



Legislative Update - April 2, 2021

Wednesday of this week, we hit the midpoint of the 60 day Session, with only 1 bill thus far presented to the Governor. On Monday, Governor DeSantis signed SB 72 providing businesses and health care providers that have made an effort to follow COVID-19 protection guidelines some protection from lawsuits stemming from the virus.

The Senate and House start out about \$2.12 billion apart as they began work on budgets in committees this week. The Senate budget doesn't yet include more than \$10 billion in one-time federal pandemic relief money the state is expecting to see. The House budget does account for some increased federal money, using \$4.4 billion in federal dollars for increased Medicaid costs and COVID-19 response money for the Department of Education.

The House's \$97.07 billion starting budget comes in just larger than the governor's proposed \$96.57 billion spending plan, while the Senate proposal starts out at \$94.95 billion. The House's spending of nearly \$2.4 billion more in COVID response money on the education section of the budget makes up the bulk of the difference.

For more details on how the budgets differ, see the two tables below, which compare the total positions and proposed spending from the current budget proposals to the governor's recommendations, agency requests, and current year budgets. The tables also include the differences between the House and Senate proposals by budget area.

By Chamber, Governor Recommendations and Agency Requests

	SB 2500	APC1	Governor's Recommendation	Agency Requests	Current Year Budget
Total Positions	111,311.26	113,557.01	113,722.01	113,538.01	113,398
Total Funds	\$94,958,184,153	\$97,077,881,519	\$96,577,831,649	\$94,975,580,975	\$92,269,652,035

By Budget Area

	SB 2500		APC1		DIFFERENCE	
Section	Dollars	Positions	Dollars	Positions	Dollars	Positions

Education Enhancement	\$2,201,779,407	0.00	\$2,173,391,723	0.00	\$28,387,684	0.00
Education (All Other Funds)	\$26,339,100,782	2,266.75	\$28,717,566,918	2,175.75	-\$2,378,466,136	91.00
Human Services	\$42,335,701,768	30,927.26	\$42,121,489,934	30,959.76	\$214,211,834	-32.50
Criminal Justice and Corrections	\$5,022,140,470	40,504.00	\$5,136,060,283	42,610.75	-\$113,919,813	-2,106.75
Natural Resources/ Environment/ Growth Management/ Transportation	\$14,433,390,066	14,871.25	\$14,383,736,486	14,984.25	\$49,653,580	-113.00
General Government	\$6,176,862,569	18,431.50	\$6,118,033,793	18,398.00	\$58,828,776	33.50
Judicial Branch	\$650,988,498	4,310.50	\$600,994,105	4,428.50	\$49,994,393	-118.00
TOTAL	\$94,958,184,153	111,311.26	\$97,077,881,519	113,557.01	-\$2,119,697,366	-2,245.75

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:

Vaccine Update as of 3/31/21

Doses Administered: 8,944,101

Series Completed: 3,307,323

State Action:

- Governor DeSantis has expanded the eligibility guidelines for COVID_19 vaccinations to all individuals age 40 or older, beginning March 29, beginning April 5, all Florida residents shall be eligible to receive any COVID-19 vaccine as prescribed by the FDA.
 - 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
- Gov. Ron DeSantis' assertion that any system that seeks to verify that customers of a particular business are vaccinated in an effort to assure other customers they're safe is an unfair invasion of privacy matches a national Republican push against the idea of "vaccine passports." The opposition comes in the face of a move by New York to allow the vaccination verification systems, and ahead

of expectations that the Biden Administration will also support the idea. DeSantis said earlier this week he'll issue an executive order prohibiting businesses from excluding unvaccinated customers and keeping local governments from requiring "vaccine passports." He also called on lawmakers to permanently ban vaccination verification documentation requirements, citing unfairness and privacy concerns.

- **Rules Update:**

AHCA announced they will need more time to review and have postponed the Rules workshop for may related to the excellence in home health program as well as the delegation of certain tasks to CAN and home health aides. We will keep you updated on when these are rescheduled.

Legislative Actively Engaged:

- SB 1298 Nurse Registries (Brodeur) **has not been heard in its first committee of reference** 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
 - **Passed Professions and Public Health 14-0, 4/1**

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 Rules 17-0, 3/25
 - Placed on 2nd Reading 3/25
- **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 Placed on Calendar on 2nd reading 4/1
 - **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
 - Passed Children, Families and Elder Affairs 7-1, on 3/30
- 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) **has not been heard in its first committee of reference**
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.