



As our state and federal lobbying teams continue to closely monitor developments associated with the COVID-19 virus, we wanted to share the following with you to ensure you have the most up-to-date information regarding both recommended and mandated practices.

## State Updates

### Legislative

The Legislature, despite the ongoing crisis, returned to Tallahassee on Thursday to discuss, debate, and vote upon the state's \$93 billion spending plan for the fiscal year beginning July 1, 2020. The House and Senate votes were both unanimous with the measure passing 104-0 and 32-0, respectively. In a future communication we will get into the details of the budget and outline specific items of interest, but you should know that the budget allocates \$27 million for the initial coronavirus response (which is matched by \$25 million in federal dollars) and further sets aside an additional \$300 million in reserves for ongoing response needs. It is possible that, in the weeks or months ahead - as state economists are able to better assess the full depth and breadth of the crisis impact on Florida's revenues - that a special session could be called to allocate additional monies to the response and/or make appropriate budgetary reductions in anticipation of lower-than-initially-forecasted revenues. As it relates to those developments, we will keep you up to speed and please do not hesitate to reach out to us with any questions.

## Executive

Today, Governor Ron DeSantis issued the following Executive Orders:

- The [first order](#) suspends all in-person quorum requirements for public meetings and allowing for use of video and telephone communication for establishing a quorum. After the Governor requested the Attorney General review Florida's Government in the Sunshine Law to determine the requirements of local governments in regards to quorum, Attorney General Moody released the [following opinion](#). Ultimately, General Moody determined that absent a change in statute or Executive Order from the Governor, Florida's current laws require physical presence to establish quorum at local government meetings. Shortly thereafter, Governor DeSantis issued Executive Order (number) that removed the requirement for physical presence to establish quorum while the current state of emergency remains in effect.
- The [second order](#) directs all movie theatres, concert houses, auditoriums, playhouses, bowling alleys, arcades, gymnasiums, fitness studios and beaches to close in Broward County and Palm Beach County for 15 days in an effort to "slow the spread" of the virus in those counties.
- The [third order](#) directs all restaurants and food establishments in Florida to suspend on-premises food and alcohol consumption for customers. The listed establishments may, however, operate their kitchens for the purpose of providing delivery or take-out services. In addition, it lifts the restriction that prohibits a specially licensed food service establishment from selling package sales of alcohol for delivery, take-out or consumption off-premises for restaurants complying with Executive Order 20-68, through the expiration of the state of emergency declared in Executive Order 20-52. Alcohol sales to go with food that is pick-up or delivered will be permitted and I.D. will be required for orders including alcohol.

On March 17, the Governor issued an [Executive Order](#) that put the following into effect:

- Any establishments that derive more than 50% of their gross income from alcohol must suspend the sale of such for thirty days.
- Restaurants must limit capacity to 50% building occupancy, ensuring a six-foot distance between patrons, and limiting parties to 10 individuals.
- Parties accessing public beaches in Florida must limit gatherings to no more than 10 persons, and limit themselves by six feet.

On March 16, the Governor activated the [Florida Small Business Emergency Bridge Loan Program](#), which can assist small businesses impacted by COVID-19. The bridge loan program, managed by the Florida Department of Economic Opportunity, will provide short-term, interest-free loans to small businesses experiencing an economic injury from COVID-19. The application period opens today and runs through May 8, 2020. You may access the application and learn more [here](#).

### **Health Care - Medicare/Medicaid**

After the national emergency was declared by the President, the Centers for Medicare and Medicaid Services (CMS) are authorized under Section 1135 to waive certain requirements that apply to the provision of Medicare and Medicaid Services. Florida was the first state to submit a Section 1135 waiver request which was approved within days by CMS. The approval letter grants Florida some key flexibilities under the Medicaid program, which otherwise presented problematic barriers to providing needed care during this COVID-19 public health emergency. All Florida health care providers are encouraged to read the [CMS approval letter](#) to understand what flexibilities are now available to Florida Medicaid providers to alleviate burdensome requirements which might otherwise hinder the provider's ability to respond. [Updates can be found here](#).

### **Education**

Florida K-12 schools are closed until April 15, as of now. All K-12 required testing and grading in Florida are canceled for the rest of the 2019-2020 school year. Grades will not be calculated, and parents will be able to choose if they wish to hold their children in the same grade for the 2021 school year. [Updates can be found here](#), and [here](#).

## Federal Updates

### **National Emergency Declaration**

The President's declaration of national emergency last week freed up \$50 billion in disaster funds for state, territorial, and local governments. It also put FEMA in the role of coordinator of state and local adjustments to federal programs, such as Medicare and Medicaid. Separately, the Education Department has waived interest payments on federal student loans and the Department of Transportation has lifted federal limits on "hours of service" rules for truckers.

### **Families First Coronavirus Response Act**

The President has signed the [Families First Coronavirus Response Act](#) into law. The bill provides additional funding for the Supplemental Nutrition Program for Women, Infants and Children (WIC); the Emergency Food Assistance Program; and nutrition programs that help the elderly. It institutes waivers for school lunch programs, suspends work requirements for

SNAP benefits, and allows states to request additional waivers for emergency SNAP benefits. It creates a federal emergency paid leave benefits program for those who have to take unpaid leave, expands unemployment benefits to up to 26 weeks, requires certain employers to provide paid sick leave (details below), and mandates that COVID-19 testing be free to consumers.

### **Paid Sick Leave Changes**

Government entities and private sector companies with fewer than 500 employees must now provide up to 12 weeks of partially paid leave under the Family and Medical Leave Act (FMLA). Employers must also provide full-time and part-time workers two weeks of paid leave. The Department of Labor may issue regulations to exempt businesses with fewer than 50 workers. Employers will receive refundable tax credits for the costs incurred by sick leave and the amount paid for workers' health insurance.

### **Tax**

The IRS has [extended the filing date for 1040 tax returns](#) for 90 days, from April 15 to July 15. However, they are still encouraging taxpayers who are eligible for a refund to submit their tax returns in a timely manner.

### **Health Care**

The Centers for Medicare & Medicaid Services (CMS) has taken [a number of steps](#) to respond to the virus, including expanding telehealth options for Medicare beneficiaries. New flexibilities include relaxation of the prior physician/patient relationship requirement and allowing for the use of different types of technologies, including telephones, to provide services under certain circumstances. Distinctions are drawn for reimbursement among types of Medicare services: (i) Telehealth Visits (requires video telecommunications system), (ii) Virtual Check-in (can be by telephone), and (iii) E-Visits (using the online patient portal).

### **Small Business Emergency Loans and Other Resources**

The first relief package included new lending authority for the Small Business Administration to offer low-interest loans to small businesses affected by COVID-19 in 17 states, including Florida, and the District of Columbia. The SBA's [Economic Injury Disaster Loan Program](#) offers small businesses working capital loans of up to \$2 million. Other SBA disaster-related resources are available [here](#).

### **Financial System Liquidity**

The Treasury and the Federal Reserve System have taken unprecedented steps to increase liquidity in the financial system. The Fed is encouraging banks to use the discount window, and regulators have given banks greater flexibility to meet the needs of households and businesses. The Fed has created a [Commercial Paper Funding Facility](#), a [Primary Dealer](#)

[Credit Facility](#), and a [Money Market Mutual Fund Liquidity Facility](#) to support credit extensions to households and businesses.

### **GSEs Suspend Foreclosures and Evictions**

The Federal Financial Housing Agency has directed Fannie Mae and Freddie Mac to [suspend evictions and foreclosures](#) for at least 60 days, and to offer borrowers mortgage forbearance for up to 12 months.

### **Relief for Financial Institutions**

The Federal banking agencies (Federal Reserve, FDIC, OCC) have issued statements encouraging financial institutions to “use their capital and liquidity buffers” to lend and take other actions to support households and small businesses. They are encouraging banks to use the Federal Reserve’s discount window for short-term liquidity needs, and they have moved to online-only examinations through at least March 30. FDIC Chairman Jelena McWilliams has asked the Financial Accounting Standards Board (FASB) to delay the implementation of its rule on current expected credit losses (CECL).

## Additional Resources

[Centers for Disease Control and Prevention](#)

[Executive Office of the Governor](#)

[Florida Department of Emergency Management](#)

[Florida Department of Health](#)

[Florida Supreme Court](#)

[World Health Organization](#)

**GR Resources**

Contact GrayRobinson's [Education Team](#)

Contact GrayRobinson's [Employment & Labor Team](#)

Contact GrayRobinson's [Health Care Team](#)

Contact GrayRobinson's [Tax Law Team](#)

## GrayRobinson Lobbying Team

Please reach out to any member of our government relations team regarding any of the information listed above. We are here to help you during this time.

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