



FSU College of Medicine Legislative Report

Week 8

April 19 – 23, 2021

Minority Health Initiatives



The Legislature is supporting minority health initiatives with funding and legislation this session. Florida's Minority Health and Health Equity infrastructure is provided funding and statutory enhancements.

2

University Liability Protections



Legislation including liability protections for public and private universities that have to move to online learning during a pandemic passed the House and is on the Senate Calendar.

3

Cannabis Bill Sent to Governor



It seems that every session there is a bill that passes addressing Cannabis.. There is another bill on the way to the Governor.

2

Quote of the Week: "Spread love everywhere you go. Let no one ever come to you without leaving happier."

~ Saint Mother Teresa



Conference Committees Close in on Final Appropriations Bills

"We have several implementing bill provisions left to be done, the stimulus dollars left to be done, a couple of conforming bills, and proviso language for the administrative funds and stimulus funds."
~Senate Appropriations Chair Kelli Stargel

Time is rapidly moving toward the deadline to print the Appropriations Act in time for a 72-hour cooling off period for the Legislature to end on time Friday. Tonight, the Conference Committees closed out the Health Care budget and are almost finished with the Higher Education budget (PECO distribution is outstanding). Gratefully, many of the devastating cuts were restored. The FSU College of Medicine appropriations are \$35,359,083 GR, \$824,574 EETF, \$14,898,434 TR, which totals \$51,082,091.



A Cannabis Bill that Passed

CS/HB 6095 (Fischer) passed the House and Senate and is on the way to the Governor. The bill removes Epidiolex as a controlled substance, from Florida's list of Schedule V controlled substances, mirroring federal law. Epidiolex is a prescription cannabidiol (CBD), a non-euphoric and psychoactive compound that comes from the cannabis plant which is used to treat seizures—especially those with Lennox-Gastaut syndrome (LGS), Dravet syndrome, or tuberous sclerosis complex (TSC) in patients 1 year of age and older.

Over the past four years, GW Pharmaceuticals' non-euphoric Epidiolex has been downgraded on the federal Drug Enforcement Administration (DEA) controlled substance lists. DEA said the new scheduling applies to FDA-approved CBD that contain no more than 0.1% tetrahydrocannabinols (THC) derived from cannabis and in 2018, the FDA the drug for use by patients two years of age or older and the DEA rescheduled Epidiolex in Schedule V of the federal Controlled Substances Act (CSA). Then, on April 6, 2020, the DEA removed Epidiolex from Schedule V and descheduled it entirely. Since Epidiolex remains a Schedule V controlled substance under Florida law, the CS/HB 6095 is necessary to remove it in order to comport with federal law. Epidiolex can be purchased with a physician's prescription and the pricing is about \$32,500 per year. Removing Epidiolex under Florida law enables practitioners to prescribe and dispense Epidiolex free of Schedule V reporting requirements.

Minority Health Initiatives Supported

CS/HB 183 (Joseph) and **CS/SB 404** (Rouson) expanding the Office of Minority Health and Health Equity are on the verge of final passage. The House bill passed the House and the Senate bill is on the Senate Special Order Calendar. **CS/SB 404** requires the Office of Minority Health and Health Equity to develop and promote the statewide implementation of policies, programs, and practices that increase health equity for racial and ethnic minority populations in Florida. The office must work with other state agencies, organizations, and providers to improve the health of racial and ethnic minority populations through data analysis and the development of health policies and programs that will help eliminate health disparities. One representative from each county health department will serve as a minority health.

CS/SB 404 creates section 381.735, F.S., to assign duties and responsibilities to the Office of Minority Health and Health Equity (office) within the Department of Health (department), which currently administers the Closing the Gap grant program. The bill requires the office to develop and promote the statewide implementation of policies, programs, and practices that increase health equity in this state, including increased access to and quality of health care services for racial and ethnic minority populations. The bill also requires the office to coordinate with agencies, organizations, and providers across the state to perform certain tasks, including gathering and analyzing data relating to health disparities. DOH would also have to update the minority health information on its website at least once a year.

The office currently has five staff positions: one senior health equity officer, one grants administrator, two Florida-certified contract managers, and one administrative assistant. The office also has four OPS staff positions: one program evaluator, two program analysts, and one senior clerk. The projected fiscal impact is \$6,079,202 in GR. The bill requires the office to “use *all available resources* and pursue opportunities for increased funding. The Appropriations Conference Committee has agreed to fund an additional four positions and provide \$9 million.



Other Bills of Possible Interest

Consumer Data Protection Legislation. Legislation protecting consumers' personal data is positioned to pass the Legislature. **CS/CS/CS/HB 969** (McFarland) and **CS/CS/SB 1734** (Bradley) provide the public an opportunity to regain ownership of their personal data collected by companies. If a breach of personal information occurs, companies must notify individuals whose personal information was accessed. If the breach affects 500 or more individuals, the company must also provide notice to the Attorney General's office.

Emergency Powers in a Pandemic. Legislation addressing emergency management during a pandemic has passed the Senate 27-9 and is queued up in the House. **CS/CS/SB 2006** (Burgess) updates the Emergency Management Act to specifically address pandemic situations. The House bill, **CS/CS/HB 1595** (Williamson) is on second reading. The bills address the Governor's emergency powers and create the Emergency Preparedness and Response Fund within the Executive Office of the Governor as the primary funding source available to the Governor during a declared state of emergency.

Tax Cuts and Holidays Proposed in the House and Senate. **CS/SB 7068** (Rodriguez, A.) reduces total state and local government revenue by \$84.3 million (\$34.7 recurring) in FY 2021-2022 to provide tax free holidays and other tax breaks. The House Ways & Means Committee also passed a tax package that includes various tax holidays. The differences will be settled as part of the appropriations revenue discussion between House and Senate leadership.

University Liability Protections— Part Deux

Earlier this session, the legislature passed, and the Governor signed into law, **CS/SB 72** (Brandes) providing COVID-19 liability protections to businesses, health care providers, educational institutions, governmental entities and others. Beyond these legal protections, there were several lawsuits filed during the pandemic against educational institutions for actions taken to protect students, staff and faculty. Courses were moved online to new digital formats. Students at several public and private universities in Florida have sued for tuition reimbursements. These argue that the institution allegedly breached an educational contract with the students.

CS/SB 7070 creates liability protections for educational institutions for actions taken related to the COVID-19 pandemic. The educational institutions taking reasonably necessary actions to diminish the impact or the spread of COVID-19 receive immunity from any civil damages, equitable relief, or other remedies. These actions include: 1) Shifting in-person instruction to online or remote instruction for any period of time; 2) Closing or modifying facilities, other than housing or dining facilities, on campus; and 3) Pausing or modifying student activities and services.

The bill states that the provision of in-person or on-campus education and related services was impossible and the educational institutions took reasonably necessary actions described to protect students, staff, and educators in response to the COVID-19 public health emergency. The reasonably necessary actions were justified due to the various governmental orders and the need for educational institutions to protect their communities. The bill states that no express or implied contract exists for in-person or on-campus education or access to facilities during a pandemic. The burden of proof for plaintiffs is by clear and convincing evidence.

There has been opposition to the bill by legislators concerned about extending a liability shield to these institutions. The companion is part of a large higher education "train" of House bills, **CS/HB 1261** (Toledo). The provision only applies to public and private postsecondary institutions. The bill passed the House by a 92-22 vote.



Capitol's Waller Park Renovation

The Florida Department of Management Services has begun improvements on the west entrance of the main capitol building, known as Waller Park. The project is expected to improve accessibility by adding elevators and ramps, and adds green space and seating to the lower plaza. The project is expected to be completed by the 2023 legislative session.

On page 1 side photos are from Scripps, FSU COM website and main photo is by the author. On pages 2 & 3, the photos are from the patientslikeme.blog website and the FSU COM website. On page 4 is the author's photo. Sources included articles from Christine Jordan Sexton, Jim Turner, Jim Saunders, Dara Kam, Jim Roscia, Ryan Nichol, and Janelle Irwin Taylor, Scott Powers, Renzo Downey, as well as the Florida Channel and House & Senate bill analyses.

Additional Resources:

Advocate for Florida State:

<http://www.advocateforfloridastate.fsu.edu/site/PageServer?pagename=deploymenthome>

FSU Governmental Relations:

<http://govrel.fsu.edu/>

The Florida Channel:

<http://thefloridachannel.org/>

Florida Senate: <http://www.flsenate.gov/>

Florida House of Representatives:

<http://www.myfloridahouse.gov/>

Florida Governor's Office: <http://www.flgov.com/>

For more information:

Laura E. Brock, Ph.D.

FSU College of Medicine

1115 West Call Street

Tallahassee, FL 32306-4300

Email: laura.brock@med.fsu.edu

Office: 850.645.9429

Mobile: 850.566.1002



Dog of the Week
Jake Brock