



**Florida Academy of Family Physicians  
2021 Legislative Session  
Interim Capital Update  
January 15, 2021**

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As the pandemic crisis and response efforts continue to dominate our nation's public health discussion, legislators formally began their pre-legislative session interim committee process. And, as expected, COVID-related issues were the main topics of the discussion. Impacts on the state budget, vaccine response, and liability protections were all discussed as legislators met in a socially-distanced environment with highly restricted public access to the Capitol Complex. Legislation is also beginning to get filed on myriad topics. Whether these non-COVID related issues can be addressed in this unique environment remains to be seen as the legislature prepares for the upcoming session.

Following is a summary of the issues confronting our state and the Florida Academy of Family Physicians.

**2021 Doctor of the Day Program**

FAFP's Doctor of the Day Program is an important part of FAFP's advocacy efforts during each of the nine-weeks of the 2021 Legislative Session which begins March 2 runs through April 30. Due to the Coronavirus pandemic, the Florida Senate has determined it will not have Senators sponsoring doctors for the program due to limited capital access. The House of Representatives will continue the program for this session, however, the application and other protocols have not been released yet. For further information about the program, please contact FAFP Executive Vice President Jay Millson at [jmillson@fafp.org](mailto:jmillson@fafp.org).

**Florida Legislative Activity**

**Interim Committee Meetings Begin & 2021 Legislation Emerges**

On January 11<sup>th</sup>, the legislature returned to Tallahassee for its first round of interim committee hearings. Committee meeting locations have been modified to ensure that only large committee rooms are in use in order for legislators, legislative staff and audience members to socially distance as much as possible. Additionally, the House changed its interim meetings schedule so that only half of the committees will meet on a given week. Moreover, the Senate is only allowing remote public testimony from the Leon County Civic Center, just a few short blocks from the Capitol. Senators are also prohibited from in-person constituent/lobbyist meetings in the Capitol while House members are allowed to meet in-person, but the meetings are limited and must be socially distanced.

In many ways, however, the legislative process continues under the traditional guidelines. As of January 18<sup>th</sup>, 485 House and Senate bills have been filed (typically, there are approximately 3,500 total bills filed during the session) and this number will dramatically increase as we approach the March 2 bill filing deadline. And while COVID-related policy will be top of mind for legislators, the legislative leadership has reminded us that "COVID-related policy" is a very broad phrase – distance

learning, liability protections, telehealth, remote work, energy resiliency, etc. – could all be at the forefront of issues during the legislative session.

Both chambers have formed special committees to explore the many issues related to COVID-19. The House's Pandemics & Public Emergencies Committee is chaired by Rep. Tom Leek (R-Ormond Beach) and newly-elected Senator Danny Burgess (R-Zephyrhills) heads the Senate's Select Committee on Pandemic Preparedness & Response. Both of these special committees held inaugural meetings this week. The House committee held a discussion with Florida Department of Emergency Management Director Jared Moskowitz on the strategy and status of COVID-19 testing and vaccinations in Florida. Additionally, the committee unanimously passed **HB 9** by Rep. Ardian Zika (R-Land O'Lakes) aimed at protecting consumers from fraud and scams during a pandemic. (See report below). The first meeting of the Senate select committee focused on organization and updates from Florida's Surgeon General Scott Rivkees, as well as briefings from various hospital executives.

### Florida's Economic Forecast

The projected budget shortfall due to COVID-19 will dominate much of the 2021 Legislative Session. Senate and House Appropriations Committees met for the first time this week to discuss the financial outlook for state and the state budget. Legislators learned that the state is facing a \$2.8 billion deficit for the upcoming fiscal year and a \$1.9 billion deficit for fiscal year 2022/2023. The State Economist, Amy Baker, also provided legislators with an update on Florida's Long Range Financial Outlook and Revenue Forecast. Baker predicted that Florida's fiscal issues could linger for several years due to coronavirus resurgence, which is affecting consumer confidence. According to Baker, the state lost 1.2 million jobs during the first wave of the pandemic of which only about 60 percent have returned to work. On a positive note, reports show that Florida has seen an increase in real estate documentary tax revenues, as a result of low interest rates and the migration of people relocating to Florida from other states.

### 2021 Legislation of Interest to the Florida Academy of Family Physicians

Bills are marked with FAFP's position:  Support  Oppose  Monitoring

#### APRN Scope of Practice Expansion

**HB 111** by Rep. Tyler Sirois (R-Merritt Island) and **SB 424** by Senator Jeff Brandes (R-St. Petersburg) allows advanced practice registered nurses (APRN) to engage in full independent practice by removing the current restriction to primary care practice.

Link to HB 111: <https://www.flsenate.gov/Session/Bill/2021/111>

Link to SB 424: <https://www.flsenate.gov/Session/Bill/2021/424>

#### Psychologist Prescribing

**SB 160** by Senator Jeff Brandes (R-St. Petersburg) allows certified, licensed psychologists to prescribe, administer, discontinue, and distribute prescription drugs, including controlled substances.

Link to SB 160: <https://www.flsenate.gov/Session/Bill/2021/160>

#### Administration of Vaccines

**SB 494** by Senator Danny Burgess (R-Zephyrhills) allows pharmacists or registered interns under the supervision of a pharmacist to administer to adults all immunizations or vaccines recommended by the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

Link to SB 494: <https://www.flsenate.gov/Session/Bill/2021/494>

### **Health Insurance Prior Authorization**

**SB 528** by Senator Gayle Harrell (R-Stuart) provides certain patient protection provisions regarding prior authorization forms, treatment coverage and prescription drug coverage. Specifically, the bill prohibits health insurers from excluding coverage for certain cancer treatments drugs. The bill also provides that prior authorization forms may only contain information that is necessary for the determination of medical necessity or coverage for the requested medical procedure, course of treatment, or prescription drug benefit. The bill requires insurers to publish on their website and provide insureds in writing protocol exception procedures. In addition, the bill prohibits insurers from retroactively denying coverage if the health insurer verified eligibility at the time of treatment or provided an authorization number. Finally, the bill provides for certain step therapy protocol exceptions.

Link to SB 528: <https://www.flsenate.gov/Session/Bill/2021/528>

### **Telehealth Practice Standards**

**HB 247** by Rep. Tom Fabricio (R-Miramar) and **SB 660** by Senator Manny Diaz (R-Hialeah) revise definition of "telehealth" to include audio-only telephone calls and delete the current prohibition on prescribing controlled substances through telehealth.

Link to HB 247: <https://www.flsenate.gov/Session/Bill/2021/247>

Link to SB 660: <https://www.flsenate.gov/Session/Bill/2021/660>

### **Nonopioid Alternatives**

**SB 530** by Senator Keith Perry (R-Gainesville) allows health care practitioners to provide the required nonopioid alternative educational pamphlet in either an electronic format or in a printed format to patients or the patient's representative.

Link to SB 530: <https://www.flsenate.gov/Session/Bill/2021/530>

### **Consumer Protection Against Fraud During a Pandemic**

**HB 9** by Rep. Ardian Zika (R-Land O' Lakes) establishes criminal penalties and authorizes civil remedies for those knowingly and willfully making a false or misleading statement or disseminating false or misleading information regarding the availability of, or access to, a COVID-19 vaccine. House Speaker Chris Sprowls (R-Palm Harbor) has stated that passage of the bill is a House priority. **On January 14, HB 9 passed the Pandemics & Public Emergencies Committee by a vote of 16-0.**

Link to HB 9: <https://www.flsenate.gov/Session/Bill/2021/9>

### **Dispensing Medicinal Drugs**

**HB 29** by Rep. Matt Willhite (D-Wellington) and **SB 262** by Senator Gayle Harrell (R-Stuart) authorize hospitals to dispense 48-hour supply of medicinal drugs to the patient of an emergency room of the hospital or a patient discharged from a hospital. The legislation also provides the drug supply requirements for prescribing or dispensing of such drugs and authorizes a prescriber to provide patient with prescription for medicinal drugs for use beyond initial prescription period.

Link to HB 29: <https://www.flsenate.gov/Session/Bill/2021/29>

Link to SB 262: <https://www.flsenate.gov/Session/Bill/2021/262>

### **Vaccinations During Public Health Emergencies**

**HB 6003** by Rep. Anthony Sabatini (R-Howey-In-The-Hills) removes the authority of State Health Officer/Surgeon General to order vaccinations upon the declaration of public health emergency.

Link to HB 6003: <https://www.flsenate.gov/Session/Bill/2021/6003>