



Florida Academy of Family Physicians 2023 Legislative Session Update – Week 9 May 5, 2023

The Legislature concluded its work on Friday May 5 and adjourned, [Sine Die](#), marking the end to a 2023 Legislative Session that was one of the busiest sessions in recent memory for both budget and policy initiatives. The Legislature passed a record number of bills and passed the largest budget in Florida history (see below).

While most of its work was bipartisan, the supermajority Republican Legislature also used its super majority primacy, when necessary, especially in the social policy arena. Governor DeSantis partnered with legislative leaders to achieve the vast majority of his priorities as well, most of which overlapped with the Legislature's own goals. The Capitol was packed this session with passionate advocates either supporting or opposing many of the policy issues addressed. Governor DeSantis will take the next few weeks to address legislation for either signature or veto, as well as review the state budget for potential vetoes. The Legislature will take a short hiatus before it returns to Tallahassee in the fall for Interim Committee Meetings and preparation for the January 2024 Legislative Session.

The FAFP is working on a more specific, detailed report to the membership that will be released as soon as possible.

Doctor of the Day

FAFP Foundation board member and Residency Director's Council (RDC) chair Dr. Maribeth Williams and UF resident Dr. Barbara Durdan participated as Doctor of the Day on May 4 with sponsorship by Senator Jennifer Bradley. The following morning, FAFP member Dr. Diane Day was sponsored by Senator Keith Perry for Doctor of the Day, with TMH fellow Dr. Starr Harmon joining. This wraps up one of the most successful sessions with family physicians serving during the legislative session, nearly 30% of the total number of physicians sponsored to serve as doctor of the day!

Budget Highlights

With plenty of cash and very little drama the Florida legislature agreed to a record \$117 billion state budget for FY 2023-2024. Bolstered by higher-than-expected tax revenues the legislature increased spending in most budget categories. In an effort to address physician shortage issues, the legislature provided the following specific appropriations:

- \$76 million to increase Medicaid reimbursements for physicians, including family physicians, who provide Medicaid pediatric care.
- \$30 million to "Slots for Doctors" Graduate Medical Education program to provide incentives for hospitals and Federally Qualified Health Centers with a statewide supply and demand deficit to increase residency positions.
- \$16 million for the Florida Reimbursement Assistance for Medical Education program (FRAME) for fiscal year 2023-2024 to encourage physicians to practice in underserved locations. Even better news, an additional \$10 million was added to the FY 2022-23 amount of \$6 million for FRAME applicants this year. What's this mean? Awards for this year will be announced very soon to even larger number of physicians than was expected!

Bills Approved by the Legislature *(alphabetically)*

Assault or Battery on Hospital Personnel – [HB 825](#) by Rep. Kimberly Berfield (R-Clearwater) reclassifies certain offenses committed against hospital personnel while engaged in performance of their duties.

HB 825 passed the House 109-0 and passed the Senate 38-1.

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

SB 612 passed the Senate 39-0 and passed the House 114-0.

Child Protection in Public Schools – [HB 1069](#) by Rep. Stan McClain (R-Ocala) prohibits 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, prohibits classroom instruction by school personnel on sexual orientation or gender identity through grade 8. The bill also provides that materials used to teach reproductive health including HIV/AIDs must be approved by the Department of Education and requires district school boards to adopt policies regarding objections to specific materials.

HB 1069 passed the House 77-35 and passed the Senate 27-12.

Civil Remedies – [HB 837](#) by Rep. Tommy Gregory (R-Lakewood Ranch) 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 80-31, passed the Senate 23-15, and was signed by the Governor on 3/24/23

Controlled Substance Testing - [SB 164](#) by Sen. Tina Polsky (D-Boca Raton) revises the definition of "drug paraphernalia" to exclude certain narcotic-drug-testing products.

SB 164 passed the Senate 39-0 and passed the House 116-0.

COVID-19 Mandates and Treatment Options – [SB 252](#) by Sen. Colleen Burton (R-Lakeland) prohibits business entities, governmental entities, and educational institutions from imposing COVID-19 testing, facial covering, and vaccination mandates. The bill also prohibits hospitals from interfering with patients' right to choose COVID-19 treatment alternatives and requires health care practitioners to obtain informed consent about COVID-19 treatment options. The bill requires healthcare practitioners who operate or manage an office to establish policies and procedures for facial coverings that are consistent with certain standards. [SB 238](#) also by Sen Burton provides public records exemptions for records held by the state.

SB 252 passed the Senate 29-6 and passed the House 84-31.

SB 238 passed the Senate 31-4 and passed the House 96-19.

Department of Health –[HB 1387](#) by Rep. Juan Carlos Porras (R-Miami) is the Department of Health legislative package. The bill prohibits certain research in this state relating to enhanced potential pandemic pathogens, prohibits medical marijuana treatment centers from producing marijuana products that are attractive to children or manufactured in specified manners, requires local registrars to electronically file all live birth, death, and fetal death records in their respective jurisdictions in the department’s electronic registration system, revises the types of health care practitioners who may make certain determinations of brain death to include family physicians and autonomous advanced practice registered nurses, extends the timeframe for the confidentiality of certain birth records, and defines over the counter hearing aids.

HB 1387 passed the House 114-0 and passed the Senate 29-11.

Education and Training for Alzheimer’s Disease and Related Forms of Dementia –[HB 299](#) by Reps. Dean Black (R-Jacksonville) and Michelle Salzman (R-Cantonment) designates the “Alzheimer’s Disease and Related Forms of Dementia Education and Training Act” and requires the Department of Elderly Affairs to offer certain education and training about Alzheimer’s disease and related forms of dementia to the general public. The bill also requires employees of certain facilities to complete training for Alzheimer’s disease and related disorders.

HB 299 passed the House 115-0 and passed the Senate 39-0.

Florida Kidcare Program Eligibility - [HB 121](#) by Reps. Robin Bartleman (D-Weston) and Dana Trabulsky (R-Fort Pierce) increases the income eligibility threshold for coverage under Florida Kidcare program to 300% of the federal poverty level and requires that premiums for certain enrollees under program be based on tiered system of uniform premiums.

HB 121 passed the House 105-0 and passed the Senate 38-0.

Gender Clinical Interventions –[SB 254](#) by Sen. Clay Yarborough (R-Jacksonville) prohibits the expenditure of state funds by specified entities for sex-reassignment prescriptions or procedures, prohibits sex-reassignment prescriptions or procedures for patients younger than 18 years of age, and creates 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 bill also creates disciplinary and criminal penalties for violations of the act.

SB 254 passed the House 82-28 and passed the Senate 26-13.

Health Care Practitioner Titles and Abbreviations –[SB 230](#) by Sen. Gayle Harrell (R-Stuart) specifies which titles and abbreviations health care practitioners may use in their advertisements and communications to the public. The bill protects the use of the term “family physician”. The bill also has provisions for the wearing of name tags when treating or consulting with a patient.

SB 230 passed the Senate 37-0 and passed the House 78-34.

Immigration - [SB 1718](#) by Sen. Blaise Ingoglia (R-Spring Hill) prohibits local governments from providing funds to any person, entity, or organization to issue identification documents to an individual who does not provide proof of lawful presence in the United States. The bill also requires private employers with 25 or more employees to use the EVerify system for new employee, enhances penalties for noncompliance, enhances the crime of human smuggling in certain circumstances, allows law enforcement to send certain information to federal immigration authorities, allows for closer coordination between state and federal immigration authorities, specifies that certain driver licenses and permits issued by other states exclusively to unauthorized immigrants are not valid in Florida, requires certain hospitals to collect patient immigration status data information on admission or registration forms, requires the Department of Economic

Opportunity to require repayment of economic development incentives if the department finds that an employer has knowingly employed an unauthorized alien without verifying the employment eligibility of such person. The bill also repeals the statute that allows an applicant to the Florida Bar who is an unauthorized immigrant to be admitted to the Bar effective November 1, 2028.

SB 1718 passed the Senate 27-10 and passed the House 83-36.

Medicaid Coverage of Continuous Glucose Monitors [HB 967](#) by Rep. Melanie Bell (R-Fort Meade) requires 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 passed the House 116-0 and passed the Senate 39-0.

Medical Use of Marijuana – [HB 387](#) by Rep. Spencer Roach (R-North Fort Myers) requires qualified physicians to perform in-person physical patient examinations before issuing initial physician certifications for the medical use of marijuana and authorizes such qualified physicians to perform patient examinations and evaluations through telehealth for renewals of physician certifications for the medical use of marijuana. The bill also authorizes the Department of Health to suspend the registration of a qualified physician in the medical marijuana use registry under certain circumstances.

HB 387 passed the House 105-0 and passed the Senate 38-0.

Physician Assistant Licensure – [HB 1133](#) by Rep. Alex Rizo (R-Hialeah) revises requirements for an applicant for licensure as a physician assistant.

HB 1133 passed the House 113-0 and passed the Senate 38-0.

Pregnancy and Parenting Support – [SB 300](#) by Sen. Erin Grall (R-Fort Peirce) prohibits the use of state funds for person to travel to another state to receive services to support abortion. The bill requires DOH to report to the 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 passed the Senate 26-13, passed the House 70-40 and was signed by the Governor on 4/13/23.

Prescription Drugs – [SB 1550](#) by Sen. Jason Brodeur (R-Lake Mary) creates the "Prescription Drug Reform Act." The bill requires certain drug manufacturers to notify the Department of Business and Professional Regulation of reportable drug price increases, requires such manufacturers to submit certain reports to the department by a specified date each year, provides requirements for certain contracts between a pharmacy benefit managers (PBMs) and a pharmacy benefits plans or programs or participating pharmacies, and requires the office to review certain referrals and investigate them under certain circumstances. The bill prohibits PBMs from requiring a covered person to receive a prescription drug by mail. The bill has 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.

SB 1550 passed the Senate 40-0 passed the House 118-0 and was signed by the Governor on 5/3/23. SB 1552 passed the Senate 40-0 passed the House 119-0 and was signed by the Governor on 5/3/23.

Protections of Medical Conscience –[SB 1580](#) by Sen. Jay Trumbull (R-Panama City) authorizes 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 bill requires 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 passed the Senate 28-11 and passed the House 84-34.

Psychology Interjurisdictional Compact - [HB 33](#) by Rep. Christine Hunschofsky (D-Coconut Creek) is an interstate compact that facilitates the practice of telepsychology and temporary in-person, face-to-face practice of Psychology across state boundaries. [HB 35](#) also by Rep. Hunschofsky is the accompanying bill that makes the information held by the DOH exempt from public records.

HB 33 passed the House 115-0 and passed the Senate 39-0.

HB 35 passed the House 116-0 and passed the Senate 39-0.

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

SB 768 passed the Senate 39-0 and passed the House 116-0.

Sickle Cell Disease Medications, Treatment, and Screening – [SB 1352](#) by Sen. Daryl Rouson (D-St. Petersburg) requires newborn and infant screening providers to notify primary care physicians of newborns and infants of certain screening results and to submit the results to the Department of Health. The primary care physician must provide to the parent or guardian of the newborn or infant information regarding the availability and benefits of genetic counseling. The bill further requires the department to contract with a certain center to establish and maintain a sickle cell registry, authorizes parents and guardians of children in the registry to request to have them removed from the registry, requires the Agency for Health Care Administration, in consultation with certain entities, to review sickle cell disease medications, treatments, and services for Medicaid recipients and develop a written report.

SB 1352 passed the Senate 40-0 and passed the House 116-0.

Suicide Prevention –[SB 914](#) by Sen. Ileana Garcia (R-Miami) revises the purpose of the Commission on Mental Health & Substance Abuse to include assessment of state's crisis response services and revises the duties of commission to include duties relating to state's crisis response services.

SB 914 was passed by the Senate 40-0 and passed by the House 115-0 .

Telehealth - [HB 267](#) by Rep. Tom Fabricio (R-Hialeah) revises the definition of "telehealth" to include health care services provided through audio-only means.

HB 267 passed the House 115-0 and passed the Senate 39-0.

Telehealth/Genetic Counselors - [SB 218](#) by Sen. Gayle Harrell (R-Port St. Lucie) adds genetic counselors to those medical providers authorized to be a telehealth provider.

SB 218 passed the Senate 38-0 and passed the House 116-0.

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

HB 1119 passed the House 112-0 and passed the Senate 38-0.

Health Care Legislation Not Approved by the Legislature (*alphabetically*)

Atherosclerotic Cardiovascular Disease

[SR 392](#) by Sen. Colleen Burton (R-Lakeland)

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)

Cardiac and Medical Emergencies on School Grounds

[HB 263](#) by Rep. Rizo (R-Hialeah) and [SB 1544](#) by Sen Bryan Avila (R-Hialeah Gardens)

Corporate Practice of Medicine

[HB 1193](#) by Rep. Kelly Skidmore (D-Delray Beach) and [SB 1222](#) by Sen. Bobby Powell (D-West Palm Beach)

Damages Recoverable in Wrongful Death Actions

[HB 1435](#) by Rep. Spencer Roach (R-North Fort Myers) and [SB 690](#) by Sen. Lauren Book (D-Plantation)

Employer Coverage of Gender Dysphoria Treatment

[SB 952](#) by Sen. Blaise Ingoglia (R-Springhill) and [HB 1265](#) by Rep. Taylor Yarkosky (R-Clermont)

Foreign-licensed Physicians

[SB 956](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1145](#) by Rep. John Snyder (R-Palm City)

Health Care Expenses

[HB 1413](#) by Rep. Chase Tramont (R-Port Orange) and [SB 268](#) by Sen. Jason Brodeur (R-Lake Mary)

Health Insurance Cost Sharing

[SB 46](#) by Sen. Tom Wright (R-Port Orange) and [HB 1063](#) by Rep. Lindsay Cross (D-St. Petersburg)

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)

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)

Invalid Restrictive Covenants in Health Care

[SB 1498](#) by Sen. Jason Brodeur (R-Lake Mary)

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)

Newborn Hearing Screenings

[SB 394](#) by Sen. Tina Polsky (D-Boca Raton) and [HB 435](#) by Rep. Lauren Melo (R-Naples)

Payment of Health Insurance Claims

[SB 1160](#) by Sen. Ed Hooper (R-Palm Harbor) and [HB 1335](#) by Rep. Dr. Joel Rudman (R-Navarre)

Physician Assistants' Prescriptive Authority

[HB 481](#) by Rep. Lauren Melo (R-Naples)

Prescription Drug Coverage

[SB 746](#) by Sen. Ana Maria Rodriguez (R-Doral)

Prior Authorization for Health Care Services

[HB 1533](#) by Rep. Kimberly Berfield (R-Clearwater) and [SB 1434](#) by Sen. Corey Simon (R-Tallahassee)

Surrendered Newborn Infants

[SB 870](#) by Sen. Colleen Burton (R-Lakeland) and [HB 899](#) by Rep. Mike Beltran (R-Valrico)

Use of Telehealth – [HB 997](#) by Rep. Karen Gonzalez Pittman (R-Tampa) and [SB 1232](#) by Sen. Jason Brodeur (R-Lake Mary)