



## **MEMORANDUM**

**TO:** Veronica Catoe, CEO, Florida Assisted Living Association

**FROM:** Jennifer J. Green, CAE, DPL, President  
Melanie S. Bostick, DPL, Vice President  
Tim L. Parson, DPL, Director of Government Relations

**DATE:** May 3, 2021

**RE:** Liberty Partners of Tallahassee – 2021 Legislative Session Summary

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The unprecedented 2021 Legislative Session came to a close on Friday, April 30 at 2:40 p.m., as the Legislature adjourned *Sine Die*. With COVID-19 restrictions limiting public access to the Capitol during all of the interim committee weeks and the entire session, advocates and members of the public were forced to find alternative ways to make their voices heard. Whether making online reservations to appear before a House committee or attending a Senate committee hearing at the Donald L. Tucker Civic Center in Tallahassee, stakeholders modified the way they did business this session. While legislators filed less bills this session than during the 2020 Legislative Session, more bills passed both chambers, with 275 bills making their way to the desk of Governor Ron DeSantis.

Governor DeSantis, House Speaker Chris Sprowls and Senate President Wilton Simpson each secured legislative wins this session, as a number of their policy priorities passed both chambers and are on track to become law or have already been signed into law. One of the Governor's main priorities was to pass social media platform regulation, which creates a framework to prevent social media companies from censoring users or "de-platforming" candidates for public office. Another priority passed was the anti-riot legislation which was subsequently signed into law by Governor DeSantis on April 19, 2021. This new law will crack down on violent protests and ensure that any demonstrations remain peaceful and nonviolent. Key priorities of Speaker Sprowls and President Simpson that crossed the finish line included legislation related to COVID-19 liability protections for businesses and health care providers, which was also signed into law. Additional priorities of House and Senate leadership that passed were bills related to expanding school choice options, the collection of remote sales tax and providing funding for statewide resiliency programs.

Finally, the 2021 Legislative Session would not be complete without lawmakers passing a balanced budget for fiscal year 2021-22. This year's final budget was adopted on Friday, April 30, for a total of \$101.5 billion as compared to the 2020-21 budget of \$93.2 billion that passed the Legislature last session prior to COVID. This year's budget does include federal stimulus relief funds. The General Appropriations Act - [SB 2500](#) - passed the Senate 39-0 and the House 117-1. This proposed spending plan includes funding for education, health care, transportation, tourism

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and economic development, criminal and civil justice and agriculture, environment and general government. The proposed budget also includes pay raises for state employees, tax breaks for Florida families, tourism marketing funding, bonuses for first responders and teachers, water quality improvements and infrastructure upgrades.

For the 2021 Legislative Session the Governor proposed a \$96.6 billion budget. After the House proposed a \$97.1 billion spending plan and the Senate proposed \$95.0 billion, both chambers approved a final budget of \$101.5 billion. Governor DeSantis now has power to approve the budget or use his line-item veto authority for specific items in the budget.

See the budget comparison below:

### **2020 Legislative Session (FY 2020-21)**

Budget passed by the Legislature:	\$93.2 billion
Governor veto:	\$1 billion
Final approved budget:	<b>\$92.2 billion</b>

### **2021 Legislative Session (FY 2021-22)**

Budget passed by the Legislature:	\$101.5 billion
Governor veto:	TBD
Final approved budget:	TBD

Additionally, Governor DeSantis struck a deal with the Seminole Tribe of Florida to extend the Seminole Compact for 30 years and to finalize this deal, the Legislature must ratify the compact. Both Speaker Sprowls and President Simpson announced late in session that a Special Session on gaming scheduled for the week of May 17 will be held to ratify this compact. The compact between the state and the Seminole Tribe is projected to bring at least \$2.5 billion in revenue to the state over the next five years and nearly \$6 billion through 2030. Legislation related to gaming that was introduced during this past session will mostly likely be re-introduced and reconsidered during this time.

Below is a list of general priority bills that passed and failed the Legislature followed by a list of the priorities pieces of legislation we worked on your behalf.

### **KEY ISSUES THAT PASSED**

The Legislature succeeded in passing several pieces of impactful legislation this session that included some of the issues below:

**COVID-19 Liability Protections for Businesses and Healthcare Providers (SB 72 by Senator Jeff Brandes)** – The bill provides legal protections to businesses, schools, nonprofits, religious organizations and health care providers that are following COVID-19 protocols from frivolous lawsuits. (Signed into law on March 29)

**Collection of Remote Sales Tax (SB 50 by Senator Joe Gruters)** – The bill requires retailers with no physical presence in Florida to collect and remit applicable sales tax, provided they have a substantial number (over \$100,000 annually) of remote sales in the state. (Signed into law on April 19)

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**Child Welfare Reform (SB 80 by Senator Jason Brodeur and SB 96 by Senator Lauren Book)**

– Two measures relating to child welfare were passed to support youth by better preparing them for adulthood and providing support to older foster youth who age out of care. They also contain provisions to protect child victims of abuse and sexual abuse by updating reporting requirements and data collection.

**Expanded School Choice Options for K-12 (HB 7045 by Representative Randy Fine)**

– Legislation provides the largest expansion of school choice in the nation by increasing the eligible household income cap, including special-needs scholarships and extending scholarships to students already in private school.

**Social Media Platform Regulation (SB 7072 by Senator Ana Maria Rodriguez)**

– The bill would fine social media companies for knowingly de-platforming political candidates but would not apply to temporary social media bans on a candidate or instances where a social media platform removes specific posts that violate that platform’s terms of service.

**Tax Relief for Families and Businesses (HB 7061 by Representative Bobby Payne)**

– The Legislature passed a tax package that includes several provisions including the creation of a sales tax holiday (Freedom Week) from Thursday, July 1, through Wednesday, July 7, 2021, exempting certain purchases for outdoor activities – such as boating, camping and outdoor sporting events; also includes back-to-school and disaster preparedness tax holidays.

**Anti-riot Legislation (HB 1 by Representative Fernandez-Barquin)**

– Creates one of the strongest anti-mob violence laws in the country to protect peaceful protests and law enforcement by defining a riot, changing law enforcement budgeting policies and adding penalties for crimes committed during riots.

**Statewide Flooding and Sea-level Rise Resilience Plan (SB 1954 by Senator Ray Rodrigues)**

– The bill establishes a fund up to \$100 million annually for resiliency projects designed to address areas of the state most at risk from coastal flooding and rising seas.

**Election Reform (SB 90 by Senator Dennis Baxley)**

– Legislation was passed to limit to the use of ballot drop boxes and who can help pick up or deliver a voter’s mail-in ballot and additional guidelines on requesting a ballot by mail, signature verification and the collection of ballots.

**Elimination of No-fault Auto Insurance (SB 54 by Senator Danny Burgess)**

– The legislation would remove the requirement for carrying Personal Insurance Protection (PIP) insurance and only require that motorists need to have bodily-injury coverage.

**KEY ISSUES THAT FAILED**

Several high-profile issues that did not end up passing during the 2021 Legislative Session include:

**Consumer Data Privacy (HB 969 by Representative Fiona McFarland/SB 1734 by Senator Jennifer Bradley)**

– The bills would have required companies that maintain consumer data to publish a privacy policy for personal information. The legislation would have also created certain rights for consumers that would have allowed them to access to their personal data that was

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collected, correct or delete personal information and the ability to decline the sale or sharing of personal data. The legislation ultimately died on the House floor.

**Vacation Rentals (HB 219 by Representative Jason Fischer/SB 522 by Senator Manny Diaz)** – The bills would have preempted the licensing and inspection of short-term rentals to the state. It would also have preempted the regulation of advertising platforms to the state and increased requirements that are put on advertising platforms. Local governments that adopted vacation rental ordinances or laws prior June 1, 2011 would have been grandfathered in and not affected by the legislation. The House and Senate bills both died in committee.

**Tourist & Convention Development Taxes (HB 1429 by Representative Bryan Avila/SB 2008 by Senator Manny Diaz)** - The bill would have authorized tourist development or convention development tax revenue to be used to finance flood mitigation projects or improvements. The bill would also have required any imposition or increase of these taxes to be approved by referendum. The legislation passed the House but died in a Senate committee.

**Medical Marijuana (HB 1455 by Representative Spencer Roach/SB 1958 by Senator Ray Rodrigues)** – This legislation would have capped the supply and potency of medical marijuana that is prescribed by physicians. The bill would also have prohibited a physician from prescribing marijuana to an individual under the age of 18, other than low-potency THC. Medical marijuana treatment centers would have also been required to recall any product that did not meet health and safety standards. The House bill died in committee while the Senate bill never received a committee hearing.

**Retirement (SB 84 by Senator Ray Rodrigues)** – This controversial legislation would have required members of the Florida Retirement System to enroll in a defined contribution retirement plan such as a 401(k) instead of the current defined benefit pension plan. The proposal faced pushback by a number of groups and the Senate bill died in committee. The legislation was not filed in the House.

**Employee Organizations (HB 835 by Representative Cord Byrd/SB 1014 by Senator Dennis Baxley)** – The legislation would have required individuals to sign an authorization form before joining an employee organization such as a union. Dues and uniform assessments would also have been prohibited from being deducted from employee salaries. Certain membership information and documentation would have also been required under the legislation. The House bill died on the floor while the Senate bill died in committee.

**School Board Term Limits (HB 1461 by Representative Sam Garrison/SB 1642 by Senator Joe Gruters)** – Under this legislation, if voters approved a constitutional amendment in 2022, school board members would have been limited to serving a maximum of eight years.

**Reemployment Assistance (SB 1906 by Senator Jason Brodeur)** – This legislation would have increased unemployment benefits from a maximum of \$275 a week to \$375 a week. The bill passed the Senate but died in the House.

## **FLORIDA ASSISTED LIVING ASSOCIATION LEGISLATIVE PRIORITIES**

**COVID-19 Liability Protection for Health Care Providers** - One of the biggest priorities for FALA this session was also a top priority of the Florida Governor and Legislature. Providing COVID-19 liability protection to businesses and health care providers received considerable attention and moved through the legislative process quickly enough to be the first bill during the 2021 Legislative Session to be passed by the Legislature and signed into law by Governor DeSantis. We worked extremely close with other ALF associations, as well as many other stakeholders within the coalition to ensure that meaningful legislation was enacted to ensure protections for ALFs were included. SB 72 by Senator Jeff Brandes would ultimately provide protections for both businesses and long-term care providers. FALA was successful in advocating for many of the provisions necessary to ensure their members would not be subjected to frivolous lawsuits. On March 29, the new legislation was enacted to heighten legal protections for defendants facing COVID-19 related lawsuits. Specifically, the law provides civil immunity for entities that make a “good faith” effort to comply with government-issued health and safety guidance. This legislation is designed to eliminate the threat of unnecessary litigation for businesses and facilities already left financially vulnerable by the pandemic.

**Dementia-related Staff Training** - There was legislation filed this session that would have mandated ALF’s direct care workers to take training relating to Alzheimer’s disease or related disorders (ADRD) in an attempt to create uniformity among the long-term care industry. However, many of these provisions would have resulted in unnecessary training hours for staff and negatively impacted those with no interaction with residents with ADRD.

Liberty Partners of Tallahassee engaged both sponsors of the bill early in the legislative process to make them aware of FALA’s concerns. We worked especially close with Senator Audrey Gibson - who filed SB 634 - on compromise language regarding the number of training hours that should be required. However, our recommendations were not included in the bills as they moved quickly through the legislative process, receiving broad bipartisan support. However, on April 14, other coalition representatives from the Florida Senior Living Association, Florida Conference of Catholic Bishops and Liberty Partners President Jennifer Green - on behalf of FALA - spoke in opposition to the bill and addressed many questions from lawmakers. While HB 309 by Representative Cord Byrd passed through its final committee that day and was in position for a final vote by the House, the Senate version of the bill was not considered in its final committee of reference. Much of this successful result can also be contributed to all the members of FALA who responded to their Call-to-Action to encourage the Senate Chair of Appropriations - Senator Kelli Stargel - to not support the bill and her ultimate decision not to consider the bill in her committee.

**Personal Protective Equipment** - This session we also advocated to explicitly include ALFs in legislation (HB 1353/SB 1760) that would provide personal protective equipment (PPE) to health care providers at-cost from the Department of Emergency Management (DEM). However, the bill language was later amended into the Emergency Management package (SB 2006) that ultimately passed and has since been signed into law by Governor DeSantis. The legislation

requires DEM to acquire and maintain a supply of PPE to assist local governments and the private sector to meet safety needs during a declared emergency.

**Quality of Long-Term Care Facility Improvement Trust Fund** - Another bill that we watched closely again this session was related to the Quality of Long-Term Care Facility Improvement Trust Fund (HB 6065/SB 1880). The legislation would delete the requirement that punitive damages awarded in a claim against a nursing home or ALF be split equally between the claimant and the Trust Fund. Fortunately, the bill did not advance this session.

**Commission on Mental Health and Substance Abuse** - There was legislation (HB 1447/SB 1888) this session to create the Commission on Mental Health and Substance Abuse. The Commission would be comprised of 19 members from various appointments and would provide their recommendations to the Governor and Legislature on improvements to the current methods of providing mental health and substance abuse services in the state. We contacted the sponsors of both bills regarding the addition of an ALF with a limited mental health license. Unfortunately, the bills did not pass this session. However, the House sponsor was able to amend her language into a child welfare bill that ultimately passed the last week of session to establish the Commission.

### **OTHER BILLS OF INTEREST**

There were more than 3,000 bills filed for the 2021 Legislative Session, however only 275 passed both chambers and will become law with the approval by the Governor. Please see the attached tracking list for bills monitored for the Florida Assisted Living Association during the 2021 Legislative Session.

### **LOOKING AHEAD**

*Pursuant to Article III, section 8, of the Florida Constitution, "Every bill passed by the Legislature shall be presented to the governor for approval and shall become a law if the governor approves and signs it or fails to veto it within seven consecutive days after presentation. If during that period or on the seventh day the legislature adjourns sine die or takes a recess of more than thirty days, the governor shall have fifteen consecutive days from the date of presentation to act on the bill."*

Therefore, Governor Ron DeSantis will now have 15 days to take action on the state spending plan along with more than 200 bills that will be sent his way. He also possesses line-item veto authority which may be used with the General Appropriations Act (GAA). After the Governor has completed his line-item vetoes, he will then sign the GAA into law, establishing the statewide budget for the next fiscal year beginning on July 1. A two-thirds majority vote of both the Senate and House is required to overturn any of the Governor's line-item vetoes.

Once again, Liberty Partners considers it a great privilege to serve as your advocates in Tallahassee. Please do not hesitate to reach out to our team for additional information.

JJG/MSB/TLP/EM