



**Florida Academy of Family Physicians**  
**2023 Legislative Session Update – Week 4**  
March 31, 2023

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The pace of the legislative session continues to increase as the session approaches its halfway point. Legislative committee agendas are packed as legislators rush to move their priority bills through the process. And on a parallel track, each chamber passed its respective budget this week setting the stage for an upcoming budget conference. Legislators will have a short week next week as they depart on late Tuesday and Wednesday for the Passover/Easter holidays.

**Doctors of the Day – Saving Lives!**

Dr. Seetha Venkateswaran (right) and Halifax resident Dr. Hedson Desir were sponsored by Representative Christine Hunschofsky (D- Broward) for doctor of the day on Tuesday March 28. It was another busy day both in the legislature and with medical issues needing attention. In fact, as [reported by state and national news media](#), Drs. Venkateswaran and Desir partnered with Florida Surgeon General Joseph Ladapo in assisting a man who suffered cardiac arrest in the Capitol courtyard. Due to their quick action and the availability of a defibrillator, the three-physician team was able to resuscitate the man who is reported to be stable and improving in a local hospital. While not identified in the article nor receiving any credit, it once again goes to show the unsung heroes in medicine throughout Florida and America – today's family physicians!



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

**Assault or Battery on Hospital Personnel – [HB 825](#)** by Rep. Kimberly Berfield (R-Clearwater) and [SB 568](#) by Sen. Ana Maria Rodriguez (R-Doral) reclassify certain offenses committed against hospital personnel while engaged in performance of their duties.  
**HB 825 was approved by the House Justice Appropriations Subcommittee on 3/27/23.**

**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.  
**SB 612 was approved by the Senate Health Policy Committee on 3/27/23.**

**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.

**HB 1069 was heard on the House Floor on 3/30/23 and is available for final House passage.**

**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 satisfies the training requirements and criteria for receiving and maintaining a concealed weapons permit and produces that identification to law enforcement on demand. The bills also establish a number of school safety programs and protocols including allowing private schools to establish school safety officers and implement school guardian programs with local law enforcement agencies, maintaining concealed carry exclusion zones for schools and school sponsored events, requiring law enforcement agencies to adopt “Active Assailant Response” policies, requiring the development of a statewide school safety behavioral threat management operation process and database, and establishing a “Safe Schools Canine Program” to allow for gun sniffing dogs in schools.

**HB 543 was passed by the Senate and returned to the House on 3/30/23.**

**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.

**SB 164 passed the Senate on 3/29/23.**

**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.

[SB 252 and SB 238 will be heard in the Senate Health Policy Committee on 4/4/23.](#)

**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.

**Declarations of a Public Health Emergency** - [SB 1618](#) by Sen. Clay Yarborough (R-Jacksonville) and [HB 1487](#) by Rep. Dr. Joel Rudman (R-Navarre) provide that the administration of vaccines is not included within the meaning of the terms "treat," "treated," or "treatment" as they relate to public health emergencies and revise provisions related to the expiration and renewal of declarations of a public health emergency. The bills also authorize an individual to refuse examination, testing, or treatment under a State Health Officer's order during a public health emergency by submitting a written refusal to the State Health Officer.

[HB 1487 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.](#)

**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 hearing aids to apply to prescription hearing aids only.

[HB 1387 will be heard in the House Regulation Subcommittee on 4/3/23.](#)

[SB 1506 was approved by 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.

**Florida Kidcare Program Eligibility** - [HB 121](#) by Reps. Robin Bartleman (D-Weston) and Dana Trabulsky (R-Fort Pierce) and [SB 246](#) by Sen. Alexis Calatayud (R-Miami) increase the income eligibility threshold for coverage under Florida Kidcare program and require that premiums for certain enrollees under program be based on tiered system of uniform premiums.

[HB 121 was approved by the House Health and Human Services Committee on 3/30/23.](#)

**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.

[HB 1145 was approved by the House Healthcare Regulation Subcommittee on 3/29/23.](#)

**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 the expenditure of state funds by specified entities for sex-reassignment prescriptions or procedures, prohibit sex-reassignment prescriptions or procedures for patients younger than 18 years of age, and create requirements for voluntary, informed consent that must be met in order for a patient 18 years of age or older to be treated with sex-reassignment prescriptions or procedures. The bills also provide that only allopathic or osteopathic physicians may provide sex-reassignment prescriptions or procedures, create criminal penalties for the provision of sex-reassignment prescriptions or procedures, provide that a practitioner who is arrested for the crime of providing sex-reassignment prescriptions or procedures may have his or her license suspended via emergency order of the Department of Health, require that any hospitals, ambulatory surgical centers, or physician's offices must provide a signed attestation that the facility or office does not offer or provide sex-reassignment prescriptions or procedures for children.

[SB 254 will be heard on the Senate Floor on 4/3/23.](#)

[HB 1421 was approved by the House Health and Human Services Committee on 3/27/23.](#)

**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 has passed the Senate.](#)

[HB 583 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.](#)

**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.

[SB 46 will be heard in the Senate Banking and Insurance Committee on 4/5/23.](#)

**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.

**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 under the Medicaid pharmacy benefit to treat Medicaid recipients diagnosed with diabetes who meet certain criteria and requirements, subject to the availability of funds and any limitations or directions provided in the General Appropriations Act.

**HB 967 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.**

**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.

**HB 183 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.**

**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 was approved by the Senate Education Pre-K-12 Committee on 3/27/23.**

**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.

**HB 435 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.**

**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.

**HB 1335 was approved by the House Healthcare Regulation Subcommittee on 3/29/23.**

**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.

**SB 454 was approved by 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 Health and Human Services Committee on 3/30/23.**

**SB 300 was amended to clarify exemptions on the floor of the Senate on 3/30/23 and is now available for a vote on final passage in the Senate.**

**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 were approved by the Senate Health Policy Committee on 3/27/23.**

**HB 1509 was approved by the House Healthcare Regulation Subcommittee on 3/28/23.**

**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.

**HB 1403 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.**

**SB 1580 will be heard in the Senate Health Policy Committee on 4/4/23.**

**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.

**HB 601 will be heard in the House Healthcare Regulation Subcommittee on 4/3/23.**

**Surrendered Newborn Infants** – [SB 870](#) by Sen. Colleen Burton (R-Lakeland) and [HB 899](#) by Rep. Mike Beltran (R-Valrico) revise the definition of the term "newborn infant" and authorize certain hospitals, emergency medical services stations, and fire stations to use newborn infant safety devices to accept surrendered newborn infants if the device meets specified criteria. The bills also authorize a parent to leave a newborn infant licensed health care professional at a hospital and provide that a parent who leaves a newborn infant in a newborn infant safety device has the right to remain anonymous and not to be pursued or followed.

**HB 899 was heard on the House Floor on 3/30/23 and is available for a vote on final House passage.**

**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.

**HB 267 was approved by the House Healthcare Regulation Subcommittee on 3/28/23.**

**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.

**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 was approved by 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.

**SB 1098 was approved by the Senate Rules Committee on 3/30/23.**