

# End of Session Review

*By Adams St. Advocates*

5/3/2021

Good morning, GAC! T-255 days till the 2022 Legislative Session begins. That may seem like a lot, but after the whirlwind of the last 60 days, it'll be here before you know it. Below is an overview of the 2021 Session and then highlights of what happened to FPA priorities.

One person who's going to be busy for the foreseeable future is Gov. Ron DeSantis. While lawmakers may have introduced 12% fewer bills and PCBs this year, they got 31% more across the finish line.

Here's the story in numbers...

2021:

- 3,140: Bills and PCBs filed.
- 2,632: Amendments filed.
- 3,788: Votes taken.
- 39: Floor sessions.
- 275: Bills passed in both chambers.

Compared to 2020 ...

- 3,578: Bills and PCBs filed.
- 2,596: Amendments filed.
- 4,223: Votes taken.
- 40: Floor sessions.
- 210: Bills passed in both chambers.



Lawmakers finalize budget at \$101.5 billion — For the first time in state history, the budget will top \$100 billion. That's \$9.3 billion larger than the current year's \$92.2 billion budget, an increase Florida can attribute almost entirely to the state's pandemic response. Among the gains is a \$4.3 billion boost to account for an additional 1 million Medicaid enrollees and \$2.8 billion in federal stimulus for child care. "It's a lot," House budget Chief Jay Trumbull told members.



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The budget outlines \$6.7 billion in American Rescue Plan spending too, adding to the state's tab. In that funding are bonus checks to the state's first responders.

Transgender athletes, seaports bills revived — Republicans brought legislation to ban transgender women from playing in women's sports back from the dead Wednesday and passed it through the House and Senate. Simultaneously, Republicans revived preemption legislation to undercut a local referendum in Key West regarding cruise lines, complicating the final week of the Session. The "Fairness in Women's Sports Act," tacked on a school choice bill, drew impassioned and emotional debate from both sides of the aisle. The seaport preemption was added at the last minute to a transportation package after it had apparently stalled in the House.

Legislature passes DeSantis' priorities, including elections bill — The Legislature passed the GOP's bill to increase election fraud prevention measures over complaints from Democrats and Republican Sen. Jeff Brandes. Thursday evening, the House agreed to the Senate's language along party lines after holding out against most of those provisions for days. Democrats in the House only had less than three hours to review what Republicans had decided to agree to. Lawmakers also passed a bill to crack down on "censorship" by social media platforms. A late addition to that bill included a carve out for theme parks, meant to free Disney Plus from the regulation. Lawmakers also approved a ban on vaccine passports. All three measures were priorities of DeSantis.

DeSantis extends COVID-19 state of emergency — With hours remaining in the state of emergency, DeSantis issued another 60-day extension on Tuesday. However, he warned the state to prepare to resume nonemergency operations. The extension also includes new language addressing vaccine passports and schools. Two days later, Surgeon General Scott Rivkees quietly pulled back most of the public health advisories and recommended that government services should be in-person going forward. We understand the June Board of Pharmacy meeting will be in person scheduled for Orlando, Florida. Both moves hinged on the growing share of vaccinated Floridians. Data released Friday shows that 8.8 million Floridians have received at least one shot.



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DeSantis signs Right to Farm Act update — In a ceremony with farming and legislative leaders Thursday, DeSantis signed an update to Florida's Right to Farm Act, a priority of Senate President Wilton Simpson. Several members changed their votes on the bill from no to yes after farmers from the Everglades explained why they need the measure. Ultimately, the bill passed over opposition from seven representatives and one senator, all Democrats. Several of the Governor's priorities went unheard during long pauses in the Senate on Wednesday, leading to some questions of whether the Senate President intentionally held up those bills as leverage to get DeSantis to sign the farming proposal. Simpson denied intentionally holding them up when asked by reporters.

## Major FPA legislation

### PBM Reform

SB 1306 by Ana Maria Rodriguez  
HB 1043 by Randy Fine

These bills would have carved pharmacy benefits out of Florida's Medicaid Managed Care program and required AHCA to contract with a single PBM for all Medicaid patients.

According to the Millimen report this approach could have cost the state almost \$100 million. Despite FPAs, Empower Patients and SPARs advocacy to the contrary, neither of these bills were heard in any committee and thus both bills died.

### PBM Regulation

SB 390 by Senator Wright  
Hb 1155 by Representative Toledo

These bills would have given the division of the Office of Insurance Regulation (OIR) authority over PBMs including their auditing and MAC pricing practices and included fines for violations. HB 1155 passed all 3 of its committees of references with no



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objection and passed the full House 114-0. Sb 390 passed all of its committees of references with no objection and was placed on the Senate 2nd reading calendar. In a last minute block by the Senate Rules Chair Passidomo, the bill was not heard on the Senate floor and died. There was a last minute advocacy effort to amend HB 1155 onto SB 1568 the Department of Health agency bill but that effort failed.

## **Telehealth**

SB 700 by Senator A. Rodrigues  
HB 1477 by Representative Melo

These bills would initially have allowed Pharmacy Techs to dispense drugs at a remote facility. SB 700 was amended to 1) prevent any remote dispensing except for in a mental healthcare facility and 2) require pharmacists to be recognized as Telehealth providers for reimbursement purposes. While these amendments were positive for FPA, the GAC preferred these bills not pass. Ultimately both of these died.

## **Vaccination Expansion**

SB 768 by Senator Baxley  
HB 1063 by Representative Fernandez Barquin

These bills initially would have expanded the authorization for pharmacists to provide any and all immunizations recommended by the CDC to adults and children. The bills were later amended to restrict immunizations for children to only the flu vaccine and only to those children 7 and older. Both bills passed!

## **AHCA Agency Bill**

HB 1057 by Rep. Garrison  
SB 1292 by Sen. Bean



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This bill contains a few rather dated Medicaid pharmacy issues such as removal of the variable dispensing fee, changes in the way that pharmacy reimbursement is calculated and removal of statutory language that requires AHCA to implement a home delivery of pharmacy products. It passed both chambers!

Various other bills included in the attached LobbyTools report were monitored by ASA. Notably - Step Therapy bills failed to pass. Bills to cap the out of pocket expenses for insulin to \$100 were never heard. As noted above few bills actually passed this session. It was a difficult session post pandemic and an unstable budget. The Legislature has already announced a special session to address the Seminole Gaming Compact and session starts early next year in January of 2022!



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