

Florida Association of County Attorneys

Preview of 2023 Legislative Session

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Make Up of Executive and Legislative Branches after 2022 General Election Results

Executive Branch – All Republican

- Governor Ron DeSantis and Lt. Governor Jeanette Núñez, Attorney General Ashley Moody, and CFO Jimmy Patronis all reelected.
- Position of Agriculture Commissioner filled by former Senate President Wilton Simpson
- Executive department heads will stay or leave at the pleasure of the Governor or the Cabinet
- Pursuant to Article IV, s. 5, of the State Constitution the terms of these state officers begins January 3, 2023 (i.e., the first Tuesday after the first Monday)

Make Up of Executive and Legislative Branches after 2022 General Election Results (cont.)

- Legislative Branch – Senate and House have $\frac{2}{3}$ majorities.
- Florida Senate – 28/Rs – 12/Ds (the “dirty dozen” as referred to by Democratic Leader Senator Lauren Book)
- Senate Leadership Team
 - President: Senator Kathleen Passidomo
 - Senate Pro Tempore: Senator Dennis Baxley
 - Majority Leader: Senator Ben Albritton (slated to President in 2024-26)
 - Appropriations Committee: Senator Doug Broxson
 - Fiscal Policy Committee: Senator Travis Hutson
 - Rules Committee: Senator Debbie Mayfield
 - Senator Keith Perry

Make Up of Executive and Legislative Branches after 2022 General Election Results (cont.)

- Senate Minority Leadership Team:

Minority Leader: Senator Lauren Book

Minority Leader Pro Tempore: Senator Jason Pizzo

- House of Representatives – 85/Rs – 35/Ds

- House Majority Leadership Team

Speaker: Representative Paul Renner

Speaker Pro Tempore: Representative Chuck Clemons

Majority Leader: Representative Mike Grant (will also Chair the new Hurricane Resiliency and Recovery Select Committee)

Make Up of Executive and Legislative Branches after 2022 General Election Results (cont.)

- House Minority Leadership Team

Minority Leader: Representative Fentrice Driskell

Minority Leader Pro Tempore: Representative Dotie Joseph

Minority Floor Leader: Representative Mike Gottlieb

Minority Policy Leader: Representative Kelly Skidmore

Minority Whip: Representative Christine Hunschofsky

- Speaker Renner named the Chairs of major committees on November 22nd – All men, no women. Major committee vice-chairs and subcommittee chairs and vice-chairs yet to be appointed
- Except for committees mentioned, the chairs and vice-chairs of Senate committee have not been named but expected before the December Special Session.

Important Dates

- Pursuant to Article III, s. 3(a), the Legislature held an Organization Session on November 22, 2022.
- The Senate and House each swore in its members for the 2022-2024 term and adopted its rules of procedure, including the joint rules that will govern the Legislature during the two-year term.
- The Chambers have set forth a schedule of Interim Committee meetings which be held:
 - December 12-16, including Special Session (property insurance, Hurricane Ian Recovery, and Ad Valorem tax abatement issues)
 - January 3-6, 17-20, and 23-27
 - February 6-10, 13-17, 20-24
- 2023 Regular Session begins on March 7, 2023, and ends on May 5, 2023

What to expect in 2023 Regular Session?

- Bills are starting to be drafted and filed.
- Potential issues may include 2022 Session leftovers:

Preemptions:

Local Ordinances Legislation (SB 280 Hutson/HB 403) – Attorneys Fees and costs for successful challenges to “unreasonable ordinances;” Business impact statement requirement before enacting an ordinance; and Automatic stay on ordinances under challenges.

Local Business Protection Act (SB 620 Hutson – Vetoed by Governor) – Allows existing local business (3 yrs.) to seek damages from a county or municipality that enacts or amends an ordinance or charter provision that causes a loss of 15% or greater to the business.

Vacation Rentals (SB 512 Burgess/HB 325 Fischer)

Sovereign Immunity (SB 974 Gruters/HB 985 Beltran)

Tiered approach starting at \$200,000/\$300,000 per person/per incident for cities and counties under 50,000 population, public universities and colleges, school boards, and safety net hospitals; \$300,000/\$400,000 for counties with more than 50,000 but less than 250,000 population; and

What to expect in 2023 Regular Session? (cont.)

- Sovereign Immunity (cont.)

\$400,000/\$600,000 for the state, state agencies, counties and cities with over 250,000 in population.

HB 985: \$400,000/\$600,000 caps

- Florida Property Assessed Clean Energy Program (SB 228 Rodriguez/HB 101 Fine) - amends in s. 163.08, F.S., by renaming the program the Resiliency Energy Environment Florida (REEF) program, defines key terms, expands the types of qualifying improvements, imposes new consumer protections, extends participation in the program to lessees of government property, and enacts new REEF contractor oversight and accountability provisions. SB 228 passed all committees and died on the Senate Calendar; In the House, HB 101 passed 3 of 4 committees.

What to expect in 2023 Regular Session? (cont.)

- In his speech to the House of Representatives during Organizational Session, Speaker Paul Renner identified the following priorities:
 - Reducing taxes
 - Addressing runaway insurance costs
 - Housing attainability
 - Causes of increased prices for fuel and electricity
 - Inflation
 - Rewarding the best teaching professionals and staff, respect for parental rights, and expanding educational freedom
 - Stopping ESG (Environmental, Social, and Governance) goals and dictates by rating agencies which increase costs to Florida business, significantly impact the state's retirement system and its credit rating
 - Recovering from Hurricanes Ian and Nicole (new Hurricane Resiliency and Recovery Select Committee)

What to expect in the 2023 Regular Session? (cont.)

- In her speech to the Florida Senate, President Kathleen Passidomo identified a voter-driven conservative agenda which includes:

Fiscal Responsibility

Protecting Parent's Rights

Expanding education opportunities for students

Honoring the dignity of work

Recovery from Hurricanes Ian and Nicole

Property Insurance Market

Property tax breaks for residents whose homes were made uninhabitable by Hurricanes Ian and Nicole

Attainable housing to meet the varying needs of Florida's workforce and families (including affordable rental properties)

Expansion and connection of the state's Wildlife Corridor with the Florida Trail System

Key County Issues for the 2023 Regular Session

Agriculture and Rural Affairs

- Support for increased state funding for the Small County Road Assistance program (SCRAP) and the Small County Outreach Program (SCOP).

Community and Urban Affairs

- Support for increased flexibility to counties participating in the State Housing Initiative Partnership (SHIP) program to maximize the distribution of funds in a manner that more effectively implements each county's local housing assistance plan, adopted local housing incentive strategies, housing-related priorities, and funding for housing projects; and also achieves greater housing availability and affordability for essential service personnel, very low-income, low-income and moderate-income residents, and residents with special housing needs consistent with each county's housing market.
- SUPPORT amending Florida law, relating to county and municipal code enforcement, to restore the authority of county code inspectors under s. 125.69(4)(a), F.S. and s. 162.06(1), F.S., and code enforcement officers designated under s. 162.21, F.S., to act on a complaint submitted anonymously. SUPPORT legislation that also authorizes animal control officers to investigate alleged civil infractions, relating to animal control or cruelty, received anonymously from county residents, and to issue citations as provided in s. 828.27, F.S., or other state law.

Key County Issues for the 2023 Regular Session

Community and Urban Affairs (cont.)

- SUPPORT legislation repealing Chapter 2021-214, Laws of Florida (a/k/a HB 735), including all the created or amended statutory provisions presently in effect, such as s. 163.211, F.S., to allow counties to retain the authority to operate programs requiring the licensure, certification, or registration of local general contractors and specialty contractors, and other occupations as determined by each county's governing body by ordinance or resolution. In the alternative, SUPPORT legislation amending s. 163.211(2)(a), F.S., to remove the expiration date of local government occupational licensing requirements and programs existing on or before the effective date of Chapter 2021-214, Laws of Florida, including the job scopes identified in s. 489.117(4)(a), F. S., and others that were locally licensed prior to the effective date Chapter 2021-214, Laws of Florida, to ensure the health, safety and welfare of county residents and businesses.

Key County Issues for the 2023 Regular Session

Water and Environment

- SUPPORT continued enhanced funding opportunities for conversion programs designed to move private wells to potable drinking water and private septic tanks to public wastewater collection systems. SUPPORT greater flexibility for programs that address the costs incurred by residents connecting to sewer and the proper abandonment of septic systems.
- SUPPORT state construction, improvement, and designation of additional trails for Floridians to increase accessibility between urban and rural areas.

Health, Safety, and Justice

- Support legislation granting an exemption for county elected officials to be able to participate in emergency-related briefings during a declared state of emergency.

Questions?

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