



Legislative Report: 1.28.22

*Provided by Jim Spratt
Magnolia Strategies LLC*

The Legislature has wrapped up Week 3. While there were many bills heard in committees this week, two topics certainly lead to emotional positions on both sides of the issues.

Specifically, on Wednesday the House Judiciary Committee debated **HB 7 Individual Freedoms** by Rep. Bryan Avila. HB 7 expands the Florida Civil Rights Act to provide that subjecting a person, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity that espouses, promotes, advances, inculcates, or compels such individual to believe certain concepts constitutes discrimination based on race, color, sex, or national origin under the Act. In other words, and among other purposes of the bill, this legislation would prohibit content such as Critical Race Theory (CRT) from being mandatory part of curriculum.

In addition, on Thursday **HB 5 Reducing Infant Mortality** by Rep. Erin Grall passed out of the House Health Care Appropriations Subcommittee. Among other provisions, HB 5 enhances and clarifies current abortion reporting requirements. The bill requires abortion providers to report whether abortions were due to human trafficking. The bill addresses potential data reporting gaps by clarifying that both surgical and medication-induced abortions must be reported and to report the number of medication abortion regimens prescribed and dispensed. The bill also requires AHCA, the Board of Medicine and the Board of Osteopathic Medicine to adopt an electronic reporting form.

As you may expect, either of these bills has the potential to dominate attention and focus during session. To have both in the same week as well as continuing to move forward on the new legislative and congressional districts... infuego!

The session clock is beginning to work against proposed legislation as we move into week 4. Essentially, if a bill hasn't been put on its first committee agenda by the end of week 4, it is essentially procedurally dead. In other words, even though we are not quite halfway through session, the universe of bills will really begin to shrink after next week.

SB 536/ HB 337 Administrative Procedures (Sen. Manny Diaz/ Rep. Stan McClain)

Not necessarily the type of bill we would typically have on our radar, this is one of those proposed bills which seems positive on the surface yet has the potential to impact Association members as well as business across the state. Specifically, one section of this legislation requires agencies to review their existing rules; failure to do so would result in a mandatory repeal of the rule.

Certainly, we all could make a list of agency rules which would be great to repeal, but the sword cuts both ways. There are many rules which are the foundation to environmental permits, land use permits, water use permits, best management practices and the like which have the potential to create great "uncertainty" if the underlying rules were repealed.

The Association and a cadre of business groups and regulated parties are working very productively with the bill sponsors to develop alternative language which avoids the potential unintended consequences of a mandatory repeal.

SB 1658/ HB 1295 Executive Appointments (Sen. Aaron Bean/ Rep. Tommy Gregory)

The executive power of Florida's government is distributed among four public officials: the governor and the three members of the Cabinet. The Florida Cabinet consists of the attorney general, the chief financial officer, and the Commissioner of Agriculture. Three departments – Department of Law Enforcement (FDLE), Department of Environmental Protection, and Department of Veterans' Affairs (DVA) – require the governor and three members of the Cabinet to approve the appointment of the department's secretary or executive director and requires Senate confirmation of such appointment. The Department of Highway Safety and Motor Vehicles (DHSMV) was created in 1969 with the head of DHSMV being the Governor and Cabinet. The Governor and Cabinet appoint an executive director.

This bill revises the appointment requirements for the executive director of FDLE and DVA. It removes the requirement that the appointment of the executive director of FDLE have the approval of all three members of the Cabinet and instead makes the appointment subject to a majority vote of the Cabinet consisting of at least three affirmative votes, with the governor and attorney general on the prevailing side. The bill also removes the requirement that the appointment of the executive director of DVA have the approval of all three members of the Cabinet and instead makes the appointment subject to a majority vote of the Governor and Cabinet, consisting of at least three affirmative votes, with the governor on the prevailing side.

In addition, **the bill revises the appointment procedure for the Secretary of Environmental Protection to remove the requirement that the appointment have the approval of all three members of the Cabinet.** The bill maintains the requirement that the Secretary be subject to Senate confirmation.

The Association and other agriculture and business groups continue to work with both Senate and House sponsors to amend this legislation to require cabinet review and approval, even if the standard is less than full consent of the entire cabinet.

On the budget front: Both Senate and House Appropriation subcommittees have been hearing from agencies and hearing local appropriation requests in their committees in preparation for the budget process. All signs are budget subcommittees will roll out their proposed budgets next week. The Chair's proposed budget is the first step in the budget conference process. The Association continues to meet with appropriation committee members to discuss myriad of budget issues important to our members including support for UF/IFAS funding requests, the budget requests of the Florida Forest Service, and funding for key environmental funding projects including Rural and Family Lands, Springs and Florida Forever Program(s).