



Florida Academy of Family Physicians
2023 Legislative Session Update – Week 5
April 6, 2023

The legislature reached the halfway point of the session and broke for the Passover/Easter holidays. The short legislative week, however, did not decrease its workload. Both chambers passed their respective budgets and committee meeting schedules were packed with bills. Governor DeSantis also continued to aggressively support his legislative priorities and also signed public safety legislation. **The FAFP did not have a physician serve as Doctor of the Day, but many are scheduled to serve in the second half of the session.** Next week will start week 6 of the 9-week legislative session and the fast pace of the legislature will continue.

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.

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.

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.

Concealed Carry of Weapons and Firearms Without a License – [HB 543](#) by Rep. Chuck Brannan (R-Lake City) and Rep. Bobby Payne (R-Palaska) 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 has passed the House and Senate and was signed into law by the Governor on 4/3/23.

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. **Passed the House, awaiting full Senate approval.**

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. The bills require healthcare practitioners who cooperate or manage and office to establish policies and procedures for facial coverings that are consistent with certain standards. [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 238 was approved by the Senate Health Policy Committee on 4/4/23.

SB 252 was approved by the Senate Health Policy Committee on 4/4/23.

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 was approved by 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 was approved by the House Healthcare Regulation Subcommittee on 4/4/23.

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.

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 to 300% of the federal poverty

level and require that premiums for certain enrollees under program be based on tiered system of uniform premiums.

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 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 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.

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 require hospitals and ambulatory surgical centers to post a consumer-friendly list of standard charges for at least 300 shoppable health care services on a facility website and to automatically provide patients with personalized pre-treatment estimates on the costs of care within certain timeframes. The bills also require health plans to develop an advanced explanation of these benefits.

[SB 268 was approved by the Senate Health Policy Committee on 4/4/23.](#)

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.

[HB 583 was approved by 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 was approved by the Senate Banking and Insurance Committee on 4/5/23.](#)

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.

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](#) was approved by 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](#) was approved by 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.

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.

SB 454 was approved by the Senate Education Postsecondary Committee on 4/5/23

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.

SB 300 was approved by the Senate on 4/3/23.

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.

HB 1509 was approved by the House Healthcare Regulation Subcommittee on 4/3/23.

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.

SB 1580 was approved by the Senate Health Policy Committee on 4/4/23.

HB 1403 was approved by the House Healthcare Regulation Subcommittee on 4/3/23.

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 was approved by 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.

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.

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 will be heard on the floor of the Senate on 4/1/23.