



Legislative Update – April 23, 2021

As Session Week 8 comes to a close, budget negotiations are underway. At this point, Conference committee meetings have concluded and the outstanding budget issues have been “bumped” to the budget chairs. Those issues that remain unresolved will next go to the presiding officer for resolution of the differences. Regularly scheduled substantive committee and subcommittee meetings have ended.

However, House and Senate Rules Committees and Appropriations Committees may continue to meet as needed. Substantive Committees may be convened to address issues related to final negotiations between the House and the Senate. Budget meetings are on one hour notice. Senate committee meetings are on 2 hour notice. The House currently notices meetings at 4:30 the day before the meeting. The House and Senate are in formal Session every day until Session ends.

One last issue that may have a direct impact on the budget is the potential for a gaming compact. Late Thursday, Legislative leaders that lawmakers are close to sealing a gambling deal between the state and the Seminole Tribe, though final approval could come in a special session rather than during next week's run to the end of the regular session. The deal could include approval of legal sports betting, a half-billion proposition for the state. "The Seminole Tribe of Florida is committed to a mutually beneficial gaming compact with the State of Florida and looks forward to its approval by the Florida Legislature, the Seminole Tribal Council and the U.S. Department of the Interior," a tribal leader said in a statement.

There is a lot of floor activity with amendments being filed to create legislative “trains” that may include issues that were separately filed as legislation or to introduce entirely new issues.

The House on Wednesday resoundingly approved a consumer privacy bill, giving the public an opportunity to regain ownership of the personal data collected by companies and the right to sue companies for mishandling information in a marketplace where consumers themselves have become lucrative

commodities. The Senate is expected to soon take up the House bill, as part of a package of proposals sought by Gov. Ron DeSantis meant to reign in Big Tech firms. The House measure (HB 969), which passed 118-1 on Wednesday, retains a provision that would let individual consumers sue companies that do not comply with the law, including selling information when a consumer has asked that a company does not do so. The personal cause of action was removed from the Senate version (SB 1734) and could be a sticking point.

Included below are those bills where we are actively engaged and those we are monitoring on your behalf. Bills that are stuck in a committee of reference that will likely no longer meet have been removed from the tracker, but we are still watching in the event they move somehow procedurally. 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 4/22/21

Doses Administered: 13,209,897

Series Completed: 5,433,599

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.
- o For a comprehensive list of DOH vaccine information please visit:
 - 🔗 <https://floridahealthcovid19.gov/covid-19-vaccines-in-florida/>
- o 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.
- o If one is experiencing issues with getting vaccinated, please email: Provider.covid19@flhealth.gov
- As of April 14, 2021, the state of Florida is pausing all Johnson & Johnson (Jansenn) vaccines per the recommendation of the Centers for Disease Control (CDC) and Food and Drug Administration (FDA) for the time being. Click here to learn more about the CDC and FDA guidance.

AHCA 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.
- Medicaid has released new resources related to Medicaid Change of Ownership. There is now a new CHOW webpage that can be found here: [CHOW Page](#)

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

- o Passed Professions and Public Health 14-0, 4/1, Stuck in HHS

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

- o Passed House 113-0
- o Passed Rules 17-0, 3/25
- o 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

- o Passed Senate 24-15
- o Passed House 83-31
- o 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

- o HB 485 Passed House 106-11
- o HB 485 Placed on 3rd reading 4/23
- 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

- o Placed on 2nd reading
- 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

- o Stuck in Appropriations
- HB 247 Telehealth Practice Standard (Fabricio)

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

- o Passed House 118-0

Other Legislative Issues of Note:

- Senate Democrats on Wednesday elected Sen. Lauren Book, D-Plantation, to become the next Senate Democratic leader through 2024. The decision followed the announcement by Sen. Perry Thurston, D-Fort Lauderdale, that he plans to resign from the Senate to seek the South Florida congressional seat open because of the recent death of U.S. Rep. Alcee Hastings. Book was elected to the Senate in 2016 and has been a prominent advocate on children's issues, particularly issues related to protection of children from sexual and other abuse, and is currently the Democratic whip.
- Out-of-work Floridians drawing unemployment could see a \$100 a week benefit increase under legislation (SB 1906) passed unanimously Thursday in the Senate that is a priority of Senate President

Wilton Simpson, sending the measure to the House where its fate is far less certain. The increase would boost a jobless benefit that is meager by national standards and comes in the wake of the crush of unemployment claims that followed the shutdowns at the beginning of the COVID- 19 pandemic that saw jobless rolls hit a half-century high in the state. The issue is in question in the GOP-led House, and Gov. Ron DeSantis has expressed opposition to an increase in the weekly maximum benefit, currently \$275. In addition to upping that to \$375, the legislation would also increase the eligibility period from 12 weeks to 14

- Businesses wouldn't be allowed to require "vaccine passports," or documentation of vaccination to decide whether to admit certain customers, under legislation (HB 7047) approved Monday by the House Health and Human Services Committee. The language, added to a wide-ranging emergency management bill this week, puts the measure in line with the position of Gov. Ron DeSantis, who has rejected the idea that businesses should be allowed to determine which customers they serve as the state rides out the rest of the pandemic, and has already barred vaccine passports by executive order. At least one state, New York, has not only allowed vaccine verification but created a voluntary "pass" system to allow vaccinated New Yorkers to attend large gatherings that otherwise would be barred. The Florida bill, approved in the committee on a 14-7 vote, also applies to government agencies and would create a potentially \$5,000 fine for businesses, governments or schools that require to present proof of vaccination to be admitted. The measure could be notably at odds with plans by cruise ship companies and airlines, which have said they have plans to provide cruises and flights for passengers who can show they've been vaccinated. The bill also prevents government agencies from keeping emergency orders in place during or after crises for more than a total of six weeks.

- The Senate's elections revamp (SB 90), including new security rules for drop boxes and rules around interactions at ballot drop-off locations, is ready for a final vote after some additional bipartisan tweaks to the bill in amendments on Thursday. The measure still is opposed by Democrats, who say parts of it could make it harder for people to vote – in exchange for changes that aren't particularly needed after a successful 2020 election. But the bill's Republican sponsor rejected the notion. "I want (it to be) easy to vote, hard to cheat, and full participation," said Sen. Dennis Baxley, R-Lady Lake. "I am convinced that this bill does not disenfranchise anyone." Over the course of the session Baxley has backed off what was initially a ban on drop boxes and now the bill includes security measures around dropboxes, and limits on how many ballots people can carry to a dropbox for other voters. Baxley also on Thursday introduced an amendment, which was approved, that

removed a previously-sought requirement that certain signatures have to be live rather than electronic.

- The Senate on Wednesday unanimously passed legislation pushed by a national conservative group that honors victims of communism, but with an amendment that appeased Black lawmakers who were concerned that other victimized groups weren't honored. The bill (HB 1553) was amended by the Senate to add observance of Juneteenth Day, marking the end of slavery in the United States. The measure now returns to the House for approval.