



## Legislative Update - March 5, 2021

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The 2021 Regular Legislative Session officially began on March 2, 2021. Senate President Wilton Simpson, House Speaker Chris Sprowls and Gov. Ron DeSantis addressed the 2021 Legislature on what Simpson called "an opening day like none other" on Tuesday. All three expressed optimism about responses to the health crisis so far and those to come, and the governor defiantly laying out what he sees as a successful response that has bucked the way most of the rest of the country has dealt with the COVID-19 outbreak and its aftermath. Simpson urged legislators to be cautious when crafting a state budget, to avoid over-reliance on any one-time federal money that may arrive and to continue to be fiscally conservative. He also said the Legislature will respond to the pandemic in a way that will make the state more resilient in the face of future challenges. "Florida has become a model for recovery from hurricanes," Simpson noted. "We suffer. We learn. We improve. We are resilient. We are going to learn from this pandemic. We are going to get better prepared. We are going to prevent shutdowns. We are going to improve our unemployment system." Simpson discussed his policy priorities this session which include child welfare reform, cleaning up the environment and COVID-19 liability issues. Sprowls gave a short speech that suggested lawmakers should remain focused on their individual agendas, not external pressures from the media or interest groups. "Will we hide inside our safe spaces where we are right and everyone else is wrong, or will we climb to find higher, common ground?" Sprowls asked. "Will we have the capacity to recognize that while we are at the center of our own sessions, we are not at the center of everyone else's? Those choices rest entirely with each of us."

Bills already heard on the floor include:

- HB 007 Civil Liability for Damages related to Covid 19 (on House floor for Passage 3/5)
- HB 009 Protecting Consumers Against Fraud in a Pandemic passed 113-0

At this time, 2965 bills have been filed, of those 1682 are general bills. 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](http://www.flsenate.gov) and [www.myfloridahouse.com](http://www.myfloridahouse.com).)

### **COVID Update:**

#### **By the Numbers: as of 3/4/21**

Total numbers of cases since the pandemic started: 1,924,114

Deaths of Florida Residents: 31,267

Percentage of available hospital beds statewide. 20.79%

Percentage of available adult intensive-care unit beds statewide. 19.55%

#### **Vaccine Update as of 3/3/21**

Doses Administered: 4,947,800

First dose: 1,400,524

Series Completed: 1,773,638

#### **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/>
    - Home Care workers are included in this current prioritized group.
  - The state has launched its solution for vaccination appointment. Please visit: [www.myvaccine.fl.gov](http://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](mailto:Provider.covid19@flhealth.gov)
- Governor DeSantis amends executive order allow those under 65 with underlying health conditions to be vaccinated by APRNs and pharmacists rather than just hospitals and then expanded vaccine availability to K-12 employees age 50+, Sworn law enforcement officers, age 50+, and firefighters age 50+. [https://www.flgov.com/wp-content/uploads/orders/2021/EO\\_21-47.pdf](https://www.flgov.com/wp-content/uploads/orders/2021/EO_21-47.pdf)
- Governor continues to announce COVID 19 vaccination sites in underserved communities within Broward, Dade, Duval, Leon, Osceola and St. Lucie counties.
- CVS Health will begin offering COVID-19 vaccinations at 81 select CVS Pharmacy, CVS Pharmacy y más, and Navarro Discount Pharmacy locations in 13 counties across Florida, including 67 in Miami-Dade County.

#### **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

**Those highlighted in Yellow have new action.**

*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
  - House, placed on third reading for 3/5
- **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 Commerce and Tourism Committee Agenda 3/2 7-4
- **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
  - Passed Senate Health Policy on 3/3, 5-4
- **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.
  - Passed Pandemics and Public Emergencies on 3/2; 12-6
- **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 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

- Passed Finance and Facilities on 3/2 15-1
- 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
- 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
  - Passed Senate Health Policy Agenda 10-0.
- 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