



May 3, 2021 - End of Session Report

Sine Die was an early afternoon celebration on Friday, April 30. Of the 3,140 bills and PCBs filed, only 275 bills crossed the finish line to become matters for the Governor to act on. Governor DeSantis came out a clear winner, with the Legislature passing all of his priorities. Below are some of the biggest issues from this year's 60-day session.

- COVID-19 liability protection as well as a permanent ban on vaccine "passports"
- Overhaul of the school voucher program – increasing the family of four threshold to 100,000
- Online sales tax – requiring out of state online retailers to collect sales tax on purchases made by Floridians
- Personal-injury-protection for motorists replaced with bodily injury coverage
- Anti-protest bill as well as a police reform bill
- Crackdown on social media companies requiring social media companies to more specifically spell out what would get someone "deplatformed," or kicked off the service and to tell people whose accounts have been suspended why they were
- Transgendered athletes – banning transgendered female athletes from competing on high-school and college women's sports teams
- Name, Image and Likeness for college athletes – with two days left in session, a small provision pushing back the effective date for last year's legislation was added to the charter school bill along with the transgendered athletes. After outcry from the state universities, athletes and a promise by the NCAA to not penalize student athletes, language to revert to the original effective date was added and passed on another bill

Big issues that failed to make it across the finish line included

- Data privacy bill - how to limit what companies that collect large amounts of data on customers can do with it, and how they should be regulated in their use of the information
- Multiple public records exemption extensions failed in the House in the remaining days of session
- Controversial baby Box bill for surrendered newborns
- Criminal justice reforms including reforming gain time rules and loosening restrictions for professional licenses

Budget

Total Budget: \$101.5 billion
[\$36.3 billion GR; \$65.2 billion TF]
Reserves: \$6 billion

Highlights

Compensation and Benefits

- Minimum Wage Increase to \$13 per hour for State Employees - \$43 million [\$26 million GR; \$17 million TF]
- Florida Retirement System (State Agencies) - \$59 million [\$33 million GR; \$26 million TF]

Federal Coronavirus Recovery Funds

- \$6.7 billion total - contingent on receipt of Federal Coronavirus State Fiscal Recovery Funds
- Budget Stabilization Fund: \$350 million
- First Responders \$1,000 Bonus Payment –
 - \$208.4 million
 - A first responders is defined as an essential frontline worker who is a sworn law enforcement officer, emergency medical technician, firefighter, paramedic, Institutional Security Officer, Chief, Specialist, or Supervisor of the Department of Children and Families or Agency for Persons with Disabilities, or Department of Corrections' Certified Correctional Officer, Certified Correctional Probation Officer, or IG Inspector. These are limited to state or local government employees.
- Child care assistance for essential workers including health care sector employees, emergency responders, and sanitation workers - \$950.4 million
 - As set forth in the American Rescue Plan Act.

Unemployment compensation program

- Reemployment Assistance Operational Assistance - \$56.6 million GR
- Reemployment Assistance System Modernization - \$36 million GR

HHS by the numbers:

Total Budget: \$44,570.6 million [\$12,117.7 million GR; \$32,452.9 million TF]

Medicaid Price Level and Workload - \$4,293.7 million [\$1,215.7 million GR; \$3,078.0 million TF] • Medicaid Post-Partum Care Extension for a 12 month period.

Graduate Medical Education

- Graduate Medical Education Program Increase - \$9.4 million [\$1.2 million GR; \$2.3 million IGTs; \$5.9 million TF]
- Indirect Medical Education Program for Teaching Hospitals (Authorization Subject to Federal Approval)

Rates:

- Cuts to Nursing Homes and Hospitals were restored to current funding
- Hospital Critical Care Funding Moved to Nonrecurring Funding
- Directed Payment Program for Hospitals authorized (Authorization Subject to Federal Approval)
- Florida Cancer Hospitals - \$154.0 million TF [\$57.3 million IGTs; \$96.7 million TF]
- Rate increases for PPECs and ICF/DDs (only rate increases that were approved – ICF/DD rate was increased in 2020, but vetoed last year because of COVID and was restored)

COVID Update:

Vaccine Update as of 5/1/21

Doses Administered: 14,665,875

Series Completed: 6,328,296

Those bills highlighted in yellow passed both chambers and sit for Governor Action.

Agency Update:

- Secretary Marsteller was confirmed by the Senate on 4/29
- While rulemaking for Nurse delegation has been delayed for more information gathering, public workshops will still take place this week
 - 5/4/21 @ 2:00.....59A-8.005 HHA Exemptions – adding new exemptions from 2020 legislative session
 - 5/5/21 @ 2:00.....59A-8.0095 HHA Personnel – new language for RN delegation of tasks to home health aides and CNAs; training requirements to participate by using Open Voice conference line: 1-888-585-9008; Conference room number 476-211-242#
 - 5/6/21 @ 2:00.....59A-8.0248 HHA Excellence in Home Health – new rule for Excellence

in Home Health Award program to participate by using Open Voice conference line: 1-888-585-9008; Conference room number 476-211-242#

Legislative Actively Engaged:

- SB 1298 Nurse Registries (Brodeur) **has not been heard in its first committee of reference, refer to 1568**
Authorizing registered nurses to delegate to certified nursing assistants and home health aides the administration of certain medication to patients of nurse registries under certain circumstances; authorizing certified nursing assistants to administer certain medication to patients of nurse registries under certain circumstances, etc. Effective Date: 7/1/2021
- HB 1045 Delegation of the Administration of Prescription Medications (Snyder) **refer to 1568**
Authorizes registered nurse to delegate administration of certain duties for care of patient of nurse registry; authorizes certified nursing assistants to administer certain medication to patients of nurse registries. Effective Date: July 1, 2021
 - Passed Professions and Public Health 14-0, 4/1, Stuck in HHS
- SB 1568 Department of Health (Rodriguez, A)/ HB 1565 (Drake) **died in messages**
Revising the purpose of the department's targeted outreach program for certain pregnant women; requiring the department to educate pregnant women who have HIV on certain information; revising provisions related to administrative fines for violations relating to onsite sewage treatment and disposal systems and septic tank contracting; authorizing the department to select samples of marijuana from medical marijuana treatment center facilities for certain testing; revising provisions relating to licensure of midwives; revising education requirements for psychologist licensing and provisional licensing, respectively, etc. Effective Date: 7/1/2021
 - Amended to include language from HB 1045

Legislation to Monitor:

COVID Liability:

- **HB 9 Protecting Consumers Against Fraud During a Pandemic (Zika)**
Prohibits dissemination of false or misleading vaccine information with a specified intent; provides authority and criminal penalties, authorizes civil remedies. Effective Date: upon coming law
 - Passed House 113-0
 - Passed Senate 40-0, 4/27
- **SB 0072 Civil Liability for Damages Relating to COVID (Brandes)**
Civil Liability for Damages Relating to COVID-19; Providing requirements for a civil action based on a COVID-19-related claim; providing that the plaintiff has the burden of proof in such action; providing a statute of limitations; providing severability; providing retroactive applicability, etc. Effective Date: This act shall take effect upon becoming a law and shall apply retroactively. However, the provisions of this act shall not apply in a civil action against a particularly named defendant, which is commenced before the effective date of this act
 - Passed Senate 24-15
 - Passed House 83-31
 - Signed by the Governor

Health Care Related bills:

- **SB 1132 Personal Care Attendants (Bean)/ HB 485 (Garrison)**
Authorizing nursing home facilities to employ personal care attendants if they complete a certain training program developed by the Agency for Health Care Administration, in consultation with the Board of Nursing; authorizing certain persons to be employed by a nursing home facility as personal care attendants for a specified period if a certain training requirement is met, etc. Effective Date: Upon becoming a law
 - HB 485 Passed House 106-11
 - HB 485 passed Senate 32-7, 4/26

- HB 309 Dementia related Staff Training (Byrd) **died on the Calendar**
Dementia-related Staff Training: Requires certain entities, as condition of licensure, to provide dementia-related training for new employees; provides requirements for training; requires employees to receive additional training developed or approved by DOEA under certain circumstances; authorizes department to develop curriculum for training; encourages DOEA to consult certain nationally recognized organizations to develop registration process for training providers & assessments. Effective Date: July 1, 2021
 - Placed on 2nd reading
- SB 634 Dementia related Staff training (Gibson) **died in Appropriations**
Dementia-related Staff Training: Requires certain entities, as condition of licensure, to provide dementia-related training for new employees; provides requirements for training; requires employees to receive additional training developed or approved by DOEA under certain circumstances; authorizes department to develop curriculum for training; encourages DOEA to consult certain nationally recognized organizations to develop registration process for training providers & assessments. Effective Date: July 1, 2021
 - Stuck in Appropriations
- HB 247 Telehealth Practice Standard (Fabricio) **died in Messages**
Revises definition of "telehealth"; deletes prohibition on prescribing controlled substances through telehealth. Effective Date: July 1, 2021
 - Passed House 118-0