**Medical Marijuana THC Caps Proposed**

**HB 1455** (Roach) would limit the amount of THC in medical marijuana products. The bill passed the House Professions & Public Health Subcommittee by a vote of 12-6. The sponsor, Rep. Roach, said: “Doctors and patients are taking advantage of our medical marijuana program to do two things --- to get rich and get high, period.”

**Eyeball Wars Optometrists & Physicians**

The Senate Health Policy Committee passed **SB 876** (Diaz) after lengthy discussion concerning expansion of scope of practice, by a vote of 6-3. The bill gives optometrists prescribing authority and allows them to perform certain surgical procedures.

**Auto Insurance Medical Coverage Rates May Rise**

This week the House Civil Justice & Property Rights Subcommittee unanimously approved **CS/HB 719** (Grall), which would fundamentally change Florida’s no-fault auto insurance system.

**Hospitals’ Use of Federal Relief Funds Scrutinized**

Last week the House Health Care Appropriations Subcommittee began questioning nursing home and hospital representatives about the amount of federal CARES Act and other relief funds received directly. The Hospital representatives were invited back this week.

**Quote of the Week:** "As, if!"  
Alicia Silverstone as Cher  
~ Clueless (1995)
Optometrists Attempt to Expand Scope of Practice

Scope-of-practice skirmishes between physicians and others have become an annual event over the past few decades. In 2013, the legislature expanded the scope of practice for optometrists, allowing them to prescribe topical medications. Currently, only five states – Oklahoma, Kentucky, Alaska, Louisiana and Arkansas – allow optometrists to perform advanced procedures (i.e., laser treatments, injections, and removal of lesions and growths). **SB 876** adds expanded elements to the practice of optometry including evaluation, treatment, and management of conditions of the human eye and its appendages, and any chronic conditions relating to the eye. In addition, laser surgery and expanded prescribing authority for controlled substances is included in the bill. Optometrists attend optometry school for four years and are not required to undertake postgraduate training. Ophthalmologists are either allopathic (M.D.) or osteopathic (D.O.) physicians who are trained in medical schools to treat the whole person and who undertake four additional years of specialized training in eye care, diseases of the eye, and surgery. Physicians’ groups opposed the bill and optometrists testified in support. The House companion, **HB 631**, (Rizo) has not yet been considered.
Ending No-Fault Automobile Insurance

This week the House Civil Justice & Property Rights Subcommittee unanimously approved CS/HB 719 (Grall), which would fundamentally change Florida’s no-fault auto insurance system. The bill eliminates Florida’s personal injury protection (PIP) requirement and no-fault insurance system in favor of bodily injury liability coverage.

Currently, Florida has consistently ranked fifth in the nation for highest average motor vehicle insurance cost per vehicle. The 50-year-old auto insurance system in Florida requires vehicle owners to have personal injury protection (PIP) insurance coverage, which provides $10,000 in medical, disability, and funeral expenses, without regard to fault, subject to a limit of $2,500 for non-emergency medical care. Vehicle owners must also have at least $10,000 in property damage coverage, and, at the time of an accident, show proof of bodily injury coverage of at least $10,000. The PIP coverage pays out regardless of which party is responsible for an accident.

CS/HB 719 repeals the PIP requirement, making drivers at fault in an accident fully liable for any damages they cause. Due to this change, the bill also expands the scope of legal liabilities covered under an uninsured/underinsured motorist policy. In place of PIP, the bill requires bodily injury coverage at the time of vehicle registration with a minimum coverage limit of $25,000. Whether the changes will lower automobile insurance costs for consumers is indeterminate. The House staff analysis indicates: “Hospitals may experience increased costs to the extent that medical reimbursements previously funded through PIP are shifted to secondary coverages or are lost through lack of secondary coverage.” The bill was opposed by the Florida Insurance Council, Florida Hospital Association, Florida Orthopaedic Society, National Association of Mutual Insurance Companies, and the American Property Casualty Insurance Association. The supporters included the trial lawyers (Florida Justice Association) and the Florida College of Emergency Physicians. A similar Senate bill, CS/CS/SB 54 (Burgess), has passed committees and is ready for full Senate consideration.

Medical Marijuana

House Subcommittee Passes Bill to Cap THC

In 2016, by 71% voters approved a constitutional amendment that created Florida’s medical marijuana program. Legislation passed in 2017, and was amended in each subsequent legislative session. Article X, section 29 of the Florida Constitution, allows patients with the following debilitating medical conditions to obtain medical marijuana: cancer, epilepsy, glaucoma, HIV, AIDS, PTSD, ALS, Crohn’s Disease, Parkinson’s Disease, MS, or comparable medical conditions. Medical Marijuana Treatment Centers (MMTCs) are permitted to produce edibles. Each MMTC is also required to provide at least one low-THC cannabis product. A patient must obtain a physician certification from a qualified physician, who may only certify a patient for three 70-day supply limits of marijuana not in a form for smoking and six 35-day supply limits, which cannot exceed 2.5 ounces, for marijuana in a form for smoking before issuing a new certification. The determination of an adequate supply is left to the discretion of the physician. The psychoactive component in marijuana is delta-9-tetrahydrocannabinol (THC). The MMTCs produce and dispense products with THC ranging from 0.4% to 100%. More than 500,000 Florida residents have been authorized by doctors to use the treatment, and the number of patients continues to climb.

HB 1455 limits the potency to 10% THC for smokable medical marijuana and 60% THC for all other forms of medical marijuana products, except edibles. The amount of marijuana a MMTC may dispense within any 70-day period is restricted to two 35-day supplies. However, the bill provides an exception to the potency limits for patients with terminal illnesses.

Supporters of the bill’s caps argued that according to studies, high-potency marijuana has negative mental-health effects, particularly on the developing brain. Opponents objected to legislative interference with the doctor-patient-relationship, and contended that caps would force patients to spend more money to achieve the same effects from their medical treatment.

The Senate companion, SB 1958 (Rodrigues) is awaiting a hearing in the Senate Judiciary Committee.

Several dynamics are in play concerning appropriations. The legislative narrative of the need for budget cuts continues. There will be shifting approaches and changing drafts of the appropriations bills as they are developed in each chamber. Major issues affect the budget. First, House and Senate leadership have agreed to use online sales tax revenue from out-of-state online retailers who will collect sales taxes on Floridians purchases (HB 15, SB 50) will be used to shore up the Unemployment Compensation Trust Fund, rather allowing increases in unemployment taxes for businesses. The bills will raise approximately $1 billion annually. Second, the $1.9 trillion American Rescue Plan Act will provide $10.2 billion to the state, $1.4 billion to cities, $4.1 billion to counties and $1.3 billion to other local governments. Although various funds are designated for certain purposes, the state legislature will decide on how most of the funds are appropriated. Senate President Simpson indicates that the nonrecurring federal funds should be used to fund local projects and supplement the Unemployment Compensation Trust Fund. A General Revenue Estimating Conference will likely be held in mid-April to lock down a revenue estimate that takes new changes since the last estimate into consideration.
On page 1 and the back page author’s photo of the back of the Capitol with Hugh Nicholson’s dolphin sculpture and the old Capitol from the front. Sources included articles from Christine Jordan Sexton, Jim Turner, A.G. Gancarski; Jason Delgado, Dara Kam, Renzo Downey, LobbyTools, Floridapolitics.com, as well as the Florida Channel and House & Senate bill analyses.

**Bills that May be of Interest**

**SB 144** (Brandes) keeps your phone and conversations with “Alexa” private. The bill clarifies that the Fourth Amendment protection against arbitrary search and seizure of information by the government extends to personal telephones and electronic devices. The bill has passed two Senate committees.

**CS/SB 148** (Bradley) facilitates “cocktails-to-go.” The bill permits food service establishments with a “special restaurant license,” or an “S RX license,” to sell and deliver alcoholic beverage drinks prepared and sealed by the licensee as well as manufacture-sealed beer, wine, and liquor for off-premises consumption under certain conditions. The bill and House companion (HB 329-Tomkow) are on a pandemic fast track.

**SB 58** (Rodriguez) repeals Florida law relating to community benefit reporting requirements by charitable hospitals for property tax exemption purposes. The law requires a charitable hospital to submit to the Department of Revenue the amount of net community benefit expense the hospital reported to the IRS. Effective January 1, 2022, a property appraiser is to limit a hospital’s property tax exemption to the value of the hospital’s community benefit expense if the hospital’s net community benefit expense did not equal or exceed the value of its tax exemption for two consecutive years. The bill removes this requirement by repealing the statute before it takes effect. **HB 6093** (Snyder), a companion measure, is in committee.

**Additional Resources:**

Advocate for Florida State: [http://www.advocateforfloridastate.fsu.edu/site/PageServer?pagename=deploymenthome](http://www.advocateforfloridastate.fsu.edu/site/PageServer?pagename=deploymenthome)
FSU Governmental Relations: [http://govrel.fsu.edu/](http://govrel.fsu.edu/)
The Florida Channel: [http://thefloridachannel.org/](http://thefloridachannel.org/)
Florida Senate: [http://www.flsenate.gov/](http://www.flsenate.gov/)

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**Dog of the Week**
Ellie, a Llewellin Setter, “daughter” of Chrys Goodwyne, Development Officer, FSU College of Medicine