



Legislative Update - March 19, 2021

Ending the third week of session, both the House and Senate passed bills within their respective chambers. House appropriations subcommittees are winding down their consent agendas, setting up the chamber to develop its initial budget for fiscal years 21-22.

Gov. Ron DeSantis announced plans Tuesday to shore up his state's emergency management system, as well as give \$1,000 bonus checks to the state's cadre of first responders under a spending proposal to disburse some \$10 billion Florida is expected to reap under the latest federal COVID-19 relief bill. The governor said the money would also go to bulk up infrastructure, bolster efforts to fight rising sea levels, and fix the state's unemployment system

Gov. Ron DeSantis and Florida legislative leaders aren't interested in expanding Medicaid under the Affordable Care Act, despite the federal government's offer to defray the cost to the state for two years as part of the \$1.9 trillion COVID-19 relief package signed by President Biden last week. Democrats and advocates who've pushed for expansion say there's no reason not to offer coverage to 800,000 more Floridians now that the cost to the state would be less.

There are currently 56 bills placed on the calendar for floor action, and 11 in messages between the chambers. Next week, the first bills could be in proper posture to be ready to send to the Governor for action.

Included below are those bills where we are actively engaged and those we are monitoring on your behalf. Please review and notify us if you have questions, or if there are other issues you would like us to add to the tracking. The full text of each bill is available on the legislative web sites (www.flsenate.gov and www.myfloridahouse.com.)

COVID Update:

By the Numbers: as of 3/18/21

Total numbers of cases since the pandemic started: 1,994,117

Deaths of Florida Residents: 32,598

Percentage of available hospital beds statewide. 22.68%

Percentage of available adult intensive-care unit beds statewide. 27.54%

Vaccine Update as of 3/18/21

Doses Administered: 4,464,035

Series Completed: 2,496,435

State Action:

- As previously noted, the Governor's executive order prioritizing seniors age 65+, and those healthcare providers with direct patient contact are the absolute priorities for vaccine distribution. While there are inconsistencies between the counties on allocations and the supply does not cover the demand.
 - For a comprehensive list of DOH vaccine information please visit:

- <https://floridahealthcovid19.gov/covid-19-vaccines-in-florida/>
 - Essential Workers will be included in a later grouping. The Governor has spoken in the past that when there is a single dose vaccine available, the state will open to the next phase to include essential work force.
- The state has launched its solution for vaccination appointment. Please visit: www.myvaccine.fl.gov although some counties have opted out of using the site and will continue to use their system.
- If one is experiencing issues with getting vaccinated, please email: Provider.covid19@flhealth.gov
- Axios Tampa Bay on Monday rounded up a couple of the stories in national media outlets over the last few days looking at the degree to which Florida and Gov. Ron DeSantis got the response to the pandemic right by essentially rejecting the heaviest-handed safety measures. Several outlets have noted that some states put more restrictive measures in place and still ended up with the same high case and death counts that Florida did.
 - Axios pointed to a Los Angeles Times article noting that California's economy has been hit harder and students have lost more learning than in Florida – but with similar results in terms of deaths, and cited a front-page New York Times story that pointed out that Florida's earlier reopening before the virus was completely under control has given much of the state "a boomtown feel." Florida's unemployment rate is 5.1%, compared to 9.3% in California, 8.7% in New York and 6.9% in Texas, the New York Times notes.

Legislative Actively Engaged:

- SB 1298 Nurse Registries (Brodeur)
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)
- 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

Legislation to Monitor:

COVID Liability:

- HB 007 Civil Liability for Damages Relating to COVID-19 (McClure)
Civil Liability for Damages Relating to COVID-19: Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability. Effective Date: upon becoming a law
 - Passed 83-31
- 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
- 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
- SB 74 COVID-19 Related Claims Against Health Care Providers (Brandes)
Providing preliminary procedures for civil actions based on COVID-19-related claims; providing the standard of proof required at trial for such claims; providing immunity from liability for COVID-19-

related claims under certain circumstances; requiring COVID-19-related claims to commence within a specified timeframe, etc. Effective Date: Upon becoming a law

- Not considered by Rules
- HB 7005 Health Care Civil Liability for COVID-19 Related Claims
An act relating to civil liability for COVID-19- 3 related claims against certain healthcare entities; requirements for a civil action based on a COVID-19- related medical claim; providing requirements for a civil action based on a COVID-19-related negligence claim; providing severability; providing retroactive application.
 - Placed on Calendar 2nd reading
- 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 Finance & Facilities Committee 18-0, 3/17
 - SB 1132 On the Children, Families and Elder Affairs 3/23
- HB 309 Dementia related Staff Training (Byrd)
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
 - Temporarily Postponed in HHS on 3/18
- SB 634 Dementia related Staff training (Gibson)
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
 - On Children, Families and Elder Affairs Agenda for 3/23
- SB 700 Telehealth (Rodriguez, A)
Requiring AHCA to reimburse the use of telehealth in certain limitation; revising the term telehealth; authorizing nonphysician health care 15 practitioners to satisfy a certain supervision 16 requirement through telehealth; authorizing out-of-17 state physician telehealth providers to engage in 18 formal supervisory relationships with certain 19 nonphysician health care practitioners in this state; revising the 23 definition of the term “pharmacy”; authorizing registered 26 pharmacy technicians to compound and dispense 27 medicinal drugs under certain circumstances
- SB 831 Telehealth (Rodriguez, Ant)
Revises definition of "telehealth" to remove exclusion of audio-only telephone calls from telehealth services; authorizes use of telehealth for prescription renewals; provides that telehealth may be substituted only for physical examinations; authorizes qualified physicians to issue physician certifications to existing qualified patients to receive marijuana & marijuana delivery devices under specified circumstance; prohibits certain health insurance policies, small employer health benefit plans, & health maintenance contracts from denying coverage for covered services provided through telehealth; provides that health insurers, small employer health benefit plans, & HMOs are not required to reimburse providers for originating fees or costs for telehealth services; provides cost-sharing limitations for health insurers, small employer health benefit plans, & HMOs relating to telehealth services. Effective Date: July 1, 2021
- HB 247 Telehealth Practice Standard (Fabricio)

Revises definition of "telehealth"; deletes prohibition on prescribing controlled substances through telehealth. Effective Date: July 1, 2021

- **SB 864 Telehealth (Brodeur)**
Revising the definition of the term "telehealth"; revising an exemption from telehealth registration requirements, etc. Effective Date: 7/1/2021
 - Passed Health Policy 10-0, 3/17

Other Legislative Issues of Note:

- An effort to abolish the Constitution Revision Commission (HJR 1179) is now awaiting a vote in its final House committee after an up vote on the idea on Wednesday in another committee. By a 12-4 vote, the House Civil Justice and Property Rights Subcommittee voted to advance the proposed constitutional amendment.
- A Senate panel on Tuesday approved legislation ([SB 1924](#)) spurred by the difference of opinion on how to respond to the pandemic that would limit the powers of local government leaders during emergencies, allowing the governor or Legislature to invalidate local rules and putting 10-day time limits on emergency orders by any one official other than the governor, such as a mayor or city manager. The power to close businesses for extended lengths of time and make other emergency rules "should not lie with one individual," said bill sponsor Sen. Manny Diaz, R-Hialeah. The proposal would still allow local officials to enact such orders, but after 10 days those orders would have to be approved by a local legislative body such as a city council or county commission to be allowed to remain in place.
- The Senate Government Oversight Committee on Wednesday narrowly approved legislation (SB 1014) requiring unions to have at least half a bargaining unit's workforce as dues-paying members or go up for recertification with the state's Public Employees Relations Commission. The measure also would prohibit the teacher's union from using automatic dues paycheck deductions. The panel passed the bill on a 3-2 vote as about 100 teachers went to Tallahassee's Civic Center to protest the bill.