



**Florida Academy of Family Physicians**  
**2023 Legislative Session Update – Week 2**  
March 17, 2023

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Week two of the nine-week legislative session concluded after a very active week focused on the priorities outlined by Governor DeSantis and legislative leaders. These priorities included proposals for massive legal (tort) reform, abortion restrictions, immigration reform, social media device regulation, changes to certain gun laws, and restrictions on Environmental Social Governance (ESG) investments. Thousands of citizens representing hundreds of interests and communities throughout the state visited the Capitol, testified in committee, and educated state leaders. Legislators return to Tallahassee next week where we anticipate the initial versions of each chamber's budget to emerge.



**Doctor of the Day**

The second week of the 2023 legislation was busy in more ways than one. FAFP members Drs. Christopher Watson and Kelsey Henry (PGY3) from Jacksonville were sponsored by Senator Trace Davis. They spent time witnessing the legislative process but spent the same or equal time serving in a busy Capital Clinic seeing cases including pediatrics, strep throat, sprained ankle, severe nosebleed, and sinus infections. Their response, "just a regular clinic day!" Yet another reason family physicians are always a welcomed sight and serve well as Doctor of the Day in Tallahassee!

**Legislation of Interest to FAFP (alphabetically)**

**Autonomous Practice by Advanced Practice Registered Nurses-** [SB 1058](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1067](#) by Rep. Mike Giallombardo (R-Cape Coral) allow autonomous APRNs to engage in autonomous practice beyond primary care, revise the requirements for certified nurse midwives registered to engage in autonomous practice and provide for the future expiration of the Council on Advanced Practice Registered Nurse Autonomous Practice.

**Blood Clot and Pulmonary Embolism Policy Workgroup –** [HB 483](#) by Rep. Dean Black (R-Jacksonville) and [SB 612](#) by Sen. Clay Yarborough (R-Jacksonville) require the Secretary of Health Care Administration, in conjunction with State Surgeon General, to establish a blood clot & pulmonary embolism policy workgroup.

**HB 483 was approved by the House Health Care Appropriations Subcommittee on 3/14/23.**

**Cardiac and Medical Emergencies on School Grounds –** [HB 263](#) by Rep. Rizo (R-Hialeah) and [SB 1544](#) by Sen Bryan Avila (R-Hialeah Gardens) require public and private schools to have automated external defibrillators on school grounds, provide immunity from liability under Good Samaritan Act & Cardiac Arrest Survival Act, and require school districts to make trainings available to school employees.

**Care of Students with Epilepsy or Seizure Disorders** – [SB 466](#) by Sen. Ileana Garcia (R-Miami) requires school employees to receive regular training on the care of students with epilepsy and other seizure disorders.

**Child Protection in Public Schools** – [SB 1320](#) by Sen. Clay Yarborough (R-Jacksonville) and [HB 1069](#) by Rep. Stan McClain (R-Ocala) prohibit an employee, contractor, or student of a public school from being required to refer to a person using personal titles or pronouns that do not correspond with that person’s sex, prohibit classroom instruction by school personnel on sexual orientation or gender identity until grade 9. The bills also provide that materials used to teach reproductive health must be approved by the Department of Education, and require district school boards to adopt and publish a specified process relating to student access to certain materials.

[SB 1320 will be heard by the Senate Education Pre-K-12 Committee on 3/20/23.](#)

[HB 1069 was approved by the House Education Quality Subcommittee on 3/15/23.](#)

**Childhood Mental Health, Safety, and Welfare** – [SB 1620](#) by Sen Erin Grall (R-Fort Pierce) and [HB 1463](#) by Rep. Mike Beltran (R-Valrico) require specified mental health care professionals to complete a course on technology addiction and pornography addiction, require a warning label be affixed to the packaging of certain digital devices, require a commercial entity to verify the age of individuals attempting to access certain material online, and limit the proportion of instructional time that may be delivered in an electronic or digital format.

**Civil Remedies** – [HB 837](#) by Rep. Tommy Gregory (R-Lakewood Ranch) and Rep. Tom Fabrico (R-Miami Lakes) and [SB 236](#) by Sen. Travis Hutson (R-Palm Coast) changes Florida’s comparative negligence system from a “pure” comparative negligence system to a “modified” comparative negligence system, so that a plaintiff who is more at fault for his or her own injuries than the defendant may not recover damages from the defendant. The bill also provides uniform standards to assist juries in calculating the value of medical damages in personal injury or wrongful death actions and modifies the Florida’s “bad faith” framework. Finally, the bill provides that a contingency fee multiplier for an attorney fee award is appropriate only in rare circumstances and repeals Florida’s one-way attorney fee provisions for insurance cases.

[SB 236 was approved by the Senate Fiscal Policy Committee on 3/16/23.](#)

[HB 837 was approved by the House on 3/16/23.](#)

**Concealed Carry of Weapons and Firearms Without a License** – [HB 543](#) by Rep. Chuck Brannan (R-Lake City) and Rep. Bobby Payne (R-Palatka) and [SB 150](#) by Sen. Jay Collins (R-Tampa) authorize a person to carry a concealed weapon or a concealed firearm without a specific license provided the person is carrying identification and produces that identification to law enforcement on demand. The bill also maintains concealed carry requirements for schools and school sponsored events.

**Corporate Practice of Medicine** - [HB 1193](#) by Rep. Kelly Skidmore (D-Delray Beach) and [SB 1222](#) by Sen. Bobby Powell (D-West Palm Beach) provide additional acts that constitute grounds for denial of license or disciplinary action in the practice of medicine to which penalties apply.

**COVID-19 Mandates and Treatment Options** – [HB 1013](#) by Rep. Phillip Wayne Griffiths (R-Panama City) and [SB 252](#) by Sen. Colleen Burton (R-Lakeland) prohibit business entities, governmental entities, and educational institutions from imposing COVID-19 testing, facial covering, and vaccination mandates. The bills also prohibit hospitals from interfering with patients' right to choose COVID-19 treatment alternatives and require health care practitioners to obtain informed

consent about COVID-19 treatment options. [HB 1015](#) also by Rep. Griffiths and [SB 238](#) also by Sen. Burton provide public records exemptions for records held by the state authorizing the disclosure of this information.

**Damages Recoverable in Wrongful Death Actions** – [SB 690](#) by Sen. Lauren Book (D-Plantation) and [HB 1435](#) by Rep. Johanna Lopez (D-Tampa) remove a provision that prohibits adult children and parents of adult children from recovering certain damages in medical negligence suits.

**Education and Training for Alzheimer’s Disease and Related Forms of Dementia** – [SB 1182](#) by Sen. Corey Simon (R-Tallahassee) and [HB 299](#) by Reps. Dean Black (R-Jacksonville) and Michelle Salzman (R-Cantonment) designate the “Alzheimer’s Disease and Related Forms of Dementia Education and Training Act” and require the Department of Elderly Affairs to offer certain education and training about Alzheimer’s disease and related forms of dementia to the general public.

[SB 1182 was approved by the Senate Children, Families, and Elder Affairs Committee on 3/14/23.](#)

**Employer Coverage of Gender Dysphoria Treatment** – [SB 952](#) by Sen. Blaise Ingoglia (R-Springhill) and [HB 1265](#) by Rep. Taylor Yarkosky (R-Clermont) named the "Reverse Woke Act", require employers that provide coverage of gender dysphoria treatment to also cover the full costs associated with treatment that reverses such gender dysphoria treatment. The bills also prohibit employers from making coverage of the subsequent treatment contingent on whether the employee receives such treatment in this state and creates a right of action for aggrieved persons to recover actual total costs and damages from an employer or former employer.

**Foreign-licensed Physicians** – [SB 956](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1145](#) by Rep. John Snyder (R-Palm City) provides for provisional licenses by endorsement for certain foreign-licensed physicians.

**Gender Clinical Interventions** – [HB 1421](#) by Reps. Randy Fine (R-Palm Bay) and Dr. Ralph Massullo (R-Inverness) and [SB 254](#) by Sen. Clay Yarborough (R-Jacksonville) prohibit persons and entities from expending funds for reimbursement for specified clinical interventions, prohibit a person's biological sex from being changed on birth certificate, prohibit gender clinical interventions for minors, authorize certain persons to refuse to participate in gender clinical interventions, and prohibit health insurance policies and health maintenance contracts from providing coverage for gender clinical interventions.

[SB 254 was approved by the Senate Health Policy Committee on 3/13/23.](#)

**Health Care Expenses** – [HB 1413](#) by Rep. Chase Tramont (R-Port Orange) and [SB 268](#) by Sen. Jason Brodeur (R-Lake Mary) establish a 3-year statute of limitations for action to collect medical debt for services. The bills also provide personal property exemptions, require licensed facilities to post consumer-friendly list of standard charges, require licensed facilities to provide estimate to patient and the patient's insurer, require licensed facilities to establish internal grievance processes for patients to dispute charges, prohibit collection activities by licensed facilities, require health insurers to provide insured with advanced explanation of benefits for scheduled services, and provide shared savings incentive offered by health insurer or HMO constitutes medical expense for rate development and rate filing purposes.

**Health Care Practitioner Titles and Abbreviations** – [HB 583](#) by Rep. Dr. Ralph Massullo (R-Inverness) and [SB 230](#) by Sen. Gayle Harrell (R-Stuart) specify which titles and abbreviations health

care practitioners may use in their advertisements and communications to the public. The bills also have provisions for the wearing of name tags when treating or consulting with a patient.

**SB 230 was approved by the Senate on 3/15/23.**

**Health Insurance Cost Sharing - [SB 46](#)** by Sen. Tom Wright (R-Port Orange) and **[HB 1063](#)** by Rep. Lindsay Cross (D-St. Petersburg) require individual and group health insurers and their pharmacy benefit managers (PBMs) to apply payments by or on behalf of insureds toward the total contributions of the insureds' cost-sharing requirements.

**Health Insurance Coverage for Biomarker Testing - [HB 805](#)** by Rep. Karen Gonzalez Pittman (R-Tampa) and **[SB 1218](#)** by Sen. Tom Wright (R-Port Orange) require health insurers, both commercial and Medicaid, to cover certain biomarker testing.

**Immigration - [SB 1718](#)** by Sen. Blaise Ingoglia (R-Spring Hill) and **[HB 1617](#)** by Rep. Kiyon Michael (R-Jacksonville) enhance fines and penalties on Florida businesses that hire illegal immigrants and authorize Florida Department of Law Enforcement to conduct random audits of businesses for compliance with immigration law. The bills expand the crime of human smuggling to include concealing, harboring, or shielding a person who has entered the United States illegally from detection and repeals the statute that allows an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar by the Florida Supreme Court if certain conditions are met. The bills also require a person who is in the custody of a law enforcement agency and is subject to an immigration detainer to submit a DNA sample when he or she is booked into a jail, correctional, or juvenile facility, and require any hospital that accepts Medicaid to include a question on its admission or registration forms inquiring about whether the patient is a United States citizen, is lawfully present in the United States, or is not lawfully present in the United States. The bills also require each hospital to provide a quarterly report to the Agency of Health Care Administration, detailing the number of visits or admissions by patients who responded to the above question in each category.

**SB 1718 was approved by the Senate Rules Committee on 3/15/23.**

**Invalid Restrictive Covenants in Health Care - [SB 1498](#)** by Sen. Jason Brodeur (R-Lake Mary) provides that restrictive covenants in employment agreements relating to certain licensed physicians do not support a legitimate business interest.

**Medicaid Coverage of Continuous Glucose Monitors - [SB 988](#)** by Sen. Colleen Burton (R-Lakeland) and **[HB 967](#)** by Rep. Melanie Bell (R-Fort Meade) require the Agency for Health Care Administration to provide coverage for continuous glucose monitors for certain Medicaid recipients and require AHCA to include the rate impact in their rate setting process.

**SB 988 was approved by the Senate Health Policy Committee on 3/13/23.**

**Medicaid Coverage of Rapid Whole Genome Sequencing - [HB 1043](#)** by Rep. Adam Anderson (R-Tarpon Springs) and **[SB 616](#)** by Sen. Clay Yarborough (R-Jacksonville) require AHCA, subject to federal approval, to include coverage of rapid whole genome sequencing as separately payable service for certain Medicaid recipients. The bills require that genetic data generated as result of rapid whole genome sequencing be used only for specified purposes, provide for use of such data in scientific research if patient or his or her legal guardian provides express consent for that use, provide for rescission of such consent and require entities conducting scientific research, upon receipt of written revocation of consent, to cease use of patient's data and expunge it from any data

repositories where it is held. The bills also require AHCA to seek federal approval to amend current waivers, request new waivers, and amend contracts as necessary.

**Medicaid Step Therapy/Mental Illness** - [SB 112](#) by Sen. Gayle Harrel (R-Port St. Lucie) and [HB 183](#) by Rep. Karen Gonzalez Pittman (R-Tampa) require the Agency for Health Care Administration to approve certain prescription drug products for Medicaid recipients for the treatment of serious mental illness without step-therapy prior authorization.

**Medical Freedom Protection** - [SB 222](#) by Sen. Joe Gruters (R-Sarasota) and [HB 305](#) by Rep. Webster Barnaby (R-Deland) prohibit the Department of Health (DOH) from requiring enrollment in the state's immunization registry. The bills also extend the COVID-19 mandate restrictions to all vaccinations and prohibit discrimination on the basis of a person's vaccination status. Additionally, the bills prohibit the DOH from requiring children to receive immunizations approved only for emergency use as a school-entry requirement.

**Middle School and High School Start Times** - [HB 733](#) by Rep. Mike Beltran (R-Valrico) and Rep. Dr. Ralph Massulo (R-Inverness) and [SB 1112](#) by Sen. Danny Burgess (R- Zephyrhills) require that, as of July 1, 2026, middle schools to begin no earlier than 8am and high schools to begin no earlier than 8:30am. The bills also require charter schools to meet these same requirements.  
**HB 733 was approved by the House Pre-K-23 Appropriations Subcommittee on 3/16/23.**

**Motor Vehicle Insurance** - [SB 586](#) by Sen. Erin Grall (R-Fort Pierce) and [HB 429](#) by Rep. Danny Alvarez (R-Riverview) repeal the Florida Motor Vehicle No-Fault Law, revise the motor vehicle insurance coverages that an applicant must show to register certain vehicles with the Department of Highway Safety and Motor Vehicles, revises the minimum liability coverage requirements for motor vehicle owners or operators and revise requirements for the certificate of deposit that is required in proving financial responsibility.

**Newborn Hearing Screenings** - [SB 394](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 435](#) by Rep. Lauren Melo (R-Naples) revise newborn hearing screening requirements to require that all newborns, rather than only those who fail the initial newborn hearing screening, be tested for congenital cytomegalovirus.

**Payment of Health Insurance Claims** - [SB 1160](#) by Sen. Ed Hooper (R-Palm Harbor) and [HB 1335](#) by Rep. Dr. Joel Rudman (R-Navarre) prohibits a health insurer or health maintenance organization from retroactively denying a claim at any time because of ineligibility of the insured or subscriber.

**Physician Assistant Licensure** - [SB 454](#) by Sen. Bryan Avila (R-Hialeah Gardens) and [HB 1133](#) by Rep. Alex Rizo (R-Hialeah) revise requirements for an applicant for licensure as a physician assistant.

**Physician Assistants' Prescriptive Authority** - [HB 481](#) by Rep. Lauren Melo (R-Naples) removes the requirement that physician assistants may only prescribe or dispense drugs under physician's supervision. The bill also deletes the negative drug formulary and allows physician assistants to procure medical devices.

**Pregnancy and Parenting Support** - [HB 7](#) by Rep. Jenna Persons-Mulicka (R-Fort Myers) and [SB 300](#) by Sen. Erin Grall (R-Fort Peirce) prohibit the use of state funds for person to travel to another state to receive services to support abortion. The bills require DOH to report to Governor and



Legislature information relating to Florida Pregnancy Care Network, Inc., and prohibit physicians from knowingly performing or inducing termination of pregnancy after six weeks.

**HB 7 passed the House Healthcare Regulation Subcommittee on 3/16/23.**

**SB 300 will be heard by the Senate Health Policy Committee on 3/20/23.**

**Prescription Drug Coverage** – [SB 746](#) by Sen. Ana Maria Rodriguez (R-Doral) requires individual and group health insurers to provide notice of prescription drug formulary changes to current and prospective insureds and the insureds' treating physicians.

**Prescription Drugs** – [SB 1550](#) by Sen. Jason Brodeur (R-Lake Mary) and [HB 1509](#) by Rep. Linda Chaney (R-St. Petersburg) create the "Prescription Drug Reform Act." The bills specify additional prohibited acts related to the Florida Drug and Cosmetic Act, require certain drug manufacturers to notify the Department of Business and Professional Regulation of reportable drug price increases, require such manufacturers to submit certain reports to the department by a specified date each year, provide requirements for certain contracts between a pharmacy benefit managers and a pharmacy benefits plans or programs or participating pharmacies, and require the office to review certain referrals and investigate them under certain circumstances. The bills have an appropriation of \$1.5 million. A companion bill - [SB 1552](#) also by Sen. Brodeur - creates a public records exemption for the books and records of administrators held by the Office of Insurance Regulation for purposes of examination, audit, and inspection to incorporate the inclusion of pharmacy benefit managers as administrators under the Florida Insurance Code.

**Prior Authorization for Health Care Services** – [HB 1533](#) by Rep. Kimberly Berfield (R-Clearwater) and [SB 1434](#) by Sen. Corey Simon (R-Tallahassee) make changes to the prior authorization process. Specifically, the bills prohibit an insurer from requiring information that is not needed to make a determination.

**Protections of Medical Conscience** – [HB 1403](#) by Rep. Dr. Joel Rudman (R-Navarre) and [SB 1580](#) by Sen. Jay Trumbull (R-Panama City) authorize health care providers and health care payors to opt out of participation in or payment for certain health care services by conscience-based objections without discrimination or threat of adverse actions. The bills require notification when such health care provider declines to participate in certain health care services and prohibit certain boards and DOH from taking disciplinary actions under certain circumstances.

**Referral of Patients by Health Care Providers** – [HB 601](#) by Rep. Kevin Steele (R-Hudson) and [SB 768](#) by Sen. Jonathan Martin (R-Fort Myers) remove definition of the terms "direct supervision" & "present in office suite" and revise the definition of the term "referral" to remove direct physician supervision and require compliance with certain Medicare payments & rules.

**Telehealth** - [HB 267](#) by Rep. Tom Fabricio (R-Hialeah) and [SB 298](#) by Sen. Jim Boyd (R-Bradenton) revise the definition of "telehealth" to include health care services provided through audio-only means.

**SB 298 was approved by the Senate Banking and Insurance Committee on 3/15/23.**

**Telehealth/Genetic Counselors** - [SB 218](#) by Sen. Gayle Harrell (R-Port St. Lucie) and [HB 117](#) by Rep. David Silvers (D- Palm Beach) add genetic counselors to those medical providers authorized to be a telehealth provider.

**SB 218 was approved by the Senate Rules Committee on 3/15/23.**

**HB 117 passed the House Health & Human Services Committee on 3/17/23.**

**Use of Telehealth** – [HB 997](#) by Rep. Karen Gonzalez Pittman (R-Tampa) and [SB 1232](#) by Sen. Jason Brodeur (R-Lake Mary) authorize telehealth providers to prescribe schedule II controlled substances for the treatment of cancer or a terminal illness.

**Withholding or Withdrawal of Life-prolonging Procedures** – [HB 1119](#) by Rep. Kimberly Berfield (R-Clearwater) and [SB 1098](#) by Sen. Colleen Burton (R-Lakeland) regulates the authority of a court appointed guardian to withhold or withdraw life prolonging procedures, or sign an order not to resuscitate.

**SB 1098 was approved by the Senate Children, Families, and Elder Affairs Committee on 3/14/23.**