

GRay Matters



It's not always black and white.



2020 Session: Week 9

3/16/20

The new coronavirus dominated the final full week of the Legislative Session.

The virus, now a global pandemic, shut down nearly every major sport and Florida's major tourist draws, including Disney and Universal. It also led the House to — briefly — shut down over concerns that some members could be infected.

Concerns over the virus also took its toll on the Legislature's only mandate: passing a budget. As the economic impacts continued to mount, the Legislature vastly increased the amount of money they sought to set aside in state reserves. What was originally pitched as an approximately \$20 million preparation ballooned tenfold, forcing lawmakers to reconsider some spending priorities.

Budget writers were determined not to raid teacher and state employee pay raises, the former of which was a major priority of Governor **Ron DeSantis**. It did take a slight cut throughout the negotiation process, moving from at one point more than \$600 million down to \$500 million.

A major chunk of the reserve money will come by way of substantial cuts to the 2020 tax package.

The Florida House of Representatives



— A bill allowing nurse practitioners to practice without a doctor's supervision cleared the Legislature and was signed hours later by Governor **Ron DeSantis**. The bill was a top priority for House Speaker **José Oliva**.

— Lawmakers approved a bill preventing life and long-term care insurance companies from using Floridians' genetic information to make actual decisions. The legislation allows insurers to use genetic testing results that are part of a medical diagnosis and included in a policyholder's medical record. It was a top priority of House Speaker-

designate **Chris Sprowls**.

— The House and Senate passed a bill banning the import and export of shark fins in Florida. A floor amendment, passed unanimously in the House, named the bill the "Kristin Jacobs

Ocean Conservation Act" in honor of Representative **Kristen Jacobs**, who has championed the bill for multiple Legislative Sessions.

Florida Senate

— The Legislature OK'd a bill that would create the Office of Quality Assurance and Improvement within the Department of Children and Families, among other changes aimed at upping accountability within the department. The bill was a priority of Senate President-designate **Wilton Simpson** as well as First Lady **Casey DeSantis**. The Governor is expected to sign it into law.

— VISIT FLORIDA was reauthorized for three years and funded at \$50 million. It had previously been scheduled to sunset at the start of the fiscal year on July 1. The reauthorization had been pushed hard by the Senate, though the House had been reticent before the threat of coronavirus to Florida's tourism industry.



Bill of the Week

Title II of the Americans with Disabilities Act of 1990 requires state and local governments to facilitate the participation of disabled Americans.

That includes making services, programs and information more easily accessible by people with disabilities.

Ten years ago, the U.S. Department of Justice interpreted the Act to include government websites. While DOJ has not required lower governments to adhere to the interpretation, Florida has. The requirement applies to all levels of government, from statewide agencies down to special districts.

Special districts are units of local government that provide local services across jurisdictions that aren't bound by city limits and county lines. The services they provide can include libraries, firefighting, community redevelopment, or soil and water conservation.

State law requires special districts to make information available online so people who can't attend meetings can still be aware of district financial information and other reports.

A House bill, HB 855, would still require district financial audits to be posted online, but it would allow the reports to be housed on the state Auditor General website. Districts would simply need to link to the Auditor General website.

The bill, sponsored by Representative **Bobby Payne**, completely removes the requirement to post public facilities reports and meeting materials. Meeting agendas, however, would still need to be posted.

HB 855 was temporarily postponed on third reading ahead of a floor vote and ultimately was never taken up. It is expected that Representative Payne will bring this legislation back in 2021.

Tax Package

Last week, the tax package (HB 7097) contained \$120 million in cuts. Then the growing economic impact of coronavirus threw a wrench into those plans. Senate Budget Chief **Rob Bradley** said early in the week that the chamber planned to trim down the proposed cuts, and considerably so. They followed through. The final tax cut includes the three-day back-to-school tax package (\$32.3 million) and the disaster preparedness cut (\$4.3 million). On the cutting room floor was the originally proposed cut to the communications services tax (CST), the commercial lease tax, and the Qualified Target Industry Tax Credit, long a staple of Florida's economic development activities. All are expected to be proposed during the 2021 session.

Federal Spotlight

GrayRobinson's Washington, DC office releases a newsletter each week entitled **The Golden Apple**, reporting on the "latest discord on Capitol Hill." This week's newsletter discusses the declaration of a national emergency by the White House. President Trump invoked the [Stafford Act](#) today, declaring a national emergency and triggering a structure for the Federal Emergency Management Agency (FEMA) to provide physical and financial assistance to state and local governments. FEMA will take responsibility for coordinating the government's response and implementing the National Response Framework, which seeks to stabilize the seven identified community lifelines: safety and security; food, water, and shelter; health and medical; energy (power & fuel); communications; transportation; and hazardous materials. Read **The Golden Apple** in its entirety [here](#).

Looking Ahead

Though the Legislature missed ending the Legislative Session on deadline, it isn't expected to go much further. The final vote on the 2020-21 budget is tentatively set for Wednesday. After the budget is set and Session officially wraps, lawmakers will head back to their districts, and many of them will be ramping up for their coming reelection battles.

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