice data, including Criminal Justice Data Transparency, Florida Incident Based Reporting System, and Uniform Arrest Affidavits. Chair Grall reminded members that the Criminal Justice Data Transparency system was passed by the legislature in 2017 to provide accurate structured data to allow



policymakers to make informed decisions. Chair Grall expressed frustration that the system is not yet live, but acknowledged that a new team is in place to stand the system up, she issued a deadline with the backing of the Speaker that the system be functional by the end of Session. Assistant Commissioner Michelle Powell, David Kennedy and Kristin Grosh of FDLE explained where the system is now and what lawmakers can expect to see. Members expressed bi-partisan support for the system and recognized its great importance.

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Transportation

Electric Vehicles

House and Senate committees heard presentations on the Department of Transportation's (FDOT) [Electric Vehicle Master Plan](#) (EVMP) and EV charging infrastructure. The Senate committee heard from Brad Thouburn, Assistant Secretary of Strategic Development at FDOT, and Matt Valle, Vice President of Development of Florida Power & Light (FPL). The House committee also heard from Mr. Thouburn as well as the Public Service Commission (PSC). FDOT worked with the PSC and Florida Department of Environmental Protection on developing the EVMP. The plan focuses on emergency travel and evacuation routes, and includes short-term and long-term travel, adaptive highway structure, and reliable charging stations. The state is projecting 35% adoption of EVs by 2040- which means, among other things, that the state must consider access to charging stations, strain on the power grid, and impairment of the gas tax. The agencies, public partners, and private partners all recognized that implementing the EVMP will take a concerted effort among all stakeholders and acknowledged the Legislature's key role.

- Both committees discussed impacts to the gas tax, which FDOT shared could be anywhere from 5.6% to 20% by 2040. Other states have pursued a variety of solutions, including EV registration fees, road usage fees, and zero emissions regulations. FDOT stated they are monitoring pilot projects in other states, such as Utah and Virginia, to learn what works and what doesn't. Committee members questioned if it was possible to add a 5% tax to EV charging as another possibility.
- Both committees also discussed addressing gaps in rural and underserved areas. FDOT pointed to a Federal restriction on concessions at restroom stops that prevents being able to charge customers for EV charging. They noted a public private partnership would be needed in this endeavor for use of the public ROW and that the Legislature would have to make a policy decision on taxpayer funding of private infrastructure. While inductive charging could address concerns in a brand neutral way, the technology isn't there yet and is cost prohibitive.
- Both committees also discussed the strain on the power grid. Both FPL and the PSC brought up FPL's rate hearing, which will eventually lower costs through greater usage. FDOT is also working with FEMA to address redundancy and charging during evacuations in the event of power outages.



- Both committees also discussed state investments and financial incentives. Drive Electric testified that Federal dollars will be coming online soon and they could also look at what is currently being used for oil exploration and extraction subsidies that the state sees little benefit from.

[House Tourism, Infrastructure & Energy](#) [Senate Transportation](#)

2022 Legislative Tracking

[SB 280 Local Ordinances](#)

Authorizing courts to assess and award attorney fees and costs and damages in certain civil actions filed against local governments; requiring a board of county commissioners to prepare a business impact statement before the adoption of a proposed ordinance; requiring a governing body of a municipality to prepare a business impact statement before the adoption of a proposed ordinance, etc. Effective Date: 10/01/2022

[SB 224/ HB 105 Regulation of Smoking in Public Places](#)

Authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; prohibiting smoking within the boundaries of a state park, etc. Effective Date: 7/1/2022

[SB 286 Vacation Rentals](#)

Vacation Rentals; Providing that local laws, ordinances, or regulations requiring vacation rental owners or operators to provide the local government with certain contact information are not prohibited or preempted to the state, etc. Effective Date: 7/1/2022

[SB 242/ HB 57 Racial and Sexual Discrimination](#)

Requiring each agency head to take certain measures to prevent the use of training for agency employees which espouses certain concepts; authorizing municipalities to provide certain training, workshops, or programming; prohibiting municipalities from providing mandatory employee training that espouses certain concepts; requiring contracts with an agency which are entered into or renewed on or after a specified date to include the option to terminate if the contractor provides workforce training that espouses certain concepts; requiring public K-20 educational institutions to ensure certain diversity and inclusion efforts and to prohibit certain discrimination, etc. Effective Date: 7/1/2022

[HB 117 Communicable and Infectious Diseases](#)

Provides presumption to specified workers that impairment of health caused by COVID-19 or infectious disease happened in line of duty; requires certain actions in order to be entitled to presumption; requires emergency rescue or public safety workers to file incident or accident report under certain conditions. Effective Date: upon becoming a law

[SB 200 First Responder Employment-related Accidents And Injuries](#)

Revising the definition of the term "first responder" to include certain correctional officers and 911 public safety telecommunicators; expanding eligibility for certain workers' compensation benefits for first



responders to include certain correctional officers and 911 public safety telecommunicators, etc. Effective Date: 7/1/2022

SB 266/ HB 139 Service as a Law Enforcement Officer

Revises definition of term "law enforcement officer" to specify that time spent on certain activities is part of service as an officer. Effective Date: July 1, 2022

HB 11 Impeding, Provoking, or Harassing Law Enforcement Officers

Prohibits approaching law enforcement officer or remaining within specified distance of such officer with specified intent after receiving warning not to approach. Effective Date: October 1, 2022

SB 264/ HB 31 Firefighter Inquiries and Investigations

Provides firefighters have certain rights during informal inquiry; provides firefighter may not be subjected to certain disciplinary action during informal inquiry or interrogation. Effective Date: July 1, 2022

SB 190/ HB 95 Controlled Substances

Revising the elements that constitute the capital offense of murder in the first degree; prohibiting specified activities involving controlled substances within 1,000 feet of additional specified facilities; providing criminal penalties, etc. Effective Date: 10/1/2022

SB 256/ HB 121 Animal Cruelty

Revising the elements necessary for a misdemeanor charge of animal cruelty, etc. Effective Date: 10/1/2022

HB 103 Carrying of Firearms Without Licenses

Removes requirement that license to carry concealed firearm is required in order to carry such firearm; limits areas in which concealed carrying of firearm is prohibited; revises criminal penalties; revises provisions relating to carrying of concealed weapons or firearms by nonresidents; provides for issuance of concealed carry licenses for reciprocity purposes; specifies person not otherwise prohibited by law from possessing firearm or other weapon may own, possess, & lawfully use firearms & other weapons, ammunition, & supplies for lawful purposes. Effective Date: upon becoming a law

HB 75 Limiting COVID-19 Restrictions

Prohibits state or any political subdivision from enacting mask mandate; provides any such mandate is void; prohibits state & local governments from requiring COVID-19 vaccinations, issuing vaccine passports or other standardized documentation to third parties, or otherwise publishing or sharing COVID-19 vaccination records; prohibits businesses from requiring customers to provide documentation certifying COVID-19 vaccination or COVID-19 post-transmission recovery or discriminating against customers on basis of their COVID-19 vaccination status or COVID-19 post-transmission recovery status; declares certain actions based on vaccination status or having immunity passport are unlawful discriminatory practices. Effective Date: upon becoming a law

HB 127 First Responder Roadway Safety

Applies prohibition against texting while driving & prohibition against using wireless communications device in handheld manner in certain areas to motor vehicle that is stopped until authorized emergency vehicle has passed; prohibits person from operating motor vehicle while using wireless communications device in handheld manner in immediate vicinity of certain first responders; authorizes law enforcement



officer to issue warnings or citations; provides that billing records or certain testimony are admissible as evidence in certain crashes; authorizes first-time offenders to participate in driving safety program; authorizes clerk of court to dismiss case & assess court costs; requires law enforcement officers to record certain information when issuing citation; requires report to DHSMV, Governor, & Legislature. Effective Date: July 1, 2022

SB 258 Racing Motor Vehicles

Revising prohibitions on persons driving motor vehicles in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, or exhibition of speed, a stunt, agility, or acceleration or for other specified purposes on any highway, roadway, or parking lot; prohibiting a person from coordinating via social media any such race, competition, contest, test, or exhibition; prohibiting a person from operating a vehicle for the purpose of filming or recording activities of participants in any such race, competition, contest, test, or exhibition, etc. Effective Date: 7/1/2022

SB 270 Funds for Student Transportation

Modifying requirements for determining student membership in a school district in order to determine the annual allocation for funding for student transportation, etc. Effective Date: 07/01/2022

SB 182 Renewable Energy

Authorizing owners of commercial or industrial businesses, or third parties contracted by such owners, to install, maintain, and operate a renewable energy source device on or about the structure in which the business operates or on a property that the business owns or leases; authorizing owners or contracted third parties to sell electricity generated from the device to certain businesses regardless of whether the device is located in a utility's service territory; exempting the sale of electricity produced by such devices from regulation, etc. Effective Date: 7/1/2022

SB 228/ HB 101 Resiliency Energy Environment Florida Program

Authorizes certain notices of lien to be recorded in public records of specified counties; provides that certain liens are not enforceable; revises types of items which local government or program administrator must reasonably determine before entering into assessment financing agreements with residential & nonresidential real property owners; provides additional requirements to be met by program administrators when administering REEF program for qualifying improvements on residential real properties; provides guidelines to be used by program administrators dealing with certain contractors; provides marketing & communications guidelines for use by program administrators; prohibits contractors from taking certain actions related to pricing of qualifying improvements; requires program administrators to appropriately develop & implement procedures to handle complaints & monitor contractors. Effective Date: July 1, 2022

SB 282 Mental Health and Substance Use Disorders

Providing that the use of peer specialists is an essential element of a coordinated system of care in recovery from a substance use disorder or mental illness; revising background screening requirements for certain peer specialists; requiring the Department of Children and Families to develop a training program for peer specialists and to give preference to trainers who are certified peer specialists; authorizing the department to certify peer specialists, either directly or by approving a third-party credentialing entity, etc. Effective Date: 7/1/2022

SB 328/ HB 129 Insurance Coverage for At-home COVID-19 Test Kits



Defining the term “at-home COVID-19 test kit”; requiring health insurers and health maintenance organizations to provide 100 percent coverage for at-home COVID-19 test kits; providing for expiration of the insurance coverage, etc. Effective Date: Upon becoming a law