



Legislative Update - March 26, 2021

During the fourth week of the 2021 Regular Legislative Session, the Senate and House published initial budget proposals. Some highlights include:

- Visit Florida: Both the House and Senate set aside \$50 million to fund VISIT FLORIDA for the coming fiscal year.
- Beach Funding: The Senate includes the full \$50M for FY 2021/22. The House includes an additional \$50M for the statewide beach program for a total of \$100M for beaches.
- Florida Forever: The House budget includes \$100 million for land acquisition through Florida Forever. The Senate plan includes \$50 million.

Health care budget of note:

- A top priority of Florida House Speaker Chris Sprowls to extend the length of time that women with newborns can receive Medicaid benefits is one growth in the budget, while most large categories of spend see potential cuts.
- The House rolled out a health care spending proposal that includes deep cuts, including slicing Medicaid reimbursements to nursing homes by 2%, or \$80.4 million in state and federal funding.
- Both House and Senate recommended reducing Medicaid payments for inpatient and outpatient hospital care by \$288 million.
- The House plan proposes eliminating \$226 million from what the Safety Net Hospital Alliance of Florida calls the "critical care fund." The Senate proposal would reduce hospital inpatient and outpatient Medicaid rates by \$251.2 million. The Senate would reduce the "critical care fund" by \$77.3 million, compared to the House's proposed \$226 million reduction.
- Both the House and Senate propose eliminating over-the-counter drug benefits for adults on Medicaid, which would lead to a \$22.6 million reduction.

The House voted 83-31 on SB 72, the combined protection for businesses and health care from COVID-19 lawsuits, as long as they have made a good faith effort throughout the pandemic. The bill, which passed the Senate earlier could be the first bill of the 2021 session to go to the desk of Gov. Ron DeSantis, who also supports the idea. The legislation would become effective as soon as it is signed into law but already filed lawsuits would not be affected by the bill.

The House also passed HB 1, bill that would create tougher penalties for rioters amid complaints it may unfairly affect protestors and stifle dissent. It also waives sovereign immunity for tort claims arising from a riot or unlawful assembly if the governing body of a municipality interferes with law enforcement's ability to provide reasonable police protection. The vote was 76-39.

The Senate voted 30-10 on Thursday to require online and other remote sellers to collect and remit Florida sales tax, a move that could boost state coffers by about \$1 billion. Under the proposal, which still must be approved by the House, that new revenue would go to prop up the state's depleted unemployment trust fund, saving businesses from an otherwise required tax increase to refill the fund. Republicans have long resisted - and continue to resist - any new tax in Florida, but state law has always required that taxpayers actually pay sales and use tax on items purchased online - it has just never made an effort to enforce it, or

created a requirement for out-of-state retailers to collect and send in the tax. If the bill ultimately passes, Florida would become one of the last couple of states to do so. The bill sponsor, Sarasota Republican Sen. Joe Gruters, called the measure a "win-win-win" noting that it would help employers avoid the unemployment tax increase, help employees who might in the future need the unemployment fund to have enough money to pay claims, and would end an unfair advantage for out-of-state online retailers who can sell items that cost the consumer less because they don't include sales tax. He said without using the new revenue to prop up the unemployment compensation trust fund, businesses would be on the hook for a 700% increase in what they pay into the fund, which was depleted in the wake of the pay-out required by massive lay-offs in the midst of the pandemic.

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 3/25/21

Total numbers of cases since the pandemic started: 2,021,656

Deaths of Florida Residents: 32,850

Vaccine Update as of 3/24/21

Doses Administered: 7,872,070

Series Completed: 2,853,667

State Action:

- Governor DeSantis has expanded the eligibility guidelines for COVID_19 vaccinations to all individuals age 40 or older, beginning April 5. 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/>
 - 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

Rules Update:

AHCA announced rule workshops for relating to 59A8.0095 and 59A8.0248. The first is on Home health Agency personnel and the proposed rule is revised to align the requirements for an administrator and alternate administrator as well as a director of nursing and alternate director of nursing. Additionally, the rule is amended to require submission of the license application form for reporting certain personnel changes. Language is amended to clarify the delegation of tasks and supervisory requirement for home health aides and certified nursing assistants. The rule is also revised to clarify training requirements for home health aides and certified nursing assistants. Requirements for cardiopulmonary resuscitation (CPR) are amended to broaden the organizations by which an instructor can be approved to provide (CPR) training. Other technical changes are made for clarification. The second is related to the development of the Excellence in Home Health program. The workshops will take place on 5/5 and 5/6 respectively. Below is the notice for those two rule notifications, as well as others.

https://www.flrules.org/BigDoc/View_Section.asp?Issue=3337&Section=1

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
 - Passed House 83-31
- 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

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 HHS 21-0, 3/24
 - SB 1132 Passed Children, Families and Elder Affairs 8-0, 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
 - Temporarily Postpone in Children, Families and Elder Affairs on 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
 - Passed Professions % Public Health 17-0, 3/23
- **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:

- A House committee approved a bill Wednesday to better prepare for public health emergencies, ranging from ensuring the state is well-stocked with personal protective equipment to allowing the governor more flexibility in spending state money to deal with a crisis. The bill PCB PPE 21-01, approved by the House Pandemics & Public Emergencies Committee on a 14-4 vote, also addresses how deaths are reported, would allow the Legislature to override a governor's executive orders and seeks to better inform the public on state spending on its response and emergency orders. It would also limit local emergency orders to six weeks. 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 teachers 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.
- Physician assistants, or PAs, were excluded last year from a large autonomous bill for nurse practitioners and this year have seen language giving them more autonomy amended out of bills moving through the legislative process. Legislation approved Tuesday by the House Professions & Public Health Subcommittee (HB 431) gives supervising physicians the ability to determine how

many PAs he or she may supervise, removing a 4 to 1 ratio that's currently required. The bill also allows PAs to prescribe certain psychiatric medicine under supervision. A Senate version of the legislation ([SB 894](#)) has cleared one committee and is now in the Senate Appropriations Subcommittee on Health and Human Services.

- One of two measures involving electrical vehicles approved Tuesday by a Senate committee could start the state on a path toward eventually replacing some of the revenue from the gas tax that is expected to accompany a shift to more electric cars, and until then would help build EV charging infrastructure. The bill ([SB 140](#)) would impose a flat \$135 registration fee on electric vehicles weighing less than 10,000 pounds starting this year. The fee would be \$235 for large electric trucks, and \$35 for plug-in hybrid electric vehicles. Currently electric vehicle drivers pay the same registration fees as drivers of cars with combustion engines. In the short-term the money collected in fees would go to a grant program created by another bill ([SB 138](#)), which was also approved by the Senate Transportation, Tourism and Economic Development Appropriations Subcommittee on Tuesday, that would pay for the building out of publicly available electric vehicle charging infrastructure. The bill's sponsor, Sen. Jeff Brandes, R-St. Petersburg, told the committee that the private market won't yet adequately build the infrastructure needed to charge electric cars until there's far more of them. But until then, those people who do have electric vehicles could have problems evacuating from hurricanes with no charging stations along the state's highways, a problem Brandes said the two bills could solve.