

GRay Matters



It's not always black and white.

2020 Session: Week 6

2/24/20

A host of major bills moved through the Legislature this week, including bills blocking life insurers from using genetic testing data, requiring parental consent for abortions, and creating a statewide regulatory framework for vacation rentals.

The DNA privacy measure, a priority of House Speaker-designate **Chris Sprowls**, has already cleared the House, but the Senate companion is now primed for floor vote — though it's taken a different shape as it moved through committee, notably allowing for insurers to consider diagnoses based on genetic tests so long as they are in a policyholder's medical record.

The parental consent bill, meanwhile, is ready for Governor **Ron DeSantis**' signature after clearing the House on a mostly party line vote. DeSantis is expected to sign the bill, and he commented this week that the policy "deserves to be reconsidered" in the state Supreme Court, which struck down a similar law decades ago.

The vacation rental bill is ready for the House floor following a favorable vote from the Commerce Committee. Its Senate companion, Senate Bill 1128, has one hearing left. If passed, for the first time, online platforms such as Airbnb would have to collect and remit taxes on vacation rental properties, ensure that only properly licensed rentals are advertised and provide the state with specific information about the rentals. In exchange, regulation would be preempted to the state. The measures are a longtime priority for the industry, which currently must abide by vastly different rules county to county.

The "out of nowhere" proposal to merge Florida Polytechnic University and New College into UF and FSU, respectively (HB 7087), gained some support this week when Governor DeSantis and Senate President **Bill Galvano** waded into the conversation.

Both seem amenable to the idea, with DeSantis' only major qualm being which school New College is folded into — he questioned why FSU, and not USF, would be the ideal landing spot for the Sarasota university. Further, with the bill set to be heard by the House Appropriations Committee on Tuesday, February 25, a proposed committee substitute (PCS) was filed on Friday that would merge both New College and Florida Polytechnic University into UF, leaving FSU out of the merger discussion. For sure, this legislation continues to gain momentum and intrigue.

The Florida House of Representatives



— The House passed legislation to sever the state contract with the embattled Florida Coalition Against Domestic Violence, which is under investigation for allegedly paying its former CEO more than \$7 million over the past three years. The bill, which skipped the committee process at DeSantis' request, now heads to the Senate.

— The House voted in favor of placing a school board term limits proposal on the ballot. The bill would limit county school board members to eight years in office, the same limitation imposed on state lawmakers. While the proposal easily cleared the House, it faces a tougher road in the Senate. Even if successful, voters would ultimately decide by way of a ballot question requiring 60 percent for approval.

Florida Senate

— A bill championed by Senate Budget Chief **Rob Bradley** that would relax gift ban rules for non-elected state employees if they or their child are diagnosed with a “serious disease or illness” is heading to the Senate floor.

— A bill that would allow pharmacists to diagnose and treat the flu and strep throat, saving patients a trip to the doctor, cleared its first Senate panel, and has already been scheduled for its second committee hearing. Prior to this week, the measure had been moving more quickly in the House with little interest on the Senate's part.



Bill of the Week

A bill sponsored by Senator **Debbie Mayfield** would update Florida law related to recreational vessels docked at marinas located within the waters of a deepwater seaport. Senate Bill 826 would require recreational vessels to be removed from such marinas pursuant to an evacuation order issued by the port.

If owners haven't relocated their boat by the time the port's US Coast Guard Captain declares port condition “Yankee” — a designation meaning gale force winds are expected to arrive within the next 24 hours — the marina owner would be compelled to remove it for the owner regardless of what contractual provisions might exist between the parties and could charge the cost of doing so back to the owner.

Under the legislation, the seaport may fine a non-compliant owner an amount not to exceed three times the cost of removing the vessel (or “haul out fee”).

The bill also provides the marina owner or employee limited protection from liability for damaging the vessel while removing it, so long as the damage wasn't intentional or caused by negligence.

The bill has so far cleared the Environment and Natural Resources Committee and the Infrastructure and Security Committee. It awaits a hearing in the Rules Committee, its final stop before the chamber floor.

A similar bill in the House, HB 1329 by Representative **Rene Plasencia**, has yet to receive a committee hearing, but the language can also be found within HB 395, an Act Relating to Transportation, which has only one more stop in the House State Affairs Committee before being ready for the floor.

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 President Trump's [announcement](#) that he will nominate Dana T. Wade to serve as Assistant Secretary of Housing and Federal Housing Commissioner.

Wade was Acting Federal Housing Commissioner from July 2017 to June 2018; she later served as a Program Associate Director for General Government at the Office of Management and Budget. Earlier in her career, Wade was Deputy Staff Director for the Senate Banking Committee, and Republican Deputy Staff Director for the Senate Appropriations Committee, under Senator Richard Shelby (R-AL).

Read **The Golden Apple** in its entirety [here](#).

Client Spotlight



Florida Association of Counties (FAC) **Ginger Delegal, Executive Director**

My role at Florida Association of Counties entails: As the Executive Director for an association that has represented Florida's county governments for over 90 years, it is my responsibility to ensure Florida's counties are supported through legislative advocacy, continuing education and the creation of state, regional and local partnerships to advance specific policies and programs.

Florida Association of Counties can help you: FAC helps county governments across the state connect to innovatively solve statewide issues by providing a cohesive platform for counties to collaboratively work together and speak with a unified voice.

Something you wish people knew about Florida Association of Counties that might not be obvious: Your local elected officials and staff work hard to serve their citizens – their own neighbors – and to make their communities a better place to live. They often work long past their 9 - 5 reputation. It is easy to take government services for granted, but I wish more people would take a moment to show gratitude to all of the hard working people who give their lives to public service.

What excites you about going to work each day: The work that FAC does to provide assistance to county governments has a direct impact on their ability to govern, and therefore, on their communities and constituent's way of life. Knowing that the work I'm doing can impact people far beyond Tallahassee is not only exciting but extremely fulfilling.

Looking Ahead

The House Public Integrity & Ethics Committee is the only committee scheduled to meet Monday, but it's a long one.

The panel has set aside five hours to discuss the Florida Coalition Against Domestic Violence (FCADV). Though the full House has already voted to sever FCADV's statutorily protected contract with the state, criminal investigations into the organization's alleged financial mismanagement are moving forward.

More investigations could be on the way, too. Representative **Juan Fernandez-Barquin** said the House's next goal is to peer into the local care providers overseen by FCADV, and DeSantis this week penned an executive order calling on state agencies to review all other single-source contracts enshrined in statute.

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