

Tab 1	SB 124 by Rodriguez ; Identical to H 00129 Florida Virtual School
Tab 2	SB 216 by McClain ; Similar to H 00191 Verification of Reemployment Assistance Benefit Eligibility
Tab 3	CS/SB 382 by TR, Truenow (CO-INTRODUCERS) Leek, Yarborough ; Similar to CS/H 00243 Electric Bicycles
Tab 4	SB 488 by Massullo ; Similar to H 00937 Department of Highway Safety and Motor Vehicles
Tab 5	SB 490 by Massullo ; Similar to H 00939 Public Records/E-mail Addresses Collected by the Department of Highway Safety for Providing Renewal Notices
Tab 6	SB 524 by Simon ; Similar to CS/H 00849 Department of Law Enforcement
Tab 7	SB 584 by Avila (CO-INTRODUCERS) Yarborough ; Identical to H 00953 Commercial Driving Schools
Tab 8	CS/SB 656 by CJ, Bradley ; Identical to CS/H 00709 Internet Crimes Against Children Programs
Tab 9	SB 816 by Bradley ; Identical to H 00901 Diabetes Research
Tab 10	SB 892 by Martin ; Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals
Tab 11	SB 1156 by Trumbull ; Compare to CS/H 01207 Ambulatory Surgical Centers

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Gruters, Chair
Senator Osgood, Vice Chair

MEETING DATE: Thursday, February 5, 2026

TIME: 9:00 a.m.—12:00 noon

PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Gruters, Chair; Senator Osgood, Vice Chair; Senators Arrington, Avila, Bernard, Boyd, Bracy Davis, Bradley, Burton, Calatayud, Davis, Gaetz, Jones, Leek, Mayfield, Passidomo, Rodriguez, Simon, Truenow, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 124 Rodriguez (Identical H 129)	Florida Virtual School; Deleting provisions relating to the Florida Virtual School giving priority to certain students; providing that the board of trustees may use supplemental funding sources to develop a state-of-the-art technology-based education delivery system; authorizing the Florida Virtual School to accrue supplemental revenue from direct-support organizations; revising which entities review and approve expenditures, etc. ED 12/09/2025 Favorable AED 01/28/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0
2	SB 216 McClain (Similar H 191)	Verification of Reemployment Assistance Benefit Eligibility; Citing this act as the "Promoting Work, Deterring Fraud Act of 2026"; revising circumstances under which the Department of Commerce disqualifies claimants from reemployment assistance benefits; requiring the department to verify claimants' identities before paying benefits; providing duties of the department, etc. CM 12/10/2025 Favorable ATD 01/21/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 11 Nays 4
3	CS/SB 382 Transportation / Truenow (Similar CS/H 243)	Electric Bicycles; Providing requirements for the operation of electric bicycles; prohibiting the operation of an electric bicycle above a certain speed under certain circumstances; creating the Electric Bicycle Safety Task Force adjunct to the Department of Highway Safety and Motor Vehicles; requiring the Florida Highway Patrol and each police department and sheriff's office to maintain a certain list, beginning on a certain date, etc. TR 01/20/2026 Fav/CS ATD 01/28/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, February 5, 2026, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 488 Massullo (Similar H 937, Compare H 939, S 1274, Linked S 490)	Department of Highway Safety and Motor Vehicles; Requiring licensure in lieu of registration of motor carriers operating certain qualified motor vehicles; revising due dates for motor fuel use tax returns submitted by licensed motor carriers; authorizing the department to inspect records necessary to verify the tax returns of motor carriers, motor fuel retail dealers, and motor fuel wholesale distributors; revising the apparent amount of property damage which requires the driver of a vehicle involved in a crash to notify law enforcement of the crash, etc. TR 01/12/2026 Favorable ATD 01/21/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0
5	SB 490 Massullo (Similar H 939, Compare H 937, Linked S 488)	Public Records/E-mail Addresses Collected by the Department of Highway Safety for Providing Renewal Notices ; Expanding an exemption from public records requirements for e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for providing renewal notices to include e-mail addresses collected for use as a method of notification generally and not only for the purpose of providing renewal notices; expanding the exemption to include e-mail addresses collected for use as a method of notification related to vessel registrations; providing retroactive applicability; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. TR 01/12/2026 Favorable ATD 01/21/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 14 Nays 1
6	SB 524 Simon (Similar CS/H 849)	Department of Law Enforcement; Specifying the circumstances under which an appointment or reappointment to the Medical Examiners Commission is considered in force; requiring the commission, rather than the Governor, to appoint district medical examiners for each medical examiner district; specifying that upon approval by the commission, rather than by the Governor, a physician member of the commission is eligible to serve as a district medical examiner; requiring the commission, rather than the Department of Law Enforcement, to establish or develop specified training components or courses, etc. CJ 01/12/2026 Favorable ACJ 01/21/2026 Favorable FP 02/05/2026 Temporarily Postponed	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, February 5, 2026, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 584 Avila (Identical H 953)	Commercial Driving Schools; Authorizing the Department of Highway Safety and Motor Vehicles to enter into interagency agreements with tax collectors for a specified purpose; specifying that such an interagency agreement is a delegation of authority of the department to the tax collector; providing that such an interagency agreement may include, but need not be limited to, certain grants of authority, etc. TR 01/12/2026 Favorable ATD 01/21/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0
8	CS/SB 656 Criminal Justice / Bradley (Identical CS/H 709)	Internet Crimes Against Children Programs; Renaming the Online Sting Operations Grant Program created within the Department of Law Enforcement as the Internet Crimes Against Children Grant Program; revising the purpose of the grant program; revising the authorized uses for grant program funds; creating the Internet Crimes Against Children Task Force Funding Program within the Department of Law Enforcement, etc. CJ 01/20/2026 Fav/CS ACJ 01/28/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0
9	SB 816 Bradley (Identical H 901)	Diabetes Research; Establishing the University of Florida Diabetes Institute within the University of Florida College of Medicine; authorizing the institute to administer statewide pilot programs; requiring the institute to maintain a secure repository for deidentified data; authorizing the institute to share deidentified data under certain conditions; authorizing the institute to convene a consortium, etc. HE 01/13/2026 Favorable AHE 01/28/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0
10	SB 892 Martin	Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals; Revising the definitions of the terms "habitual felony offender," "habitual violent felony offender," "three-time violent felony offender," and "violent career criminal"; revising the procedures that a court must follow in separate proceedings to determine whether a defendant is a habitual felony offender, a habitual violent felony offender, a three-time violent felony offender, or a violent career criminal, etc. CJ 01/20/2026 Favorable ACJ 01/28/2026 Favorable FP 02/05/2026 Favorable	Favorable Yeas 15 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

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Thursday, February 5, 2026, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	SB 1156 Trumbull (Compare CS/H 1207, S 1596)	Ambulatory Surgical Centers; Specifying requirements for issuance, denial, suspension, and revocation of ambulatory surgical center licenses; requiring each licensed facility to maintain and provide upon request records of all inspection reports pertaining to that facility; prohibiting any person from paying or receiving a commission, bonus, kickback, or rebate or engaging in any split-fee arrangement for referring a patient to a licensed facility; prohibiting a licensed facility from denying, for a specified reason, the applications of certain licensed health care practitioners for staff membership and clinical privileges; requiring licensed facilities to provide for peer review of certain physicians and develop procedures to conduct such reviews, etc. HP 01/26/2026 Favorable FP 02/05/2026 Temporarily Postponed	Temporarily Postponed

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 124

INTRODUCER: Senator Rodriguez

SUBJECT: Florida Virtual School

DATE: February 4, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Palazes	Bouck	ED	Favorable
2. Gray	Elwell	AED	Favorable
3. Palazes	Siples	FP	Favorable

I. Summary:

SB 124 makes both technical and substantive changes related to the Florida Virtual School (FLVS). These changes impact its governance, funding, reporting, and assessment requirements.

This bill does not have a fiscal impact on state revenues and expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Virtual School

Founded in 1997,¹ the Florida Virtual School (FLVS) was established for the development and delivery of online and distance learning education. The mission of FLVS is to provide all students in Florida with technology-based educational opportunities to gain knowledge and the necessary skills to succeed. The FLVS is required to prioritize students:

- Who need expanded access to courses to meet their educational goals.
- Who are seeking accelerated access to graduate at least one semester early.
- Who are children of an active-duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.

To ensure students are informed of opportunities offered by FLVS, the Commissioner of Education is required to provide the FLVS Board of Trustees with access to records of public school students.²

¹ Florida Virtual School, *About Us*, <https://www.flvs.net/about-us>, (last visited Jan. 6, 2025).

² Section 1002.37(1), F.S.

In the 2024-2025 school year, 9,035 students were enrolled in FLVS full-time in kindergarten through grade 12 and taught by 2,517 teachers.³ Additionally, school districts may contract with FLVS to offer an approved FLVS school district franchise for part-time or full-time students.

FLVS Governance

The FLVS is governed by a Board of Trustees (board) comprised of seven members appointed by the Governor to four-year staggered terms. Board members are public officers who bear fiduciary responsibility for the FLVS. The board is required to meet at least four times a year, upon the call of the chair, or at the request of the majority of the board.

The board oversees the development of the FLVS's technology-based education system, ensuring its programs are cost-effective, educationally sound, marketable, and self-sustaining through the Florida Education Finance Program. The board is also tasked with seeking avenues to generate revenue to support its future programs, and any funds that are generated from patents, copyrights, trademarks, or licenses are considered internal funds. Additionally, the board may receive supplemental revenue from support organizations such as alumni associations, foundations, parent-teacher associations, and booster clubs. These organizations must recommend the expenditures of the money they collect for the FLVS, subject to review by the executive director, who has the authority to reject any spending that violates Florida law or sound educational management.

The FLVS board, like other district school boards, is responsible for administering and maintaining a personnel program for all FLVS employees. All employees of the FLVS, except for temporary, seasonal, and student employees may be state employees eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, are subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.⁴

FLVS Required Annual Report

The board is required to annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the results from its financial audit and the following:

- The operations and accomplishments of the FLVS within the state and those occurring outside the state as FLVS Global.
- The marketing and operational plan for the FLVS and FLVS Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.
- The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.
- Recommendations regarding the unit cost of providing services to students through the FLVS and FLVS Global.

³ Florida Department of Education, *Know Your Schools Portal – Population and Enrollment, Overview*, <https://edudata.fldoe.org/ReportCards/Schools.html?school=0000&district=71>, (last visited Jan. 6, 2025).

⁴ Section 1002.37(2), F.S.

- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.⁵

Assessment Requirements for FLVS Students

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all required statewide assessments and participate in the coordinated screening and progress monitoring system. Additionally, industry certification examinations, national assessments, and statewide assessments offered by the school district are required to be made available to all FLVS students. If the FLVS and the school district have not agreed upon an alternative testing site, the FLVS student must take the assessments at the school to which the student would be assigned according to district school board attendance areas. A school district is required to provide the student with access to the school's testing facilities and the date and time of the administration of progress monitoring and each examination or assessment.⁶

Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School

In 2019, the Department of Education contracted with Ernst & Young to evaluate the FLVS and concluded that certain components of the statutory framework for FLVS no longer fully reflected FLVS's actual operations or the scope of students it serves.

The report noted that the mission statement in law does not capture FLVS's role in serving a wide range of constituencies, including students in career and technical education, alternative and juvenile justice settings, adult high school completion programs, English language learners, gifted education, and other students with unique learning needs, and recommended updating the mission in statute so that it expressly embraces "service to all students in Florida."⁷ The report also found that FLVS's governance structure should be more streamlined by clarifying and formalizing the executive director/CEO role in statute, delegating greater operational authority to the CEO, and recalibrating the board's responsibilities so that FLVS executive leadership is empowered to manage day-to-day operations while the board concentrates on high-level governance.⁸

In addition, the report highlighted the importance of FLVS Global and other out-of-state services as revenue streams that should be reinvested into curriculum and course development for Florida students and recommended treating the FLVS foundation like a state-agency direct-support

⁵ Section 1002.37(7), F.S.

⁶ Section 1002.37(10), F.S.

⁷ Florida Department of Education, *Recommendations Regarding the Governance, Operation and Organization of the Florida Virtual School*, at 16 (Nov. 2019) available at https://www.google.com/url?client=internal-element-cse&cx=001098588266447694026:-7bfbq6htw0&q=https://www.fldoe.org/core/fileparse.php/18826/urlt/FLVSReport.pdf&sa=U&ved=2ahUKewiP_baoxaSRAxUZJ0QIHUlaAboQFnoECAQQAg&usg=AOvVaw1LdV7ODd68cpk9MhaduKIU (last visited Jan. 6, 2026).

⁸ *Id.* at 11, 19-20.

organization⁹ to ensure the foundation operates under clear organizational, operational, and audit requirements in law.¹⁰

III. Effect of Proposed Changes:

This bill amends s. 1002.37, F.S., to align the Florida Virtual School (FLVS) statute with several recommendations from the Department of Education's evaluation of the FLVS and to make related technical and conforming changes. Specifically, the bill as it relates to:

- Florida Virtual School (FLVS) governance:
 - Removes FLVS requirements to give priority to students who need expanded access to courses; seeking accelerated access in order to earn a high school diploma a semester early; or who are children of an active-duty member of the United States Armed Forces to reflect the capacity of the FLVS to serve all students without the need for prioritization.
 - Authorizes the FLVS president and chief executive officer to request a meeting of the FLVS Board of Trustees (Board), rather than only the board chair or membership, and authorizes the board to enter into a contract with other public and private entities and government agencies rather than limiting the board to franchise agreements with school districts.
 - Aligns the definition of instructional and administrative personnel at FLVS with current law for K-12 public school personnel, and removes the provision allowing the board to reject such personnel from employment for cause.
 - Requires, rather than authorizes, FLVS employees, except for temporary, seasonal, and student employees, to be state employees for the purpose of being eligible to participate in the Florida Retirement System.
- FLVS funding:
 - Includes all full-time and part-time FLVS students for the purposes of full-time equivalent student calculations.
 - Authorizes the FLVS to approve and accrue supplemental revenue from a direct support organization.
 - Requires that expenditures from all supplemental funds be contingent upon review and approval of the FLVS president and chief executive officer.
- The FLVS annual report, requires the FLVS to only report on the operations and accomplishments of the FLVS and deletes the reporting requirements related to:
 - The marketing and operational plan for the FLVS and FLVS Global.
 - The assets and liabilities of the FLVS and FLVS Global at the end of the fiscal year.
 - Recommendations regarding the unit cost of providing services to students through FLVS and FLVS Global.
 - Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the FLVS and FLVS Global.

⁹ Direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes. The functions and purpose of a DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the DSO was created to support. Section 20.058, F.S., establishes a comprehensive set of transparency and reporting requirements for DSOs.

¹⁰ Florida Department of Education, Recommendations Regarding the Governance, *Operation and Organization of the Florida Virtual School* at 12 and 18.

- Assessment requirements, the bill requires a school district to provide a test administrator when a student from the FLVS is participating in required statewide assessments, the coordinated screening and progress monitoring system, industry certification examinations, and national assessments at the assigned school.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill does not have a fiscal impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.37 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Rodriguez

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A bill to be entitled

An act relating to the Florida Virtual School; amending s. 1002.37, F.S.; deleting provisions relating to the Florida Virtual School giving priority to certain students; revising who may call a board of trustees meeting; providing that the board of trustees may use supplemental funding sources to develop a state-of-the-art technology-based education delivery system; authorizing the Florida Virtual School to accrue supplemental revenue from direct-support organizations; revising which entities review and approve expenditures; revising which personnel are subject to policies of the board of trustees; deleting a requirement for the board of trustees to establish priorities for the admission of students; deleting a requirement for the board of trustees to establish performance and accountability measures; revising requirements for an annual report the board of trustees must submit to specified entities; revising which students are subject to specified requirements; making technical changes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (b) and (c) of subsection (1), subsections (2), (4), and (7), paragraph (b) of subsection (9), and paragraph (d) of subsection (10) of section 1002.37, Florida Statutes, are amended to read:

1002.37 The Florida Virtual School.—

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(1)

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve all students ~~any student~~ in the state who meet ~~meets~~ the profile for success in this educational delivery context ~~and shall give priority to:~~

~~1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.~~

~~2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.~~

~~3. Students who are children of an active duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.~~

(c) To ensure parents and students are informed of the opportunities offered by the Florida Virtual School, the commissioner shall provide the board of trustees of the Florida Virtual School access to the records of public school students in a format prescribed by the board of trustees.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high

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student achievement, seamless articulation, and maximum access.

(2) The Florida Virtual School shall be governed by a board of trustees ~~consisting comprised~~ of seven members appointed by the Governor to 4-year staggered terms. The board of trustees shall be a public agency entitled to sovereign immunity pursuant to s. 768.28, and board members shall be public officers who shall bear fiduciary responsibility for the Florida Virtual School. The board of trustees shall have the following powers and duties:

(a)1. The board of trustees shall meet at least 4 times each year, upon the call of the board chair, ~~or~~ at the request of a majority of the board membership, or at the request of the president and chief executive officer of the Florida Virtual School.

2. The fiscal year for the Florida Virtual School shall be the state fiscal year as provided in s. 216.011(1)(q).

(b) The board of trustees shall be responsible for the Florida Virtual School's development of a state-of-the-art technology-based education delivery system that is cost-effective, educationally sound, marketable, and capable of sustaining a self-sufficient delivery system through the Florida Education Finance Program and other supplemental funding sources.

(c) The board of trustees shall aggressively seek avenues to generate revenue to support its future endeavors, and shall enter into agreements with distance learning providers. The board of trustees may acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses and other rights or interests thereunder or therein. Ownership of all such

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patents, copyrights, trademarks, licenses, and rights or interests thereunder or therein shall vest in the state, with the board of trustees having full right of use and full right to retain the revenues derived therefrom. Any funds realized from patents, copyrights, trademarks, or licenses shall be considered internal funds ~~as provided in s. 1011.07~~. Such funds shall be used to support the school's mission and its marketing, ~~and~~ research, and development activities in order to improve courseware and services to its students.

(d) The board of trustees shall be responsible for the administration and control of all local school funds derived from all activities or sources and shall prescribe the principles and procedures to be followed in administering these funds.

(e) The Florida Virtual School may accrue supplemental revenue from direct-support organizations and supplemental support organizations, which include, but are not limited to, alumni associations, foundations, parent-teacher associations, and booster associations. The governing body of each direct-support and supplemental support organization shall recommend the expenditure of moneys collected by the organization for the benefit of the school. Such expenditures shall be contingent upon the review and approval of the president and chief executive officer of the Florida Virtual School or authorized designees ~~executive director. The executive director may override any proposed expenditure of the organization that would violate Florida law or breach sound educational management.~~

(f) In accordance with law and rules of the State Board of Education, the board of trustees shall administer and maintain

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personnel programs for all employees of the board of trustees and the Florida Virtual School. The board of trustees may adopt ~~rules, policies, and procedures~~ related to the appointment, employment, and removal of personnel.

1. The board of trustees shall determine the compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.

2. The board of trustees may establish and maintain a personnel loan or exchange program by which persons employed by the board of trustees for the Florida Virtual School as ~~academic~~ administrative and instructional staff may be loaned to, or exchanged with persons employed in like capacities by, public agencies either within or without this state, or by private industry. With respect to public agency employees, the program authorized by this subparagraph shall be consistent with the requirements of part II of chapter 112. The salary and benefits of board of trustees personnel participating in the loan or exchange program shall be continued during the period of time they participate in a loan or exchange program, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time. The salary and benefits of persons participating in the personnel loan or exchange program who are employed by public agencies or private industry shall be paid by the originating employers of those participants, and such personnel shall be deemed to have no break in creditable or continuous service or employment during such time.

3. The employment of all Florida Virtual School ~~academic~~ administrative and instructional personnel or administrative

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personnel, as those terms are defined in s. 1012.01(2) and (3), ~~respectively shall be subject to rejection for cause by the~~ board of trustees, and shall be subject to policies of the board of trustees relative to certification, tenure, leaves of absence, sabbaticals, remuneration, and such other conditions of employment as the board of trustees deems necessary and proper, not inconsistent with law.

4. Each person employed by the board of trustees in an ~~academic~~ administrative or instructional capacity with the Florida Virtual School shall be entitled to a contract as provided by policies ~~rules~~ of the board of trustees.

5. All employees except temporary, seasonal, and student employees must ~~may~~ be state employees for the purpose of being eligible to participate in the Florida Retirement System and receive benefits. The classification and pay plan, including terminal leave and other benefits, and any amendments thereto, shall be subject to review and approval by the Department of Management Services and the Executive Office of the Governor prior to adoption.

(g) ~~The board of trustees shall establish priorities for admission of students in accordance with paragraph (1)(b).~~

~~(h)~~ The board of trustees shall establish and distribute to all school districts and high schools in the state procedures for enrollment of students in courses offered by the Florida Virtual School.

(h)(i) The board of trustees shall establish criteria defining the elements of an approved franchise. The board of trustees may enter into contracts and franchise agreements with Florida district school boards and other public and private

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175 ~~entities and governmental agencies and may establish the terms~~
 176 ~~and conditions governing such contracts or agreements. The board~~
 177 ~~of trustees shall establish the performance and accountability~~
 178 ~~measures and report the performance of each school district~~
 179 ~~franchise to the Commissioner of Education.~~

180 (i) ~~(j)~~ The board of trustees shall submit to the State
 181 Board of Education both forecasted and actual enrollments and
 182 credit completions for the Florida Virtual School, according to
 183 procedures established by the State Board of Education. At a
 184 minimum, such procedures must include the number of public,
 185 private, and home education students served by program and by
 186 county of residence.

187 (j) ~~(k)~~ The board of trustees shall provide for the content
 188 and custody of student and employee personnel records. Student
 189 records shall be subject to the provisions of s. 1002.22.
 190 Employee records shall be subject to the provisions of s.
 191 1012.31.

192 (k) ~~(l)~~ The financial records and accounts of the Florida
 193 Virtual School shall be maintained under the direction of the
 194 board of trustees and under rules adopted by the State Board of
 195 Education for the uniform system of financial records and
 196 accounts for the schools of the state.

197
 198 The Governor shall designate the initial chair of the board of
 199 trustees to serve a term of 4 years. Members of the board of
 200 trustees shall serve without compensation, but may be reimbursed
 201 for per diem and travel expenses pursuant to s. 112.061. The
 202 board of trustees shall be a body corporate with all the powers
 203 of a body corporate and such authority as is needed for the

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204 proper operation and improvement of the Florida Virtual School.
 205 The board of trustees is specifically authorized to adopt ~~rules,~~
 206 ~~policies, and procedures,~~ consistent with law and rules of the
 207 State Board of Education related to governance, personnel,
 208 budget and finance, administration, programs, curriculum and
 209 instruction, travel and purchasing, technology, students,
 210 contracts and grants, and property as necessary for optimal,
 211 efficient operation of the Florida Virtual School. Tangible
 212 personal property owned by the board of trustees shall be
 213 subject to the provisions of chapter 273.

214 (4) School districts operating a virtual school that is an
 215 approved franchise of the Florida Virtual School may count full-
 216 time equivalent students, as provided in paragraph (3)(a), if
 217 such school has been certified as an approved franchise by the
 218 Commissioner of Education based on criteria established by the
 219 board of trustees pursuant to paragraph (2)(h) ~~(2)(i)~~.

220 (7) The board of trustees shall annually submit to the
 221 Governor, the Legislature, the Commissioner of Education, and
 222 the State Board of Education the audit report prepared pursuant
 223 to subsection (6) and a complete and detailed report setting
 224 forth+

225 ~~(a)~~ the operations and accomplishments of the Florida
 226 Virtual School ~~within the state and those occurring outside the~~
 227 ~~state as Florida Virtual School Global.~~

228 ~~(b)~~ The marketing and operational plan for the Florida
 229 Virtual School and Florida Virtual School Global, including
 230 ~~recommendations regarding methods for improving the delivery of~~
 231 ~~education through the Internet and other distance learning~~
 232 ~~technology.~~

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~~(c) The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year.~~

~~(d) Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the program must be based on reliable data.~~

~~(e) Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.~~

(9)

(b) For students receiving full-time or part-time instruction in kindergarten through grade 5 ~~and students receiving full-time instruction in kindergarten through grade 12~~ from the Florida Virtual School, the full-time equivalent student enrollment calculated under this subsection is subject to the requirements in s. 1011.61(3).

(10)

(d) Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, all industry certification examinations, national assessments, progress monitoring under s. 1008.25(9), and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing

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2026124

facilities, a test administrator, and the date and time of the administration of progress monitoring and each examination or assessment.

Section 2. This act shall take effect July 1, 2026.

2/5/2026

The Florida Senate
APPEARANCE RECORD

SB 0124 Florida Virtual
School

Deliver both copies of this form to
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Meeting Date
Fiscal Policy

Bill Number or Topic

Committee

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Amendment Barcode (if applicable)

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Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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representing: Florida
Virtual
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☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 216

INTRODUCER: Senator McClain

SUBJECT: Verification of Reemployment Assistance Benefit Eligibility

DATE: February 4, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Dike</u>	<u>McKay</u>	<u>CM</u>	Favorable
2. <u>Griffin</u>	<u>Nortelus</u>	<u>ATD</u>	Favorable
3. <u>Dike</u>	<u>Siples</u>	<u>FP</u>	Favorable

I. Summary:

SB 216 requires the Department of Commerce (department) to:

- Disqualify claimants who fail to contact the required number of employers, appear for scheduled job interviews, and return to employment when recalled.
- Verify the identity of claimants before paying benefits and cross-check claim information with the SAVE database for initial claims and as necessary.
- Verify claimants are living, not incarcerated, and not employed every two weeks.
- Investigate claims with duplicative information from existing claims.
- Scrutinize claims filed from foreign IP addresses before paying any benefits.
- Share fraudulent claim information with specified state and federal agencies.
- Maintain a web page for reporting violations of reemployment assistance laws.
- Publish a yearly report on its website which details fraudulent claim data.

The bill will likely have a positive fiscal impact on private and government sectors. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Unemployment Compensation Overview

According to the U.S. Department of Labor (USDOL), the Federal-State Unemployment Insurance Program provides unemployment benefits to eligible workers who are unemployed through no-fault of their own (as determined under state law) and who meet the requirements of

state law.¹ The program is administered as a partnership of the federal government and the states.² The individual states collect unemployment compensation payroll taxes on a quarterly basis, which are used to pay benefits, while the Internal Revenue Service collects an annual federal payroll tax under the Federal Unemployment Tax Act (FUTA).³ FUTA collections go to the states for costs of administering state unemployment compensation and job service programs.⁴ In addition, FUTA pays one-half of the cost of extended unemployment benefits (during periods of high unemployment) and provides for a fund from which states may borrow, if necessary, to pay benefits.⁵

States are permitted to set benefit eligibility requirements, the amount and duration of benefits, and the state tax structure, as long as state law does not conflict with FUTA or Social Security Act requirements.⁶ Florida's program was created by the Legislature in 1937.⁷ The department is the current agency responsible for administering Florida's laws, primarily through its Division of Workforce Services.⁸ The department contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collections services.⁹

State Reemployment Assistance Benefits

In Florida, which rebranded the unemployment compensation program as the reemployment assistance program in 2012,¹⁰ a qualified claimant may receive benefits equal to 25% of wages, not to exceed \$6,325 in a benefit year.¹¹ Benefits range from a minimum of \$32 per week to a maximum weekly benefit amount¹² of \$275, for a maximum of between 12 weeks and 23 weeks,¹³ depending on the claimant's length of prior employment, wages earned, and the unemployment rate.¹⁴

¹ USDOL, *State Unemployment Insurance Benefits*, available at <https://oui.doleta.gov/unemploy/uifactsheet.asp> (last visited Dec. 9, 2025).

² There are 53 programs, including the 50 states, Puerto Rico, the Virgin Islands, and the District of Columbia. USDOL, *Unemployment Compensation, Federal – State Partnership*, available at <https://oui.doleta.gov/unemploy/pdf/partnership.pdf> (last visited Dec. 9, 2025).

³ FUTA is codified at 26 U.S.C. § 3301-3311.

⁴ Julie M. Whittaker, CONG. RSCH. SERV., *Unemployment Compensation: The Fundamentals of the Federal Unemployment Tax (FUTA)*, available at https://www.congress.gov/crs_external_products/R/PDF/R44527/R44527.5.pdf (last visited Dec. 9, 2025).

⁵ USDOL, *Unemployment Insurance Tax Topic*, available at <https://oui.doleta.gov/unemploy/uitaxtopic.asp#:~:text=FUTA%20taxes%20are%20calculated%20by,times%20the%20employer's%20taxable%20wages.&text=Employers%20who%20pay%20their%20state,tax%20paid%20to%20the%20state> (last visited Dec. 9, 2025).

⁶ 26 U.S.C. § 3304.

⁷ Chapter 18,402, Acts of 1937 Laws of Fla.

⁸ Section 443.1316, F.S.

⁹ *Id.*

¹⁰ Chapter 2012-30, Laws of Fla.

¹¹ Section 443.111(5), F.S. The maximum amount of benefits available is calculated by multiplying an individual's weekly benefit amount by the number of available benefit weeks.

¹² Pursuant to section 443.111(3), F.S., the "weekly benefit amount," is an amount equal to one twenty-sixth of the total wages for insured work paid during the quarter of the base period where the wages paid were highest.

¹³ Section 443.111(5)(c), F.S.

¹⁴ The average weekly benefit amount for each quarter in 2024 was: first quarter – \$264; second quarter – \$265; third quarter – \$263; and fourth quarter – \$265. USDOL, *Unemployment Insurance Data*, run report for Florida, available at https://oui.doleta.gov/unemploy/data_summary/DataSum.asp (last visited Dec. 9, 2025).

The maximum number of weeks available is set at the beginning of the year and applies for the entire calendar year. The maximum number of weeks is based upon the average seasonally adjusted statewide unemployment rate for the months of July, August, and September.¹⁵ If the average rate for that most recent third calendar year quarter is at or below 5%, then the maximum number of weeks of benefits available is 12 weeks. For each 0.5% step above 5%, an additional week of benefits is added to the maximum duration, up to 23 weeks of benefits if that average third quarter unemployment rate is 10.5%. On January 1, 2021, the maximum number of weeks of benefits increased from 12 weeks to 19 weeks based on the three month average of July, August, and September of 2020, which was 8.6%.¹⁶

To receive benefits, a claimant must meet certain monetary and non-monetary eligibility requirements, including a claimant's earnings during a certain period of time, the manner in which the claimant became unemployed, and the claimant's efforts to find new employment.¹⁷

Benefit Eligibility Conditions

A claimant must meet certain requirements in order to be eligible for benefits for each week of unemployment. Generally, these include efforts related to finding new employment, such as:¹⁸

- Completing the department's online work registration;
- Reporting to the One-Stop Career Center when directed to do so by the local CareerSource board;
- Being able to and available for work;¹⁹
- Contacting at least 5 prospective employers each week or going to the One-Stop Career Center for reemployment services; and
- Participating in reemployment services.²⁰

For each week of benefits claimed, a claimant must submit to the department the name, address, and telephone number of each prospective employer contacted.²¹ A claimant must be actively seeking work to be considered available for work. "This means engaging in systematic and sustained efforts to find work, including contacting at least five prospective employers for each week of unemployment claimed" or three prospective employers for individuals who live in

¹⁵ Section 443.111(5)(a), F.S. Typically in the calculation of monthly unemployment rates, a rate is published about midway through the following month and the revised rate is published about midway through the next month. *See* Dept. of Commerce, Unemployment – Local Area Unemployment Statistics (LAUS) – Release Schedule, (2025), available at <http://lmsresources.labormarketinfo.com/library/DataReleaseSchedule.pdf>, (last visited Dec. 9, 2025).

¹⁶ Dept. of Commerce, *Florida Department of Economic Opportunity Announces Florida Achieves Six Consecutive Months of Month-Over-Month Job Growth*, (November 20, 2020), available at <https://floridajobs.org/news-center/DEO-Press/2020/11/20/florida-department-of-economic-opportunity-announces-florida-achieves-six-consecutive-months-of-month-over-month-job-growth>, (last visited Dec. 9, 2025).

¹⁷ *See* Section 443.091, F.S.

¹⁸ Section 443.091(1), F.S.,

¹⁹ "Able to work" means physically and mentally capable of performing the duties of the occupation in which work is being sought. "Available for work" means actively seeking and being ready and willing to accept suitable work. *See* Section 443.036(1) and (6), F.S. *See also* Rule 73B-11.021(2), F.A.C.

²⁰ *See* Section 443.091(1)(b), F.S.; Employ Florida, available at <https://www.employflorida.com/vosnet/Default.aspx>, (last visited Dec. 9, 2025). Employ Florida Marketplace is a partnership of Workforce Florida, Inc., and the Department of Commerce. It provides job-matching and workforce resources.

²¹ Section 443.091(1)(c)1., F.S.

small counties.²² Proof of work search efforts cannot include the same prospective employer at the same location in three consecutive weeks, unless in the meantime the employer has indicated that it is hiring.²³ The department conducts random audits of the submitted information to verify that claimants are meeting these requirements.²⁴

Disqualification for Reemployment Assistance Benefits

Section 443.101, F.S., specifies the circumstances under which an individual would be disqualified from receiving benefits. These circumstances include:

- Voluntarily leaving work without good cause, or being discharged by his or her employing unit for misconduct connected with the work;²⁵
- Failing to apply for available suitable work when directed by the department or the One-Stop Career Center, to accept suitable work when offered, or to return to suitable self-employment when directed to do so;²⁶
- Making false or fraudulent representations in filing for benefits;
- Being discharged from employment due to drug use or rejection from a job offer for failing a drug test; and
- Becoming unavailable for work due to incarceration or imprisonment.

The statute specifies the duration of the disqualification and the requirements for requalification for an individual's next benefit claim, depending on the reason for the disqualification.

Fraud Prevention Measures

Currently, the department employs multiple measures to combat fraud. The department:

- Uses software that blocks foreign or suspicious IP addresses to prevent claims from being filed outside the country and detects multiple claim attempts from different states.
- Verifies identities through ID.me at the time of filing and interfaces with the Division of Highway Safety and Motor Vehicles to verify identities.
- Uses ICON with the Social Security Administration to ensure no duplicate claims have been filed with other states.²⁷

Moreover, the department has enhanced its fraud detection procedures by developing the Fraud Initiative Rules and Ratings Engine (FIRRE) system, which is integrated with the National Association of State Workforce Agencies' (NASWA) Integrity Data Hub (IDH).²⁸ The FIRRE system, in combination with IDH, applies business rules designed to detect, flag, or lock suspicious claims for further investigation by fraud unit staff.²⁹

²² Section 443.091(1)(d), F.S. A "small county" is a county that has a non-incarcerated population of 75,000 or less according to the most recent decennial census. Section 120.52(19), F.S.

²³ Section 443.091(1)(d), F.S.

²⁴ *Id.*

²⁵ An individual is not disqualified for voluntarily leaving temporary work to return to full time work, or to relocate with his or her military spouse due to relocation orders, or due to circumstances related to domestic violence.

²⁶ Section 443.101(2), F.S.

²⁷ FLORIDA DEPT. OF COMMERCE, *2025 Agency Legislative Bill Analysis for SB 1238* (on file with the Senate Commerce and Tourism Committee). This agency bill analysis was provided for a substantially similar bill in the 2025 legislative session.

²⁸ *Id.*

²⁹ *Id.*

Additionally, the following cross-checks are performed regularly to verify claimant information:

- The United States Department of Health and Human Services National Directory of New Hires conducts a weekly cross-check.
- The State Directory of New Hires completes a daily review.
- Incarceration data is cross-checked weekly using a vendor separate from the Department of Corrections and the Social Security Administration, which gathers federal, state, and local incarceration records.
- The Systemic Alien Verification for Entitlements Program (SAVE) is used upon filing an initial claim to confirm eligibility.³⁰

III. Effect of Proposed Changes:

Title

Section 1 creates the title “Promoting Work, Deterring Fraud Act of 2026.”

Disqualification

Section 2 amends s. 443.101, F.S., to mandate that a claimant be disqualified from reemployment assistance benefits if the department finds that the claimant failed without good cause to:

- Contact the required number of prospective employers per week;
- Appear on three or more occasions for a scheduled job interview without notifying the prospective employer of the need to cancel or reschedule; or
- Return to employment when recalled to work after a temporary layoff.

Such disqualification continues for the next full period of unemployment following one of these failures until the claimant has earned income of at least seventeen times their weekly benefit amount.

Verification

Section 3 creates s. 443.1112, F.S., to require the department to verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual. For the initial claim for benefits, and as necessary to verify a claimant’s eligibility, the department must cross-check the information from the claim with the SAVE database. Every two weeks that a claimant makes a claim, including the initial claim for benefits, the department must cross-check the claimant’s information to ensure the claimant is living, not incarcerated, and not employed.

Under the bill, the department must:

³⁰ *Id.*; “SAVE is an online service for registered federal, state, territorial, tribal, and local government agencies to verify immigration status and naturalized/acquired U.S. citizenship of applicants seeking benefits or licenses.” CITIZENSHIP AND IMMIGR. SERV., SAVE, available at [https://www.uscis.gov/save#:~:text=SAVE%20is%20an%20online%20service%20for%20registered%20federal%2C,U.S.%20citizenship%20of%20applicants%20seeking%20benefits%20or%20licenses,\(last%20visited%20Dec.%209,%202025\).](https://www.uscis.gov/save#:~:text=SAVE%20is%20an%20online%20service%20for%20registered%20federal%2C,U.S.%20citizenship%20of%20applicants%20seeking%20benefits%20or%20licenses,(last%20visited%20Dec.%209,%202025).)

- Investigate claims that are associated with a mailing address, bank account, e-mail address, phone number, or IP address that is also associated with another existing claim for benefits in this state or another state. For such claims, the department must verify the claim is legitimate before paying out benefits.
- Scrutinize claims filed from foreign IP addresses before paying any benefits.
- Work with the USDOL, U.S. Department of Justice, other state workforce agencies, the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor to share information pertaining to fraudulent claims for further investigation.

Additionally, the department must maintain a web page through which individuals and employers can report known or suspected violations of ch. 443, F.S. The department must also make a yearly report available on its website which identifies:

- The number of fraudulent reemployment assistance claims identified the previous year;
- The number of claims not paid due to successful detection of fraudulent intentions;
- The number of claims and the amount of reemployment assistance benefits paid against claims subsequently identified as fraudulent;
- The amount of fraudulent overpayments recovered;
- The number of fraudulent claims referred for investigation/prosecution; and
- The list of sources used to cross-check the claims.

Effective Date

Section 4 sets out an effective date of July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Indeterminate. If the provisions of the bill function to lower the amount of reemployment assistance benefits paid out, employers could see a reduction in their contribution rates over time.

C. Government Sector Impact:

Indeterminate. As of April 2025, state government entities can use the SAVE database at no cost, resulting in a reduction in expenditures to verify claimants' eligibility.³¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

The Social Security Act (SSA) requires that state unemployment laws use “methods of administration... to [e]nsure full payment of unemployment compensation when due.”³² Federal regulation interprets this to mean that unemployment compensation benefits must be paid to eligible claimants with the greatest promptness as administratively feasible.³³ To comply with this, states must issue at least 87% of all first payments within fourteen or twenty-one days after the week ending date of the first compensable week in the benefit year.³⁴ The U.S. Supreme Court has determined that even when a claimant's initial determination of eligibility is being appealed by an employer, a state must continue to pay unemployment benefits each week while the appeal process is taking place.³⁵ As a result of this interpretation of the “when due” provision of the SSA, a state cannot withhold benefits until a decision is made regarding a claimant's continuing eligibility.³⁶

As the state must act promptly to verify an individual's identity to ensure full payment of unemployment benefits, the cross-checks under the bill may impact the department's ability to ensure full payments when due. For continued claims, a timely payment requires that the department decides each claim no later than the end of the week following the week in which the

³¹ Press Release, Dept. of Homeland Security, DHS, USCIS, DOGE Overhaul Systematic Alien Verification for Entitlements Database (Apr. 22, 2025), available at <https://www.dhs.gov/news/2025/04/22/dhs-uscis-doge-overhaul-systematic-alien-verification-entitlements-database> (last visited Dec. 11, 2025).

³² 42 U.S.C. s. 503(a)(1).

³³ 20 C.F.R. s. 640.3-640.4.

³⁴ 20 C.F.R. s. 640.5.

³⁵ *California v. Java*, 402 U.S. 121, 132-135 (1971) (“Paying compensation to an unemployed worker promptly after an initial determination of eligibility accomplishes the congressional purposes of avoiding resort to welfare and stabilizing consumer demands; delaying compensation until months have elapsed defeats these purposes.”).

³⁶ *Id.*

issue is detected.³⁷ If the decision is not issued timely, the state must continue to pay the claim until a determination is made about a claimant's eligibility.

VIII. Statutes Affected:

This bill substantially amends section 443.101 of the Florida Statutes.

This bill creates section 443.1112 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁷ FLORIDA DEPT. OF COMMERCE, *supra* note 27.

By Senator McClain

9-00402-26

2026216__

A bill to be entitled

An act relating to verification of reemployment assistance benefit eligibility; providing a short title; amending s. 443.101, F.S.; revising circumstances under which the Department of Commerce disqualifies claimants from reemployment assistance benefits; creating s. 443.1112, F.S.; requiring the department to verify claimants' identities before paying benefits; requiring the department to cross-check certain information; providing duties of the department; requiring the department to maintain a web page for a specified purpose and to notify employers each year of the web page; providing annual reporting requirements; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Promoting Work, Deterring Fraud Act of 2026."

Section 2. Subsection (2) of section 443.101, Florida Statutes, is amended to read:

443.101 Disqualification for benefits.—An individual shall be disqualified for benefits:

(2) If the Department of Commerce finds that the individual has failed without good cause to apply for available suitable work, including contacting the required number of prospective employers per week for any week of unemployment claimed in the benefit year in accordance with s. 443.091, to appear on three or more occasions for a scheduled job interview without

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9-00402-26

2026216__

notifying the prospective employer of the need to cancel or reschedule the interview, to accept suitable work when offered to him or her, ~~to~~ ~~or~~ return to the individual's customary self-employment when directed by the department, or to return to employment when recalled to work by the individual's employer after a temporary layoff, the disqualification continues for the next full period of unemployment ~~next ensuing~~ after he or she failed without good cause to apply for available suitable work, accept suitable work, or return to his or her customary employment or self-employment, and until the individual has earned income of at least 17 times his or her weekly benefit amount. The department shall by rule adopt criteria to implement this subsection, including for determining the "suitability of work," or "suitable work," as used in this section. In developing these rules, the department shall consider the duration of a claimant's unemployment in determining the suitability of work and the suitability of proposed rates of compensation for available work. Further, after an individual has received 25 weeks of benefits in a single year, suitable work is a job that pays the minimum wage and is 120 percent or more of the weekly benefit amount the individual is drawing.

(a) In determining whether ~~or not any~~ work is suitable for an individual, the department shall consider the degree of risk to the individual's health, safety, and morals; the individual's physical fitness, prior training, experience, prior earnings, length of unemployment, and prospects for securing local work in his or her customary occupation; and the distance of the available work from his or her residence.

(b) Notwithstanding ~~any other provisions of~~ this chapter,

Page 2 of 5

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9-00402-26 2026216__

work is not deemed suitable and benefits may not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. The position offered is vacant due directly to a strike, lockout, or other labor dispute.
2. The wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality.
3. As a condition of being employed, the individual is required to join a company union or to resign from or refrain from joining any bona fide labor organization.

(c) If the department finds that an individual was rejected for offered employment as the direct result of a positive, confirmed drug test required as a condition of employment, the individual is disqualified for refusing to accept an offer of suitable work.

Section 3. Section 443.1112, Florida Statutes, is created to read:

443.1112 Verification of reemployment assistance benefit eligibility; detection of fraud.—

- (1) The Department of Commerce shall verify the identity of each claimant who applies for reemployment assistance benefits before paying any benefits to that individual.
- (2) For the initial claim for benefits made by a claimant and as necessary to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim with information in the database of the Systematic Alien Verification for Entitlements Program established by the United States Bureau of Citizenship and

9-00402-26 2026216__

Immigration Services.

- (3) For every 2 weeks that a claimant makes a claim for benefits, including the initial claim for benefits, to verify a claimant's eligibility for benefits, the department shall cross-check the information contained in the claim to make sure that the claimant is:
 - (a) Living.
 - (b) Not incarcerated.
 - (c) Not already employed.
- (4) The department shall do all of the following:
 - (a) Investigate any claim in this state associated with a mailing address, a bank account, an e-mail address, a telephone number, or an Internet protocol address that is also associated with another existing claim for reemployment assistance benefits in this state or another state and verify that the claim in this state is legitimate and not fraudulent before paying any benefits for the claim.
 - (b) Scrutinize any claim in this state filed from a foreign Internet protocol address before paying any benefits for the claim.
 - (c) Work with the United States Department of Labor, the United States Department of Justice, other state workforce agencies, the Department of Law Enforcement, the state attorneys, or the Office of the Statewide Prosecutor to share information related to fraudulent claims or attempted fraudulent claims to the extent feasible for further investigation and proceedings brought under this chapter.
 - (d) Maintain a web page through which an individual or an employer may report known or suspected violations of this

9-00402-26 2026216__

chapter, including identity theft or fraud. Each year, the department shall notify employers in this state of this web page for reporting violations.

(e) Each year, make available on its website a report identifying the number of fraudulent reemployment assistance claims identified for the previous year, the number of claims not paid due to successful detection of fraudulent intentions, the number of claims and the amount of reemployment assistance benefits paid against claims subsequently identified as fraudulent, the amount of fraudulent overpayments recovered, and the number of fraudulent claims referred for investigation and possible prosecution. The report must also list the sources of information which were used to cross-check claims during the reporting period.

Section 4. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

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2/5/26
Meeting Date

Fiscal
Committee

SB0216
Bill Number or Topic

Amendment Barcode (if applicable)

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PLEASE CHECK ONE OF THE FOLLOWING:

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- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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SB 0216

Bill Number or Topic

Amendment Barcode (if applicable)

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In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



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S-001 (08/10/2021)

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2/5/2020

Meeting Date

Fiscal Policy

Committee

SB 0216

Bill Number or Topic

Amendment Barcode (if applicable)

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In Support

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Against

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compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2-5-2026

Meeting Date

SB0216

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Patricia Hatch

Phone

361 704-9923

Address

8146 Mystic Harbor Cir

Email

Aed1881@aol.com

Street

Boynton Bch FL

33436

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2-5-20

Meeting Date

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 214

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Klara DeCoursey

Phone

352-317-5998

Address

1810 SW 2nd Ave

Email

Klaradecoursey@gmail.com

Street

Okeechobee

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB0216

Bill Number or Topic

Amendment Barcode (if applicable)

2/5/26
Meeting Date
Fiscal Policy
Committee

Name Crystal Tessmann Phone 352-870-7471

Address 4626 NW 34th St
Street
Gainesville FL 32605
City State Zip

Email northerntesseract@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 0216

Bill Number or Topic

2-5-26

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name CARMEN WARD

Phone 352-538-1156

Address 5317 NW 23rd PL

Street

Email carmenrosew6@gmail.com

Gainesville, FL

City

State

32606

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/26

Meeting Date

Fiscal Policy

Committee

SB 0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Stephanie Yocum

Phone 386-916-8902

Address 917 Rolling Woods Ln

Street

Email yocumse@gmail.com

Lakeland

City

FL

State

33813

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.



I am a registered lobbyist,
representing:



I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/26
Meeting Date

0216
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Aimee Smith

Phone

Address

Street

Bowling Green FL 33834
City State Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 0216

2/5/26

Meeting Date

Bill Number or Topic

Fiscal Policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name LAKisha Ayers-White

Phone Kishaayers@yahoo.com

Address 23 Patuxent Lane

Email (631) 505-2862

Street

Palm Coast FL

32164

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Feb 5 '26
Meeting Date
Fiscal Policy
Committee

SB 0216
Bill Number or Topic
Amendment Barcode (if applicable)

Name Charles S Fox Phone 239-940-5815

Address 6627 Kestrel Circle Email CharlesFox@aol.com
Street
Ft. Myers FL 33966
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/24

Meeting Date

SB0216

Bill Number or Topic

Fisc Policy

Committee

Amendment Barcode (if applicable)

Name

Karin Daly

Phone

239-822 3362

Address

15360 Sunset Dr #206

Email

Street

Fort Myers

City

FL

State

33908

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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SB 2016

Bill Number or Topic

Amendment Barcode (if applicable)

2/5/2016
Meeting Date

Fiscal Policy
Committee

Name Jorge Botello

Phone

Address 1788 SW 12th Ave
Street

Email

Oberkirchen FL 34974
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/26

Meeting Date

Fiscal Policy

Committee

SB-0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jeannie Ford

Phone 850-527-1268

Address 508 E. 4th Street

Street

Email love2teach2@hotmail.com

Port St Joe FL

City

State

32456

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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Senate professional staff conducting the meeting

SB 0216

Bill Number or Topic

2.5.26
Meeting Date

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Alexis Underwood

Phone 850-890-3424

Address 3950 Verona Circle

Email Alexis.Underwood@AbceTeach.org

Panama City FL 32405
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

02/05/26

Meeting Date

Fiscal Policy

Committee

SB 0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kenneth Wall

Phone (850) 393-8821

Address 485 Aragon St.

Street

Pensacola

City

FL

State

32502

Zip

Email kw324@bellsouth.net

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:



☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

2/5/26

Meeting Date

The Florida Senate
APPEARANCE RECORD

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Senate professional staff conducting the meeting

S Bill 0216

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

RONALD MIPON

Phone

850-418 5890

Address

3180 Belle Meade DR Apt. C

Email

Blessed3180@gmail.com

Street

PENSACOLA

City

FL

State

32503

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to

Senate professional staff conducting the meeting

2-5-26

Meeting Date

Fiscal Policy

Committee

SB 216

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ryans Calmont

Phone

407-414-2785

Address

2719 Kinsey Dr.

Email

Street

Kissimmee

FL

34746

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without compensation or sponsorship.

☐

I am a registered lobbyist, representing:

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 216

Bill Number or Topic

2/5/2026

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Thomas J. Bugos II

Phone

407 256 3943

Address

716 Pickfair Ter
Boogus'

Email

thomasbugosii@gmail.com

Street

Cake Mary

City

FL

State

32746

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/2026

Meeting Date

Fiscal Policy

Committee

SB 0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Maira Rivera

Phone

407-431-6746

Address

12504 Hyannis Ct

Email

Mrivera1169@gmail.com

Street

Orlando,

City

FL

State

32828

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

Feb. 5, 2026

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kelley Stephenson

Phone 850-585-9594

Address 261 Wee Acres Rd.

Street

Email kelleystephenson@gmail.com

DeFuniak Springs, FL 32433

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Feb. 5, 2026
Meeting Date
Fiscal Policy
Committee

SB 0216
Bill Number or Topic
Amendment Barcode (if applicable)

Name Darzell Warren Phone 850-266-4547
Address 8410 Ferlon Ave. Email jade2721@aol.com
Pensacola, FL 32526
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/24

Meeting Date

Fiscal Policy

Committee

SB0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Gordan Longhofer

Phone

561-386-9254

Address

3602 Old Lighthouse Circle

Street

Email

gordanlonghofer@gmail.com

Wellington, FL

City

State

33414

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 216

Bill Number or Topic

Meeting Date

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/5/26

Meeting Date

FISCAL POLICY

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 214

Bill Number or Topic

Amendment Barcode (if applicable)

Name

John Louis Meeks, Jr.

Phone

904 386 0716

Address

3500 University Blvd #3201

Email

strongbad74@gmail.com

Street

TAX

FL

32217

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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~~SB 216~~ SB 216

Bill Number or Topic

2/5/26

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Victoria Kidwell

Phone

904 962-6672

Address

3600 Trail Ridge Rd

Email

vicki-cliff@hotmail.com

Street

M. del Mar

FL

32066

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

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The Florida Senate
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2/5/26

Meeting Date

Fiscal Policy

Committee

SB0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Derek DeBevec

Phone 305-294-4965

Address 910 16th Terr

Email kwd123@bellsouth.net

Street

Key West

City

FL

State

33040

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
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(travel, meals, lodging, etc.),
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/5/16

Meeting Date

FISCAL POLICY

Committee

SB 0216

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

GLENDa ABICHT (pronounced
(ABBOTT))

Phone

786-376-1181

Address

4305 SW 98 AVE.

Email

GLENDa.ABICHT@GMAIL.COM

Street

MIAMI

City

FL

State

33165

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/5/2026

Meeting Date

Fiscal Policy

Committee

SB 216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Michael Grenon

Phone 321-412-8108

Address 112 Sea Breeze Cir
Street

Email reds87@bellsouth.net

Merritt Island, FL
City State

32953
Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

02/05/2026

Meeting Date

SB 216

Bill Number or Topic

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Fiscal Policy Committee

Committee

Amendment Barcode (if applicable)

Name Ronald Pollard

Phone 321 439 9093

Address 1869 Emerald Cove Blvd

Email ron.pollard57@gmail.com

Apopka

City

FL

State

32712

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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02/07/2026

Meeting Date

N/A

Committee

0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Joy Jackson

Phone

Address

18130 N.W. 56th Ave

Email

Jackson@dadeschools.net

Street

Miami

Fla

33055

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/5/26
Meeting Date

SB 216
Bill Number or Topic

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-229-6926

Address 135 S. Monroe
Street

Email

Tallahassee FL 32303
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida AFL-CIO

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

THURSDAY, 5 FEB 26

APPEARANCE RECORD

0216

Meeting Date

FISCAL POLICY 412 K 0900

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

PAGEL, CHRIS

Phone

(904) 753-0130

Address

3002 RIVERSIDE DR

Email

mecdrafting@hotmail.com

Street

FB

FL

32034

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/5/26
Meeting Date

The Florida Senate
APPEARANCE RECORD

SB 0216
Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Michelle DeJesus Phone 407-600-5590

Address 656 Glades Cir. Apt. 224 Email mdejesus37@yahoo.com
Street
Altamonte Spgs FL 32714
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 382

INTRODUCER: Transportation Committee and Senators Truenow and Leek

SUBJECT: Electric Bicycles

DATE: February 4, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	Fav/CS
2. Wells	Nortelus	ATD	Favorable
3. Shutes	Siples	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 382 provides that a person operating an electric bicycle on certain shared pathways must adhere to certain protocols. It also provides that a person operating an electric bicycle on a sidewalk or other area designated for pedestrians may not operate the electric bicycle at a speed greater than 10 miles per hour if a pedestrian is within 50 feet of the electric bicycle.

The bill creates the Electric Bicycle Safety Task Force, adjunct to the Department of Highway Safety and Motor Vehicles (Department), and provides certain requirements for membership and administrative requirements related to data collection and reporting.

The bill will have an indeterminate fiscal impact on private and governmental sectors. See Section V., Fiscal Impact Statement for details.

The bill shall take effect upon becoming a law.

II. Present Situation:

Electric Bicycle Regulations

An electric bicycle is defined as a bicycle or tricycle equipped with fully operable pedals, a seat or saddle for the use of the rider, and an electric motor of less than 750 watts which meets the requirements of one of the following three classifications:

- “Class 1 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 2 electric bicycle” means an electric bicycle equipped with a motor that may be used exclusively to propel the electric bicycle and that ceases to provide assistance when the electric bicycle reaches the speed of 20 miles per hour.
- “Class 3 electric bicycle” means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the electric bicycle reaches the speed of 28 miles per hour.¹

Florida law provides that an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the operator of a bicycle, including those of traditional bicycle regulations.² An electric bicycle is a vehicle to the same extent as a bicycle.³ Florida law allows local governments to adopt ordinances governing the operation of electric bicycles on streets, highways, sidewalks, and sidewalk areas under or within the local government’s jurisdiction.⁴ It prevents a municipality, county, or agency of the state having jurisdiction over a bicycle path, multiuse path, or trail network from restricting or prohibiting the operation of an electric bicycle on a bicycle path, multiuse path, or trail network.⁵ It also prevents a municipality, county, or agency of the state having jurisdiction over a beach or dune, from restricting or prohibiting the operation of an electric bicycle on such beach or dune.⁶

An electric bicycle, or an operator of an electric bicycle, is not subject to the provisions of law relating to financial responsibility, driver or motor vehicle licenses, vehicle registration, title certificates, off-highway motorcycles, or off-highway vehicles.⁷

Beginning in January 2021, manufacturers and distributors of electric bicycles were mandated to apply a label to be permanently affixed in a prominent location to each electric bicycle. The label contains the classification number, top assisted speed, and motor wattage of the electric bicycle.⁸ A person is prohibited from tampering with or modifying an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification number is replaced under certain requirements.⁹

Under Federal Law, an electric bicycle must comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission under 16 C.F.R. part 1512.

An electric bicycle must operate in the following manner:

¹ Section 316.003(23), F.S.

² Section 316.20655(1), F.S.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Section 316.20655(2), F.S.

⁸ Section 316.20655(3), F.S.

⁹ Section 316.20655(4), F.S.

- The electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied;
- Operators may ride an electric bicycle where bicycles are allowed, including, but not limited to, streets, highways, roadways, shoulders, bicycle lanes, and bicycle or multiuse paths.¹⁰

A local government may adopt an ordinance providing one or more minimum age requirements to operate an electric bicycle and may adopt an ordinance requiring an operator of an electric bicycle to possess a government-issued photographic identification while operating the electric bicycle.¹¹ Also, a local government may provide training on the safe operation of electric bicycles and compliance with the traffic laws of this state that apply to electric bicycles.¹²

Written Reports of Crashes and Crash Report Forms

Section 316.066, F.S., provides that a Florida Traffic Crash Report, Long Form must be completed and submitted to the Department within 10 days after an investigation is completed by the law enforcement officer. The Florida Crash Report Long Form must include the following information:

- The date, time, and location of the crash;
- A description of the vehicles involved;
- The names and addresses of the parties involved, including all drivers and passengers, and the identification of the vehicle in which each was a driver or a passenger;
- The names and addresses of witnesses;
- The name, badge number, and law enforcement agency of the officer investigating the crash; and
- The names of the insurance companies for the respective parties involved in the crash.¹³

In any crash for which a Florida Traffic Crash Report, Long Form is not required and which occurs on the public roadways of this state, the law enforcement officer must complete a short-form crash report or provide a driver exchange-of-information form, to be completed by all drivers and passengers involved in the crash, which requires the identification of each vehicle that the drivers and passengers were in.¹⁴ The short-form crash report contains the same information as listed above in the long-form.

Every crash report required to be made in writing must be made on the appropriate form approved by the DHSMV and must contain all the information from the long and short forms.¹⁵

III. Effect of Proposed Changes:

The bill amends section 316.20655, F.S., to provide that a person operating an electric bicycle that is not located adjacent to a roadway, including a shared pathway located in a park or recreational area, shall yield to pedestrians and shall give an audible signal before overtaking and

¹⁰ Section 316.20655(6) and (7), F.S.

¹¹ Section 316.20655(8), F.S.

¹² Section 316.20655(9), F.S.

¹³ Section 316.066, F.S.

¹⁴ Section 316.066(c), F.S.

¹⁵ Section 316.068, F.S.

passing a pedestrian. Any person operating an electric bicycle on a sidewalk or any other area designated for pedestrian use may not operate the electric bicycle at a speed greater than 10 miles per hour if a pedestrian is within 50 feet of the electric bicycle. A person who fails to comply commits a non-criminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318, F.S.

The bill requires that an Electric Bicycle Safety Task Force be created, adjunct to the Department and shall provide administrative and staff support services related to functions of the task force.

The purpose of this task force is to examine and recommend improvements to state law enforcement and regulatory framework governing electric bicycles in order to encourage the safe operation of electric bicycles and to prevent traffic incidents, injuries, and fatalities involving such bicycles.

The task force shall be composed of the executive director of the Department, his or her designee; the secretary of the Department of Transportation (DOT), or his or her designee; and the following members who shall be appointed by the executive director of the Department:

- A representative from the Florida Sheriff's Association.
- A representative from the Florida Police Chiefs Association.
- A representative from the Florida League of Cities.
- A representative from the Florida Association on Counties.
- A representative from the medical field with experience relating to treating bicycle and pedestrian injuries.
- A representative from an organization involved in efforts to prevent bicycle, including electric bicycle, injuries and fatalities.

Appointments for this task force must be made within 15 days after the effective date of this act.

The executive director of the Department, or his or her designee, must chair the task force. Any vacancy on the task force must be filled in the same manner as the original appointment.

The task force shall convene no later than 30 days after the effective date of this act. The task force shall meet at least monthly but may meet more frequently at the call of the chair. At least one meeting of the task force must occur in each of the following regions of the state: North Florida, Central Florida, and South Florida. All meetings shall be held at the time and place designated by the chair.

Members of the task force shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses pursuant to section 112.061, F.S.

The task force shall develop a report that includes legislative recommendations for improvements to state law and the regulatory framework governing electric bicycles. The report must consider methods to improve traffic safety for electric bicycle operators and riders, pedestrians, and other vehicle operators through reasonable measures designed to reduce traffic incidents, injuries, and fatalities. Before October 1, 2026, the task force shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon submission of the report, the task force is dissolved. This section expires October 1, 2026.

Beginning 30 days after the effective date of this act, the Florida Highway Patrol and each police department and sheriff's office shall maintain a list of all traffic crashes that the respective agency investigates which involve an electric bicycle. Any such traffic crash must be included in the list, regardless of whether the crash is reported on a Florida Traffic Crash Report, Long Form; short-form crash report; or driver exchange-of-information form. The list must contain the following information for each traffic crash:

- Date and time of the crash.
- Class of electric bicycle involved in the crash.
- Age of the electric bicycle operator involved in the crash.
- If known, whether the electric bicycle operator possessed a valid Florida learner's driver license or driver license at the time of the crash.

By October 31, 2026, the Department shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the reports submitted to the Department, and including the list created by the Florida Highway Patrol. The report must separate the traffic crash data by county and list the reporting law enforcement agencies within each county.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A person operating an electric bike on a shared pathway, sidewalk, or other area designated for pedestrian use in violation of the provisions of the bill would be subject to a noncriminal traffic infraction, punishable as a nonmoving violation.

C. Government Sector Impact:

The Department will incur costs associated with providing administrative staffing and support to the newly created Electric Bicycle Safety Task Force. Costs can be absorbed within existing Department resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 316.20655 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Transportation on January 20, 2026:

The committee substitute removes various provisions in the bill relating to equipment and operational requirements governing electric bicycles, scooters and motorcycles. The committee substitute provides that a person operating an electric bicycle on certain shared pathways must adhere to certain protocols. It also provides that a person operating an electric bicycle on a sidewalk or other area designated for pedestrians may not operate the electric bicycle at a speed greater than 10 miles per hour if a pedestrian is within 50 foot of the electric bicycle. It creates the Electric Bicycle Safety Task Force, adjunct to the Department of Highway Safety and Motor Vehicles and provides certain requirements for membership and administrative requirements related to data collection and reporting.

B. Amendments:

None.

By the Committee on Transportation; and Senator Truenow

596-02023-26

2026382c1

1 A bill to be entitled
 2 An act relating to electric bicycles; amending s.
 3 316.20655, F.S.; providing requirements for the
 4 operation of electric bicycles; prohibiting the
 5 operation of an electric bicycle above a certain speed
 6 under certain circumstances; providing penalties;
 7 creating the Electric Bicycle Safety Task Force
 8 adjunct to the Department of Highway Safety and Motor
 9 Vehicles; requiring the department to provide
 10 administrative and support staff support services to
 11 the task force; providing the purpose of the task
 12 force; providing the composition of the task force;
 13 requiring the appointment of task force members within
 14 a specified timeframe; providing the manner in which
 15 task force vacancies must be filled; requiring that
 16 the task force convene within a certain timeframe;
 17 requiring the task force to meet at least monthly;
 18 providing requirements for the time and place of the
 19 task force meetings; providing that members of the
 20 task force are entitled to reimbursement for per diem
 21 and travel expenses; requiring the task force to
 22 develop and submit a certain report to the Governor
 23 and Legislature by a specified date; providing for the
 24 dissolution of the task force; providing for the
 25 future expiration of specified provisions; requiring
 26 the Florida Highway Patrol and each police department
 27 and sheriff's office to maintain a certain list,
 28 beginning on a certain date; providing requirements
 29 for the list; requiring each police department and

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02023-26

2026382c1

30 sheriff's office to submit a certain report to the
 31 department by a specified date; requiring the
 32 department to provide a certain report to the Governor
 33 and Legislature by a specified date; providing
 34 effective dates.
 35

36 Be It Enacted by the Legislature of the State of Florida:

37
 38 Section 1. Effective July 1, 2026, subsection (10) is added
 39 to section 316.20655, Florida Statutes, to read:

40 316.20655 Electric bicycle regulations.—

41 (10)(a) A person operating an electric bicycle on a shared
 42 pathway that is not located adjacent to a roadway, including a
 43 shared pathway located in a park or recreational area, shall
 44 yield to pedestrians and shall give an audible signal before
 45 overtaking and passing a pedestrian.

46 (b) A person operating an electric bicycle on a sidewalk or
 47 any other area designated for pedestrian use may not operate the
 48 electric bicycle at a speed greater than 10 miles per hour if a
 49 pedestrian is within 50 feet of the electric bicycle.

50 (c) A person who fails to comply with this subsection
 51 commits a noncriminal traffic infraction, punishable as a
 52 nonmoving violation as provided in chapter 318.

53 Section 2. Electric Bicycle Safety Task Force.—

54 (1) CREATION.—The Electric Bicycle Safety Task Force, a
 55 task force as defined in s. 20.03(5), Florida Statutes, is
 56 created adjunct to the Department of Highway Safety and Motor
 57 Vehicles. The department shall provide administrative and staff
 58 support services related to the functions of the task force.

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-02023-26

2026382c1

(2) PURPOSE.—The purpose of the task force is to examine and recommend improvements to state law and regulatory framework governing electric bicycles in order to encourage the safe operation of electric bicycles and to prevent traffic incidents, injuries, and fatalities involving such bicycles.

(3) MEMBERSHIP; MEETINGS.—

(a) The task force shall be composed of the executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee; the secretary of the Department of Transportation, or his or her designee; and the following members, who shall be appointed by the executive director of the Department of Highway Safety and Motor Vehicles:

1. A representative from the Florida Sheriffs Association.

2. A representative from the Florida Police Chiefs Association.

3. A representative from the electric bicycle industry.

4. A representative from the Florida League of Cities.

5. A representative from the Florida Association of Counties.

6. A representative from the medical field with experience relating to treating bicycle and pedestrian injuries.

7. A representative from an organization involved in efforts to prevent bicycle, including electric bicycle, injuries and fatalities.

(b) Appointments to the task force must be made within 15 days after the effective date of this act.

(c) The executive director of the department, or his or her designee, shall chair the task force. Any vacancy on the task force must be filled in the same manner as the original

596-02023-26

2026382c1

appointment.

(d) The task force shall convene no later than 30 days after the effective date of this act. The task force shall meet at least monthly, but may meet more frequently at the call of the chair. At least one meeting of the task force must occur in each of the following regions of the state: North Florida, Central Florida, and South Florida. All meetings shall be held at the time and place designated by the chair.

(e) Members of the task force shall serve without compensation but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061, Florida Statutes.

(4) REPORT.—The task force shall develop a report that includes legislative recommendations for improvements to state law and the regulatory framework governing electric bicycles. The report must take into account methods to improve traffic safety for electric bicycle operators and riders, pedestrians, and other vehicle operators through reasonable measures designed to reduce traffic incidents, injuries, and fatalities. Before October 1, 2026, the task force shall submit the report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Upon submission of the report, the task force is dissolved.

(5) EXPIRATION.—This section expires October 1, 2026.

Section 3. (1) Beginning 30 days after the effective date of this act, the Florida Highway Patrol and each police department and sheriff's office shall maintain a list of all traffic crashes that the respective agency investigates which involve an electric bicycle. Any such traffic crash must be

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117 included in the list, regardless of whether the crash is
 118 reported on a Florida Traffic Crash Report, Long Form; short-
 119 form crash report; or driver exchange-of-information form. The
 120 list must contain the following information for each traffic
 121 crash:
 122 (a) Date and time of the crash.
 123 (b) Class of electric bicycle involved in the crash.
 124 (c) Age of the electric bicycle operator involved in the
 125 crash.
 126 (d) If known, whether the electric bicycle operator
 127 possessed a valid Florida learner's driver license or driver
 128 license at the time of the crash.
 129 (2) By October 15, 2026, each police department and
 130 sheriff's office shall submit a report to the Department of
 131 Highway Safety and Motor Vehicles which contains the list
 132 required under subsection (1) of traffic crashes investigated by
 133 the respective police department or sheriff's office from the
 134 beginning of the reporting period to September 30, 2026. The
 135 report must be submitted in a form and manner determined by the
 136 department.
 137 (3) By October 31, 2026, the Department of Highway Safety
 138 and Motor Vehicles shall submit to the Governor, the President
 139 of the Senate, and the Speaker of the House of Representatives a
 140 report summarizing the reports submitted to the department
 141 pursuant to subsection (2) and including the list created by the
 142 Florida Highway Patrol pursuant to subsection (1). The report
 143 must separate the traffic crash data by county and list the
 144 reporting law enforcement agencies within each county.
 145 Section 4. Except as otherwise provided in this act, this

Page 5 of 6

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146 act shall take effect upon becoming a law.

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The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

2/5/26
Meeting Date
Fiscal Policy
Committee

382
Bill Number or Topic
Amendment Barcode (if applicable)

Name Orange County Public Schools Phone 407-405-2050
Marquise McMiller

Address 445 W. Amelia Email marquise.mcmiller@ocps.net
Street
Orlando FL 32801
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Orange County
Public Schools

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

382

Bill Number or Topic

Amendment Barcode (if applicable)

02/05/2026

Meeting Date

Fiscal Policy

Committee

Name

Iyonne Fernandez

Phone

954-850-7262

Address

215 S Monroe Street

Street

Email

1fernandez@azarp.org

Tallahassee

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4/5/20

Meeting Date

Senate Fiscal Policy

Committee

SB 382

Bill Number or Topic

SB

Amendment Barcode (if applicable)

Name

Allye McNair

Phone

850-877-2165

Address

2617 Mahan Dr

Email

amcnair@flsheriffs.org

Street

Tallahassee

City

FL

State

32308

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Sheriffs
Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

APPEARANCE RECORD

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2/5/26
Meeting Date

FISCAL POLICY
Committee

SB 0382
Bill Number or Topic

Amendment Barcode (if applicable)

Name John Louis Meeks, Jr.

Phone 904 386 0716

Address 3500 University Blvd N
Street

Email Strongbad74@gmail.com

Tax FL 32277
City State Zip

Speaking:

☐ For

☐ Against

☐ Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without
compensation or sponsorship.

☐

I am a registered lobbyist,
representing:

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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2/5/21
Meeting Date

Senate Fiscal
Committee

SB 382
Bill Number or Topic

Amendment Barcode (if applicable)

Name Michelle Lynch

Phone 727-687-0473

Address 9822 Emerald Links Dr
Street

Email Michellelynch02@gmail.com

Tampa FL 33626
City State Zip

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without
compensation or sponsorship.

☐ I am a registered lobbyist,
representing:

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 488

INTRODUCER: Senator Massullo

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: February 4, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	Favorable
2. Wells	Nortelus	ATD	Favorable
3. Shutes	Siples	FP	Favorable

I. Summary:

SB 488 amends various provisions related to the Department of Highway Safety and Motor Vehicles (DHSMV), including motor vehicle registration, licensing, and tax-related requirements. Specifically, the bill:

- Revises the short title of s. 207.001, F.S., to the “Florida Motor Fuel Use Tax Act.”
- Specifies the requirements for calculating and reporting the motor fuel use tax and updates other definitions and requirements under the Florida Motor Fuel Use Tax Act.
- Creates penalties for counterfeiting or illegally altering fuel tax licenses and the related permits.
- Amends the required procedures for due dates, electronic submissions, and methods of communications related to motor carriers and fuel taxes.
- Revises penalties and interest calculations for delinquent tax payments and revises the provisions related to the inspection and discontinuation of business operations for motor carriers.
- Provides penalties for specific offenses related to the misuse of motor fuel-tax related documents and establishes detailed requirements for recordkeeping by motor carriers.
- Increases the amount of estimated damage resulting from a crash that is required to be reported to law enforcement from \$500 to \$2,000.
- Amends requirements related to the application process for motor vehicle registrations.
- Expands the types of transactions and circumstances in which the DHSMV may use email in lieu of the United States Postal Service to communicate with customers.
- Updates the definition of a “tank vehicle” to place Florida in compliance with the Federal Motor Carrier Safety Regulations.

The bill may have an indeterminate positive fiscal impact on the DHSMV’s expenditures through the use of electronic mail. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981

In 1981, the Florida Legislature passed Chapter 207, F.S., as the “Florida Diesel and Fuel Motor Use Tax Act of 1981,” which levied taxes for the privilege of operating any commercial motor vehicle upon the public highways of this state. In 1987, responsibility was moved from the Department of Revenue to the Department of Highway Safety and Motor Vehicles (DHSMV) and authority to enter into a cooperative reciprocal agreement with other states was enacted. In 1991, the International Fuel Tax Agreement (IFTA) was formed.

In 1992, Florida joined IFTA, and in 1996, Congress enacted 49 USC 31701-31707, requiring all states (except Alaska and Hawaii) to join IFTA. The legislation provided authority to each state to establish, maintain, or enforce a law or regulation requirement, including any tax reporting form, only if the requirement conforms with IFTA. It also detailed how payment, collection, and proportional sharing of fuel use taxes would work among member states. Chapter 207, F.S., contains language that no longer conforms with the federal IFTA Articles of Agreement.¹

International Fuel Tax Agreement (IFTA)

The IFTA simplifies fuel tax reporting for interstate carriers, such as commercial motor vehicles. Commercial motor vehicles qualify for IFTA if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds; or
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.²

The IFTA is a reciprocal agreement, meaning that an IFTA license issued by the jurisdiction where the motor carrier is based, is valid in all the other IFTA member jurisdictions. Additionally, the licensee reports and pays all motor fuel taxes to the base jurisdiction, which handles distribution to all the other member jurisdictions in which the licensee travelled and incurred motor fuel use tax liability. The IFTA member jurisdictions are the lower 48 states and the 10 Canadian provinces.³

IFTA Credentials

Each calendar year, Florida will issue an IFTA license and a set of two IFTA decals per each qualified vehicle. The original IFTA license is kept with the carrier’s records, and copies of the original must be kept in each vehicle, and IFTA decals must be affixed to the outside of each of

¹ DHSMV, *2026 Legislative Bill Analysis: SB 488* (October 3, 2025) at p. 3 (on file with the Senate Transportation Committee).

² Department of Highway Safety and Motor Vehicles, *International Fuel Tax Agreement*, <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/> (last visited December 30, 2025).

³ *Id* at 2.

those vehicles. By having copies of the licenses, and the decals affixed to the outside of the vehicles, it qualifies them to be operational in all other IFTA jurisdictions without the need for obtaining additional licenses from those jurisdictions.⁴ The IFTA licenses and decals are valid for one calendar year (January 1 – December 31), and reporting for motor fuel taxes is divided into four reporting periods. There is no annual fee associated with the IFTA license, and IFTA decals are \$4.00 per set.⁵

Crash Reporting – Damage Thresholds

A driver of a vehicle involved in a crash that results in injury or death of any person, or results in damage to any vehicle or other property in an apparent amount of at least \$500, must give immediate notification to local law enforcement whether a municipality, county, or Florida Highway Patrol. A violation of this provision is a non-criminal traffic infraction, punishable as a nonmoving violation. The statutory base fine is \$30, but with additional fees and court costs, the total fine may be up to \$108.⁶

In 1989, the amount of property damage necessary to require notification to law enforcement was increased from \$100 to \$500.⁷ Currently, the normal amount for a deductible for vehicle insurance contracts within the insurance industry is between \$500 and \$1,500.⁸ From 2021 to the present, the typical vehicle crash damage repair cost ranged between \$1,000 to \$1,499. The second highest percentage was \$2,000 to \$2,499. Within the same period 60 percent of the vehicle crashes resulted in more than \$2,500 in damage.⁹

Application and Issuance for Certificate of Title

If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided, must be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the state or county from which the motor vehicle or mobile home was brought into this state.¹⁰ The application must also be accompanied by:

- A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or
- An appropriate DHSMV form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, F.S., or a notary

⁴ *Id.*

⁵ *Id.*

⁶ Florida Association of Clerks of Court, *2023 Distribution Schedule*, p. 39.

https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf (last visited December 30, 2025).

⁷ Section 1, Chapter 89-271, Laws of Florida.

⁸ Insurance, L. M. (n.d.). Car Insurance Deductibles: Frequently Asked Questions, *Liberty Mutual*.

<https://www.libertymutual.com/insurance-resources/auto/car-insurance-deductibles-faqs> (last visited December 30, 2025).

⁹ *Id.* at 2.

¹⁰ Section 319.23(3), F.S.

public commissioned by this state, and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

- If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of certain federal regulations.

Verification of the vehicle identification number is not required for any new motor vehicle; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.¹¹

Vehicle Registration Requirements – Permanent Address

With limited exceptions, every owner or person in charge of a motor vehicle that is operated or driven on the roads must register the vehicle in this state. The owner or person in charge must apply to the DHSMV or to its authorized agent for registration of each vehicle on a form prescribed by the DHSMV. A registration is not required for any motor vehicle that is not operated on the roads of this state during the registration period.¹²

The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and be accompanied by personal or business identification information. An individual applicant must provide a valid driver license or identification card issued by Florida or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in the state, or a Florida municipal or county business license or number.¹³

If the owner does not have a permanent residence or permanent place of business, or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application must include:

- If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.
- If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.¹⁴

If the vehicle is registered to an active-duty member of the Armed Forces of the United States who is a Florida resident, the active-duty member is exempt from the requirement to provide the street address of a permanent residence.¹⁵

¹¹ *Id.*

¹² Section 320.02(1), F.S.

¹³ Section 320.02(2)(a), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

Electronic Notification to Customers – Use of Email

Notices related to the cancellation, suspension, revocation, or disqualification issued under the provisions of chs. 318, 320, 322, 324, or ss. 627.732-627.734, F.S.,¹⁶ must be given via personal delivery to the customer via the United States Postal Service at which it is placed in an envelope, first class, postage prepaid and addressed to the customer at his or her last known mailing address that has been furnished to the DHSMV.

Currently, the DHSMV is authorized to collect and utilize email addresses for the limited purpose of providing certain motor vehicle registration and driver's license renewal notices.

Definition of Tank Vehicles

Section 322.01(44), F.S. defines a “tank vehicle” as a vehicle that is designed to transport any liquid or any liquid gaseous material within a tank either permanently or temporarily attached to the vehicle, if such tank has a designed capacity of 1,000 gallons or more.

According to the DHSMV, this definition is not currently aligned with the Federal Motor Carrier Safety Administration (FMSCA) definition.¹⁷ The FMSCA has the power to withhold federal funding from the state should they find that the DHSMV is not in compliance with the applicable federal legal requirements.¹⁸

III. Effect of Proposed Changes:

International Fuel Tax Agreement

The bill amends various sections of ch. 207, F.S., to update Florida law to reflect the changes in federal regulations pertaining to IFTA so that Florida remains compliant with those federal regulations. For example, the bill:

- Specifies the requirements for calculating and reporting the motor fuel use tax and updates other definitions and requirements under the Florida Motor Fuel Use Tax Act.
- Establishes a licensing system for motor carriers in lieu of registration and mandates electronic submission for tax and licensing documents.
- Creates penalties for counterfeiting or illegally altering fuel tax licenses and the related permits.
- Amends the required procedures for due dates, electronic submissions, and methods of communications related to motor vehicles and fuel taxes.

¹⁶ These chapters govern the disposition of traffic infractions, motor vehicle registration, driver licensing, financial responsibility, and motor vehicle insurance.

¹⁷ 49 CFR 383.5, provides that a “tank vehicle” means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

¹⁸ DHSMV, *2025 Legislative Bill Analysis: SB 1290* (February 26, 2025) at p. 5 (on file with the Senate Transportation Committee).

- Revises penalties and interest calculations for delinquent tax payments and revises the provisions related to the inspection and discontinuation of business operations for motor carriers.
- Provides penalties for specific offenses related to the misuse of motor fuel-tax related documents and establishes detailed requirements for recordkeeping by motor carriers.
- Incorporates numerous conforming provisions throughout ch. 207, F.S.

Crash Reporting – Damage Thresholds

The bill amends s. 316.065, F.S., to require the driver of a vehicle that is involved in a crash that results in injury or death of any person, or results in damage to any vehicle or other property in an apparent amount of at least \$2,000 (currently \$500), to give immediate notification to local law enforcement or the Florida Highway Patrol.

Motor Vehicle Registration – Permanent Address

The bill amends s. 320.02, F.S., to provide that an application for registration of a motor vehicle must include the street address of the owner's Florida residence or the address of his or her permanent place of business in Florida and be accompanied by specified personal or business identification. The bill repeals the current authorization for a vehicle owner who does not have a permanent address or place of business in Florida to register a vehicle under certain conditions.

Specifically, the bill provides that an applicant for a motor vehicle registration is required to have a valid, REAL ID compliant driver's license or identification card issued by Florida or another state, a valid unexpired United States passport, or a valid, unexpired passport issued by another country and an unexpired Form I-94 issued by the United States Bureau of Customs and Border Protection. According to the DHSMV, there are currently 262,167 driver licenses in Florida that are not yet REAL-ID compliant, even though the federal REAL-ID deadline was May 7, 2025.¹⁹

The bill also stipulates that if a vehicle is registered to a service member of the U.S. Armed Forces as defined in s. 322.57(4)(a), F.S., who is a Florida resident, the registrant is exempt from the requirement to provide a street address for a permanent Florida residence.

Electronic Notification of Customers Via Email

The bill amends ss. 320.95, 322.08, 322.18, 322.21, 322.251, 322.2616, 322.64, 324.091, and 328.30, F.S., to expand the types of transactions and circumstances in which DHSMV may use email in lieu of the United States Postal Service to communicate with customers. Specifically, the bill authorizes email to be used as a method of general notification for various notices and orders issued by DHSMV, including, but not limited to, notices related to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance, and vessel registrations.

SB 490, which is linked to this bill, expands provisions related to current public record exemptions for email addresses held by the DHSMV used in connection with:

¹⁹ *Id* at p. 6

- Motor vehicle title transactions.
- Motor vehicle registration renewal notices.
- Driver license renewal notices.
- Vessel title transactions and liens.

Definition of Tank Vehicles

The bill amends s. 322.01(44), F.S., to change the definition of a “tank vehicle” to a vehicle designed to transport any liquid or gaseous material within one or more tanks, each with a capacity above 119 gallons and an aggregate rated capacity of 1,000 gallons or more. A commercial motor vehicle transporting an empty storage container that is not designed for transportation but that is temporarily attached to a flatbed trailer is not a tank vehicle. This change places Florida in substantial compliance with Parts 383 and 384 of the FMCSA.

The bill includes various conforming provisions and corrects several cross-references.

This bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable. The bill does not impose or raise a state tax or fee nor repeal a state credit or exemption.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate positive fiscal impact on state government as DHSMV's expenditures could decrease as a result of notices and orders being provided via electronic mail and not through the United States Postal Service.

According to the DHSMV, FHP and tax collector training will be required to implement several provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 207.001, 207.002, 207.003, 207.004, 207.005, 207.007, 207.008, 207.011, 207.013, 207.014, 207.019, 207.023, 207.0281, 212.08, 316.065, 316.545, 318.15, 319.35, 320.02, 320.95, 322.01, 322.08, 322.18, 322.21, 322.251, 322.2616, 322.64, 324.091, 324.171, 328.30, and 627.7415.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Massullo

39-00992-26

2026488

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 207.001, F.S.;
 4 revising a short title; reordering and amending s.
 5 207.002, F.S.; defining terms and revising
 6 definitions; amending s. 207.003, F.S.; conforming
 7 provisions to changes made by the act; amending s.
 8 207.004, F.S.; requiring licensure in lieu of
 9 registration of motor carriers operating certain
 10 qualified motor vehicles; requiring motor carriers to
 11 obtain fuel use decals in lieu of identifying devices;
 12 requiring that qualified motor vehicles carry a copy
 13 of the license or make the license available
 14 electronically; requiring that fuel tax decals be
 15 conspicuously displayed on qualified motor vehicles
 16 while the vehicles are operated on public highways;
 17 requiring the department or its authorized agent to
 18 issue licenses and fuel tax decals; requiring that
 19 fuel tax decal renewal orders be submitted
 20 electronically through an online system beginning on a
 21 certain date; providing an exception; revising
 22 required contents of temporary fuel-use permits;
 23 deleting provisions for driveaway permits; amending s.
 24 207.005, F.S.; revising due dates for motor fuel use
 25 tax returns submitted by licensed motor carriers;
 26 requiring that tax returns be submitted electronically
 27 through an online system beginning on a certain date;
 28 providing an exception; amending s. 207.007, F.S.;
 29 revising the method of calculating interest due for

Page 1 of 31

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30 certain delinquent taxes; prohibiting a person from
 31 knowingly making, or assisting any other person in
 32 making, a false statement in connection with an audit;
 33 prohibiting a person from counterfeiting, altering,
 34 manufacturing, or selling fuel tax licenses, fuel tax
 35 decals, or temporary fuel-use permits except under
 36 certain circumstances; providing penalties; amending
 37 s. 207.008, F.S.; conforming provisions to changes
 38 made by the act; amending s. 207.011, F.S.;
 39 authorizing the department to inspect records
 40 necessary to verify the tax returns of motor carriers,
 41 motor fuel retail dealers, and motor fuel wholesale
 42 distributors; amending ss. 207.013 and 207.014, F.S.;
 43 conforming provisions to changes made by the act;
 44 amending s. 207.019, F.S.; requiring motor carriers to
 45 destroy fuel tax decals and notify the department upon
 46 the discontinuance, sale, or transfer of the business;
 47 amending ss. 207.023, 207.0281, and 212.08, F.S.;
 48 conforming provisions to changes made by the act;
 49 amending s. 316.065, F.S.; revising the apparent
 50 amount of property damage which requires the driver of
 51 a vehicle involved in a crash to notify law
 52 enforcement of the crash; amending s. 318.15, F.S.;
 53 conforming a provision to changes made by the act;
 54 amending s. 320.02, F.S.; requiring vehicle
 55 registration applicants to provide a Florida address;
 56 providing an exception; requiring an applicant to
 57 provide satisfactory proof of address and certain
 58 documentation; defining the term "REAL ID driver's

Page 2 of 31

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license or identification card"; amending s. 320.95, F.S.; revising the purpose for which the department may use e-mail; amending s. 322.01, F.S.; revising the definition of the term "tank vehicle"; amending s. 322.08, F.S.; revising the purpose for which the department may use e-mail; amending ss. 322.18, 322.21, and 322.251, F.S.; authorizing the department to provide certain orders and notices by e-mail notification; amending ss. 322.2616, 322.64, 324.091, and 324.171, F.S.; conforming provisions to changes made by the act; amending s. 328.30, F.S.; revising the purpose for which the department may use e-mail; amending s. 627.7415, F.S.; conforming a provision to changes made by the act; amending ss. 316.545 and 319.35, F.S.; conforming cross-references; making a technical change; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 207.001, Florida Statutes, is amended to read:

207.001 Short title.—This chapter shall be known as the "Florida ~~Diesel Fuel~~ and Motor Fuel Use Tax Act ~~of 1981~~," and the taxes levied under this chapter shall be in addition to all other taxes imposed by law.

Section 2. Section 207.002, Florida Statutes, is reordered and amended to read:

207.002 Definitions.—As used in this chapter, the term:

(11)(1) "Qualified Commercial motor vehicle" means any

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vehicle not owned or operated by a governmental entity which uses ~~diesel fuel~~ or motor fuel on the public highways; and which has two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight or registered gross vehicle weight. The term excludes any recreational vehicle or vehicle owned or operated by a community transportation coordinator as defined in s. 427.011 or by a private operator that provides public transit services under contract with such a provider.

(1)(2) "Department" means the Department of Highway Safety and Motor Vehicles.

(2) "International Fuel Tax Agreement" means a reciprocal agreement among states of the United States, provinces of Canada, and other such member jurisdictions to provide for the administration, collection, and enforcement of taxes on the basis of fuel consumed, distance accrued, or both, in member jurisdictions.

~~(3) "Diesel fuel" means any liquid product or gas product or combination thereof, including, but not limited to, all forms of fuel known or sold as diesel fuel, kerosene, butane gas, or propane gas and all other forms of liquefied petroleum gases, except those defined as "motor fuel," used to propel a motor vehicle.~~

~~(4) "International Registration Plan" means a registration reciprocity agreement among states of the United States and provinces of Canada providing for payment of license fees or license taxes on the basis of fleet miles operated in various~~

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~~jurisdictions.~~

(3)(5) "Interstate" means vehicle movement between or through two or more member jurisdictions states.

(4)(6) "Intrastate" means vehicle movement from one point within a member jurisdiction state to another point within the same member jurisdiction state.

(5) "Member jurisdiction" means a state of the United States, a province of Canada, or any other such jurisdiction that is a member of the International Fuel Tax Agreement.

(6)(7) "Motor carrier" means any person owning, controlling, operating, or managing any motor vehicle used to transport persons or property over any public highway.

(7)(8) "Motor fuel" means any fuel placed in the fuel supply storage unit of a qualified motor vehicle, including an alternative fuel, such as pure methanol, ethanol, or other alcohol; a blend of 85 percent or more alcohol with gasoline; natural gas and liquified fuel produced from natural gas; propane; coal-derived liquified fuel; hydrogen; electricity; pure biodiesel (B100) fuel, other than alcohol, derived from biological materials; P-series fuel; or any other type of fuel or energy used to propel a qualified motor vehicle ~~what is commonly known and sold as gasoline and fuels containing a mixture of gasoline and other products.~~

(8)(9) "Operate," "operated," "operation," or "operating" means and includes the utilization in any form of any qualified commercial motor vehicle, whether loaded or empty, whether utilized for compensation or not for compensation, and whether owned by or leased to the motor carrier who uses it or causes it to be used.

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(9)(10) "Person" means and includes natural persons, corporations, copartnerships, firms, companies, agencies, or associations, singular or plural.

(10)(11) "Public highway" means any public street, road, or highway in this state.

~~(12) "Registrant" means a person in whose name or names a vehicle is properly registered.~~

(12)(13) "Use," "uses," or "used" means the consumption of ~~diesel fuel or~~ motor fuel in a qualified commercial motor vehicle for the propulsion thereof.

Section 3. Section 207.003, Florida Statutes, is amended to read:

207.003 Privilege tax levied.—A tax for the privilege of operating any qualified commercial motor vehicle upon the public highways of this state shall be levied upon every motor carrier at a rate which includes the minimum rates provided in parts I-III of chapter 206 on each gallon of ~~diesel fuel or~~ motor fuel used for the propulsion of a qualified commercial motor vehicle by such motor carrier within this ~~the~~ state.

Section 4. Section 207.004, Florida Statutes, is amended to read:

207.004 Licensing ~~Registration~~ of motor carriers; fuel tax decals identifying devices; fees; renewals; temporary fuel-use permits ~~and driveway permits.~~

(1)(a) ~~A~~ No motor carrier ~~may not~~ ~~shall~~ operate or cause to be operated in this state any qualified commercial motor vehicle, other than a Florida-based qualified commercial motor vehicle that travels Florida intrastate mileage only, which ~~that~~ uses ~~diesel fuel or~~ motor fuel until such carrier is licensed

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175 under the International Fuel Tax Agreement and issued fuel tax
 176 decals ~~has registered with the department or has registered~~
 177 ~~under a cooperative reciprocal agreement as described in s.~~
 178 ~~207.0281, after such time as this state enters into such~~
 179 ~~agreement, and has been issued an identifying device or such~~
 180 ~~carrier is has been issued a temporary fuel-use permit as~~
 181 ~~authorized under subsection (5) subsections (4) and (5) for each~~
 182 ~~vehicle operated. The fee for each set of fuel tax decals is~~
 183 ~~There shall be a fee of \$4 per year or any fraction thereof. A~~
 184 ~~copy of the license must be carried in each vehicle or made~~
 185 ~~available electronically. The fuel tax decals for each such~~
 186 ~~identifying device issued. The identifying device shall be~~
 187 ~~provided by the department and must be conspicuously displayed~~
 188 ~~on the qualified commercial motor vehicle as prescribed by the~~
 189 ~~instructions on the reverse side of the decal department while~~
 190 ~~the vehicle it is being operated on the public highways of this~~
 191 ~~state. The transfer of fuel tax decals an identifying device~~
 192 ~~from one vehicle to another vehicle or from one motor carrier to~~
 193 ~~another motor carrier is prohibited. The department or its~~
 194 ~~authorized agent shall issue the licenses and fuel tax decals.~~

195 (b) The motor carrier to whom fuel tax decals have been
 196 issued is an identifying device ~~has been issued shall be~~ solely
 197 responsible for the proper use of the fuel tax decals
 198 ~~identifying device~~ by its employees, consignees, or lessees.

199 (2) Fuel tax decals ~~Identifying devices~~ shall be issued
 200 each year for the period January 1 through December 31, or any
 201 portion thereof, if tax returns and tax payments, when
 202 applicable, have been submitted to the department for all prior
 203 reporting periods. Fuel tax decals ~~Identifying devices~~ may be

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204 displayed for the next succeeding indicia period beginning
 205 December 1 of each year. Beginning October 1, 2026, except as
 206 otherwise authorized by the department, all fuel tax decal
 207 renewal orders must be electronically submitted through an
 208 online system prescribed by the department.

209 (3) If a motor carrier licensed in this state no longer
 210 operates or causes to be operated in this state a qualified
 211 ~~commercial~~ motor vehicle, the fuel tax decals must ~~identifying~~
 212 ~~device shall~~ be destroyed and the motor carrier to whom the fuel
 213 ~~tax decals were~~ ~~device was~~ issued must ~~shall~~ notify the
 214 department immediately by letter of such removal and of the
 215 number of fuel tax decals ~~the identifying device that has been~~
 216 destroyed.

217 (4) A motor carrier must, before operating a qualified
 218 ~~commercial~~ motor vehicle on the public highways of this state,
 219 ~~must~~ display fuel tax decals ~~an identifying device~~ as required
 220 under subsections (1) and (2) or must obtain a temporary fuel-
 221 use permit for that vehicle as provided in subsection (5). A
 222 ~~temporary fuel-use permit shall expire within 10 days after date~~
 223 ~~of issuance. The cost of a temporary fuel-use permit is \$45, and~~
 224 ~~the permit exempts the vehicle from the payment of the motor~~
 225 ~~fuel or diesel fuel tax imposed under this chapter during the~~
 226 ~~term for which the permit is valid. However, the vehicle is not~~
 227 ~~exempt from paying the fuel tax at the pump.~~

228 (5) (a) A ~~registered~~ motor carrier holding a valid
 229 ~~certificate of registration may, upon payment of the \$45 fee per~~
 230 ~~permit,~~ secure from the department, or any wire service
 231 authorized by the department, a temporary fuel-use permit.

232 (b) The fee for a temporary fuel-use permit is \$45. A

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temporary fuel-use permit expires 10 days after the date of issuance and exempts the vehicle from payment of the motor fuel tax imposed under this chapter during the period for which the permit is valid. However, this paragraph does not exempt the vehicle from payment at the pump of the fuel tax imposed under chapter 206.

(c) A blank temporary fuel-use permit ~~must, before its use,~~ must be executed by the motor carrier, in ink or type, so as to identify the carrier, the vehicle to which the permit is assigned, and the permit's effective date and expiration date that the vehicle is placed in and removed from service. The temporary fuel use permit shall also show a complete identification of the vehicle on which the permit is to be used, together with the name and address of the owner or lessee of the vehicle. The endorsed temporary fuel-use permit must shall then be carried on the vehicle that it identifies and must shall be exhibited on demand to any authorized personnel. Temporary fuel-use permits may be transmitted to the motor carrier by electronic means and shall be completed as outlined by department personnel prior to transmittal.

(d) The motor carrier to whom a temporary fuel-use permit is issued ~~is~~ shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit renders shall render it invalid and of no effect. A motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person or organization.

~~(b) An unregistered motor carrier may, upon payment of the~~

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~~\$45 fee, secure from any wire service authorized by the department, by electronic means, a temporary fuel-use permit that shall be valid for a period of 10 days. Such permit must show the name and address of the unregistered motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The temporary fuel-use permit shall then be carried on the vehicle that it identifies and shall be exhibited on demand to any authorized personnel. The unregistered motor carrier to whom a temporary fuel-use permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit shall render it invalid and of no effect. The unregistered motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person or organization.~~

~~(e) A registered motor carrier engaged in driveway transportation, in which the cargo is the vehicle itself and is in transit to stock inventory and the ownership of the vehicle is not vested in the motor carrier, may, upon payment of the \$4 fee, secure from the department a driveway permit. The driveway permits shall be issued for the period January 1 through December 31. An original permit must be in the possession of the operator of each vehicle and shall be exhibited on demand to any authorized personnel. Vehicle mileage reports must be submitted by the motor carrier, and the road privilege tax must be paid on all miles operated within this~~

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291 ~~state during the reporting period. All other provisions of this~~
 292 ~~chapter shall apply to the holder of a driveway permit.~~

293 Section 5. Section 207.005, Florida Statutes, is amended to
 294 read:

295 207.005 Returns and payment of tax; delinquencies;
 296 calculation of fuel used during operations in the state; credit;
 297 bond.—

298 (1) The taxes levied under this chapter are ~~shall be~~ due
 299 and payable on the first day of the month following the last
 300 month of the reporting period. The department may adopt
 301 ~~promulgate~~ rules for requiring and establishing procedures for
 302 annual, semiannual, or quarterly filing. The reporting period is
 303 ~~shall be~~ the 12 months beginning January 1 ~~July 1~~ and ending
 304 December 31 ~~June 30~~. ~~It shall be the duty of Each motor carrier~~
 305 ~~licensed registered or required to be registered under the~~
 306 ~~provisions of this chapter must to submit a return by the~~
 307 following due dates, except that each due date is extended until
 308 the last day of the month of the due date, and, if the last day
 309 of the month falls on a Saturday, Sunday, or legal holiday, the
 310 due date is further extended until the next day that is not a
 311 Saturday, Sunday, or legal holiday within 30 days after the due
 312 date. The due date shall be as follows:

313 (a) If annual filing, the due date is January 31. ~~shall be~~
 314 ~~July 1.~~

315 (b) If semiannual filing, the due dates are ~~shall be~~
 316 January 31 ~~and July 31.~~ ~~or~~

317 (c) If quarterly filing, the due dates are ~~shall be~~ January
 318 31 ~~1~~, April 30 ~~1~~, July 31 ~~1~~, and October 31 ~~1~~.

319 (2) The amount of fuel used in the propulsion of any

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320 qualified commercial motor vehicle within this state may be
 321 calculated, if the motor carrier maintains adequate records, by
 322 applying total interstate vehicular consumption of all ~~diesel~~
 323 ~~fuel and~~ motor fuel used as related to total miles traveled and
 324 applying such rate to total miles traveled within this state. In
 325 the absence of adequate documentation by the motor carrier, the
 326 department may adopt ~~is authorized to promulgate~~ rules
 327 converting miles driven to gallons used.

328 (3) For the purpose of computing the carrier's liability
 329 for the fuel ~~road privilege~~ tax, the total gallons of fuel used
 330 in the propulsion of any qualified commercial motor vehicle in
 331 this state shall be multiplied by the rates provided in parts I-
 332 III of chapter 206. From the sum determined by this calculation,
 333 there shall be allowed a credit equal to the amount of the tax
 334 per gallon under parts I-III of chapter 206 for each gallon of
 335 fuel purchased in this state during the reporting period when
 336 the diesel fuel or motor fuel tax was paid at the time of
 337 purchase. If the tax paid under parts I-III of chapter 206
 338 exceeds the total tax due under this chapter, the excess may be
 339 allowed as a credit against future tax payments, until the
 340 credit is fully offset or until eight calendar quarters ~~shall~~
 341 have passed since the end of the calendar quarter in which the
 342 credit accrued, whichever occurs first. A refund may be made for
 343 this credit provided it exceeds \$10.

344 (4) The department may adopt ~~is authorized to promulgate~~
 345 the necessary rules to provide for an adequate bond from each
 346 motor carrier to ensure payment of taxes required under this
 347 chapter.

348 (5) Beginning October 1, 2026, except as otherwise

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349 authorized by the department, all returns must be submitted
 350 electronically through an online system prescribed by the
 351 department.

352 Section 6. Section 207.007, Florida Statutes, is amended to
 353 read:

354 207.007 Offenses; penalties and interest.—

355 (1) If any motor carrier licensed ~~registered~~ under this
 356 chapter fails to file a return or ~~and~~ pay any tax liability
 357 under this chapter within the time required hereunder, the
 358 department may impose a delinquency penalty of \$50 or 10 percent
 359 of the delinquent taxes due, whichever is greater, if the
 360 failure is for not more than 30 days, with an additional 10
 361 percent penalty for each additional 30 days, or fraction
 362 thereof, during the time which the failure continues, not to
 363 exceed a total penalty of 100 percent in the aggregate. However,
 364 the penalty may not be less than \$50.

365 (2) In addition to any other penalties, any delinquent tax
 366 shall bear interest in accordance with the International Fuel
 367 Tax Agreement at the rate of 1 percent per month, or fraction
 368 thereof, calculated from the date the tax was due. If the
 369 department enters into a cooperative reciprocal agreement under
 370 the provisions of s. 207.0281, the department shall collect and
 371 distribute all interest due to other jurisdictions at the same
 372 rate as if such interest were due to the state.

373 (3) A ~~Any~~ person who:

374 (a) Willfully refuses or neglects to make any statement,
 375 report, or return required by ~~the provisions of~~ this chapter;

376 (b) Knowingly makes, or assists any other person in making,
 377 a false statement in a return or report, ~~or~~ in connection with

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378 an application for licensure ~~registration~~ under this chapter, or
 379 in connection with an audit; or ~~or~~

380 (c) Counterfeits, alters, manufactures, or sells fuel tax
 381 licenses, fuel tax decals, or temporary fuel-use permits without
 382 first having obtained the department's permission in writing; or

383 (d) Violates any of the provisions of this chapter, a
 384 penalty for which is not otherwise provided,

385 commits ~~is guilty of~~ a felony of the third degree, punishable as
 386 provided in s. 775.082, s. 775.083, or s. 775.084. In addition,
 387 the department may revoke or suspend the licensure and
 388 registration privileges under ss. 207.004 and 320.02 of the
 389 violator. Each day or part thereof during which a person
 390 operates or causes to be operated a qualified commercial motor
 391 vehicle without being the holder of fuel tax decals ~~an~~
 392 ~~identifying device~~ or having a valid temporary fuel-use ~~or~~
 393 ~~driveaway~~ permit as required by this chapter constitutes a
 394 separate offense within the meaning of this section. In addition
 395 to the penalty imposed by this section, the defendant is ~~shall~~
 396 ~~be~~ required to pay all taxes, interest, and penalties due to the
 397 state.

398
 399 Section 7. Section 207.008, Florida Statutes, is amended to
 400 read:

401 207.008 Retention of records by motor carrier.—Each
 402 licensed ~~registered~~ motor carrier shall maintain and keep
 403 pertinent records and papers as may be required by the
 404 department for the reasonable administration of this chapter and
 405 shall preserve the records upon which each quarterly tax return
 406 is based for 4 years following the due date or filing date of

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the return, whichever is later.

Section 8. Subsection (3) of section 207.011, Florida Statutes, is amended to read:

207.011 Inspection of records; hearings; forms; rules.—

(3) The department, or any authorized agent thereof, is authorized to examine the records, books, papers, and equipment of any motor carrier, any retail dealer of motor diesel fuels, and any wholesale distributor of ~~diesel fuels~~ or motor fuels which ~~that~~ are deemed necessary to verify the truth and accuracy of any statement, ~~or~~ report, or return and ascertain whether the tax imposed by this chapter has been paid.

Section 9. Section 207.013, Florida Statutes, is amended to read:

207.013 Suits for collection of unpaid taxes, penalties, and interest.—Upon demand of the department, the Department of Legal Affairs or the state attorney for a judicial circuit shall bring appropriate actions, in the name of the state or in the name of the Department of Highway Safety and Motor Vehicles in the capacity of its office, for the recovery of taxes, penalties, and interest due under this chapter; and judgment shall be rendered for the amount so found to be due together with costs. However, if it ~~is shall be~~ found as a fact that such claim for, or grant of, an exemption or credit was willful on the part of any motor carrier, retail dealer, or distributor of ~~diesel fuel or~~ motor fuel, judgment must shall be rendered for double the amount of the tax found to be due with costs. The department may employ an attorney at law to institute and prosecute proper proceedings to enforce payment of the taxes, penalties, and interest provided for by this chapter and may fix

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the compensation for the services of such attorney at law.

Section 10. Subsection (3) of section 207.014, Florida Statutes, is amended to read:

207.014 Departmental warrant for collection of unpaid taxes.—

(3) In the event there is a contest or claim of any kind with reference to the property levied upon or the amount of taxes, costs, or penalties due, such contest or claim must shall be tried in the circuit court in and for the county in which the warrant was executed, as nearly as may be in the same manner and means as such contest or claim would have been tried in such court had the warrant originally issued upon a judgment rendered by such court. The warrant issued as provided in this section constitutes shall constitute prima facie evidence of the amount of taxes, interest, and penalties due to the state by the motor carrier; and the burden of proof is shall be upon the motor carrier, retail dealer, or distributor of ~~diesel fuel or~~ motor fuel to show that the amounts or penalties were incorrect.

Section 11. Subsection (1) of section 207.019, Florida Statutes, is amended to read:

207.019 Discontinuance or transfer of business; change of address.—

(1) Whenever a person ceases to engage in business as a motor carrier within this the state by reason of the discontinuance, sale, or transfer of the business of such person, he or she shall notify the department in writing at least 10 days before prior to the time the discontinuance, sale, or transfer takes effect. Such notice must shall give the date of discontinuance and, in the event of a sale or transfer of the

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business, the date thereof and the name and address of the purchaser or transferee. All ~~diesel fuel or~~ motor fuel use taxes ~~shall~~ become due and payable concurrently with such discontinuance, sale, or transfer; and any such person shall, concurrently with such discontinuance, sale, or transfer, make a report ~~and~~, pay all such taxes, interest, and penalties. The person shall immediately destroy the fuel tax decals and notify the department by letter of such destruction and of the number of the fuel tax decals that have been destroyed, and surrender to the department the registration issued to such person.

Section 12. Subsections (1) and (3) of section 207.023, Florida Statutes, are amended to read:

207.023 Authority to inspect vehicles, make arrests, seize property, and execute warrants.—

(1) As a part of their responsibility when inspecting qualified motor ~~commercial~~ vehicles, the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, and the Department of Transportation shall ensure that all vehicles are properly qualified under ~~the provisions of~~ this chapter.

(3) Qualified Commercial ~~Commercial~~ motor vehicles owned or operated by any motor carrier who refuses to comply with this chapter may be seized by authorized agents or employees of the Department of Highway Safety and Motor Vehicles, the Department of Agriculture and Consumer Services, or the Department of Transportation; or authorized agents and employees of any of these departments also may seize property as set out in ss. 206.205, 206.21, and 206.215. Upon such seizure, the property must ~~shall~~ be surrendered without delay to the sheriff of the county where the

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property was seized for further proceedings.

Section 13. Subsections (1) and (6) of section 207.0281, Florida Statutes, are amended to read:

207.0281 Registration; cooperative reciprocal agreements between states.—

(1) The Department of Highway Safety and Motor Vehicles may enter into a cooperative reciprocal agreement, including, but not limited to, the International Fuel Tax ~~fuel-tax~~ Agreement, with another state or group of states for the administration of the tax imposed by this chapter. An agreement arrangement, declaration, or amendment is not effective until stated in writing and filed with the Department of Highway Safety and Motor Vehicles.

(6) This section and the contents of any reciprocal agreement entered into under this section supersede all other fuel-tax requirements of this chapter for qualified ~~commercial~~ motor vehicles.

Section 14. Paragraph (aa) of subsection (7) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means,

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including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(aa) *Certain commercial vehicles.*—Also exempt is the sale, lease, or rental of a qualified commercial motor vehicle as defined in s. 207.002, when the following conditions are met:

1. The sale, lease, or rental occurs between two commonly owned and controlled corporations;
2. Such vehicle was titled and registered in this state at the time of the sale, lease, or rental; and
3. Florida sales tax was paid on the acquisition of such vehicle by the seller, lessor, or renter.

Section 15. Subsection (1) of section 316.065, Florida Statutes, is amended to read:

316.065 Crashes; reports; penalties.—

(1) The driver of a vehicle involved in a crash resulting in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least \$2,000 must

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~~\$500 shall~~ immediately by the quickest means of communication give notice of the crash to the local police department, if such crash occurs within a municipality; otherwise, to the office of the county sheriff or the nearest office or station of the Florida Highway Patrol. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 16. Paragraph (a) of subsection (1) of section 318.15, Florida Statutes, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to enter into or comply with the terms of a penalty payment plan with the clerk of the court in accordance with ss. 318.14 and 28.246, fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court must notify the Department of Highway Safety and Motor Vehicles of such failure within 10 days after such failure. Upon receipt of such notice, the department must immediately issue an order suspending the driver license and privilege to drive of such person effective 20 days after the date the order of suspension is provided mailed in accordance with s. 322.251(1), (2), and (6). The order also must inform the person that he or she may contact the clerk of the court to establish a payment plan pursuant to s. 28.246(4) to make partial payments for court-related fines, fees, service charges, and court costs. Any such suspension of the driving privilege which has not been reinstated, including a similar suspension imposed outside of

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this state, must remain on the records of the department for a period of 7 years from the date imposed and must be removed from the records after the expiration of 7 years from the date it is imposed. The department may not accept the resubmission of such suspension.

Section 17. Subsection (2) and paragraph (e) of subsection (5) of section 320.02, Florida Statutes, are amended to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration must include the street address of the owner's permanent Florida residence or the address of his or her permanent place of business in this state and be accompanied by personal or business identification information. If the vehicle is registered to a servicemember, as defined in s. 322.57(4)(a), of the United States Armed Forces who is a Florida resident, the servicemember is not required to provide the street address of a permanent Florida residence.

(b) An individual applicant must provide proof of address satisfactory to the department and:

1. A valid REAL ID driver's ~~driver~~ license or identification card issued by this state or another state; ~~or~~

2. A valid, unexpired United States passport; or

3. A valid, unexpired passport issued by another country and an unexpired Form I-94 issued by United States Customs and Border Protection.

For purposes of this paragraph, the term "REAL ID driver's license or identification card" has the same meaning as provided in 6 C.F.R. s. 37.3.

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(c) A business applicant must provide a federal employer identification number, if applicable, or verification that the business is authorized to conduct business in this the state, or a Florida municipal or county business license or number.

~~1. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application must include:~~

~~a. If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.~~

~~b. If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.~~

~~2. If the vehicle is registered to an active duty member of the Armed Forces of the United States who is a Florida resident, the active duty member is exempt from the requirement to provide the street address of a permanent residence.~~

(d) ~~(b)~~ The department shall prescribe a form upon which motor vehicle owners may record odometer readings when registering their motor vehicles.

(5)

(e) Upon the expiration date noted in the cancellation notice that the department receives from the insurer, the department shall suspend the registration, issued under this chapter, or the license issued under s. 207.004(1), of a motor carrier who operates a commercial motor vehicle or who permits it to be operated in this state during the registration or

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639 license period without having in full force liability insurance,
 640 a surety bond, or a valid self-insurance certificate that
 641 complies with this section. The insurer shall provide notice to
 642 the department at the same time the cancellation notice is
 643 provided to the insured pursuant to s. 627.7281. The department
 644 may adopt rules regarding the electronic submission of the
 645 cancellation notice.

646 Section 18. Subsection (2) of section 320.95, Florida
 647 Statutes, is amended to read:

648 320.95 Transactions by electronic or telephonic means.—

649 (2) The department may collect e-mail ~~electronic mail~~
 650 addresses and use e-mail ~~electronic mail~~ in lieu of the United
 651 States Postal Service as a method of notification ~~for the~~
 652 ~~purpose of providing renewal notices.~~

653 Section 19. Subsection (44) of section 322.01, Florida
 654 Statutes, is amended to read:

655 322.01 Definitions.—As used in this chapter:

656 (44) "Tank vehicle" means a vehicle ~~that is~~ designed to
 657 transport any liquid or gaseous material within one or more
 658 tanks that have an individual rated capacity that exceeds 119
 659 gallons and an aggregate rated capacity of 1,000 gallons or more
 660 and that are a tank either permanently or temporarily attached
 661 to the vehicle or chassis. A commercial motor vehicle
 662 transporting an empty tank that is not designed for
 663 transportation, but that is temporarily attached to a flatbed
 664 trailer, is not a tank vehicle, if such tank has a designed
 665 capacity of 1,000 gallons or more.

666 Section 20. Subsection (10) of section 322.08, Florida
 667 Statutes, is amended to read:

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668 322.08 Application for license; requirements for license
 669 and identification card forms.—

670 (10) The department may collect e-mail ~~electronic mail~~
 671 addresses and use e-mail ~~electronic mail~~ in lieu of the United
 672 States Postal Service as a method of notification ~~for the~~
 673 ~~purpose of providing renewal notices.~~

674 Section 21. Paragraph (a) of subsection (8) of section
 675 322.18, Florida Statutes, is amended to read:

676 322.18 Original applications, licenses, and renewals;
 677 expiration of licenses; delinquent licenses.—

678 (8) The department shall issue 8-year renewals using a
 679 convenience service without reexamination to drivers who have
 680 not attained 80 years of age. The department shall issue 6-year
 681 renewals using a convenience service when the applicant has
 682 satisfied the requirements of subsection (5).

683 (a) If the department determines from its records that the
 684 holder of a license about to expire is eligible for renewal, the
 685 department must ~~shall~~ mail a renewal notice to the licensee at
 686 his or her last known address or provide a renewal notice to the
 687 licensee by e-mail notification, not less than 30 days before
 688 ~~prior to~~ the licensee's birthday. The renewal notice must ~~shall~~
 689 direct the licensee to appear at a driver license office for in-
 690 person renewal or to transmit the completed renewal notice and
 691 the fees required by s. 322.21 to the department using a
 692 convenience service.

693 Section 22. Subsection (4) of section 322.21, Florida
 694 Statutes, is amended to read:

695 322.21 License fees; procedure for handling and collecting
 696 fees.—

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697 (4) If the department determines from its records or is
 698 otherwise satisfied that the holder of a license about to expire
 699 is entitled to have it renewed, the department ~~must shall~~ mail a
 700 renewal notice to the licensee at his or her last known address
 701 or provide a renewal notice to the licensee by e-mail
 702 notification, within 30 days before the licensee's birthday. The
 703 licensee ~~must shall~~ be issued a renewal license, after
 704 reexamination, if required, during the 30 days immediately
 705 preceding his or her birthday upon presenting a renewal notice,
 706 his or her current license, and the fee for renewal to the
 707 department at any driver license examining office.

708 Section 23. Subsections (1), (2), (3), and (6) of section
 709 322.251, Florida Statutes, are amended to read:

710 322.251 Notice of cancellation, suspension, revocation, or
 711 disqualification of license.—

712 (1) All orders of cancellation, suspension, revocation, or
 713 disqualification issued under ~~the provisions of~~ this chapter,
 714 chapter 318, chapter 324, or ss. 627.732-627.734 ~~must shall~~ be
 715 given ~~either~~ by personal delivery thereof to the licensee whose
 716 license is being canceled, suspended, revoked, or disqualified;
 717 ~~or~~ by deposit in the United States mail in an envelope, first
 718 class, postage prepaid, addressed to the licensee at his or her
 719 last known mailing address furnished to the department; or by e-
 720 mail notification authorized by the licensee. Such methods of
 721 notification ~~mailing~~ by the department constitute notice
 722 ~~constitutes notification~~, and any failure by the person to
 723 receive the mailed order does will not affect or stay the
 724 effective date or term of the cancellation, suspension,
 725 revocation, or disqualification of the licensee's driving

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726 privilege.

727 (2) The giving of notice and an order of cancellation,
 728 suspension, revocation, or disqualification ~~by mail~~ is complete
 729 upon expiration of 20 days after e-mail notification or, if
 730 mailed, 20 days after deposit in the United States mail for all
 731 notices except those issued under chapter 324 or ss. 627.732-
 732 627.734, which are complete 15 days after e-mail notification
 733 or, if mailed, 15 days after deposit in the United States mail.
 734 Proof of the giving of notice and an order of cancellation,
 735 suspension, revocation, or disqualification in such either
 736 manner ~~must shall~~ be made by entry in the records of the
 737 department that such notice was given. The entry is admissible
 738 in the courts of this state and constitutes sufficient proof
 739 that such notice was given.

740 (3) Whenever the driving privilege is suspended, revoked,
 741 or disqualified under ~~the provisions of~~ this chapter, the period
 742 of such suspension, revocation, or disqualification ~~must shall~~
 743 be indicated on the order of suspension, revocation, or
 744 disqualification, and the department shall require the licensee
 745 whose driving privilege is suspended, revoked, or disqualified
 746 to surrender all licenses then held by him or her to the
 747 department. However, ~~if should~~ the person ~~fails fail~~ to
 748 surrender such licenses, the suspension, revocation, or
 749 disqualification period ~~does shall~~ not expire until a period
 750 identical to the period for which the driving privilege was
 751 suspended, revoked, or disqualified has expired after the date
 752 of surrender of the licenses, or the date an affidavit swearing
 753 such licenses are lost has been filed with the department. In
 754 any instance where notice of the suspension, revocation, or

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disqualification order is given ~~mailed~~ as provided herein, and the license is not surrendered to the department, and such license thereafter expires, the department ~~may shall~~ not renew that license until a period of time identical to the period of such suspension, revocation, or disqualification imposed has expired.

(6) Whenever a cancellation, suspension, revocation, or disqualification occurs, the department shall enter the cancellation, suspension, revocation, or disqualification order on the licensee's driver file 20 days after e-mail notification or, if mailed, 20 days after the notice was actually placed in the mail. Any inquiry into the file after the 20-day period must ~~shall~~ reveal whether ~~that~~ the license is canceled, suspended, revoked, or disqualified and whether the license has been received by the department.

Section 24. Subsection (4) of section 322.2616, Florida Statutes, is amended to read:

322.2616 Suspension of license; persons under 21 years of age; right to review.—

(4) If the department finds that the license of the person should be suspended under this section and if the notice of suspension has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (2), the department must ~~shall~~ issue a notice of suspension and, unless the notice is provided ~~mailed~~ under s. 322.251, a temporary driving permit that expires 10 days after the date of issuance if the driver is otherwise eligible.

Section 25. Subsection (3) of section 322.64, Florida Statutes, is amended to read:

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322.64 Holder of commercial driver license; persons operating a commercial motor vehicle; driving with unlawful blood-alcohol level; refusal to submit to breath, urine, or blood test.—

(3) If the department determines that the person arrested should be disqualified from operating a commercial motor vehicle pursuant to this section and if the notice of disqualification has not already been served upon the person by a law enforcement officer or correctional officer as provided in subsection (1), the department must ~~shall~~ issue a notice of disqualification and, unless the notice is provided ~~mailed~~ pursuant to s. 322.251, a temporary permit which expires 10 days after the date of issuance if the driver is otherwise eligible.

Section 26. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance or motor vehicle liability insurance within 14 days after the date of providing ~~the mailing of~~ notice of crash by the department in the form and manner as it may designate. Upon receipt of evidence that an automobile liability policy or motor vehicle liability policy was in effect at the time of the crash or conviction case, the department shall forward to the insurer such information for verification in a method as determined by the department. The insurer shall respond to the department within 20 days after the notice whether or not such information is valid. If the department determines that an automobile liability policy or

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motor vehicle liability policy was not in effect and did not provide coverage for both the owner and the operator, it must ~~shall~~ take action as it is authorized to do under this chapter.

Section 27. Paragraph (c) of subsection (1) of section 324.171, Florida Statutes, is amended to read:

324.171 Self-insurer.—

(1) Any person may qualify as a self-insurer by obtaining a certificate of self-insurance from the department which may, in its discretion and upon application of such a person, issue said certificate of self-insurance when such person has satisfied the requirements of this section to qualify as a self-insurer under this section:

(c) The owner of a commercial motor vehicle, as defined in ~~s. 207.002 or~~ s. 320.01, or a qualified motor vehicle, as defined in s. 207.002, may qualify as a self-insurer subject to the standards provided for in subparagraph (b)2.

Section 28. Subsection (3) of section 328.30, Florida Statutes, is amended to read:

328.30 Transactions by electronic or telephonic means.—

(3) The department may collect e-mail ~~electronic mail~~ addresses and use e-mail ~~electronic mail~~ in lieu of the United States Postal Service as a method of notification for the purpose of providing renewal notices.

Section 29. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial or qualified motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in ~~s. 207.002 or~~ s. 320.01, and qualified motor vehicles, as defined in s. 207.002, operated upon the roads and

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highways of this state must ~~shall~~ be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Fifty thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle or qualified motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles and qualified motor vehicles subject to regulations of the United States Department of Transportation, 49 C.F.R. part 387, subparts A and B, and as may be hereinafter amended, must ~~shall~~ be insured in an amount equivalent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 30. Paragraph (b) of subsection (4) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(4)

(b) In addition to the penalty provided for in paragraph

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871 (a), the vehicle may be detained until the owner or operator of
872 the vehicle furnishes evidence that the vehicle has been
873 properly registered pursuant to s. 207.004. Any officer of the
874 Florida Highway Patrol or agent of the Department of
875 Transportation may issue a temporary fuel-use ~~fuel-use~~ permit
876 and collect the appropriate fee as provided for in s. 207.004(5)
877 ~~s. 207.004(4)~~. Notwithstanding the provisions of subsection (6),
878 all permit fees collected pursuant to this paragraph shall be
879 transferred to the Department of Highway Safety and Motor
880 Vehicles to be allocated pursuant to s. 207.026.

881 Section 31. Paragraph (b) of subsection (1) of section
882 319.35, Florida Statutes, is amended to read:

883 319.35 Unlawful acts in connection with motor vehicle
884 odometer readings; penalties.—

885 (1)

886 (b) It is unlawful for any person to knowingly provide
887 false information on the odometer readings required pursuant to
888 ss. 319.23(3) and 320.02(2)(d) ~~ss. 319.23(3) and 320.02(2)(b)~~.

889 Section 32. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

2/5/20

Meeting Date

FISCAL POLICY

Committee

488

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to
Senate professional staff conducting the meeting

Name WILLIAM B. SMITH

Phone 305-333-4344

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Street

Email WSMITH@FLPBA

TALLAHASSEE FL 32301
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 490

INTRODUCER: Senator Massullo

SUBJECT: Public Records/E-mail Addresses Collected by the Department of Highway Safety for Providing Renewal Notices

DATE: February 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	Favorable
2.	Wells	Nortelus	ATD	Favorable
3.	Shutes	Siples	FP	Favorable

I. Summary:

SB 490 expands the exemption from public records for email addresses collected by the Department of Highway Safety and Motor Vehicles (DHSMV) to include email addresses to be used as a method of general notification to customers. The bill also creates a public record exemption for email addresses collected by the DHSMV and used for purposes of renewal notices for vessel titles and liens.

A public necessity statement is included in the bill as required by the Florida Constitution.

The bill is subject to the Open Government Sunset Review Act and the new exemption will be repealed on October 2, 2031, unless reviewed and reenacted by the Legislature.

Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each chamber of the Legislature is required for passage.

The bill takes effect on the same date that SB 488 or similar legislation takes effect (July 1, 2026), if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

The bill has no fiscal impact on state resources or expenditures. **See Section V. Fiscal Impact Statement.**

II. Present Situation:

Access to Public Records - Generally

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.¹ The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.²

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and the statutory provisions are adopted in the rules of each chamber of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., provides requirements for public records held by executive agencies.

Executive Agency Records – The Public Records Act

Chapter 119, F.S., known as the Public Records Act, provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.⁶ The Florida Supreme Court has interpreted the statutory definition of “public record” to include “material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type.”⁷

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate* (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives* (2020-2022)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

⁶ Section 119.011(12), F.S., defines “public record” to mean “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.”

⁷ *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

custodian of the public record.⁸ A violation of the Public Records Act may result in civil or criminal liability.⁹

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.¹⁰ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹¹

General exemptions from the public records requirements are contained in the Public Records Act.¹² Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹³

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” Custodians of records designated as “exempt” are not prohibited from disclosing the record; rather, the exemption means that the custodian cannot be compelled to disclose the record.¹⁴ Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.¹⁵

Open Government Sunset Review Act

The Open Government Sunset Review Act¹⁶ (the Act) prescribes a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹⁹

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰

⁸ Section 119.07(1)(a), F.S.

⁹ Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

¹⁰ FLA. CONST. art. I, s. 24(c).

¹¹ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹² *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹³ *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹⁴ *See Williams v. City of Minneola*, 575 So. 2d 683, 687 (Fla. 5th DCA 1991).

¹⁵ *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provide that exemptions that are required by federal law or are applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to carefully question the purpose and necessity of the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.²⁶

Existing Public Record Exemptions for DHSMV-Related Email Addresses

Section 119.0712(2)(c), F.S., provides that email addresses collected by the DHSMV pursuant to specified provisions of law are exempt from public disclosure. Specifically, email addresses associated with the following types of transactions are exempt:

- Motor vehicle title notifications.²⁷
- Motor vehicle registration renewals.²⁸
- Driver license renewal notices.²⁹

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

²⁵ See generally s. 119.15, F.S.

²⁶ Section 119.15(7), F.S.

²⁷ Section 319.40(3), F.S.

²⁸ Section 320.95(2), F.S.

²⁹ Section 322.08(10), F.S.

SB 488 – Department of Highway Safety and Motor Vehicles

SB 488 expands the circumstances in which email may be used in lieu of the United States Postal Service (currently limited to certain renewal notices) by authorizing email to be used as method of notification for various notices and orders issued by the DHSMV, including but not limited to, notices and orders related to driver licenses, identification cards, motor vehicle registrations, motor vehicle insurance and vessel titles.

III. Effect of Proposed Changes:

The bill amends s. 119.0712, F.S., to expand the exemption from public records for email addresses collected by the DHSMV to include email addresses to be used as a method of general notification, and not just renewal notices. The bill also creates a public records exemption for email addresses collected by the DHSMV and used for the purpose of providing renewal notices for vessel titles.

The bill is subject to the Open Government Sunset Review Act and the exemptions will be repealed on October 2, 2031, unless reviewed and reenacted by the Legislature. Because this bill creates a new public records exemption, a two-thirds vote of the members present and voting in each chamber of the Legislature is required for passage.

The bill contains a public necessity statement as required by the Florida Constitution. It provides that the Legislature finds that:

- It is a public necessity that e-mail addresses collected by the Department of Highway Safety and Motor Vehicles for the use of e-mail in lieu of the United States Postal Service as a method of notification be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Sections 320.95(2) and 322.08(10), Florida Statutes, authorize the department to collect e-mail addresses and use e-mail in lieu of the United States Postal Service to provide renewal notices related to motor vehicle license plates, driver licenses, and identification cards. The department is also authorized to collect e-mail addresses and use e-mail to provide renewal notices related to vessel registrations pursuant to s. 328.30(3), Florida Statutes.
- SB 488 expands the circumstances in which e-mail may be used in lieu of the United States Postal Service by authorizing e-mail to be used as a method of general notification for various notices and orders issued by the department in addition to renewal notices, including, but not limited to, notices related to driver licenses, identification cards, motor vehicle registrations, vessel registrations, and orders to revoke, cancel, or suspend driver licenses.
- The department's use of e-mail as a method for corresponding with customers has steadily increased in recent decades. E-mail addresses are unique to each individual and, when combined with other personal identifying information, can be used for identity theft, consumer scams, unwanted solicitations, or other invasive contacts. The public availability of personal e-mail addresses puts the department's customers at increased risk of these problems. Such risks may be significantly limited by permitting the department to keep customer e-mail addresses exempt. The Legislature finds that these risks to consumers outweigh the state's public policy favoring open government.

The bill is effective on the same date that SB 488 or similar legislation takes effect (July 1, 2026), if such legislation is adopted in the same legislative session or an extension thereof and becomes a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill expands the exemption from public records for email addresses collected by the DHSMV for providing renewal notices to include email addresses to be used as a method of general notification. The bill also creates a public records exemption for email addresses collected by the DHSMV and used for the purpose of providing renewal notices for vessel titles. Thus, the bill requires a two-thirds vote to be enacted.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law.

The purpose of the law is to protect email addresses held by the DHSMV for purposes of providing various general notifications, notices, orders and instructions to customers. This bill exempts only that specific information. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Not applicable.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.0712 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Massullo

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1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 119.0712, F.S.; expanding an exemption from public
 4 records requirements for e-mail addresses collected by
 5 the Department of Highway Safety and Motor Vehicles
 6 for providing renewal notices to include e-mail
 7 addresses collected for use as a method of
 8 notification generally and not only for the purpose of
 9 providing renewal notices; expanding the exemption to
 10 include e-mail addresses collected for use as a method
 11 of notification related to vessel registrations;
 12 providing retroactive applicability; providing for
 13 future legislative review and repeal of the exemption;
 14 providing a statement of public necessity; providing a
 15 contingent effective date.
 16
 17 Be It Enacted by the Legislature of the State of Florida:
 18
 19 Section 1. Paragraph (c) of subsection (2) of section
 20 119.0712, Florida Statutes, is amended to read:
 21 119.0712 Executive branch agency-specific exemptions from
 22 inspection or copying of public records.—
 23 (2) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—
 24 (c) E-mail addresses collected by the Department of Highway
 25 Safety and Motor Vehicles pursuant to s. 319.40(3), s.
 26 320.95(2), ~~s. 322.08(10)~~, or s. 328.30 are exempt from s.
 27 119.07(1) and s. 24(a), Art. I of the State Constitution. This
 28 exemption applies retroactively. This paragraph is subject to
 29 the Open Government Sunset Review Act in accordance with s.

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30 119.15 and shall stand repealed on October 2, 2031, unless
 31 reviewed and saved from repeal through reenactment by the
 32 Legislature.
 33 Section 2. The Legislature finds that it is a public
 34 necessity that e-mail addresses collected by the Department of
 35 Highway Safety and Motor Vehicles for the use of e-mail in lieu
 36 of the United States Postal Service as a method of notification
 37 be made exempt from s. 119.07(1), Florida Statutes, and s.
 38 24(a), Article I of the State Constitution. Sections 320.95(2)
 39 and 322.08(10), Florida Statutes, authorize the department to
 40 collect e-mail addresses and use e-mail in lieu of the United
 41 States Postal Service to provide renewal notices related to
 42 motor vehicle license plates, driver licenses, and
 43 identification cards. The department is also authorized to
 44 collect e-mail addresses and use e-mail to provide renewal
 45 notices related to vessel registrations pursuant to s.
 46 328.30(3), Florida Statutes. SB 488 expands the circumstances in
 47 which e-mail may be used in lieu of the United States Postal
 48 Service by authorizing e-mail to be used as a method of
 49 notification for various notices and orders issued by the
 50 department in addition to renewal notices, including, but not
 51 limited to, notices related to driver licenses, identification
 52 cards, motor vehicle registrations, vessel registrations, and
 53 orders to revoke, cancel, or suspend driver licenses. The
 54 department's use of e-mail as a method for corresponding with
 55 customers has steadily increased in recent decades. E-mail
 56 addresses are unique to each individual and, when combined with
 57 other personal identifying information, can be used for identity
 58 theft, consumer scams, unwanted solicitations, or other invasive

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59 contacts. The public availability of personal e-mail addresses
60 puts the department's customers at increased risk of these
61 problems. Such risks may be significantly limited by permitting
62 the department to keep customer e-mail addresses exempt. The
63 Legislature finds that these risks to consumers outweigh the
64 state's public policy favoring open government.

65 Section 3. This act shall take effect on the same date that
66 SB 488 or similar legislation takes effect, if such legislation
67 is adopted in the same legislative session or an extension
68 thereof and becomes a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 524

INTRODUCER: Senator Simon

SUBJECT: Department of Law Enforcement

DATE: February 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	Favorable
2.	Kolich	Harkness	ACJ	Favorable
3.	Vaughan	Siples	FP	Pre-meeting

I. Summary:

SB 524 amends s. 406.02, F.S., to revise appointments and reappointments to the Medical Examiners Commission. The bill specifies that individuals appointed or reappointed by the Governor remain active until resignation, disqualification or a new member is appointed by the Governor.

Additionally, the Medical Examiners Commission must approve the appointment of district medical examiners by a majority vote to fill vacancies.

The bill amends s. 406.06, F.S., to transfer the authority to appoint district medical examiners from the Governor to the Medical Examiners Commission.

The bill amends s. 943.11, F.S., to specify that Criminal Justice Standards and Training Commission (CJSTC) must act independently of any criminal justice agency. The Criminal Justice Professionalism Program is required to provide staff support for the commission.

The bill amends s. 943.1395, F.S., to revise the notification process for serving administrative complaints on a certified law enforcement, correctional, and correctional probation officer or instructor. The CJSTC staff must attempt notification via certified mail and via email, if possible. If proof of service is not provided, staff will attempt contact utilizing the last known telephone number and a notice to the licensee posted on the front page of the CJSTC's website.

The bill amends various sections of ch. 943, F.S., to provide that law enforcement officer curriculum is established by the CJSTC not the FDLE.

The bill does not have a fiscal impact on state government. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

The FDLE provides statewide leadership, coordination, and administrative support for key public safety oversight bodies. The FDLE staffs and supports the CJSTC, which sets minimum employment and training standards for law enforcement, correctional, and correctional probation officers; administers certification and decertification processes; and oversees officer training curricula and compliance. The FDLE also staffs and supports the Medical Examiners Commission, which oversees Florida's district medical examiner system, promotes consistent medicolegal death investigation practices, and ensures statewide standards and accountability for death investigations.

Medical Examiners

Florida medical examiners are local district officers appointed by the Governor to one of 25 medical examiner districts under ch. 406, F.S.¹ The Medical Examiners Act was enacted by the 1970 Legislature in order to establish minimum and uniform standards of excellence in statewide medical examiner services.²

Medical Examiners Commission

Medical examiners are governed by the Medical Examiners Commission, which is administratively housed within the FDLE. The commission consists of nine members who serve four-year terms and are selected as follows:

- Two physicians licensed pursuant to ch. 458, F.S., or ch. 459, F.S., and who are active district medical examiners (appointed by the Governor);
- One member who is a funeral director licensed pursuant to ch. 497, F.S., (appointed by the Governor);
- One state attorney (appointed by the Governor);
- One public defender (appointed by the Governor);
- One sheriff (appointed by the Governor); and
- One county commissioner (appointed by the Governor)
- The Attorney General or her or his designated representative.
- The State Surgeon General or her or his designated representative.³

Upon the expiration of the terms of office, the Governor must appoint two members for terms of 4 years, two members for terms of 3 years, two members for terms of 2 years, and one member for a term of 1 year. An appointment to fill a vacancy must be for the unexpired portion of the term.

¹ Section 406.06, F.S.

² Florida Department of Law Enforcement, *Medical Examiners Commission*, available at <https://www.fdle.state.fl.us/MEC/MEC-Home> (last visited January 15, 2026).

³ Section 406.02, F.S.

District medical examiners

District medical examiners are appointed by the Governor for each medical examiner district from nominees who are practicing physicians in pathology, whose nominations are submitted to the Governor by the Medical Examiners Commission. The term of office of each district medical examiner is 3 years. An appointment to fill a vacancy must be for the unexpired portion of the term.⁴ Current law requires district medical examiners to determine the cause of death in certain circumstances and to make any investigations, examinations, and autopsies necessary to make that determination as he or she shall deem necessary or as requested by the state attorney.⁵

Criminal Justice Standards and Training Commission (CJSTC)

The CJSTC is established under s. 943.11, F.S. The CJSTC is an independent policy making body that ensures that Florida's criminal justice officers are ethical, qualified, and well-trained. The CJSTC is responsible for creating entry-level curricula and certification testing for criminal justice officers in Florida, establishing minimum standards for employment and certification, and revoking the certification of officers who fail to maintain these minimum standards of conduct.⁶

An individual must be at least 19 years of age to become a certified law enforcement officer or a certified correctional probation officer and must be at least 18 years of age to become a certified correctional officer. Additionally, the individual must be a citizen of the United States, may not have been convicted of a felony or received a dishonorable discharge from the military, must pass a physical exam, and have good moral character as determined by a background investigation. Certification as a law enforcement officer or correctional officer requires a high school diploma or equivalent (GED). Certification as a correctional probation officer requires a bachelor's degree.^{7,8}

Investigations of Law Enforcement Officers

The CJSTC may initiate disciplinary action against a certified officer when there is a finding that the officer has failed to maintain compliance with statutory requirements, including good moral character standards⁹ or other grounds for revocation.¹⁰ An administrative complaint can be served after the CJSTC completes its investigation and a probable cause panel determines that sufficient grounds exist to proceed. The CJSTC is authorized to impose penalties such as revocation, suspension, probation, retraining, or reprimand in accordance with disciplinary guidelines adopted by rule.

Every law enforcement agency and correctional agency must establish and put into operation a system for the receipt, investigation, and determination of complaints received from any person.

⁴ Section 406.06, F.S.

⁵ Section 406.11, F.S.

⁶ Florida Department of Law Enforcement, Criminal Justice Professionalism Division, *Overview of the Professionalism Division*, <https://www.fdle.state.fl.us/CJSTC/Overview.aspx> (last visited January 15, 2026).

⁷ Florida Department of Law Enforcement, *Criminal Justice Professionalism Services Officer Requirements How To Become a Certified Officer in Florida*, <https://www.fdle.state.fl.us/cjstc/officer-requirements/how-to-become-an-officer> (last visited January 15, 2026).

⁸ Section 943.1395, F.S.

⁹ Section 943.1395(7), F.S.

¹⁰ Section 943.13(4), F.S.

This must be the procedure for investigating a complaint against a law enforcement and correctional officer determining whether to proceed with disciplinary action or to file disciplinary charges.¹¹ When law enforcement or correctional agency personnel prepare an investigative report or summary, the person preparing the report must, at the time the report is completed verify that the contents are true and accurate based on the person's personal knowledge, information, and belief and include a specific statement.^{12, 13}

Officer Bill of Rights

Law enforcement officers' and correctional officers' rights are outlined in the Florida Statutes, these are commonly referred to as, "law enforcement officers' bill of rights."^{14,15} Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:

- The interrogation must be conducted at a reasonable hour;
- The interrogation must take place either at the office of the command of the investigating officer or at the local precinct, police unit, or correctional unit in which the incident allegedly occurred;
- The officer under investigation must be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation must be asked by or through one interrogator during any one interrogation;
- The officer must be informed of the nature of the investigation before any interrogation begins, and must be informed of the names of all complainants;
- Interrogating sessions must be for reasonable periods and must be timed to allow for personal necessities and rest periods;
- The officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer questions;
- If the officer under interrogation is under arrest, or is likely to be placed under arrest, he or she must be completely informed of all his or her rights before commencing the interrogation; and
- At the request of the officer under investigation, he or she has the right to counsel, who must be present at all times during the interrogation.¹⁶

Under the bill of rights, a dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the

¹¹ Section s. 112.533, F.S.

¹² Section 112.533, F.S.

¹³ Section 112.533(4)(a)2., F.S. "I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

¹⁴ Section 112.532, F.S.

¹⁵ Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under certain conditions. Section 112.532, F.S.

¹⁶ Section 112.532(1), F.S.

law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.¹⁷ If the potential disciplinary action consists of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative must, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation must remain confidential until such time as the employing law enforcement agency makes a final determination whether to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.¹⁸

No law enforcement officer or correctional officer may be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 406.02, F.S., to revise appointments and reappointments to the Medical Examiners Commission. The bill specifies that individuals appointed or reappointed by the Governor remain active until resignation, disqualification or a new member is appointed by the Governor.

Additionally, the Medical Examiners Commission must approve the appointment of medical examiners by a majority vote to fill vacancies.

Section 2 amends s. 406.06, F.S., to transfer the authority to appoint district medical examiners from the Governor to the Medical Examiners Commission. A physician member of the Medical Examiners Commission is eligible to serve as a district medical examiner upon approval of the Medical Examiners Commission rather than approval of the Governor.

Section 3 amends s. 943.11, F.S., to specify that Criminal Justice Standards and Training Commission (CJSTC) must act independently of any criminal justice agency. The Criminal Justice Professionalism Program is required to provide staff support for the commission.

Section 4 amends s. 943.1395, F.S., to revise the notification process for serving administrative complaints on a certified law enforcement, correctional, and correctional probation officer or instructor. The commission staff must provide service by certified mail and, if possible, by email. If proof of service is not provided, staff must call the last known telephone number of record and must cause a short notice to the licensee to be posted on the front page of the commission's website.

¹⁷ Section 112.532(4)(a), F.S.

¹⁸ Section 112.532(4)(b), F.S.

¹⁹ Section 112.532(5), F.S.

Sections 5 through 8 amend ss. 943.1726, 943.17261, 943.1727, and 943.17299, F.S., respectively, to provide that specified law enforcement officer training is established by the CJSTC not the FDLE.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, s. 18, of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDLE advised the bill will not have a fiscal impact to state government.²⁰

VI. Technical Deficiencies:

None.

²⁰ Florida Department of Law Enforcement, *2026 Agency Analysis - SB 524 Department of Law Enforcement*, (on file with the Senate Committee on Criminal Justice).

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 406.02, 406.06, 943.11, 943.1395, 943.1726, 943.17261, 943.1727, and 943.17299.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Simon

3-00680-26

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1 A bill to be entitled
 2 An act relating to the Department of Law Enforcement;
 3 amending s. 406.02, F.S.; specifying the circumstances
 4 under which an appointment or reappointment to the
 5 Medical Examiners Commission is considered in force;
 6 requiring the commission to approve the appointment of
 7 district medical examiners by a majority vote to fill
 8 vacancies; amending s. 406.06, F.S.; requiring the
 9 commission, rather than the Governor, to appoint
 10 district medical examiners for each medical examiner
 11 district; specifying that upon approval by the
 12 commission, rather than by the Governor, a physician
 13 member of the commission is eligible to serve as a
 14 district medical examiner; amending s. 943.11, F.S.;
 15 requiring the Criminal Justice Professionalism Program
 16 to provide staff support to the Criminal Justice
 17 Standards and Training Commission; requiring the
 18 commission to act independently of any criminal
 19 justice agency; amending s. 943.1395, F.S.; requiring
 20 commission staff to provide service by certified mail
 21 to a certain licensee's last known address of record
 22 and, if possible, by e-mail; requiring commission
 23 staff to take specified action if the person providing
 24 service does not provide commission staff with proof
 25 of service; amending ss. 943.1726, 943.17261,
 26 943.1727, and 943.17299, F.S.; requiring the
 27 commission, rather than the Department of Law
 28 Enforcement, to establish or develop specified
 29 training components or courses; providing an effective

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30 date.
 31
 32 Be It Enacted by the Legislature of the State of Florida:
 33
 34 Section 1. Subsections (2) and (4) of section 406.02,
 35 Florida Statutes, are amended to read:
 36 406.02 Medical Examiners Commission; membership; terms;
 37 duties; staff.—
 38 (2) The term of office of the physicians appointed to the
 39 commission shall be 4 years. The term of office of the state
 40 attorney, public defender, sheriff, and county commissioner each
 41 shall be 4 years unless she or he leaves that office sooner, in
 42 which case her or his appointment will terminate. The term of
 43 office of the funeral director shall be 4 years. Upon the
 44 expiration of the present terms of office, the Governor shall
 45 appoint two members for terms of 4 years, two members for terms
 46 of 3 years, two members for terms of 2 years, and one member for
 47 a term of 1 year. An appointment to fill a vacancy shall be for
 48 the unexpired portion of the term. An appointment or
 49 reappointment is considered in force until the appointee
 50 resigns, the appointee is no longer qualified for the position,
 51 or the Governor appoints a new member.
 52 (4) The Medical Examiners Commission shall:
 53 (a) Initiate cooperative policies with any agency of the
 54 state or political subdivision thereof.
 55 (b) Approve the appointment of district medical examiners
 56 by a majority vote to fill vacancies.
 57 (c) Remove or suspend district medical examiners pursuant
 58 to this act and have the authority to investigate violations of

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59 this act.

60 ~~(d)(e)~~ Oversee the distribution of state funds for the
61 medical examiner districts and may make such agreements and
62 contracts, subject to approval of the executive director of the
63 Department of Law Enforcement, as may be necessary to effect the
64 provisions of this chapter.

65 Section 2. Subsection (1) of section 406.06, Florida
66 Statutes, is amended to read:

67 406.06 District medical examiners; associates; suspension
68 of medical examiners.—

69 (1) (a) ~~A district medical examiner shall be appointed by~~
70 The Medical Examiners Commission shall appoint a district
71 medical examiner, who must be a practicing physician in
72 pathology, Governor for each medical examiner district ~~from~~
73 ~~nominees who are practicing physicians in pathology, whose~~
74 ~~nominations are submitted to the Governor by the Medical~~
75 ~~Examiners Commission.~~ The term of office of each district
76 medical examiner shall be 3 years. An appointment to fill a
77 vacancy shall be for the unexpired portion of the term.

78 (b) A physician member of the Medical Examiners Commission
79 ~~is shall be~~ eligible to serve as a district medical examiner
80 upon approval by the Medical Examiners Commission Governor.

81 Section 3. Paragraph (a) of subsection (1) of section
82 943.11, Florida Statutes, is amended to read:

83 943.11 Criminal Justice Standards and Training Commission;
84 membership; meetings; compensation.—

85 (1) (a) There is created a Criminal Justice Standards and
86 Training Commission within the Department of Law Enforcement.
87 The Criminal Justice Professionalism Program shall provide staff

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88 support to the commission as authorized in s. 943.09; however,
89 the commission must act independently of any criminal justice
90 agency. The commission shall be composed of 19 members,
91 consisting of the Secretary of Corrections or a designated
92 assistant; the Attorney General or a designee; the Director of
93 the Division of the Florida Highway Patrol; and 16 members
94 appointed by the Governor, consisting of 3 sheriffs; 3 chiefs of
95 police; 5 law enforcement officers who are of the rank of
96 sergeant or below within the employing agency; 2 correctional
97 officers, 1 of whom is an administrator of a state correctional
98 institution and 1 of whom is of the rank of sergeant or below
99 within the employing agency; 1 training center director; 1
100 person who is in charge of a county correctional institution;
101 and 1 resident of the state who falls into none of the foregoing
102 classifications. Prior to the appointment, the sheriff, chief of
103 police, law enforcement officer, and correctional officer
104 members must have had at least 4 years' experience as law
105 enforcement officers or correctional officers.

106 Section 4. Present subsection (10) of section 943.1395,
107 Florida Statutes, is redesignated as subsection (11), and a new
108 subsection (10) is added to that section, to read:

109 943.1395 Certification for employment or appointment;
110 concurrent certification; reemployment or reappointment;
111 inactive status; revocation; suspension; investigation.—

112 (10) Notwithstanding s. 120.60(5), if an administrative
113 complaint is served on a certified law enforcement officer, a
114 correctional officer, a correctional probation officer, or an
115 instructor, commission staff must provide service by certified
116 mail to the licensee's last known address of record and, if

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possible, by e-mail. If the person providing service does not provide commission staff with proof of service, commission staff must call the last known telephone number of record and cause a short, plain notice to the licensee to be posted on the front page of the commission's website.

Section 5. Section 943.1726, Florida Statutes, is amended to read:

943.1726 Continued employment training relating to diabetic emergencies.—The commission ~~department~~ shall establish an online continued employment training component relating to diabetic emergencies. The training component shall include, but need not be limited to, instruction on the recognition of symptoms of such an emergency, distinguishing such an emergency from alcohol intoxication or drug overdose, and appropriate first aid for such an emergency. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135.

Section 6. Section 943.17261, Florida Statutes, is amended to read:

943.17261 ~~Department of Law Enforcement,~~ Training related to medical use of marijuana.—The commission ~~Department of Law Enforcement~~ shall develop a 4-hour online initial training course, and a 2-hour online continuing education course, which shall be made available for use by all law enforcement agencies in this state. Such training shall cover the legal parameters of marijuana-related activities governed by ss. 381.986 and 381.988 relating to criminal laws governing marijuana.

Section 7. Section 943.1727, Florida Statutes, is amended

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to read:

943.1727 Continued employment training relating to autism spectrum disorder.—The commission ~~department~~ shall establish a continued employment training component relating to autism spectrum disorder as defined in s. 627.6686. The training component shall include, but need not be limited to, instruction on the recognition of the symptoms and characteristics of an individual on the autism disorder spectrum and appropriate responses to an individual exhibiting such symptoms and characteristics. Completion of the training component may count toward the 40 hours of instruction for continued employment or appointment as a law enforcement officer required under s. 943.135.

Section 8. Section 943.17299, Florida Statutes, is amended to read:

943.17299 Continued employment training relating to Alzheimer's disease and related forms of dementia.—The commission ~~department~~ shall establish an online, continued employment training component relating to Alzheimer's disease and related forms of dementia. The training component must be developed in consultation with the Department of Elder Affairs and must include, but need not be limited to, instruction on interacting with persons with Alzheimer's disease or a related form of dementia, including instruction on techniques for recognizing behavioral symptoms and characteristics, effective communication, employing the use of alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation. Completion of the training component may count toward the 40 hours of instruction for continued employment or

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175 appointment as a law enforcement officer, correctional officer,
176 or correctional probation officer required under s. 943.135.
177 Section 9. This act shall take effect July 1, 2026.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 584

INTRODUCER: Senators Avila and Yarborough

SUBJECT: Commercial Driving Schools

DATE: February 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Vickers	TR	Favorable
2.	Wells	Nortelus	ATD	Favorable
3.	Johnson	Siples	FP	Favorable

I. Summary:

SB 584 authorizes the Department of Highway Safety and Motor Vehicles (DHSMV) and county tax collectors to enter into interagency agreements authorizing county tax collectors to enforce statutory provisions related to commercial driving schools. The interagency agreement may include, but is not limited to, grants of authority to the county tax collector, or his or her agent, to do any of the following:

- Prohibit licensees operating commercial driving schools, and their agents, from entering upon the tax collector's premises except under specified circumstances.
- Prohibit conduct by licensees operating commercial driving schools, and their agents, which operates or would operate as a fraud or deceit.
- Prohibit any transaction, practice, or course of business related to a commercial driving school which undermines the driver license issuance process.
- Require persons licensed to operate commercial driving schools, and their agents, to present certain documents upon the demand of a law enforcement officer, a DHSMV employee, or an employee of the tax collector.
- Enter the premises of a commercial driving school to ensure compliance with laws regulating commercial driving schools.

The DHSMV may experience a reduction in costs associated with entering into these interagency agreements. County tax collectors entering into such agreements may incur indeterminate costs associated with enforcing commercial driving school regulations. See Section V., Fiscal Impact Statement for details.

This bill takes effect July 1, 2026.

II. Present Situation:

Commercial Driving Schools

Commercial driving schools provide education about driving skills, traffic laws, road safety, and substance abuse. Commercial driving schools also teach behind-the-wheel skills for driving non-commercial vehicles to prepare drivers to take the Class E skills test.^{1, 2}

Except for truck driving schools,³ the Department of Highway Safety and Motor Vehicles (DHSMV) oversees and licenses all commercial driving schools. A person or other entity may not operate a commercial driving school without first obtaining a license from DHSMV.⁴

An application for a license to become a commercial driving school is submitted to the DHSMV. If the DHSMV approves the application, and the license fee is paid, the DHSMV issues the appropriate license. A license for a commercial driving school is valid for one year from the date of issuance and is not transferable.⁵

Commercial Driving School Instructors and Agents

A person may not be compensated for giving instructions on operating motor vehicles or act as a driving school instructor without first obtaining an instructor's certificate from the DHSMV.⁶ An instructor's certificate is only valid in connection with the driving school or schools listed on the certificate or in connection with a driver education course offered by a district school board.⁷

Agents of Commercial Driving Schools – Identification Cards

A person may not serve as an agent for a commercial driving school without first obtaining an agent identification card from the DHSMV. An agent identification card is only valid in connection with the commercial driving school or schools listed on the card.⁸

Certification of Motor Vehicles Used by Commercial Driving Schools

A motor vehicle owned or controlled by a commercial driving school may not be used to give driving instructions until the licensee has obtained a school vehicle identification certificate from the DHSMV. Such vehicles must also meet the DHSMV's safety requirements.⁹

¹ Department of Highway Safety and Motor Vehicles (DHSMV), *Commercial Driving School Overview*, <https://www.flhsmv.gov/driver-licenses-id-cards/education-courses/commercial-driving-schools/> (last visited January 5, 2026).

² A Class E driver license authorizes a person to drive non-commercial vehicles with a Gross Vehicle Weight Rating of less than 26,001 pounds. DHSMV, *Driver License & ID Cards, General Information*, <https://www.flhsmv.gov/driver-licenses-id-cards/general-information/> (last visited January 5, 2026).

³ Truck driving schools are licensed by the Commission for Independent Education pursuant to ch. 1005, F.S.

⁴ Section 488.01, F.S. Section 488.02, F.S., provides DHSMV's rulemaking authority regarding commercial driving schools.

⁵ Section 488.03, F.S.

⁶ Section 488.04(1), F.S.

⁷ *Id.* An applicant for an instructor's certificate must take special eye tests, written tests, and road tests and provides DHSMV proof of his or her qualifications and ability as a driving instructor.

⁸ Section 488.045, F.S.

⁹ Section 488.05, F.S. Vehicle requirements for commercial driving schools are codified in Rule 15A-11.010(1), F.A.C.

Revocation or Suspension of License or Certificate Related to Commercial Driving Schools

The DHSMV may suspend or revoke any license or certificate related to commercial driving schools, if the holder of the license or certificate or an instructor, agent, or employee of the commercial driving school has:

- Violated statutory provisions relating to commercial driving schools;
- Been convicted of, pled no contest to, or had adjudication withheld for any felony offense or misdemeanor offense, as shown by a fingerprint-based criminal background check;¹⁰
- Committed any fraud or willful misrepresentation in applying for or obtaining a license; or
- Solicited business on any premises, including parking areas, used by the DHSMV or a tax collector for the purpose of licensing drivers.¹¹

Commercial Driving School Fees and Distribution

All fees the DHSMV receives related to commercial driving schools are deposited in the General Revenue Fund.¹² The statutory fees are as follows:

- Commercial Driving School Fees:
 - License application fee: \$50.
 - Initial license fee: \$200.
 - Annual license renewal fee: \$100.
- Instructor or Agent Fees:
 - Instructor or agent application fee: \$25.
 - Annual instructor or agent renewal fee: \$10.
 - Duplicate instructor certificate fee: \$2.
- Vehicle-Related Fees:
 - Vehicle identification certificate application fee: \$15.
 - Annual vehicle renewal fee: \$10.¹³

Penalties

A violation related to commercial driving or any of its implementing rules or regulations¹⁴ is a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding one year¹⁵ or a fine of up to \$1,000.^{16,17}

Application for a Class E Driver License

Florida law requires the DHSMV to examine every applicant for a driver's license. For a Class E driver license, the examination must include:

- A test of the applicant's eyesight;
- A test of the applicant's hearing;

¹⁰ The cost of the criminal background check borne by the applicant, instructor, agent, or employee.

¹¹ Section 488.06, F.S.

¹² Section 488.08, F.S.

¹³ These fees are codified in various provision of ch. 488, F.S.

¹⁴ DHSMV's rules for driver training schools are codified in ch. 15A-11, F.A.C.

¹⁵ Section 775.082(4)(a), F.S.

¹⁶ Section 775.083(1)(d), F.S.

¹⁷ Section 488.07, F.S.

- A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state; and
- An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.¹⁸

Duties of County Tax Collectors

Among their statutorily prescribed duties, county tax collectors serve as the DHSMV's agents for purposes of motor vehicle and vessel registrations and title applications and for this issuance of driver licenses. County tax collectors are funded from fees or commissions from services rendered.¹⁹ For example, the county tax collector charges a \$6.25 service fee for providing driver license and identification card services.²⁰

III. Effect of Proposed Changes:

Section 1 creates s. 488.09, F.S., authorizing the DHSMV to enter into interagency agreements with county tax collectors regarding the enforcement of statutory provisions related to commercial driving school. Such agreements will allow county tax collectors to enforce statutes related to commercial driving schools.

The interagency agreement may include, but is not limited to, grants of authority to the county tax collector, or his or her agent, to do any of the following:

- Prohibit licensees operating commercial driving schools, and their agents, from entering upon the tax collector's premises, including its parking areas, unless such licensees and agents are seeking tax collector services in their personal capacities.
- Prohibit any course of conduct by licensees operating commercial driving schools, and their agents, which operates or would operate as a fraud or deceit upon a person, the DHSMV, or the tax collector.
- Prohibit any transaction, practice, or course of business related to a commercial driving school which undermines the integrity of the driver license issuance process.
- Require persons licensed to operate commercial driving schools, and their agents, to present their licenses, agent identification cards, and certificates upon the demand of a law enforcement officer, a the DHSMV employee, or an employee of the tax collector.
- Enter the premises of a commercial driving school to ensure compliance with state and local laws regulating commercial driving schools.

Section 2 provides that this bill takes effect July 1, 2026.

¹⁸ Section 322.12(3), F.S. Beginning July 1, 2026, an applicant who is found to have cheated during, or to have otherwise circumvented, any portion of the examination must retake the examination. *See* s. 7 of 2025-125, Laws of Fla.

¹⁹ Alachua County Tax Collector, *Tax Collector Duties and Responsibilities*, <https://www.alachuacollector.com/tax-collector-duties-and-responsibilities/#:~:text=The%20Tax%20Collector%20is%20responsible.and%20tangible%20personal%20property%20taxes>. (Last visited January 5, 2026). Section 322.135, F.S., provides that tax collectors are DHSMV's agents for the purpose of issuing driver license.

²⁰ Section 322.135(1)(a), F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DSHMV may experience a reduction in costs associated with enforcing commercial driving school regulation; however, this reduction may be dependent upon how many interagency agreements it enters into, and the number of commercial driving schools impacted by such agreements.

County tax collectors that enter into interagency agreements with the DHSMV may incur indeterminate cost associated with enforcing regulations related to commercial driving schools.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 488.09 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Avila

39-00544-26

2026584__

A bill to be entitled

An act relating to commercial driving schools; creating s. 488.09, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to enter into interagency agreements with tax collectors for a specified purpose; specifying that such an interagency agreement is a delegation of authority of the department to the tax collector; providing that such an interagency agreement may include, but need not be limited to, certain grants of authority; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 488.09, Florida Statutes, is created to read:

488.09 Interagency agreements with tax collectors.—The Department of Highway Safety and Motor Vehicles may enter into interagency agreements with tax collectors authorizing such tax collectors to enforce this chapter. An interagency agreement entered into under this section is a delegation of the authority of the department to the tax collector. Such an interagency agreement may include, but need not be limited to, grants of authority to the tax collector, or his or her agent, to do any of the following:

(1) Prohibit licensees operating commercial driving schools, and their agents, from entering upon the tax collector's premises, including its parking areas, unless such licensees and agents are seeking tax collector services in their

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

39-00544-26

2026584__

personal capacities.

(2) Prohibit any course of conduct by licensees operating commercial driving schools, and their agents, which operates or would operate as a fraud or deceit upon a person, the department, or the tax collector.

(3) Prohibit any transaction, practice, or course of business related to a commercial driving school which undermines the integrity of the driver license issuance process.

(4) Require persons licensed to operate commercial driving schools, and their agents, to present pertinent licenses, agent identification cards, and certificates issued under this chapter upon demand of a law enforcement officer, a department employee, or an employee of the tax collector.

(5) Enter the premises where a commercial driving school is located to ensure compliance with state and local laws regulating the business of commercial driving schools.

Section 2. This act shall take effect July 1, 2026.

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February 5, 2026

Meeting Date

Fiscal Policy

Committee

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Barney Bishop

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☐

For

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Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

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I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

584

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 656

INTRODUCER: Criminal Justice Committee and Senator Bradley

SUBJECT: Internet Crimes Against Children Programs

DATE: February 4, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Parker	Stokes	CJ	Fav/CS
2. Kolich	Harkness	ACJ	Favorable
3. Parker	Siples	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 656 amends s. 943.0411, F.S., to change the Online Sting Operations Grant Program for local law enforcement to the “Internet Crimes Against Children Grant Program” to award grants to local law enforcement affiliates to support their work to combat online child exploitation and to target individuals preying upon children online or attempting to prey upon children online.

The bill defines the terms “affiliate,” “good standing,” and “internet crimes against children task force.”

The Florida Department of Law Enforcement (FDLE) must annually award local law enforcement affiliates any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensic training, hardware and software. Grants must be provided to local law enforcement agencies, if funds are appropriated for that purpose of law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill creates s. 943.0421, F.S., named the “Florida Internet Crimes Against Children Task Force Funding Program Act,” to establish a funding program to provide a stable funding source for the internet crimes against children task forces. The bill provides that the Legislature intends to create an account dedicated to combating Internet crimes against children, promoting

education on Internet safety to minors and to the public, and rescuing child victims from abuse and exploitation.

The funds may be used only to support the administration and activities of law enforcement agencies in their efforts to combat Internet crimes against children. Money appropriated to the program must be distributed with eighty percent divided equally among the task forces and twenty percent to the FDLE.

The bill has a significant negative fiscal impact to the FDLE related to the creation of the task force funding program; however, the program is subject to legislative appropriation. See Section V., Fiscal Impact Statement.

The bill takes effect on July 1, 2026.

II. Present Situation:

Online Crimes Against Children

Local law enforcement agencies routinely conduct sting operations targeting online predators who intend to commit crimes against children. A sting operation generally consists of an opportunity to commit a crime created or exploited by police, a targeted likely offender or group of offenders for a particular crime type, an undercover or hidden law enforcement officer or surrogate, and the eventual arrest of the likely offender or group of offenders.¹

Sting operations in Florida are typically orchestrated by local law enforcement agencies, sometimes in cooperation with federal agencies like the FBI or ICE. The process generally starts with law enforcement officers setting up fake online profiles, posing as underage minors or as adults willing to arrange meetings with minors. These officers use social media platforms, dating apps, and various online forums to interact with individuals.²

On January 7, 2026, a Leon County high school basketball coach was arrested in an undercover operation conducted by the FDLE after investigators say he believed he was chatting with a 15-year-old girl online, part of Florida's ongoing crackdown on child exploitation.³

On December 15, 2025, the FDLE arrested Martin Theodore Cassidy, 60, and Jorge Nieto, 39, charging each with 40 counts of possession of child sexual abuse material. These arrests are the result of the FDLE's statewide efforts to locate and arrest criminals targeting children and sharing files depicting the sexual abuse of children. The FDLE's investigation into Cassidy began in April after the FDLE Cybercrime Task Force agents received a cybertip from the

¹ United States Department of Justice *Sting Operations*, Graeme R. Newman available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/sting-operations> (last visited January 22, 2026).

² Musca Law *Understanding How Child Sex Sting Operations Work in Florida* available at <https://www.muscalaw.com/blog/understanding-how-child-sex-sting-operations-work-florida> (last visited January 22, 2026).

³ ABC News 3, *Florida high school girls' basketball coach arrested after sting targeting child predators* by Skyler Shepard, available at <https://weartv.com/news/local/florida-high-school-girls-basketball-coach-arrested-after-sting-targeting-child-predators-florida-department-of-law-enforcement-south-florida-treasure-coast-news-leon-county-january-13-2026> (last visited January 22, 2026).

National Center for Missing and Exploited Children (NCMEC) that an internet user uploaded and shared over 1,500 digital images and video files depicting the sexual abuse of children into an email account. While conducting a search warrant, agents seized an anatomically correct, child-like sex doll that was in Cassidy's possession at the time of the search warrant. The FDLE Cybercrime Task Force consists of agents from the Altamonte Springs Police Department, Apopka Police Department, Kissimmee Police Department, Lake County Sheriff's Office, Ocoee Police Department and the Sanford Police Department.⁴

On July 30, 2025, Attorney General James Uthmeier announced the arrest of 48 individuals, including six foreign nationals flagged with ICE detainers, following a six-day undercover operation targeting online child predators. The operation, coordinated by the Marion County Sheriff's Office, marks the highest number of arrests ever made during this annual joint effort to protect Florida children from exploitation and abuse. Attorney General Uthmeier's Office of Statewide Prosecution partnered with nine law enforcement agencies across local, state, and federal levels to identify and apprehend suspects attempting to meet children for sex or send them harmful material online.⁵

Child Exploitation and Crimes Against Children Program

The 1994 Legislature created the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE.⁶ The program is required to perform investigative, intelligence, research, and training activities related to child exploitation and other crimes against children.

The networking and sharing of intelligence and investigative data enhances the existing communications network of the Florida Investigative Support Center (FISC) within the FDLE. This database enables the FDLE personnel to identify patterns and movements of specific criminal activities. In addition, it provides local law enforcement investigators with a statewide medium through which they share criminal information. Special Agents of the CACP have received extensive training in the area of crimes against children. Consequently, members of this program are qualified to investigate multi-jurisdictional operations and organized crimes against children. In addition, investigative and technical assistance is provided to local law enforcement agencies.⁷ As a result, the program was changed in 2025 to the Child Exploitation and Crimes Against Children Program.⁸

The Internet Crimes Against Children Task Force program (ICAC) is a national network of 61 coordinated task forces, representing over 5,400 federal, state, and local law enforcement,

⁴ Florida Department of Law Enforcement *FDLE Arrests Multiple in Child Sexual Abuse Material Investigations*, available at <https://www.fdle.state.fl.us/news/2025/december/fdle-news-release-fdle-arrests-multiple-in-child-sexual-abuse-material-investigations> (last visited January 22, 2026).

⁵ Office of Attorney General James Uthmeier *Announces 48 Arrests, 153 Charges In Record-Breaking Undercover Child Predator Operation in Central Florida*, available at <https://www.myfloridalegal.com/newsrelease/attorney-general-james-uthmeier-announces-48-arrests-153-charges-record-breaking> (last visited January 22, 2026).

⁶ Chapter 94-265, s. 9, Laws of Fla.

⁷ Florida Department of Law Enforcement, *Agency Bill Analysis SB1268* (Department of Law Enforcement) on file with the Senate Criminal Justice Committee).

⁸ Section 943.041, F.S.

dedicated to investigating, prosecuting and developing effective responses to internet crimes against children.⁹

The ICAC Task Force program was developed in 1998, in response to an ever-increasing number of children and teenagers using the Internet, an ever-increasing number of online images depicting child sexual abuse, and an ever-increasing amount of online activity by people seeking to contact and exploit children and teens.

The ICAC helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This assistance encompasses forensic and investigative components, training and technical assistance, victim services, and community education.¹⁰

The ICAC task forces consist of state and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force. The following list contains the duties and functions of the task forces:

- Work consistently toward achieving designated purposes;
- Engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;
- Provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;
- Develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;
- Participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;
- Establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;
- Investigate, seek prosecution on, tips related to Internet crimes against children, including tips from the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies;
- Develop procedures for handling seized evidence;
- Maintain reports and records; and
- Seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.¹¹

⁹ ICAC Task Force Program, available at <https://www.icactaskforce.org/> (last visited January 22, 2026).

¹⁰ Office of Juvenile Justice and Delinquency Prevention *Internet Crimes Against Children Task Force Program* available at <https://ojjdp.ojp.gov/programs/internet-crimes-against-children-task-force-program#:~:text=Resources-Overview,and%20prosecute%20ICAC%2Drelated%20cases>. (last visit January 22, 2026).

¹¹ 34 U.S.C. § 21114, as amended by P.L. 119-60, December 18, 2025, 139 Stat. 718.

FDLE Online Sting Operation Grant Program

In 2024, the Florida Legislature created the Online Sting Operations Grant Program within the FDLE to support local law enforcement agencies in developing and conducting sting operations aimed at identifying and targeting individuals who prey upon, or attempt to prey upon, children online.¹²

Under the program, the FDLE is required to annually award to law enforcement agencies any funds specifically appropriated for the grant program. Such funds must be used to cover expenses related to computers, electronics, software, and other related necessary supplies. The total amount of grants awarded may not exceed funding appropriated for the grant program.¹³

The department may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.¹⁴

Eligibility

The program is open to local law enforcement agencies in the State of Florida and for FY 2025-2026 is a cost reimbursement grant. Additional requirements are:

- Applicants must be a signed affiliate with its regional Internet Crimes Against Children (ICAC) Task Force. Applicants must obtain and attach to the application a letter of support from their agency ICAC Commander.
 - To qualify for a letter of support, the ICAC Commander will review the following requirements:
 - Individuals using requested equipment have attended required ICAC training.
 - The agency adheres to ICAC standards.
- Renewal costs for requested equipment and software beyond the grant period must be covered by the recipient agency.
- Recipients must provide performance measures each month along with the reimbursement claim such as the number of arrests made, children rescued, seizures, victims identified, and digital devices examined.¹⁵

Awards/Allowable/Unallowable Costs

Available funds are distributed based on the operational needs of each agency's investigations as approved by the FDLE, not to exceed a combined total of \$2,500,000.¹⁶

Award funds must be used to support the creation or execution of online sting operations to target individuals soliciting children online. Grant funds may be used to reimburse expenses related to computers, electronics, software, and other related necessary supplies.

¹² Chapter 2024-72, s. 1, Laws of Fla.

¹³ Section 943.0411(2), F.S.

¹⁴ Section 943.0411(3), F.S.

¹⁵ Florida Department of Law Enforcement *Online Sting Operations Grant Program for Local Law Enforcement* available at <https://www.fdle.state.fl.us/fdle-grants/open-funding-opportunities/online-sting/fy25-26-online-sting> (last visited January 22, 2026).

¹⁶ *Id.*

Items purchased prior to the start of the grant period are unallowable. Additional unallowable costs for this program include but are not limited to personnel costs, community outreach and education activities, food and beverage, and transportation or travel costs.¹⁷

The FDLE is currently a partner with the three Florida Internet Crimes Against Children Task Forces. The FDLE support the task forces' ongoing efforts to protect children online. The FDLE also has seven regional teams that conduct online child exploitation-related investigations and supports the criminal investigations' digital forensics.¹⁸

III. Effect of Proposed Changes:

The bill amends s. 943.0411, F.S., to rename the "Online Sting Operations Grant Program," the "Internet Crimes Against Children Grant Program." The grant program will provide funding to local law enforcement affiliates to protect children by providing support for their work to combat online child exploitation and to target individuals preying upon children online or attempting to prey upon children online.

The FDLE must annually award to local law enforcement affiliates any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensics training, hardware, or software. Grants must be provided to local law enforcement affiliates if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

The bill defines the following terms:

- "Affiliate" to mean a local law enforcement agency in this state which has a current memorandum of understanding with an established Internet crimes against children task force or which has been designated by the FDLE as being in good standing.
- "Good standing" to mean a local law enforcement agency in this state that receives CyberTips from one of the task forces that follows Internet Crimes Against Children Task Force Program standards in its investigation of Internet crimes against children.
- "Internet crimes against children task force" to mean an Internet crimes against task force located in this state which is recognized by the United States Department of Justice.

The bill creates s. 943.0421, F.S., to create the "Internet Crimes Against Children Task Force Funding Program," and provides the following legislative findings:

- The Internet Crimes Against Children Task Force Program, administered through the United States Department of Justice helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program is a national network of 61 coordinated task forces representing over 5,400 federal, state, and local law enforcement and prosecutorial agencies.

¹⁷ *Id.*

¹⁸ FDLE, 2026 FDLE Legislative Bill Analysis pg. 2 (on file with the Senate Committee on Criminal Justice).

- The Legislature intends to create an account dedicated to combating Internet crimes against children, promoting education on Internet safety to minors and to the public, and rescuing child victims from abuse and exploitation.

The Internet Crimes Against Children Task Force Funding Program within the FDLE is created to provide a stable funding source for the task forces. Funding for the program must consist of moneys appropriated by the Legislature. Program funds may be used only to support the administration and activities of law enforcement agencies in their efforts to combat Internet crimes against children, including the funding of personnel, overtime pay, training, travel, and technology purchases.

Moneys appropriated to the program must be distributed in the following amounts:

- Eighty percent divided equally among the task forces; and
- Twenty percent to FDLE to support its efforts in combating Internet crimes against children.

The term “task force” is defined to mean an Internet Crimes Against Children Task Force program located in this state which is recognized by the United States Department of Justice.

The department may adopt rules to implement and administer this act.

The bill takes effect on July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has a significant negative fiscal impact to the FDLE related to the creation of the task force funding program; however, the program is subject to legislative appropriation. For FY 2024-2025, the Legislature appropriated \$2,500,000 in nonrecurring funds from the General Revenue Fund to the FDLE for the Online Sting Operations Grant Program. The unexpended balance of funds from that year, \$1,745,426, was reverted and appropriated for FY 2025-2026 to FDLE for the same purpose.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 943.0411 of the Florida Statutes.

This bill creates section 943.0421 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Criminal Justice on January 20, 2026:

The committee substitute:

- Defines the term “Good standing” to mean a local law enforcement agency in this state that receives CyberTips from one of the task forces and follows Internet Crimes Against Children Task Force Program standards in its investigation of Internet crimes against children.
- Revises legislative findings.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Criminal Justice; and Senator Bradley

591-02053-26

2026656c1

A bill to be entitled

An act relating to the Internet crimes against children programs; amending s. 943.0411, F.S.; defining terms; renaming the Online Sting Operations Grant Program created within the Department of Law Enforcement as the Internet Crimes Against Children Grant Program; revising the purpose of the grant program; revising the authorized uses for grant program funds; creating s. 943.0421, F.S.; providing a short title; providing legislative findings; defining the term "task force"; creating the Internet Crimes Against Children Task Force Funding Program within the Department of Law Enforcement; specifying how program funds may be used; requiring specified percentage distribution of program moneys; authorizing the department to adopt rules; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 943.0411, Florida Statutes, is amended to read:

943.0411 Internet Crimes Against Children ~~Online Sting Operations~~ Grant Program for local law enforcement affiliates ~~agencies~~ to protect children.—

(1) As used in this section, the term:

(a) "Affiliate" means a local law enforcement agency in this state which has a current memorandum of understanding with an established Internet crimes against children task force or

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which has been designated by the department as being in good standing.

(b) "Good standing" means a local law enforcement agency in this state that receives CyberTips from one of the task forces and follows Internet Crimes Against Children Task Force Program standards in its investigation of Internet crimes against children.

(c) "Internet crimes against children task force" means an Internet crimes against children task force located in this state which is recognized by the United States Department of Justice.

(2) There is created within the department the Internet Crimes Against Children ~~Online Sting Operations~~ Grant Program to award grants to local law enforcement affiliates ~~agencies~~ to support their work to combat online child exploitation and ~~creation of sting operations~~ to target individuals online preying upon children or attempting to do so.

(3)~~(2)~~ The department shall annually award to local law enforcement affiliates ~~agencies~~ any funds specifically appropriated for the grant program to cover expenses related to their work to combat Internet crimes against children. The funds may be awarded to cover overtime pay, travel, investigative or digital forensics training, hardware, or computers, electronics, software, and other related necessary supplies. Grants must be provided to local law enforcement agencies if funds are appropriated for that purpose by law. The total amount of grants awarded may not exceed funding appropriated for the grant program.

(4)~~(3)~~ The department may establish criteria and set

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specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

Section 2. Section 943.0421, Florida Statutes, is created to read:

943.0421 Internet Crimes Against Children Task Force Funding Program.—

(1) SHORT TITLE.—This section may be cited as the “Florida Internet Crimes Against Children Task Force Funding Program Act.”

(2) LEGISLATIVE FINDINGS.—The Legislature finds that the Internet Crimes Against Children Task Force Program administered by the United States Department of Justice helps state and local law enforcement agencies develop an effective response to technology-facilitated child sexual exploitation and Internet crimes against children. This help encompasses forensic and investigative components, training and technical assistance, victim services, and community education. The program is a national network of 61 coordinated task forces representing over 5,400 federal, state, and local law enforcement and prosecutorial agencies. The Legislature intends to create an account dedicated to combating Internet crimes against children, promoting education on Internet safety to minors and to the public, and rescuing child victims from abuse and exploitation.

(3) DEFINITION.—The term “task force” means an Internet Crimes Against Children Task Force program located in this state which is recognized by the United States Department of Justice.

(4) ESTABLISHMENT OF PROGRAM.—The Internet Crimes Against Children Task Force Funding Program is created within the department to provide a stable funding source for the task

591-02053-26 2026656c1

forces.

(a) Funding for the program shall consist of moneys appropriated by the Legislature. Program funds may be used only to support the administration and activities of law enforcement agencies in their efforts to combat Internet crimes against children, including the funding of personnel, overtime pay, training, travel, and technology purchases.

(b) Moneys appropriated to the program must be distributed in the following amounts:

1. Eighty percent divided equally among the task forces;
and

2. Twenty percent to the department to support its efforts in combating Internet crimes against children.

(5) RULEMAKING.—The department may adopt rules to implement and administer this section.

Section 3. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

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2/5/26

Meeting Date

Senate Fiscal Policy

Committee

SB 656

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

Address 2617 Mahan Drive

Email amcnair@fisheriffs.org

Street

Tallahassee

City

FL

State

32309

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Sheriffs
Association

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 5, 2026

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

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656

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop**

Phone **8505109922**

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Tallahassee

FL

32308

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

02/05/2026

APPEARANCE RECORD

SB 656

Meeting Date

Fiscal Policy

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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Turner Loesel (Low-zell)**

Phone **561-401-8625**

Address **100 North Duval Street**
Street

Email **tloesel@jamesmadison.org**

Tallahassee

FL

32301

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

The James Madison Institute

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 816

INTRODUCER: Senator Bradley

SUBJECT: Diabetes Research

DATE: February 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jahnke	Bouck	HE	Favorable
2.	Gray	Elwell	AHE	Favorable
3.	Jahnke	Siples	FP	Favorable

I. Summary:

SB 816 codifies the University of Florida Diabetes Institute within the University of Florida College of Medicine as a statewide resource for diabetes research, prevention, treatment, and education, and focuses on all forms of diabetes, including type 1, type 2, and gestational diabetes. The bill provides for the institute to conduct research, develop prevention and treatment strategies, provide multidisciplinary clinical care, educate and train health care professionals, and engage in community outreach.

Additionally, the bill authorizes the institute to administer statewide pilot programs, maintain and share deidentified data for research purposes, and convene a statewide diabetes research and care consortium to coordinate research, share expertise, and support collaborative initiatives.

The bill does not impact state revenues or expenditures. **See Section V., Fiscal Impact Statement.**

The bill takes effect July 1, 2026.

II. Present Situation:

Diabetes

Diabetes is a chronic health condition that affects how the human body turns food into energy. The human body breaks down most food into sugar, known as glucose,¹ which is released into

¹ Glucose is a type of sugar that primarily comes from carbohydrates consumed through food and drinks and serves as a primary source of energy for the body. Glucose circulates in the bloodstream and is transported to the body's cells for use as energy. See: Cleveland Clinic, *Diabetes*, <https://my.clevelandclinic.org/health/diseases/7104-diabetes> (last visited Jan. 20, 2026).

the bloodstream. When blood glucose levels increase, the pancreas releases insulin. Insulin allows glucose to enter the body's cells, where it is used as a source of energy.

In individuals with diabetes, the body either produces insufficient insulin or uses it inefficiently. When insulin is insufficient or cells do not respond properly to insulin, excess glucose remains in the bloodstream. Over time, elevated blood glucose levels can lead to serious health complications, including heart disease, vision loss, and kidney disease.

There is currently no cure for diabetes; however, the condition can be managed through lifestyle changes and other interventions.

There are three basic types of diabetes:

- Type 1 diabetes.
- Type 2 diabetes.
- Gestational diabetes.²

Type 1 Diabetes

Type 1 diabetes is thought to be caused by an autoimmune reaction in which the body's immune system attacks and destroys the cells in the pancreas that normally produce insulin. Roughly 5 to 10 percent of people with diabetes have type 1. Symptoms of type 1 often develop quickly. It is usually diagnosed in children, teens, and young adults. Someone with type 1 diabetes must take insulin regularly to survive, usually through subcutaneous injection one or more times per day. Currently, type 1 diabetes can neither be prevented nor cured.³

Type 2 Diabetes

In type 2 diabetes, the body does not use insulin effectively, leading to elevated blood glucose levels. About 90 to 95 percent of people with diabetes have type 2. It develops over many years and is usually diagnosed in overweight, middle-aged adults, although it can sometimes manifest in adolescents and young adults. Type 2 diabetes can often be prevented, delayed, or even eliminated through healthy lifestyle changes, such as losing weight, eating a healthy diet, and exercising regularly.⁴ Type 2 diabetes is usually treated with oral medications, but can require insulin injections in some cases.

Gestational Diabetes

Gestational diabetes develops in pregnant women who have never had diabetes. If a woman has gestational diabetes, her baby could be at higher risk for health problems. Gestational diabetes usually goes away after the baby is born. However, it increases the mother's risk for

² U.S. Centers for Disease Control, *Diabetes Basics*, <https://www.cdc.gov/diabetes/about/index.html> (last visited Jan. 20, 2026).

³ Centers for Disease Control and Prevention, *Type 1 Diabetes*, <https://www.cdc.gov/diabetes/about/about-type-1-diabetes.html> (last visited Jan. 20, 2026).

⁴ U.S. Centers for Disease Control, *Type 2 Diabetes*, <https://www.cdc.gov/diabetes/about/about-type-2-diabetes.html> (last visited Jan. 20, 2026).

type 2 diabetes later in life, and the baby is more likely to have obesity as a child or teen and develop type 2 diabetes later in life.⁵

Prevalence of Diagnosed Diabetes

The National Diabetes Statistic Report provides up-to-date information on the prevalence and incidence of diabetes and prediabetes, risk factors for complications, acute and long-term complications, deaths, and costs. Highlights of reported statistics include the following:

- In 2021, there were 29.7 million people of all ages, or 8.9 percent of the U.S. population, who had diagnosed diabetes.
- In 2021, there were 352,000 children and adolescents younger than age 20 who had diagnosed diabetes, including 304,000 with Type 1 diabetes.⁶

Diabetes in Florida

In Florida, recent estimates indicate that roughly 9.6 percent to 11.6 percent of the adult population has diagnosed diabetes, representing more than 2 million adults with the condition. An estimated 117,000 Florida adults are newly diagnosed each year, reflecting the prevalence of diabetes in the state.⁷

University of Florida Diabetes Institute

The University of Florida (UF) Diabetes Institute was founded in 2015 and operates within UF and UF Health, the university's academic health center. The institute serves as an umbrella organization that coordinates diabetes-related research, treatment, and education activities across the university.

Researchers and physicians affiliated with the institute work to prevent, diagnose, and treat diabetes across a wide range of disciplines, including immunology, genetics, endocrinology, metabolism, pediatrics, and social sciences. The institute supports both basic and clinical research and participates in national and international research collaborations to understand the causes of diabetes and improve its treatment and management.⁸

The UF Diabetes Institute serves as the primary coordinating center for the Breakthrough T1D⁹ Network for Pancreatic Organ Donors with Diabetes, which supports research using donated pancreatic tissue to study how diabetes develops. In this role, the institute coordinates a global network of researchers and participates in international efforts to examine genetic and environmental factors associated with diabetes.

⁵ U.S. Centers for Disease Control, *Diabetes Basics*, <https://www.cdc.gov/diabetes/about/index.html> (last visited Jan. 20, 2026).

⁶ U.S. Centers for Disease Control, *National Diabetes Statistical Report*, <https://www.cdc.gov/diabetes/php/data-research/index.html> (last visited Jan. 20, 2026).

⁷ American Diabetes Association, *The Burden of Diabetes in Florida (February 2025)*, available at, <https://diabetes.org/sites/default/files/2025-05/the-burden-of-diabetes-florida-05-08-25.pdf> (last visited Jan. 20, 2026).

⁸ University of Florida, UF Diabetes Institute, *About the UF Diabetes Institute*, <https://diabetes.ufl.edu/about-us/> (last visited Jan. 20, 2026).

⁹ Breakthrough T1D was formerly known as the Juvenile Diabetes Research Foundation (JDRF).

Faculty affiliated with the UF Diabetes Institute have received competitive research funding from public and private sources, including the National Institutes of Health/National Institute of Diabetes and Digestive and Kidney Diseases, Breakthrough T1D, the American Diabetes Association, the Leona M. and Harry B. Helmsley Charitable Trust, and other funding agencies. According to the institute, current annual diabetes-related research funding exceeds \$15 million, and UF faculty scholarship includes more than 1,100 papers, chapters, and books.¹⁰

III. Effect of Proposed Changes:

This bill creates s. 1004.562, F.S., to codify the University of Florida (UF) Diabetes Institute within the UF College of Medicine as a statewide resource for diabetes research, prevention, treatment, and education. The institute's purpose is to advance scientific discovery, improve prevention and clinical care, and promote education and outreach on all forms of diabetes, including type 1, type 2, gestational, and related metabolic conditions. The bill requires the institute to:

- Conduct research on the causes, mechanisms, and potential cures of diabetes, including autoimmune, genetic, and environmental factors.
- Develop advanced prevention, diagnostic, and treatment strategies to reduce the incidence and complications of diabetes.
- Provide comprehensive, multidisciplinary clinical care to individuals living with diabetes, including patient and family education, nutrition counseling, mental health support, and disease management resources.
- Train and educate health care professionals, including physicians, nurses, dietitians, pharmacists, and scientists, to expand expertise in diabetes care and research.
- Collaborate with state universities, medical centers, community organizations, patient advocacy groups, and government agencies to advance care and accelerate progress towards prevention and cures.
- Engage in community-based outreach and education programs to reduce disparities and promote healthier lifestyles.

The bill authorizes the institute to establish and administer statewide pilot programs, including, but not limited to, screening, prevention initiatives, and technology-driven management tools. The institute must maintain a secure repository of deidentified data to advance diabetes research, prevention, and care. The bill authorizes the institute to share deidentified data with research collaborators under data-sharing agreements to support ongoing and future scientific investigations.

The bill authorizes the institute to convene a statewide diabetes research and care consortium composed of clinical and academic experts, health care providers, and patient representatives to coordinate research, share expertise, and develop innovative care models. Upon convening, the consortium must be administered by the institute under the direction of the institution's executive leadership. Additionally, the bill authorizes the consortium to solicit funding from public, nonprofit, and private sources to expand programs, research initiatives, and community services.

¹⁰ University of Florida, UF Diabetes Institute, *About the UF Diabetes Institute*, <https://diabetes.ufl.edu/about-us/> (last visited Jan. 7, 2026).

The bill requires the institute to provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, beginning October 15, 2027, detailing research projects and findings; clinical services provided and patient outcomes; community outreach and prevention initiatives; and recommendations for future initiatives.

The bill's implementation is contingent on appropriations provided in the General Appropriations Act or from other available funds.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not impact state revenues or expenditures. However, the bill does require the University of Florida to establish a diabetes institute. To the extent the bill codifies current practices of the UF Diabetes Institute the bill does not have a fiscal impact on the University. Additionally, the bill's implementation is contingent on the availability of funding provided in the General Appropriations Act or from other available funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1004.562 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bradley

6-01133-26

2026816__

A bill to be entitled

An act relating to diabetes research; creating s. 1004.562, F.S.; establishing the University of Florida Diabetes Institute within the University of Florida College of Medicine; providing the purpose of the institute; providing requirements for the institute; authorizing the institute to administer statewide pilot programs; requiring the institute to maintain a secure repository for deidentified data; authorizing the institute to share deidentified data under certain conditions; authorizing the institute to convene a consortium; providing requirements for the consortium; authorizing the consortium to solicit funding from certain sources for certain purposes; requiring the institute to provide a report to the Governor and the Legislature beginning on a specified date and annually thereafter; providing requirements for the report; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 1004.562, Florida Statutes, is created to read:

1004.562 University of Florida Diabetes Institute.—

(1) The University of Florida Diabetes Institute is established within the University of Florida College of Medicine as a resource for diabetes research, screening, prevention, treatment, and education. The purpose of the institute is to advance scientific discovery, improve prevention and clinical

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

6-01133-26

2026816__

care, and promote education and outreach related to all forms of diabetes, including type 1 diabetes, type 2 diabetes, gestational diabetes, and related metabolic conditions.

(2) The institute shall do all of the following:

(a) Conduct research to understand the causes, mechanisms, and potential cures for diabetes, including autoimmune, genetic, and environmental factors.

(b) Develop advanced prevention, diagnostic, and treatment strategies to reduce the incidence and complications of diabetes in children and adults.

(c) Provide comprehensive, multidisciplinary clinical care to individuals living with diabetes, including patient and family education, nutrition counseling, mental health support, and disease management resources.

(d) Train and educate health care professionals, including physicians, nurses, dietitians, pharmacists, and scientists, to expand expertise in diabetes care and research.

(e) Establish collaborations with state universities, medical centers, patient advocacy groups, community organizations, and government agencies to enhance care and accelerate progress toward diabetes prevention and cures.

(f) Engage in community-based outreach and education programs to increase awareness, reduce disparities in diabetes outcomes, and promote healthier lifestyles.

(3)(a) The institute may establish and administer statewide pilot programs, including, but not limited to, population-based diabetes screening, prevention initiatives, and technology-driven management tools.

(b) The institute shall maintain a secure data repository

Page 2 of 3

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6-01133-26

2026816__

59 to collect, store, and analyze deidentified data for the purpose
60 of advancing diabetes research, prevention, and care.

61 (c) The institute may provide deidentified data, pursuant
62 to data-sharing agreements, to research collaborators to support
63 ongoing and future scientific investigations.

64 (4)(a) The institute may convene a statewide diabetes
65 research and care consortium composed of clinical and academic
66 experts, health care providers, and patient representatives to
67 coordinate research, share expertise, and develop innovative
68 care models.

69 (b) The consortium shall, upon being convened, be
70 administered at the institute under the direction of the
71 institute's executive leadership.

72 (c) The consortium may solicit funding from public,
73 nonprofit, and private sources to expand programs, research
74 initiatives, and community services.

75 (5) Beginning October 15, 2027, and annually thereafter,
76 the institute shall provide a report to the Governor, the
77 President of the Senate, and the Speaker of the House of
78 Representatives which includes all of the following:

79 (a) Research projects and findings.

80 (b) Clinical services provided and patient outcomes.

81 (c) Community outreach and prevention initiatives.

82 (d) Recommendations for future initiatives.

83 (6) This section shall be implemented to the extent of
84 appropriations provided in the annual General Appropriations Act
85 or from other available funds.

86 Section 2. This act shall take effect July 1, 2026.

The Florida Senate

APPEARANCE RECORD

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02/05/2026

Meeting Date

816

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

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954-850-7262

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Tallahassee

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:



In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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I am appearing without
compensation or sponsorship.

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I am a registered lobbyist,
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☐

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S-001 (08/10/2021)

APPEARANCE RECORD

SB 816

Meeting Date

2/5

Bill Number or Topic

Fiscal Policy

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Committee

Amendment Barcode (if applicable)

Name

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Tallahassee

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32312

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Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

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compensation or sponsorship.☒I am a registered lobbyist,
representing:☐I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 892

INTRODUCER: Senator Martin

SUBJECT: Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals

DATE: February 4, 2026

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Vaughan	Stokes	CJ	Favorable
2. Atchley	Harkness	ACJ	Favorable
3. Vaughan	Siples	FP	Favorable

I. Summary:

SB 892 amends s. 775.084, F.S., to revise provisions governing enhanced sentencing for repeat offenders. The bill revises definitions for the terms habitual felony offenders (HFO), habitual violent felony offenders (HVFO), three-time violent felony offenders (TTVFO), and violent career criminals (VCC) to remove language relating to evidentiary standards and appeals and to revise time requirements.

The bill updates and provides uniformity for procedures the courts must follow for HFO, HVFO, TTVFO and VCC hearings to:

- Revise notice requirements by specifying that written notice must be served to a defendant or defendant's attorney prior to the commencement of a trial or entry of a plea of guilty or nolo contendere; and
- Remove the evidentiary standards that the findings required as the basis for the enhancement are found by a preponderance of the evidence and are appealable to the extent normally applicable to similar findings.

The definitions are revised to remove language that specified an offense for which the offender has been pardoned or was set aside in a postconviction proceeding may not act as a qualified offense for a HFO or a VCC enhancement. The definitions are also revised to remove language that specified an offense for which the offender has been pardoned *on the ground of innocence* or was set aside in a postconviction proceeding may not act as a qualified offense for a HVFO, or a TTVFO enhancement.

The bill may have a negative indeterminate impact on prison bed needs in the Department of Corrections. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2026.

II. Present Situation:

Sentence Enhancements

Florida imposes sentence enhancements on defendants classified as habitual felony offenders, habitual violent felony offenders, three-time violent felony offenders, or violent career criminals, based on prior convictions and specific criteria. Courts have upheld these enhancements as constitutional when applied within statutory limits, as seen in *McDonald v State*,¹ where the court affirmed the application of habitual offender sentencing.

Habitual Felony Offender

The Habitual Felony Offender (HFO) statute targets repeat felony offenders who demonstrate a pattern of recidivism, allowing courts to impose longer sentences. Under current law, a HFO is a defendant for whom the court may impose an extended term of imprisonment. The court may classify a person as a Habitual Felony Offender if it finds that:

- The defendant has two or more felony convictions² in this state or other qualified offenses.
- The felony for which the defendant is to be sentenced was committed:
 - While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or
 - Within five years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within five years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.
- The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13, F.S., relating to the purchase or the possession of a controlled substance.
- The defendant has not received a pardon for any felony or other qualified offense that is necessary for habitual felony offender designation.
- The conviction of a felony or other qualified offense necessary has not been set aside in any postconviction proceeding.³

If the State pursues the HFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment and may sentence the habitual felony offender as follows:⁴

- A life felony or a felony of the first degree, for life.
- A felony of the second degree, for a term of years not exceeding 30.
- A felony of the third degree, for a term of years not exceeding 10.⁵

¹ *McDonald v. State*, 957 So. 2d 605 (Fla. 2007).

² Section 775.084(1)(a), F.S., provides that any felony offense qualifies except violations of s. 893.13, F.S., relating to the purchase or possession of a controlled substance, which are expressly excluded.

³ Section 775.084, F.S.

⁴ Section 775.084(4)(a), F.S.

⁵ Section 775.084(4)(a), F.S.

The court retains discretion to decline enhanced sentencing if it determines such punishment is not necessary for the protection of the public. However, the courts must provide written reasons for doing so, and these reasons must be reported monthly to the Office of Economic and Demographic Research (EDR).⁶

Habitual Violent Felony Offender

Under current law, a defendant qualifies as a habitual violent felony offender (HVCO) if the defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery; or
- Aggravated stalking.⁷

To be sentenced as a HVCO, the felony for which the defendant is to be sentenced must have been committed:

- While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision for a prior conviction for an enumerated felony; or
- Within five years of the date of the conviction of the last prior enumerated felony, or within five years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later.

Additionally, the defendant must not have received a pardon on the ground of innocence or had a conviction set aside in postconviction proceedings for any crime that is necessary for qualifying as a HVCO.⁸

If the State pursues the HVFO designation and the court finds the criteria met, the court may impose an extended term of imprisonment as follows:

⁶ Section 775.084(3)(a), F.S.

⁷ Section 775.084(1)(b), F.S.

⁸ *Id.*

- A life felony or a felony of the first degree, for life, and such offender is not be eligible for release for 15 years.
- A felony of the second degree, for a term of years not exceeding 30, and such offender is not be eligible for release for 10 years.
- A felony of the third degree, for a term of years not exceeding 10, and such offender is not be eligible for release for five years.⁹

The court retains discretion to decline enhanced sentencing if it determines such punishment is not necessary for the protection of the public, but the court must provide written reasons for doing so. These reasons must be reported monthly to the EDR.¹⁰

Three-time Violent Felony Offender

A defendant qualifies as a three-time violent felony offender (TTVFO) if the defendant has two or more prior adult convictions for committing or attempting to commit any of the following enumerated felonies:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter (including aggravated manslaughter of an elderly person, disabled adult, or child);
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary;
- Aggravated battery;
- Aggravated stalking;
- Home invasion/robbery; or
- Carjacking;¹¹

An offense which is in violation of a law of any other jurisdiction if the elements of the offense are substantially similar to the elements of a felony offense enumerated in the list above, or an attempt to commit any of those offenses, are included.¹²

To qualify, the felony for which the defendant is to be sentenced must also be one of the specified offenses and it must be committed under the following circumstances:

- While the defendant was serving a prison sentence or another sentence imposed as a result of a prior conviction for any offense enumerated in the list above;

⁹ Section 775.084(4)(b), F.S.

¹⁰ Section 775.084, F.S.

¹¹ Section 775.084(1)(c), F.S.

¹² *Id.*

- Within five years after the date of the conviction of the last prior offense enumerated in the list above; or
- Within five years after the defendant's release from a prison sentence, probation, community control, or other sentence imposed as a result of a prior conviction for any offense in the list above, whichever is later.

Additionally, the defendant must not have received a pardon on the ground of innocence or had a conviction set aside in any postconviction proceedings for any crime the is necessary for qualifying as a TTVFO.¹³

If the State pursues the TTVFO designation and the court finds the criteria met, the court must impose a mandatory minimum term of imprisonment is provided as follows:

- A felony punishable by life, to a term of imprisonment for life;
- A felony of the first degree, to a term of imprisonment of 30 years;
- A felony of the second degree, to a term of imprisonment of 15 years; or
- A felony of the third degree, to a term of imprisonment of five years.¹⁴

Violent Career Criminal

Violent career criminal (VCC) designation targets offenders with a demonstrated pattern of violent criminal behavior and prior incarceration, aiming to incapacitate individuals deemed high-risk for recidivism.¹⁵ A violent career criminal designation applies to a defendant who has previously been convicted as an adult three or more times for an offense in this state or other qualified offense that is:

- Any forcible felony;¹⁶
- Aggravated stalking;¹⁷
- Aggravated child abuse;¹⁸
- Aggravated abuse of an elderly person or disabled adult;¹⁹
- Lewd or lascivious battery, molestation, conduct, or exhibition;²⁰
- Escape; or²¹
- A felony violation of ch. 790, F.S., involving the use or possession of a firearm.

The defendant must have previously been has been incarcerated in a state or federal prison and the primary felony offense for which the defendant is to be sentenced must be one of the enumerated crimes committed:

¹³ *Id.*

¹⁴ Section 775.084(4)(c), F.S.

¹⁵ Section 775.084(4)(d), F.S.

¹⁶ Section 776.08, F.S., "Forcible felony" means treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

¹⁷ Section 784.048(3) and (4), F.S.

¹⁸ Section 827.03(2)(a), F.S.

¹⁹ Section 825.102(2), F.S.

²⁰ Section 800.04, F.S., or s. 847.0135(5), F.S.

²¹ Section 944.40, F.S.

- While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision for a prior enumerated felony; or
- Within five years of the last prior conviction or release from a prison sentence, probation, community control, control release, parole, or court-ordered or lawfully imposed supervision or other sentence that is the result of a prior conviction for an enumerated felony, whichever is later.²²

Convictions that have been pardoned or set aside in postconviction proceedings do not count toward qualification.

Executive Clemency

Article IV, s. 8 of the Florida Constitution establishes the Governor's authority to grant executive clemency. Except in cases of treason and impeachment resulting in conviction, the Governor may, by executive order filed with the custodian of state records, suspend collection of fines and forfeitures, grant reprieves not exceeding 60 days, and, with the approval of two members of the Cabinet, grant full or conditional pardons, restore civil rights, commute punishment, and remit fines and forfeitures for offenses.²³

III. Effect of Proposed Changes:

The bill amends s. 775.084, F.S., to revise provisions governing enhanced sentencing for repeat offenders. The bill revises definitions for the terms habitual felony offenders (HFO), habitual violent felony offenders (HVFO), three-time violent felony offenders (TTVFO), and violent career criminals (VCC) to remove language relating to evidentiary standards and appeals and to revise time requirements.

Specifically, the definitions are revised to remove language that specified an offense for which the offender has been pardoned or was set aside in a postconviction proceeding may not act as a qualified offense for a HFO or a VCC enhancement. The definitions are also revised to remove language that specified an offense for which the offender has been pardoned *on the ground of innocence* or was set aside in a postconviction proceeding may not act as a qualified offense for a HVFO or a TTVFO enhancement.

The bill provides uniformity for HFO, HVFO, TTVFO, and VCC designations including:

- Revising notice requirements by specifying that written notice must be served to a defendant or the defendant's attorney prior to the commencement of a trial or entry of a plea of guilty or nolo contendere; and
- Removing the evidentiary standards that the findings required as the basis for the enhancement are found by a preponderance of the evidence and are appealable to the extent normally applicable to similar findings.

The bill takes effect July 1, 2026.

²² Section 775.084(4)(d), F.S.

²³ Section 940.01, F.S.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Art. VII, s. 18 of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Legislature's Office of Economic and Demographic Research (EDR) and the Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation, has determined that the bill may have a negative indeterminate impact on (i.e., reduce the future need for) prison beds in the Department of Corrections (DOC). The EDR provided the following additional information regarding its estimate:

Per DOC, in FY 24-25, there were 1,241 admissions to prison for these offender types, with 1,020 Habitual Felony Offenders, 237 Habitual Violent Felony Offenders, 23 Violent Career Criminals, and one Three-time Felony Offender. The magnitude of the impact on the prison population from the changes to the appeals process is not

known, though it will likely have a negative effect on the population.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 775.084 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

²⁴ Office of Economic and Demographic Research, *SB 892- Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals* (on file with the Senate Committee on Criminal Justice).

By Senator Martin

33-00887-26

2026892__

A bill to be entitled

An act relating to habitual felony offenders, habitual violent felony offenders, three-time violent felony offenders, and violent career criminals; amending s. 775.084, F.S.; revising the definitions of the terms "habitual felony offender," "habitual violent felony offender," "three-time violent felony offender," and "violent career criminal"; revising the procedures that a court must follow in separate proceedings to determine whether a defendant is a habitual felony offender, a habitual violent felony offender, a three-time violent felony offender, or a violent career criminal; providing construction; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraphs (a) through (d) of subsection (1), subsection (2), and paragraphs (a), (b), and (c) of subsection (3) of section 775.084, Florida Statutes, are amended to read:

775.084 Violent career criminals; habitual felony offenders and habitual violent felony offenders; three-time violent felony offenders; definitions; procedure; enhanced penalties or mandatory minimum prison terms.—

(1) As used in this act:

(a) "Habitual felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(a), if it finds that:

1. The defendant has previously been convicted of any

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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combination of two or more felonies in this state or other qualified offenses.

2. The felony for which the defendant is to be sentenced was committed:

a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for a felony or other qualified offense; or

b. Within 5 years of the date of the conviction of the defendant's last prior felony or other qualified offense, or within 5 years of the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for a felony or other qualified offense, whichever is later.

3. The felony for which the defendant is to be sentenced, and one of the two prior felony convictions, is not a violation of s. 893.13 relating to the purchase or the possession of a controlled substance.

~~4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.~~

~~5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.~~

(b) "Habitual violent felony offender" means a defendant for whom the court may impose an extended term of imprisonment, as provided in paragraph (4)(b), if it finds that:

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1. The defendant has previously been convicted of a felony or an attempt or conspiracy to commit a felony and one or more of such convictions was for:

- a. Arson;
- b. Sexual battery;
- c. Robbery;
- d. Kidnapping;
- e. Aggravated child abuse;
- f. Aggravated abuse of an elderly person or disabled adult;
- g. Aggravated assault with a deadly weapon;
- h. Murder;
- i. Manslaughter;
- j. Aggravated manslaughter of an elderly person or disabled adult;
- k. Aggravated manslaughter of a child;
- l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- m. Armed burglary;
- n. Aggravated battery; or
- o. Aggravated stalking.

2. The felony for which the defendant is to be sentenced was committed:

a. While the defendant was serving a prison sentence or other sentence, or court-ordered or lawfully imposed supervision that is imposed as a result of a prior conviction for an enumerated felony; or

b. Within 5 years of the date of the conviction of the last prior enumerated felony, or within 5 years of the defendant's release from a prison sentence, probation, community control,

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control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later.

~~3. The defendant has not received a pardon on the ground of innocence for any crime that is necessary for the operation of this paragraph.~~

~~4. A conviction of a crime necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.~~

(c) "Three-time violent felony offender" means a defendant for whom the court must impose a mandatory minimum term of imprisonment, as provided in paragraph (4)(c), if it finds that:

1. The defendant has previously been convicted as an adult two or more times of a felony, or an attempt to commit a felony, and two or more of such convictions were for committing, or attempting to commit, any of the following offenses or combination thereof:

- a. Arson;
- b. Sexual battery;
- c. Robbery;
- d. Kidnapping;
- e. Aggravated child abuse;
- f. Aggravated abuse of an elderly person or disabled adult;
- g. Aggravated assault with a deadly weapon;
- h. Murder;
- i. Manslaughter;
- j. Aggravated manslaughter of an elderly person or disabled adult;

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- 117 k. Aggravated manslaughter of a child;
 118 1. Unlawful throwing, placing, or discharging of a
 119 destructive device or bomb;
 120 m. Armed burglary;
 121 n. Aggravated battery;
 122 o. Aggravated stalking;
 123 p. Home invasion/robbery;
 124 q. Carjacking; or
 125 r. An offense which is in violation of a law of any other
 126 jurisdiction if the elements of the offense are substantially
 127 similar to the elements of any felony offense enumerated in sub-
 128 subparagraphs a.-q., or an attempt to commit any such felony
 129 offense.
- 130 2. The felony for which the defendant is to be sentenced is
 131 one of the felonies enumerated in sub-subparagraphs 1.a.-q. and
 132 was committed:
- 133 a. While the defendant was serving a prison sentence or
 134 other sentence imposed as a result of a prior conviction for any
 135 offense enumerated in sub-subparagraphs 1.a.-r.; or
 136 b. Within 5 years after the date of the conviction of the
 137 last prior offense enumerated in sub-subparagraphs 1.a.-r., or
 138 within 5 years after the defendant's release from a prison
 139 sentence, probation, community control, or other sentence
 140 imposed as a result of a prior conviction for any offense
 141 enumerated in sub-subparagraphs 1.a.-r., whichever is later.
- 142 ~~3. The defendant has not received a pardon on the ground of~~
 143 ~~innocence for any crime that is necessary for the operation of~~
 144 ~~this paragraph.~~
- 145 ~~4. A conviction of a crime necessary to the operation of~~

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- 146 ~~this paragraph has not been set aside in any postconviction~~
 147 ~~proceeding.~~
- 148 (d) "Violent career criminal" means a defendant for whom
 149 the court must impose imprisonment pursuant to paragraph (4) (d),
 150 if it finds that:
- 151 1. The defendant has previously been convicted as an adult
 152 three or more times for an offense in this state or other
 153 qualified offense that is:
- 154 a. Any forcible felony, as described in s. 776.08;
 155 b. Aggravated stalking, as described in s. 784.048(3) and
 156 (4);
- 157 c. Aggravated child abuse, as described in s. 827.03(2) (a);
 158 d. Aggravated abuse of an elderly person or disabled adult,
 159 as described in s. 825.102(2);
- 160 e. Lewd or lascivious battery, lewd or lascivious
 161 molestation, lewd or lascivious conduct, or lewd or lascivious
 162 exhibition, as described in s. 800.04 or s. 847.0135(5);
- 163 f. Escape, as described in s. 944.40; or
 164 g. A felony violation of chapter 790 involving the use or
 165 possession of a firearm.
- 166 2. The defendant has been incarcerated in a state prison or
 167 a federal prison.
- 168 3. The primary felony offense for which the defendant is to
 169 be sentenced is a felony enumerated in subparagraph 1. and was
 170 committed on or after October 1, 1995, and:
- 171 a. While the defendant was serving a prison sentence or
 172 other sentence, or court-ordered or lawfully imposed supervision
 173 that is imposed as a result of a prior conviction for an
 174 enumerated felony; or

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b. Within 5 years after the conviction of the last prior enumerated felony, or within 5 years after the defendant's release from a prison sentence, probation, community control, control release, conditional release, parole, or court-ordered or lawfully imposed supervision or other sentence that is imposed as a result of a prior conviction for an enumerated felony, whichever is later.

~~4. The defendant has not received a pardon for any felony or other qualified offense that is necessary for the operation of this paragraph.~~

~~5. A conviction of a felony or other qualified offense necessary to the operation of this paragraph has not been set aside in any postconviction proceeding.~~

(2) For the purposes of this section, the placing of a person on probation or community control without an adjudication of guilt shall be treated as a prior conviction. A conviction for which the defendant has been pardoned or which has been reversed on appeal or set aside in a postconviction proceeding is not a conviction for purposes of this section.

(3)(a) In a separate proceeding, the court shall determine ~~whether~~ if the defendant is a habitual felony offender or a habitual violent felony offender. The procedure shall be as follows:

1. The court shall obtain and consider a presentence investigation ~~before~~ prior to the imposition of a sentence as a habitual felony offender or a habitual violent felony offender.

2. Written notice ~~must~~ shall be served on the defendant ~~or~~ and the defendant's attorney ~~before the commencement of trial or entry of a plea of guilty or nolo contendere a sufficient time~~

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~~prior to the entry of a plea or prior to the imposition of sentence in order to allow the preparation of a submission on behalf of the defendant.~~

3. Except as provided in subparagraph 1., all evidence presented ~~must~~ shall be presented in open court with full rights of confrontation, cross-examination, and representation by counsel.

~~4. Each of the findings required as the basis for such sentence shall be found to exist by a preponderance of the evidence and shall be appealable to the extent normally applicable to similar findings.~~

5. For the purpose of identification of a habitual felony offender or a habitual violent felony offender, the court shall fingerprint the defendant pursuant to s. 921.241.

~~5.6.~~ For an offense committed on or after October 1, 1995, if the state attorney pursues a habitual felony offender sanction or a habitual violent felony offender sanction against the defendant and the court, in a separate proceeding pursuant to this paragraph, determines that the defendant meets the criteria under subsection (1) for imposing such sanction, the court must sentence the defendant as a habitual felony offender or a habitual violent felony offender, subject to imprisonment pursuant to this section unless the court finds that such sentence is not necessary for the protection of the public. If the court finds that it is not necessary for the protection of the public to sentence the defendant as a habitual felony offender or a habitual violent felony offender, the court ~~must~~ shall provide written reasons; a written transcript of orally stated reasons is permissible, if filed by the court within 7

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233 days after the date of sentencing. Each month, the court shall
 234 submit to the Office of Economic and Demographic Research of the
 235 Legislature the written reasons or transcripts in each case in
 236 which the court determines not to sentence a defendant as a
 237 habitual felony offender or a habitual violent felony offender
 238 as provided in this subparagraph.

239 (b) In a separate proceeding, the court shall determine
 240 whether ~~if~~ the defendant is a three-time violent felony
 241 offender. The procedure shall be as follows:

242 1. The court shall obtain and consider a presentence
 243 investigation before ~~prior to~~ the imposition of a sentence as a
 244 three-time violent felony offender.

245 2. Written notice must ~~shall~~ be served on the defendant or
 246 and the defendant's attorney before the commencement of trial or
 247 entry of a plea of guilty or nolo contendere a sufficient time
 248 prior to the entry of a plea or prior to the imposition of
 249 sentence in order to allow the preparation of a submission on
 250 behalf of the defendant.

251 3. Except as provided in subparagraph 1., all evidence
 252 presented must ~~shall~~ be presented in open court with full rights
 253 of confrontation, cross-examination, and representation by
 254 counsel.

255 4. ~~Each of the findings required as the basis for such~~
 256 ~~sentence shall be found to exist by a preponderance of the~~
 257 ~~evidence and shall be appealable to the extent normally~~
 258 ~~applicable to similar findings.~~

259 5. For the purpose of identification of a three-time
 260 violent felony offender, the court shall fingerprint the
 261 defendant pursuant to s. 921.241.

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262 5.6- For an offense committed on or after the effective
 263 date of this act, if the state attorney pursues a three-time
 264 violent felony offender sanction against the defendant and the
 265 court, in a separate proceeding pursuant to this paragraph,
 266 determines that the defendant meets the criteria under
 267 subsection (1) for imposing such sanction, the court must
 268 sentence the defendant as a three-time violent felony offender,
 269 subject to imprisonment pursuant to this section as provided in
 270 paragraph (4)(c).

271 (c) In a separate proceeding, the court shall determine
 272 whether the defendant is a violent career criminal with respect
 273 to a primary offense committed on or after October 1, 1995. The
 274 procedure shall be as follows:

275 1. Written notice must ~~shall~~ be served on the defendant or
 276 and the defendant's attorney before the commencement of trial or
 277 entry of a plea of guilty or nolo contendere a sufficient time
 278 prior to the entry of a plea or prior to the imposition of
 279 sentence in order to allow the preparation of a submission on
 280 behalf of the defendant.

281 2. All evidence presented must ~~shall~~ be presented in open
 282 court with full rights of confrontation, cross-examination, and
 283 representation by counsel.

284 3. ~~Each of the findings required as the basis for such~~
 285 ~~sentence shall be found to exist by a preponderance of the~~
 286 ~~evidence and shall be appealable only as provided in paragraph~~
 287 ~~(d).~~

288 4. For the purpose of identification, the court shall
 289 fingerprint the defendant pursuant to s. 921.241.

290 4.5- For an offense committed on or after October 1, 1995,

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291 if the state attorney pursues a violent career criminal sanction
292 against the defendant and the court, in a separate proceeding
293 pursuant to this paragraph, determines that the defendant meets
294 the criteria under subsection (1) for imposing such sanction,
295 the court must sentence the defendant as a violent career
296 criminal, subject to imprisonment pursuant to this section
297 unless the court finds that such sentence is not necessary for
298 the protection of the public. If the court finds that it is not
299 necessary for the protection of the public to sentence the
300 defendant as a violent career criminal, the court must ~~shall~~
301 provide written reasons; a written transcript of orally stated
302 reasons is permissible, if filed by the court within 7 days
303 after the date of sentencing. Each month, the court shall submit
304 to the Office of Economic and Demographic Research of the
305 Legislature the written reasons or transcripts in each case in
306 which the court determines not to sentence a defendant as a
307 violent career criminal as provided in this subparagraph.

308 Section 2. This act shall take effect July 1, 2026.

February 5, 2026

Meeting Date

Fiscal Policy

Committee

Name **Barney Bishop**

Address **1454 Vieux Carre Drive**

Street

Tallahassee

City

FL

State

32308

Zip

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

892

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **8505109922**

Email **Barney@BarneyBishop.com**

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without
compensation or sponsorship.

☒ I am a registered lobbyist,
representing:

Florida Smart Justice Alliance

☐ I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 1156

INTRODUCER: Senator Trumbull

SUBJECT: Ambulatory Surgical Centers

DATE: February 4, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Brown	HP	Favorable
2.	Looke	Siples	FP	Pre-meeting

I. Summary:

SB 1156 seeks to move statutes regulating ambulatory surgical centers (ASCs) out of ch. 395, F.S., and into a new chapter of statute created by the bill.

Part I of ch. 395, F.S., currently houses licensure requirements for both hospitals and ASCs. The bill amends Part I of ch. 395, F.S., as well as numerous other Florida Statutes, to bifurcate the regulation of ASCs and hospitals. The bill creates a new statutory chapter, ch. 396, F.S., to house the licensure requirements for ASCs separate from those for hospitals.

The bill takes effect July 1, 2026.

II. Present Situation:

Ambulatory Surgical Centers

An ambulatory surgical center (ASC) is a licensed health care facility that is not part of a hospital and has the primary purpose of providing elective surgical care. A patient is admitted to and discharged from the facility within 24 hours.¹ ASCs are required to be licensed by the Agency for Health Care Administration (AHCA) and may choose to be Medicare certified and/or accredited.²

¹ Agency for Health Care Administration, Ambulatory Surgical Center, available at <https://ahca.myflorida.com/health-quality-assurance/bureau-of-health-facility-regulation/hospital-outpatient-services-unit/ambulatory-surgical-center>, (last visited Jan. 23, 2026).

² *Id.*

Licensure

ASCs are licensed and regulated under ch. 395, F.S., by the AHCA under the same regulatory framework as hospitals.³ Applicants for ASC licensure are required to submit certain information to the AHCA prior to accepting patients for care or treatment, including:

- An affidavit of compliance with fictitious name;
- Registration of articles of incorporation; and
- The applicant's zoning certificate or proof of compliance with zoning requirements.⁴

Upon receipt of an initial ASC application, the AHCA is required to conduct a survey to determine compliance with all laws and rules. Applicants are required to provide certain information during the initial inspection, including:

- Governing body bylaws, rules, and regulations;
- Medical staff bylaws, rules, and regulations;
- A roster of medical staff members;
- A roster of registered nurses and licensed practical nurses with current license numbers;
- A nursing procedure manual;
- A fire plan; and
- A comprehensive emergency management plan.⁵

The licensure fee is \$1,679.82 and the survey/inspection fee is \$400.⁶ Currently there are 542 licensed ASCs in Florida.⁷

Accreditation

If an ASC chooses to become accredited by an organization recognized by the AHCA, including the Accreditation Association for Ambulatory Health Care, the QUAD A, the Accreditation Commission for Health Care, or the Joint Commission, the ASC may be deemed to be in compliance with state licensure and certification requirements. Deemed ASCs are not scheduled for routine on-site licensure or recertification surveys, although periodic Life Safety Code inspections are still required. Facilities must provide a complete copy of the most recent survey report indicating continuation as an accredited facility in lieu of inspections. The survey report should include correspondence from the accrediting organization containing:

- The dates of the survey,
- Any citations to which the accreditation organization requires a response,
- A response to each citation,
- The effective date of accreditation,
- Any follow-up reports, and
- Verification of Medicare (CMS) deemed status, if applicable.

³ Sections 395.001-395.1065, F.S., and part II, ch. 408, F.S.

⁴ Fla. Admin. Code R. 59A-5.003(4) (2019)

⁵ Fla. Admin. Code R. 59A-5.003(5) (2019)

⁶ *Supra* n. 1.

⁷ Florida Health Finder report, available at <https://quality.healthfinder.fl.gov/Facility-Search/FacilityLocateSearch>, (last visited Jan. 23, 2026).

Facilities no longer accredited or granted accreditation status other than accredited, or fail to submit the requested documentation, will be scheduled for annual licensure or recertification surveys to be conducted by AHCA field office staff.⁸

Licensure Requirements

Pursuant to s. 395.1055, F.S., the AHCA is authorized to adopt rules for hospitals and ASCs. Separate standards may be provided for general and specialty hospitals, ASCs, mobile surgical facilities, and statutory rural hospitals, but the rules for all hospitals and ASCs are required to include minimum standards for ensuring that:

- A sufficient number of qualified types of personnel and occupational disciplines are on duty and available at all times to provide necessary and adequate patient care;
- Infection control, housekeeping, sanitary conditions, and medical record procedures are established and implemented to adequately protect patients;
- A comprehensive emergency management plan is prepared and updated annually;
- Licensed facilities are established, organized, and operated consistent with established standards and rules; and
- Licensed facility beds conform to minimum space, equipment, and furnishing standards.

Rule 59A-5 of the Florida Administrative Code implements the minimum standards for ASCs. Those rules require policies and procedures to ensure the protection of patient rights.

Staff and Personnel Rules

ASCs are required to have written policies and procedures for surgical services, anesthesia services, nursing services, pharmaceutical services, laboratory services, and radiologic services. In providing these services, ASCs are required to have certain professional staff available, including:

- A qualified person responsible for the daily functioning and maintenance of the surgical suite;
- An anesthesiologist or other physician, or a certified registered nurse anesthetist under the on-site medical direction of a licensed physician, or an anesthesiologist assistant under the direct supervision of an anesthesiologist, who must be in the center during the anesthesia and post-anesthesia recovery period until all patients are cleared for discharge;
- A registered professional nurse who is responsible for coordinating and supervising all nursing services;
- A registered professional circulating nurse for a patient during that patient's surgical procedure; and
- A registered professional nurse who must be in the recovery area at all times when a patient is present.⁹

Infection Control Program

ASCs are required to establish an infection control program involving members of the medical, nursing, and administrative staff. The program must include written policies and procedures

⁸ *Supra* n. 1.

⁹ Fla. Admin. Code R. 59A-5.0085 (2021)

reflecting the scope of the infection control program. The written policies and procedures must be reviewed at least every two years by the infection control program members. The infection control program must include:

- Surveillance, prevention, and control of infection among patients and personnel;
- A system for identifying, reporting, evaluating, and maintaining records of infections;
- Ongoing review and evaluation of aseptic, isolation, and sanitation techniques employed by the ASC; and
- Development and coordination of training programs in infection control for all personnel.¹⁰

Emergency Management Plan

ASCs are required to develop and adopt a written comprehensive emergency management plan for emergency care during an internal or external disaster or emergency. The ASC must review the plan and update it annually.¹¹

Medicare Requirements

ASCs are required to have an agreement with the federal Centers for Medicare & Medicaid Services (CMS) to participate in Medicare. ASCs are also required to comply with specific conditions for coverage. The CMS defines “ASC” as any distinct entity that operates exclusively for the purpose of providing surgical services to patients not requiring hospitalization and for whom the expected duration of services would not exceed 24 hours following an admission.¹²

The CMS may deem an ASC to be in compliance with all of the conditions for coverage if the ASC is accredited by a national accrediting body or licensed by a state agency and if the CMS determines that such accreditation or licensure provides reasonable assurance that the conditions for coverage are met.¹³ All CMS conditions for coverage requirements are specifically required in Rule 59A-5 of the Florida Administrative Code and apply to all ASCs in Florida. The conditions for coverage require ASCs to have a:

- Governing body that assumes full legal responsibility for determining, implementing, and monitoring policies governing the ASC’s total operation;
- Quality assessment and performance improvement program;
- Transfer agreement with one or more acute care general hospitals, which will admit any patient referred who requires continuing care;
- Disaster preparedness plan;
- Organized medical staff;
- Fire control plan;
- Sanitary environment;
- Infection control program; and
- Procedure for patient admission, assessment and discharge.

¹⁰ Fla. Admin. Code R. 59A-5.011 (2016)

¹¹ Fla. Admin. Code R. 59A-5.018 (2014)

¹² 42 C.F.R. s. 416.2

¹³ 42 C.F.R. s. 416.26(a)(1)

III. Effect of Proposed Changes:

Section 1 creates ch. 396, F.S., consisting of ss. 396.201-396.225, F.S., entitled “Ambulatory Surgical Centers.”

Sections 2 through 24 duplicate provisions from Part I of ch. 395, F.S., as necessary to create substantively identical requirements for ambulatory surgery centers (ASC) in the newly created ch. 396, F.S.

Sections 25 through 118 amend provisions in part I of ch. 395, F.S., as well as multiple other sections of the Florida Statutes, to remove the regulation of ASCs from Part I of ch. 395, F.S., and make conforming changes.

Section 119 provides that the bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Section 24(c), Art. I, of the State Constitution establishes requirements that must be met when the Legislature enacts laws providing exemptions from public records or meetings requirements. These requirements provide that bills containing such exemptions:

- Only contain public records or meetings exemptions and relate to a single subject;
- Are passed by a two-thirds vote of each house of the Legislature; and
- State with specificity the public necessity justifying the exemption and be no broader than necessary to accomplish the stated purpose.

Current law contains numerous public records and meetings exemptions that apply to both ASCs and hospitals in part I of ch. 395, F.S. In moving the regulation of ASCs out of ch. 395, F.S., and into ch. 396, F.S., the bill recreates and duplicates in ch. 396, F.S., the public records and meetings exemptions from ch. 395, F.S., that apply to ASCs. It is unclear whether the act of recreating such exemptions would be governed by the requirements in s. 24(c), Art. I, of the State Constitution. As such, it is possible that, if challenged, pieces of the bill providing for public records and meetings exemptions specific to ASCs may be found to be unconstitutional. Additionally, many of the public records and meetings exemptions at issue were initially established prior to the adoption of s. 24, Art. I, of the state constitution and, as such, were not subject to the requirements that would be necessary to establish such exemptions today. This fact may further complicate the issue of whether or not the act of recreating such exemptions, as done in SB 1156, meets constitutional requirements.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.304, 95.11, 222.26, 381.00316, 381.0035, 381.026, 381.028, 381.915, 383.145, 385.202, 385.211, 390.011, 390.025, 394.4787, 395.001, 395.002, 395.003, 395.1055, 395.10973, 395.3025, 395.607, 395.701, 400.518, 400.93, 400.9905, 400.9935, 401.272, 408.051, 408.07, 408.802, 408.820, 409.905, 409.906, 409.975, 456.013, 456.0135, 456.041, 456.053, 456.056, 456.0575, 456.072, 456.073, 458.3145, 458.320, 458.3265, 458.328, 458.347, 458.351, 459.0085, 459.0137, 459.0138, 459.015, 459.022, 459.026, 460.413, 460.4167, 461.013, 464.012, 465.0125, 465.016, 466.028, 468.505, 486.021, 499.003, 499.0295, 553.80, 627.351, 627.357, 627.6056, 627.6387, 627.6405, 627.64194, 627.6616, 627.6648, 627.736, 627.912, 641.31076, 765.101, 766.101, 766.1016, 766.106, 766.110, 766.1115, 766.118, 766.202, 766.316, 790.338, 812.014, 893.05, 893.13, 945.6041, 985.6441, 1001.42, and 1012.965.

This bill creates the following sections of the Florida Statutes: 396.201, 396.225, 396.202, 396.203, 396.204, 396.205, 396.206, 396.207, 396.208, 396.209, 396.211, 396.212, 396.213, 396.214, 396.215, 396.216, 396.217, 396.218, 396.219, 396.221, 396.222, 396.223, and 396.224.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Trumbull

2-00459B-26

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1 A bill to be entitled
 2 An act relating to ambulatory surgical centers;
 3 creating ch. 396, F.S., to be entitled "Ambulatory
 4 Surgical Centers"; creating s. 396.201, F.S.;
 5 providing legislative intent; creating s. 396.202,
 6 F.S.; defining terms; creating s. 396.203, F.S.;
 7 specifying requirements for issuance, denial,
 8 suspension, and revocation of ambulatory surgical
 9 center licenses; creating s. 396.204, F.S.; providing
 10 for application fees; creating s. 396.205, F.S.;
 11 providing for minimum standards for specified clinical
 12 and diagnostic results as a condition for issuance or
 13 renewal of a license; creating s. 396.206, F.S.;
 14 requiring the Agency for Health Care Administration to
 15 make or cause to be made specified inspections of
 16 licensed facilities; requiring the agency to accept
 17 surveys or inspections from certain accrediting
 18 organizations in lieu of its own periodic inspections,
 19 provided certain conditions are met; requiring the
 20 agency to develop and adopt by rule certain criteria;
 21 requiring an applicant or a licensee to pay certain
 22 fees at the time of inspection; requiring the agency
 23 to coordinate periodic inspections to minimize costs
 24 and disruption of services; creating s. 396.207, F.S.;
 25 requiring each licensed facility to maintain and
 26 provide upon request records of all inspection reports
 27 pertaining to that facility; providing that such
 28 reports be retained for a specified timeframe;
 29 prohibiting the distribution of specified records;

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30 requiring a licensed facility to provide a copy of its
 31 most recent inspection report to certain parties upon
 32 request; authorizing licensed facilities to charge for
 33 such copies; creating s. 396.208, F.S.; providing that
 34 specified provisions govern the design, construction,
 35 erection, alteration, modification, repair, and
 36 demolition of licensed facilities; requiring the
 37 agency to review facility plans and survey the
 38 construction of licensed facilities; requiring
 39 licensed facilities to submit plans and specifications
 40 to the agency for review; requiring the agency to make
 41 or cause to be made certain inspections or
 42 investigations as it deems necessary; authorizing the
 43 agency to adopt certain rules; requiring the agency to
 44 approve or disapprove facility plans and
 45 specifications within a specified timeframe; providing
 46 an extension under certain circumstances; deeming a
 47 facility plan or specification approved if the agency
 48 fails to act within the specified timeframe; requiring
 49 the agency to set forth in writing its reasons for any
 50 disapprovals; authorizing the agency to charge and
 51 collect specified fees and costs; creating s. 396.209,
 52 F.S.; prohibiting any person from paying or receiving
 53 a commission, bonus, kickback, or rebate or engaging
 54 in any split-fee arrangement for referring a patient
 55 to a licensed facility; requiring agency enforcement;
 56 providing administrative penalties; creating s.
 57 396.211, F.S.; prohibiting a licensed facility from
 58 denying, for a specified reason, the applications of

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59 certain licensed health care practitioners for staff
 60 membership and clinical privileges; requiring a
 61 licensed facility to establish rules and procedures
 62 for consideration of such applications; providing for
 63 the termination of clinical privileges for physician
 64 assistants under certain circumstances; authorizing
 65 certain advanced practice registered nurses to
 66 administer anesthesia subject to certain conditions;
 67 requiring the presence of a circulating nurse in the
 68 operating room for the duration of surgical
 69 procedures; requiring a licensed facility to make
 70 available specified membership or privileges to
 71 certain physicians under certain circumstances;
 72 providing construction; requiring the governing board
 73 of a licensed facility to set standards and procedures
 74 to be applied in considering and acting upon
 75 applications; requiring that such standards and
 76 procedures be made available for public inspection;
 77 requiring a licensed facility to provide in writing,
 78 upon request of an applicant, the reasons for denial
 79 of staff membership or clinical privileges within a
 80 specified timeframe; requiring that a denial be
 81 submitted in writing to the applicant's respective
 82 regulatory board; providing immunity from monetary
 83 liability to certain persons and entities; providing
 84 that investigations, proceedings, and records produced
 85 or acquired by the governing board or its agent are
 86 not subject to discovery or introduction into evidence
 87 in certain proceedings under certain circumstances;

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88 prohibiting persons in attendance at such meetings
 89 from testifying in civil actions about the evidence
 90 presented or deliberations during such meetings;
 91 providing construction; providing for the award of
 92 specified fees and costs; requiring applicants who
 93 bring an action against certain persons or entities to
 94 post a bond or other security in a certain amount, as
 95 set by the court; creating s. 396.212, F.S.; providing
 96 legislative intent; requiring licensed facilities to
 97 provide for peer review of certain physicians and
 98 develop procedures to conduct such reviews; specifying
 99 requirements for such procedures; requiring that,
 100 under certain circumstances, a peer review panel
 101 investigate and determine whether grounds for
 102 discipline exist with respect to certain staff members
 103 or physicians; requiring the governing board to take
 104 specified actions if certain determinations are made;
 105 providing grounds for such governing board actions;
 106 requiring licensed facilities to report disciplinary
 107 action to the Department of Health's Division of
 108 Medical Quality Assurance within a specified
 109 timeframe; providing requirements for the report;
 110 requiring the division to review each report and make
 111 certain determinations; providing that such reports
 112 are exempt from public records requirements; providing
 113 immunity from monetary liability to certain persons
 114 and entities; providing construction; providing
 115 administrative penalties; providing that certain
 116 proceedings and records of peer review panels,

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117 committees, and governing boards or agents thereof are
 118 exempt from public records requirements and are not
 119 subject to discovery or introduction into evidence in
 120 certain proceedings; prohibiting persons in attendance
 121 at certain meetings from testifying or being required
 122 to testify in certain civil or administrative actions;
 123 providing construction; providing for the award of
 124 specified fees and costs; requiring persons who bring
 125 an action against certain persons or entities to post
 126 a bond or other security in a certain amount, as set
 127 by the court; creating s. 396.213, F.S.; requiring
 128 licensed facilities to establish an internal risk
 129 management program; specifying requirements for such
 130 program; providing that the governing board of the
 131 licensed facility is responsible for the program;
 132 requiring licensed facilities to hire a risk manager;
 133 specifying requirements for such risk manager;
 134 encouraging licensed facilities to implement certain
 135 innovative approaches; requiring licensed facilities
 136 to annually report specified information to the Agency
 137 for Health Care Administration and the Department of
 138 Health; requiring the agency and the department to
 139 include certain statistical information in their
 140 respective annual reports; requiring the agency to
 141 adopt rules governing the establishment of internal
 142 risk management programs; specifying requirements for
 143 such programs defining the term "adverse incident" for
 144 certain purposes; requiring licensed facilities to
 145 report specified information annually to the agency;

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146 requiring the agency to review the reported
 147 information and make certain determinations; providing
 148 that the reported information is exempt from public
 149 records requirements and is not discoverable or
 150 admissible in civil or administrative actions, with
 151 exceptions; requiring licensed facilities to report
 152 certain adverse incidents to the agency within a
 153 specified timeframe; providing requirements for such
 154 reports; authorizing the agency to grant extensions of
 155 the reporting requirement under certain circumstances
 156 and subject to certain conditions; providing that such
 157 reports are exempt from public records requirements
 158 and are not discoverable or admissible in civil and
 159 administrative actions, with exceptions; authorizing
 160 the agency to investigate reported adverse incidents
 161 and prescribe measures in response to such incidents;
 162 requiring the agency to review adverse incidents and
 163 make certain determinations; requiring the agency to
 164 publish certain reports and summaries within certain
 165 timeframes on its website; prohibiting certain
 166 information from being included in such reports and
 167 summaries; providing a purpose; specifying certain
 168 investigative and reporting requirements for internal
 169 risk managers relating to the investigation and
 170 reporting of allegations of sexual misconduct or
 171 sexual abuse at licensed facilities; specifying
 172 requirements for witnesses to such alleged misconduct
 173 or abuse; defining the term "sexual abuse"; providing
 174 criminal penalties for making a false allegation of

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175 sexual misconduct; requiring the agency to require a
 176 written plan of correction from the licensed facility
 177 for certain violations; requiring the agency to first
 178 seek corrective action from a licensed facility for
 179 certain nonwillful violations; providing
 180 administrative penalties for a facility's failure to
 181 timely correct the violation or for demonstrating a
 182 pattern of such violations; requiring licensed
 183 facilities to provide the agency with access to all
 184 facility records needed for specified purposes;
 185 providing that such records obtained by the agency are
 186 exempt from public records requirements and are not
 187 discoverable or admissible in civil and administrative
 188 actions, with exceptions; providing an exemption from
 189 public meeting and records requirements for certain
 190 meetings of the committees and governing board of a
 191 licensed facility; requiring the agency to review the
 192 internal risk management program of each licensed
 193 facility as part of its licensure review process;
 194 providing risk managers with immunity from monetary
 195 and civil liability in certain proceedings under
 196 certain circumstances; providing immunity from civil
 197 liability to risk managers and licensed facilities in
 198 certain actions, with an exception; requiring the
 199 agency to report certain investigative results to the
 200 applicable regulatory board; prohibiting coercion,
 201 intimidation, or preclusion of a risk manager;
 202 providing for civil penalties; creating s. 396.214,
 203 F.S.; requiring licensed facilities to comply with

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204 specified requirements for the transportation of
 205 biomedical waste; creating s. 396.215, F.S.; requiring
 206 licensed facilities to adopt a patient safety plan,
 207 appoint a patient safety officer and a patient safety
 208 committee for specified purposes, and conduct a
 209 patient safety culture survey at least biennially;
 210 specifying requirements for such survey; authorizing
 211 facilities to contract for administration of the
 212 survey; requiring that survey data be submitted to the
 213 agency in a certain format; authorizing licensed
 214 facilities to develop an internal action plan for a
 215 certain purpose and submit the plan to the agency;
 216 requiring licensed facilities to develop and implement
 217 policies and procedures for the rendering of certain
 218 medical care; specifying requirements for the policies
 219 and procedures; requiring licensed facilities to train
 220 all nonphysician personnel on the policies and
 221 procedures at least annually; defining the term
 222 "nonphysician personnel"; creating s. 396.216, F.S.;
 223 requiring licensed facilities to adopt specified
 224 protocols for the treatment of victims of child abuse,
 225 abandonment, or neglect; creating s. 396.217, F.S.;
 226 providing requirements for notifying a patient or a
 227 patient's proxy about adverse incidents; providing
 228 construction; creating s. 396.218, F.S.; requiring the
 229 agency to adopt specified rules relating to minimum
 230 standards for licensed facilities; providing
 231 construction; providing that certain licensed
 232 facilities are allowed a specified timeframe in which

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233 to comply with any newly adopted agency rules;
 234 preempting the adoption of certain rules to the
 235 Florida Building Commission and the State Fire
 236 Marshal; requiring the agency to provide technical
 237 assistance to the commission and the State Fire
 238 Marshal in updating the construction standards
 239 governing licensed facilities; creating s. 396.219,
 240 F.S.; providing for criminal and administrative
 241 penalties; requiring the agency to consider specified
 242 factors in determining the amounts of administrative
 243 fines levied; authorizing the agency to impose an
 244 immediate moratorium on elective admissions to any
 245 licensed facility under certain circumstances;
 246 creating s. 396.221, F.S.; providing powers and duties
 247 of the agency; creating s. 396.222, F.S.; requiring a
 248 licensed facility to provide timely and accurate
 249 financial information and quality of service measures
 250 to certain individuals; requiring a licensed facility
 251 to make available on its website certain information
 252 on payments made to that facility for defined bundles
 253 of services and procedures and other information for
 254 consumers and patients; providing requirements for
 255 such information; requiring that facility websites
 256 provide specified information and notify and inform
 257 patients or prospective patients of certain
 258 information; defining the terms "shoppable health care
 259 service" and "standard charge"; requiring a licensed
 260 facility to provide a written or electronic good faith
 261 estimate of certain charges to a patient or

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262 prospective patient within a certain timeframe;
 263 specifying requirements for such estimates; requiring
 264 a licensed facility to provide to a patient or a
 265 prospective patient specified information regarding
 266 the facility's financial assistance policy; providing
 267 a civil penalty for failing to timely provide an
 268 estimate of charges to a patient or prospective
 269 patient and the insurer; requiring licensed facilities
 270 to make certain health-related data available on its
 271 website; requiring licensed facilities to take action
 272 to notify the public of the availability of such
 273 information; requiring licensed facilities to provide
 274 an itemized statement or bill to a patient or his or
 275 her survivor or legal guardian within a specified
 276 timeframe upon request and after discharge; specifying
 277 requirements for the statement or bill; requiring
 278 licensed facilities to make available to a patient or
 279 his or her survivor or legal guardian certain records
 280 within a specified timeframe and in a specified
 281 manner; authorizing licensed facilities to charge fees
 282 in a specified amount for copies of such records;
 283 requiring licensed facilities to establish certain
 284 internal processes relating to itemized statements and
 285 bills and grievances; requiring licensed facilities to
 286 disclose certain information relating to the patient's
 287 cost-sharing obligation; providing an administrative
 288 penalty for failure to disclose such information;
 289 creating s. 396.223, F.S.; defining the term
 290 "extraordinary collection action"; prohibiting certain

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291 collection actions by a licensed facility; creating s.
 292 396.224, F.S.; providing criminal penalties and
 293 disciplinary action for the fraudulent alteration,
 294 defacement, or falsification of medical records;
 295 creating s. 396.225, F.S.; requiring a licensed
 296 facility to furnish, in a timely manner, a true and
 297 correct copy of all patient records to certain
 298 persons; specifying authorized charges for copies of
 299 such records; providing an exception; providing for
 300 confidentiality of patient records; providing
 301 exceptions; authorizing the department to examine
 302 certain records for certain purposes; providing
 303 criminal penalties for the unauthorized release of
 304 information from such records by department agents;
 305 providing content and use requirements and limitations
 306 for confidential patient records released under the
 307 exemptions; authorizing licensed facilities to
 308 prescribe the content and custody of limited-access
 309 records that the facility maintains on its employees;
 310 specifying the types of records that may be limited in
 311 this manner; providing requirements for the release of
 312 such limited-access records; providing an exemption
 313 from public records requirements for such records;
 314 providing exemptions from public records requirements
 315 for specified personal information relating to
 316 employees of licensed facilities who provide direct
 317 patient care or security services and their spouses
 318 and children, and for specified personal information
 319 relating to certain other employees of licensed

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320 facilities and their spouses and children upon their
 321 request; providing exceptions to the exemptions;
 322 amending ss. 39.304, 95.11, 222.26, 381.00316,
 323 381.0035, 381.026, 381.028, 381.915, 383.145, 385.202,
 324 385.211, 390.011, 390.025, 394.4787, 395.001, 395.002,
 325 395.003, 395.1055, 395.10973, 395.3025, 395.607,
 326 395.701, 400.518, 400.93, 400.9905, 400.9935, 401.272,
 327 408.051, 408.07, 408.802, 408.820, 409.905, 409.906,
 328 409.975, 456.013, 456.0135, 456.041, 456.053, 456.056,
 329 456.0575, 456.072, 456.073, 458.3145, 458.320,
 330 458.3265, 458.328, 458.347, 458.351, 459.0085,
 331 459.0137, 459.0138, 459.015, 459.022, 459.026,
 332 460.413, 460.4167, 461.013, 464.012, 465.0125,
 333 465.016, 466.028, 468.505, 486.021, 499.003, 499.0295,
 334 553.80, 627.351, 627.357, 627.6056, 627.6387,
 335 627.6405, 627.64194, 627.6616, 627.6648, 627.736,
 336 627.912, 641.31076, 765.101, 766.101, 766.1016,
 337 766.106, 766.110, 766.1115, 766.118, 766.202, 766.316,
 338 790.338, 812.014, 893.05, 893.13, 945.6041, 985.6441,
 339 1001.42, and 1012.965, F.S.; conforming cross-
 340 references and provisions to changes made by the act;
 341 bifurcating fees applicable to ambulatory surgical
 342 centers under ch. 395, F.S., and transferring them to
 343 ch. 396, F.S.; authorizing the agency to maintain its
 344 current fees for ambulatory surgical centers and adopt
 345 certain rules; providing an effective date.

347 Be It Enacted by the Legislature of the State of Florida:
 348

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349 Section 1. Chapter 396, Florida Statutes, consisting of ss.
 350 396.201-396.225, Florida Statutes, is created and entitled
 351 "Ambulatory Surgical Centers."

352 Section 2. Section 396.201, Florida Statutes, is created to
 353 read:

354 396.201 Legislative intent.—It is the intent of the
 355 Legislature to provide for the protection of public health and
 356 safety in the establishment, construction, maintenance, and
 357 operation of ambulatory surgical centers by providing for
 358 licensure of the same and for the development, establishment,
 359 and enforcement of minimum standards with respect thereto.

360 Section 3. Section 396.202, Florida Statutes, is created to
 361 read:

362 396.202 Definitions.—As used in this chapter, the term:

363 (1) "Accrediting organization" means a national accrediting
 364 organization approved by the Centers for Medicare and Medicaid
 365 Services whose standards incorporate comparable licensure
 366 regulations required by this state.

367 (2) "Agency" means the Agency for Health Care
 368 Administration.

369 (3) "Ambulatory surgical center" means a facility, the
 370 primary purpose of which is to provide elective surgical care,
 371 in which the patient is admitted to and discharged from such
 372 facility within 24 hours, and which is not part of a hospital.
 373 The term does not include a facility existing for the primary
 374 purpose of performing terminations of pregnancy, an office
 375 maintained by a physician for the practice of medicine, or an
 376 office maintained for the practice of dentistry, except that
 377 that any such facility or office that is certified or seeks

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378 certification as a Medicare ambulatory surgical center must be
 379 licensed as an ambulatory surgical center under this chapter.

380 (4) "Biomedical waste" has the same meaning as provided in
 381 s. 381.0098(2).

382 (5) "Clinical privileges" means the privileges granted to a
 383 physician or other licensed health care practitioner to render
 384 patient care services in an ambulatory surgical center, but does
 385 not include the privilege of admitting patients.

386 (6) "Department" means the Department of Health.

387 (7) "Director" means any member of the official board of
 388 directors as reported in the licensed facility owner's annual
 389 corporate report to the Department of State or, if no such
 390 report is made, any member of the operating board of directors.
 391 The term does not include members of separate, restricted boards
 392 who serve only in an advisory capacity to the operating board.

393 (8) "Emergency medical condition" means:

394 (a) A medical condition manifesting itself by acute
 395 symptoms of sufficient severity, which may include severe pain,
 396 such that the absence of immediate medical attention could
 397 reasonably be expected to result in any of the following:

398 1. Serious jeopardy to patient health, including for a
 399 pregnant woman or fetus.

400 2. Serious impairment to bodily functions.

401 3. Serious dysfunction of any bodily organ or part.

402 (b) With respect to a pregnant woman:

403 1. That there is inadequate time to effect safe transfer to
 404 a hospital before delivery;

405 2. That a transfer may pose a threat to the health and
 406 safety of the patient or fetus; or

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3. That there is evidence of the onset and persistence of
uterine contractions or a rupture of the membranes.

(9) "Governmental unit" means the state or any county,
municipality, or other political subdivision, or any department,
division, board, or other agency of any of the foregoing.

(10) "Hospital" has the same meaning as in s. 395.002.

(11) "Licensed facility" means an ambulatory surgical
center licensed under this chapter.

(12) "Lifesafety" means the control and prevention of fire
and other life-threatening conditions on a premises for the
purpose of preserving human life.

(13) "Medical staff" means physicians licensed under
chapter 458 or chapter 459 with privileges in a licensed
facility, as well as other licensed health care practitioners
with clinical privileges as approved by a licensed facility's
governing board.

(14) "Person" means any individual, partnership,
corporation, association, or governmental unit.

(15) "Premises" means those buildings, beds, and equipment
located at the address of the licensed facility, and all other
buildings, beds, and equipment for the provision of ambulatory
surgical care located in such reasonable proximity to the
address of the licensed facility as to appear to the public to
be under the dominion and control of the licensee.

(16) "Validation inspection" means an inspection of the
premises of a licensed facility by the agency to assess whether
a review by an accrediting organization has adequately evaluated
the licensed facility according to minimum state standards.

Section 4. Section 396.203, Florida Statutes, is created to

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read:

396.203 Licensure; denial, suspension, and revocation.—

(1) (a) The requirements of part II of chapter 408 apply to
the provision of services that require licensure pursuant to ss.
396.201-396.225 and part II of chapter 408 and to entities
licensed by or applying for such licensure from the Agency for
Health Care Administration pursuant to ss. 396.201-396.225. A
license issued by the agency is required in order to operate an
ambulatory surgical center in this state.

(b)1. It is unlawful for a person to use or advertise to
the public, in any way or by any medium whatsoever, any facility
as an "ambulatory surgical center" unless such facility has
first secured a license under this chapter.

2. This chapter does not apply to commercial business
establishments using the word "ambulatory surgical center" as a
part of a trade name if no treatment of human beings is
performed on the premises of such establishments.

(2) In addition to the requirements of s. 408.807, after a
change of ownership has been approved by the agency, the
transferee is liable for any liability due to the state,
regardless of when identified, resulting from changes to
allowable costs affecting provider reimbursement for Medicaid
participation and related administrative fines.

(3) An ambulatory surgical center must comply with ss.
627.64194 and 641.513 as a condition of licensure.

(4) In addition to the requirements of part II of chapter
408, whenever the agency finds that there has been a substantial
failure to comply with the requirements established under this
chapter or in rules, the agency is authorized to deny, modify,

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suspend, or revoke a license.

Section 5. Section 396.204, Florida Statutes, is created to read:

396.204 Application for license; fees.—In accordance with s. 408.805, an applicant or a licensee shall pay a fee for each license application submitted under this chapter, part II of chapter 408, and applicable rules. The amount of the fee is established by rule. The license fee required of a facility licensed under this chapter is established by rule, except that the minimum license fee is \$1,500.

Section 6. Section 396.205, Florida Statutes, is created to read:

396.205 Minimum standards for clinical laboratory test results and diagnostic X-ray results; prerequisite for issuance or renewal of license.—

(1) As a requirement for issuance or renewal of its license, each licensed facility shall require that all clinical laboratory tests performed by or for the licensed facility be performed by a clinical laboratory appropriately certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder.

(2) Each licensed facility, as a requirement for issuance or renewal of its license, shall establish minimum standards for acceptance of results of diagnostic X rays performed by or for the licensed facility. Such standards must require licensure or registration of the source of ionizing radiation under chapter 404.

(3) The results of clinical laboratory tests and diagnostic

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X rays performed before admission which meet the minimum standards required by law must be accepted in lieu of routine examinations required upon admission and in lieu of clinical laboratory tests and diagnostic X rays which may be ordered by a physician for patients of the licensed facility.

Section 7. Section 396.206, Florida Statutes, is created to read:

396.206 Licensure inspection.—

(1) In addition to the requirement of s. 408.811, the agency shall make or cause to be made such inspections and investigations as it deems necessary, including, but not limited to:

(a) Inspections directed by the Centers for Medicare and Medicaid Services.

(b) Validation inspections.

(c) Lifesafety inspections.

(d) Licensure complaint investigations, including full licensure investigations with a review of all licensure standards as outlined in the administrative rules. Complaints received by the agency from individuals, organizations, or other sources are subject to review and investigation by the agency.

(2) The agency shall accept, in lieu of its own periodic inspections for licensure, the survey or inspection of an accrediting organization, provided that the accreditation of the licensed facility is not provisional and provided that the licensed facility authorizes release of, and the agency receives the report of, the accrediting organization. The agency shall develop and adopt by rule criteria for accepting survey reports of accrediting organizations in lieu of conducting a state

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licensure inspection.

(3) In accordance with s. 408.805, an applicant or a licensee must pay a fee for each license application submitted under this chapter, part II of chapter 408, and applicable rules. Each facility licensed under this chapter must pay to the agency, at the time of inspection, the following fees:

(a) Inspection for licensure.—A fee of at least \$400 per facility.

(b) Inspection for lifesafety only.—A fee of at least \$40 per facility.

(4) The agency shall coordinate all periodic inspections for licensure made by the agency to ensure that the cost to the facility of such inspections and the disruption of services by such inspections are minimized.

Section 8. Section 396.207, Florida Statutes, is created to read:

396.207 Inspection reports.—

(1) Each licensed facility shall maintain as public information, available upon request, records of all inspection reports pertaining to that facility. Copies of such reports must be retained in its records for at least 5 years after the date the reports are filed and issued.

(2) Any record, report, or document that is confidential and exempt from s. 119.07(1) may not be distributed or made available for purposes of compliance with this section unless or until such confidential status expires.

(3) A licensed facility shall, upon the request of any person who has completed a written application with intent to be admitted to such facility, any person who is a patient of such

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facility, or any relative, spouse, guardian, or surrogate of any such person, furnish to the requester a copy of the last inspection report filed with or issued by the agency pertaining to the licensed facility, as provided in subsection (1), provided that the person requesting such report agrees to pay a reasonable charge to cover copying costs, not to exceed \$1 per page.

Section 9. Section 396.208, Florida Statutes, is created to read:

396.208 Construction inspections; plan submission and approval; fees.—

(1)(a) The design, construction, erection, alteration, modification, repair, and demolition of all licensed health care facilities are governed by the Florida Building Code and the Florida Fire Prevention Code under ss. 553.73 and 633.202.

(b) In addition to the requirements of ss. 553.79 and 553.80, the agency shall review facility plans and survey the construction of any facility licensed under this chapter. All licensed facilities shall submit plans and specifications to the agency for review under this section. The agency shall make, or cause to be made, such construction inspections and investigations as it deems necessary. The agency may prescribe by rule that any licensee or applicant desiring to make specified types of alterations or additions to its facilities or to construct new facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the agency for preliminary inspection and approval or recommendation with respect to compliance with applicable provisions of the Florida Building Code or agency

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rules and standards.

(c) The agency shall approve or disapprove the plans and specifications within 60 days after receipt of the fee for review of plans as required in subsection (2). The agency may be granted one 15-day extension for the review period if the director of the agency approves the extension. If the agency fails to act within the specified timeframe, it is deemed to have approved the plans and specifications. When the agency disapproves plans and specifications, it must set forth in writing the reasons for its disapproval. Conferences and consultations may be provided as necessary.

(2) The agency may charge an initial fee of \$2,000 for review of plans and construction on all projects, which is nonrefundable. The agency may also collect a fee, not to exceed 1 percent of the estimated construction cost or the actual cost of review, whichever is less, for the portion of the review which encompasses initial review through the initial revised construction document review. The agency is further authorized to collect its actual costs on all subsequent portions of the review and construction inspections. The initial fee payment must accompany the initial submission of plans and specifications. Any subsequent payment that is due is payable upon receipt of the invoice from the agency.

Section 10. Section 396.209, Florida Statutes, is created to read:

396.209 Rebates prohibited; penalties.-

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, or rebate or engage in any split-fee arrangement, in any form whatsoever, with any physician,

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surgeon, organization, or person, either directly or indirectly, for patients referred to a licensed facility.

(2) The agency shall enforce subsection (1). In the case of an entity not licensed by the agency, administrative penalties may include:

(a) A fine not to exceed \$1,000.

(b) If applicable, a recommendation by the agency to the appropriate regulatory board that disciplinary action be taken.

Section 11. Section 396.211, Florida Statutes, is created to read:

396.211 Staff membership and clinical privileges.-

(1) A licensed facility, in considering and acting upon an application for staff membership or clinical privileges, may not deny the application of a qualified doctor of medicine licensed under chapter 458, a doctor of osteopathic medicine licensed under chapter 459, a doctor of dentistry licensed under chapter 466, or a doctor of podiatric medicine licensed under chapter 461 for such staff membership or clinical privileges within the scope of his or her respective licensure solely because the applicant is licensed under any of such chapters.

(2)(a) Each licensed facility shall establish rules and procedures for consideration of an application for clinical privileges submitted by a physician assistant licensed pursuant to s. 458.347 or s. 459.022. Clinical privileges granted to a physician assistant pursuant to this subsection automatically terminate upon termination of staff membership of the physician assistant's supervising physician.

(b) An advanced practice registered nurse who is certified as a registered nurse anesthetist licensed under part I of

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chapter 464 may administer anesthesia under the onsite medical direction of a professional licensed under chapter 458, chapter 459, or chapter 466, and in accordance with an established protocol approved by the medical staff. The medical direction must specifically address the needs of the individual patient.

(c) A circulating nurse must be present in the operating room for the duration of a surgical procedure.

(3) When a licensed facility requires, as a precondition to obtaining staff membership or clinical privileges, the completion of, eligibility in, or graduation from any program or society established by or relating to the American Medical Association or the Liaison Committee on Medical Education, the licensed facility must also make available such membership or privileges to physicians who have attained completion of, eligibility in, or graduation from any equivalent program established by or relating to the American Osteopathic Association.

(4) This section does not restrict in any way the authority of the medical staff of a licensed facility to review for approval or disapproval all applications for appointment and reappointment to all categories of staff and to make recommendations on each applicant to the governing board of the facility, including the delineation of privileges to be granted in each case. In making such recommendations and in the delineation of privileges, each applicant must be considered individually pursuant to criteria for a doctor licensed under chapter 458, chapter 459, chapter 461, or chapter 466; or for an advanced practice registered nurse licensed under part I of chapter 464, as applicable. The applicant's eligibility for

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staff membership or clinical privileges must be determined by the applicant's background, experience, health, training, and demonstrated competency; the applicant's adherence to applicable professional ethics; the applicant's reputation; and the applicant's ability to work with others, and by such other elements as determined by the governing board consistent with this chapter.

(5) The governing board of each licensed facility shall set standards and procedures to be applied by the licensed facility and its medical staff in considering and acting upon applications for staff membership or clinical privileges. Such standards and procedures must be made available for public inspection.

(6) Upon the written request of the applicant, any licensed facility that has denied staff membership or clinical privileges to an applicant specified in subsection (1) or subsection (2) must, within 30 days after such request, provide the applicant with the reasons for such denial in writing. A denial of staff membership or clinical privileges to any applicant must be submitted, in writing, to the applicant's respective regulatory board.

(7) There is no monetary liability on the part of, and no cause of action for injunctive relief or damages may arise against, any licensed facility, its governing board or governing board members, medical staff, or disciplinary board or against its agents, investigators, witnesses, or employees, or against any other person, for any action arising out of or related to carrying out this section, absent intentional fraud.

(8) The investigations, proceedings, and records of the

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board, or its agent with whom there is a specific written contract for the purposes of this section, as described in this section are not subject to discovery or introduction into evidence in any civil action against a provider of professional health services arising out of matters that are the subject of evaluation and review by such board, and any person who was in attendance at a meeting of such board or its agent is not permitted or required to testify in any such civil action as to any evidence or other matters produced or presented during the proceedings of such board or its agent or as to any findings, recommendations, evaluations, opinions, or other actions of such board or its agent or any members thereof. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil action merely because they were presented during proceedings of such board; nor may any person who testifies before such board or who is a member of such board be prevented from testifying as to matters within his or her knowledge, but such witness cannot be asked about his or her testimony before such a board or opinions formed by him or her as a result of such board hearings.

(9)(a) If the defendant prevails in an action brought by an applicant against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section, the court must award reasonable attorney fees and costs to the defendant.

(b) As a condition of an applicant bringing any action against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this

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section and before any responsive pleading is due, the applicant must post a bond or other security, as set by the court having jurisdiction in the action, in an amount sufficient to pay the costs and attorney fees.

Section 12. Section 396.212, Florida Statutes, is created to read:

396.212 Licensed facilities; peer review; disciplinary powers; agency or partnership with physicians.—

(1) It is the intent of the Legislature that good faith participants in the process of investigating and disciplining physicians pursuant to the state-mandated peer review process shall, in addition to receiving immunity from retaliatory tort suits pursuant to s. 456.073(12), be protected from federal antitrust suits filed under the Sherman Antitrust Act, 15 U.S.C. ss. 1 et seq. Such intent is within the public policy of the state to secure the provision of quality medical services to the public.

(2) Each licensed facility, as a condition of licensure, shall provide for peer review of physicians who deliver health care services at the facility. Each licensed facility shall develop written, binding procedures by which such peer review must be conducted. Such procedures must include all of the following:

(a) A mechanism for choosing the membership of the body or bodies that conduct peer review.

(b) Adoption of rules of order for the peer review process.

(c) Fair review of the case with the physician involved.

(d) A mechanism to identify and avoid conflicts of interest on the part of the peer review panel members.

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755 (e) Recording of agendas and minutes that do not contain
 756 confidential material, for review by the Division of Health
 757 Quality Assurance of the agency.
 758 (f) A review, at least annually, of the peer review
 759 procedures by the governing board of the licensed facility.
 760 (g) Focusing the peer review process on reviewing
 761 professional practices at the facility to reduce morbidity and
 762 mortality and to improve patient care.
 763 (3) If reasonable belief exists that conduct by a staff
 764 member or physician who delivers health care services at the
 765 licensed facility may constitute one or more grounds for
 766 discipline as provided in this subsection, a peer review panel
 767 must investigate and determine whether grounds for discipline
 768 exist with respect to such staff member or physician. The
 769 governing board of a licensed facility, after considering the
 770 recommendations of its peer review panel, shall suspend, deny,
 771 revoke, or curtail the privileges, or reprimand, counsel, or
 772 require education, of any such staff member or physician after a
 773 final determination has been made that one or more of the
 774 following grounds exist:
 775 (a) Incompetence.
 776 (b) Being found to be a habitual user of intoxicants or
 777 drugs to the extent that the staff member or physician is deemed
 778 dangerous to himself, herself, or others.
 779 (c) Mental or physical impairment that may adversely affect
 780 patient care.
 781 (d) Being found liable by a court of competent jurisdiction
 782 for medical negligence or malpractice involving negligent
 783 conduct.

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784 (e) One or more settlements exceeding \$10,000 for medical
 785 negligence or malpractice involving negligent conduct by the
 786 staff member or physician.
 787 (f) Medical negligence other than as specified in paragraph
 788 (d) or paragraph (e).
 789 (g) Failure to comply with the policies, procedures, or
 790 directives of the risk management program or any quality
 791 assurance committees of any licensed facility.
 792 (4) Pursuant to ss. 458.337 and 459.016, any disciplinary
 793 action taken under subsection (3) must be reported in writing to
 794 the Division of Medical Quality Assurance of the Department of
 795 Health within 30 working days after its initial occurrence,
 796 regardless of the pendency of appeals to the governing board of
 797 the licensed facility. The report must identify the disciplined
 798 practitioner, the action taken, and the reason for such action.
 799 All final disciplinary actions taken under subsection (3), if
 800 different from those reported to the agency within 30 days after
 801 its initial occurrence, must be reported within 10 working days
 802 to the Division of Medical Quality Assurance in writing and must
 803 specify the disciplinary action taken and the specific grounds
 804 therefor. The division shall review each report and determine
 805 whether it potentially involved conduct by the licensee which is
 806 subject to disciplinary action, in which case s. 456.073
 807 applies. The reports are not subject to inspection under s.
 808 119.07(1) even if the division's investigation results in a
 809 finding of probable cause.
 810 (5) There is no monetary liability on the part of, and no
 811 cause of action for damages may rise against, any licensed
 812 facility, its governing board or governing board members, peer

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review panel, medical staff, or disciplinary body, or its agents, investigators, witnesses, or employees; a committee of a licensed facility; or any other person for any action taken without intentional fraud in carrying out this section.

(6) For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section or part II of chapter 408, the agency shall first seek to obtain corrective action by the licensed facility. If correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section or part II of chapter 408, the agency may impose an administrative fine, not to exceed \$5,000 for any violation of the reporting requirements of this section or part II of chapter 408. The administrative fine for repeated nonwillful violations may not exceed \$10,000 for any violation. The administrative fine for each intentional and willful violation may not exceed \$25,000 per violation, per day. The fine for an intentional and willful violation of this section or part II of chapter 408 may not exceed \$250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 396.219(2)(b).

(7) The proceedings and records of peer review panels, committees, and governing boards or agents thereof which relate solely to actions taken in carrying out this section are not subject to inspection under s. 119.07(1); and meetings held pursuant to achieving the objectives of such panels, committees, and governing boards or agents thereof are not open to the public under chapter 286.

(8) The investigations, proceedings, and records of the

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peer review panel, a committee of an ambulatory surgical center, a disciplinary board, or a governing board, or agents thereof with whom there is a specific written contract for that purpose, as described in this section, are not subject to discovery or introduction into evidence in any civil or administrative action against a provider of professional health services arising out of the matters that are the subject of evaluation and review by such group or its agent, and a person who was in attendance at a meeting of such group or its agent is not permitted and may not be required to testify in any such civil or administrative action as to any evidence or other matters produced or presented during the proceedings of such group or its agent or as to any findings, recommendations, evaluations, opinions, or other actions of such group or its agent or any members thereof. However, information, documents, or records otherwise available from original sources are not to be construed as immune from discovery or use in any such civil or administrative action merely because such information, documents, or records were presented during proceedings of such group, and any person who testifies before such group or who is a member of such group may not be prevented from testifying as to matters within his or her knowledge, but such witness may not be asked about his or her testimony before such a group or opinions formed by him or her as a result of such group hearings.

(9)(a) If the defendant prevails in an action brought by a staff member or physician who delivers health care services at the licensed facility against any person or entity that initiated, participated in, was a witness in, or conducted any review as authorized by this section, the court must award

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871 reasonable attorney fees and costs to the defendant.
 872 (b) As a condition of any staff member or physician
 873 bringing any action against any person or entity that initiated,
 874 participated in, was a witness in, or conducted any review as
 875 authorized by this section and before any responsive pleading is
 876 due, the staff member or physician must post a bond or other
 877 security, as set by the court having jurisdiction in the action,
 878 in an amount sufficient to pay the costs and attorney fees.

879 Section 13. Section 396.213, Florida Statutes, is created
 880 to read:

881 396.213 Internal risk management program.-

882 (1) Every licensed facility shall, as a part of its
 883 administrative functions, establish an internal risk management
 884 program that includes all of the following components:

885 (a) The investigation and analysis of the frequency and
 886 causes of general categories and specific types of adverse
 887 incidents to patients.

888 (b) The development of appropriate measures to minimize the
 889 risk of adverse incidents to patients, including, but not
 890 limited to:

891 1. Risk management and risk prevention education and
 892 training of all nonphysician personnel as follows:

893 a. Such education and training of all nonphysician
 894 personnel as part of their initial orientation; and

895 b. At least 1 hour of such education and training annually
 896 for all personnel of the licensed facility working in clinical
 897 areas and providing patient care, except those persons licensed
 898 as health care practitioners who are required to complete
 899 continuing education coursework pursuant to chapter 456 or the

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900 practitioner's respective practice act.

901 2. A prohibition, except when emergency circumstances
 902 require otherwise, against a staff member of the licensed
 903 facility attending a patient in the recovery room, unless the
 904 staff member is authorized to attend the patient in the recovery
 905 room and is in the company of at least one other person.
 906 However, a licensed facility is exempt from the two-person
 907 requirement if it has:

908 a. Live visual observation;

909 b. Electronic observation; or

910 c. Any other reasonable measure taken to ensure patient
 911 protection and privacy.

912 3. A prohibition against an unlicensed person assisting or
 913 participating in any surgical procedure unless the licensed
 914 facility has authorized the person to do so following a
 915 competency assessment, and such assistance or participation is
 916 done under the direct and immediate supervision of a licensed
 917 physician and is not otherwise an activity that may be performed
 918 only by a licensed health care practitioner.

919 4. Development, implementation, and ongoing evaluation of
 920 procedures, protocols, and systems to accurately identify
 921 patients, planned procedures, and the correct site of planned
 922 procedures so as to minimize the performance of a surgical
 923 procedure on the wrong patient, a wrong surgical procedure, a
 924 wrong-site surgical procedure, or a surgical procedure otherwise
 925 unrelated to the patient's diagnosis or medical condition.

926 (c) The analysis of patient grievances that relate to
 927 patient care and the quality of medical services.

928 (d) A system for informing a patient or an individual

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929 identified pursuant to s. 765.401(1) that the patient was the
 930 subject of an adverse incident, as defined in subsection (5).
 931 Such notice must be given by an appropriately trained person
 932 designated by the licensed facility as soon as practicable to
 933 allow the patient an opportunity to minimize damage or injury.

934 (e) The development and implementation of an incident
 935 reporting system based upon the affirmative duty of all health
 936 care providers and all agents and employees of the licensed
 937 facility to report adverse incidents to the risk manager, or to
 938 his or her designee, within 3 business days after the occurrence
 939 of such incidents.

940 (2) The internal risk management program is the
 941 responsibility of the governing board of the licensed facility.
 942 Each licensed facility shall hire a risk manager who is
 943 responsible for implementation and oversight of the facility's
 944 internal risk management program and who demonstrates
 945 competence, through education or experience, in all of the
 946 following areas:

- 947 (a) Applicable standards of health care risk management.
- 948 (b) Applicable federal, state, and local health and safety
- 949 laws and rules.
- 950 (c) General risk management administration.
- 951 (d) Patient care.
- 952 (e) Medical care.
- 953 (f) Personal and social care.
- 954 (g) Accident prevention.
- 955 (h) Departmental organization and management.
- 956 (i) Community interrelationships.
- 957 (j) Medical terminology.

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958 (3) In addition to the programs mandated by this section,
 959 other innovative approaches intended to reduce the frequency and
 960 severity of medical malpractice and patient injury claims are
 961 encouraged and their implementation and operation facilitated.
 962 Such additional approaches may include extending internal risk
 963 management programs to health care providers' offices and the
 964 assuming of provider liability by a licensed facility for acts
 965 or omissions occurring within the licensed facility. Each
 966 licensed facility shall annually report to the agency and the
 967 department the name and judgments entered against each health
 968 care practitioner for which it assumes liability. The agency and
 969 the department shall, in their respective annual reports,
 970 include statistics that report the number of licensed facilities
 971 that assume such liability and the number of health care
 972 practitioners, by profession, for whom they assume liability.

973 (4) The agency shall adopt rules governing the
 974 establishment of internal risk management programs to meet the
 975 needs of individual licensed facilities. Each internal risk
 976 management program shall include the use of incident reports to
 977 be filed with a responsible individual who is competent in risk
 978 management techniques, such as an insurance coordinator, in the
 979 employ of each licensed facility or who is retained by the
 980 licensed facility as a consultant. The individual responsible
 981 for the risk management program shall have free access to all
 982 medical records of the licensed facility. The incident reports
 983 are part of the workpapers of the attorney defending the
 984 licensed facility in litigation relating to the licensed
 985 facility and are subject to discovery, but are not admissible as
 986 evidence in court. A person filing an incident report is not

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subject to civil suit by virtue of such incident report. As a part of each internal risk management program, the incident reports must be used to develop categories of incidents which identify problem areas. Once identified, procedures must be adjusted to correct the problem areas.

(5) For purposes of reporting to the agency pursuant to this section, the term "adverse incident" means an event over which health care personnel could exercise control and which is associated in whole or in part with medical intervention, rather than the condition for which such intervention occurred, and which:

(a) Results in one of the following outcomes:

1. Death;

2. Brain or spinal damage;

3. Permanent disfigurement;

4. Fracture or dislocation of bones or joints;

5. A resulting limitation of neurological, physical, or sensory function which continues after discharge from the licensed facility; or

6. Any condition that required specialized medical attention or surgical intervention resulting from nonemergency medical intervention, other than an emergency medical condition, to which the patient has not given his or her informed consent;

(b) Was the performance of a surgical procedure on the wrong patient, a wrong surgical procedure, a wrong-site surgical procedure, or a surgical procedure otherwise unrelated to the patient's diagnosis or medical condition;

(c) Required the surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage was

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not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(d) Was a procedure to remove unplanned foreign objects remaining from a surgical procedure.

(6)(a) Each licensed facility subject to this section shall submit an annual report to the agency summarizing the adverse incident reports that have been filed in the facility for that year. The report must include:

1. The total number of adverse incidents.

2. A listing, by category, of the types of operations, diagnostic or treatment procedures, or other actions causing the injuries, and the number of incidents occurring within each category.

3. A listing, by category, of the types of injuries caused and the number of incidents occurring within each category.

4. A code number using the health care professional's licensure number and a separate code number identifying all other individuals directly involved in adverse incidents to patients, the relationship of the individual to the licensed facility, and the number of incidents in which each individual has been directly involved. Each licensed facility shall maintain names of the health care professionals and individuals identified by code numbers for purposes of this section.

5. A description of all malpractice claims filed against the licensed facility, including the total number of pending and closed claims and the nature of the incident which led to, the persons involved in, and the status and disposition of each claim. Each report must update status and disposition for all prior claims pending.

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(b) The information reported to the agency pursuant to paragraph (a) which relates to persons licensed under chapter 458, chapter 459, chapter 461, or chapter 466 must be reviewed by the agency. The agency shall determine whether any of the incidents potentially involved conduct by a health care professional who is subject to disciplinary action, in which case s. 456.073 applies.

(c) The report submitted to the agency must also contain the name of the risk manager of the licensed facility, a copy of the policies and procedures governing the measures taken by the licensed facility and its risk manager to reduce the risk of injuries and adverse incidents, and the results of such measures. The annual report is confidential and is not available to the public pursuant to s. 119.07(1) or any other law providing access to public records. The annual report is not discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board. The annual report is not available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care professional against whom probable cause has been found, any such records which form the basis of the determination of probable cause.

(7) Any of the following adverse incidents, whether occurring in the licensed facility or arising from health care services administered before the patient's admission to the

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licensed facility, must be reported by the licensed facility to the agency within 15 calendar days after its occurrence:

(a) The death of a patient;

(b) Brain or spinal damage to a patient;

(c) The performance of a surgical procedure on the wrong patient;

(d) The performance of a wrong-site surgical procedure;

(e) The performance of a wrong surgical procedure;

(f) The performance of a surgical procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition;

(g) The surgical repair of damage resulting to a patient from a planned surgical procedure, where the damage is not a recognized specific risk, as disclosed to the patient and documented through the informed-consent process; or

(h) The performance of procedures to remove unplanned foreign objects remaining from a surgical procedure.

The agency may grant extensions to this reporting requirement for no more than 15 days upon justification submitted in writing to the agency by the licensed facility administrator. The agency may require an additional, final report. These reports are not available to the public pursuant to s. 119.07(1) or any other law providing access to public records, nor discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the

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1103 appropriate regulatory board. However, the agency or the
 1104 appropriate regulatory board shall make available, upon written
 1105 request by a health care professional against whom probable
 1106 cause has been found, any such records that form the basis of
 1107 the determination of probable cause. The agency may, as it deems
 1108 appropriate, investigate any such incident and prescribe
 1109 measures that must or may be taken in response to the incident.
 1110 The agency shall review each incident and determine whether it
 1111 potentially involved conduct by the health care professional,
 1112 who would be subject to disciplinary action, in which case s.
 1113 456.073 applies.

1114 (8) The agency shall publish on the agency's website, at
 1115 least quarterly, a summary and trend analysis of adverse
 1116 incident reports received pursuant to this section, which may
 1117 not include information that would identify the patient, the
 1118 reporting facility, or the health care practitioners involved.
 1119 The agency shall publish on the agency's website an annual
 1120 summary and trend analysis of all adverse incident reports and
 1121 malpractice claims information provided by licensed facilities
 1122 in their annual reports, which may not include information that
 1123 would identify the patient, the reporting facility, or the
 1124 practitioners involved. The purpose of the publication of the
 1125 summary and trend analysis is to promote the rapid dissemination
 1126 of information relating to adverse incidents and malpractice
 1127 claims to assist licensed facilities in avoiding similar
 1128 incidents and reduce morbidity and mortality.

1129 (9) The internal risk manager of each licensed facility
 1130 shall:

1131 (a) Investigate every allegation of sexual misconduct which

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1132 is made against a member of the licensed facility's staff who
 1133 has direct patient contact, when the allegation is that the
 1134 sexual misconduct occurred at the facility or on the grounds of
 1135 the facility.

1136 (b) Report every allegation of sexual misconduct to the
 1137 administrator of the licensed facility.

1138 (c) Notify the family or guardian of the victim, if a
 1139 minor, that an allegation of sexual misconduct has been made and
 1140 that an investigation is being conducted.

1141 (d) Report to the department every allegation of sexual
 1142 misconduct by a licensed health care practitioner which involves
 1143 a patient.

1144 (10) Any witness who witnessed or who possesses actual
 1145 knowledge of the act that is the basis of an allegation of
 1146 sexual abuse shall:

1147 (a) Notify the local police; and

1148 (b) Notify the risk manager and the administrator.

1149
 1150 For purposes of this subsection, the term "sexual abuse" means
 1151 acts of a sexual nature committed for the sexual gratification
 1152 of anyone upon or in the presence of a vulnerable adult as
 1153 defined in s. 415.102, without the vulnerable adult's informed
 1154 consent, or upon or in the presence of a minor. The term
 1155 includes, but is not limited to, the acts defined in s.
 1156 794.011(1)(j), fondling, exposure of a vulnerable adult's or
 1157 minor's sexual organs, or the use of the vulnerable adult or
 1158 minor to solicit for or engage in prostitution or sexual
 1159 performance. The term does not include any act intended for a
 1160 valid medical purpose or any act which may reasonably be

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construed to be a normal caregiving action.

(11) A person who, with malice or with intent to discredit or harm a licensed facility or any person, makes a false allegation of sexual misconduct against a member of a licensed facility's staff commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(12) In addition to any penalty imposed pursuant to this section or part II of chapter 408, the agency shall require a written plan of correction from the licensed facility. For a single incident or series of isolated incidents that are nonwillful violations of the reporting requirements of this section or part II of chapter 408, the agency shall first seek to obtain corrective action by the licensed facility. If the correction is not demonstrated within the timeframe established by the agency or if there is a pattern of nonwillful violations of this section or part II of chapter 408, the agency may impose an administrative fine, not to exceed \$5,000 for any violation of the reporting requirements of this section or part II of chapter 408. The administrative fine for repeated nonwillful violations may not exceed \$10,000 for any violation. The administrative fine for each intentional and willful violation may not exceed \$25,000 per violation, per day. The fine for an intentional and willful violation of this section or part II of chapter 408 may not exceed \$250,000. In determining the amount of fine to be levied, the agency shall be guided by s. 396.219(2)(b).

(13) The agency shall be given access to all licensed facility records necessary to carry out this section. The records obtained by the agency under subsection (6), subsection

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(7), or subsection (9) are not available to the public under s. 119.07(1), nor discoverable or admissible in any civil or administrative action, except in disciplinary proceedings by the agency or the appropriate regulatory board, nor are records obtained pursuant to s. 456.071 available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the agency or the appropriate regulatory board. However, the agency or the appropriate regulatory board shall make available, upon written request by a health care practitioner against whom probable cause has been found, any such records that form the basis of the determination of probable cause, except that, with respect to medical review committee records, s. 766.101 controls.

(14) The meetings of the committees and governing board of a licensed facility held solely for the purpose of achieving the objectives of risk management as provided by this section may not be open to the public under chapter 286. The records of such meetings are confidential and exempt from s. 119.07(1), except as provided in subsection (13).

(15) The agency shall review, as part of its licensure review process, the internal risk management program at each licensed facility regulated by this section to determine whether the program meets standards established in statutes and rules, whether the program is being conducted in a manner designed to reduce adverse incidents, and whether the program is appropriately reporting incidents under this section.

(16) There is no monetary liability on the part of, and no cause of action for damages may arise against, any risk manager

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for the implementation and oversight of the internal risk management program in a facility licensed under this chapter as required by this section, for any act or proceeding undertaken or performed within the scope of the functions of such internal risk management program, if the risk manager acts without intentional fraud.

(17) A privilege against civil liability is granted to any risk manager or licensed facility with regard to information furnished pursuant to this chapter, unless the risk manager or facility acted in bad faith or with malice in providing such information.

(18) If the agency, through its receipt of any report required under this section or through any investigation, has a reasonable belief that conduct by a staff member or employee of a licensed facility is grounds for disciplinary action by the appropriate regulatory board, the agency must report this fact to such regulatory board.

(19) It is unlawful for any person to coerce, intimidate, or preclude a risk manager from lawfully executing his or her reporting obligations pursuant to this chapter. Such unlawful action is subject to civil monetary penalties not to exceed \$10,000 per violation.

Section 14. Section 396.214, Florida Statutes, is created to read:

396.214 Identification, segregation, and separation of biomedical waste.—Each licensed facility shall comply with the requirements in s. 381.0098 relating to biomedical waste. Any transporter or potential transporter of such waste must be notified of the existence and locations of such waste.

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Section 15. Section 396.215, Florida Statutes, is created to read:

396.215 Patient safety.—

(1) Each licensed facility shall adopt a patient safety plan. A plan adopted to implement the requirements of 42 C.F.R. s. 416.43 is deemed to comply with this requirement.

(2) Each licensed facility shall appoint a patient safety officer and a patient safety committee, which must include at least one person who is neither employed by nor practicing at the facility, for the purpose of promoting the health and safety of patients, reviewing and evaluating the quality of patient safety measures used by the facility, and assisting in the implementation of the facility patient safety plan.

(3) Each licensed facility shall, at least biennially, conduct a patient safety culture survey using the applicable Survey on Patient Safety Culture developed by the federal Agency for Healthcare Research and Quality. Each licensed facility shall conduct the survey anonymously to encourage completion of the survey by staff working in or employed by the facility. Each licensed facility may contract to administer the survey. Each licensed facility shall biennially submit the survey data to the agency in a format specified by rule, which must include the survey participation rate. Each licensed facility may develop an internal action plan between conducting surveys to identify measures to improve the survey and submit the plan to the agency.

(4) Each licensed facility shall:

(a) Develop and implement policies and procedures for the rendering of appropriate medical care for persons at risk of

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1277 forming venous thromboembolisms which reflect evidence-based
 1278 best practices relating to, at a minimum:
 1279 1. Assessing patients for risk of venous thromboembolism
 1280 using a nationally recognized risk assessment tool.
 1281 2. Treatment options for a patient diagnosed with venous
 1282 thromboembolism.
 1283 (b) Train all nonphysician personnel at least annually on
 1284 the policies and procedures developed under this subsection. For
 1285 purposes of this subsection, the term "nonphysician personnel"
 1286 means all personnel of the licensed facility working in clinical
 1287 areas and providing patient care, except those persons licensed
 1288 as health care practitioners.
 1289 Section 16. Section 396.216, Florida Statutes, is created
 1290 to read:
 1291 396.216 Cases of child abuse, abandonment, or neglect;
 1292 duties.—Each licensed facility shall adopt protocols that, at a
 1293 minimum, require the facility to:
 1294 (1) Incorporate a facility policy that every staff member
 1295 has an affirmative duty to report, pursuant to chapter 39, any
 1296 actual or suspected case of child abuse, abandonment, or
 1297 neglect; and
 1298 (2) In any case involving suspected child abuse,
 1299 abandonment, or neglect, designate, at the request of the
 1300 Department of Children and Families, a staff physician to act as
 1301 a liaison between the licensed facility and the Department of
 1302 Children and Families office that is investigating the suspected
 1303 abuse, abandonment, or neglect, and the Child Protection Team,
 1304 as defined in s. 39.01, when the case is referred to such a
 1305 team.

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1306 Section 17. Section 396.217, Florida Statutes, is created
 1307 to read:
 1308 396.217 Duty to notify patients.—An appropriately trained
 1309 person designated by each licensed facility shall inform each
 1310 patient, or an individual identified pursuant to s. 765.401(1),
 1311 in person about adverse incidents that result in serious harm to
 1312 the patient. Notifications of outcomes of care that result in
 1313 harm to the patient under this section do not constitute an
 1314 acknowledgment or admission of liability, and may not be
 1315 introduced as evidence.
 1316 Section 18. Section 396.218, Florida Statutes, is created
 1317 to read:
 1318 396.218 Rules and enforcement.—
 1319 (1) The agency shall adopt rules pursuant to ss. 120.536(1)
 1320 and 120.54 to implement this chapter, which must include
 1321 reasonable and fair minimum standards for ensuring that:
 1322 (a) Sufficient numbers and qualified types of personnel and
 1323 occupational disciplines are on duty and available at all times
 1324 to provide necessary and adequate patient care and safety.
 1325 (b) Infection control, housekeeping, sanitary conditions,
 1326 and medical record procedures that will adequately protect
 1327 patient care and safety are established and implemented.
 1328 (c) A comprehensive emergency management plan is prepared
 1329 and updated annually. Standards for such plans must be included
 1330 in the rules adopted by the agency after consulting with the
 1331 Division of Emergency Management. At a minimum, the rules must
 1332 provide for plan components that address emergency evacuation
 1333 transportation; adequate sheltering arrangements; postdisaster
 1334 activities, including emergency power, food, and water;

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postdisaster transportation; supplies; staffing; emergency equipment; individual identification of residents and transfer of records; and responding to family inquiries. The comprehensive emergency management plan is subject to review and approval by the local emergency management agency. During its review, the local emergency management agency shall ensure that the following agencies, at a minimum, are given the opportunity to review the plan: the Agency for Health Care Administration, the Department of Elderly Affairs, the Department of Health, and the Division of Emergency Management. Also, appropriate volunteer organizations must be given the opportunity to review the plan. The local emergency management agency shall complete its review within 60 days and either approve the plan or advise the licensed facility of necessary revisions.

(d) Licensed facilities are established, organized, and operated consistently with established standards and rules.

(e) Licensed facility beds conform to minimum space, equipment, and furnishings standards as specified by the agency.

(f) Each licensed facility has a quality improvement program designed to enhance quality of care and to emphasize quality patient outcomes, corrective action for problems, governing board review, and reporting to the agency of standardized data elements necessary to analyze quality of care outcomes. The agency shall use existing data, when available, and may not duplicate the efforts of other state agencies in order to obtain such data.

(g) Licensed facilities make available on their websites, and in a hard copy format upon request, a description of and a link to the patient charge and performance outcome data

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collected from licensed facilities pursuant to s. 408.061.

(2) The agency shall adopt rules that establish minimum standards for pediatric patient care in ambulatory surgical centers to ensure the safe and effective delivery of surgical care to children. Such standards must include quality of care, nurse staffing, physician staffing, and equipment standards. Ambulatory surgical centers may not provide operative procedures to children under 18 years of age which require a length of stay past midnight unless such standards are established by rule.

(3) Any rule adopted under this chapter by the agency may not deny a license to a facility required to be licensed under this chapter solely by reason of the school or system of practice employed or permitted to be employed by physicians therein, provided that such school or system of practice is recognized by the laws of this state. However, this subsection does not limit the powers of the agency to provide and require minimum standards for the maintenance and operation of, and for the treatment of patients in, those licensed facilities that receive federal aid, in order to meet minimum standards related to such matters in such licensed facilities which may now or hereafter be required by appropriate federal officers or agencies pursuant to federal law or rules adopted pursuant thereto.

(4) Any licensed facility that is in operation at the time of adoption of any applicable rule under this chapter must be given a reasonable time, under the particular circumstances, but not to exceed 1 year after the date of such adoption, within which to comply with such rule.

(5) The agency may not adopt any rule governing the design,

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1393 construction, erection, alteration, modification, repair, or
 1394 demolition of any ambulatory surgical center. It is the intent
 1395 of the Legislature to preempt that function to the Florida
 1396 Building Commission and the State Fire Marshal through adoption
 1397 and maintenance of the Florida Building Code and the Florida
 1398 Fire Prevention Code. However, the agency shall provide
 1399 technical assistance to the commission and the State Fire
 1400 Marshal in updating the construction standards of the Florida
 1401 Building Code and the Florida Fire Prevention Code which govern
 1402 ambulatory surgical centers.

1403 Section 19. Section 396.219, Florida Statutes, is created
 1404 to read:

1405 396.219 Criminal and administrative penalties; moratorium.—

1406 (1) In addition to the penalties provided in s. 408.812, a
 1407 person establishing, conducting, managing, or operating any
 1408 facility without a license under this chapter commits a
 1409 misdemeanor and, upon conviction, shall be fined not more than
 1410 \$500 for the first offense and not more than \$1,000 for each
 1411 subsequent offense, and each day of continuing violation after
 1412 conviction is considered a separate offense.

1413 (2)(a) The agency may impose an administrative fine, not to
 1414 exceed \$1,000 per violation, per day, for the violation of any
 1415 provision of this chapter, part II of chapter 408, or applicable
 1416 rules. Each day of violation constitutes a separate violation
 1417 and is subject to a separate fine.

1418 (b) In determining the amount of fine to be levied for a
 1419 violation, as provided in paragraph (a), the following factors
 1420 must be considered:

1421 1. The severity of the violation, including the probability

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1422 that death or serious harm to the health or safety of any person
 1423 will result or has resulted, the severity of the actual or
 1424 potential harm, and the extent to which the provisions of this
 1425 chapter were violated.

1426 2. Actions taken by the licensee to correct the violations
 1427 or to remedy complaints.

1428 3. Any previous violations of the licensee.

1429 (c) The agency may impose an administrative fine for the
 1430 violation of s. 641.3154 or, if sufficient claims due a provider
 1431 from a health maintenance organization do not exist to enable
 1432 the take-back of an overpayment, as provided under s.
 1433 641.3155(5), for the violation of s. 641.3155(5). The
 1434 administrative fine for a violation cited in this paragraph
 1435 shall be in the amounts specified in s. 641.52(5), and paragraph
 1436 (a) does not apply.

1437 (3) In accordance with part II of chapter 408, the agency
 1438 may impose an immediate moratorium on elective admissions to any
 1439 licensed facility, building, or portion thereof, or service,
 1440 when the agency determines that any condition in the licensed
 1441 facility presents a threat to public health or safety.

1442 (4) The agency shall impose a fine of \$500 for each
 1443 instance of the licensed facility's failure to provide the
 1444 information required by rules adopted pursuant to s.
 1445 396.218(1)(g).

1446 Section 20. Section 396.221, Florida Statutes, is created
 1447 to read:

1448 396.221 Powers and duties of the agency.—The agency shall:

1449 (1) Adopt rules pursuant to ss. 120.536(1) and 120.54 to
 1450 implement this chapter and part II of chapter 408 conferring

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duties upon it.

(2) Enforce the special-occupancy provisions of the Florida Building Code which apply to ambulatory surgical centers in conducting any inspection authorized by this chapter and part II of chapter 408.

Section 21. Section 396.222, Florida Statutes, is created to read:

396.222 Price transparency; itemized patient statement or bill; patient admission status notification.-

(1) A facility licensed under this chapter shall provide timely and accurate financial information and quality of service measures to patients and prospective patients of the facility, or to patients' survivors or legal guardians, as appropriate. Such information must be provided in accordance with this section and rules adopted by the agency pursuant to this chapter and s. 408.05.

(a) Each licensed facility shall make available to the public on its website information on payments made to that facility for defined bundles of services and procedures. The payment data must be presented and searchable in accordance with, and through a hyperlink to, the system established by the agency and its vendor using the descriptive service bundles developed under s. 408.05(3)(c). At a minimum, the licensed facility shall provide the estimated average payment received from all payors, excluding Medicaid and Medicare, for the descriptive service bundles available at that facility and the estimated payment range for such bundles. Using plain language, comprehensible to an ordinary layperson, the licensed facility shall disclose that the information on average payments and the

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payment ranges is an estimate of costs that may be incurred by the patient or prospective patient and that actual costs will be based on the services actually provided to the patient. The licensed facility's website must:

1. Provide information to prospective patients on the licensed facility's financial assistance policy, including the application process, payment plans, and discounts, and the facility's charity care policy and collection procedures.

2. If applicable, notify patients and prospective patients that services may be provided in the licensed facility by that facility as well as by other health care providers who may separately bill the patient and that such health care providers may or may not participate with the same health insurers or health maintenance organizations as the facility.

3. Inform patients and prospective patients that they may request from the licensed facility and other health care providers a more personalized estimate of charges and other information, and inform patients that they should contact each health care practitioner who will provide services in the facility to determine the health insurers and health maintenance organizations with which the health care practitioner participates as a network provider or preferred provider.

4. Provide the names, mailing addresses, and telephone numbers of the health care practitioners and medical practice groups with which it contracts to provide services in the licensed facility and instructions on how to contact the practitioners and groups to determine the health insurers and health maintenance organizations with which they participate as network providers or preferred providers.

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(b) Each licensed facility shall post on its website a consumer-friendly list of standard charges for at least 300 shoppable health care services, or an Internet-based price estimator tool that meets federal standards. If a licensed facility provides fewer than 300 distinct shoppable health care services, it must make available on its website the standard charges for each service it provides. As used in this paragraph, the term:

1. "Shoppable health care service" means a service that can be scheduled by a health care consumer in advance. The term includes, but is not limited to, the services described in s. 627.6387(2)(e) and any services defined in regulations or guidance issued by the United States Department of Health and Human Services.

2. "Standard charge" has the same meaning as that term is defined in regulations or guidance issued by the United States Department of Health and Human Services for purposes of ambulatory surgical center price transparency.

(c)1. Before providing any nonemergency medical service, each licensed facility shall provide in writing or by electronic means a good faith estimate of reasonably anticipated charges for the treatment of a patient's or prospective patient's specific condition. The licensed facility is not required to adjust the estimate for any potential insurance coverage. The licensed facility must provide the estimate to the patient's health insurer, as defined in s. 627.446(1), and the patient at least 3 business days before the date such service is to be provided, but no later than 1 business day after the date such service is scheduled or, in the case of a service scheduled at

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least 10 business days in advance, no later than 3 business days after the date the service is scheduled. The licensed facility shall provide the estimate to the patient no later than 3 business days after the date the patient requests an estimate. The estimate may be based on the descriptive service bundles developed by the agency under s. 408.05(3)(c) unless the patient or prospective patient requests a more personalized and specific estimate that accounts for the specific condition and characteristics of the patient or prospective patient. The licensed facility shall inform the patient or prospective patient that he or she may contact his or her health insurer for additional information concerning cost-sharing responsibilities.

2. In the estimate, the licensed facility shall provide to the patient or prospective patient information on the facility's financial assistance policy, including the application process, payment plans, and discounts and the facility's charity care policy and collection procedures.

3. The estimate must clearly identify any facility fee and, if applicable, include a statement notifying the patient or prospective patient that a facility fee is included in the estimate, the purpose of the fee, and that the patient may pay less for the procedure or service at another facility or in another health care setting.

4. The licensed facility shall notify the patient or prospective patient of any revision to the estimate.

5. In the estimate, the licensed facility shall notify the patient or prospective patient that services may be provided by the facility as well as by other health care providers that may separately bill the patient, if applicable.

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1567 6. Failure to timely provide the estimate pursuant to this
 1568 paragraph shall result in a daily fine of \$1,000 until the
 1569 estimate is provided to the patient or prospective patient and
 1570 the health insurer. The total fine per patient estimate may not
 1571 exceed \$10,000.

1572 (d) Each licensed facility shall make available on its
 1573 website a hyperlink to the health-related data, including
 1574 quality measures and statistics that are disseminated by the
 1575 agency pursuant to s. 408.05. The licensed facility shall also
 1576 take action to notify the public that such information is
 1577 electronically available and provide a hyperlink to the agency's
 1578 website.

1579 (e)1. Upon request, and after the patient's discharge or
 1580 release from a licensed facility, the facility shall provide to
 1581 the patient or to the patient's survivor or legal guardian, as
 1582 applicable, an itemized statement or a bill detailing in plain
 1583 language, comprehensible to an ordinary layperson, the specific
 1584 nature of charges or expenses incurred by the patient. The
 1585 initial statement or bill must be provided within 7 days after
 1586 the patient's discharge or release or after a request for such
 1587 statement or bill, whichever is later. The initial statement or
 1588 bill must contain a statement of specific services received and
 1589 expenses incurred by date and provider for such services,
 1590 enumerating in detail as prescribed by the agency the
 1591 constituent components of the services received within each
 1592 department of the licensed facility and including unit price
 1593 data on rates charged by the licensed facility. The statement or
 1594 bill must also clearly identify any facility fee and explain the
 1595 purpose of the fee. The statement or bill must identify each

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1596 item as paid, pending payment by a third party, or pending
 1597 payment by the patient, and must include the amount due, if
 1598 applicable. If an amount is due from the patient, a due date
 1599 must be included. The initial statement or bill must direct the
 1600 patient or the patient's survivor or legal guardian, as
 1601 applicable, to contact the patient's insurer or health
 1602 maintenance organization regarding the patient's cost-sharing
 1603 responsibilities.

1604 2. Any subsequent statement or bill provided to a patient
 1605 or to the patient's survivor or legal guardian, as applicable,
 1606 relating to the episode of care must include all of the
 1607 information required by subparagraph 1., with any revision
 1608 clearly delineated.

1609 3. Each statement or bill provided pursuant to this
 1610 subsection:

1611 a. Must include notice of physicians and other health care
 1612 providers who bill separately.

1613 b. May not include any generalized category of expenses
 1614 such as "other" or "miscellaneous" or similar categories.

1615 (2) Each itemized statement or bill must prominently
 1616 display the telephone number of the licensed facility's patient
 1617 liaison who is responsible for expediting the resolution of any
 1618 billing dispute between the patient, or the patient's survivor
 1619 or legal guardian, and the billing department.

1620 (3) A licensed facility shall make available to a patient
 1621 or his or her survivor or legal guardian all records necessary
 1622 for verification of the accuracy of the patient's statement or
 1623 bill within 10 business days after the request for such records.
 1624 The records must be made available in the licensed facility's

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1625 offices and through electronic means that comply with the Health
 1626 Insurance Portability and Accountability Act of 1996, 42 U.S.C.
 1627 s. 1320d, as amended. Such records must be available before and
 1628 after payment of the statement or bill. The licensed facility
 1629 may not charge the patient or his or her survivor or legal
 1630 guardian for making such verification records available;
 1631 however, the facility may charge fees for providing copies of
 1632 records as specified in s. 396.225(1).

1633 (4) Each licensed facility shall establish a method for
 1634 reviewing and responding to questions from patients or their
 1635 survivors or legal guardians concerning the patient's itemized
 1636 statement or bill. Such response must be provided within 7
 1637 business days after the date a question is received. If the
 1638 patient is not satisfied with the response, the facility must
 1639 provide the patient or his or her survivor or legal guardian
 1640 with the contact information of the agency to which the issue
 1641 may be sent for review.

1642 (5) Each licensed facility shall establish an internal
 1643 process for reviewing and responding to grievances from
 1644 patients. Such process must allow a patient or his or her
 1645 survivor or legal guardian to dispute charges that appear on the
 1646 patient's itemized statement or bill. The licensed facility
 1647 shall prominently post on its website and indicate in bold print
 1648 on each itemized statement or bill the instructions for
 1649 initiating a grievance and the direct contact information
 1650 required to initiate the grievance process. The licensed
 1651 facility shall provide an initial response to a patient
 1652 grievance within 7 business days after the patient or his or her
 1653 survivor or legal guardian formally files a grievance disputing

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1654 all or a portion of an itemized statement or bill.

1655 (6) Each licensed facility shall disclose to a patient, a
 1656 prospective patient, or a patient's legal guardian whether a
 1657 cost-sharing obligation for a particular covered health care
 1658 service or item exceeds the charge that applies to an individual
 1659 who pays cash or the cash equivalent for the same health care
 1660 service or item in the absence of health insurance coverage.
 1661 Failure to provide a disclosure in compliance with this
 1662 subsection may result in a fine not to exceed \$500 per incident.

1663 Section 22. Section 396.223, Florida Statutes, is created
 1664 to read:

1665 396.223 Billing and collection activities.-

1666 (1) As used in this section, the term "extraordinary
 1667 collection action" means any of the following actions taken by a
 1668 licensed facility against an individual in relation to obtaining
 1669 payment of a bill for care:

1670 (a) Selling the individual's debt to another party.

1671 (b) Reporting adverse information about the individual to
 1672 consumer credit reporting agencies or credit bureaus.

1673 (c) Actions that require a legal or judicial process,
 1674 including, but not limited to:

1675 1. Placing a lien on the individual's property;

1676 2. Foreclosing on the individual's real property;

1677 3. Attaching or seizing the individual's bank account or
 1678 any other personal property;

1679 4. Commencing a civil action against the individual;

1680 5. Causing the individual's arrest; or

1681 6. Garnishing the individual's wages.

1682 (2) A licensed facility may not engage in an extraordinary

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1683 collection action against an individual to obtain payment for
 1684 services:

1685 (a) Before the licensed facility has made reasonable
 1686 efforts to determine whether the individual is eligible for
 1687 assistance under its financial assistance policy for the care
 1688 provided and, if eligible, before a decision is made by the
 1689 facility on the patient's application for such financial
 1690 assistance.

1691 (b) Before the licensed facility has provided the
 1692 individual with an itemized statement or bill.

1693 (c) During an ongoing grievance process as described in s.
 1694 395.301(6) or an ongoing appeal of a claim adjudication.

1695 (d) Before billing any applicable insurer and allowing the
 1696 insurer to adjudicate a claim.

1697 (e) For 30 days after notifying the patient in writing, by
 1698 certified mail or by other traceable delivery method, that a
 1699 collection action will commence absent additional action by the
 1700 patient. This paragraph does not apply to a sale of debt
 1701 governed by a contract executed by the facility which provides
 1702 that the debt may not incur interest or fees and that no other
 1703 extraordinary collection actions may be taken by the purchaser
 1704 of the debt which could otherwise be taken by the licensed
 1705 facility, as described in subsection (1), and that the debt will
 1706 be returned to the facility if the debt buyer determines the
 1707 individual is eligible for assistance under the facility's
 1708 financial assistance policy.

1709 (f) While the individual:

1710 1. Negotiates in good faith the final amount of a bill for
 1711 services rendered; or

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1712 2. Complies with all terms of a payment plan with the
 1713 licensed facility.

1714 Section 23. Section 396.224, Florida Statutes, is created
 1715 to read:

1716 396.224 Patient records; penalties for alteration.—

1717 (1) A person who fraudulently alters, defaces, or falsifies
 1718 any medical record, or causes or procures any of these offenses
 1719 to be committed, commits a misdemeanor of the second degree,
 1720 punishable as provided in s. 775.082 or s. 775.083.

1721 (2) A conviction under subsection (1) is also grounds for
 1722 restriction, suspension, or termination of a license.

1723 Section 24. Section 396.225, Florida Statutes, is created
 1724 to read:

1725 396.225 Patient and personnel records; copies;
 1726 examination.—

1727 (1) A licensed facility shall, upon written request, and
 1728 only after discharge of the patient, furnish, in a timely
 1729 manner, without delays for legal review, to any person admitted
 1730 to the licensed facility for care and treatment or treated at
 1731 the licensed facility, or to any such person's guardian,
 1732 curator, or personal representative, or in the absence of one of
 1733 those persons, to the next of kin of a decedent or the parent of
 1734 a minor, or to anyone designated by such person in writing, a
 1735 true and correct copy of all patient records, including X rays,
 1736 and insurance information concerning such person, which records
 1737 are in the possession of the licensed facility, provided that
 1738 the person requesting such records agrees to pay a charge. The
 1739 exclusive charge for copies of patient records may include sales
 1740 tax and actual postage, and, except for nonpaper records that

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are subject to a charge not to exceed \$2, may not exceed \$1 per page. A fee of up to \$1 may be charged for each year of records requested. These charges apply to all records furnished, whether directly from the licensed facility or from a copy service providing these services on behalf of the licensed facility. However, a patient whose records are copied or searched for the purpose of continuing to receive medical care is not required to pay a charge for copying or for the search. The licensed facility shall further allow any such person to examine the original records in its possession, or microforms or other suitable reproductions of the records, upon such reasonable terms as must be imposed to ensure that the records will not be damaged, destroyed, or altered.

(2) Patient records are confidential and may not be disclosed without the consent of the patient or his or her legal representative, but appropriate disclosure may be made without such consent to:

(a) Licensed facility personnel, attending physicians, or other health care practitioners and providers currently involved in the care or treatment of the patient for use only in connection with the treatment of the patient.

(b) Licensed facility personnel only for administrative purposes or risk management and quality assurance functions.

(c) The agency, for purposes of health care cost containment.

(d) In any civil or criminal action, unless otherwise prohibited by law, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice by the party seeking such records to the patient or his or her legal representative.

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(e) The department upon a subpoena issued pursuant to s. 456.071, but the records obtained must be used solely for the purpose of the department and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. If the department requests copies of the records, the licensed facility must charge no more than its actual copying costs, including reasonable staff time. The records must be sealed and must not be available to the public pursuant to s. 119.07(1) or any other statute providing access to records, nor may they be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the appropriate regulatory board. However, the department shall make available, upon written request by a health care practitioner against whom probable cause has been found, any such record that forms the basis of the determination of probable cause.

(f) The Medicaid Fraud Control Unit in the Department of Legal Affairs pursuant to s. 409.920.

(g) The Department of Financial Services, or an agent, employee, or independent contractor of the department who is auditing for unclaimed property pursuant to chapter 717.

(h) If applicable to a licensed facility, a regional poison control center for purposes of treating a poison episode under evaluation, case management of poison cases, or compliance with data collection and reporting requirements of s. 395.1027 and the professional organization that certifies poison control centers in accordance with federal law.

(i) The Department of Children and Families, its agent, or its contracted entity, for the purposes of investigations of or

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1799 services for cases of abuse, neglect, or exploitation of
 1800 children or vulnerable adults.

1801 (j) Organ procurement organizations, tissue banks, and eye
 1802 banks required to conduct death records reviews pursuant to s.
 1803 395.2050.

1804 (3) The Department of Health may examine patient records of
 1805 a licensed facility, whether held by the licensed facility or
 1806 the agency, for the purpose of epidemiological investigations.
 1807 The unauthorized release of information by agents of the
 1808 department which would identify an individual patient is a
 1809 misdemeanor of the first degree, punishable as provided in s.
 1810 775.082 or s. 775.083.

1811 (4) Patient records must contain information required for
 1812 completion of birth, death, and fetal death certificates.

1813 (5) (a) If the content of any record of patient treatment is
 1814 provided under this section, the recipient, if other than the
 1815 patient or the patient's representative, may use such
 1816 information only for the purpose provided and may not further
 1817 disclose any information to any other person or entity, unless
 1818 expressly permitted by the written consent of the patient. A
 1819 general authorization for the release of medical information is
 1820 not sufficient for this purpose. The content of such patient
 1821 treatment record is confidential and exempt from s. 119.07(1)
 1822 and s. 24(a), Art. I of the State Constitution.

1823 (b) Absent a specific written release or authorization
 1824 permitting utilization of patient information for solicitation
 1825 or marketing the sale of goods or services, any use of patient
 1826 information for those purposes is prohibited.

1827 (6) A licensed facility may prescribe the content and

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1828 custody of limited-access records that the facility may maintain
 1829 on its employees. Such records are limited to information
 1830 regarding evaluations of employee performance, including records
 1831 forming the basis for evaluation and subsequent actions, and
 1832 must be open to inspection only by the employee and by officials
 1833 of the licensed facility who are responsible for the supervision
 1834 of the employee. The custodian of limited-access employee
 1835 records shall release information from such records to other
 1836 employers or only upon authorization in writing from the
 1837 employee or upon order of a court of competent jurisdiction. Any
 1838 licensed facility releasing such records pursuant to this
 1839 chapter is considered to be acting in good faith and may not be
 1840 held liable for information contained in such records, absent a
 1841 showing that the facility maliciously falsified such records.
 1842 Such limited-access employee records are exempt from s.
 1843 119.07(1) for a period of 5 years from the date such records are
 1844 designated limited-access records.

1845 (7) The home addresses, telephone numbers, and photographs
 1846 of employees of any licensed facility who provide direct patient
 1847 care or security services; the home addresses, telephone
 1848 numbers, and places of employment of the spouses and children of
 1849 such persons; and the names and locations of schools and day
 1850 care facilities attended by the children of such persons are
 1851 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1852 of the State Constitution. However, any state or federal agency
 1853 that is authorized to have access to such information by any
 1854 provision of law shall be granted such access in the furtherance
 1855 of its statutory duties, notwithstanding this subsection. The
 1856 Department of Financial Services, or an agent, employee, or

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1857 independent contractor of the department who is auditing for
 1858 unclaimed property pursuant to chapter 717, shall be granted
 1859 access to the name, address, and social security number of any
 1860 employee owed unclaimed property.

1861 (8) The home addresses, telephone numbers, and photographs
 1862 of employees of any licensed facility who have a reasonable
 1863 belief, based upon specific circumstances that have been
 1864 reported in accordance with the procedure adopted by the
 1865 licensed facility, that release of the information may be used
 1866 to threaten, intimidate, harass, inflict violence upon, or
 1867 defraud the employee or any member of the employee's family; the
 1868 home addresses, telephone numbers, and places of employment of
 1869 the spouses and children of such persons; and the names and
 1870 locations of schools and day care facilities attended by the
 1871 children of such persons are confidential and exempt from s.
 1872 119.07(1) and s. 24(a), Art. I of the State Constitution.
 1873 However, any state or federal agency that is authorized to have
 1874 access to such information by any provision of law shall be
 1875 granted such access in the furtherance of its statutory duties,
 1876 notwithstanding this subsection. The licensed facility shall
 1877 maintain the confidentiality of the personal information only if
 1878 the employee submits a written request for confidentiality to
 1879 the licensed facility.

1880 Section 25. Subsection (3) of section 39.304, Florida
 1881 Statutes, is amended to read:

1882 39.304 Photographs, medical examinations, X rays, and
 1883 medical treatment of abused, abandoned, or neglected child.—

1884 (3) Any facility licensed under chapter 395 or chapter 396
 1885 shall provide to the department, its agent, or a Child

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1886 Protection Team that contracts with the department any
 1887 photograph or report on examinations made or X rays taken
 1888 pursuant to this section, or copies thereof, for the purpose of
 1889 investigation or assessment of cases of abuse, abandonment,
 1890 neglect, or exploitation of children.

1891 Section 26. Subsection (4) of section 95.11, Florida
 1892 Statutes, is amended to read:

1893 95.11 Limitations other than for the recovery of real
 1894 property.—Actions other than for recovery of real property shall
 1895 be commenced as follows:

1896 (4) WITHIN THREE YEARS.—An action to collect medical debt
 1897 for services rendered by a facility licensed under chapter 395
 1898 or chapter 396, provided that the period of limitations shall
 1899 run from the date on which the facility refers the medical debt
 1900 to a third party for collection.

1901 Section 27. Section 222.26, Florida Statutes, is amended to
 1902 read:

1903 222.26 Additional exemptions from legal process concerning
 1904 medical debt.—If a debt is owed for medical services provided by
 1905 a facility licensed under chapter 395 or chapter 396, the
 1906 following property is exempt from attachment, garnishment, or
 1907 other legal process in an action on such debt:

1908 (1) A debtor's interest, not to exceed \$10,000 in value, in
 1909 a single motor vehicle as defined in s. 320.01(1).

1910 (2) A debtor's interest in personal property, not to exceed
 1911 \$10,000 in value, if the debtor does not claim or receive the
 1912 benefits of a homestead exemption under s. 4, Art. X of the
 1913 State Constitution.

1914 Section 28. Paragraph (d) of subsection (3) of section

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381.00316, Florida Statutes, is amended to read:

381.00316 Discrimination by governmental and business entities based on health care choices; prohibition.—

(3)

(d) A hospital licensed under chapter 395 or an ambulatory surgical center licensed under chapter 396 ~~licensed facility as defined in s. 395.002~~ may not discriminate in providing health care to a patient based solely on that patient's vaccination status with a COVID-19 vaccine.

Section 29. Subsections (1) and (2) of section 381.0035, Florida Statutes, are amended to read:

381.0035 Educational course on HIV and AIDS; employees and clients of certain health care facilities.—

(1) The Department of Health shall require all employees and clients of facilities licensed under chapter 393, chapter 394, or chapter 397 and employees of facilities licensed under chapter 395 or chapter 396, part II, part III, or part IV of chapter 400, or part I of chapter 429 to complete a one-time educational course on the modes of transmission, infection control procedures, clinical management, and prevention of human immunodeficiency virus and acquired immune deficiency syndrome with an emphasis on appropriate behavior and attitude change. Such instruction shall include information on current Florida law and its impact on testing, confidentiality of test results, and treatment of patients and any protocols and procedures applicable to human immunodeficiency counseling and testing, reporting, the offering of HIV testing to pregnant women, and partner notification issues pursuant to ss. 381.004 and 384.25. An employee who has completed the educational course required in

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this subsection is not required to repeat the course upon changing employment to a different facility licensed under chapter 393, chapter 394, chapter 395, chapter 396, chapter 397, part II, part III, or part IV of chapter 400, or part I of chapter 429.

(2) Facilities licensed under chapter 393, chapter 394, chapter 395, chapter 396, or chapter 397, part II, part III, or part IV of chapter 400, or part I of chapter 429 shall maintain a record of employees and dates of attendance at human immunodeficiency virus and acquired immune deficiency syndrome educational courses.

Section 30. Paragraph (b) of subsection (2) and subsection (6) of section 381.026, Florida Statutes, are amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(2) DEFINITIONS.—As used in this section and s. 381.0261, the term:

(b) "Health care facility" means a facility licensed under chapter 395 or chapter 396.

(6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care provider who treats a patient in an office or any health care facility licensed under chapter 395 or chapter 396 that provides emergency services and care or outpatient services and care to a patient, or admits and treats a patient, shall adopt and make available to the patient, in writing, a statement of the rights and responsibilities of patients, including the following:

SUMMARY OF THE FLORIDA PATIENT'S BILL OF RIGHTS AND RESPONSIBILITIES

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Florida law requires that your health care provider or health care facility recognize your rights while you are receiving medical care and that you respect the health care provider's or health care facility's right to expect certain behavior on the part of patients. You may request a copy of the full text of this law from your health care provider or health care facility. A summary of your rights and responsibilities follows:

A patient has the right to be treated with courtesy and respect, with appreciation of his or her individual dignity, and with protection of his or her need for privacy.

A patient has the right to a prompt and reasonable response to questions and requests.

A patient has the right to know who is providing medical services and who is responsible for his or her care.

A patient has the right to know what patient support services are available, including whether an interpreter is available if he or she does not speak English.

A patient has the right to bring any person of his or her choosing to the patient-accessible areas of the health care facility or provider's office to accompany the patient while the patient is receiving inpatient or outpatient treatment or is consulting with his or her health care provider, unless doing so would risk the safety or health of the patient, other patients, or staff of the facility or office or cannot be reasonably accommodated by the facility or provider.

A patient has the right to know what rules and regulations apply to his or her conduct.

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A patient has the right to be given by the health care provider information concerning diagnosis, planned course of treatment, alternatives, risks, and prognosis.

A patient has the right to refuse any treatment, except as otherwise provided by law.

A patient has the right to be given, upon request, full information and necessary counseling on the availability of known financial resources for his or her care.

A patient who is eligible for Medicare has the right to know, upon request and in advance of treatment, whether the health care provider or health care facility accepts the Medicare assignment rate.

A patient has the right to receive, upon request, prior to treatment, a reasonable estimate of charges for medical care.

A patient has the right to receive a copy of a reasonably clear and understandable, itemized bill and, upon request, to have the charges explained.

A patient has the right to impartial access to medical treatment or accommodations, regardless of race, national origin, religion, handicap, or source of payment.

A patient has the right to treatment for any emergency medical condition that will deteriorate from failure to provide treatment.

A patient has the right to know if medical treatment is for purposes of experimental research and to give his or her consent or refusal to participate in such experimental research.

A patient has the right to express grievances regarding any violation of his or her rights, as stated in Florida law, through the grievance procedure of the health care provider or

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2031 health care facility which served him or her and to the
2032 appropriate state licensing agency.

2033 A patient is responsible for providing to the health care
2034 provider, to the best of his or her knowledge, accurate and
2035 complete information about present complaints, past illnesses,
2036 hospitalizations, medications, and other matters relating to his
2037 or her health.

2038 A patient is responsible for reporting unexpected changes
2039 in his or her condition to the health care provider.

2040 A patient is responsible for reporting to the health care
2041 provider whether he or she comprehends a contemplated course of
2042 action and what is expected of him or her.

2043 A patient is responsible for following the treatment plan
2044 recommended by the health care provider.

2045 A patient is responsible for keeping appointments and, when
2046 he or she is unable to do so for any reason, for notifying the
2047 health care provider or health care facility.

2048 A patient is responsible for his or her actions if he or
2049 she refuses treatment or does not follow the health care
2050 provider's instructions.

2051 A patient is responsible for assuring that the financial
2052 obligations of his or her health care are fulfilled as promptly
2053 as possible.

2054 A patient is responsible for following health care facility
2055 rules and regulations affecting patient care and conduct.

2056 Section 31. Paragraph (f) of subsection (3), paragraph(a)
2057 of subsection (6), and paragraph (b) of subsection (7) of
2058 section 381.028, Florida Statutes, are amended to read:

2059 381.028 Adverse medical incidents.—

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2060 (3) DEFINITIONS.—As used in s. 25, Art. X of the State
2061 Constitution and this act, the term:

2062 (f) "Health care facility" means a facility licensed under
2063 chapter 395 or chapter 396.

2064 (6) USE OF RECORDS.—

2065 (a) This section does not repeal or otherwise alter any
2066 existing restrictions on the discoverability or admissibility of
2067 records relating to adverse medical incidents otherwise provided
2068 by law, including, but not limited to, those contained in ss.
2069 395.0191, 395.0193, 395.0197, 396.211, 396.212, 396.213,
2070 766.101, and 766.1016, or repeal or otherwise alter any immunity
2071 provided to, or prohibition against compelling testimony by,
2072 persons providing information or participating in any peer
2073 review panel, medical review committee, hospital committee, or
2074 other hospital board otherwise provided by law, including, but
2075 not limited to, ss. 395.0191, 395.0193, 396.211, 396.212,
2076 766.101, and 766.1016.

2077 (7) PRODUCTION OF RECORDS.—

2078 (b)1. Using the process provided in s. 395.0197 or s.
2079 396.213, as applicable, the health care facility shall be
2080 responsible for identifying records as records of an adverse
2081 medical incident, as defined in s. 25, Art. X of the State
2082 Constitution.

2083 2. Using the process provided in s. 458.351, the health
2084 care provider shall be responsible for identifying records as
2085 records of an adverse medical incident, as defined in s. 25,
2086 Art. X of the State Constitution, occurring in an office
2087 setting.

2088 Section 32. Paragraph (b) of subsection (9) and paragraph

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(d) of subsection (12) of section 381.915, Florida Statutes, is amended to read:

381.915 Casey DeSantis Cancer Research Program.—

(9)

(b) To be eligible for grant funding under this subsection, a licensed or certified health care provider, facility, or entity must meet at least one of the following criteria:

1. Operates as a licensed hospital that has a minimum of 30 percent of its current cancer patients residing in rural or underserved areas.

2. Operates as a licensed health care clinic or facility that employs or contracts with at least one physician licensed under chapter 458 or chapter 459 who is board certified in oncology and that administers chemotherapy treatments for cancer.

3. Operates as a licensed facility that employs or contracts with at least one physician licensed under chapter 458 or chapter 459 who is board certified in oncology and that administers radiation therapy treatments for cancer.

4. Operates as a licensed health care clinic or facility that provides cancer screening services at no cost or a minimal cost to patients.

5. Operates as a rural hospital as defined in s. 395.602(2)(b).

6. Operates as a critical access hospital as defined in s. 408.07(14).

7. Operates as a specialty hospital as defined in s. 395.002(27)(a) ~~s. 395.002(28)(a)~~ which provides cancer treatment for patients from birth to 18 years of age.

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8. Operates as a licensed hospital that is accredited by the American College of Surgeons as a Comprehensive Community Cancer Program or Integrated Network Cancer Program.

9. Engages in biomedical research intended to develop therapies, medical pharmaceuticals, treatment protocols, or medical procedures intended to cure cancer or improve the quality of life of cancer patients.

10. Educates or trains students, postdoctoral fellows, or licensed or certified health care practitioners in the screening, diagnosis, or treatment of cancer.

(12)

(d) Applications for incubator funding may be submitted by any Florida-based specialty hospital as defined in s. 395.002(27)(a) ~~s. 395.002(28)(a)~~ which provides cancer treatment for patients from birth to 18 years of age. All qualified applicants must have equal access and opportunity to compete for research funding. Incubator grants must be recommended by the collaborative and awarded by the department on the basis of scientific merit, as determined by a competitively open and peer-reviewed process to ensure objectivity, consistency, and high quality.

Section 33. Paragraph (d) of subsection (2) of section 383.145, Florida Statutes, is amended to read:

383.145 Newborn, infant, and toddler hearing screening.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Hospital" means a facility as defined in s. 395.002 ~~s. 395.002(13)~~ and licensed under chapter 395 and part II of chapter 408.

Section 34. Subsection (1) of section 385.202, Florida

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Statutes, is amended to read:

385.202 Statewide cancer registry.—

(1) Each facility licensed under chapter 395 or chapter 396 and each freestanding radiation therapy center as defined in s. 408.07 shall report to the Department of Health such information, specified by the department, by rule, which indicates diagnosis, stage of disease, medical history, laboratory data, tissue diagnosis, and radiation, surgical, or other methods of diagnosis or treatment for each cancer diagnosed or treated by the facility or center. Failure to comply with this requirement may be cause for registration or licensure suspension or revocation.

Section 35. Subsection (2) of section 385.211, Florida Statutes, is amended to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(2) Notwithstanding chapter 893, medical centers recognized pursuant to s. 381.925, or an academic medical research institution legally affiliated with a licensed children's specialty hospital as defined in s. 395.002 which ~~s. 395.002(28)~~ ~~that~~ contracts with the Department of Health, may conduct research on cannabidiol and low-THC cannabis. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and low-THC cannabis for the treatment for refractory or intractable epilepsy. The authority for recognized medical centers to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the

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activities described in this section.

Section 36. Subsection (8) of section 390.011, Florida Statutes, is amended to read:

390.011 Definitions.—As used in this chapter, the term:

(8) "Hospital" means a facility as defined in s. 395.002 ~~s. 395.002(12)~~ and licensed under chapter 395 and part II of chapter 408.

Section 37. Paragraphs (a) and (c) of subsection (4) of section 390.025, Florida Statutes, are amended to read:

390.025 Abortion referral or counseling agencies; penalties.—

(4) The following are exempt from the requirement to register pursuant to subsection (3):

(a) Facilities licensed pursuant to this chapter, chapter 395, chapter 396, chapter 400, or chapter 408;

(c) Health care practitioners, as defined in s. 456.001, who, in the course of their practice outside of a facility licensed pursuant to this chapter, chapter 395, chapter 396, chapter 400, or chapter 408, refer five or fewer patients for abortions each month.

Section 38. Subsection (7) of section 394.4787, Florida Statutes, is amended to read:

394.4787 Definitions; ss. 394.4786, 394.4787, 394.4788, and 394.4789.—As used in this section and ss. 394.4786, 394.4788, and 394.4789:

(7) "Specialty psychiatric hospital" means a hospital licensed by the agency pursuant to s. 395.002 ~~s. 395.002(28)~~ and part II of chapter 408 as a specialty psychiatric hospital.

Section 39. Section 395.001, Florida Statutes, is amended

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to read:

395.001 Legislative intent.—It is the intent of the Legislature to provide for the protection of public health and safety in the establishment, construction, maintenance, and operation of hospitals ~~and ambulatory surgical centers~~ by providing for licensure of same and for the development, establishment, and enforcement of minimum standards with respect thereto.

Section 40. Subsections (3), (10), (17), (23), and (28) of section 395.002, Florida Statutes, are amended to read:

395.002 Definitions.—As used in this chapter:

~~(3) "Ambulatory surgical center" means a facility, the primary purpose of which is to provide elective surgical care, in which the patient is admitted to and discharged from such facility within 24 hours, and which is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy, an office maintained by a physician for the practice of medicine, or an office maintained for the practice of dentistry may not be construed to be an ambulatory surgical center, provided that any facility or office which is certified or seeks certification as a Medicare ambulatory surgical center shall be licensed as an ambulatory surgical center pursuant to s. 395.003.~~

(9) ~~(10)~~ "General hospital" means any facility which meets the provisions of subsection (11) ~~(12)~~ and which regularly makes its facilities and services available to the general population.

(16) ~~(17)~~ "Licensed facility" means a hospital ~~or ambulatory surgical center~~ licensed in accordance with this chapter.

(22) ~~(23)~~ "Premises" means those buildings, beds, and

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equipment located at the address of the licensed facility and all other buildings, beds, and equipment for the provision of hospital ~~or ambulatory surgical~~ care located in such reasonable proximity to the address of the licensed facility as to appear to the public to be under the dominion and control of the licensee. For any licensee that is a teaching hospital as defined in s. 408.07, reasonable proximity includes any buildings, beds, services, programs, and equipment under the dominion and control of the licensee that are located at a site with a main address that is within 1 mile of the main address of the licensed facility; and all such buildings, beds, and equipment may, at the request of a licensee or applicant, be included on the facility license as a single premises.

(27) ~~(28)~~ "Specialty hospital" means any facility which meets the provisions of subsection (11) ~~(12)~~, and which regularly makes available either:

(a) The range of medical services offered by general hospitals but restricted to a defined age or gender group of the population;

(b) A restricted range of services appropriate to the diagnosis, care, and treatment of patients with specific categories of medical or psychiatric illnesses or disorders; or

(c) Intensive residential treatment programs for children and adolescents as defined in subsection (15) ~~(16)~~.

Section 41. Subsection (1) and paragraph (d) of subsection (5) of section 395.003, Florida Statutes, are amended to read:

395.003 Licensure; denial, suspension, and revocation.—

(1)(a) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to ss.

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395.001-395.1065 and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to ss. 395.001-395.1065. A license issued by the agency is required in order to operate a hospital ~~or ambulatory surgical center~~ in this state.

(b)1. It is unlawful for a person to use or advertise to the public, in any way or by any medium whatsoever, any facility as a "hospital" ~~or "ambulatory surgical center"~~ unless such facility has first secured a license under this chapter part.

2. This part does not apply to veterinary hospitals or to commercial business establishments using the word "hospital" ~~or "ambulatory surgical center"~~ as a part of a trade name if no treatment of human beings is performed on the premises of such establishments.

(5)

(d) A hospital, ~~an ambulatory surgical center~~, a specialty hospital, or an urgent care center shall comply with ss. 627.64194 and 641.513 as a condition of licensure.

Section 42. Subsections (2), (3), and (9) of section 395.1055, Florida Statutes, are amended to read:

395.1055 Rules and enforcement.—

(2) Separate standards may be provided for general and specialty hospitals, ~~ambulatory surgical centers~~, and statutory rural hospitals as defined in s. 395.602.

~~(3) The agency shall adopt rules that establish minimum standards for pediatric patient care in ambulatory surgical centers to ensure the safe and effective delivery of surgical care to children in ambulatory surgical centers. Such standards must include quality of care, nurse staffing, physician~~

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~~staffing, and equipment standards. Ambulatory surgical centers may not provide operative procedures to children under 18 years of age which require a length of stay past midnight until such standards are established by rule.~~

(8)(9) The agency may not adopt any rule governing the design, construction, erection, alteration, modification, repair, or demolition of any public or private hospital ~~or~~ intermediate residential treatment facility, ~~or ambulatory surgical center~~. It is the intent of the Legislature to preempt that function to the Florida Building Commission and the State Fire Marshal through adoption and maintenance of the Florida Building Code and the Florida Fire Prevention Code. However, the agency shall provide technical assistance to the commission and the State Fire Marshal in updating the construction standards of the Florida Building Code and the Florida Fire Prevention Code which govern hospitals and intermediate residential treatment facilities, ~~and ambulatory surgical centers~~.

Section 43. Subsection (3) of section 395.10973, Florida Statutes, is amended to read:

395.10973 Powers and duties of the agency.—It is the function of the agency to:

(3) Enforce the special-occupancy provisions of the Florida Building Code which apply to hospitals and intermediate residential treatment facilities, ~~and ambulatory surgical centers~~ in conducting any inspection authorized by this chapter and part II of chapter 408.

Section 44. Subsection (8) of section 395.3025, Florida Statutes, is amended to read:

395.3025 Patient and personnel records; copies;

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examination.-

(8) Patient records at hospitals ~~and ambulatory surgical centers~~ are exempt from disclosure under s. 119.07(1), except as provided by subsections (1)-(5).

Section 45. Subsection (3) of section 395.607, Florida Statutes, is amended to read:

395.607 Rural emergency hospitals.-

(3) Notwithstanding s. 395.002 ~~s. 395.002(12)~~, a rural emergency hospital is not required to offer acute inpatient care or care beyond 24 hours, or to make available treatment facilities for surgery, obstetrical care, or similar services in order to be deemed a hospital as long as it maintains its designation as a rural emergency hospital, and may be required to make such services available only if it ceases to be designated as a rural emergency hospital.

Section 46. Paragraph (c) of subsection (1) of section 395.701, Florida Statutes, is amended to read:

395.701 Annual assessments on net operating revenues for inpatient and outpatient services to fund public medical assistance; administrative fines for failure to pay assessments when due; exemption.-

(1) For the purposes of this section, the term:

(c) "Hospital" means a health care institution as defined in s. 395.002 ~~s. 395.002(12)~~, but does not include any hospital operated by a state agency.

Section 47. Paragraph (b) of subsection (3) of section 400.518, Florida Statutes, is amended to read:

400.518 Prohibited referrals to home health agencies.-

(3)

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(b) A physician who violates this section is subject to disciplinary action by the appropriate board under s. 458.331(2) or s. 459.015(2). A hospital ~~or ambulatory surgical center~~ that violates this section is subject to s. 395.0185(2). An ambulatory surgical center that violates this section is subject to s. 396.209.

Section 48. Paragraph (h) of subsection (5) of section 400.93, Florida Statutes, is amended to read:

400.93 Licensure required; exemptions; unlawful acts; penalties.-

(5) The following are exempt from home medical equipment provider licensure, unless they have a separate company, corporation, or division that is in the business of providing home medical equipment and services for sale or rent to consumers at their regular or temporary place of residence pursuant to the provisions of this part:

(h) Hospitals licensed under chapter 395 and ambulatory surgical centers licensed under chapter 396 ~~395~~.

Section 49. Paragraphs (a) through (d) of subsection (4) of section 400.9905, Florida Statutes, are amended to read:

400.9905 Definitions.-

(4) "Clinic" means an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, including a mobile clinic and a portable equipment provider. As used in this part, the term does not include and the licensure requirements of this part do not apply to:

(a) Entities licensed or registered by the state under chapter 395 or chapter 396; entities licensed or registered by

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the state and providing only health care services within the scope of services authorized under their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 485, subpart B, subpart H, or subpart J; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 486, subpart C; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 491, subpart A; providers certified by the Centers for Medicare and Medicaid services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services or other health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(b) Entities that own, directly or indirectly, entities licensed or registered by the state pursuant to chapter 395 or chapter 396; entities that own, directly or indirectly, entities licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478,

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chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 485, subpart B, subpart H, or subpart J; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 486, subpart C; providers certified and providing only health care services within the scope of services authorized under their respective certifications under 42 C.F.R. part 491, subpart A; providers certified by the Centers for Medicare and Medicaid services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder; or any entity that provides neonatal or pediatric hospital-based health care services by licensed practitioners solely within a hospital licensed under chapter 395.

(c) Entities that are owned, directly or indirectly, by an entity licensed or registered by the state pursuant to chapter 395 or chapter 396; entities that are owned, directly or indirectly, by an entity licensed or registered by the state and providing only health care services within the scope of services authorized pursuant to their respective licenses under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397, this chapter except part X, chapter 429, chapter 463, chapter 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-stage renal disease providers authorized under 42 C.F.R. part 494; providers certified and providing only health care services within the scope of services authorized under their respective

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2437 certifications under 42 C.F.R. part 485, subpart B, subpart H,
 2438 or subpart J; providers certified and providing only health care
 2439 services within the scope of services authorized under their
 2440 respective certifications under 42 C.F.R. part 486, subpart C;
 2441 providers certified and providing only health care services
 2442 within the scope of services authorized under their respective
 2443 certifications under 42 C.F.R. part 491, subpart A; providers
 2444 certified by the Centers for Medicare and Medicaid services
 2445 under the federal Clinical Laboratory Improvement Amendments and
 2446 the federal rules adopted thereunder; or any entity that
 2447 provides neonatal or pediatric hospital-based health care
 2448 services by licensed practitioners solely within a hospital
 2449 under chapter 395.

2450 (d) Entities that are under common ownership, directly or
 2451 indirectly, with an entity licensed or registered by the state
 2452 pursuant to chapter 395 or chapter 396; entities that are under
 2453 common ownership, directly or indirectly, with an entity
 2454 licensed or registered by the state and providing only health
 2455 care services within the scope of services authorized pursuant
 2456 to their respective licenses under ss. 383.30-383.332, chapter
 2457 390, chapter 394, chapter 397, this chapter except part X,
 2458 chapter 429, chapter 463, chapter 465, chapter 466, chapter 478,
 2459 chapter 484, or chapter 651; end-stage renal disease providers
 2460 authorized under 42 C.F.R. part 494; providers certified and
 2461 providing only health care services within the scope of services
 2462 authorized under their respective certifications under 42 C.F.R.
 2463 part 485, subpart B, subpart H, or subpart J; providers
 2464 certified and providing only health care services within the
 2465 scope of services authorized under their respective

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2466 certifications under 42 C.F.R. part 486, subpart C; providers
 2467 certified and providing only health care services within the
 2468 scope of services authorized under their respective
 2469 certifications under 42 C.F.R. part 491, subpart A; providers
 2470 certified by the Centers for Medicare and Medicaid services
 2471 under the federal Clinical Laboratory Improvement Amendments and
 2472 the federal rules adopted thereunder; or any entity that
 2473 provides neonatal or pediatric hospital-based health care
 2474 services by licensed practitioners solely within a hospital
 2475 licensed under chapter 395.

2476
 2477 Notwithstanding this subsection, an entity shall be deemed a
 2478 clinic and must be licensed under this part in order to receive
 2479 reimbursement under the Florida Motor Vehicle No-Fault Law, ss.
 2480 627.730-627.7405, unless exempted under s. 627.736(5)(h).

2481 Section 50. Paragraph (i) of subsection (1) of section
 2482 400.9935, Florida Statutes, is amended to read:

2483 400.9935 Clinic responsibilities.—

2484 (1) Each clinic shall appoint a medical director or clinic
 2485 director who shall agree in writing to accept legal
 2486 responsibility for the following activities on behalf of the
 2487 clinic. The medical director or the clinic director shall:

2488 (i) Ensure that the clinic publishes a schedule of charges
 2489 for the medical services offered to patients. The schedule must
 2490 include the prices charged to an uninsured person paying for
 2491 such services by cash, check, credit card, or debit card. The
 2492 schedule may group services by price levels, listing services in
 2493 each price level. The schedule must be posted in a conspicuous
 2494 place in the reception area of any clinic that is considered an

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2495 urgent care center as defined in s. 395.002 ~~s. 395.002(30)(b)~~
 2496 and must include, but is not limited to, the 50 services most
 2497 frequently provided by the clinic. The posting may be a sign
 2498 that must be at least 15 square feet in size or through an
 2499 electronic messaging board that is at least 3 square feet in
 2500 size. The failure of a clinic, including a clinic that is
 2501 considered an urgent care center, to publish and post a schedule
 2502 of charges as required by this section shall result in a fine of
 2503 not more than \$1,000, per day, until the schedule is published
 2504 and posted.

2505 Section 51. Paragraph (b) of subsection (2) of section
 2506 401.272, Florida Statutes, is amended to read:

2507 401.272 Emergency medical services community health care.—

2508 (2) Notwithstanding any other provision of law to the
 2509 contrary:

2510 (b) Paramedics and emergency medical technicians shall
 2511 operate under the medical direction of a physician through two-
 2512 way communication or pursuant to established standing orders or
 2513 protocols and within the scope of their training when a patient
 2514 is not transported to an emergency department or is transported
 2515 to a facility other than a hospital as defined in s. 395.002 ~~s.~~
 2516 ~~395.002(12)~~.

2517 Section 52. Subsections (4) and (5) of section 408.051,
 2518 Florida Statutes, are amended to read:

2519 408.051 Florida Electronic Health Records Exchange Act.—

2520 (4) EMERGENCY RELEASE OF IDENTIFIABLE HEALTH RECORD.—A
 2521 health care provider may release or access an identifiable
 2522 health record of a patient without the patient's consent for use
 2523 in the treatment of the patient for an emergency medical

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2524 condition, as defined in s. 395.002 ~~s. 395.002(8)~~, when the
 2525 health care provider is unable to obtain the patient's consent
 2526 or the consent of the patient representative due to the
 2527 patient's condition or the nature of the situation requiring
 2528 immediate medical attention. A health care provider who in good
 2529 faith releases or accesses an identifiable health record of a
 2530 patient in any form or medium under this subsection is immune
 2531 from civil liability for accessing or releasing an identifiable
 2532 health record.

2533 (5) HOSPITAL DATA.—A hospital as defined in s. 395.002 ~~s.~~
 2534 ~~395.002(12)~~ which maintains certified electronic health record
 2535 technology must make available admission, transfer, and
 2536 discharge data to the agency's Florida Health Information
 2537 Exchange program for the purpose of supporting public health
 2538 data registries and patient care coordination. The agency may
 2539 adopt rules to implement this subsection.

2540 Section 53. Subsection (6) of section 408.07, Florida
 2541 Statutes, is amended to read:

2542 408.07 Definitions.—As used in this chapter, with the
 2543 exception of ss. 408.031-408.045, the term:

2544 (6) "Ambulatory surgical center" means a facility licensed
 2545 as an ambulatory surgical center under chapter 396 ~~395~~.

2546 Section 54. Subsection (9) of section 408.802, Florida
 2547 Statutes, is amended to read:

2548 408.802 Applicability.—This part applies to the provision
 2549 of services that require licensure as defined in this part and
 2550 to the following entities licensed, registered, or certified by
 2551 the agency, as described in chapters 112, 383, 390, 394, 395,
 2552 400, 429, 440, and 765:

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2553 (9) Ambulatory surgical centers, as provided under ~~part I~~
 2554 ~~of chapter 396~~ 395.

2555 Section 55. Subsection (9) of section 408.820, Florida
 2556 Statutes, is amended to read:

2557 408.820 Exemptions.—Except as prescribed in authorizing
 2558 statutes, the following exemptions shall apply to specified
 2559 requirements of this part:

2560 (9) Ambulatory surgical centers, as provided under ~~part I~~
 2561 ~~of chapter 396~~ 395, are exempt from s. 408.810(7)-(10).

2562 Section 56. Subsection (8) of section 409.905, Florida
 2563 Statutes, is amended to read:

2564 409.905 Mandatory Medicaid services.—The agency may make
 2565 payments for the following services, which are required of the
 2566 state by Title XIX of the Social Security Act, furnished by
 2567 Medicaid providers to recipients who are determined to be
 2568 eligible on the dates on which the services were provided. Any
 2569 service under this section shall be provided only when medically
 2570 necessary and in accordance with state and federal law.
 2571 Mandatory services rendered by providers in mobile units to
 2572 Medicaid recipients may be restricted by the agency. Nothing in
 2573 this section shall be construed to prevent or limit the agency
 2574 from adjusting fees, reimbursement rates, lengths of stay,
 2575 number of visits, number of services, or any other adjustments
 2576 necessary to comply with the availability of moneys and any
 2577 limitations or directions provided for in the General
 2578 Appropriations Act or chapter 216.

2579 (8) NURSING FACILITY SERVICES.—The agency shall pay for 24-
 2580 hour-a-day nursing and rehabilitative services for a recipient
 2581 in a nursing facility licensed under part II of chapter 400 or

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2582 in a rural hospital, as defined in s. 395.602, or in a Medicare
 2583 certified skilled nursing facility operated by a hospital, as
 2584 defined in s. 395.002 ~~by s. 395.002(10)~~, that is licensed under
 2585 part I of chapter 395, and in accordance with provisions set
 2586 forth in s. 409.908(2)(a), which services are ordered by and
 2587 provided under the direction of a licensed physician. However,
 2588 if a nursing facility has been destroyed or otherwise made
 2589 uninhabitable by natural disaster or other emergency and another
 2590 nursing facility is not available, the agency must pay for
 2591 similar services temporarily in a hospital licensed under part I
 2592 of chapter 395 provided federal funding is approved and
 2593 available. The agency shall pay only for bed-hold days if the
 2594 facility has an occupancy rate of 95 percent or greater. The
 2595 agency is authorized to seek any federal waivers to implement
 2596 this policy.

2597 Section 57. Subsection (3) of section 409.906, Florida
 2598 Statutes, is amended to read:

2599 409.906 Optional Medicaid services.—Subject to specific
 2600 appropriations, the agency may make payments for services which
 2601 are optional to the state under Title XIX of the Social Security
 2602 Act and are furnished by Medicaid providers to recipients who
 2603 are determined to be eligible on the dates on which the services
 2604 were provided. Any optional service that is provided shall be
 2605 provided only when medically necessary and in accordance with
 2606 state and federal law. Optional services rendered by providers
 2607 in mobile units to Medicaid recipients may be restricted or
 2608 prohibited by the agency. Nothing in this section shall be
 2609 construed to prevent or limit the agency from adjusting fees,
 2610 reimbursement rates, lengths of stay, number of visits, or

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number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. If necessary to safeguard the state's systems of providing services to elderly and disabled persons and subject to the notice and review provisions of s. 216.177, the Governor may direct the Agency for Health Care Administration to amend the Medicaid state plan to delete the optional Medicaid service known as "Intermediate Care Facilities for the Developmentally Disabled." Optional services may include:

(3) AMBULATORY SURGICAL CENTER SERVICES.—The agency may pay for services provided to a recipient in an ambulatory surgical center licensed under ~~part I of~~ chapter 396 395, by or under the direction of a licensed physician or dentist.

Section 58. Paragraph (b) of subsection (1) of section 409.975, Florida Statutes, is amended to read:

409.975 Managed care plan accountability.—In addition to the requirements of s. 409.967, plans and providers participating in the managed medical assistance program shall comply with the requirements of this section.

(1) PROVIDER NETWORKS.—Managed care plans must develop and maintain provider networks that meet the medical needs of their enrollees in accordance with standards established pursuant to s. 409.967(2)(c). Except as provided in this section, managed care plans may limit the providers in their networks based on credentials, quality indicators, and price.

(b) Certain providers are statewide resources and essential providers for all managed care plans in all regions. All managed care plans must include these essential providers in their

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networks. Statewide essential providers include:

1. Faculty plans of Florida medical schools.
2. Regional perinatal intensive care centers as defined in s. 383.16(2).

3. Hospitals licensed as specialty children's hospitals as defined in s. 395.002 ~~s. 395.002(28)~~.

4. Accredited and integrated systems serving medically complex children which comprise separately licensed, but commonly owned, health care providers delivering at least the following services: medical group home, in-home and outpatient nursing care and therapies, pharmacy services, durable medical equipment, and Prescribed Pediatric Extended Care.

5. Florida cancer hospitals that meet the criteria in 42 U.S.C. s. 1395ww(d)(1)(B)(v).

Managed care plans that have not contracted with all statewide essential providers in all regions as of the first date of recipient enrollment must continue to negotiate in good faith. Payments to physicians on the faculty of nonparticipating Florida medical schools shall be made at the applicable Medicaid rate. Payments for services rendered by regional perinatal intensive care centers shall be made at the applicable Medicaid rate as of the first day of the contract between the agency and the plan. Except for payments for emergency services, payments to nonparticipating specialty children's hospitals, and payments to nonparticipating Florida cancer hospitals that meet the criteria in 42 U.S.C. s. 1395ww(d)(1)(B)(v), shall equal the highest rate established by contract between that provider and any other Medicaid managed care plan.

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2669 Section 59. Subsection (7) of section 456.013, Florida
 2670 Statutes, is amended to read:
 2671 456.013 Department; general licensing provisions.—
 2672 (7) The boards, or the department when there is no board,
 2673 shall require the completion of a 2-hour course relating to
 2674 prevention of medical errors as part of the biennial renewal
 2675 process. The 2-hour course counts toward the total number of
 2676 continuing education hours required for the profession. The
 2677 course must be approved by the board or department, as
 2678 appropriate, and must include a study of root-cause analysis,
 2679 error reduction and prevention, and patient safety. In addition,
 2680 the course approved by the Board of Medicine and the Board of
 2681 Osteopathic Medicine must include information relating to the
 2682 five most misdiagnosed conditions during the previous biennium,
 2683 as determined by the board. If the course is being offered by a
 2684 facility licensed under pursuant to chapter 395 or chapter 396
 2685 for its employees, the board may approve up to 1 hour of the 2-
 2686 hour course to be specifically related to error reduction and
 2687 prevention methods used in that facility.
 2688 Section 60. Subsection (5) of section 456.0135, Florida
 2689 Statutes, is amended to read:
 2690 456.0135 General background screening provisions.—
 2691 (5) In addition to the offenses listed in s. 435.04, all
 2692 persons required to undergo background screening under this
 2693 section, other than those licensed under s. 465.022, must not
 2694 have an arrest awaiting final disposition for, must not have
 2695 been found guilty of, regardless of adjudication, or entered a
 2696 plea of nolo contendere or guilty to, and must not have been
 2697 adjudicated delinquent and the record not have been sealed or

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2698 expunged for an offense under s. 784.03 or any similar offense
 2699 of another jurisdiction relating to battery, if the victim is a
 2700 vulnerable adult as defined in s. 415.102 or a patient or
 2701 resident of a facility licensed under chapter 395, chapter 396,
 2702 chapter 400, or chapter 429.
 2703 Section 61. Subsection (5) of section 456.041, Florida
 2704 Statutes, is amended to read:
 2705 456.041 Practitioner profile; creation.—
 2706 (5) The Department of Health shall include the date of a
 2707 hospital or ambulatory surgical center disciplinary action taken
 2708 by a licensed hospital or an ambulatory surgical center, in
 2709 accordance with the requirements of ss. 395.013 and 396.212 ~~or~~
 2710 ~~395.0193~~, in the practitioner profile. The department shall
 2711 state whether the action related to professional competence and
 2712 whether it related to the delivery of services to a patient.
 2713 Section 62. Paragraph (n) of subsection (3) of section
 2714 456.053, Florida Statutes, is amended to read:
 2715 456.053 Financial arrangements between referring health
 2716 care providers and providers of health care services.—
 2717 (3) DEFINITIONS.—For the purpose of this section, the word,
 2718 phrase, or term:
 2719 (n) "Referral" means any referral of a patient by a health
 2720 care provider for health care services, including, without
 2721 limitation:
 2722 1. The forwarding of a patient by a health care provider to
 2723 another health care provider or to an entity which provides or
 2724 supplies designated health services or any other health care
 2725 item or service; or
 2726 2. The request or establishment of a plan of care by a

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health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care ~~do shall~~ not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the supervision of such referring health care provider or group practice if such supervision complies with all applicable Medicare payment and coverage rules for services; provided, however, a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 or an advanced practice registered nurse registered under s. 464.0123 may refer a patient to a sole provider or group practice for

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diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician or advanced practice registered nurse registered under s. 464.0123 has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more than 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services. However, the 15 percent limitation of this sub-subparagraph and the requirements of subparagraph (4)(a)2. do not apply to a group practice entity that owns an accountable care organization or an entity operating under an advanced alternative payment model according to federal regulations if such entity provides diagnostic imaging services and has more than 30,000 patients enrolled per year.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 396 ~~395~~.

h. By a urologist for lithotripsy services.

i. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

j. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

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2785 k. By a nephrologist for renal dialysis services and
 2786 supplies, except laboratory services.

2787 l. By a health care provider whose principal professional
 2788 practice consists of treating patients in their private
 2789 residences for services to be rendered in such private
 2790 residences, except for services rendered by a home health agency
 2791 licensed under chapter 400. For purposes of this sub-
 2792 subparagraph, the term "private residences" includes patients'
 2793 private homes, independent living centers, and assisted living
 2794 facilities, but does not include skilled nursing facilities.

2795 m. By a health care provider for sleep-related testing.

2796 Section 63. Subsection (3) of section 456.056, Florida
 2797 Statutes, is amended to read:

2798 456.056 Treatment of Medicare beneficiaries; refusal,
 2799 emergencies, consulting physicians.—

2800 (3) If treatment is provided to a beneficiary for an
 2801 emergency medical condition as defined in s. 395.002 ~~or~~
 2802 ~~395.002(8)(a)~~, the physician must accept Medicare assignment
 2803 provided that the requirement to accept Medicare assignment for
 2804 an emergency medical condition does ~~shall~~ not apply to treatment
 2805 rendered after the patient is stabilized, or ~~the~~ treatment that
 2806 is unrelated to the original emergency medical condition. For
 2807 the purpose of this subsection, the term "stabilized" means ~~is~~
 2808 ~~defined to mean~~ with respect to an emergency medical condition,
 2809 that no material deterioration of the condition is likely within
 2810 reasonable medical probability.

2811 Section 64. Subsection (2) of section 456.0575, Florida
 2812 Statutes, is amended to read:

2813 456.0575 Duty to notify patients.—

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2814 (2) Upon request by a patient, before providing
 2815 nonemergency medical services in a facility licensed under
 2816 chapter 395 or chapter 396, a health care practitioner shall
 2817 provide, in writing or by electronic means, a good faith
 2818 estimate of reasonably anticipated charges to treat the
 2819 patient's condition at the facility. The health care
 2820 practitioner shall provide the estimate to the patient within 7
 2821 business days after receiving the request and is not required to
 2822 adjust the estimate for any potential insurance coverage. The
 2823 health care practitioner shall inform the patient that the
 2824 patient may contact his or her health insurer or health
 2825 maintenance organization for additional information concerning
 2826 cost-sharing responsibilities. The health care practitioner
 2827 shall provide information to uninsured patients and insured
 2828 patients for whom the practitioner is not a network provider or
 2829 preferred provider which discloses the practitioner's financial
 2830 assistance policy, including the application process, payment
 2831 plans, discounts, or other available assistance, and the
 2832 practitioner's charity care policy and collection procedures.
 2833 Such estimate does not preclude the actual charges from
 2834 exceeding the estimate. Failure to provide the estimate in
 2835 accordance with this subsection, without good cause, shall
 2836 result in disciplinary action against the health care
 2837 practitioner and a daily fine of \$500 until the estimate is
 2838 provided to the patient. The total fine may not exceed \$5,000.

2839 Section 65. Paragraph (t) of subsection (1) of section
 2840 456.072, Florida Statutes, is amended to read:

2841 456.072 Grounds for discipline; penalties; enforcement.—

2842 (1) The following acts shall constitute grounds for which

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the disciplinary actions specified in subsection (2) may be taken:

(t) Failing to identify through written notice, which may include the wearing of a name tag, or orally to a patient the type of license under which the practitioner is practicing. Any advertisement for health care services naming the practitioner must identify the type of license the practitioner holds. This paragraph does not apply to a practitioner while the practitioner is providing services in a facility licensed under chapter 394, chapter 395, chapter 396, chapter 400, or chapter 429. Each board, or the department where there is no board, is authorized by rule to determine how its practitioners may comply with this disclosure requirement.

Section 66. Paragraph (b) of subsection (12) of section 456.073, Florida Statutes, is amended to read:

456.073 Disciplinary proceedings.—Disciplinary proceedings for each board shall be within the jurisdiction of the department.

(12)

(b) No facility licensed under chapter 395 or chapter 396, health maintenance organization certificated under part I of chapter 641, physician licensed under chapter 458, or osteopathic physician licensed under chapter 459 shall discharge, threaten to discharge, intimidate, or coerce any employee or staff member by reason of such employee's or staff member's report to the department about a physician licensed under chapter 458, chapter 459, chapter 460, chapter 461, or chapter 466 who may be guilty of incompetence, impairment, or unprofessional conduct so long as such report is given without

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intentional fraud or malice.

Section 67. Subsection (3) of section 458.3145, Florida Statutes, is amended to read:

458.3145 Medical faculty certificate.—

(3) The holder of a medical faculty certificate issued under this section has all rights and responsibilities prescribed by law for the holder of a license issued under s. 458.311, except as specifically provided otherwise by law. Such responsibilities include compliance with continuing medical education requirements as set forth by rule of the board. A hospital licensed under chapter 395, an ~~or~~ ambulatory surgical center licensed under chapter 396 ~~395~~, a health maintenance organization certified under chapter 641, an insurer as defined in s. 624.03, a multiple-employer welfare arrangement as defined in s. 624.437, or any other entity in this state, in considering and acting upon an application for staff membership, clinical privileges, or other credentials as a health care provider, may not deny the application of an otherwise qualified physician for such staff membership, clinical privileges, or other credentials solely because the applicant is a holder of a medical faculty certificate under this section.

Section 68. Subsection (2) of section 458.320, Florida Statutes, is amended to read:

458.320 Financial responsibility.—

(2) Physicians who perform surgery in an ambulatory surgical center licensed under chapter 396 ~~395~~ and, as a continuing condition of hospital staff privileges, physicians who have staff privileges must also establish financial responsibility by one of the following methods:

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2901 (a) Establishing and maintaining an escrow account
 2902 consisting of cash or assets eligible for deposit in accordance
 2903 with s. 625.52 in the per claim amounts specified in paragraph
 2904 (b). The required escrow amount set forth in this paragraph may
 2905 not be used for litigation costs or attorney ~~attorney's~~ fees for
 2906 the defense of any medical malpractice claim.

2907 (b) Obtaining and maintaining professional liability
 2908 coverage in an amount not less than \$250,000 per claim, with a
 2909 minimum annual aggregate of not less than \$750,000 from an
 2910 authorized insurer as defined under s. 624.09, from a surplus
 2911 lines insurer as defined under s. 626.914(2), from a risk
 2912 retention group as defined under s. 627.942, from the Joint
 2913 Underwriting Association established under s. 627.351(4),
 2914 through a plan of self-insurance as provided in s. 627.357, or
 2915 through a plan of self-insurance which meets the conditions
 2916 specified for satisfying financial responsibility in s. 766.110.
 2917 The required coverage amount set forth in this paragraph may not
 2918 be used for litigation costs or attorney ~~attorney's~~ fees for the
 2919 defense of any medical malpractice claim.

2920 (c) Obtaining and maintaining an unexpired irrevocable
 2921 letter of credit, established pursuant to chapter 675, in an
 2922 amount not less than \$250,000 per claim, with a minimum
 2923 aggregate availability of credit of not less than \$750,000. The
 2924 letter of credit must be payable to the physician as beneficiary
 2925 upon presentment of a final judgment indicating liability and
 2926 awarding damages to be paid by the physician or upon presentment
 2927 of a settlement agreement signed by all parties to such
 2928 agreement when such final judgment or settlement is a result of
 2929 a claim arising out of the rendering of, or the failure to

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2930 render, medical care and services. The letter of credit may not
 2931 be used for litigation costs or attorney ~~attorney's~~ fees for the
 2932 defense of any medical malpractice claim. The letter of credit
 2933 must be nonassignable and nontransferable. The letter of credit
 2934 must be issued by any bank or savings association organized and
 2935 existing under the laws of this state or any bank or savings
 2936 association organized under the laws of the United States which
 2937 has its principal place of business in this state or has a
 2938 branch office that is authorized under the laws of this state or
 2939 of the United States to receive deposits in this state.

2940
 2941 This subsection shall be inclusive of the coverage in subsection
 2942 (1).

2943 Section 69. Paragraph (a) of subsection (1) of section
 2944 458.3265, Florida Statutes, is amended to read:

2945 458.3265 Pain-management clinics.—

2946 (1) REGISTRATION.—

2947 (a)1. As used in this section, the term:

2948 a. "Board eligible" means successful completion of an
 2949 anesthesia, physical medicine and rehabilitation, rheumatology,
 2950 or neurology residency program approved by the Accreditation
 2951 Council for Graduate Medical Education or the American
 2952 Osteopathic Association for a period of 6 years from successful
 2953 completion of such residency program.

2954 b. "Chronic nonmalignant pain" means pain unrelated to
 2955 cancer which persists beyond the usual course of disease or the
 2956 injury that is the cause of the pain or more than 90 days after
 2957 surgery.

2958 c. "Pain-management clinic" or "clinic" means any publicly

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2959 or privately owned facility:

2960 (I) That advertises in any medium for any type of pain-
2961 management services; or

2962 (II) Where in any month a majority of patients are
2963 prescribed opioids, benzodiazepines, barbiturates, or
2964 carisoprodol for the treatment of chronic nonmalignant pain.

2965 2. Each pain-management clinic must register with the
2966 department or hold a valid certificate of exemption pursuant to
2967 subsection (2).

2968 3. The following clinics are exempt from the registration
2969 requirement of paragraphs (c)-(m) and must apply to the
2970 department for a certificate of exemption:

2971 a. A clinic licensed as a hospital under facility pursuant
2972 ~~to~~ chapter 395 or an ambulatory surgical center under chapter
2973 396;

2974 b. A clinic in which the majority of the physicians who
2975 provide services in the clinic primarily provide surgical
2976 services;

2977 c. A clinic owned by a publicly held corporation whose
2978 shares are traded on a national exchange or on the over-the-
2979 counter market and whose total assets at the end of the
2980 corporation's most recent fiscal quarter exceeded \$50 million;

2981 d. A clinic affiliated with an accredited medical school at
2982 which training is provided for medical students, residents, or
2983 fellows;

2984 e. A clinic that does not prescribe controlled substances
2985 for the treatment of pain;

2986 f. A clinic owned by a corporate entity exempt from federal
2987 taxation under 26 U.S.C. s. 501(c)(3);

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2988 g. A clinic wholly owned and operated by one or more board-
2989 eligible or board-certified anesthesiologists, physiatrists,
2990 rheumatologists, or neurologists; or

2991 h. A clinic wholly owned and operated by a physician
2992 multispecialty practice where one or more board-eligible or
2993 board-certified medical specialists, who have also completed
2994 fellowships in pain medicine approved by the Accreditation
2995 Council for Graduate Medical Education or who are also board-
2996 certified in pain medicine by the American Board of Pain
2997 Medicine or a board approved by the American Board of Medical
2998 Specialties, the American Board of Physician Specialties, or the
2999 American Osteopathic Association, perform interventional pain
3000 procedures of the type routinely billed using surgical codes.

3001 Section 70. Paragraph (a) of subsection (1) and paragraph
3002 (a) of subsection (2) of section 458.328, Florida Statutes, are
3003 amended to read:

3004 458.328 Office surgeries.—

3005 (1) REGISTRATION.—

3006 (a)1. An office in which a physician performs a liposuction
3007 procedure in which more than 1,000 cubic centimeters of
3008 supernatant fat is temporarily or permanently removed, a Level
3009 II office surgery, or a Level III office surgery must register
3010 with the department. A facility licensed under chapter 390, ~~or~~
3011 chapter 395, or chapter 396 may not be registered under this
3012 section.

3013 2. The department must complete an inspection of any office
3014 seeking registration under this section before the office may be
3015 registered.

3016 (2) STANDARDS OF PRACTICE.—

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3017 (a) A physician may not perform any surgery or procedure
 3018 identified in paragraph (1)(a) in a setting other than an office
 3019 surgery setting registered under this section or a facility
 3020 licensed under chapter 390, ~~or~~ chapter 395, or chapter 396, as
 3021 applicable. The board shall impose a fine of \$5,000 per incident
 3022 on a physician who violates this paragraph.

3023 Section 71. Paragraph (g) of subsection (4) of section
 3024 458.347, Florida Statutes, is amended to read:

3025 458.347 Physician assistants.—

3026 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

3027 (g) A supervisory physician may delegate to a licensed
 3028 physician assistant the authority to, and the licensed physician
 3029 assistant acting under the direction of the supervisory
 3030 physician may, order any medication for administration to the
 3031 supervisory physician's patient in a facility licensed under
 3032 chapter 395, chapter 396, or part II of chapter 400,
 3033 notwithstanding any provisions in chapter 465 or chapter 893
 3034 which may prohibit this delegation.

3035 Section 72. Paragraph (f) of subsection (4) of section
 3036 458.351, Florida Statutes, is amended to read:

3037 458.351 Reports of adverse incidents in office practice
 3038 settings.—

3039 (4) For purposes of notification to the department pursuant
 3040 to this section, the term "adverse incident" means an event over
 3041 which the physician or licensee could exercise control and which
 3042 is associated in whole or in part with a medical intervention,
 3043 rather than the condition for which such intervention occurred,
 3044 and which results in the following patient injuries:

3045 (f) Any condition that required the transfer of a patient

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3046 to a hospital licensed under chapter 395 from an ambulatory
 3047 surgical center licensed under chapter 396 ~~395~~ or any facility
 3048 or any office maintained by a physician for the practice of
 3049 medicine which is not licensed under chapter 395.

3050 Section 73. Subsection (2) of section 459.0085, Florida
 3051 Statutes, is amended to read:

3052 459.0085 Financial responsibility.—

3053 (2) Osteopathic physicians who perform surgery in an
 3054 ambulatory surgical center licensed under chapter 396 ~~395~~ and,
 3055 as a continuing condition of hospital staff privileges,
 3056 osteopathic physicians who have staff privileges must also
 3057 establish financial responsibility by one of the following
 3058 methods:

3059 (a) Establishing and maintaining an escrow account
 3060 consisting of cash or assets eligible for deposit in accordance
 3061 with s. 625.52 in the per-claim amounts specified in paragraph
 3062 (b). The required escrow amount set forth in this paragraph may
 3063 not be used for litigation costs or attorney ~~attorney's~~ fees for
 3064 the defense of any medical malpractice claim.

3065 (b) Obtaining and maintaining professional liability
 3066 coverage in an amount not less than \$250,000 per claim, with a
 3067 minimum annual aggregate of not less than \$750,000 from an
 3068 authorized insurer as defined under s. 624.09, from a surplus
 3069 lines insurer as defined under s. 626.914(2), from a risk
 3070 retention group as defined under s. 627.942, from the Joint
 3071 Underwriting Association established under s. 627.351(4),
 3072 through a plan of self-insurance as provided in s. 627.357, or
 3073 through a plan of self-insurance that meets the conditions
 3074 specified for satisfying financial responsibility in s. 766.110.

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The required coverage amount set forth in this paragraph may not be used for litigation costs or ~~attorney~~ attorney's fees for the defense of any medical malpractice claim.

(c) Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount not less than \$250,000 per claim, with a minimum aggregate availability of credit of not less than \$750,000. The letter of credit must be payable to the osteopathic physician as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the osteopathic physician or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical care and services. The letter of credit may not be used for litigation costs or ~~attorney~~ attorney's fees for the defense of any medical malpractice claim. The letter of credit must be nonassignable and nontransferable. The letter of credit must be issued by any bank or savings association organized and existing under the laws of this state or any bank or savings association organized under the laws of the United States which has its principal place of business in this state or has a branch office that is authorized under the laws of this state or of the United States to receive deposits in this state.

This subsection shall be inclusive of the coverage in subsection (1).

Section 74. Paragraph (a) of subsection (1) of section 459.0137, Florida Statutes, is amended to read:

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459.0137 Pain-management clinics.—

(1) REGISTRATION.—

(a)1. As used in this section, the term:

a. "Board eligible" means successful completion of an anesthesia, physical medicine and rehabilitation, rheumatology, or neurology residency program approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association for a period of 6 years from successful completion of such residency program.

b. "Chronic nonmalignant pain" means pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

c. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:

(I) That advertises in any medium for any type of pain-management services; or

(II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

2. Each pain-management clinic must register with the department or hold a valid certificate of exemption pursuant to subsection (2).

3. The following clinics are exempt from the registration requirement of paragraphs (c)-(m) and must apply to the department for a certificate of exemption:

a. A clinic licensed as a hospital under facility pursuant to chapter 395 or an ambulatory surgical center under chapter 396;

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3133 b. A clinic in which the majority of the physicians who
 3134 provide services in the clinic primarily provide surgical
 3135 services;
 3136 c. A clinic owned by a publicly held corporation whose
 3137 shares are traded on a national exchange or on the over-the-
 3138 counter market and whose total assets at the end of the
 3139 corporation's most recent fiscal quarter exceeded \$50 million;
 3140 d. A clinic affiliated with an accredited medical school at
 3141 which training is provided for medical students, residents, or
 3142 fellows;
 3143 e. A clinic that does not prescribe controlled substances
 3144 for the treatment of pain;
 3145 f. A clinic owned by a corporate entity exempt from federal
 3146 taxation under 26 U.S.C. s. 501(c)(3);
 3147 g. A clinic wholly owned and operated by one or more board-
 3148 eligible or board-certified anesthesiologists, physiatrists,
 3149 rheumatologists, or neurologists; or
 3150 h. A clinic wholly owned and operated by a physician
 3151 multispecialty practice where one or more board-eligible or
 3152 board-certified medical specialists, who have also completed
 3153 fellowships in pain medicine approved by the Accreditation
 3154 Council for Graduate Medical Education or the American
 3155 Osteopathic Association or who are also board-certified in pain
 3156 medicine by the American Board of Pain Medicine or a board
 3157 approved by the American Board of Medical Specialties, the
 3158 American Board of Physician Specialties, or the American
 3159 Osteopathic Association, perform interventional pain procedures
 3160 of the type routinely billed using surgical codes.
 3161 Section 75. Paragraph (a) of subsection (1) and paragraph

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3162 (a) of subsection (2) of section 459.0138, Florida Statutes, are
 3163 amended to read:
 3164 459.0138 Office surgeries.—
 3165 (1) REGISTRATION.—
 3166 (a)1. An office in which a physician performs a liposuction
 3167 procedure in which more than 1,000 cubic centimeters of
 3168 supernatant fat is temporarily or permanently removed, a Level
 3169 II office surgery, or a Level III office surgery must register
 3170 with the department. A facility licensed under chapter 390, ~~or~~
 3171 chapter 395, or chapter 396 may not be registered under this
 3172 section.
 3173 2. The department must complete an inspection of any office
 3174 seeking registration under this section before the office may be
 3175 registered.
 3176 (2) STANDARDS OF PRACTICE.—
 3177 (a) A physician may not perform any surgery or procedure
 3178 identified in paragraph (1)(a) in a setting other than an office
 3179 surgery setting registered under this section or a facility
 3180 licensed under chapter 390, ~~or~~ chapter 395, or chapter 396, as
 3181 applicable. The board shall impose a fine of \$5,000 per incident
 3182 on a physician who violates this paragraph.
 3183 Section 76. Paragraph (11) of subsection (1) and
 3184 subsections (7) and (9) of section 459.015, Florida Statutes,
 3185 are amended to read:
 3186 459.015 Grounds for disciplinary action; action by the
 3187 board and department.—
 3188 (1) The following acts constitute grounds for denial of a
 3189 license or disciplinary action, as specified in s. 456.072(2):
 3190 (11) Failing to report to the department any licensee under

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chapter 458 or under this chapter who the osteopathic physician or physician assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395 or chapter 396, or a health maintenance organization certificated under part I of chapter 641, in which the osteopathic physician or physician assistant also provides services.

(7) Upon the department's receipt from the Agency for Health Care Administration pursuant to s. 395.0197 or s. 396.213 of the name of an osteopathic physician whose conduct may constitute grounds for disciplinary action by the department, the department shall investigate the occurrences upon which the report was based and determine if action by the department against the osteopathic physician is warranted.

(9) When an investigation of an osteopathic physician is undertaken, the department shall promptly furnish to the osteopathic physician or his or her attorney a copy of the complaint or document which resulted in the initiation of the investigation. For purposes of this subsection, such documents include, but are not limited to: the pertinent portions of an annual report submitted to the department pursuant to s. 395.0197(6) or s. 396.213(6); a report of an adverse incident which is provided to the department pursuant to s. 395.0197 or s. 396.213; a report of peer review disciplinary action submitted to the department pursuant to s. 395.0193(4), s. 396.212(4), or s. 459.016, provided that the investigations, proceedings, and records relating to such peer review disciplinary action shall continue to retain their privileged

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status even as to the licensee who is the subject of the investigation, as provided by ss. 395.0193(8), 396.212(8), and 459.016(3); a report of a closed claim submitted pursuant to s. 627.912; a presuit notice submitted pursuant to s. 766.106(2); and a petition brought under the Florida Birth-Related Neurological Injury Compensation Plan, pursuant to s. 766.305(2). The osteopathic physician may submit a written response to the information contained in the complaint or document which resulted in the initiation of the investigation within 45 days after service to the osteopathic physician of the complaint or document. The osteopathic physician's written response shall be considered by the probable cause panel.

Section 77. Paragraph (f) of subsection (4) of section 459.022, Florida Statutes, is amended to read:

459.022 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

(f) A supervisory physician may delegate to a licensed physician assistant the authority to, and the licensed physician assistant acting under the direction of the supervisory physician may, order any medication for administration to the supervisory physician's patient in a facility licensed under chapter 395, chapter 396, or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893 which may prohibit this delegation.

Section 78. Paragraph (f) of subsection (4) of section 459.026, Florida Statutes, is amended to read:

459.026 Reports of adverse incidents in office practice settings.—

(4) For purposes of notification to the department pursuant

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to this section, the term "adverse incident" means an event over which the physician or licensee could exercise control and which is associated in whole or in part with a medical intervention, rather than the condition for which such intervention occurred, and which results in the following patient injuries:

(f) Any condition that required the transfer of a patient to a hospital licensed under chapter 395 from an ambulatory surgical center licensed under chapter 396 ~~395~~ or any facility or any office maintained by a physician for the practice of medicine which is not licensed under chapter 395.

Section 79. Paragraph (ee) of subsection (1) of section 460.413, Florida Statutes, is amended to read:

460.413 Grounds for disciplinary action; action by board or department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(ee) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the chiropractic physician or chiropractic physician's assistant knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395 or chapter 396, or a health maintenance organization certificated under part I of chapter 641, in which the chiropractic physician or chiropractic physician's assistant also provides services.

Section 80. Paragraph (c) of subsection (1) of section 460.4167, Florida Statutes, is amended to read:

460.4167 Proprietorship by persons other than licensed chiropractic physicians.—

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(1) A person may not employ a chiropractic physician licensed under this chapter or engage a chiropractic physician licensed under this chapter as an independent contractor to provide services that chiropractic physicians are authorized to offer under this chapter, unless the person is any of the following:

(c) An entity that is wholly owned, directly or indirectly, by an entity licensed or registered by the state under chapter 395 or chapter 396.

Section 81. Paragraph (aa) of subsection (1) and paragraph (b) of subsection (5) of section 461.013, Florida Statutes, are amended to read:

461.013 Grounds for disciplinary action; action by the board; investigations by department.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(aa) Failing to report to the department any licensee under chapter 458 or chapter 459 who the podiatric physician knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395 or chapter 396, or a health maintenance organization certificated under part I of chapter 641, in which the podiatric physician also provides services.

(5)

(b) Upon the department's receipt from the Agency for Health Care Administration pursuant to s. 395.0197 or s. 396.213 of the name of the podiatric physician whose conduct may constitute grounds for disciplinary action by the department,

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the department shall investigate the occurrences upon which the report was based and determine if action by the department against the podiatric physician is warranted.

Section 82. Paragraph (e) of subsection (3) of section 464.012, Florida Statutes, is amended to read:

464.012 Licensure of advanced practice registered nurses; fees; controlled substance prescribing.—

(3) An advanced practice registered nurse shall perform those functions authorized in this section within the framework of an established protocol that must be maintained on site at the location or locations at which an advanced practice registered nurse practices, unless the advanced practice registered nurse is registered and practicing under s. 464.0123. In the case of multiple supervising physicians in the same group, an advanced practice registered nurse must enter into a supervisory protocol with at least one physician within the physician group practice. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced practice registered nurse may:

(e) Order any medication for administration to a patient in a facility licensed under chapter 395, chapter 396, or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893.

Section 83. Paragraph (e) of subsection (1) of section 465.0125, Florida Statutes, is amended to read:

465.0125 Consultant pharmacist license; application, renewal, fees; responsibilities; rules.—

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(1) The department shall issue or renew a consultant pharmacist license upon receipt of an initial or renewal application that conforms to the requirements for consultant pharmacist initial licensure or renewal as adopted by the board by rule and a fee set by the board not to exceed \$250. To be licensed as a consultant pharmacist, a pharmacist must complete additional training as required by the board.

(e) For purposes of this subsection, the term "health care facility" means a ~~an ambulatory surgical center or~~ hospital licensed under chapter 395, an ambulatory surgical center licensed under chapter 396, an alcohol or chemical dependency treatment center licensed under chapter 397, an inpatient hospice licensed under part IV of chapter 400, a nursing home licensed under part II of chapter 400, an ambulatory care center as defined in s. 408.07, or a nursing home component under chapter 400 within a continuing care facility licensed under chapter 651.

Section 84. Paragraph (o) of subsection (1) of section 465.016, Florida Statutes, is amended to read:

465.016 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(o) Failing to report to the department any licensee under chapter 458 or under chapter 459 who the pharmacist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395 or chapter 396, or a health maintenance organization certificated under part I of chapter 641, in which the pharmacist also provides

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services. However, a person who the licensee knows is unable to practice medicine or osteopathic medicine with reasonable skill and safety to patients by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material, or as a result of a mental or physical condition, may be reported to a consultant operating an impaired practitioner program as described in s. 456.076 rather than to the department.

Section 85. Paragraph (hh) of subsection (1) of section 466.028, Florida Statutes, is amended to read:

466.028 Grounds for disciplinary action; action by the board.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(hh) Failing to report to the department any licensee under chapter 458 or chapter 459 who the dentist knows has violated the grounds for disciplinary action set out in the law under which that person is licensed and who provides health care services in a facility licensed under chapter 395 or chapter 396, or a health maintenance organization certificated under part I of chapter 641, in which the dentist also provides services.

Section 86. Paragraph (l) of subsection (1) of section 468.505, Florida Statutes, is amended to read:

468.505 Exemptions; exceptions.—

(1) Nothing in this part may be construed as prohibiting or restricting the practice, services, or activities of:

(1) A person employed by a nursing facility exempt from licensing under s. 395.002 ~~s. 395.002(12)~~, or a person exempt from licensing under s. 464.022.

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Section 87. Paragraph (d) of subsection (11) of section 486.021, Florida Statutes, is amended to read:

486.021 Definitions.—As used in this chapter, unless the context otherwise requires, the term:

(11) "Practice of physical therapy" means the performance of physical therapy assessments and the treatment of any disability, injury, disease, or other health condition of human beings, or the prevention of such disability, injury, disease, or other health condition, and the rehabilitation of such disability, injury, disease, or other health condition by alleviating impairments, functional movement limitations, and disabilities by designing, implementing, and modifying treatment interventions through therapeutic exercise; functional movement training in self-management and in-home, community, or work integration or reintegration; manual therapy; massage; airway clearance techniques; maintaining and restoring the integumentary system and wound care; physical agent or modality; mechanical or electrotherapeutic modality; patient-related instruction; the use of apparatus and equipment in the application of such treatment, prevention, or rehabilitation; the performance of tests of neuromuscular functions as an aid to the diagnosis or treatment of any human condition; or the performance of electromyography as an aid to the diagnosis of any human condition only upon compliance with the criteria set forth by the Board of Medicine.

(d) This subsection does not authorize a physical therapist to implement a plan of treatment for a patient currently being treated in a facility licensed under ~~pursuant to~~ chapter 395 or chapter 396.

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3423 Section 88. Subsection (22) of section 499.003, Florida
 3424 Statutes, is amended to read:
 3425 499.003 Definitions of terms used in this part.—As used in
 3426 this part, the term:
 3427 (22) "Health care facility" means a health care facility
 3428 licensed under chapter 395 or chapter 396.
 3429 Section 89. Subsection (5) of section 499.0295, Florida
 3430 Statutes, is amended to read:
 3431 499.0295 Experimental treatments for terminal conditions.—
 3432 (5) A hospital or health care facility licensed under
 3433 chapter 395 or chapter 396, as applicable, is not required to
 3434 provide new or additional services unless those services are
 3435 approved by the hospital or health care facility.
 3436 Section 90. Paragraph (c) of subsection (1) of section
 3437 553.80, Florida Statutes, is amended to read:
 3438 553.80 Enforcement.—
 3439 (1) Except as provided in paragraphs (a)-(g), each local
 3440 government and each legally constituted enforcement district
 3441 with statutory authority shall regulate building construction
 3442 and, where authorized in the state agency's enabling
 3443 legislation, each state agency shall enforce the Florida
 3444 Building Code required by this part on all public or private
 3445 buildings, structures, and facilities, unless such
 3446 responsibility has been delegated to another unit of government
 3447 under s. 553.79(11).
 3448 (c) In addition to the requirements of s. 553.79 and this
 3449 section, facilities subject to ~~the provisions of~~ chapter 395,
 3450 chapter 396, and parts II and VIII of chapter 400 shall have
 3451 facility plans reviewed and construction surveyed by the state

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3452 agency authorized to do so under the requirements of chapter 395
 3453 and parts II and VIII of chapter 400 and the certification
 3454 requirements of the Federal Government. Facilities subject to
 3455 the provisions of part IV of chapter 400 may have facility plans
 3456 reviewed and shall have construction surveyed by the state
 3457 agency authorized to do so under the requirements of part IV of
 3458 chapter 400 and the certification requirements of the Federal
 3459 Government.
 3460
 3461 The governing bodies of local governments may provide a schedule
 3462 of fees, as authorized by s. 125.56(2) or s. 166.222 and this
 3463 section, for the enforcement of the provisions of this part.
 3464 Such fees shall be used solely for carrying out the local
 3465 government's responsibilities in enforcing the Florida Building
 3466 Code. The authority of state enforcing agencies to set fees for
 3467 enforcement shall be derived from authority existing on July 1,
 3468 1998. However, nothing contained in this subsection shall
 3469 operate to limit such agencies from adjusting their fee schedule
 3470 in conformance with existing authority.
 3471 Section 91. Paragraph (h) of subsection (4) of section
 3472 627.351, Florida Statutes, is amended to read:
 3473 627.351 Insurance risk apportionment plans.—
 3474 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION
 3475 CONTRACTS AND PURCHASES.—
 3476 (h) As used in this subsection, the term:
 3477 1. "Health care provider" means hospitals licensed under
 3478 chapter 395; physicians licensed under chapter 458; osteopathic
 3479 physicians licensed under chapter 459; podiatric physicians
 3480 licensed under chapter 461; dentists licensed under chapter 466;

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3481 chiropractic physicians licensed under chapter 460; naturopaths
 3482 licensed under chapter 462; nurses licensed under part I of
 3483 chapter 464; midwives licensed under chapter 467; physician
 3484 assistants licensed under chapter 458 or chapter 459; physical
 3485 therapists and physical therapist assistants licensed under
 3486 chapter 486; health maintenance organizations certificated under
 3487 part I of chapter 641; ambulatory surgical centers licensed
 3488 under chapter 396 ~~395~~; other medical facilities as defined in
 3489 subparagraph 2.; blood banks, plasma centers, industrial
 3490 clinics, and renal dialysis facilities; or professional
 3491 associations, partnerships, corporations, joint ventures, or
 3492 other associations for professional activity by health care
 3493 providers.

3494 2. "Other medical facility" means a facility the primary
 3495 purpose of which is to provide human medical diagnostic services
 3496 or a facility providing nonsurgical human medical treatment, to
 3497 which facility the patient is admitted and from which facility
 3498 the patient is discharged within the same working day, and which
 3499 facility is not part of a hospital. However, a facility existing
 3500 for the primary purpose of performing terminations of pregnancy
 3501 or an office maintained by a physician or dentist for the
 3502 practice of medicine may not be construed to be an "other
 3503 medical facility."

3504 3. "Health care facility" means any hospital licensed under
 3505 chapter 395, health maintenance organization certificated under
 3506 part I of chapter 641, ambulatory surgical center licensed under
 3507 chapter 396 ~~395~~, or other medical facility as defined in
 3508 subparagraph 2.

3509 Section 92. Paragraph (b) of subsection (1) of section

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3510 627.357, Florida Statutes, is amended to read:

3511 627.357 Medical malpractice self-insurance.—

3512 (1) DEFINITIONS.—As used in this section, the term:

3513 (b) "Health care provider" means any:

3514 1. Hospital licensed under chapter 395.

3515 2. Physician licensed, or physician assistant licensed,
 3516 under chapter 458.

3517 3. Osteopathic physician or physician assistant licensed
 3518 under chapter 459.

3519 4. Podiatric physician licensed under chapter 461.

3520 5. Health maintenance organization certificated under part
 3521 I of chapter 641.

3522 6. Ambulatory surgical center licensed under chapter 396
 3523 ~~395~~.

3524 7. Chiropractic physician licensed under chapter 460.

3525 8. Psychologist licensed under chapter 490.

3526 9. Optometrist licensed under chapter 463.

3527 10. Dentist licensed under chapter 466.

3528 11. Pharmacist licensed under chapter 465.

3529 12. Registered nurse, licensed practical nurse, or advanced
 3530 practice registered nurse licensed or registered under part I of
 3531 chapter 464.

3532 13. Other medical facility.

3533 14. Professional association, partnership, corporation,
 3534 joint venture, or other association established by the
 3535 individuals set forth in subparagraphs 2., 3., 4., 7., 8., 9.,
 3536 10., 11., and 12. for professional activity.

3537 Section 93. Section 627.6056, Florida Statutes, is amended
 3538 to read:

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3539 627.6056 Coverage for ambulatory surgical center service.—
 3540 ~~An~~ No individual health insurance policy providing coverage on
 3541 an expense-incurred basis or individual service or indemnity-
 3542 type contract issued by a nonprofit corporation, of any kind or
 3543 description, may not ~~shall~~ be issued unless coverage provided
 3544 for any service performed in an ambulatory surgical center, as
 3545 defined in s. 396.202 ~~s. 395.002~~, is provided if such service
 3546 would have been covered under the terms of the policy or
 3547 contract as an eligible inpatient service.

3548 Section 94. Paragraph (a) of subsection (2) of section
 3549 627.6387, Florida Statutes, is amended to read:

3550 627.6387 Shared savings incentive program.—

3551 (2) As used in this section, the term:

3552 (a) "Health care provider" means a hospital or facility
 3553 licensed under chapter 395 or chapter 396; an entity licensed
 3554 under chapter 400; a health care practitioner as defined in s.
 3555 456.001; a blood bank, plasma center, industrial clinic, or
 3556 renal dialysis facility; or a professional association,
 3557 partnership, corporation, joint venture, or other association
 3558 for professional activity by health care providers. The term
 3559 includes entities and professionals outside of this state with
 3560 an active, unencumbered license for an equivalent facility or
 3561 practitioner type issued by another state, the District of
 3562 Columbia, or a possession or territory of the United States.

3563 Section 95. Subsection (3) of section 627.6405, Florida
 3564 Statutes, is amended to read:

3565 627.6405 Decreasing inappropriate utilization of emergency
 3566 care.—

3567 (3) As a disincentive for insureds to inappropriately use

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3568 emergency department services for nonemergency care, health
 3569 insurers may require higher copayments for urgent care or
 3570 primary care provided in an emergency department and higher
 3571 copayments for use of out-of-network emergency departments.
 3572 Higher copayments may not be charged for the utilization of the
 3573 emergency department for emergency care. For the purposes of
 3574 this section, the term "emergency care" has the same meaning as
 3575 the term "emergency services and care" as defined in s. 395.002
 3576 ~~s. 395.002(9)~~ and includes services provided to rule out an
 3577 emergency medical condition.

3578 Section 96. Paragraph (b) of subsection (1) of section
 3579 627.64194, Florida Statutes, is amended to read:

3580 627.64194 Coverage requirements for services provided by
 3581 nonparticipating providers; payment collection limitations.—

3582 (1) As used in this section, the term:

3583 (b) "Facility" means a licensed facility as defined in s.
 3584 395.002 ~~s. 395.002(17)~~ and an urgent care center as defined in
 3585 s. 395.002.

3586 Section 97. Section 627.6616, Florida Statutes, is amended
 3587 to read:

3588 627.6616 Coverage for ambulatory surgical center service.—A
 3589 ~~No~~ group health insurance policy providing coverage on an
 3590 expense-incurred basis, or group service or indemnity-type
 3591 contract issued by a nonprofit corporation, or self-insured
 3592 group health benefit plan or trust, of any kind or description,
 3593 may not ~~shall~~ be issued unless coverage provided for any service
 3594 performed in an ambulatory surgical center, as defined in s.
 3595 396.202 ~~s. 395.002~~, is provided if such service would have been
 3596 covered under the terms of the policy or contract as an eligible

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3597 inpatient service.

3598 Section 98. Paragraph (a) of subsection (2) of section
3599 627.6648, Florida Statutes, is amended to read:

3600 627.6648 Shared savings incentive program.—

3601 (2) As used in this section, the term:

3602 (a) "Health care provider" means a hospital or facility
3603 licensed under chapter 395 or chapter 396; an entity licensed
3604 under chapter 400; a health care practitioner as defined in s.
3605 456.001; a blood bank, plasma center, industrial clinic, or
3606 renal dialysis facility; or a professional association,
3607 partnership, corporation, joint venture, or other association
3608 for professional activity by health care providers. The term
3609 includes entities and professionals outside this state with an
3610 active, unencumbered license for an equivalent facility or
3611 practitioner type issued by another state, the District of
3612 Columbia, or a possession or territory of the United States.

3613 Section 99. Paragraph (a) of subsection (1) of section
3614 627.736, Florida Statutes, is amended to read:

3615 627.736 Required personal injury protection benefits;
3616 exclusions; priority; claims.—

3617 (1) REQUIRED BENEFITS.—An insurance policy complying with
3618 the security requirements of s. 627.733 must provide personal
3619 injury protection to the named insured, relatives residing in
3620 the same household unless excluded under s. 627.747, persons
3621 operating the insured motor vehicle, passengers in the motor
3622 vehicle, and other persons struck by the motor vehicle and
3623 suffering bodily injury while not an occupant of a self-
3624 propelled vehicle, subject to subsection (2) and paragraph
3625 (4) (e), to a limit of \$10,000 in medical and disability benefits

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3626 and \$5,000 in death benefits resulting from bodily injury,
3627 sickness, disease, or death arising out of the ownership,
3628 maintenance, or use of a motor vehicle as follows:

3629 (a) *Medical benefits*.—Eighty percent of all reasonable
3630 expenses for medically necessary medical, surgical, X-ray,
3631 dental, and rehabilitative services, including prosthetic
3632 devices and medically necessary ambulance, hospital, and nursing
3633 services if the individual receives initial services and care
3634 pursuant to subparagraph 1. within 14 days after the motor
3635 vehicle accident. The medical benefits provide reimbursement
3636 only for:

3637 1. Initial services and care that are lawfully provided,
3638 supervised, ordered, or prescribed by a physician licensed under
3639 chapter 458 or chapter 459, a dentist licensed under chapter
3640 466, a chiropractic physician licensed under chapter 460, or an
3641 advanced practice registered nurse registered under s. 464.0123
3642 or that are provided in a hospital or in a facility that owns,
3643 or is wholly owned by, a hospital. Initial services and care may
3644 also be provided by a person or entity licensed under part III
3645 of chapter 401 which provides emergency transportation and
3646 treatment.

3647 2. Upon referral by a provider described in subparagraph
3648 1., ~~follow-up followup~~ services and care consistent with the
3649 underlying medical diagnosis rendered pursuant to subparagraph
3650 1. which may be provided, supervised, ordered, or prescribed
3651 only by a physician licensed under chapter 458 or chapter 459, a
3652 chiropractic physician licensed under chapter 460, a dentist
3653 licensed under chapter 466, or an advanced practice registered
3654 nurse registered under s. 464.0123, or, to the extent permitted

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by applicable law and under the supervision of such physician, osteopathic physician, chiropractic physician, or dentist, by a physician assistant licensed under chapter 458 or chapter 459 or an advanced practice registered nurse licensed under chapter 464. ~~Follow-up~~ Followup services and care may also be provided by the following persons or entities:

a. A hospital licensed under chapter 395 or an ambulatory surgical center licensed under chapter 396 ~~395~~.

b. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, advanced practice registered nurses registered under s. 464.0123, or dentists licensed under chapter 466 or by such practitioners and the spouse, parent, child, or sibling of such practitioners.

c. An entity that owns or is wholly owned, directly or indirectly, by a hospital or hospitals.

d. A physical therapist licensed under chapter 486, based upon a referral by a provider described in this subparagraph.

e. A health care clinic licensed under part X of chapter 400 which is accredited by an accrediting organization whose standards incorporate comparable regulations required by this state, or

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

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(III) Provides at least four of the following medical specialties:

(A) General medicine.

(B) Radiography.

(C) Orthopedic medicine.

(D) Physical medicine.

(E) Physical therapy.

(F) Physical rehabilitation.

(G) Prescribing or dispensing outpatient prescription medication.

(H) Laboratory services.

3. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. up to \$10,000 if a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under chapter 464 has determined that the injured person had an emergency medical condition.

4. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. is limited to \$2,500 if a provider listed in subparagraph 1. or subparagraph 2. determines that the injured person did not have an emergency medical condition.

5. Medical benefits do not include massage therapy as defined in s. 480.033 or acupuncture as defined in s. 457.102, regardless of the person, entity, or licensee providing massage therapy or acupuncture, and a licensed massage therapist or licensed acupuncturist may not be reimbursed for medical benefits under this section.

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6. The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.e. to document that the health care provider meets the criteria of this paragraph. Such rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and such insurer may not require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. An insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice violates part IX of chapter 626, and such violation constitutes an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. An insurer committing such violation is subject to the penalties provided under that part, as well as those provided elsewhere in the insurance code.

Section 100. Paragraph (a) of subsection (1) of section 627.912, Florida Statutes, is amended to read:

627.912 Professional liability claims and actions; reports by insurers and health care providers; annual report by office.—

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(1) (a) Each self-insurer authorized under s. 627.357 and each commercial self-insurance fund authorized under s. 624.462, authorized insurer, surplus lines insurer, risk retention group, and joint underwriting association providing professional liability insurance to a practitioner of medicine licensed under chapter 458, to a practitioner of osteopathic medicine licensed under chapter 459, to a podiatric physician licensed under chapter 461, to a dentist licensed under chapter 466, to a hospital licensed under chapter 395, to a crisis stabilization unit licensed under part IV of chapter 394, to a health maintenance organization certificated under part I of chapter 641, to clinics included in chapter 390, or to an ambulatory surgical center as defined in s. 396.202 ~~s. 395.002~~, and each insurer providing professional liability insurance to a member of The Florida Bar shall report to the office as set forth in paragraph (c) any written claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured's professional services or based on a claimed performance of professional services without consent.

Section 101. Paragraph (a) of subsection (2) of section 641.31076, Florida Statutes, is amended to read:

641.31076 Shared savings incentive program.—

(2) As used in this section, the term:

(a) "Health care provider" means a hospital or facility licensed under chapter 395 or chapter 396; an entity licensed under chapter 400; a health care practitioner as defined in s. 456.001; a blood bank, plasma center, industrial clinic, or renal dialysis facility; or a professional association,

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partnership, corporation, joint venture, or other association for professional activity by health care providers. The term includes entities and professionals outside this state with an active, unencumbered license for an equivalent facility or practitioner type issued by another state, the District of Columbia, or a possession or territory of the United States.

Section 102. Subsection (2) of section 765.101, Florida Statutes, is amended to read:

765.101 Definitions.—As used in this chapter, the term:

(2) "Attending physician" means the physician who has primary responsibility for the treatment and care of the patient while the patient receives such treatment or care in a hospital as defined in s. 395.002 ~~s. 395.002(12)~~.

Section 103. Paragraph (a) of subsection (1) of section 766.101, Florida Statutes, is amended to read:

766.101 Medical review committee, immunity from liability.—

(1) As used in this section:

(a) The term "medical review committee" or "committee" means:

1.a. A committee of a hospital licensed under chapter 395 or an ambulatory surgical center licensed under chapter 396 ~~395~~ or a health maintenance organization certificated under part I of chapter 641;

b. A committee of a physician-hospital organization, a provider-sponsored organization, or an integrated delivery system;

c. A committee of a state or local professional society of health care providers;

d. A committee of a medical staff of a licensed hospital or

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nursing home, provided the medical staff operates pursuant to written bylaws that have been approved by the governing board of the hospital or nursing home;

e. A committee of the Department of Corrections or the Correctional Medical Authority as created under s. 945.602, or employees, agents, or consultants of either the department or the authority or both;

f. A committee of a professional service corporation formed under chapter 621 or a corporation organized under part I of chapter 607 or chapter 617, which is formed and operated for the practice of medicine as defined in s. 458.305(3), and which has at least 25 health care providers who routinely provide health care services directly to patients;

g. A committee of the Department of Children and Families which includes employees, agents, or consultants to the department as deemed necessary to provide peer review, utilization review, and mortality review of treatment services provided pursuant to chapters 394, 397, and 916;

h. A committee of a mental health treatment facility licensed under chapter 394 or a community mental health center as defined in s. 394.907, provided the quality assurance program operates pursuant to the guidelines that have been approved by the governing board of the agency;

i. A committee of a substance abuse treatment and education prevention program licensed under chapter 397 provided the quality assurance program operates pursuant to the guidelines that have been approved by the governing board of the agency;

j. A peer review or utilization review committee organized under chapter 440;

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3829 k. A committee of the Department of Health, a county health
3830 department, healthy start coalition, or certified rural health
3831 network, when reviewing quality of care, or employees of these
3832 entities when reviewing mortality records; or

3833 1. A continuous quality improvement committee of a pharmacy
3834 licensed pursuant to chapter 465,

3835
3836 which committee is formed to evaluate and improve the quality of
3837 health care rendered by providers of health service, to
3838 determine that health services rendered were professionally
3839 indicated or were performed in compliance with the applicable
3840 standard of care, or that the cost of health care rendered was
3841 considered reasonable by the providers of professional health
3842 services in the area; or

3843 2. A committee of an insurer, self-insurer, or joint
3844 underwriting association of medical malpractice insurance, or
3845 other persons conducting review under s. 766.106.

3846 Section 104. Paragraph (a) of subsection (1) and subsection
3847 (4) of section 766.1016, Florida Statutes, are amended to read:

3848 766.1016 Patient safety data privilege.—

3849 (1) As used in this section, the term:

3850 (a) "Patient safety data" means reports made to patient
3851 safety organizations, including all health care data,
3852 interviews, memoranda, analyses, root cause analyses, products
3853 of quality assurance or quality improvement processes,
3854 corrective action plans, or information collected or created by
3855 a health care facility licensed under chapter 395 or chapter
3856 396, or a health care practitioner as defined in s. 456.001(4),
3857 as a result of an occurrence related to the provision of health

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3858 care services which exacerbates an existing medical condition or
3859 could result in injury, illness, or death.

3860 (4) The exchange of patient safety data among health care
3861 facilities licensed under chapter 395 or chapter 396, or health
3862 care practitioners as defined in s. 456.001(4), or patient
3863 safety organizations which does not identify any patient shall
3864 not constitute a waiver of any privilege established in this
3865 section.

3866 Section 105. Paragraph (d) of subsection (2) of section
3867 766.106, Florida Statutes, is amended to read:

3868 766.106 Notice before filing action for medical negligence;
3869 presuit screening period; offers for admission of liability and
3870 for arbitration; informal discovery; review.—

3871 (2) PRESUIT NOTICE.—

3872 (d) Following the initiation of a suit alleging medical
3873 negligence with a court of competent jurisdiction, and service
3874 of the complaint upon a prospective defendant, the claimant
3875 shall provide a copy of the complaint to the Department of
3876 Health and, if the complaint involves a facility licensed under
3877 chapter 395, the Agency for Health Care Administration. The
3878 requirement of providing the complaint to the Department of
3879 Health or the Agency for Health Care Administration does not
3880 impair the claimant's legal rights or ability to seek relief for
3881 his or her claim. The Department of Health or the Agency for
3882 Health Care Administration shall review each incident that is
3883 the subject of the complaint and determine whether it involved
3884 conduct by a licensee which is potentially subject to
3885 disciplinary action, in which case, for a licensed health care
3886 practitioner, s. 456.073 applies ~~and~~, for a licensed facility,

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part I of chapter 395 applies, and for a licensed ambulatory surgical center, chapter 396 applies.

Section 106. Subsection (3) of section 766.110, Florida Statutes, is amended to read:

766.110 Liability of health care facilities.—

(3) In order to ensure comprehensive risk management for diagnosis of disease, a health care facility, including a hospital as defined in s. 395.002 or an ambulatory surgical center, as defined in s. 396.202 ~~chapter 395~~, may use scientific diagnostic disease methodologies that use information regarding specific diseases in health care facilities and that are adopted by the facility's medical review committee.

Section 107. Paragraph (d) of subsection (3) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(3) DEFINITIONS.—As used in this section, the term:

(d) "Health care provider" or "provider" means:

1. A birth center licensed under chapter 383.

2. An ambulatory surgical center licensed under chapter 396 ~~395~~.

3. A hospital licensed under chapter 395.

4. A physician or physician assistant licensed under chapter 458.

5. An osteopathic physician or osteopathic physician assistant licensed under chapter 459.

6. A chiropractic physician licensed under chapter 460.

7. A podiatric physician licensed under chapter 461.

8. A registered nurse, nurse midwife, licensed practical

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nurse, or advanced practice registered nurse licensed or registered under part I of chapter 464 or any facility which employs nurses licensed or registered under part I of chapter 464 to supply all or part of the care delivered under this section.

9. A midwife licensed under chapter 467.

10. A health maintenance organization certificated under part I of chapter 641.

11. A health care professional association and its employees or a corporate medical group and its employees.

12. Any other medical facility the primary purpose of which is to deliver human medical diagnostic services or which delivers nonsurgical human medical treatment, and which includes an office maintained by a provider.

13. A dentist or dental hygienist licensed under chapter 466.

14. A free clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of charge to all low-income recipients.

15. Any other health care professional, practitioner, provider, or facility under contract with a governmental contractor, including a student enrolled in an accredited program that prepares the student for licensure as any one of the professionals listed in subparagraphs 4.-9.

The term includes any nonprofit corporation qualified as exempt from federal income taxation under s. 501(a) of the Internal Revenue Code, and described in s. 501(c) of the Internal Revenue Code, which delivers health care services provided by licensed

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professionals listed in this paragraph, any federally funded community health center, and any volunteer corporation or volunteer health care provider that delivers health care services.

Section 108. Subsection (4) and paragraph (b) of subsection (6) of section 766.118, Florida Statutes, are amended to read:

766.118 Determination of noneconomic damages.—

(4) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF PRACTITIONERS PROVIDING EMERGENCY SERVICES AND CARE.— Notwithstanding subsections (2) and (3), with respect to a cause of action for personal injury or wrongful death arising from medical negligence of practitioners providing emergency services and care, as defined in s. 395.002 ~~s. 395.002(9)~~, or providing services as provided in s. 401.265, or providing services pursuant to obligations imposed by 42 U.S.C. s. 1395dd to persons with whom the practitioner does not have a then-existing health care patient-practitioner relationship for that medical condition:

(a) Regardless of the number of such practitioner defendants, noneconomic damages may ~~shall~~ not exceed \$150,000 per claimant.

(b) Notwithstanding paragraph (a), the total noneconomic damages recoverable by all claimants from all such practitioners may ~~shall~~ not exceed \$300,000.

The limitation provided by this subsection applies only to noneconomic damages awarded as a result of any act or omission of providing medical care or treatment, including diagnosis that occurs prior to the time the patient is stabilized and is

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capable of receiving medical treatment as a nonemergency patient, unless surgery is required as a result of the emergency within a reasonable time after the patient is stabilized, in which case the limitation provided by this subsection applies to any act or omission of providing medical care or treatment which occurs prior to the stabilization of the patient following the surgery.

(6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A PRACTITIONER PROVIDING SERVICES AND CARE TO A MEDICAID RECIPIENT.—Notwithstanding subsections (2), (3), and (5), with respect to a cause of action for personal injury or wrongful death arising from medical negligence of a practitioner committed in the course of providing medical services and medical care to a Medicaid recipient, regardless of the number of such practitioner defendants providing the services and care, noneconomic damages may not exceed \$300,000 per claimant, unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner. A practitioner providing medical services and medical care to a Medicaid recipient is not liable for more than \$200,000 in noneconomic damages, regardless of the number of claimants, unless the claimant pleads and proves, by clear and convincing evidence, that the practitioner acted in a wrongful manner. The fact that a claimant proves that a practitioner acted in a wrongful manner does not preclude the application of the limitation on noneconomic damages prescribed elsewhere in this section. For purposes of this subsection:

(b) The term "practitioner," in addition to the meaning prescribed in subsection (1), includes a ~~any~~ hospital ~~or~~

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4003 ~~ambulatory surgical center~~ as defined and licensed under chapter
 4004 395 or an ambulatory surgical center as defined and licensed
 4005 under chapter 396.

4006 Section 109. Subsection (4) of section 766.202, Florida
 4007 Statutes, is amended to read:

4008 766.202 Definitions; ss. 766.201-766.212.—As used in ss.
 4009 766.201-766.212, the term:

4010 (4) "Health care provider" means a ~~any~~ hospital ~~or~~
 4011 ~~ambulatory surgical center~~ as defined and licensed under chapter
 4012 395; an ambulatory surgical center as defined and licensed under
 4013 chapter 396; a birth center licensed under chapter 383; any
 4014 person licensed under chapter 458, chapter 459, chapter 460,
 4015 chapter 461, chapter 462, chapter 463, part I of chapter 464,
 4016 chapter 466, chapter 467, part XIV of chapter 468, or chapter
 4017 486; a health maintenance organization certificated under part I
 4018 of chapter 641; a blood bank; a plasma center; an industrial
 4019 clinic; a renal dialysis facility; or a professional association
 4020 partnership, corporation, joint venture, or other association
 4021 for professional activity by health care providers.

4022 Section 110. Section 766.316, Florida Statutes, is amended
 4023 to read:

4024 766.316 Notice to obstetrical patients of participation in
 4025 the plan.—Each hospital with a participating physician on its
 4026 staff and each participating physician, other than residents,
 4027 assistant residents, and interns deemed to be participating
 4028 physicians under s. 766.314(4)(c), under the Florida Birth-
 4029 Related Neurological Injury Compensation Plan shall provide
 4030 notice to the obstetrical patients as to the limited no-fault
 4031 alternative for birth-related neurological injuries. Such notice

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4032 shall be provided on forms furnished by the association and
 4033 shall include a clear and concise explanation of a patient's
 4034 rights and limitations under the plan. The hospital or the
 4035 participating physician may elect to have the patient sign a
 4036 form acknowledging receipt of the notice form. Signature of the
 4037 patient acknowledging receipt of the notice form raises a
 4038 rebuttable presumption that the notice requirements of this
 4039 section have been met. Notice need not be given to a patient
 4040 when the patient has an emergency medical condition as defined
 4041 in s. 395.002 ~~s. 395.002(8)(b)~~ or when notice is not
 4042 practicable.

4043 Section 111. Subsections (1), (2), (5), (6), and (8) of
 4044 section 790.338, Florida Statutes, are amended to read:

4045 790.338 Medical privacy concerning firearms; prohibitions;
 4046 penalties; exceptions.—

4047 (1) A health care practitioner licensed under chapter 456
 4048 or a health care facility licensed under chapter 395 or chapter
 4049 396 may not intentionally enter any disclosed information
 4050 concerning firearm ownership into the patient's medical record
 4051 if the practitioner knows that such information is not relevant
 4052 to the patient's medical care or safety, or the safety of
 4053 others.

4054 (2) A health care practitioner licensed under chapter 456
 4055 or a health care facility licensed under chapter 395 or chapter
 4056 396 shall respect a patient's right to privacy and should
 4057 refrain from making a written inquiry or asking questions
 4058 concerning the ownership of a firearm or ammunition by the
 4059 patient or by a family member of the patient, or the presence of
 4060 a firearm in a private home or other domicile of the patient or

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a family member of the patient. Notwithstanding this provision, a health care practitioner or health care facility that in good faith believes that this information is relevant to the patient's medical care or safety, or the safety of others, may make such a verbal or written inquiry.

(5) A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 or chapter 396 may not discriminate against a patient based solely upon the patient's exercise of the constitutional right to own and possess firearms or ammunition.

(6) A health care practitioner licensed under chapter 456 or a health care facility licensed under chapter 395 or chapter 396 shall respect a patient's legal right to own or possess a firearm and should refrain from unnecessarily harassing a patient about firearm ownership during an examination.

(8) Violations of the provisions of subsections (1)-(4) constitute grounds for disciplinary action under ss. 456.072(2), ~~and 395.1055,~~ and 396.218, as applicable.

Section 112. Paragraph (b) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)

(b)1. If the property stolen is valued at \$20,000 or more, but less than \$100,000;

2. If the property stolen is cargo valued at less than \$50,000 that has entered the stream of interstate or intrastate commerce from the shipper's loading platform to the consignee's receiving dock;

3. If the property stolen is emergency medical equipment,

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valued at \$300 or more, that is taken from a facility licensed under chapter 395 or from an aircraft or vehicle permitted under chapter 401; or

4. If the property stolen is law enforcement equipment, valued at \$300 or more, that is taken from an authorized emergency vehicle, as defined in s. 316.003,

the offender commits grand theft in the second degree, punishable as a felony of the second degree, as provided in s. 775.082, s. 775.083, or s. 775.084. Emergency medical equipment means mechanical or electronic apparatus used to provide emergency services and care as defined in s. 395.002 ~~or~~ 395.002(9) or to treat medical emergencies. Law enforcement equipment means any property, device, or apparatus used by any law enforcement officer as defined in s. 943.10 in the officer's official business. However, if the property is stolen during a riot or an aggravated riot prohibited under s. 870.01 and the perpetration of the theft is facilitated by conditions arising from the riot; or within a county that is subject to a state of emergency declared by the Governor under chapter 252, the theft is committed after the declaration of emergency is made, and the perpetration of the theft is facilitated by conditions arising from the emergency, the theft is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. As used in this paragraph, the term "conditions arising from the riot" means civil unrest, power outages, curfews, or a reduction in the presence of or response time for first responders or homeland security personnel and the term "conditions arising from the emergency" means civil unrest, power outages, curfews,

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voluntary or mandatory evacuations, or a reduction in the presence of or response time for first responders or homeland security personnel. A person arrested for committing a theft during a riot or an aggravated riot or within a county that is subject to a state of emergency may not be released until the person appears before a committing magistrate at a first appearance hearing. For purposes of sentencing under chapter 921, a felony offense that is reclassified under this paragraph is ranked one level above the ranking under s. 921.0022 or s. 921.0023 of the offense committed.

Section 113. Paragraph (b) of subsection (1) of section 893.05, Florida Statutes, is amended to read:

893.05 Practitioners and persons administering controlled substances in their absence.—

(1)

(b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s. 464.012(3), as applicable, a practitioner who supervises a licensed physician assistant or advanced practice registered nurse may authorize the licensed physician assistant or advanced practice registered nurse to order controlled substances for administration to a patient in a facility licensed under chapter 395, chapter 396, or part II of chapter 400.

Section 114. Paragraph (h) of subsection (1) of section 893.13, Florida Statutes, is amended to read:

893.13 Prohibited acts; penalties.—

(1)

(h) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or

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within 1,000 feet of the real property comprising a mental health facility, as that term is used in chapter 394; a health care facility licensed under chapter 395 or chapter 396 which provides substance abuse treatment; a licensed service provider as defined in s. 397.311; a facility providing services that include clinical treatment, intervention, or prevention as described in s. 397.311(27); a recovery residence as defined in s. 397.311; an assisted living facility as defined in chapter 429; or a pain management clinic as defined in s. 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a \$500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

Section 115. Paragraph (b) of subsection (1) of section 945.6041, Florida Statutes, is amended to read:

945.6041 Inmate medical services.—

(1) As used in this section, the term:

(b) "Health care provider" means:

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4177 1. A hospital licensed under chapter 395.
 4178 2. A physician or physician assistant licensed under
 4179 chapter 458.
 4180 3. An osteopathic physician or physician assistant licensed
 4181 under chapter 459.
 4182 4. A podiatric physician licensed under chapter 461.
 4183 5. A health maintenance organization certificated under
 4184 part I of chapter 641.
 4185 6. An ambulatory surgical center licensed under chapter 396
 4186 ~~395~~.
 4187 7. A professional association, partnership, corporation,
 4188 joint venture, or other association established by the
 4189 individuals set forth in subparagraphs 2., 3., and 4. for
 4190 professional activity.
 4191 8. An other medical facility.
 4192 a. As used in this subparagraph, the term "other medical
 4193 facility" means:
 4194 (I) A facility the primary purpose of which is to provide
 4195 human medical diagnostic services, or a facility providing
 4196 nonsurgical human medical treatment which discharges patients on
 4197 the same working day that the patients are admitted; and
 4198 (II) A facility that is not part of a hospital.
 4199 b. The term does not include a facility existing for the
 4200 primary purpose of performing terminations of pregnancy, or an
 4201 office maintained by a physician or dentist for the practice of
 4202 medicine.
 4203 Section 116. Paragraph (a) of subsection (1) of section
 4204 985.6441, Florida Statutes, is amended to read:
 4205 985.6441 Health care services.—

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4206 (1) As used in this section, the term:
 4207 (a) "Health care provider" means:
 4208 1. A hospital licensed under chapter 395.
 4209 2. A physician or physician assistant licensed under
 4210 chapter 458.
 4211 3. An osteopathic physician or physician assistant licensed
 4212 under chapter 459.
 4213 4. A podiatric physician licensed under chapter 461.
 4214 5. A health maintenance organization certificated under
 4215 part I of chapter 641.
 4216 6. An ambulatory surgical center licensed under chapter 396
 4217 ~~395~~.
 4218 7. A professional association, partnership, corporation,
 4219 joint venture, or other association established by the
 4220 individuals set forth in subparagraphs 2.-4. for professional
 4221 activity.
 4222 8. An other medical facility.
 4223 a. As used in this subparagraph, the term "other medical
 4224 facility" means:
 4225 (I) A facility the primary purpose of which is to provide
 4226 human medical diagnostic services, or a facility providing
 4227 nonsurgical human medical treatment which discharges patients on
 4228 the same working day that the patients are admitted; and
 4229 (II) A facility that is not part of a hospital.
 4230 b. The term does not include a facility existing for the
 4231 primary purpose of performing terminations of pregnancy, or an
 4232 office maintained by a physician or dentist for the practice of
 4233 medicine.
 4234 Section 117. Paragraph (b) of subsection (28) of section

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4235 1001.42, Florida Statutes, is amended to read:

4236 1001.42 Powers and duties of district school board.—The
4237 district school board, acting as a board, shall exercise all
4238 powers and perform all duties listed below:

4239 (28) UNACCOMPANIED HOMELESS YOUTH.—Provide to each student
4240 who is an unaccompanied homeless youth certified under s.
4241 743.067 a card that includes information on the rights and
4242 benefits for such youth, as well as the contact information for
4243 the school district's liaison for homeless children and youths.
4244 The card must be similar in size to the student identification
4245 card issued to students in the district and include all of the
4246 following information:

4247 (b) On the back of the card, the following statement:

4248
4249 Section 743.067, Florida Statutes, provides that this
4250 certified youth may consent to medical care; dental
4251 care; behavioral health care services, including
4252 psychological counseling and treatment, psychiatric
4253 treatment, and substance abuse prevention and
4254 treatment services; and surgical diagnosis and
4255 treatment, including preventative care and care by a
4256 facility licensed under chapter 394, chapter 395,
4257 chapter 396, or chapter 397 and any forensic medical
4258 examination for the purpose of investigating any
4259 felony offense under chapter 784, chapter 787, chapter
4260 794, chapter 800, or chapter 827, for himself or
4261 herself or his or her child, if the certified youth is
4262 unmarried, is the parent of the child, and has actual
4263 custody of the child.

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4264 Section 118. Subsection (1) of section 1012.965, Florida
4265 Statutes, is amended to read:

4266 1012.965 Payment of costs of civil action against
4267 employees.—

4268 (1) An employee or agent under the right of control of a
4269 university board of trustees who, pursuant to the university
4270 board's policies or rules, renders medical care or treatment at
4271 any hospital or health care facility with which the university
4272 board maintains an affiliation agreement whereby the hospital or
4273 health care facility provides to the university board a clinical
4274 setting for health care education, research, and services, is
4275 ~~shall not be~~ deemed to be an agent of any person other than the
4276 university board in any civil action resulting from any act or
4277 omission of the employee or agent while rendering said medical
4278 care or treatment. For this subsection to apply, the patient
4279 shall be provided separate written conspicuous notice by the
4280 university board of trustees or by the hospital or health care
4281 facility, and shall acknowledge receipt of this notice, in
4282 writing, unless impractical by reason of an emergency, either
4283 personally or through another person authorized to give consent
4284 for him or her, that he or she will receive care provided by
4285 university board's employees and liability, if any, that may
4286 arise from that care is limited as provided by law. Compliance
4287 by a hospital or health care facility with the requirements of
4288 chapter 395, chapter 396, or s. 766.110(1) may ~~shall~~ not be used
4289 as evidence in any civil action to establish an employment or
4290 agency relationship between the hospital or health care facility
4291 and an employee or agent of the university board of trustees
4292 providing services within the hospital or health care facility.

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Section 119. This act shall take effect July 1, 2026.

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4295



The Florida Senate

Senator Bryan Avila

District 39

District Office:

Hialeah Gardens City Hall
10001 NW 87 Avenue
Hialeah Gardens, Florida 33016
(305) 364-3073

Email:

avila.bryan@flsenate.gov

Tallahassee Office:

309 Senate Building
404 South Monroe Street
Tallahassee, Florida 32399
(850) 487-5039

January 29, 2026

The Honorable Senator Joe Gruters
Committee of Fiscal Policy
The Florida Senate
2000 The Capital
404 S. Monroe Street
Tallahassee, FL 32399

REF: ABSENCE EXCUSE REQUEST

Honorable Senator Gruters:

Please excuse my absence from committee on Thursday, February 5th, 2026. I have been assigned Military training from the Army National Guard during that time.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

Bryan Avila

CC: Yolanda Siples, Staff Director
Michele Grimes, Administrative Committee Assistant
Ronnie Whitaker, Staff Director Majority Office
Taylor Shaw, Legislative Analyst Majority Office



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR TRACIE DAVIS

Democratic Leader Pro Tempore
5th District

COMMITTEES:

Appropriations Committee on Health and Human
Services, *Vice Chair*
Appropriations Committee on Higher Education
Commerce and Tourism
Education Pre-K - 12
Fiscal Policy
Health Policy
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

February 5, 2026

The Honorable Joe Gruters
Fiscal Policy, Chair
111 W. Madison Street
Tallahassee, FL 32399-1100

Dear Chair Gruters,

I respectfully request an excused absence from the February 5, 2026, Fiscal Policy committee meeting.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tracie Davis".

Tracie Davis
State Senator
District 05



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Banking and Insurance, *Chair*
Fiscal Policy, *Chair*

SENATOR JOE GRUTERS

22nd District

February 4, 2026

The Honorable Ben Albritton
Senate President
409 The Capitol
404 South Monroe Street
Tallahassee, FL 32399-1100

President Albritton,

I would like to request an excused absence from the Committee on Fiscal Policy scheduled for Thursday, February 5th. I would prefer Leader Boyd serve as Chairman in my absence.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters
State Senator, District 22

REPLY TO:

- ☐ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- ☐ 413 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Rules, *Vice Chair*
Appropriations Committee on Pre-K - 12 Education
Community Affairs
Education Postsecondary
Finance and Tax
Fiscal Policy
Transportation

SENATOR SHEVRIN D. "SHEV" JONES
34th District

February 5, 2026

The Honorable Senator Joe Gruters

Chairman, Fiscal Policy Committee
413 Senate Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Gruters,

I respectfully request an excused absence from the Thursday, February 5th, 2026, Fiscal Policy Committee at 9:00 am.

Thank you in advance for considering this request. If you have any questions, comments, or concerns, please do not hesitate to contact me or my office.

Sincerely,

A handwritten signature in blue ink, appearing to be "Shev" followed by a stylized "Jones".

Shevrin D. "Shev" Jones
Florida State Senator – Senate District 34

REPLY TO:

- ☐ 606 NW 183rd Street, Miami Gardens, Florida 33169 (305) 493-6022
- ☐ 214 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5034

Senate's Website: www.flsenate.gov

BEN ALBRITTON JASON BRODEUR
President of the Senate President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Military and Veterans Affairs, Space, and Domestic
Security, Vice Chair
Appropriations Committee on Agriculture, Environment,
and General Government
Appropriations Committee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Fiscal Policy
Joint Legislative Auditing Committee
Transportation

SENATOR KEITH TRUENOW

13th District

January 28, 2026

The Honorable Senator Joe Gruters
413 Senate Office Building
Tallahassee, FL 32399

Dear Chairman Gruters,

I would like to be excused from the Fiscal Policy committee meeting on February 5th.

I appreciate your favorable consideration.

Sincerely,

A handwritten signature in blue ink that reads "Keith Truenow".

Senator Keith Truenow
Senate District 13

KT/dd

cc: Tracy Cantella, Secretary of the Senate
Andrew Mackintosh, Chief of Staff, President Albritton

REPLY TO:

- ☐ Lake County Agricultural Center, 1951 Woodlea Road, Tavares, Florida 32778 (352) 750-3133
- ☐ 16207 State Road 50, Suite 401, Clermont, Florida 34711
- ☐ 306 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5013

Senate's Website: www.flsenate.gov

BEN ALBRITTON
President of the Senate

JASON BRODEUR
President Pro Tempore

CourtSmart Tag Report

Room: KB 412

Case No.:

Type:

Caption: Senate Fiscal Policy Committee

Judge:

Started: 2/5/2026 9:00:58 AM

Ends: 2/5/2026 10:07:38 AM

Length: 01:06:40

9:01:07 AM Chair Boyd calls the meeting to order
9:01:11 AM Roll call
9:01:57 AM Chair Boyd makes opening remarks
9:02:43 AM Tab 4; SB 488 by Senator Massullo; Department of Highway Safety and Motor Vehicles
9:03:02 AM Senator Massullo explains the bill
9:04:07 AM Chair Boyd recognizes public testimony
9:04:14 AM Senator Massullo waives close on the bill
9:04:16 AM Roll call
9:05:31 AM Tab 5; SB 490 by Senator Massullo; Public Records/E-mail Addresses Collected by the Department of Highway Safety for Providing Renewal Notices
9:05:38 AM Senator Massullo explains the bill
9:05:52 AM Senator Massullo waives close on the bill
9:05:53 AM Roll call
9:06:43 AM Tab 10; SB 892 Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals
9:06:49 AM Senator Martin explains the bill
9:08:00 AM Chair Boyd recognizes public testimony
9:08:12 AM Senator Martin waives close on the bill
9:08:14 AM Roll call
9:09:22 AM Tab 1; SB 124 by Senator Rodriguez; Florida Virtual Schools
9:09:32 AM Senator Rodriguez explains the bill
9:09:53 AM Chair Boyd recognizes public testimony
9:10:04 AM Senator Rodriguez waives close on the bill
9:10:05 AM Roll call
9:10:53 AM Tab 2; SB 216 by Senator McClain; Verification of Reemployment Assistance Benefit Eligibility
9:11:04 AM Senator McClain explains the bill
9:12:35 AM Questions:
9:12:40 AM Senator Osgood
9:13:22 AM Senator McClain
9:14:02 AM Senator Osgood
9:14:08 AM Senator McClain
9:14:33 AM Senator Osgood
9:14:43 AM Senator McClain
9:14:57 AM Senator Arrington
9:15:34 AM Senator McClain
9:16:15 AM Chair Boyd recognizes public testimony
9:19:49 AM Speaking:
9:20:03 AM Dr. Rich Templin
9:27:07 AM Debate:
9:27:19 AM Senator Bracy Davis
9:29:59 AM Senator Bradley
9:33:12 AM Senator Osgood
9:39:16 AM Senator Simon
9:41:51 AM Senator Calatayud
9:43:07 AM Senator McClain makes closing remarks and waives close on the bill
9:45:27 AM Roll call
9:46:28 AM Tab 3; SB 382 by Senator Truenow and Co-Introducer Senator Leek; Electric Bicycles
9:46:36 AM Senator Leek explains the bill
9:47:29 AM Questions:
9:47:35 AM Chair Boyd
9:47:53 AM Chair Boyd recognizes public appearances
9:47:55 AM Speaking:

9:48:10 AM Michelle Lynch
9:53:00 AM John Lewis
9:53:34 AM Debate:
9:53:39 AM Senator Bracy Davis
9:54:19 AM Senator Burton
9:56:41 AM Chair Boyd
9:57:09 AM Senator Leek makes closing remarks and waives close on the bill
9:57:55 AM Roll call
9:59:06 AM Tab 7; SB 584 by Senator Avila and Co-Introducer Senator Yarborough; Commercial Driving Schools
9:59:15 AM Senator Yarborough explains the bill
10:00:36 AM Chair Boyd recognizes public testimony
10:00:52 AM Senator Yarborough waives close on the bill
10:00:54 AM Roll call
10:01:29 AM Tab 8; SB 656 by Senator Bradley; Internet Crimes Against Children Programs
10:01:34 AM Senator Bradley explains the bill
10:02:35 AM Chair Boyd recognizes public testimony
10:02:38 AM Speaking:
10:02:48 AM Turner Loesel
10:03:41 AM Senator Bradley waives close on the bill
10:03:43 AM Roll call
10:04:45 AM Tab 9; SB 816 by Senator Bradley; Diabetes Research
10:04:50 AM Senator Bradley explains the bill
10:05:34 AM Chair Boyd recognizes public testimony
10:05:54 AM Senator Bradley waives close on the bill
10:05:56 AM Roll call
10:06:40 AM Chair Boyd recognizes Senators wishing to record votes
10:07:29 AM Senator Simon moves for the meeting to be adjourned
10:07:32 AM Meeting adjourned