



**Florida Academy of Family Physicians**  
**2023 Legislative Session Update – Week 3**  
March 24, 2023

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Democracy was in action this week as thousands of Florida citizens visited the Capitol to express their views on myriad topics. Dental hygienists, bankers, tourism executives, sheriffs, firefighters, librarians, human resource managers, workers unions, and plenty of elementary school kids, are just a few of the groups who traveled to Tallahassee to learn about Florida and to educate legislators about their interests. Legislative committee agendas remained full, and both the House and Senate released initial versions of their budget proposals. Legislators return next week for another busy week of meetings and floor activity.

**Doctor of the Day**

Dr. Amy Neal (right) of Tallahassee served as Doctor of the Day this week, sponsored by Representative Allison Tant (left). Despite it being a quiet day in the Capital, Florida's family physicians appreciate Dr. Neal's commitment to advocacy and willingness to do what we do best, care for all Floridians. Thank you, Dr. Neal, for your service!



**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.

**[HB 1067](#) was approved by the House Healthcare Regulation Subcommittee on 3/22/23.**

**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.

**[SB 612](#) will be heard in the Senate Health Policy Committee on 3/27/23.**

**[HB 483](#) was approved by the House Health and Human Services Committee on 3/24/23.**

**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](#) was approved by the Senate Education PreK-12 Committee on 3/20/23.**

**[HB 1069](#) was approved by the House Education and Employment Committee on 3/23/23.**

**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.

**HB 837 passed the House by a vote of 80-31 and passed the Senate by a vote of 23-15. The Governor received and signed HB 837 on Friday, March 24, 2023.**

**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.

**HB 543 is on the House floor and available for a vote on final House passage.**

**Controlled Substance Testing** - [HB 165](#) by Rep. Christine Huschofsky (D-Coconut Creek) and [SB 164](#) by Sen. Tina Polsky (D-Boca Raton) revise the definition of "drug paraphernalia" to exclude certain narcotic-drug-testing products.

**HB 165 was approved by the House Judiciary Committee on 3/23/23.**

**SB 164 was approved by the Senate Rules Committee on 3/22/23.**

**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.

**Department of Health** – [SB 1506](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1387](#) by Rep. Juan Carlos Porras (R-Miami) are the Department of Health legislative package. The bills prohibit certain research in this state relating to enhanced potential pandemic pathogens, prohibit medical marijuana treatment centers from producing marijuana products that are attractive to children or manufactured in specified manners, require local registrars to electronically file all live birth, death, and fetal death records in their respective jurisdictions in the department's electronic registration system, revise the types of health care practitioners who may make certain determinations of death, extend the timeframe for the confidentiality of certain birth records, and revise revising the scope of practice for audiologists, as it relates to prescription hearing aids.  
**SB 1506 will be heard in the Senate Health Policy Committee on 3/27/23.**

**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.

**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.

**HB 1421 was approved by the House Healthcare Regulation Subcommittee on 3/22/23.**

**SB 254 was approved by the Senate Fiscal Policy Committee on 3/23/23.**

**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 and is now awaiting action in the House.**

**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.

**Interstate-Mobility and Universal-Recognition Occupational Licensing Act** – [SB 1364](#) by Sen. Jay Collins (R-Tampa) and [HB 1333](#) by Rep. Traci Koster (R-Tampa) create the “Interstate-Mobility and Universal-Recognition Occupational Licensing Act.” The bills require Florida licensing boards that issue occupational licenses or government certifications to individuals relating to the regulations of professions by the Department of Business and Professional Regulation or the Department of Health to issue an occupational license or government certification (universal license) to eligible applicants, under certain circumstances (universal licensing requirement). Under the bills, an applicant with a valid occupational license or certification in good standing, or who otherwise meets the requirements for an occupational license for a lawful occupation, is presumed to be qualified for the license and must be issued an occupational license or government certification by the appropriate Florida licensing board. [SB 1366](#), also by Sen. Collins, authorizes an application fee for the license.

**HB 1333 was approved by the House Regulatory Reform & Economic Development Subcommittee on 3/22/23.**

**SB 1364 and SB 1366 were approved by the Senate Regulated Industries Committee on 3/21/23.**

**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.



**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.

**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.

[SB 1112 will be heard in the Senate Education, Pre-K Committee on 3/27/23.](#)

[HB 733 was approved by the House Education and Employment Committee on 3/23/23.](#)

**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.

[HB 1133 was approved by the House Healthcare Regulation Subcommittee on 3/22/23.](#)

[SB 454 will be heard in the Senate Health Policy Committee on 3/27/23.](#)

**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 was approved by the House Healthcare Regulation Subcommittee on 3/16/23.](#)

[SB 300 will be heard by the Senate Fiscal Policy Committee on 3/28/23.](#)

**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.

**SB 1550 and SB 1552 will be heard in the Senate Health Policy Committee on 3/22/23.**

**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.

**SB 768 was approved by the Senate Health Policy Committee on 3/20/23.**

**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.

**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 passed the Senate on 3/23/23 and is awaiting action in the House.**

**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.

**SB 1232 will be heard in the Senate Health Policy Committee on 3/27/23.**

**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.