

**Florida Academy of Family Physicians
2021 Legislative Session
Capital Update – WEEK THREE
March 19, 2021**

Week three of the nine-week legislative session concluded after moving at the typical pace at this point in the process – crowded committee agendas, more bills being “fixed” via the amendatory process, and final actions taken on agreed upon priorities. Factors impacting the state budget, however, were anything but typical. The details of the federal COVID relief bill, the American Rescue Plan Act, have been assessed by Governor DeSantis and legislative leaders. Of the more than \$17 billion in relief funds coming to Florida, over \$9 billion will flow into the 2021-22 state budget. In most cases, these dollars cannot be held over for future years, nor used to pay for projects over time.

The legislature was poised to deal with a budget shortfall of over \$2 billion dollars, and now has an influx of cash to meet the state’s needs. Governor DeSantis recently announced a package of \$4.1 billion in spending focused mainly on infrastructure and resiliency funding which received a warm welcome from the legislature. The legislature must now make a huge pivot to re-assess its budget priorities with only six weeks left in the session.

Doctor of the Day

FAFP Past President Dr. Dennis Saver was sponsored by Representative Erin Grall (R- Indian River) as Doctor of the Day on Tuesday March 16. While limited access still exists in the Capital, Dr. Saver was on-call to serve legislators and their staff as needed throughout the day. Thank you to all who have served and will serve throughout the remainder of what has been and continues to be a unique year in Tallahassee!



Following is an update on the Florida Academy of Family Physicians’ priorities.

Legislation Important to Florida’s Family Physicians – FAFP Positions Noted

APRN Scope of Practice Expansion – Oppose

HB 111 by Rep. Randy Maggard (R-Dade City), **SB 424** by Senator Jeff Brandes (R-St. Petersburg) allow 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>

PA Independent Practice – Oppose

HB 431 by Rep. Bob Rommel (R-Naples), **SB 894** by Senator Manny Diaz (R-Hialeah), and **HB 1299** by Rep. Alex Rizo (R-Miami) allow licensed physician assistants (PAs) to practice autonomously.

On March 17, SB 894 passed the Health Policy Committee by a vote of 7-3. FAFP worked with a coalition of other physician groups to persuade the bill sponsor to remove the autonomous practice language from the bill. FAFP continues to work on this legislation to ensure that PAs are appropriately supervised. HB 431 is scheduled to be heard in the Professions & Public Health Subcommittee on March 23.

Link to HB 431: <https://www.flsenate.gov/Session/Bill/2021/431>

Link to SB 894: <https://www.flsenate.gov/Session/Bill/2021/894>

Link to HB 1299: <https://www.flsenate.gov/Session/Bill/2021/1299>

Psychologist Prescribing – Oppose

SB 160 by Senator Jeff Brandes (R-St. Petersburg) and **HB 687** by Representative Ramon Alexander (D-Tallahassee) allow 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>

Link to HB 687: <https://www.flsenate.gov/Session/Bill/2021/687>

Optometry – Oppose

SB 876 by Senator Manny Diaz (R-Hialeah) and **HB 631** by Rep. Alex Rizo (R-Hialeah) expand the scope of practice for certified optometrists.

On March 10, SB 876 passed the Health Policy Committee by a vote of 6-3.

Link to SB 876: <https://www.flsenate.gov/Session/Bill/2021/876>

Link to HB 631: <https://www.flsenate.gov/Session/Bill/2021/631>

Administration of Vaccines – Oppose

SB 494 by Senator Danny Burgess (R-Zephyrhills) and **HB 459** by Rep. Fiona McFarland (R-Sarasota) allow 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.

On February 4, SB 494 passed the Health Policy Committee by a vote of 9-0.

SB 768 by Senator Dennis Baxley (R-Ocala) authorizes pharmacists and registered interns to administer immunizations and vaccines to children 6 years of age or older.

On February 17, SB 768 passed the Health Policy Committee by a vote of 6-4.

Initially, **SB 898** by Senator Ana Maria Rodriguez (R-Doral) and **HB 1063** by Rep. Juan Fernandez-Barquin (R-Miami) authorized pharmacists to order, as well as administer, and pharmacy technicians to administer immunizations or vaccines listed in the CDC's adult and children immunization schedule and recommended by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practices.

On March 16, HB 1063 passed the Professions & Public Health Subcommittee by a vote of 17-1. The scope of HB 1063 was narrowed to allow pharmacists to only administer influenza vaccines to children ages 7 and older.

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

Link to HB 459: <https://www.flsenate.gov/Session/Bill/2021/459>

Link to SB 768: <https://www.flsenate.gov/Session/Bill/2021/768>

Link to SB 898: <https://www.flsenate.gov/Session/Bill/2021/898>

Link to HB 1063: <https://www.flsenate.gov/Session/Bill/2021/1063>

Access to Health Care Practitioner Services – Oppose

HB 803 by Rep. Mike Caruso (R-Delray Beach) and **SB 1680** by Senator Ana Maria Rodriguez (R-Doral) exempt physicians and osteopathic physicians who provide pro bono services from continuing education requirements, allows the board to issue a limited number of restricted licenses to physicians not licensed in Florida to practice for 36 months in certain settings. The bills also increase the federal poverty level from 200 to 400 for the Access to Health Care Act.

On March 3, HB 803 passed the Professions & Public Health Subcommittee by a vote of 15-1. The bill is now in the Health & Human Services Committee, its last committee reference.

Link to HB 803: <https://www.flsenate.gov/Session/Bill/2021/803>

Link to SB 1680: <https://www.flsenate.gov/Session/Bill/2021/1680>

Nonopioid Alternatives – Support

SB 530 by Senator Keith Perry (R-Gainesville) and **HB 725** by Rep. Scott Plakon (R-Longwood) allow 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.

SB 530 passed the full Senate on March 18 by a vote of 39-0. A floor amendment was adopted to SB 530 which prohibits health insurance policies from requiring that treatment with an opioid analgesic drug product or abuse-deterrent opioid analgesic drug product be attempted and have failed before authorizing the use of a nonopioid-based analgesic drug product.

HB 725 is now on the calendar of bills ready to be heard on the House floor.

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

Link to HB 725: <https://www.flsenate.gov/Session/Bill/2021/725>

Informed Consent for Pelvic Examinations – Support

Legislation passed in 2020 requires certain health care practitioners and medical students to obtain written consent from a patient or a patient's representative before performing a pelvic exam. **SB 716** by Senator Lauren Book (D-Plantation) and **HB 361** by Rep. Evan Jenne (D-Dania Beach) limit the written consent requirement to anesthetized or unconscious patients. In addition, the bills allow the written consent to be obtained as part of a general consent form if it is included as its own provision and allow one written consent form to be used to authorize multiple health care practitioners or students to perform the pelvic examination.

On March 17, SB 716 passed the Health Policy Committee by a vote of 9-0.

Link to SB 716: <https://www.flsenate.gov/Session/Bill/2021/716>

Link to HB 361: <https://www.flsenate.gov/Session/Bill/2021/361>

COVID-19 Liability Protections for Businesses & Health Care Providers – Support

Legislative leaders announced that an agreement had been reached on COVID-19 liability protections for businesses and health-care providers. The agreement was placed on SB 72 by Senator Jeff Brandes (R-St. Petersburg). The agreement provides procedures for COVID-19-related civil actions. **SB 72** takes effect upon becoming a law and applies retroactively;

however, the bill does not apply in a civil action against a particular defendant if the suit is filed before the bill's effective date.

SB 72 passed the full Senate on March 18 by a vote of 24-15 and is scheduled to be debated by the full House on March 25.

Link to SB 72: <https://www.flsenate.gov/Session/Bill/2021/72>

Personal Protective Equipment – Support

Florida's Division of Emergency Management (FDEM) is tasked with managing the state's response to the COVID-19 pandemic, including acquiring and distributing personal protective equipment (PPE) to local governments and health care providers. Currently, FDEM is required to develop and maintain logistics contracts with suppliers who can supply resources and commodities, such as generators, and other commonly needed supplies during a natural disaster. The division also operates and manages the State Logistics Response Center which stores the state's stockpile of resources. Prior to the COVID-19 Pandemic, PPE was not acquired to the extent needed for supporting a pandemic response.

SB 1760 by Senator Ben Albritton (R-Wauchula) and **HB 1353** by Rep. Clay Yarborough (R-Jacksonville) require FDEM to maintain an inventory of PPE in reserve for declared emergencies caused by an infectious or communicable disease. The bills also require FDEM to plan for and procure PPE or have sufficient contracts in place for ensuring PPE availability in the event of a declared emergency and must make PPE available for purchase by healthcare practitioners or their employers at the cost procured or negotiated by the division, and may not sell such PPE at a price exceeding the purchase price.

On March 16, SB 1760 passed the Military and Veterans Affairs, Space, and Domestic Security Committee by a vote of 7-0.

On March 16, HB 1353 passed the Pandemics & Public Emergencies Committee by a vote of 16-0.

Link to SB 1760: <https://www.flsenate.gov/Session/Bill/2021/1760>

Link to HB 1353: <https://www.flsenate.gov/Session/Bill/2021/1353>

Dispensing Medicinal Drugs – Support

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.

HB 29 is on the calendar of bills ready for House floor consideration.

SB 262 is scheduled to be heard on March 23 in the Military and Veterans Affairs, Space, and Domestic Security Committee.

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

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

Telehealth – Support

HB 247 by Rep. Tom Fabricio (R-Miramar), **SB 660** by Senator Manny Diaz (R-Hialeah), **SB 864** by Senator Jason Brodeur (R-Sanford), **SB 700** by Senator Ana Maria Rodriguez (R-Doral), **HB 831** by Rep. Anthony Rodriguez (R-Miami), **SB 1250** by Senator Loranne Ausley (D-Tallahassee), **HB 1477** by Rep. Lauren Melo (R-Naples), and **HB 6079** by Rep. Cyndi Stevenson (R-St. Johns) all make various changes to the telehealth statutes. During this legislative session, the legislature will address such issues as whether audio-only telephone

calls can be considered telehealth, which controlled substances can be prescribed via telehealth, reimbursement amounts, and use of telehealth and supervisory relationships by out of state telehealth providers.

SB 864 was heard this week in committee and amended to expand the definition of “telehealth” to include audio-only telephone calls. The bill also provides an exemption from out-of-state telehealth provider registration requirements for an out-of-state health care professional to provide services via telehealth to patients in Florida if the services are provided in consultation with any health care professional licensed in this state who has authority over the diagnosis and care of the patient.

On March 17, SB 864 passed the Health Policy Committee by a vote of 10-0.

HB 247 is scheduled to be heard in the Professions & Public Health Subcommittee on March 23.

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

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

Link to SB 864: <https://www.flsenate.gov/Session/Bill/2021/864>

Link to SB 700: <https://www.flsenate.gov/Session/Bill/2021/700>

Link to HB 831: <https://www.flsenate.gov/Session/Bill/2021/831>

Link to SB 1250: <https://www.flsenate.gov/Session/Bill/2021/1250>

Link to HB 1477: <https://www.flsenate.gov/Session/Bill/2021/1477>

Link to HB 6079: <https://www.flsenate.gov/Session/Bill/2021/6079>

Prohibited Acts by Health Care Practitioners – Support

HB 721 by Rep. Ralph Massullo and **SB 1142** by Senator Ray Rodrigues (R-Estero) prohibit health care practitioners from using certain specialty designations. The term "anesthesiologist" may only be used by licensed physicians and licensed dentists and the term "dermatologist" may only be used by licensed physicians.

SB 1142 was amended to add the making of misleading, deceptive, or fraudulent representations related to a practitioner’s specialty designation as grounds for discipline. The bill requires that when DOH finds that a person has violated s. 456.072(1)(a), F.S., the department must issue an emergency cease and desist order and take disciplinary action if the person fails to comply with the order. The bill also provides for disciplinary action based on a licensed health care practitioner’s failure to identify his or her specialty designation and requiring the DOH, not a practitioner regulatory board, to enforce s. 456.072(1)(t), F.S.

On March 17, SB 1142 passed the Health Policy Committee by a vote of 9-0.

Link to HB 721: <https://www.flsenate.gov/Session/Bill/2021/721>

Link to SB 1142: <https://www.flsenate.gov/Session/Bill/2021/1142>

Health Care Practitioner Discipline – Support

SB 1934 by Senator Lauren Book (D-Plantation) and **HB 1579** by Rep. Vance Aloupis (R-Miami) provide a pathway for the Department of Health to immediately suspend a healthcare practitioner’s license, pending the legal conclusion to criminal charges including sexual assault, possession of child pornography, and homicide.

On March 17, SB 1934 passed the Health Policy Committee by a vote of 9-0 and is scheduled to be heard in the Criminal Justice Committee on March 23.

Link to SB 1934: <https://www.flsenate.gov/Session/Bill/2021/1934>

Link to HB 1579: <https://www.flsenate.gov/Session/Bill/2021/1579>

PIP - Motor Vehicle Insurance Reforms – Monitor

SB 54 by Senator Danny Burgess (R-Zephyrhills) and **HB 719** by Rep. Erin Grall (R-Vero Beach) repeal Florida's Motor Vehicle No-Fault Law which requires every owner and registrant of a motor vehicle in this state to maintain Personal Injury Protection (PIP) coverage. Beginning January 1, 2022, the bills enact financial responsibility requirements for liability for motor vehicle ownership or operation, as follows:

- For bodily injury (BI) or death of one person in any one crash, \$25,000, and
- Subject to that limit for one person, \$50,000 for BI or death of two or more people in any one crash.
- Existing \$10,000 financial responsibility requirement for property damage is retained.

The bills also require insurers to offer medical payments coverage (MedPay) to cover certain medical expenses and creates a new framework to govern all third-party claims against motor vehicle insurers for bad faith failure to settle a case. A technical amendment was adopted in committee to the House bill which deleted the unnecessary options language from the provision requiring MedPay to be offered without a deductible.

There was no movement on either of these bills.

Link to SB 54: <https://www.flsenate.gov/Session/Bill/2021/54>

Link to HB 719: <https://www.flsenate.gov/Session/Bill/2021/719>

Consumer Protection Against Fraud During a Pandemic – Monitor

HB 9 by Rep. Ardian Zika (R-Land O' Lakes) and **SB 1608** by Senator Aaron Bean (R-Fernandina Beach) establish 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.

On March 5, HB 9 passed the bill by a vote of 113-0 and awaits action in the Senate.

On March 16, SB 1608 passed the Criminal Justice Committee by a vote of 7-0 and is now in the Rules Committee, its last committee reference.

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

Link to SB 1608: <https://www.flsenate.gov/Session/Bill/2021/1608>

Governor's Stimulus Funding Plan Announced

On March 16, Governor DeSantis announced his federal stimulus budget recommendations and specifically recommended spending of the stimulus funds in this year's budget.

Specifically, the Governors' stimulus plan included:

- \$208.4 million to provide a one-time \$1,000 bonus to pandemic first responders which includes law enforcement officers, firefighters, paramedics, and emergency medical technicians.
- \$73.2 million to repair, upgrade, and modernize the infrastructure for the beleaguered CONNECT re-employment (unemployment) system.
- \$56.6 million for reemployment assistance operations to accommodate the increase in unemployment volume and claims.

- \$72 million for a behavioral health management system to streamline access to behavioral health services and to identify individuals across the multi-systems of care (a priority of First Lady Casey DeSantis).
- \$260 million in economic development and recovery funds for Florida's seaports which equates to the losses this industry accrued during the pandemic.
- \$150 million for additional funding for the Job Growth Grant Fund.
- \$50 million for Visit Florida.
- \$50 million for the Florida Department of Transportation's Economic Development Transportation Fund, in addition to the \$50 million the Governor requested in his budget.
- \$1 billion for the Resilient Florida Grant Program (a priority of House Speaker Chris Sprowls).
- \$41.7 million for recruitment and expansion of the Florida National Guard.
- \$1 billion in new Emergency Management Response Funds for current and future pandemics and state emergencies.
- \$938 million to the FDOT's work program for road projects that were delayed due to the pandemic.
- \$60 million for Florida's school districts and college system for new skilled labor training.
- \$125 million for creation of a new Fleet program within the Department of Education.
- \$10 million in additional funding for the Ed and Ethel Moore Alzheimer's Disease Research Program to supplement the \$5 million in the Governor's budget recommendations.

When the governor unveiled his stimulus spending plan, he also indicated a desire to set aside additional dollars in Florida's Budget Stabilization Trust Fund if this is permitted under the federal guidelines and restrictions for states to spend stimulus funds.

Senate President Wilton Simpson has said he also wants to use the federal relief package to supplement the state's unemployment trust fund and to stimulate the economy with local projects. Simpson wants Florida's share of the federal stimulus to go toward projects that require a one-time funding amount, instead of projects that would need recurring funding for several budget years. The Senate President and House Speaker Chris Sprowls would also like to use \$2 billion in stimulus funds to bolster the state's unemployment trust fund to allow legislators to cut businesses' unemployment tax. House Speaker Chris Sprowls expressed a strong desire to act on many of Governor's recommendations and specifically cited his support for establishing an emergency preparedness fund and funding for the Resilient Florida Initiative.