

Here's your weekly wrap-up of legislative news in Florida. Brought to you by the policy professionals at LobbyTools, Florida's most trusted legislative intelligence company.

Big Picture

The Legislature adjourned sine die on Friday after passing a \$101.5 billion budget - a huge spending proposal given that lawmakers came into the session thinking it could be a really rough, budget-cutting time because of the pandemic.

Washington, however, came to the rescue. The budget lawmakers will send to Gov. Ron DeSantis was engorged with money from the federal stimulus and relief package. Budget writers also got some help from the state's economy, which has rebounded much more quickly than expected, and came back stronger than anticipated, leading to forecasts for increased tax collections. The Legislature will even give money back to taxpayers, with the usual tax holidays, such as the popular back-to-school holiday, part of the budget package. The state is also managing to sock away lots of money for the next big unexpected downturn - with \$6 billion left in reserve, which Senate Budget Chairwoman Kelli Stargel said this week was a "historic amount," to be held back and put into savings. On the spending side, the education and healthcare budgets are both bigger (see below), and there was lots of money for one-time bonuses for many of the people who served the public through the pandemic, including emergency first responders, teachers, health care workers and childcare employees. The lowest-paid state workers also will get a raise.

In terms of direct reaction to the pandemic, the Legislature didn't look to do a lot on the actual health side of it - many lawmakers saw the pandemic as already starting to wane and likely to be largely in the past soon because of vaccines.

Lawmakers' pandemic response focus was primarily aimed at avoiding legal fallout. The Legislature sent the governor legislation earlier in the session protecting businesses and health care workers from liability.

This week, the Legislature did take up a measure directly related to the pandemic - a bill that includes a provision saying businesses and government agencies can't refuse to serve someone who isn't

vaccinated against the virus. The Legislature [voted Thursday](#) to put into statute a [prohibition on "vaccine passports,"](#) or requirements by business or government that people show proof of vaccination before being served. The requirement for such proof was already banned by an emergency order by Gov. Ron DeSantis, but the measure passed by both the Senate and House on Thursday codifies it.

Other Overall Session Coverage: [Politico](#) / [Sun Sentinel](#) / [USA Today Network](#) / [Orlando Sentinel](#) / [Tampa Bay Times](#)

Also: A panel of 100 South Florida leaders discuss the legislative session. [Sun Sentinel](#)

Business and Economic Policy

Unemployment System Fix

The other major issue that arose out of the pandemic: the massive spike in unemployment that happened after businesses closed last spring. The big jump in unemployment claims made it clear that the state's jobless benefits system was unprepared to handle such a spike. Lawmakers forced [an overhaul](#), requiring a move ([HB 1463](#)) to a cloud-based system.

The Legislature also moved to backfill the unemployment compensation trust fund, which was drained by the crush of claims. A new law requiring online sellers to remit sales taxes will have some of that revenue go to the unemployment trust fund, avoiding a big tax increase on employers.

Criminal Justice, Public Safety and Civil Rights

The Legislature's most high-profile bill dealing with the eruption of angry demonstrations last summer in reaction to highly publicized incidents of police violence was Gov. Ron DeSantis' highest priority, a bill ([HB 1](#)) that he has already signed into law. But a bill ([HB 7051](#)) that actually may have a far greater impact is one that passed this week that would put new training requirements and policy mandates related to use of force in place for police agencies. Unlike the highly contentious HB 1, which creates stiffer penalties on people who are convicted of violence during protests or of looting, the police reform bill was bipartisan and passed unanimously in both chambers. Black lawmakers, who had a major hand in writing the bill, said the bill could go farther, but would be a good step toward trying to reduce police violence that they say instills daily fear in their communities. "We needed to do substantial criminal

justice reform – this is a good start, it gives us a foundation to build upon next session, and we should tell the world, keep watching," said Sen. Darryl Rouson, D-St. Petersburg. The measure includes requirements for law enforcement agencies to have certain departmental policies around use of force, and more training on the same. Among the elements of the training: police have a duty to intervene when a colleague uses excessive force. The proposal also has provisions meant to boost scrutiny of police applicants. The bill also requires independent investigations of use of force incidents that result in a death. [Associated Press](#) / [News Service of Florida](#) / [Florida Politics](#) / [Senate News Release](#) / [Black Caucus News Release](#)

Health Care

Health Care Budget: Federal Boost Allows Coverage of More Through Medicaid

As lawmakers passed the budget on Friday they touted a jump in the health care part of the spending plan. Medicaid spending is up by 14%, or nearly \$6 billion, over last year. That's a good news-bad news number, though: good that the money is there to spend, but bad because the number of people who have had to go on Medicaid during the pandemic has ballooned by about 1 million. [Senate Appropriations Conference Budget Summary](#) / [LobbyTools Budget Materials](#)

Other Health Legislation

Rare Disease Advisory Council: A bipartisan health care proposal was successful this legislative session. [SB 272](#) creates a 20-member Rare Disease Advisory Council within the Florida Department of Health to support medical research and help find cures and treatments for uncommon diseases. The council would also be permitted to provide feedback to agencies about pandemic and natural-disaster preparedness and response. [Florida Politics](#)

Pelvic Exams: Legislation headed to the governor ([SB 716](#)) clarifies a requirement that doctors receive written consent prior to performing a pelvic exam. The requirement was put in place by legislation passed last year, but the ensuing requirement that emerged from the agency rule-making process caused confusion as doctors argued it was too vague. The measure also defines exceptions to the law.

PA Scope of Practice: A scope of practice bill for physician assistants bounced back and forth between chambers until an agreement was reached late Thursday evening. The legislation originally would have

given PAs near-autonomous practice ability, but the bill was amended over the course of the session to give them some leeway short of full autonomy, with doctors allowed to supervise 10 PAs instead of four as is the case under current law. Additional amendments changed accreditation requirements and capped PAs' prescribing capabilities to 14 days when dealing with Schedule II drugs. [HB 431](#) is now ready for Gov. Ron DeSantis' signature. [Florida Politics](#)

NICA: The day before session adjourned sine die, Florida lawmakers approved an overhaul of the state's compensation program for catastrophically brain-damaged newborns – agreeing to a package of reforms meant to improve the lives of struggling families. The legislation revamping the Birth-Related Neurological Injury Compensation Association, or NICA, delivers new benefits and protections for 215 families in the program, including mental health services, representation on the board of directors and retroactive compensation of \$150,000. The proposal heads to Gov. DeSantis' desk. [Bradenton Herald](#) / [Miami Herald](#)

Medical Marijuana: Among the many measures that didn't make it to a floor vote in this year's legislative session was a Democratic proposal ([HB 335](#), [SB 692](#)) that would have provided workplace protections to public employees who use medical marijuana. The proposal never got a hearing in a House or Senate committee. [Fresh Take Florida](#)

Elections Law

GOP Push for Elections Security Passes in Florida

After a historic election year that came with changes in voting processes because of the pandemic, Republican leaders of the Legislature pushed through a voting law revamp ([SB 90](#)) they said would make new ways of casting ballots, including voting at home and taking the ballot to a drop box more secure. But the legislation was approved over the objections of Democrats, who said the changes could make it more difficult - or at least less convenient - for people to vote, and that there wasn't anything wrong with the way the system worked this past year. Several Democrats repeatedly reminded Republicans that Florida's 2020 election was among the most problem-free in the country according to GOP Gov. Ron DeSantis. Democrats alleged that the changes weren't coming from Florida, but were part of [a national Republican push to make it harder for Democrats to vote](#) in retaliation for Joe Biden's win in the 2020 presidential election. Florida became the first major swing state that went Republican in 2020 to make major changes to its voting laws this year. DeSantis is expected to sign the bill. [USA Today Network](#) / [Associated Press](#) / [The Hill](#) / [New York Times](#) / [Miami Herald](#) / [Politico](#)

Per-Student Funding to Go Up (Though There are Fewer Students)

The Legislature's education budget includes an increase in per-student spending from \$7,756 to \$7,795, though the so-called FEFP, or basic K-12 operations budget, will see a decline of nearly \$150 million because of a drop in students - some of whom didn't show up for public school this year during the pandemic. Nearly a half-billion dollars is being held in reserve, though, in case students return. Schools are also getting extra money that has to go to increase minimum pay for teachers to \$47,500. [Legislative Budget Summary](#)

Legislature Votes Unexpectedly to Ban Transgender Girls from Playing School Sports

Male-to-female transgender students will likely be barred from playing on girls or women's school sports teams in Florida under a measure passed Wednesday in the waning days of the legislative session over the angry protests of Democrats who had thought the proposal was off the table. The issue, one of the most emotional and contested of the session, was thought to have been shelved for the year when the Senate and House couldn't agree on details about how challenges to the eligibility of transgender girls on girls teams would be resolved. But the issue unexpectedly re-emerged Wednesday evening when House and Senate Republicans agreed to add a provision to a wide-ranging charter school bill ([SB 1028](#)) as it was headed toward passage. That provision will require student athletes to prove their gender by providing school sports officials with an official birth certificate from near the time of birth.

Student Athletes Get Scare on Name, Image, Likeness

The charter school bill also contained an amendment that few people - including legislators - knew was in the bill. The amendment, which wasn't discussed on the floor, dealt with a law passed last year that will allow college athletes to earn money off their name, image, or likeness. The legislation as passed was scheduled to take effect July 1 of this year. But the amendment delayed the start day by a year - a big deal because Florida was the test state, the first in the country to try letting NCAA athletes make some money. On Thursday, there was an outcry, and some university presidents sought to get the Legislature to undo the move. It did. The last bill passed by the Senate on Friday was an unrelated bill regarding fee waivers for university courses, with an amendment undoing the implementation of the "Name, Image, Likeness" law.

Local Government

The Southernmost Cruise Ship Ban is Overturned

Voters in Key West last year voted to prohibit the largest of cruise ships from calling at the local port, saying they were causing environmental damage that risked some of the island city's appeal that draws other tourists. One of several measures considered in Tallahassee this year seeking to prevent local communities from making their own rules involved that ban. Legislation passed in the last few days of session overturned that referendum, forcing Key West to accept all maritime traffic at its port. [Miami Herald-Tampa Bay Times](#) / [Florida Phoenix](#)

Home Based Biz Bill Among Last to Pass

The second-to-last bill to pass the Legislature before adjournment of the 2021 legislative session was a preemption measure relating to home-based businesses. Both chambers had separate proposals in mind but ultimately agreed by one vote in the Senate to prohibit local governments from enacting certain requirements for licensing and regulation of home-based businesses. Among the provisions, [HB 403](#) authorizes home-based businesses to operate in residential zones. Opponents of the bill claim local governments and homeowners will have little to no say when it comes to neighbors operating businesses in neighborhoods. Supporters argue it is important for entrepreneurs trying to build start-up businesses.

Tech

Lawmakers Vote to Require Social Media Companies to Spell Out Deplatforming Rules

The Legislature responded to a call from Gov. Ron DeSantis to take on Big Tech by passing a bill requiring social media companies to more specifically spell out what would get someone "deplatformed," or kicked off the service and to tell people whose accounts have been suspended why they were. The bill also prevents the companies from rejecting posts by candidates for office - as happened to former President Donald Trump, whose Twitter account was suspended last year. The move on the social media companies at the state level comes [as Congress has had a hard time figuring](#)

[out how to deal with the platforms](#) - and their huge impact on the daily media diet of so many people.
[Associated Press](#) / [Florida Phoenix](#)

Transportation

Highway Project Canceled

Lawmakers voted to repeal highway projects that were part of a major infrastructure initiative passed just two years ago called the Multi-use Corridors of Regional Economic Significance, or M-CORES and reallocate the money for other transportation projects, such as expanding existing roadways. [Florida Politics](#) / [Tampa Bay Times](#)