

<b>Tab 1</b>	<b>SB 124</b> by <b>Rodriguez</b> ; Identical to H 00129 Florida Virtual School
<b>Tab 2</b>	<b>SB 216</b> by <b>McClain</b> ; Similar to H 00191 Verification of Reemployment Assistance Benefit Eligibility
<b>Tab 3</b>	<b>CS/SB 382</b> by <b>TR, Truenow (CO-INTRODUCERS) Leek, Yarborough</b> ; Similar to CS/H 00243 Electric Bicycles
<b>Tab 4</b>	<b>SB 488</b> by <b>Massullo</b> ; Similar to H 00937 Department of Highway Safety and Motor Vehicles
<b>Tab 5</b>	<b>SB 490</b> by <b>Massullo</b> ; Similar to H 00939 Public Records/E-mail Addresses Collected by the Department of Highway Safety for Providing Renewal Notices
<b>Tab 6</b>	<b>SB 524</b> by <b>Simon</b> ; Similar to CS/H 00849 Department of Law Enforcement
<b>Tab 7</b>	<b>SB 584</b> by <b>Avila (CO-INTRODUCERS) Yarborough</b> ; Identical to H 00953 Commercial Driving Schools
<b>Tab 8</b>	<b>CS/SB 656</b> by <b>CJ, Bradley</b> ; Identical to CS/H 00709 Internet Crimes Against Children Programs
<b>Tab 9</b>	<b>SB 816</b> by <b>Bradley</b> ; Identical to H 00901 Diabetes Research
<b>Tab 10</b>	<b>SB 892</b> by <b>Martin</b> ; Habitual Felony Offenders, Habitual Violent Felony Offenders, Three-time Violent Felony Offenders, and Violent Career Criminals
<b>Tab 11</b>	<b>SB 1156</b> by <b>Trumbull</b> ; 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	<b>SB 124</b> Rodriguez (Identical H 129)	<p>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.</p> <p>ED      12/09/2025 Favorable  AED     01/28/2026 Favorable  FP      02/05/2026 Favorable</p>	Favorable Yea 15 Nays 0
2	<b>SB 216</b> McClain (Similar H 191)	<p>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.</p> <p>CM      12/10/2025 Favorable  ATD     01/21/2026 Favorable  FP      02/05/2026 Favorable</p>	Favorable Yea 11 Nays 4
3	<b>CS/SB 382</b> Transportation / Truenow (Similar CS/H 243)	<p>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.</p> <p>TR      01/20/2026 Fav/CS  ATD     01/28/2026 Favorable  FP      02/05/2026 Favorable</p>	Favorable Yea 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	<b>SB 488</b> 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 Yea 15 Nays 0
5	<b>SB 490</b> 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 Yea 14 Nays 1
6	<b>SB 524</b> 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**

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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
7	<b>SB 584</b>	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.	Favorable Yea 15 Nays 0
TR	01/12/2026 Favorable		
ATD	01/21/2026 Favorable		
FP	02/05/2026 Favorable		
8	<b>CS/SB 656</b>	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.	Favorable Yea 15 Nays 0
CJ	01/20/2026 Fav/CS		
ACJ	01/28/2026 Favorable		
FP	02/05/2026 Favorable		
9	<b>SB 816</b>	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.	Favorable Yea 15 Nays 0
HE	01/13/2026 Favorable		
AHE	01/28/2026 Favorable		
FP	02/05/2026 Favorable		
10	<b>SB 892</b>	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.	Favorable Yea 15 Nays 0
CJ	01/20/2026 Favorable		
ACJ	01/28/2026 Favorable		
FP	02/05/2026 Favorable		

**COMMITTEE MEETING EXPANDED AGENDA**

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 1156</b> 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.	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. Palazesi	Bouck	ED	<b>Favorable</b>
2. Gray	Elwell	AED	<b>Favorable</b>
3. Palazesi	Siples	FP	<b>Favorable</b>

## 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,<sup>1</sup> 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.<sup>2</sup>

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

<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

### ***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.

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

<sup>4</sup> 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.<sup>5</sup>

### ***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.<sup>6</sup>

### ***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."<sup>7</sup> 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.<sup>8</sup>

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

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<sup>5</sup> Section 1002.37(7), F.S.

<sup>6</sup> Section 1002.37(10), F.S.

<sup>7</sup> 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:-7fbq6htw0&q=https://www.fl DOE.org/core/fileparse.php/18826/ur1t/FLVSReport.pdf&sa=U&ved=2ahUKEwiP\\_baoxaSRAxUZJ0QIHULaAboQFnoECAQQAg&usg=AOvVaw1LdV7ODd68cpk9MhaduKIU](https://www.google.com/url?client=internal-element-cse&cx=001098588266447694026:-7fbq6htw0&q=https://www.fl DOE.org/core/fileparse.php/18826/ur1t/FLVSReport.pdf&sa=U&ved=2ahUKEwiP_baoxaSRAxUZJ0QIHULaAboQFnoECAQQAg&usg=AOvVaw1LdV7ODd68cpk9MhaduKIU) (last visited Jan. 6, 2026).

<sup>8</sup> *Id.* at 11, 19-20.

organization<sup>9</sup> to ensure the foundation operates under clear organizational, operational, and audit requirements in law.<sup>10</sup>

### 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.

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<sup>9</sup> 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.

<sup>10</sup> 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.

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

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By Senator Rodriguez

40-00230A-26

2026124\_\_

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

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

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

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

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

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

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

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

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

171 (h) (i) The board of trustees shall establish criteria  
 172 defining the elements of an approved franchise. The board of  
 173 trustees may enter into contracts ~~and~~ franchise agreements with  
 174 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 The Governor shall designate the initial chair of the board of  
 198 trustees to serve a term of 4 years. Members of the board of  
 199 trustees shall serve without compensation, but may be reimbursed  
 200 for per diem and travel expenses pursuant to s. 112.061. The  
 201 board of trustees shall be a body corporate with all the powers  
 202 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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233 (e) The assets and liabilities of the Florida Virtual  
234 School and Florida Virtual School Global at the end of the  
235 fiscal year.

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

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

246 (9)

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

253 (10)

254 (d) Unless an alternative testing site is mutually agreed  
255 to by the Florida Virtual School and the school district or as  
256 contracted under s. 1008.24, all industry certification  
257 examinations, national assessments, progress monitoring under s.  
258 1008.25(9), and statewide assessments must be taken at the  
259 school to which the student would be assigned according to  
260 district school board attendance areas. A school district must  
261 provide the student with access to the school's testing

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

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

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2/5/2026

Meeting Date  
Fiscal Policy

Committee

Name Melanie Bostick

Address 5422 Carrier Dr. Suite 201

Street

Orlando

FL

32819

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 Virtual 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. [2020-2022JointRules.pdf \(flsenate.gov\)](http://flsenate.gov/2020-2022JointRules.pdf)

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 216

INTRODUCER: Senator McClain

SUBJECT: Verification of Reemployment Assistance Benefit Eligibility

DATE: February 4, 2026 REVISED: \_\_\_\_\_

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

**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.<sup>1</sup> The program is administered as a partnership of the federal government and the states.<sup>2</sup> 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).<sup>3</sup> FUTA collections go to the states for costs of administering state unemployment compensation and job service programs.<sup>4</sup> 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.<sup>5</sup>

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.<sup>6</sup> Florida's program was created by the Legislature in 1937.<sup>7</sup> The department is the current agency responsible for administering Florida's laws, primarily through its Division of Workforce Services.<sup>8</sup> The department contracts with the Florida Department of Revenue (DOR) to provide unemployment tax collections services.<sup>9</sup>

### **State Reemployment Assistance Benefits**

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

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

<sup>2</sup> 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).

<sup>3</sup> FUTA is codified at 26 U.S.C. § 3301-3311.

<sup>4</sup> 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](https://www.congress.gov/crs_external_products/R/PDF/R44527/R44527.5.pdf) (last visited Dec. 9, 2025).

<sup>5</sup> 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).

<sup>6</sup> 26 U.S.C. § 3304.

<sup>7</sup> Chapter 18,402, Acts of 1937 Laws of Fla.

<sup>8</sup> Section 443.1316, F.S.

<sup>9</sup> *Id.*

<sup>10</sup> Chapter 2012-30, Laws of Fla.

<sup>11</sup> 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.

<sup>12</sup> 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.

<sup>13</sup> Section 443.111(5)(c), F.S.

<sup>14</sup> 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](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.<sup>15</sup> 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%.<sup>16</sup>

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.<sup>17</sup>

### ***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:<sup>18</sup>

- 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;<sup>19</sup>
- Contacting at least 5 prospective employers each week or going to the One-Stop Career Center for reemployment services; and
- Participating in reemployment services.<sup>20</sup>

For each week of benefits claimed, a claimant must submit to the department the name, address, and telephone number of each prospective employer contacted.<sup>21</sup> 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

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<sup>15</sup> 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).

<sup>16</sup> 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).

<sup>17</sup> *See* Section 443.091, F.S.

<sup>18</sup> Section 443.091(1), F.S.,

<sup>19</sup> "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.

<sup>20</sup> *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.

<sup>21</sup> Section 443.091(1)(c)1., F.S.

small counties.<sup>22</sup> 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.<sup>23</sup> The department conducts random audits of the submitted information to verify that claimants are meeting these requirements.<sup>24</sup>

### ***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;<sup>25</sup>
- 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;<sup>26</sup>
- 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.<sup>27</sup>

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).<sup>28</sup> 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.<sup>29</sup>

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<sup>22</sup> 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.

<sup>23</sup> Section 443.091(1)(d), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> 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.

<sup>26</sup> Section 443.101(2), F.S.

<sup>27</sup> 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.

<sup>28</sup> *Id.*

<sup>29</sup> *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.<sup>30</sup>

### **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:

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<sup>30</sup> *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 visited Dec. 9, 2025).

- 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.<sup>31</sup>

**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.”<sup>32</sup> Federal regulation interprets this to mean that unemployment compensation benefits must be paid to eligible claimants with the greatest promptness as administratively feasible.<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

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

<sup>31</sup> 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).

<sup>32</sup> 42 U.S.C. s. 503(a)(1).

<sup>33</sup> 20 C.F.R. s. 640.3-640.4.

<sup>34</sup> 20 C.F.R. s. 640.5.

<sup>35</sup> *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.”).

<sup>36</sup> *Id.*

issue is detected.<sup>37</sup> 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.

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

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<sup>37</sup> FLORIDA DEPT. OF COMMERCE, *supra* note 27.

By Senator McClain

9-00402-26

2026216

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

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

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

22 443.101 Disqualification for benefits.—An individual shall  
23 be disqualified for benefits:

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

58 (b) Notwithstanding any other provisions of this chapter

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

62 1. The position offered is vacant due directly to a strike,  
 63 lockout, or other labor dispute.

64 2. The wages, hours, or other conditions of the work  
 65 offered are substantially less favorable to the individual than  
 66 those prevailing for similar work in the locality.

67 3. As a condition of being employed, the individual is  
 68 required to join a company union or to resign from or refrain  
 69 from joining any bona fide labor organization.

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

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

77 443.1112 Verification of reemployment assistance benefit  
 78 eligibility; detection of fraud.—

79 (1) The Department of Commerce shall verify the identity of  
 80 each claimant who applies for reemployment assistance benefits  
 81 before paying any benefits to that individual.

82 (2) For the initial claim for benefits made by a claimant  
 83 and as necessary to verify a claimant's eligibility for  
 84 benefits, the department shall cross-check the information  
 85 contained in the claim with information in the database of the  
 86 Systematic Alien Verification for Entitlements Program  
 87 established by the United States Bureau of Citizenship and

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88 Immigration Services.

89 (3) For every 2 weeks that a claimant makes a claim for  
 90 benefits, including the initial claim for benefits, to verify a  
 91 claimant's eligibility for benefits, the department shall cross-  
 92 check the information contained in the claim to make sure that  
 93 the claimant is:

94 (a) Living.

95 (b) Not incarcerated.

96 (c) Not already employed.

97 (4) The department shall do all of the following:

98 (a) Investigate any claim in this state associated with a  
 99 mailing address, a bank account, an e-mail address, a telephone  
 100 number, or an Internet protocol address that is also associated  
 101 with another existing claim for reemployment assistance benefits  
 102 in this state or another state and verify that the claim in this  
 103 state is legitimate and not fraudulent before paying any  
 104 benefits for the claim.

105 (b) Scrutinize any claim in this state filed from a foreign  
 106 Internet protocol address before paying any benefits for the  
 107 claim.

108 (c) Work with the United States Department of Labor, the  
 109 United States Department of Justice, other state workforce  
 110 agencies, the Department of Law Enforcement, the state  
 111 attorneys, or the Office of the Statewide Prosecutor to share  
 112 information related to fraudulent claims or attempted fraudulent  
 113 claims to the extent feasible for further investigation and  
 114 proceedings brought under this chapter.

115 (d) Maintain a web page through which an individual or an  
 116 employer may report known or suspected violations of this

Page 4 of 5

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

9-00402-26

2026216\_\_

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

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

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

The Florida Senate

2/5/26

Meeting Date

Fiscal

Committee

# APPEARANCE RECORD

Deliver both copies of this form to

Senate professional staff conducting the meeting

SB0216

Bill Number or Topic

Name

Christina Underwood

Phone

954.254.3240

Address

3321 SW 16<sup>th</sup> Street

Street

FL Lauderdale, FL

City

State

33312

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. [2020-2022JointRules.pdf](#) (flsenate.gov)

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

S-001 (08/10/2021)

2/5/26

Meeting Date

Fiscal Policy

Committee

Name Della Denny- Abbott

Phone

8504496061

Address 2111 St Andrews DR

Email

Street

Carltonment FL 32533

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against



I am appearing without compensation or sponsorship.

**PLEASE CHECK ONE OF THE FOLLOWING:**

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

2/5/2026

Meeting Date

Fiscal Policy

Committee

## 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

Jean Federico

Phone

863-873-4531

Address

3911 Ponce De Leon Blvd

Email

j.federico.940@gmail.com

Street

Sebring

FL

33872

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. [2020-2022JointRules.pdf \(flsenate.gov\)](http://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

## The Florida Senate

2-5-926

Meeting Date

## APPEARANCE RECORD

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

SB0210

Bill Number or Topic

Committee

Name Patricia Hatch

Phone

Amendment Barcode (if applicable)

Sul 704-9923

Address 8146 Mystic Harbor Cr  
Street

Email

ted1881@aol.com

City Boynton Bch Fl

State

Zip 33436

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. [2020-2022JointRules.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

Name Kiara DeCoursey

Address 1810 SW 2nd Ave  
Street O'Keechobee

City

State

Zip

Amendment Barcode (if applicable)

Phone 352-317-5998

Email Kiaradecoursey@gmail.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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

2/5/26

Meeting Date

Fiscal Policy

Committee

Name Crystal Tessmann

Address 4626 NW 34th St  
Street

Gainesville FL

City State

Deliver both copies of this form to

Senate professional staff conducting the meeting

SB0216

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 352-870-7471

Email northernesseract@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:

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S-001 (08/10/2021)

2-5-26

The Florida Senate

## APPEARANCE RECORD

Meeting Date

Fiscal Policy

Committee

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

SB 8216

Bill Number or Topic

Amendment Barcode (if applicable)

Name CARMEN WARD Phone 352-538-1156

Address 5317 NW 23rd PL Email carmenroseward@gmail.com

Street

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:

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 \(flsenate.gov\)](http://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

2/5/26

Meeting Date

Fiscal Policy

Committee

# APPEARANCE RECORD

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

SB 0216

Bill Number or Topic

Name Stephanie Yocum

Amendment Barcode (if applicable)  
386-916-8902

Address 917 Rolling Woods Ln  
Street  
Lakeland FL 33813

Email yocumse@gmail.com

City

State

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against



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:

## PLEASE CHECK ONE OF THE FOLLOWING:

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 \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

2/5/26

Meeting Date

The Florida Senate

# APPEARANCE RECORD

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

Committee

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:

*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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S-001 (08/10/2021)

2/15/26

Meeting Date

## APPEARANCE RECORD

SB 0216

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 *Kishaa@msn.com*

Address 23 Parkview Lane

Email *(631) 505-2862*

Street

Palm Coast FC

Zip 32164

City

State

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. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

## The Florida Senate

Feb 5 '26

Meeting Date

## APPEARANCE RECORD

Fiscal Policy

Committee

Name

Charla S Fox

Phone

239-940-5815

Address

6627 Kestrel Circle

Email

Street

CharlaFox@aol.com

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:

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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S-001 (08/10/2021)

The Florida Senate

2/5/24

Meeting Date

Fiscal Policy

Committee

# APPEARANCE RECORD

SB 0216

Bill Number or Topic

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

Amendment Barcode (if applicable)

Name

Kevin Daly

Phone

239-822 3362

Address

15360 Sams Dr #200

Email

Street

Port Myers

FL

33908

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. [2020-2022JointRules.pdf \(flsenate.gov\)](http://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

## APPEARANCE RECORD

2/5/2026

Meeting Date

Fiscal Policy

Committee

Name

Jorge Botello

Phone

Address

1788 SW 124th

Street

Okeechobee FL

City

State

34970

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

2/5/26

Meeting Date

Fiscal Policy

Committee

## APPEARANCE RECORD

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

SB-0216

Bill Number or Topic

Name

Jeannie Ford

Phone

850-527-1268

Address

508 E. 4th Street

Street

Port St. Joe FL

City

State

32456

Zip

Email

love2teach2@hotmail.com

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

I am appearing without  
compensation or sponsorship.

### PLEASE CHECK ONE OF THE FOLLOWING:

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. [2020-2022JointRules.pdf](#) (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

2.5.26

Meeting Date

Fiscal Policy

Committee

## APPEARANCE RECORD

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

SB 0216

Bill Number or Topic

Name

Alexis Underwood

Phone

850-890-3424

Address

3950 Verona Circle

Email

Alexis.Underwood@  
Abcteach.org

Street

Panama City

FL

32405

City

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)

The Florida Senate

02/05/26

Meeting Date

Fiscal Policy

Committee

Name Kenneth Wall

Address 485 Aragon st.

Street

Pensacola

FL

32562

City

State

Zip



I am appearing without compensation or sponsorship.

### PLEASE CHECK ONE OF THE FOLLOWING:



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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

## 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)

Phone (850) 393-8821

Email [Kaw324@billsouth.net](mailto:Kaw324@billsouth.net)

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

2/5/26

Meeting Date

The Florida Senate

## APPEARANCE RECORD

S Bill 0216

Bill Number or Topic

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

Committee

Amendment Barcode (if applicable)

Name

RONALD Mixon

Phone

850-418 5890

Address

3180 Belle Meade DR A Pt. C

Email

Blessed3180@gmail.com

Street

PENSACOLA

Ph

32503

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

2-5-26

## APPEARANCE RECORD

Meeting Date

Fiscal Policy

Committee

Name Ryans Calmont

Address 2719 Kinsey Dr.

Street

Kissimmee FL

City

State

Zip

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

SB 216

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 407-414-2785

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:

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](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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S-001 (08/10/2021)

2/5/2026

Meeting Date

Fiscal Policy

Committee

Name Thomas J. Buggs II

Phone 407 786 3943

Address 716 PickFactor Buggs'

Email Thomas.buggs.ii@gmail.com

Street

Cake Mary Pl

City

32746

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. 2020-2022JointRules.pdf (flsenate.gov)*

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S-001 (08/10/2021)

The Florida Senate

2/5/2026

Meeting Date

Fiscal Policy

Committee

**APPEARANCE RECORD**

SB 0216

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Maria Rivera

Phone

407-431-6746

Address

12504 Hyannis Ct

Email

Street

Mrivera1169@gmail.com

City

State

Orlando, FL 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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)*

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

S-001 (08/10/2021)

Feb. 5, 2026

Meeting Date

Fiscal Policy

Committee

Name Kelley Stephenson

Address 261 Wee Acres Rd.  
Street  
Defuniak Springs, FL 32433

City

State

Zip

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)

850-585-9594

Phone

Email kelleystephenson@gmail.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. [2020-2022JointRules.pdf](https://www.flsenate.gov/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

Feb. 5, 2026

Meeting Date

Fiscal Policy

Committee

Name Darzell Warren

Phone

850-266-4547

Address 8410 Ferlon Ave.

Email

jade2721@aol.com

Street

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

2/5/24

Meeting Date

Fiscal Policy

Committee

## APPEARANCE RECORD

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

SB0216

Bill Number or Topic

Amendment Barcode (if applicable)

Name Gordan Longhofer

Phone 561-386-9254

Address 3602 Old Lighthouse Circle

Email gordanlonghofer@gmail.com

Street

Wellington, FL

State

33414

Zip

Speaking:  For  Against  Information

**OR**

Waive Speaking:  In Support  Against

PLEASE CHECK ONE OF THE FOLLOWING:		
<input checked="" type="checkbox"/> I am appearing without compensation or sponsorship.	<input type="checkbox"/> I am a registered lobbyist, representing:	<input type="checkbox"/> 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](#) (f1senate.gov)

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S-001 (08/10/2021)

2-5-26

The Florida Senate

## APPEARANCE RECORD

Meeting Date

Fiscal Policy

Committee

Name

Janet Moody

Phone

407-744-3840

Bill Number or Topic

SB 216

Amendment Barcode (if applicable)

Address

1965 Adamson Rd

Email

Street

Cocoa,

FL

32926

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)

2/5/26

Meeting Date

FISCAL POLICY

Committee

Name

John Louis Meeks, Jr.

Phone

904 386 0716

Address

3500 University Blvd #3201

Email

strongbad74@gmail.com

City

JAX

State

FL

Zip

32217

The Florida Senate

## APPEARANCE RECORD

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SB 214

Bill Number or Topic

Amendment Barcode (if applicable)

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

Fiscal Policy

Committee

Name

Victoria Kidwell

Phone

904 962-6672

Address

3600 Tar/Ridge Rd

Email

vrcki-cliffe@hotmail.com

Street

Middleburg

FL

32068

City

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. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

SB  
216

Bill Number or Topic

Amendment Barcode (if applicable)

904 962-6672

## The Florida Senate

**APPEARANCE RECORD**2/5/26  
Meeting DateFiscal Policy  
CommitteeName Derek DeBerecAddress 910 16th Terr

Street

Key West FL

City

State

33040

Zip

Phone 305-294-4965Email kwd123@bellsouth.netSpeaking:  For  Against  Information**OR**Waive Speaking:  In Support  Against

I am appearing without compensation or sponsorship.

**PLEASE CHECK ONE OF THE FOLLOWING:** 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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

## The Florida Senate

2/5/16

Meeting Date

FISCAL POLICY

Committee

**APPEARANCE RECORD**Deliver both copies of this form to  
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SB 0216

Bill Number or Topic

Name

Glenda ABICKN (pronounced  
(ABBOTT))

Phone

786-376-1181

Address

4305 SW 98 AVE.

Street

MIAMI

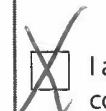
FL

33165

City

State

Zip

Speaking:  For  Against  Information**OR**Waive Speaking:  In Support  AgainstI am appearing without  
compensation or sponsorship.**PLEASE CHECK ONE OF THE FOLLOWING:** 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

2/5/2026

Meeting Date

Fiscal Policy

Committee

Name Michael Grenon

Phone 321-412-8108

Address 112 Sea Breeze Cir  
Street

Email reds87@bellsouth.net

Merritt Island, Fl  
City State Zip 32953

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. 2020-2022JointRules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

02/05/2026

Meeting Date

## APPEARANCE RECORD

SB 216

Bill Number or Topic

Fiscal Policy

Committee

Name Ronald Pollard

Phone 321 439 9093

Address 1869 Emerald Cove Blvd

Street

Email ron.pollard57@gmail.com

Apopka

FL

32712

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. [2020-2022JointRules.pdf](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

02/05/2026

Meeting Date

N/A

Committee

Name Joy Jackson

Address 18130 N.W. 56th AV

Street

Miami

Fla

33057

City

State

Zip

Phone \_\_\_\_\_

Email Jackson@deschedule.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:

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 \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

## The Florida Senate

2/5/26

Meeting Date

## APPEARANCE RECORD

SB 216

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Dr. Rich Tempkin

Phone 850-229-6926

Address 135 S. Monroe

Email

Street

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:

Florida AFL-CIO

 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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S-001 (08/10/2021)

## The Florida Senate

THURSDAY, 5 FEB 26

## APPEARANCE RECORD

0216

Meeting Date

FISCAL POLICY 412K  
0900

Committee

Name PAGEL, CHRISDeliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Address 3002 RIVERSIDE DR  
Street

City

FB

State

FL

Zip

32034

Amendment Barcode (if applicable)

(904) 753-0130

Email mecdrafting@hotmail.coSpeaking:  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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SB 0216

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Michelle DeJesus

Phone 407-600-5590

Address 656 Glades Cir. Apt. 224  
Street

Email mdejesus37@yahoo.com

Altamonte Spgs

FL  
State

32714  
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**  
**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	<b>Fav/CS</b>
2. Wells	Nortelus	ATD	<b>Favorable</b>
3. Shutes	Siples	FP	<b>Favorable</b>

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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## 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.<sup>1</sup>

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.<sup>2</sup> An electric bicycle is a vehicle to the same extent as a bicycle.<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

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.<sup>7</sup>

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.<sup>8</sup> 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.<sup>9</sup>

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:

---

<sup>1</sup> Section 316.003(23), F.S.

<sup>2</sup> Section 316.20655(1), F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Section 316.20655(2), F.S.

<sup>8</sup> Section 316.20655(3), F.S.

<sup>9</sup> 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.<sup>10</sup>

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.<sup>11</sup> 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.<sup>12</sup>

### **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.<sup>13</sup>

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.<sup>14</sup> 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.<sup>15</sup>

### **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

<sup>10</sup> Section 316.20655(6) and (7), F.S.

<sup>11</sup> Section 316.20655(8), F.S.

<sup>12</sup> Section 316.20655(9), F.S.

<sup>13</sup> Section 316.066, F.S.

<sup>14</sup> Section 316.066(c), F.S.

<sup>15</sup> 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

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.

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

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.

(b) A 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.

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

## 53 | Section 2. Electric Bicycle Safety Task Force.—

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

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

64       (3) MEMBERSHIP; MEETINGS.—

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

71       1. A representative from the Florida Sheriffs Association.

72       2. A representative from the Florida Police Chiefs  
 73 Association.

74       3. A representative from the electric bicycle industry.

75       4. A representative from the Florida League of Cities.

76       5. A representative from the Florida Association of  
 77 Counties.

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

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

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

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

Page 3 of 6

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88       appointment.

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

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

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

111       (5) EXPIRATION.—This section expires October 1, 2026.  
 112       Section 3. (1) Beginning 30 days after the effective date  
 113 of this act, the Florida Highway Patrol and each police  
 114 department and sheriff's office shall maintain a list of all  
 115 traffic crashes that the respective agency investigates which  
 116 involve an electric bicycle. Any such traffic crash must be

Page 4 of 6

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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.

Page 6 of 6

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

The Florida Senate

# APPEARANCE RECORD

2/5/26

Meeting Date

Fiscal Policy

Committee

382

Bill Number or Topic

Name Orange County Public Schools Phone 407-405-2050

Address 445 W. Amelia  
Street

Orlando

FL

33801

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. 2020-2022JointRules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

02/05/2026

Meeting Date

Fiscal Policy

Committee

## APPEARANCE RECORD

382

Bill Number or Topic

Name

Iyonne Fernandez

Phone

954-850-7262

Address

215 S Monroe Street

Email

1fernandez@aarp.org

Street

City

State

Zip

Tallahassee

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. [2020-2022JointRules.pdf](#) (flsenate.gov)

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

S-001 (08/10/2021)

4/5/20

Meeting Date

Senate Fiscal Policy

Committee

Name Allie McNair

Address 2617 Mahan Dr  
Street

Tallahassee FL  
City State

The Florida Senate

## APPEARANCE RECORD

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

SB 382

Bill Number or Topic

SB

Amendment Barcode (if applicable)

Phone 850-877-2165

Email amcnair@fisheriffs.org

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](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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

S-001 (08/10/2021)

2/5/26

Meeting Date

Fiscal Policy

Committee

Name

John Covis Meeks, Jr.

Address

3500 University Blvd N  
Street Jax 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. [2020-2022JointRules.pdf \(flesenate.gov\)](https://flesenate.gov/2020-2022JointRules.pdf)

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

SB 0382

Bill Number or Topic

Amendment Barcode (if applicable)

904 386 0716

Phone

Email

Strongbad74@gmail.com

The Florida Senate

**APPEARANCE RECORD**

2/5/21

Meeting Date

Senate Fiscal

Committee

Name Michelle Lynch

Phone 727-687-0473

Address 9822 Emerald Links Dr  
Street

Email Michelle.lynch02@gmail.com

City Tampa

State FL

Zip 33626

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. [2020-2022JointRules.pdf](https://flsenate.gov/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 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	<b>Favorable</b>
2. Wells	Nortelus	ATD	<b>Favorable</b>
3. Shutes	Siples	FP	<b>Favorable</b>

### **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.,<sup>1</sup> contains language that no longer conforms with the federal IFTA Articles of Agreement.<sup>1</sup>

### 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.<sup>2</sup>

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.<sup>3</sup>

### 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

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

<sup>2</sup> 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).

<sup>3</sup> *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.<sup>4</sup> 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.<sup>5</sup>

### **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.<sup>6</sup>

In 1989, the amount of property damage necessary to require notification to law enforcement was increased from \$100 to \$500.<sup>7</sup> Currently, the normal amount for a deductible for vehicle insurance contracts within the insurance industry is between \$500 and \$1,500.<sup>8</sup> 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.<sup>9</sup>

### **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.<sup>10</sup> 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

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<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> 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](https://cdn.ymaws.com/www.flclerks.com/resource/resmgr/publicationsanddocuments/2023_Distribution_Schedule_e.pdf) (last visited December 30, 2025).

<sup>7</sup> Section 1, Chapter 89-271, Laws of Florida.

<sup>8</sup> 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).

<sup>9</sup> *Id* at 2.

<sup>10</sup> 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.<sup>11</sup>

### **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.<sup>12</sup>

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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> Section 320.02(1), F.S.

<sup>13</sup> Section 320.02(2)(a), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *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.,<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

## **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.

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

<sup>17</sup> 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.

<sup>18</sup> 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.<sup>19</sup>

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:

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<sup>19</sup> *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

Page 1 of 31

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

39-00992-26

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

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59 license or identification card"; amending s. 320.95,  
 60 F.S.; revising the purpose for which the department  
 61 may use e-mail; amending s. 322.01, F.S.; revising the  
 62 definition of the term "tank vehicle"; amending s.  
 63 322.08, F.S.; revising the purpose for which the  
 64 department may use e-mail; amending ss. 322.18,  
 65 322.21, and 322.251, F.S.; authorizing the department  
 66 to provide certain orders and notices by e-mail  
 67 notification; amending ss. 322.2616, 322.64, 324.091,  
 68 and 324.171, F.S.; conforming provisions to changes  
 69 made by the act; amending s. 328.30, F.S.; revising  
 70 the purpose for which the department may use e-mail;  
 71 amending s. 627.7415, F.S.; conforming a provision to  
 72 changes made by the act; amending ss. 316.545 and  
 73 319.35, F.S.; conforming cross-references; making a  
 74 technical change; providing an effective date.

75  
 76 Be It Enacted by the Legislature of the State of Florida:

77  
 78 Section 1. Section 207.001, Florida Statutes, is amended to  
 79 read:  
 80 207.001 Short title.—This chapter shall be known as the  
 81 "Florida Diesel Fuel and Motor Fuel Use Tax Act of 1981," and  
 82 the taxes levied under this chapter shall be in addition to all  
 83 other taxes imposed by law.

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

86 207.002 Definitions.—As used in this chapter, the term:  
 87 (11)-(1) "Qualified Commercial motor vehicle" means any

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

99 (1) ~~(2)~~ "Department" means the Department of Highway Safety  
 100 and Motor Vehicles.

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

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

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

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117 ~~jurisdictions.~~

118 (3) ~~(5)~~ "Interstate" means vehicle movement between or  
119 through two or more member jurisdictions ~~states~~.

120 (4) ~~(6)~~ "Intrastate" means vehicle movement from one point  
121 within a member jurisdiction state to another point within the  
122 same member jurisdiction state.

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

126 (6) ~~(7)~~ "Motor carrier" means any person owning,  
127 controlling, operating, or managing any motor vehicle used to  
128 transport persons or property over any public highway.

129 (7) ~~(8)~~ "Motor fuel" means any fuel placed in the fuel  
130 supply storage unit of a qualified motor vehicle, including an  
131 alternative fuel, such as pure methanol, ethanol, or other  
132 alcohol; a blend of 85 percent or more alcohol with gasoline;  
133 natural gas and liquified fuel produced from natural gas;  
134 propane; coal-derived liquified fuel; hydrogen; electricity;  
135 pure biodiesel (B100) fuel, other than alcohol, derived from  
136 biological materials; P-series fuel; or any other type of fuel  
137 or energy used to propel a qualified motor vehicle ~~what is~~  
138 commonly known and sold as gasoline and fuels containing a  
139 mixture of gasoline and other products.

140 (8) ~~(9)~~ "Operate," "operated," "operation," or "operating"  
141 means and includes the utilization in any form of any qualified  
142 commercial motor vehicle, whether loaded or empty, whether  
143 utilized for compensation or not for compensation, and whether  
144 owned by or leased to the motor carrier who uses it or causes it  
145 to be used.

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146

147 (9) ~~(10)~~ "Person" means and includes natural persons,  
148 corporations, copartnerships, firms, companies, agencies, or  
149 associations, singular or plural.

150 (10) ~~(11)~~ "Public highway" means any public street, road, or  
151 highway in this state.

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

154 (12) ~~(13)~~ "Use," "uses," or "used" means the consumption of  
155 diesel fuel or motor fuel in a qualified commercial motor  
156 vehicle for the propulsion thereof.

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

159 207.003 Privilege tax levied.—A tax for the privilege of  
160 operating any qualified commercial motor vehicle upon the public  
161 highways of this state shall be levied upon every motor carrier  
162 at a rate which includes the minimum rates provided in parts I-  
163 III of chapter 206 on each gallon of diesel fuel or motor fuel  
164 used for the propulsion of a qualified commercial motor vehicle  
165 by such motor carrier within this ~~the~~ state.

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

168 207.004 Licensing Registration of motor carriers; fuel tax  
169 decals identifying devices; fees; renewals; temporary fuel-use  
170 permits and driveaway permits.—

171 (1) (a) A ~~No~~ motor carrier ~~may not~~ shall operate or cause to  
172 be operated in this state any qualified ~~commercial~~ motor  
173 vehicle, other than a Florida-based qualified ~~commercial~~ motor  
174 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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233 temporary fuel-use permit expires 10 days after the date of  
 234 issuance and exempts the vehicle from payment of the motor fuel  
 235 tax imposed under this chapter during the period for which the  
 236 permit is valid. However, this paragraph does not exempt the  
 237 vehicle from payment at the pump of the fuel tax imposed under  
 238 chapter 206.

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

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

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

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262 ~~\$45 fee, secure from any wire service authorized by the~~  
 263 ~~department, by electronic means, a temporary fuel-use permit~~  
 264 ~~that shall be valid for a period of 10 days. Such permit must~~  
 265 ~~show the name and address of the unregistered motor carrier to~~  
 266 ~~whom it is issued, the date the vehicle is placed in and removed~~  
 267 ~~from service, a complete identification of the vehicle on which~~  
 268 ~~the permit is to be used, and the name and address of the owner~~  
 269 ~~or lessee of the vehicle. The temporary fuel-use permit shall~~  
 270 ~~then be carried on the vehicle that it identifies and shall be~~  
 271 ~~exhibited on demand to any authorized personnel. The~~  
 272 ~~unregistered motor carrier to whom a temporary fuel-use permit~~  
 273 ~~is issued shall be solely responsible for the proper use of the~~  
 274 ~~permit by its employees, consignees, or lessees. Any erasure,~~  
 275 ~~alteration, or unauthorized use of a temporary fuel-use permit~~  
 276 ~~shall render it invalid and of no effect. The unregistered motor~~  
 277 ~~carrier to whom a temporary fuel-use permit is issued may not~~  
 278 ~~knowingly allow the permit to be used by any other person or~~  
 279 ~~organization.~~

280 (e) A registered motor carrier engaged in driveaway  
 281 transportation, in which the cargo is the vehicle itself and is  
 282 in transit to stock inventory and the ownership of the vehicle  
 283 is not vested in the motor carrier, may, upon payment of the \$4  
 284 fee, secure from the department a driveaway permit. The  
 285 driveaway permits shall be issued for the period January 1  
 286 through December 31. An original permit must be in the  
 287 possession of the operator of each vehicle and shall be  
 288 exhibited on demand to any authorized personnel. Vehicle mileage  
 289 reports must be submitted by the motor carrier, and the road  
 290 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 driveaway 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  
 31 ±, April 30 ±, July 31 ±, and October 31 ±.

318 (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  
Tax Agreement at the rate of 1 percent per month, or fraction  
thereof, calculated from the date the tax was due. If the  
department enters into a cooperative reciprocal agreement under  
the provisions of s. 207.0281, the department shall collect and  
distribute all interest due to other jurisdictions at the same  
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  
 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  
 386 commits is guilty of a felony of the third degree, punishable as  
 387 provided in s. 775.082, s. 775.083, or s. 775.084. In addition,  
 388 the department may revoke or suspend the licensure and  
 389 registration privileges under ss. 207.004 and 320.02 of the  
 390 violator. Each day or part thereof during which a person  
 391 operates or causes to be operated a qualified commercial motor  
 392 vehicle without being the holder of fuel tax decals an  
 393 identifying device or having a valid temporary fuel-use or  
 394 driveaway permit as required by this chapter constitutes a  
 395 separate offense within the meaning of this section. In addition  
 396 to the penalty imposed by this section, the defendant is shall  
 397 be required to pay all taxes, interest, and penalties due to the  
 398 state.  
 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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407 the return, whichever is later.

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

410 207.011 Inspection of records; hearings; forms; rules.—  
411 (3) The department, or any authorized agent thereof, is  
412 authorized to examine the records, books, papers, and equipment  
413 of any motor carrier, any retail dealer of motor diesel fuels,  
414 and any wholesale distributor of diesel fuels ~~or~~ motor fuels  
415 which that are deemed necessary to verify the truth and accuracy  
416 of any statement, ~~or~~ report, or return and ascertain whether the  
417 tax imposed by this chapter has been paid.

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

420 207.013 Suits for collection of unpaid taxes, penalties,  
421 and interest.—Upon demand of the department, the Department of  
422 Legal Affairs or the state attorney for a judicial circuit shall  
423 bring appropriate actions, in the name of the state or in the  
424 name of the Department of Highway Safety and Motor Vehicles in  
425 the capacity of its office, for the recovery of taxes,  
426 penalties, and interest due under this chapter; and judgment  
427 shall be rendered for the amount so found to be due together  
428 with costs. However, if it is ~~shall~~ be found as a fact that such  
429 claim for, or grant of, an exemption or credit was willful on  
430 the part of any motor carrier, retail dealer, or distributor of  
431 ~~diesel~~ fuel ~~or~~ motor fuel, judgment must ~~shall~~ be rendered for  
432 double the amount of the tax found to be due with costs. The  
433 department may employ an attorney at law to institute and  
434 prosecute proper proceedings to enforce payment of the taxes,  
435 penalties, and interest provided for by this chapter and may fix

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436 the compensation for the services of such attorney at law.

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

439 207.014 Departmental warrant for collection of unpaid  
440 taxes.—  
441 (3) In the event there is a contest or claim of any kind  
442 with reference to the property levied upon or the amount of  
443 taxes, costs, or penalties due, such contest or claim must ~~shall~~  
444 be tried in the circuit court in and for the county in which the  
445 warrant was executed, as nearly as may be in the same manner and  
446 means as such contest or claim would have been tried in such  
447 court had the warrant originally issued upon a judgment rendered  
448 by such court. The warrant issued as provided in this section  
449 constitutes ~~shall~~ constitute prima facie evidence of the amount  
450 of taxes, interest, and penalties due to the state by the motor  
451 carrier; and the burden of proof is ~~shall~~ be upon the motor  
452 carrier, retail dealer, or distributor of ~~diesel~~ fuel ~~or~~ motor  
453 fuel to show that the amounts or penalties were incorrect.

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

456 207.019 Discontinuance or transfer of business; change of  
457 address.—

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

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

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

477 207.023 Authority to inspect vehicles, make arrests, seize  
 478 property, and execute warrants.—

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

485 (3) Qualified Commercial motor vehicles owned or operated  
 486 by any motor carrier who refuses to comply with this chapter may  
 487 be seized by authorized agents or employees of the Department of  
 488 Highway Safety and Motor Vehicles, the Department of Agriculture  
 489 and Consumer Services, or the Department of Transportation; or  
 490 authorized agents and employees of any of these departments also  
 491 may seize property as set out in ss. 206.205, 206.21, and  
 492 206.215. Upon such seizure, the property must shall be  
 493 surrendered without delay to the sheriff of the county where the

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494 property was seized for further proceedings.

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

497 207.0281 Registration; cooperative reciprocal agreements  
 498 between states.—

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

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

511 Section 14. Paragraph (aa) of subsection (7) of section  
 512 212.08, Florida Statutes, is amended to read:

513 212.08 Sales, rental, use, consumption, distribution, and  
 514 storage tax; specified exemptions.—The sale at retail, the  
 515 rental, the use, the consumption, the distribution, and the  
 516 storage to be used or consumed in this state of the following  
 517 are hereby specifically exempt from the tax imposed by this  
 518 chapter.

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

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

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

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

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

548 316.065 *Crashes; reports; penalties.*—

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

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552 \$500 shall immediately by the quickest means of communication  
 553 give notice of the crash to the local police department, if such  
 554 crash occurs within a municipality; otherwise, to the office of  
 555 the county sheriff or the nearest office or station of the  
 556 Florida Highway Patrol. A violation of this subsection is a  
 557 noncriminal traffic infraction, punishable as a nonmoving  
 558 violation as provided in chapter 318.

559 Section 16. Paragraph (a) of subsection (1) of section  
 560 318.15, Florida Statutes, is amended to read:

561 318.15 Failure to comply with civil penalty or to appear;  
 562 penalty.—

563 (1) (a) If a person fails to comply with the civil penalties  
 564 provided in s. 318.18 within the time period specified in s.  
 565 318.14(4), fails to enter into or comply with the terms of a  
 566 penalty payment plan with the clerk of the court in accordance  
 567 with ss. 318.14 and 28.246, fails to attend driver improvement  
 568 school, or fails to appear at a scheduled hearing, the clerk of  
 569 the court must notify the Department of Highway Safety and Motor  
 570 Vehicles of such failure within 10 days after such failure. Upon  
 571 receipt of such notice, the department must immediately issue an  
 572 order suspending the driver license and privilege to drive of  
 573 such person effective 20 days after the date the order of  
 574 suspension is provided mailed in accordance with s. 322.251(1),  
 575 (2), and (6). The order also must inform the person that he or  
 576 she may contact the clerk of the court to establish a payment  
 577 plan pursuant to s. 28.246(4) to make partial payments for  
 578 court-related fines, fees, service charges, and court costs. Any  
 579 such suspension of the driving privilege which has not been  
 580 reinstated, including a similar suspension imposed outside of

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

586 Section 17. Subsection (2) and paragraph (e) of subsection  
 587 (5) of section 320.02, Florida Statutes, are amended to read:  
 588       320.02 Registration required; application for registration;  
 589 forms.—

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

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

- 600 1. A valid REAL ID driver's ~~driver~~ license or  
 601 identification card issued by this state or another state; ~~or~~
- 602 2. A valid, unexpired United States passport; ~~or~~
- 603 3. A valid, unexpired passport issued by another country  
 604 and an unexpired Form I-94 issued by United States Customs and  
 605 Border Protection.

606  
 607 For purposes of this paragraph, the term "REAL ID driver's  
 608 license or identification card" has the same meaning as provided  
 609 in 6 C.F.R. s. 37.3.

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

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

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

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

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

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

632       (5)

633       (e) Upon the expiration date noted in the cancellation  
 634 notice that the department receives from the insurer, the  
 635 department shall suspend the registration, issued under this  
 636 chapter, or the license issued under s. 207.004(1), of a motor  
 637 carrier who operates a commercial motor vehicle or who permits  
 638 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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755 disqualification order is given ~~mailed~~ as provided herein, and  
 756 the license is not surrendered to the department, and such  
 757 license thereafter expires, the department may ~~shall~~ not renew  
 758 that license until a period of time identical to the period of  
 759 such suspension, revocation, or disqualification imposed has  
 760 expired.

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

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

772 322.2616 Suspension of license; persons under 21 years of  
 773 age; right to review.—

774 (4) If the department finds that the license of the person  
 775 should be suspended under this section and if the notice of  
 776 suspension has not already been served upon the person by a law  
 777 enforcement officer or correctional officer as provided in  
 778 subsection (2), the department must ~~shall~~ issue a notice of  
 779 suspension and, unless the notice is provided ~~mailed~~ under s.  
 780 322.251, a temporary driving permit that expires 10 days after  
 781 the date of issuance if the driver is otherwise eligible.

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

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784 322.64 Holder of commercial driver license; persons  
 785 operating a commercial motor vehicle; driving with unlawful  
 786 blood-alcohol level; refusal to submit to breath, urine, or  
 787 blood test.—

788 (3) If the department determines that the person arrested  
 789 should be disqualified from operating a commercial motor vehicle  
 790 pursuant to this section and if the notice of disqualification  
 791 has not already been served upon the person by a law enforcement  
 792 officer or correctional officer as provided in subsection (1),  
 793 the department must ~~shall~~ issue a notice of disqualification  
 794 and, unless the notice is provided ~~mailed~~ pursuant to s.  
 795 322.251, a temporary permit which expires 10 days after the date  
 796 of issuance if the driver is otherwise eligible.

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

799 324.091 Notice to department; notice to insurer.—

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

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

816 Section 27. Paragraph (c) of subsection (1) of section  
 817 324.171, Florida Statutes, is amended to read:

818       324.171 Self-insurer.—

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

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

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

831       328.30 Transactions by electronic or telephonic means.—

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

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

838       627.7415 Commercial or qualified motor vehicles; additional  
 839 liability insurance coverage.—Commercial motor vehicles, as  
 840 defined in ~~s. 207.002 or s. 320.01, and qualified motor~~  
 841 ~~vehicles, as defined in s. 207.002,~~ operated upon the roads and

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

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

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

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

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

862  
 863 A violation of this section is a noncriminal traffic infraction,  
 864 punishable as a nonmoving violation as provided in chapter 318.

865       Section 30. Paragraph (b) of subsection (4) of section  
 866 316.545, Florida Statutes, is amended to read:

867       316.545 Weight and load unlawful; special fuel and motor  
 868 fuel tax enforcement; inspection; penalty; review.—

869       (4)  
 870       (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

2/5/24

Meeting Date

Fiscal Policy

Committee

# APPEARANCE RECORD

488

Bill Number or Topic

Name William B. Smith

Phone 305-333-4344

Address 300 E BREVARD ST.  
Street

Email Wsmith@FLPBA

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:

FL PBA

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](https://flsenate.gov/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 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	<b>Favorable</b>
2. Wells	Nortelus	ATD	<b>Favorable</b>
3. Shutes	Siples	FP	<b>Favorable</b>

**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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> 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.<sup>5</sup>

A public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.<sup>6</sup> 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.”<sup>7</sup>

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

---

<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

<sup>3</sup> 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).

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

<sup>5</sup> 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.”

<sup>6</sup> 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.”

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

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

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.<sup>10</sup> 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.<sup>11</sup>

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

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.<sup>14</sup> Custodians of records designated as “confidential and exempt” may not disclose the record except under circumstances specifically defined by the Legislature.<sup>15</sup>

## Open Government Sunset Review Act

The Open Government Sunset Review Act<sup>16</sup> (the Act) prescribes a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> 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.<sup>19</sup>

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.<sup>20</sup>

<sup>8</sup> Section 119.07(1)(a), F.S.

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

<sup>10</sup> FLA. CONST. art. I, s. 24(c).

<sup>11</sup> *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).

<sup>12</sup> *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).

<sup>13</sup> *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).

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

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

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> 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.

<sup>18</sup> 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.

<sup>19</sup> Section 119.15(3), F.S.

<sup>20</sup> 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;<sup>21</sup>
- 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;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

The Act also requires specified questions to be considered during the review process.<sup>24</sup> 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.<sup>25</sup> 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.<sup>26</sup>

### **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.<sup>27</sup>
- Motor vehicle registration renewals.<sup>28</sup>
- Driver license renewal notices.<sup>29</sup>

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<sup>21</sup> Section 119.15(6)(b)1., F.S.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

<sup>24</sup> 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?

<sup>25</sup> See generally s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> Section 319.40(3), F.S.

<sup>28</sup> Section 320.95(2), F.S.

<sup>29</sup> 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

39-00993-26

2026490

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

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), ~~or~~ 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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39-00993-26

2026490

30 119.15 and shall stand repealed on October 2, 2031, unless  
31 reviewed and saved from repeal through reenactment by the  
32 Legislature.

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39-00993-26

2026490

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	<b>Favorable</b>
2. Kolich	Harkness	ACJ	<b>Favorable</b>
3. Vaughan	Siples	FP	<b>Pre-meeting</b>

**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.<sup>1</sup> 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.<sup>2</sup>

#### *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.<sup>3</sup>

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.

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<sup>1</sup> Section 406.06, F.S.

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

<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

### **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.<sup>6</sup>

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.<sup>7,8</sup>

### ***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 standards<sup>9</sup> or other grounds for revocation.<sup>10</sup> 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.

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<sup>4</sup> Section 406.06, F.S.

<sup>5</sup> Section 406.11, F.S.

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> Section 943.1395, F.S.

<sup>9</sup> Section 943.1395(7), F.S.

<sup>10</sup> 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.<sup>11</sup> 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.<sup>12, 13</sup>

### ***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."<sup>14,15</sup> 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.<sup>16</sup>

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

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<sup>11</sup> Section s. 112.533, F.S.

<sup>12</sup> Section 112.533, F.S.

<sup>13</sup> 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."

<sup>14</sup> Section 112.532, F.S.

<sup>15</sup> 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.

<sup>16</sup> 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.<sup>17</sup> 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.<sup>18</sup>

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.<sup>19</sup>

### **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.

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<sup>17</sup> Section 112.532(4)(a), F.S.

<sup>18</sup> Section 112.532(4)(b), F.S.

<sup>19</sup> 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.<sup>20</sup>

#### **VI. Technical Deficiencies:**

None.

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<sup>20</sup> 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.

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

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By Senator Simon

3-00680-26

2026524

Page 1 of 7

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3-00680-26

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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2026524\_\_

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

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

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

124 943.1726 Continued employment training relating to diabetic  
 125 emergencies.—The commission department shall establish an online  
 126 continued employment training component relating to diabetic  
 127 emergencies. The training component shall include, but need not  
 128 be limited to, instruction on the recognition of symptoms of  
 129 such an emergency, distinguishing such an emergency from alcohol  
 130 intoxication or drug overdose, and appropriate first aid for  
 131 such an emergency. Completion of the training component may  
 132 count toward the 40 hours of instruction for continued  
 133 employment or appointment as a law enforcement officer required  
 134 under s. 943.135.

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

137 943.17261 Department of Law Enforcement, Training related  
 138 to medical use of marijuana.—The commission Department of Law  
 139 Enforcement shall develop a 4-hour online initial training  
 140 course, and a 2-hour online continuing education course, which  
 141 shall be made available for use by all law enforcement agencies  
 142 in this state. Such training shall cover the legal parameters of  
 143 marijuana-related activities governed by ss. 381.986 and 381.988  
 144 relating to criminal laws governing marijuana.

145 Section 7. Section 943.1727, Florida Statutes, is amended

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146 to read:

147 943.1727 Continued employment training relating to autism  
 148 spectrum disorder.—The commission department shall establish a  
 149 continued employment training component relating to autism  
 150 spectrum disorder as defined in s. 627.6686. The training  
 151 component shall include, but need not be limited to, instruction  
 152 on the recognition of the symptoms and characteristics of an  
 153 individual on the autism disorder spectrum and appropriate  
 154 responses to an individual exhibiting such symptoms and  
 155 characteristics. Completion of the training component may count  
 156 toward the 40 hours of instruction for continued employment or  
 157 appointment as a law enforcement officer required under s.  
 158 943.135.

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

161 943.17299 Continued employment training relating to  
 162 Alzheimer's disease and related forms of dementia.—The  
 163 commission department shall establish an online, continued  
 164 employment training component relating to Alzheimer's disease  
 165 and related forms of dementia. The training component must be  
 166 developed in consultation with the Department of Elder Affairs  
 167 and must include, but need not be limited to, instruction on  
 168 interacting with persons with Alzheimer's disease or a related  
 169 form of dementia, including instruction on techniques for  
 170 recognizing behavioral symptoms and characteristics, effective  
 171 communication, employing the use of alternatives to physical  
 172 restraints, and identifying signs of abuse, neglect, or  
 173 exploitation. Completion of the training component may count  
 174 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	<b>Favorable</b>
2. Wells	Nortelus	ATD	<b>Favorable</b>
3. Johnson	Siples	FP	<b>Favorable</b>

### **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.<sup>1,2</sup>

Except for truck driving schools,<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

### *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.<sup>6</sup> 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.<sup>7</sup>

### *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.<sup>8</sup>

### *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.<sup>9</sup>

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<sup>1</sup> 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).

<sup>2</sup> 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).

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

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

<sup>5</sup> Section 488.03, F.S.

<sup>6</sup> Section 488.04(1), F.S.

<sup>7</sup> *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.

<sup>8</sup> Section 488.045, F.S.

<sup>9</sup> 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;<sup>10</sup>
- 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.<sup>11</sup>

### **Commercial Driving School Fees and Distribution**

All fees the DHSMV receives related to commercial driving schools are deposited in the General Revenue Fund.<sup>12</sup> 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.<sup>13</sup>

### ***Penalties***

A violation related to commercial driving or any of its implementing rules or regulations<sup>14</sup> is a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding one year<sup>15</sup> or a fine of up to \$1,000.<sup>16,17</sup>

### **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;

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

<sup>11</sup> Section 488.06, F.S.

<sup>12</sup> Section 488.08, F.S.

<sup>13</sup> These fees are codified in various provision of ch. 488, F.S.

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

<sup>15</sup> Section 775.082(4)(a), F.S.

<sup>16</sup> Section 775.083(1)(d), F.S.

<sup>17</sup> 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.<sup>18</sup>

### 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.<sup>19</sup> For example, the county tax collector charges a \$6.25 service fee for providing driver license and identification card services.<sup>20</sup>

### 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.

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<sup>18</sup> 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.

<sup>19</sup> 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.

<sup>20</sup> 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.

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

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By Senator Avila

39-00544-26

2026584

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

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

17       488.09 Interagency agreements with tax collectors.—The  
18       Department of Highway Safety and Motor Vehicles may enter into  
19       interagency agreements with tax collectors authorizing such tax  
20       collectors to enforce this chapter. An interagency agreement  
21       entered into under this section is a delegation of the authority  
22       of the department to the tax collector. Such an interagency  
23       agreement may include, but need not be limited to, grants of  
24       authority to the tax collector, or his or her agent, to do any  
25       of the following:

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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

The Florida Senate

## APPEARANCE RECORD

584

Meeting Date

Fiscal Policy

Committee

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

Name

Barney Bishop

Phone

8505109922

Bill Number or Topic

Amendment Barcode (if applicable)

Address

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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:

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](https://flsenate.gov/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

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BILL: CS/SB 656  
INTRODUCER: Criminal Justice Committee and Senator Bradley  
SUBJECT: Internet Crimes Against Children Programs  
DATE: February 4, 2026      REVISED: \_\_\_\_\_

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

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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### 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.<sup>1</sup>

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.<sup>2</sup>

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.<sup>3</sup>

On December 15, 2025, the FDLE arrested Martin Theodore Cassady, 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 Cassady began in April after the FDLE Cybercrime Task Force agents received a cybertip from the

<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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 Cassady'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.<sup>4</sup>

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.<sup>5</sup>

### ***Child Exploitation and Crimes Against Children Program***

The 1994 Legislature created the Crimes Against Children Criminal Profiling Program (CACP) within the FDLE.<sup>6</sup> 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.<sup>7</sup> As a result, the program was changed in 2025 to the Child Exploitation and Crimes Against Children Program.<sup>8</sup>

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,

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<sup>4</sup> 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).

<sup>5</sup> Office of Attorney General *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).

<sup>6</sup> Chapter 94-265, s. 9, Laws of Fla.

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

<sup>8</sup> Section 943.041, F.S.

dedicated to investigating, prosecuting and developing effective responses to internet crimes against children.<sup>9</sup>

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.<sup>10</sup>

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 dules 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.<sup>11</sup>

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

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

<sup>11</sup> 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.<sup>12</sup>

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.<sup>13</sup>

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

### ***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.<sup>15</sup>

### ***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.<sup>16</sup>

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.

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<sup>12</sup> Chapter 2024-72, s. 1, Laws of Fla.

<sup>13</sup> Section 943.0411(2), F.S.

<sup>14</sup> Section 943.0411(3), F.S.

<sup>15</sup> 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).

<sup>16</sup> *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.<sup>17</sup>

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.<sup>18</sup>

### **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.

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<sup>17</sup> *Id.*

<sup>18</sup> 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.

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

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**By** the Committee on Criminal Justice; and Senator Bradley

591-02053-26

2026656c1

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

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

23 943.0411 Internet Crimes Against Children Online Sting  
24 Operations Grant Program for local law enforcement affiliates  
25 agencies to protect children.-

26 (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

Page 1 of 4

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

591-02053-26

2026656c1

30 which has been designated by the department as being in good  
31 standing.

32 (b) "Good standing" means a local law enforcement agency in  
33 this state that receives CyberTips from one of the task forces  
34 and follows Internet Crimes Against Children Task Force Program  
35 standards in its investigation of Internet crimes against  
36 children.

37 (c) "Internet crimes against children task force" means an  
38 Internet crimes against children task force located in this  
39 state which is recognized by the United States Department of  
40 Justice.

41 (2) There is created within the department the Internet  
42 Crimes Against Children Online Sting Operations Grant Program to  
43 award grants to local law enforcement affiliates agencies to  
44 support their work to combat online child exploitation and  
45 creation of sting operations to target individuals online  
46 preying upon children or attempting to do so.

47 (3) ~~(2)~~ The department shall annually award to local law  
48 enforcement affiliates agencies any funds specifically  
49 appropriated for the grant program to cover expenses related to  
50 their work to combat Internet crimes against children. The funds  
51 may be awarded to cover overtime pay, travel, investigative or  
52 digital forensics training, hardware, or computers, electronics,  
53 software, and other related necessary supplies. Grants must be  
54 provided to local law enforcement agencies if funds are  
55 appropriated for that purpose by law. The total amount of grants  
56 awarded may not exceed funding appropriated for the grant  
57 program.

58 (4) ~~(3)~~ The department may establish criteria and set

Page 2 of 4

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591-02053-26

2026656c1

59 specific time periods for the acceptance of applications and for  
 60 the selection process for awarding grant funds.

61 Section 2. Section 943.0421, Florida Statutes, is created  
 62 to read:

63 943.0421 Internet Crimes Against Children Task Force  
 64 Funding Program.-

65 (1) SHORT TITLE.-This section may be cited as the "Florida  
 66 Internet Crimes Against Children Task Force Funding Program  
 67 Act."

68 (2) LEGISLATIVE FINDINGS.-The Legislature finds that the  
 69 Internet Crimes Against Children Task Force Program administered  
 70 by the United States Department of Justice helps state and local  
 71 law enforcement agencies develop an effective response to  
 72 technology-facilitated child sexual exploitation and Internet  
 73 crimes against children. This help encompasses forensic and  
 74 investigative components, training and technical assistance,  
 75 victim services, and community education. The program is a  
 76 national network of 61 coordinated task forces representing over  
 77 5,400 federal, state, and local law enforcement and  
 78 prosecutorial agencies. The Legislature intends to create an  
 79 account dedicated to combating Internet crimes against children,  
 80 promoting education on Internet safety to minors and to the  
 81 public, and rescuing child victims from abuse and exploitation.

82 (3) DEFINITION.-The term "task force" means an Internet  
 83 Crimes Against Children Task Force program located in this state  
 84 which is recognized by the United States Department of Justice.

85 (4) ESTABLISHMENT OF PROGRAM.-The Internet Crimes Against  
 86 Children Task Force Funding Program is created within the  
 87 department to provide a stable funding source for the task

Page 3 of 4

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

591-02053-26

2026656c1

88 forces.

89 (a) Funding for the program shall consist of moneys  
 90 appropriated by the Legislature. Program funds may be used only  
 91 to support the administration and activities of law enforcement  
 92 agencies in their efforts to combat Internet crimes against  
 93 children, including the funding of personnel, overtime pay,  
 94 training, travel, and technology purchases.

95 (b) Moneys appropriated to the program must be distributed  
 96 in the following amounts:

97 1. Eighty percent divided equally among the task forces;  
 98 and  
 99 2. Twenty percent to the department to support its efforts  
 100 in combating Internet crimes against children.

101 (5) RULEMAKING.-The department may adopt rules to implement  
 102 and administer this section.

103 Section 3. This act shall take effect July 1, 2026.

Page 4 of 4

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

The Florida Senate

2/5/26

Meeting Date

Senate Fiscal Policy

Committee

## APPEARANCE RECORD

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

SB 656

Bill Number or Topic

Amendment Barcode (if applicable)

Name Allie McNair

Phone 850-877-2165

Address 2617 Mahan Drive  
Street

Email amcnair@fisheriffs.org

City Tallahassee

State FL

Zip 32309

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 \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

February 5, 2026

The Florida Senate

## APPEARANCE RECORD

656

Meeting Date

Bill Number or Topic

Fiscal Policy

Amendment Barcode (if applicable)

Committee

Name **Barney Bishop**

Phone **8505109922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

**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:

*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](#) (flesenate.gov)*

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

S-001 (08/10/2021)

02/05/2026

Meeting Date

Fiscal Policy

Committee

Name **Turner Loesel (Low-zell)**

Address **100 North Duval Street**  
Street

**Tallahassee**      **FL**      **32301**

City      State

Zip

The Florida Senate

# APPEARANCE RECORD

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

**SB 656**

Bill Number or Topic

Amendment Barcode (if applicable)

Phone **561-401-8625**

Email **loesel@jamesmadison.org**

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. [2020-2022JointRules.pdf \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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	<b>Favorable</b>
2. Gray	Elwell	AHE	<b>Favorable</b>
3. Jahnke	Siples	FP	<b>Favorable</b>

## 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,<sup>1</sup> which is released into

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<sup>1</sup> 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.<sup>2</sup>

### ***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.<sup>3</sup>

### ***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.<sup>4</sup> 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

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<sup>2</sup> U.S. Centers for Disease Control, *Diabetes Basics*, <https://www.cdc.gov/diabetes/about/index.html> (last visited Jan. 20, 2026).

<sup>3</sup> 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).

<sup>4</sup> 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.<sup>5</sup>

### **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.<sup>6</sup>

### ***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.<sup>7</sup>

### **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.<sup>8</sup>

The UF Diabetes Institute serves as the primary coordinating center for the Breakthrough T1D<sup>9</sup> 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.

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<sup>5</sup> U.S. Centers for Disease Control, *Diabetes Basics*, <https://www.cdc.gov/diabetes/about/index.html> (last visited Jan. 20, 2026).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> University of Florida, UF Diabetes Institute, *About the UF Diabetes Institute*, <https://diabetes.ufl.edu/about-us/> (last visited Jan. 20, 2026).

<sup>9</sup> 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.<sup>10</sup>

### **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.

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<sup>10</sup> 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.

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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

1                   A bill to be entitled  
 2                   An act relating to diabetes research; creating s.  
 3                   1004.562, F.S.; establishing the University of Florida  
 4                   Diabetes Institute within the University of Florida  
 5                   College of Medicine; providing the purpose of the  
 6                   institute; providing requirements for the institute;  
 7                   authorizing the institute to administer statewide  
 8                   pilot programs; requiring the institute to maintain a  
 9                   secure repository for deidentified data; authorizing  
 10                  the institute to share deidentified data under certain  
 11                  conditions; authorizing the institute to convene a  
 12                  consortium; providing requirements for the consortium;  
 13                  authorizing the consortium to solicit funding from  
 14                  certain sources for certain purposes; requiring the  
 15                  institute to provide a report to the Governor and the  
 16                  Legislature beginning on a specified date and annually  
 17                  thereafter; providing requirements for the report;  
 18                  providing construction; providing an effective date.  
 19

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

21  
 22                  Section 1. Section 1004.562, Florida Statutes, is created  
 23                  to read:  
 24                  1004.562 University of Florida Diabetes Institute.—  
 25                  (1) The University of Florida Diabetes Institute is  
 26                  established within the University of Florida College of Medicine  
 27                  as a resource for diabetes research, screening, prevention,  
 28                  treatment, and education. The purpose of the institute is to  
 29                  advance scientific discovery, improve prevention and clinical

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30                  care, and promote education and outreach related to all forms of  
 31                  diabetes, including type 1 diabetes, type 2 diabetes,  
 32                  gestational diabetes, and related metabolic conditions.  
 33                  (2) The institute shall do all of the following:  
 34                  (a) Conduct research to understand the causes, mechanisms,  
 35                  and potential cures for diabetes, including autoimmune, genetic,  
 36                  and environmental factors.  
 37                  (b) Develop advanced prevention, diagnostic, and treatment  
 38                  strategies to reduce the incidence and complications of diabetes  
 39                  in children and adults.  
 40                  (c) Provide comprehensive, multidisciplinary clinical care  
 41                  to individuals living with diabetes, including patient and  
 42                  family education, nutrition counseling, mental health support,  
 43                  and disease management resources.  
 44                  (d) Train and educate health care professionals, including  
 45                  physicians, nurses, dietitians, pharmacists, and scientists, to  
 46                  expand expertise in diabetes care and research.  
 47                  (e) Establish collaborations with state universities,  
 48                  medical centers, patient advocacy groups, community  
 49                  organizations, and government agencies to enhance care and  
 50                  accelerate progress toward diabetes prevention and cures.  
 51                  (f) Engage in community-based outreach and education  
 52                  programs to increase awareness, reduce disparities in diabetes  
 53                  outcomes, and promote healthier lifestyles.  
 54                  (3) (a) The institute may establish and administer statewide  
 55                  pilot programs, including, but not limited to, population-based  
 56                  diabetes screening, prevention initiatives, and technology-  
 57                  driven management tools.  
 58                  (b) The institute shall maintain a secure data repository

Page 2 of 3

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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

02/05/2026

Meeting Date

Fiscal Policy

Committee

Name Ivonne Fernandez

Phone

954-850-7262

Address 215 S Monroe Street

Street

Email ivfernandez@aarp.org

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. [2020-2022JointRules.pdf](https://flsenate.gov/2020-2022JointRules.pdf) (flsenate.gov)

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

S-001 (08/10/2021)

2/5

Meeting Date

Fiscal Policy

Committee

Name

Monica Rodriguez

Address

201 N Monroe St

Street

Tallahassee

FL

City

State

32312

Zip

Speaking:  For  Against  Information

OR

Waive Speaking:  In Support  Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

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I am a registered lobbyist, representing:

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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

SB 816

Bill Number or Topic

Amendment Barcode (if applicable)

850 764 6287

Email

monica.ballardpartners.co

**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	<b>Favorable</b>
2. Atchley	Harkness	ACJ	<b>Favorable</b>
3. Vaughan	Siples	FP	<b>Favorable</b>

## **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*,<sup>1</sup> 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 convictions<sup>2</sup> 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.<sup>3</sup>

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:<sup>4</sup>

- 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.<sup>5</sup>

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<sup>1</sup> *McDonald v. State*, 957 So. 2d 605 (Fla. 2007).

<sup>2</sup> 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.

<sup>3</sup> Section 775.084, F.S.

<sup>4</sup> Section 775.084(4)(a), F.S.

<sup>5</sup> 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).<sup>6</sup>

### **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.<sup>7</sup>

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.<sup>8</sup>

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:

---

<sup>6</sup> Section 775.084(3)(a), F.S.

<sup>7</sup> Section 775.084(1)(b), F.S.

<sup>8</sup> *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.<sup>9</sup>

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.<sup>10</sup>

### **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;<sup>11</sup>

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.<sup>12</sup>

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;

---

<sup>9</sup> Section 775.084(4)(b), F.S.

<sup>10</sup> Section 775.084, F.S.

<sup>11</sup> Section 775.084(1)(c), F.S.

<sup>12</sup> *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.<sup>13</sup>

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.<sup>14</sup>

### **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.<sup>15</sup> 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;<sup>16</sup>
- Aggravated stalking,<sup>17</sup>
- Aggravated child abuse,<sup>18</sup>
- Aggravated abuse of an elderly person or disabled adult;<sup>19</sup>
- Lewd or lascivious battery, molestation, conduct, or exhibition;<sup>20</sup>
- Escape; or<sup>21</sup>
- 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:

---

<sup>13</sup> *Id.*

<sup>14</sup> Section 775.084(4)(c), F.S.

<sup>15</sup> Section 775.084(4)(d), F.S.

<sup>16</sup> 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.

<sup>17</sup> Section 784.048(3) and (4), F.S.

<sup>18</sup> Section 827.03(2)(a), F.S.

<sup>19</sup> Section 825.102(2), F.S.

<sup>20</sup> Section 800.04, F.S., or s. 847.0135(5), F.S.

<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup>

### **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.

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<sup>22</sup> Section 775.084(4)(d), F.S.

<sup>23</sup> 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.<sup>24</sup>

**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.

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

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<sup>24</sup> 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

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

18       Section 1. Paragraphs (a) through (d) of subsection (1),  
19 subsection (2), and paragraphs (a), (b), and (c) of subsection  
20 (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.—

25 (1) As used in this act:

26 (a) "Habitual felony offender" means a defendant for whom  
27 the court may impose an extended term of imprisonment, as  
28 provided in paragraph (4)(a), if it finds that:

29 1. The defendant has previously been convicted of any

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30 combination of two or more felonies in this state or other  
31 qualified offenses.

32           2. The felony for which the defendant is to be sentenced  
33 was committed:

34 a. While the defendant was serving a prison sentence or  
35 other sentence, or court-ordered or lawfully imposed supervision  
36 that is imposed as a result of a prior conviction for a felony  
37 or other qualified offense; or

38       b. Within 5 years of the date of the conviction of the  
39 defendant's last prior felony or other qualified offense, or  
40 within 5 years of the defendant's release from a prison  
41 sentence, probation, community control, control release,  
42 conditional release, parole or court-ordered or lawfully imposed  
43 supervision or other sentence that is imposed as a result of a  
44 prior conviction for a felony or other qualified offense,  
45 whichever is later.

46       3. The felony for which the defendant is to be sentenced,  
47 and one of the two prior felony convictions, is not a violation  
48 of s. 893.13 relating to the purchase or the possession of a  
49 controlled substance.

50       4. The defendant has not received a pardon for any felony  
51 or other qualified offense that is necessary for the operation  
52 of this paragraph.

53 5. A conviction of a felony or other qualified offense  
54 necessary to the operation of this paragraph has not been set  
55 aside in any postconviction proceeding.

56 (b) "Habitual violent felony offender" means a defendant  
57 for whom the court may impose an extended term of imprisonment,  
58 as provided in paragraph (4) (b), if it finds that:

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59       1. The defendant has previously been convicted of a felony  
 60 or an attempt or conspiracy to commit a felony and one or more  
 61 of such convictions was for:  
 62       a. Arson;  
 63       b. Sexual battery;  
 64       c. Robbery;  
 65       d. Kidnapping;  
 66       e. Aggravated child abuse;  
 67       f. Aggravated abuse of an elderly person or disabled adult;  
 68       g. Aggravated assault with a deadly weapon;  
 69       h. Murder;  
 70       i. Manslaughter;  
 71       j. Aggravated manslaughter of an elderly person or disabled  
 72 adult;  
 73       k. Aggravated manslaughter of a child;  
 74       l. Unlawful throwing, placing, or discharging of a  
 75 destructive device or bomb;  
 76       m. Armed burglary;  
 77       n. Aggravated battery; or  
 78       o. Aggravated stalking.  
 79       2. The felony for which the defendant is to be sentenced  
 80 was committed:  
 81       a. While the defendant was serving a prison sentence or  
 82 other sentence, or court-ordered or lawfully imposed supervision  
 83 that is imposed as a result of a prior conviction for an  
 84 enumerated felony; or  
 85       b. Within 5 years of the date of the conviction of the last  
 86 prior enumerated felony, or within 5 years of the defendant's  
 87 release from a prison sentence, probation, community control,

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88       control release, conditional release, parole, or court-ordered  
 89 or lawfully imposed supervision or other sentence that is  
 90 imposed as a result of a prior conviction for an enumerated  
 91 felony, whichever is later.  
 92       3. ~~The defendant has not received a pardon on the ground of  
 93 innocence for any crime that is necessary for the operation of  
 94 this paragraph.~~  
 95       4. ~~A conviction of a crime necessary to the operation of  
 96 this paragraph has not been set aside in any postconviction  
 97 proceeding.~~  
 98       (c) "Three-time violent felony offender" means a defendant  
 99 for whom the court must impose a mandatory minimum term of  
 100 imprisonment, as provided in paragraph (4)(c), if it finds that:  
 101       1. The defendant has previously been convicted as an adult  
 102 two or more times of a felony, or an attempt to commit a felony,  
 103 and two or more of such convictions were for committing, or  
 104 attempting to commit, any of the following offenses or  
 105 combination thereof:  
 106       a. Arson;  
 107       b. Sexual battery;  
 108       c. Robbery;  
 109       d. Kidnapping;  
 110       e. Aggravated child abuse;  
 111       f. Aggravated abuse of an elderly person or disabled adult;  
 112       g. Aggravated assault with a deadly weapon;  
 113       h. Murder;  
 114       i. Manslaughter;  
 115       j. Aggravated manslaughter of an elderly person or disabled  
 116 adult;

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- k. Aggravated manslaughter of a child;
- l. Unlawful throwing, placing, or discharging of a destructive device or bomb;
- m. Armed burglary;
- n. Aggravated battery;
- o. Aggravated stalking;
- p. Home invasion/robbery;
- q. Carjacking; or
- r. 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 any felony offense enumerated in sub-subparagraphs a.-q., or an attempt to commit any such felony offense.

2. The felony for which the defendant is to be sentenced is one of the felonies enumerated in sub-subparagraphs 1.a.-q. and was committed:

- a. While the defendant was serving a prison sentence or other sentence imposed as a result of a prior conviction for any offense enumerated in sub-subparagraphs 1.a.-r.; or
- b. Within 5 years after the date of the conviction of the last prior offense enumerated in sub-subparagraphs 1.a.-r., or within 5 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 enumerated in sub-subparagraphs 1.a.-r., 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~~

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~~this paragraph has not been set aside in any postconviction proceeding.~~

(d) "Violent career criminal" means a defendant for whom the court must impose imprisonment pursuant to paragraph (4)(d), if it finds that:

1. The defendant has previously been convicted as an adult three or more times for an offense in this state or other qualified offense that is:

a. Any forcible felony, as described in s. 776.08;

b. Aggravated stalking, as described in s. 784.048(3) and (4);

c. Aggravated child abuse, as described in s. 827.03(2)(a);

d. Aggravated abuse of an elderly person or disabled adult, as described in s. 825.102(2);

e. Lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition, as described in s. 800.04 or s. 847.0135(5);

f. Escape, as described in s. 944.40; or

g. A felony violation of chapter 790 involving the use or possession of a firearm.

2. The defendant has been incarcerated in a state prison or a federal prison.

3. The primary felony offense for which the defendant is to be sentenced is a felony enumerated in subparagraph 1. and was committed on or after October 1, 1995, and:

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

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175 b. Within 5 years after the conviction of the last prior  
 176 enumerated felony, or within 5 years after the defendant's  
 177 release from a prison sentence, probation, community control,  
 178 control release, conditional release, parole, or court-ordered  
 179 or lawfully imposed supervision or other sentence that is  
 180 imposed as a result of a prior conviction for an enumerated  
 181 felony, whichever is later.

182 ~~4. The defendant has not received a pardon for any felony  
 183 or other qualified offense that is necessary for the operation  
 184 of this paragraph.~~

185 ~~5. A conviction of a felony or other qualified offense  
 186 necessary to the operation of this paragraph has not been set  
 187 aside in any postconviction proceeding.~~

188 (2) For the purposes of this section, the placing of a  
 189 person on probation or community control without an adjudication  
 190 of guilt shall be treated as a prior conviction. A conviction  
 191 for which the defendant has been pardoned or which has been  
 192 reversed on appeal or set aside in a postconviction proceeding  
 193 is not a conviction for purposes of this section.

194 (3)(a) In a separate proceeding, the court shall determine  
 195 whether if the defendant is a habitual felony offender or a  
 196 habitual violent felony offender. The procedure shall be as  
 197 follows:

198 1. The court shall obtain and consider a presentence  
 199 investigation before prior to the imposition of a sentence as a  
 200 habitual felony offender or a habitual violent felony offender.

201 2. Written notice must shall be served on the defendant or  
 202 and the defendant's attorney before the commencement of trial or  
 203 entry of a plea of guilty or nolo contendere a sufficient time

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204 ~~prior to the entry of a plea or prior to the imposition of  
 205 sentence in order to allow the preparation of a submission on  
 206 behalf of the defendant.~~

207 3. Except as provided in subparagraph 1., all evidence  
 208 presented must shall be presented in open court with full rights  
 209 of confrontation, cross-examination, and representation by  
 210 counsel.

211 ~~4. Each of the findings required as the basis for such  
 212 sentence shall be found to exist by a preponderance of the  
 213 evidence and shall be appealable to the extent normally  
 214 applicable to similar findings.~~

215 5. For the purpose of identification of a habitual felony  
 216 offender or a habitual violent felony offender, the court shall  
 217 fingerprint the defendant pursuant to s. 921.241.

218 ~~5.6. For an offense committed on or after October 1, 1995,  
 219 if the state attorney pursues a habitual felony offender  
 220 sanction or a habitual violent felony offender sanction against  
 221 the defendant and the court, in a separate proceeding pursuant  
 222 to this paragraph, determines that the defendant meets the  
 223 criteria under subsection (1) for imposing such sanction, the  
 224 court must sentence the defendant as a habitual felony offender  
 225 or a habitual violent felony offender, subject to imprisonment  
 226 pursuant to this section unless the court finds that such  
 227 sentence is not necessary for the protection of the public. If  
 228 the court finds that it is not necessary for the protection of  
 229 the public to sentence the defendant as a habitual felony  
 230 offender or a habitual violent felony offender, the court must  
 231 shall provide written reasons; a written transcript of orally  
 232 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  
entry of a plea of guilty or nolo contendere a sufficient time  
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.

247 3. Except as provided in subparagraph 1., all evidence  
 248 presented must shall be presented in open court with full rights  
 249 of confrontation, cross-examination, and representation by  
 250 counsel.

251 4. Each of the findings required as the basis for such  
sentencee shall be found to exist by a preponderance of the  
evidence and shall be appealable to the extent normally  
applicable to similar findings.

252 5. For the purpose of identification of a three-time  
 253 violent felony offender, the court shall fingerprint the  
 254 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  
entry of a plea of guilty or nolo contendere a sufficient time  
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.

277 2. All evidence presented must shall be presented in open  
 278 court with full rights of confrontation, cross-examination, and  
 279 representation by counsel.

280 3. Each of the findings required as the basis for such  
sentencee shall be found to exist by a preponderance of the  
evidence and shall be appealable only as provided in paragraph  
(d).

281 4. For the purpose of identification, the court shall  
 282 fingerprint the defendant pursuant to s. 921.241.

283 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

The Florida Senate

## APPEARANCE RECORD

892

Meeting Date

Bill Number or Topic

Fiscal Policy

Committee

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:

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 \(flsenate.gov\)](https://flsenate.gov/2020-2022JointRules.pdf)

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	<b>Favorable</b>
2. Looke	Siples	FP	<b>Pre-meeting</b>

## **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.<sup>1</sup> ASCs are required to be licensed by the Agency for Health Care Administration (AHCA) and may choose to be Medicare certified and/or accredited.<sup>2</sup>

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<sup>1</sup> 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).

<sup>2</sup> *Id.*

### ***Licensure***

ASCs are licensed and regulated under ch. 395, F.S., by the AHCA under the same regulatory framework as hospitals.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

The licensure fee is \$1,679.82 and the survey/inspection fee is \$400.<sup>6</sup> Currently there are 542 licensed ASCs in Florida.<sup>7</sup>

### ***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.

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<sup>3</sup> Sections 395.001-395.1065, F.S., and part II, ch. 408, F.S.

<sup>4</sup> Fla. Admin. Code R. 59A-5.003(4) (2019)

<sup>5</sup> Fla. Admin. Code R. 59A-5.003(5) (2019)

<sup>6</sup> *Supra* n. 1.

<sup>7</sup> 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.<sup>8</sup>

### ***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, ACSs 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.<sup>9</sup>

### ***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

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<sup>8</sup> *Supra* n. 1.

<sup>9</sup> 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.<sup>10</sup>

### ***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.<sup>11</sup>

### ***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.<sup>12</sup>

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.<sup>13</sup> 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.

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<sup>10</sup> Fla. Admin. Code R. 59A-5.011 (2016)

<sup>11</sup> Fla. Admin. Code R. 59A-5.018 (2014)

<sup>12</sup> 42 C.F.R. s. 416.2

<sup>13</sup> 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.

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

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**By Senator Trumbull**

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requiring a licensed facility to provide a copy of its most recent inspection report to certain parties upon request; authorizing licensed facilities to charge for such copies; creating s. 396.208, F.S.; providing that specified provisions govern the design, construction, erection, alteration, modification, repair, and demolition of licensed facilities; requiring the agency to review facility plans and survey the construction of licensed facilities; requiring licensed facilities to submit plans and specifications to the agency for review; requiring the agency to make or cause to be made certain inspections or investigations as it deems necessary; authorizing the agency to adopt certain rules; requiring the agency to approve or disapprove facility plans and specifications within a specified timeframe; providing an extension under certain circumstances; deeming a facility plan or specification approved if the agency fails to act within the specified timeframe; requiring the agency to set forth in writing its reasons for any disapprovals; authorizing the agency to charge and collect specified fees and costs; creating s. 396.209, F.S.; 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; requiring agency enforcement; providing administrative penalties; creating s. 396.211, F.S.; prohibiting a licensed facility from 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.

346  
 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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407       3. That there is evidence of the onset and persistence of  
 408       uterine contractions or a rupture of the membranes.  
 409       (9) "Governmental unit" means the state or any county,  
 410       municipality, or other political subdivision, or any department,  
 411       division, board, or other agency of any of the foregoing.  
 412       (10) "Hospital" has the same meaning as in s. 395.002.  
 413       (11) "Licensed facility" means an ambulatory surgical  
 414       center licensed under this chapter.  
 415       (12) "Lifesafety" means the control and prevention of fire  
 416       and other life-threatening conditions on a premises for the  
 417       purpose of preserving human life.  
 418       (13) "Medical staff" means physicians licensed under  
 419       chapter 458 or chapter 459 with privileges in a licensed  
 420       facility, as well as other licensed health care practitioners  
 421       with clinical privileges as approved by a licensed facility's  
 422       governing board.  
 423       (14) "Person" means any individual, partnership,  
 424       corporation, association, or governmental unit.  
 425       (15) "Premises" means those buildings, beds, and equipment  
 426       located at the address of the licensed facility, and all other  
 427       buildings, beds, and equipment for the provision of ambulatory  
 428       surgical care located in such reasonable proximity to the  
 429       address of the licensed facility as to appear to the public to  
 430       be under the dominion and control of the licensee.  
 431       (16) "Validation inspection" means an inspection of the  
 432       premises of a licensed facility by the agency to assess whether  
 433       a review by an accrediting organization has adequately evaluated  
 434       the licensed facility according to minimum state standards.  
 435       Section 4. Section 396.203, Florida Statutes, is created to

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436       read:  
 437       396.203 Licensure; denial, suspension, and revocation.—  
 438       (1) (a) The requirements of part II of chapter 408 apply to  
 439       the provision of services that require licensure pursuant to ss.  
 440       396.201-396.225 and part II of chapter 408 and to entities  
 441       licensed by or applying for such licensure from the Agency for  
 442       Health Care Administration pursuant to ss. 396.201-396.225. A  
 443       license issued by the agency is required in order to operate an  
 444       ambulatory surgical center in this state.  
 445       (b)1. It is unlawful for a person to use or advertise to  
 446       the public, in any way or by any medium whatsoever, any facility  
 447       as an "ambulatory surgical center" unless such facility has  
 448       first secured a license under this chapter.  
 449       2. This chapter does not apply to commercial business  
 450       establishments using the word "ambulatory surgical center" as a  
 451       part of a trade name if no treatment of human beings is  
 452       performed on the premises of such establishments.  
 453       (2) In addition to the requirements of s. 408.807, after a  
 454       change of ownership has been approved by the agency, the  
 455       transferee is liable for any liability due to the state,  
 456       regardless of when identified, resulting from changes to  
 457       allowable costs affecting provider reimbursement for Medicaid  
 458       participation and related administrative fines.  
 459       (3) An ambulatory surgical center must comply with ss.  
 460       627.64194 and 641.513 as a condition of licensure.  
 461       (4) In addition to the requirements of part II of chapter  
 462       408, whenever the agency finds that there has been a substantial  
 463       failure to comply with the requirements established under this  
 464       chapter or in rules, the agency is authorized to deny, modify,

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465 ~~suspend, or revoke a license.~~

466 Section 5. Section 396.204, Florida Statutes, is created to  
467 read:  
468 396.204 Application for license; fees.—In accordance with  
469 s. 408.805, an applicant or a licensee shall pay a fee for each  
470 license application submitted under this chapter, part II of  
471 chapter 408, and applicable rules. The amount of the fee is  
472 established by rule. The license fee required of a facility  
473 licensed under this chapter is established by rule, except that  
474 the minimum license fee is \$1,500.

475 Section 6. Section 396.205, Florida Statutes, is created to  
476 read:  
477 396.205 Minimum standards for clinical laboratory test  
478 results and diagnostic X-ray results; prerequisite for issuance  
479 or renewal of license.—

480 (1) As a requirement for issuance or renewal of its  
481 license, each licensed facility shall require that all clinical  
482 laboratory tests performed by or for the licensed facility be  
483 performed by a clinical laboratory appropriately certified by  
484 the Centers for Medicare and Medicaid Services under the federal  
485 Clinical Laboratory Improvement Amendments and the federal rules  
486 adopted thereunder.

487 (2) Each licensed facility, as a requirement for issuance  
488 or renewal of its license, shall establish minimum standards for  
489 acceptance of results of diagnostic X rays performed by or for  
490 the licensed facility. Such standards must require licensure or  
491 registration of the source of ionizing radiation under chapter  
492 404.

493 (3) The results of clinical laboratory tests and diagnostic

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494 X rays performed before admission which meet the minimum  
495 standards required by law must be accepted in lieu of routine  
496 examinations required upon admission and in lieu of clinical  
497 laboratory tests and diagnostic X rays which may be ordered by a  
498 physician for patients of the licensed facility.

499 Section 7. Section 396.206, Florida Statutes, is created to  
500 read:  
501 396.206 Licensure inspection.—

502 (1) In addition to the requirement of s. 408.811, the  
503 agency shall make or cause to be made such inspections and  
504 investigations as it deems necessary, including, but not limited  
505 to:  
506 (a) Inspections directed by the Centers for Medicare and  
507 Medicaid Services.  
508 (b) Validation inspections.  
509 (c) Lifesafety inspections.  
510 (d) Licensure complaint investigations, including full  
511 licensure investigations with a review of all licensure  
512 standards as outlined in the administrative rules. Complaints  
513 received by the agency from individuals, organizations, or other  
514 sources are subject to review and investigation by the agency.  
515 (2) The agency shall accept, in lieu of its own periodic  
516 inspections for licensure, the survey or inspection of an  
517 accrediting organization, provided that the accreditation of the  
518 licensed facility is not provisional and provided that the  
519 licensed facility authorizes release of, and the agency receives  
520 the report of, the accrediting organization. The agency shall  
521 develop and adopt by rule criteria for accepting survey reports  
522 of accrediting organizations in lieu of conducting a state

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523 licensure inspection.

524 (3) In accordance with s. 408.805, an applicant or a  
 525 licensee must pay a fee for each license application submitted  
 526 under this chapter, part II of chapter 408, and applicable  
 527 rules. Each facility licensed under this chapter must pay to the  
 528 agency, at the time of inspection, the following fees:

529 (a) Inspection for licensure.—A fee of at least \$400 per  
 530 facility.

531 (b) Inspection for lifesafety only.—A fee of at least \$40  
 532 per facility.

533 (4) The agency shall coordinate all periodic inspections  
 534 for licensure made by the agency to ensure that the cost to the  
 535 facility of such inspections and the disruption of services by  
 536 such inspections are minimized.

537 Section 8. Section 396.207, Florida Statutes, is created to  
 538 read:

539 396.207 Inspection reports.—

540 (1) Each licensed facility shall maintain as public  
 541 information, available upon request, records of all inspection  
 542 reports pertaining to that facility. Copies of such reports must  
 543 be retained in its records for at least 5 years after the date  
 544 the reports are filed and issued.

545 (2) Any record, report, or document that is confidential  
 546 and exempt from s. 119.07(1) may not be distributed or made  
 547 available for purposes of compliance with this section unless or  
 548 until such confidential status expires.

549 (3) A licensed facility shall, upon the request of any  
 550 person who has completed a written application with intent to be  
 551 admitted to such facility, any person who is a patient of such

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552 facility, or any relative, spouse, guardian, or surrogate of any  
 553 such person, furnish to the requestor a copy of the last  
 554 inspection report filed with or issued by the agency pertaining  
 555 to the licensed facility, as provided in subsection (1),  
 556 provided that the person requesting such report agrees to pay a  
 557 reasonable charge to cover copying costs, not to exceed \$1 per  
 558 page.

559 Section 9. Section 396.208, Florida Statutes, is created to  
 560 read:

561 396.208 Construction inspections; plan submission and  
 562 approval; fees.—

563 (1) (a) The design, construction, erection, alteration,  
 564 modification, repair, and demolition of all licensed health care  
 565 facilities are governed by the Florida Building Code and the  
 566 Florida Fire Prevention Code under ss. 553.73 and 633.202.

567 (b) In addition to the requirements of ss. 553.79 and  
 568 553.80, the agency shall review facility plans and survey the  
 569 construction of any facility licensed under this chapter. All  
 570 licensed facilities shall submit plans and specifications to the  
 571 agency for review under this section. The agency shall make, or  
 572 cause to be made, such construction inspections and  
 573 investigations as it deems necessary. The agency may prescribe  
 574 by rule that any licensee or applicant desiring to make  
 575 specified types of alterations or additions to its facilities or  
 576 to construct new facilities shall, before commencing such  
 577 alteration, addition, or new construction, submit plans and  
 578 specifications therefor to the agency for preliminary inspection  
 579 and approval or recommendation with respect to compliance with  
 580 applicable provisions of the Florida Building Code or agency

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581      ~~rules and standards.~~

582      (c) The agency shall approve or disapprove the plans and  
583      specifications within 60 days after receipt of the fee for  
584      review of plans as required in subsection (2). The agency may be  
585      granted one 15-day extension for the review period if the  
586      director of the agency approves the extension. If the agency  
587      fails to act within the specified timeframe, it is deemed to  
588      have approved the plans and specifications. When the agency  
589      disapproves plans and specifications, it must set forth in  
590      writing the reasons for its disapproval. Conferences and  
591      consultations may be provided as necessary.

592      (2) The agency may charge an initial fee of \$2,000 for  
593      review of plans and construction on all projects, which is  
594      nonrefundable. The agency may also collect a fee, not to exceed  
595      1 percent of the estimated construction cost or the actual cost  
596      of review, whichever is less, for the portion of the review  
597      which encompasses initial review through the initial revised  
598      construction document review. The agency is further authorized  
599      to collect its actual costs on all subsequent portions of the  
600      review and construction inspections. The initial fee payment  
601      must accompany the initial submission of plans and  
602      specifications. Any subsequent payment that is due is payable  
603      upon receipt of the invoice from the agency.

604      Section 10. Section 396.209, Florida Statutes, is created  
605      to read:

606      396.209 Rebates prohibited; penalties.—

607      (1) It is unlawful for any person to pay or receive any  
608      commission, bonus, kickback, or rebate or engage in any split-  
609      fee arrangement, in any form whatsoever, with any physician,

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610      surgeon, organization, or person, either directly or indirectly,  
611      for patients referred to a licensed facility.

612      (2) The agency shall enforce subsection (1). In the case of  
613      an entity not licensed by the agency, administrative penalties  
614      may include:

615      (a) A fine not to exceed \$1,000.  
616      (b) If applicable, a recommendation by the agency to the  
617      appropriate regulatory board that disciplinary action be taken.

618      Section 11. Section 396.211, Florida Statutes, is created  
619      to read:

620      396.211 Staff membership and clinical privileges.—  
621      (1) A licensed facility, in considering and acting upon an  
622      application for staff membership or clinical privileges, may not  
623      deny the application of a qualified doctor of medicine licensed  
624      under chapter 458, a doctor of osteopathic medicine licensed  
625      under chapter 459, a doctor of dentistry licensed under chapter  
626      466, or a doctor of podiatric medicine licensed under chapter  
627      461 for such staff membership or clinical privileges within the  
628      scope of his or her respective licensure solely because the  
629      applicant is licensed under any of such chapters.

630      (2) (a) Each licensed facility shall establish rules and  
631      procedures for consideration of an application for clinical  
632      privileges submitted by a physician assistant licensed pursuant  
633      to s. 458.347 or s. 459.022. Clinical privileges granted to a  
634      physician assistant pursuant to this subsection automatically  
635      terminate upon termination of staff membership of the physician  
636      assistant's supervising physician.

637      (b) An advanced practice registered nurse who is certified  
638      as a registered nurse anesthetist licensed under part I of

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639 chapter 464 may administer anesthesia under the onsite medical  
 640 direction of a professional licensed under chapter 458, chapter  
 641 459, or chapter 466, and in accordance with an established  
 642 protocol approved by the medical staff. The medical direction  
 643 must specifically address the needs of the individual patient.

644 (c) A circulating nurse must be present in the operating  
 645 room for the duration of a surgical procedure.

646 (3) When a licensed facility requires, as a precondition to  
 647 obtaining staff membership or clinical privileges, the  
 648 completion of, eligibility in, or graduation from any program or  
 649 society established by or relating to the American Medical  
 650 Association or the Liaison Committee on Medical Education, the  
 651 licensed facility must also make available such membership or  
 652 privileges to physicians who have attained completion of,  
 653 eligibility in, or graduation from any equivalent program  
 654 established by or relating to the American Osteopathic  
 655 Association.

656 (4) This section does not restrict in any way the authority  
 657 of the medical staff of a licensed facility to review for  
 658 approval or disapproval all applications for appointment and  
 659 reappointment to all categories of staff and to make  
 660 recommendations on each applicant to the governing board of the  
 661 facility, including the delineation of privileges to be granted  
 662 in each case. In making such recommendations and in the  
 663 delineation of privileges, each applicant must be considered  
 664 individually pursuant to criteria for a doctor licensed under  
 665 chapter 458, chapter 459, chapter 461, or chapter 466; or for an  
 666 advanced practice registered nurse licensed under part I of  
 667 chapter 464, as applicable. The applicant's eligibility for

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668 staff membership or clinical privileges must be determined by  
 669 the applicant's background, experience, health, training, and  
 670 demonstrated competency; the applicant's adherence to applicable  
 671 professional ethics; the applicant's reputation; and the  
 672 applicant's ability to work with others, and by such other  
 673 elements as determined by the governing board consistent with  
 674 this chapter.

675 (5) The governing board of each licensed facility shall set  
 676 standards and procedures to be applied by the licensed facility  
 677 and its medical staff in considering and acting upon  
 678 applications for staff membership or clinical privileges. Such  
 679 standards and procedures must be made available for public  
 680 inspection.

681 (6) Upon the written request of the applicant, any licensed  
 682 facility that has denied staff membership or clinical privileges  
 683 to an applicant specified in subsection (1) or subsection (2)  
 684 must, within 30 days after such request, provide the applicant  
 685 with the reasons for such denial in writing. A denial of staff  
 686 membership or clinical privileges to any applicant must be  
 687 submitted, in writing, to the applicant's respective regulatory  
 688 board.

689 (7) There is no monetary liability on the part of, and no  
 690 cause of action for injunctive relief or damages may arise  
 691 against, any licensed facility, its governing board or governing  
 692 board members, medical staff, or disciplinary board or against  
 693 its agents, investigators, witnesses, or employees, or against  
 694 any other person, for any action arising out of or related to  
 695 carrying out this section, absent intentional fraud.

696 (8) The investigations, proceedings, and records of the

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697 board, or its agent with whom there is a specific written  
 698 contract for the purposes of this section, as described in this  
 699 section are not subject to discovery or introduction into  
 700 evidence in any civil action against a provider of professional  
 701 health services arising out of matters that are the subject of  
 702 evaluation and review by such board, and any person who was in  
 703 attendance at a meeting of such board or its agent is not  
 704 permitted or required to testify in any such civil action as to  
 705 any evidence or other matters produced or presented during the  
 706 proceedings of such board or its agent or as to any findings,  
 707 recommendations, evaluations, opinions, or other actions of such  
 708 board or its agent or any members thereof. However, information,  
 709 documents, or records otherwise available from original sources  
 710 are not to be construed as immune from discovery or use in any  
 711 such civil action merely because they were presented during  
 712 proceedings of such board; nor may any person who testifies  
 713 before such board or who is a member of such board be prevented  
 714 from testifying as to matters within his or her knowledge, but  
 715 such witness cannot be asked about his or her testimony before  
 716 such a board or opinions formed by him or her as a result of  
 717 such board hearings.

718 (9) (a) If the defendant prevails in an action brought by an  
 719 applicant against any person or entity that initiated,  
 720 participated in, was a witness in, or conducted any review as  
 721 authorized by this section, the court must award reasonable  
 722 attorney fees and costs to the defendant.

723 (b) As a condition of an applicant bringing any action  
 724 against any person or entity that initiated, participated in,  
 725 was a witness in, or conducted any review as authorized by this

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726 section and before any responsive pleading is due, the applicant  
 727 must post a bond or other security, as set by the court having  
 728 jurisdiction in the action, in an amount sufficient to pay the  
 729 costs and attorney fees.

730 Section 12. Section 396.212, Florida Statutes, is created  
 731 to read:

732 396.212 Licensed facilities; peer review; disciplinary  
 733 powers; agency or partnership with physicians.-

734 (1) It is the intent of the Legislature that good faith  
 735 participants in the process of investigating and disciplining  
 736 physicians pursuant to the state-mandated peer review process  
 737 shall, in addition to receiving immunity from retaliatory tort  
 738 suits pursuant to s. 456.073(12), be protected from federal  
 739 antitrust suits filed under the Sherman Antitrust Act, 15 U.S.C.  
 740 ss. 1 et seq. Such intent is within the public policy of the  
 741 state to secure the provision of quality medical services to the  
 742 public.

743 (2) Each licensed facility, as a condition of licensure,  
 744 shall provide for peer review of physicians who deliver health  
 745 care services at the facility. Each licensed facility shall  
 746 develop written, binding procedures by which such peer review  
 747 must be conducted. Such procedures must include all of the  
 748 following:

749 (a) A mechanism for choosing the membership of the body or  
 750 bodies that conduct peer review.  
 751 (b) Adoption of rules of order for the peer review process.  
 752 (c) Fair review of the case with the physician involved.  
 753 (d) A mechanism to identify and avoid conflicts of interest  
 754 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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813 ~~review panel, medical staff, or disciplinary body, or its  
814 agents, investigators, witnesses, or employees; a committee of a  
815 licensed facility; or any other person for any action taken  
816 without intentional fraud in carrying out this section.~~

817 ~~(6) For a single incident or series of isolated incidents  
818 that are nonwillful violations of the reporting requirements of  
819 this section or part II of chapter 408, the agency shall first  
820 seek to obtain corrective action by the licensed facility. If  
821 correction is not demonstrated within the timeframe established  
822 by the agency or if there is a pattern of nonwillful violations  
823 of this section or part II of chapter 408, the agency may impose  
824 an administrative fine, not to exceed \$5,000 for any violation  
825 of the reporting requirements of this section or part II of  
826 chapter 408. The administrative fine for repeated nonwillful  
827 violations may not exceed \$10,000 for any violation. The  
828 administrative fine for each intentional and willful violation  
829 may not exceed \$25,000 per violation, per day. The fine for an  
830 intentional and willful violation of this section or part II of  
831 chapter 408 may not exceed \$250,000. In determining the amount  
832 of fine to be levied, the agency shall be guided by s.  
833 396.219(2)(b).~~

834 ~~(7) The proceedings and records of peer review panels,  
835 committees, and governing boards or agents thereof which relate  
836 solely to actions taken in carrying out this section are not  
837 subject to inspection under s. 119.07(1); and meetings held  
838 pursuant to achieving the objectives of such panels, committees,  
839 and governing boards or agents thereof are not open to the  
840 public under chapter 286.~~

841 ~~(8) The investigations, proceedings, and records of the~~

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842 ~~peer review panel, a committee of an ambulatory surgical center,  
843 a disciplinary board, or a governing board, or agents thereof  
844 with whom there is a specific written contract for that purpose,  
845 as described in this section, are not subject to discovery or  
846 introduction into evidence in any civil or administrative action  
847 against a provider of professional health services arising out  
848 of the matters that are the subject of evaluation and review by  
849 such group or its agent, and a person who was in attendance at a  
850 meeting of such group or its agent is not permitted and may not  
851 be required to testify in any such civil or administrative  
852 action as to any evidence or other matters produced or presented  
853 during the proceedings of such group or its agent or as to any  
854 findings, recommendations, evaluations, opinions, or other  
855 actions of such group or its agent or any members thereof.~~

856 ~~However, information, documents, or records otherwise available  
857 from original sources are not to be construed as immune from  
858 discovery or use in any such civil or administrative action  
859 merely because such information, documents, or records were  
860 presented during proceedings of such group, and any person who  
861 testifies before such group or who is a member of such group may  
862 not be prevented from testifying as to matters within his or her  
863 knowledge, but such witness may not be asked about his or her  
864 testimony before such a group or opinions formed by him or her  
865 as a result of such group hearings.~~

866 ~~(9) (a) If the defendant prevails in an action brought by a  
867 staff member or physician who delivers health care services at  
868 the licensed facility against any person or entity that  
869 initiated, participated in, was a witness in, or conducted any  
870 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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987 subject to civil suit by virtue of such incident report. As a  
 988 part of each internal risk management program, the incident  
 989 reports must be used to develop categories of incidents which  
 990 identify problem areas. Once identified, procedures must be  
 991 adjusted to correct the problem areas.

992 (5) For purposes of reporting to the agency pursuant to  
 993 this section, the term "adverse incident" means an event over  
 994 which health care personnel could exercise control and which is  
 995 associated in whole or in part with medical intervention, rather  
 996 than the condition for which such intervention occurred, and  
 997 which:

998 (a) Results in one of the following outcomes:  
 999 1. Death;  
 1000 2. Brain or spinal damage;  
 1001 3. Permanent disfigurement;  
 1002 4. Fracture or dislocation of bones or joints;  
 1003 5. A resulting limitation of neurological, physical, or  
 1004 sensory function which continues after discharge from the  
 1005 licensed facility; or  
 1006 6. Any condition that required specialized medical  
 1007 attention or surgical intervention resulting from nonemergency  
 1008 medical intervention, other than an emergency medical condition,  
 1009 to which the patient has not given his or her informed consent;

1010 (b) Was the performance of a surgical procedure on the  
 1011 wrong patient, a wrong surgical procedure, a wrong-site surgical  
 1012 procedure, or a surgical procedure otherwise unrelated to the  
 1013 patient's diagnosis or medical condition;

1014 (c) Required the surgical repair of damage resulting to a  
 1015 patient from a planned surgical procedure, where the damage was

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1016 not a recognized specific risk, as disclosed to the patient and  
 1017 documented through the informed-consent process; or  
 1018 (d) Was a procedure to remove unplanned foreign objects  
 1019 remaining from a surgical procedure.

1020 (6) (a) Each licensed facility subject to this section shall  
 1021 submit an annual report to the agency summarizing the adverse  
 1022 incident reports that have been filed in the facility for that  
 1023 year. The report must include:  
 1024 1. The total number of adverse incidents.  
 1025 2. A listing, by category, of the types of operations,  
 1026 diagnostic or treatment procedures, or other actions causing the  
 1027 injuries, and the number of incidents occurring within each  
 1028 category.  
 1029 3. A listing, by category, of the types of injuries caused  
 1030 and the number of incidents occurring within each category.  
 1031 4. A code number using the health care professional's  
 1032 licensure number and a separate code number identifying all  
 1033 other individuals directly involved in adverse incidents to  
 1034 patients, the relationship of the individual to the licensed  
 1035 facility, and the number of incidents in which each individual  
 1036 has been directly involved. Each licensed facility shall  
 1037 maintain names of the health care professionals and individuals  
 1038 identified by code numbers for purposes of this section.  
 1039 5. A description of all malpractice claims filed against  
 1040 the licensed facility, including the total number of pending and  
 1041 closed claims and the nature of the incident which led to, the  
 1042 persons involved in, and the status and disposition of each  
 1043 claim. Each report must update status and disposition for all  
 1044 prior claims pending.

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1045 (b) The information reported to the agency pursuant to  
 1046 paragraph (a) which relates to persons licensed under chapter  
 1047 458, chapter 459, chapter 461, or chapter 466 must be reviewed  
 1048 by the agency. The agency shall determine whether any of the  
 1049 incidents potentially involved conduct by a health care  
 1050 professional who is subject to disciplinary action, in which  
 1051 case s. 456.073 applies.

1052 (c) The report submitted to the agency must also contain  
 1053 the name of the risk manager of the licensed facility, a copy of  
 1054 the policies and procedures governing the measures taken by the  
 1055 licensed facility and its risk manager to reduce the risk of  
 1056 injuries and adverse incidents, and the results of such  
 1057 measures. The annual report is confidential and is not available  
 1058 to the public pursuant to s. 119.07(1) or any other law  
 1059 providing access to public records. The annual report is not  
 1060 discoverable or admissible in any civil or administrative  
 1061 action, except in disciplinary proceedings by the agency or the  
 1062 appropriate regulatory board. The annual report is not available  
 1063 to the public as part of the record of investigation for and  
 1064 prosecution in disciplinary proceedings made available to the  
 1065 public by the agency or the appropriate regulatory board.  
 1066 However, the agency or the appropriate regulatory board shall  
 1067 make available, upon written request by a health care  
 1068 professional against whom probable cause has been found, any  
 1069 such records which form the basis of the determination of  
 1070 probable cause.

1071 (7) Any of the following adverse incidents, whether  
 1072 occurring in the licensed facility or arising from health care  
 1073 services administered before the patient's admission to the

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 1075 licensed facility, must be reported by the licensed facility to  
 1076 the agency within 15 calendar days after its occurrence:

1077 (a) The death of a patient;  
 1078 (b) Brain or spinal damage to a patient;  
 1079 (c) The performance of a surgical procedure on the wrong  
 1080 patient;  
 1081 (d) The performance of a wrong-site surgical procedure;  
 1082 (e) The performance of a wrong surgical procedure;  
 1083 (f) The performance of a surgical procedure that is  
 1084 medically unnecessary or otherwise unrelated to the patient's  
 1085 diagnosis or medical condition;  
 1086 (g) The surgical repair of damage resulting to a patient  
 1087 from a planned surgical procedure, where the damage is not a  
 1088 recognized specific risk, as disclosed to the patient and  
 1089 documented through the informed-consent process; or  
 1090 (h) The performance of procedures to remove unplanned  
 1091 foreign objects remaining from a surgical procedure.

1092 The agency may grant extensions to this reporting requirement  
 1093 for no more than 15 days upon justification submitted in writing  
 1094 to the agency by the licensed facility administrator. The agency  
 1095 may require an additional, final report. These reports are not  
 1096 available to the public pursuant to s. 119.07(1) or any other  
 1097 law providing access to public records, nor discoverable or  
 1098 admissible in any civil or administrative action, except in  
 1099 disciplinary proceedings by the agency or the appropriate  
 1100 regulatory board, nor available to the public as part of the  
 1101 record of investigation for and prosecution in disciplinary  
 1102 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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 1161 construed to be a normal caregiving action.

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1162 (11) A person who, with malice or with intent to discredit  
 1163 or harm a licensed facility or any person, makes a false  
 1164 allegation of sexual misconduct against a member of a licensed  
 1165 facility's staff commits a misdemeanor of the second degree,  
 1166 punishable as provided in s. 775.082 or s. 775.083.

1167 (12) In addition to any penalty imposed pursuant to this  
 1168 section or part II of chapter 408, the agency shall require a  
 1169 written plan of correction from the licensed facility. For a  
 1170 single incident or series of isolated incidents that are  
 1171 nonwillful violations of the reporting requirements of this  
 1172 section or part II of chapter 408, the agency shall first seek  
 1173 to obtain corrective action by the licensed facility. If the  
 1174 correction is not demonstrated within the timeframe established  
 1175 by the agency or if there is a pattern of nonwillful violations  
 1176 of this section or part II of chapter 408, the agency may impose  
 1177 an administrative fine, not to exceed \$5,000 for any violation  
 1178 of the reporting requirements of this section or part II of  
 1179 chapter 408. The administrative fine for repeated nonwillful  
 1180 violations may not exceed \$10,000 for any violation. The  
 1181 administrative fine for each intentional and willful violation  
 1182 may not exceed \$25,000 per violation, per day. The fine for an  
 1183 intentional and willful violation of this section or part II of  
 1184 chapter 408 may not exceed \$250,000. In determining the amount  
 1185 of fine to be levied, the agency shall be guided by s.  
 1186 396.219(2)(b).

1187 (13) The agency shall be given access to all licensed  
 1188 facility records necessary to carry out this section. The  
 1189 records obtained by the agency under subsection (6), subsection

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 1190 (7), or subsection (9) are not available to the public under s.

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1191 119.07(1), nor discoverable or admissible in any civil or  
 1192 administrative action, except in disciplinary proceedings by the  
 1193 agency or the appropriate regulatory board, nor are records  
 1194 obtained pursuant to s. 456.071 available to the public as part  
 1195 of the record of investigation for and prosecution in  
 1196 disciplinary proceedings made available to the public by the  
 1197 agency or the appropriate regulatory board. However, the agency  
 1198 or the appropriate regulatory board shall make available, upon  
 1199 written request by a health care practitioner against whom  
 1200 probable cause has been found, any such records that form the  
 1201 basis of the determination of probable cause, except that, with  
 1202 respect to medical review committee records, s. 766.101  
 1203 controls.

1204 (14) The meetings of the committees and governing board of  
 1205 a licensed facility held solely for the purpose of achieving the  
 1206 objectives of risk management as provided by this section may  
 1207 not be open to the public under chapter 286. The records of such  
 1208 meetings are confidential and exempt from s. 119.07(1), except  
 1209 as provided in subsection (13).

1210 (15) The agency shall review, as part of its licensure  
 1211 review process, the internal risk management program at each  
 1212 licensed facility regulated by this section to determine whether  
 1213 the program meets standards established in statutes and rules,  
 1214 whether the program is being conducted in a manner designed to  
 1215 reduce adverse incidents, and whether the program is  
 1216 appropriately reporting incidents under this section.

1217 (16) There is no monetary liability on the part of, and no  
 1218 cause of action for damages may arise against, any risk manager

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1219 for the implementation and oversight of the internal risk  
 1220 management program in a facility licensed under this chapter as  
 1221 required by this section, for any act or proceeding undertaken  
 1222 or performed within the scope of the functions of such internal  
 1223 risk management program, if the risk manager acts without  
 1224 intentional fraud.

1225 (17) A privilege against civil liability is granted to any  
 1226 risk manager or licensed facility with regard to information  
 1227 furnished pursuant to this chapter, unless the risk manager or  
 1228 facility acted in bad faith or with malice in providing such  
 1229 information.

1230 (18) If the agency, through its receipt of any report  
 1231 required under this section or through any investigation, has a  
 1232 reasonable belief that conduct by a staff member or employee of  
 1233 a licensed facility is grounds for disciplinary action by the  
 1234 appropriate regulatory board, the agency must report this fact  
 1235 to such regulatory board.

1236 (19) It is unlawful for any person to coerce, intimidate,  
 1237 or preclude a risk manager from lawfully executing his or her  
 1238 reporting obligations pursuant to this chapter. Such unlawful  
 1239 action is subject to civil monetary penalties not to exceed  
 1240 \$10,000 per violation.

1241 Section 14. Section 396.214, Florida Statutes, is created  
 1242 to read:

1243 396.214 Identification, segregation, and separation of  
 1244 biomedical waste.—Each licensed facility shall comply with the  
 1245 requirements in s. 381.0098 relating to biomedical waste. Any  
 1246 transporter or potential transporter of such waste must be  
 1247 notified of the existence and locations of such waste.

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1248 Section 15. Section 396.215, Florida Statutes, is created  
 1249 to read:

1250 396.215 Patient safety.—  
 1251 (1) Each licensed facility shall adopt a patient safety  
 1252 plan. A plan adopted to implement the requirements of 42 C.F.R.  
 1253 s. 416.43 is deemed to comply with this requirement.

1254 (2) Each licensed facility shall appoint a patient safety  
 1255 officer and a patient safety committee, which must include at  
 1256 least one person who is neither employed by nor practicing at  
 1257 the facility, for the purpose of promoting the health and safety  
 1258 of patients, reviewing and evaluating the quality of patient  
 1259 safety measures used by the facility, and assisting in the  
 1260 implementation of the facility patient safety plan.

1261 (3) Each licensed facility shall, at least biennially,  
 1262 conduct a patient safety culture survey using the applicable  
 1263 Survey on Patient Safety Culture developed by the federal Agency  
 1264 for Healthcare Research and Quality. Each licensed facility  
 1265 shall conduct the survey anonymously to encourage completion of  
 1266 the survey by staff working in or employed by the facility. Each  
 1267 licensed facility may contract to administer the survey. Each  
 1268 licensed facility shall biennially submit the survey data to the  
 1269 agency in a format specified by rule, which must include the  
 1270 survey participation rate. Each licensed facility may develop an  
 1271 internal action plan between conducting surveys to identify  
 1272 measures to improve the survey and submit the plan to the  
 1273 agency.

1274 (4) Each licensed facility shall:  
 1275 (a) Develop and implement policies and procedures for the  
 1276 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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1335 postdisaster transportation; supplies; staffing; emergency  
 1336 equipment; individual identification of residents and transfer  
 1337 of records; and responding to family inquiries. The  
 1338 comprehensive emergency management plan is subject to review and  
 1339 approval by the local emergency management agency. During its  
 1340 review, the local emergency management agency shall ensure that  
 1341 the following agencies, at a minimum, are given the opportunity  
 1342 to review the plan: the Agency for Health Care Administration,  
 1343 the Department of Elderly Affairs, the Department of Health, and  
 1344 the Division of Emergency Management. Also, appropriate  
 1345 volunteer organizations must be given the opportunity to review  
 1346 the plan. The local emergency management agency shall complete  
 1347 its review within 60 days and either approve the plan or advise  
 1348 the licensed facility of necessary revisions.

1349 (d) Licensed facilities are established, organized, and  
 1350 operated consistently with established standards and rules.

1351 (e) Licensed facility beds conform to minimum space,  
 1352 equipment, and furnishings standards as specified by the agency.

1353 (f) Each licensed facility has a quality improvement  
 1354 program designed to enhance quality of care and to emphasize  
 1355 quality patient outcomes, corrective action for problems,  
 1356 governing board review, and reporting to the agency of  
 1357 standardized data elements necessary to analyze quality of care  
 1358 outcomes. The agency shall use existing data, when available,  
 1359 and may not duplicate the efforts of other state agencies in  
 1360 order to obtain such data.

1361 (g) Licensed facilities make available on their websites,  
 1362 and in a hard copy format upon request, a description of and a  
 1363 link to the patient charge and performance outcome data

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1364 collected from licensed facilities pursuant to s. 408.061.  
 1365 (2) The agency shall adopt rules that establish minimum  
 1366 standards for pediatric patient care in ambulatory surgical  
 1367 centers to ensure the safe and effective delivery of surgical  
 1368 care to children. Such standards must include quality of care,  
 1369 nurse staffing, physician staffing, and equipment standards.  
 1370 Ambulatory surgical centers may not provide operative procedures  
 1371 to children under 18 years of age which require a length of stay  
 1372 past midnight unless such standards are established by rule.

1373 (3) Any rule adopted under this chapter by the agency may  
 1374 not deny a license to a facility required to be licensed under  
 1375 this chapter solely by reason of the school or system of  
 1376 practice employed or permitted to be employed by physicians  
 1377 therein, provided that such school or system of practice is  
 1378 recognized by the laws of this state. However, this subsection  
 1379 does not limit the powers of the agency to provide and require  
 1380 minimum standards for the maintenance and operation of, and for  
 1381 the treatment of patients in, those licensed facilities that  
 1382 receive federal aid, in order to meet minimum standards related  
 1383 to such matters in such licensed facilities which may now or  
 1384 hereafter be required by appropriate federal officers or  
 1385 agencies pursuant to federal law or rules adopted pursuant  
 1386 thereto.

1387 (4) Any licensed facility that is in operation at the time  
 1388 of adoption of any applicable rule under this chapter must be  
 1389 given a reasonable time, under the particular circumstances, but  
 1390 not to exceed 1 year after the date of such adoption, within  
 1391 which to comply with such rule.

1392 (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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1451 ~~duties upon it.~~

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1452 (2) Enforce the special-occupancy provisions of the Florida  
1453 Building Code which apply to ambulatory surgical centers in  
1454 conducting any inspection authorized by this chapter and part II  
1455 of chapter 408.

1456 Section 21. Section 396.222, Florida Statutes, is created  
1457 to read:

1458 396.222 Price transparency; itemized patient statement or  
1459 bill; patient admission status notification.—

1460 (1) A facility licensed under this chapter shall provide  
1461 timely and accurate financial information and quality of service  
1462 measures to patients and prospective patients of the facility,  
1463 or to patients' survivors or legal guardians, as appropriate.  
1464 Such information must be provided in accordance with this  
1465 section and rules adopted by the agency pursuant to this chapter  
1466 and s. 408.05.

1467 (a) Each licensed facility shall make available to the  
1468 public on its website information on payments made to that  
1469 facility for defined bundles of services and procedures. The  
1470 payment data must be presented and searchable in accordance  
1471 with, and through a hyperlink to, the system established by the  
1472 agency and its vendor using the descriptive service bundles  
1473 developed under s. 408.05(3)(c). At a minimum, the licensed  
1474 facility shall provide the estimated average payment received  
1475 from all payors, excluding Medicaid and Medicare, for the  
1476 descriptive service bundles available at that facility and the  
1477 estimated payment range for such bundles. Using plain language,  
1478 comprehensible to an ordinary layperson, the licensed facility  
1479 shall disclose that the information on average payments and the

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1481 payment ranges is an estimate of costs that may be incurred by  
1482 the patient or prospective patient and that actual costs will be  
1483 based on the services actually provided to the patient. The  
1484 licensed facility's website must:

1485 1. Provide information to prospective patients on the  
1486 licensed facility's financial assistance policy, including the  
1487 application process, payment plans, and discounts, and the  
1488 facility's charity care policy and collection procedures.

1489 2. If applicable, notify patients and prospective patients  
1490 that services may be provided in the licensed facility by that  
1491 facility as well as by other health care providers who may  
1492 separately bill the patient and that such health care providers  
1493 may or may not participate with the same health insurers or  
1494 health maintenance organizations as the facility.

1495 3. Inform patients and prospective patients that they may  
1496 request from the licensed facility and other health care  
1497 providers a more personalized estimate of charges and other  
1498 information, and inform patients that they should contact each  
1499 health care practitioner who will provide services in the  
1500 facility to determine the health insurers and health maintenance  
1501 organizations with which the health care practitioner  
1502 participates as a network provider or preferred provider.

1503 4. Provide the names, mailing addresses, and telephone  
1504 numbers of the health care practitioners and medical practice  
1505 groups with which it contracts to provide services in the  
1506 licensed facility and instructions on how to contact the  
1507 practitioners and groups to determine the health insurers and  
1508 health maintenance organizations with which they participate as  
1509 network providers or preferred providers.

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1509 (b) Each licensed facility shall post on its website a  
 1510 consumer-friendly list of standard charges for at least 300  
 1511 shoppable health care services, or an Internet-based price  
 1512 estimator tool that meets federal standards. If a licensed  
 1513 facility provides fewer than 300 distinct shoppable health care  
 1514 services, it must make available on its website the standard  
 1515 charges for each service it provides. As used in this paragraph,  
 1516 the term:

1517 1. "Shoppable health care service" means a service that can  
 1518 be scheduled by a health care consumer in advance. The term  
 1519 includes, but is not limited to, the services described in s.  
 1520 627.6387(2)(e) and any services defined in regulations or  
 1521 guidance issued by the United States Department of Health and  
 1522 Human Services.

1523 2. "Standard charge" has the same meaning as that term is  
 1524 defined in regulations or guidance issued by the United States  
 1525 Department of Health and Human Services for purposes of  
 1526 ambulatory surgical center price transparency.

1527 (c) 1. Before providing any nonemergency medical service,  
 1528 each licensed facility shall provide in writing or by electronic  
 1529 means a good faith estimate of reasonably anticipated charges  
 1530 for the treatment of a patient's or prospective patient's  
 1531 specific condition. The licensed facility is not required to  
 1532 adjust the estimate for any potential insurance coverage. The  
 1533 licensed facility must provide the estimate to the patient's  
 1534 health insurer, as defined in s. 627.446(1), and the patient at  
 1535 least 3 business days before the date such service is to be  
 1536 provided, but no later than 1 business day after the date such  
 1537 service is scheduled or, in the case of a service scheduled at

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1538 least 10 business days in advance, no later than 3 business days  
 1539 after the date the service is scheduled. The licensed facility  
 1540 shall provide the estimate to the patient no later than 3  
 1541 business days after the date the patient requests an estimate.  
 1542 The estimate may be based on the descriptive service bundles  
 1543 developed by the agency under s. 408.05(3)(c) unless the patient  
 1544 or prospective patient requests a more personalized and specific  
 1545 estimate that accounts for the specific condition and  
 1546 characteristics of the patient or prospective patient. The  
 1547 licensed facility shall inform the patient or prospective  
 1548 patient that he or she may contact his or her health insurer for  
 1549 additional information concerning cost-sharing responsibilities.  
 1550 2. In the estimate, the licensed facility shall provide to  
 1551 the patient or prospective patient information on the facility's  
 1552 financial assistance policy, including the application process,  
 1553 payment plans, and discounts and the facility's charity care  
 1554 policy and collection procedures.  
 1555 3. The estimate must clearly identify any facility fee and,  
 1556 if applicable, include a statement notifying the patient or  
 1557 prospective patient that a facility fee is included in the  
 1558 estimate, the purpose of the fee, and that the patient may pay  
 1559 less for the procedure or service at another facility or in  
 1560 another health care setting.  
 1561 4. The licensed facility shall notify the patient or  
 1562 prospective patient of any revision to the estimate.  
 1563 5. In the estimate, the licensed facility shall notify the  
 1564 patient or prospective patient that services may be provided by  
 1565 the facility as well as by other health care providers that may  
 1566 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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1741 are subject to a charge not to exceed \$2, may not exceed \$1 per  
 1742 page. A fee of up to \$1 may be charged for each year of records  
 1743 requested. These charges apply to all records furnished, whether  
 1744 directly from the licensed facility or from a copy service  
 1745 providing these services on behalf of the licensed facility.  
 1746 However, a patient whose records are copied or searched for the  
 1747 purpose of continuing to receive medical care is not required to  
 1748 pay a charge for copying or for the search. The licensed  
 1749 facility shall further allow any such person to examine the  
 1750 original records in its possession, or microforms or other  
 1751 suitable reproductions of the records, upon such reasonable  
 1752 terms as must be imposed to ensure that the records will not be  
 1753 damaged, destroyed, or altered.

1754 (2) Patient records are confidential and may not be  
 1755 disclosed without the consent of the patient or his or her legal  
 1756 representative, but appropriate disclosure may be made without  
 1757 such consent to:

1758 (a) Licensed facility personnel, attending physicians, or  
 1759 other health care practitioners and providers currently involved  
 1760 in the care or treatment of the patient for use only in  
 1761 connection with the treatment of the patient.

1762 (b) Licensed facility personnel only for administrative  
 1763 purposes or risk management and quality assurance functions.

1764 (c) The agency, for purposes of health care cost  
 1765 containment.

1766 (d) In any civil or criminal action, unless otherwise  
 1767 prohibited by law, upon the issuance of a subpoena from a court  
 1768 of competent jurisdiction and proper notice by the party seeking  
 1769 such records to the patient or his or her legal representative.

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1770 (e) The department upon a subpoena issued pursuant to s.  
 1771 456.071, but the records obtained must be used solely for the  
 1772 purpose of the department and the appropriate regulatory board  
 1773 in its investigation, prosecution, and appeal of disciplinary  
 1774 proceedings. If the department requests copies of the records,  
 1775 the licensed facility must charge no more than its actual  
 1776 copying costs, including reasonable staff time. The records must  
 1777 be sealed and must not be available to the public pursuant to s.  
 1778 119.07(1) or any other statute providing access to records, nor  
 1779 may they be available to the public as part of the record of  
 1780 investigation for and prosecution in disciplinary proceedings  
 1781 made available to the public by the department or the  
 1782 appropriate regulatory board. However, the department shall make  
 1783 available, upon written request by a health care practitioner  
 1784 against whom probable cause has been found, any such record that  
 1785 forms the basis of the determination of probable cause.

1786 (f) The Medicaid Fraud Control Unit in the Department of  
 1787 Legal Affairs pursuant to s. 409.920.

1788 (g) The Department of Financial Services, or an agent,  
 1789 employee, or independent contractor of the department who is  
 1790 auditing for unclaimed property pursuant to chapter 717.

1791 (h) If applicable to a licensed facility, a regional poison  
 1792 control center for purposes of treating a poison episode under  
 1793 evaluation, case management of poison cases, or compliance with  
 1794 data collection and reporting requirements of s. 395.1027 and  
 1795 the professional organization that certifies poison control  
 1796 centers in accordance with federal law.

1797 (i) The Department of Children and Families, its agent, or  
 1798 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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1915 381.00316, Florida Statutes, is amended to read:

1916 381.00316 Discrimination by governmental and business  
1917 entities based on health care choices; prohibition.—

1918 (3)

1919 (d) A hospital licensed under chapter 395 or an ambulatory  
1920 surgical center licensed under chapter 396 licensed facility as  
1921 defined in s. 395.002 may not discriminate in providing health  
1922 care to a patient based solely on that patient's vaccination  
1923 status with a COVID-19 vaccine.

1924 Section 29. Subsections (1) and (2) of section 381.0035,  
1925 Florida Statutes, are amended to read:

1926 381.0035 Educational course on HIV and AIDS; employees and  
1927 clients of certain health care facilities.—

1928 (1) The Department of Health shall require all employees  
1929 and clients of facilities licensed under chapter 393, chapter  
1930 394, or chapter 397 and employees of facilities licensed under  
1931 chapter 395 or chapter 396, part II, part III, or part IV of  
1932 chapter 400, or part I of chapter 429 to complete a one-time  
1933 educational course on the modes of transmission, infection  
1934 control procedures, clinical management, and prevention of human  
1935 immunodeficiency virus and acquired immune deficiency syndrome  
1936 with an emphasis on appropriate behavior and attitude change.  
1937 Such instruction shall include information on current Florida  
1938 law and its impact on testing, confidentiality of test results,  
1939 and treatment of patients and any protocols and procedures  
1940 applicable to human immunodeficiency counseling and testing,  
1941 reporting, the offering of HIV testing to pregnant women, and  
1942 partner notification issues pursuant to ss. 381.004 and 384.25.  
1943 An employee who has completed the educational course required in

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1944 this subsection is not required to repeat the course upon  
1945 changing employment to a different facility licensed under  
1946 chapter 393, chapter 394, chapter 395, chapter 396, chapter 397,  
1947 part II, part III, or part IV of chapter 400, or part I of  
1948 chapter 429.

1949 (2) Facilities licensed under chapter 393, chapter 394,  
1950 chapter 395, chapter 396, or chapter 397, part II, part III, or  
1951 part IV of chapter 400, or part I of chapter 429 shall maintain  
1952 a record of employees and dates of attendance at human  
1953 immunodeficiency virus and acquired immune deficiency syndrome  
1954 educational courses.

1955 Section 30. Paragraph (b) of subsection (2) and subsection  
1956 (6) of section 381.026, Florida Statutes, are amended to read:

1957 381.026 Florida Patient's Bill of Rights and  
1958 Responsibilities.—

1959 (2) DEFINITIONS.—As used in this section and s. 381.0261,  
1960 the term:

1961 (b) "Health care facility" means a facility licensed under  
1962 chapter 395 or chapter 396.

1963 (6) SUMMARY OF RIGHTS AND RESPONSIBILITIES.—Any health care  
1964 provider who treats a patient in an office or any health care  
1965 facility licensed under chapter 395 or chapter 396 that provides  
1966 emergency services and care or outpatient services and care to a  
1967 patient, or admits and treats a patient, shall adopt and make  
1968 available to the patient, in writing, a statement of the rights  
1969 and responsibilities of patients, including the following:

1970

1971 SUMMARY OF THE FLORIDA PATIENT'S BILL  
1972 OF RIGHTS AND RESPONSIBILITIES

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1973  
1974 Florida law requires that your health care provider or  
1975 health care facility recognize your rights while you are  
1976 receiving medical care and that you respect the health care  
1977 provider's or health care facility's right to expect certain  
1978 behavior on the part of patients. You may request a copy of the  
1979 full text of this law from your health care provider or health  
1980 care facility. A summary of your rights and responsibilities  
1981 follows:  
1982 A patient has the right to be treated with courtesy and  
1983 respect, with appreciation of his or her individual dignity, and  
1984 with protection of his or her need for privacy.  
1985 A patient has the right to a prompt and reasonable response  
1986 to questions and requests.  
1987 A patient has the right to know who is providing medical  
1988 services and who is responsible for his or her care.  
1989 A patient has the right to know what patient support  
1990 services are available, including whether an interpreter is  
1991 available if he or she does not speak English.  
1992 A patient has the right to bring any person of his or her  
1993 choosing to the patient-accessible areas of the health care  
1994 facility or provider's office to accompany the patient while the  
1995 patient is receiving inpatient or outpatient treatment or is  
1996 consulting with his or her health care provider, unless doing so  
1997 would risk the safety or health of the patient, other patients,  
1998 or staff of the facility or office or cannot be reasonably  
1999 accommodated by the facility or provider.  
2000 A patient has the right to know what rules and regulations  
2001 apply to his or her conduct.

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2002 A patient has the right to be given by the health care  
2003 provider information concerning diagnosis, planned course of  
2004 treatment, alternatives, risks, and prognosis.  
2005 A patient has the right to refuse any treatment, except as  
2006 otherwise provided by law.  
2007 A patient has the right to be given, upon request, full  
2008 information and necessary counseling on the availability of  
2009 known financial resources for his or her care.  
2010 A patient who is eligible for Medicare has the right to  
2011 know, upon request and in advance of treatment, whether the  
2012 health care provider or health care facility accepts the  
2013 Medicare assignment rate.  
2014 A patient has the right to receive, upon request, prior to  
2015 treatment, a reasonable estimate of charges for medical care.  
2016 A patient has the right to receive a copy of a reasonably  
2017 clear and understandable, itemized bill and, upon request, to  
2018 have the charges explained.  
2019 A patient has the right to impartial access to medical  
2020 treatment or accommodations, regardless of race, national  
2021 origin, religion, handicap, or source of payment.  
2022 A patient has the right to treatment for any emergency  
2023 medical condition that will deteriorate from failure to provide  
2024 treatment.  
2025 A patient has the right to know if medical treatment is for  
2026 purposes of experimental research and to give his or her consent  
2027 or refusal to participate in such experimental research.  
2028 A patient has the right to express grievances regarding any  
2029 violation of his or her rights, as stated in Florida law,  
2030 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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2089 (d) of subsection (12) of section 381.915, Florida Statutes, is  
2090 amended to read:  
2091       381.915 Casey DeSantis Cancer Research Program.—  
2092       (9)  
2093       (b) To be eligible for grant funding under this subsection,  
2094 a licensed or certified health care provider, facility, or  
2095 entity must meet at least one of the following criteria:  
2096       1. Operates as a licensed hospital that has a minimum of 30  
2097 percent of its current cancer patients residing in rural or  
2098 underserved areas.  
2099       2. Operates as a licensed health care clinic or facility  
2100 that employs or contracts with at least one physician licensed  
2101 under chapter 458 or chapter 459 who is board certified in  
2102 oncology and that administers chemotherapy treatments for  
2103 cancer.  
2104       3. Operates as a licensed facility that employs or  
2105 contracts with at least one physician licensed under chapter 458  
2106 or chapter 459 who is board certified in oncology and that  
2107 administers radiation therapy treatments for cancer.  
2108       4. Operates as a licensed health care clinic or facility  
2109 that provides cancer screening services at no cost or a minimal  
2110 cost to patients.  
2111       5. Operates as a rural hospital as defined in s.  
2112 395.602(2)(b).  
2113       6. Operates as a critical access hospital as defined in s.  
2114 408.07(14).  
2115       7. Operates as a specialty hospital as defined in s.  
2116 395.002(27)(a) s. 395.002(28)(a) which provides cancer treatment  
2117 for patients from birth to 18 years of age.

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2118       8. Operates as a licensed hospital that is accredited by  
2119 the American College of Surgeons as a Comprehensive Community  
2120 Cancer Program or Integrated Network Cancer Program.  
2121       9. Engages in biomedical research intended to develop  
2122 therapies, medical pharmaceuticals, treatment protocols, or  
2123 medical procedures intended to cure cancer or improve the  
2124 quality of life of cancer patients.  
2125       10. Educates or trains students, postdoctoral fellows, or  
2126 licensed or certified health care practitioners in the  
2127 screening, diagnosis, or treatment of cancer.  
2128       (12)  
2129       (d) Applications for incubator funding may be submitted by  
2130 any Florida-based specialty hospital as defined in s.  
2131 395.002(27)(a) s. 395.002(28)(a) which provides cancer treatment  
2132 for patients from birth to 18 years of age. All qualified  
2133 applicants must have equal access and opportunity to compete for  
2134 research funding. Incubator grants must be recommended by the  
2135 collaborative and awarded by the department on the basis of  
2136 scientific merit, as determined by a competitively open and  
2137 peer-reviewed process to ensure objectivity, consistency, and  
2138 high quality.  
2139       Section 33. Paragraph (d) of subsection (2) of section  
2140 383.145, Florida Statutes, is amended to read:  
2141       383.145 Newborn, infant, and toddler hearing screening.—  
2142       (2) DEFINITIONS.—As used in this section, the term:  
2143       (d) "Hospital" means a facility as defined in s. 395.002 s.  
2144 395.002(13) and licensed under chapter 395 and part II of  
2145 chapter 408.  
2146       Section 34. Subsection (1) of section 385.202, Florida

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2147 Statutes, is amended to read:

2148     385.202 Statewide cancer registry.—

2149         (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.

2150     Section 35. Subsection (2) of section 385.211, Florida Statutes, is amended to read:

2151         385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

2152         (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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2176     activities described in this section.

2177         Section 36. Subsection (8) of section 390.011, Florida Statutes, is amended to read:

2178         390.011 Definitions.—As used in this chapter, the term:

2179         (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.

2180         Section 37. Paragraphs (a) and (c) of subsection (4) of section 390.025, Florida Statutes, are amended to read:

2181         390.025 Abortion referral or counseling agencies; penalties.—

2182         (4) The following are exempt from the requirement to register pursuant to subsection (3):

2183         (a) Facilities licensed pursuant to this chapter, chapter 395, chapter 396, chapter 400, or chapter 408;

2184         (b) 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.

2185         Section 38. Subsection (7) of section 394.4787, Florida Statutes, is amended to read:

2186         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:

2187         (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.

2188         Section 39. Section 395.001, Florida Statutes, is amended

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2205 to read:

2206 395.001 Legislative intent.—It is the intent of the  
2207 Legislature to provide for the protection of public health and  
2208 safety in the establishment, construction, maintenance, and  
2209 operation of hospitals ~~and ambulatory surgical centers~~ by  
2210 providing for licensure of same and for the development,  
2211 establishment, and enforcement of minimum standards with respect  
2212 thereto.

2213 Section 40. Subsections (3), (10), (17), (23), and (28) of  
2214 section 395.002, Florida Statutes, are amended to read:

2215 395.002 Definitions.—As used in this chapter:

2216 ~~(3) "Ambulatory surgical center" means a facility, the  
2217 primary purpose of which is to provide elective surgical care,  
2218 in which the patient is admitted to and discharged from such  
2219 facility within 24 hours, and which is not part of a hospital.  
2220 However, a facility existing for the primary purpose of  
2221 performing terminations of pregnancy, an office maintained by a  
2222 physician for the practice of medicine, or an office maintained  
2223 for the practice of dentistry may not be construed to be an  
2224 ambulatory surgical center, provided that any facility or office  
2225 which is certified or seeks certification as a Medicare  
2226 ambulatory surgical center shall be licensed as an ambulatory  
2227 surgical center pursuant to s. 395.003.~~

2228 ~~(9) (10) "General hospital" means any facility which meets  
2229 the provisions of subsection (11) ~~(12)~~ and which regularly makes  
2230 its facilities and services available to the general population.~~

2231 ~~(16) (17) "Licensed facility" means a hospital ~~or ambulatory~~  
2232 surgical center licensed in accordance with this chapter.~~

2233 ~~(22) (23) "Premises" means those buildings, beds, and~~

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2234 equipment located at the address of the licensed facility and  
2235 all other buildings, beds, and equipment for the provision of  
2236 hospital ~~or ambulatory surgical~~ care located in such reasonable  
2237 proximity to the address of the licensed facility as to appear  
2238 to the public to be under the dominion and control of the  
2239 licensee. For any licensee that is a teaching hospital as  
2240 defined in s. 408.07, reasonable proximity includes any  
2241 buildings, beds, services, programs, and equipment under the  
2242 dominion and control of the licensee that are located at a site  
2243 with a main address that is within 1 mile of the main address of  
2244 the licensed facility; and all such buildings, beds, and  
2245 equipment may, at the request of a licensee or applicant, be  
2246 included on the facility license as a single premises.

2247 ~~(27) (28) "Specialty hospital" means any facility which  
2248 meets the provisions of subsection (11) ~~(12)~~, and which  
2249 regularly makes available either:~~

2250 ~~(a) The range of medical services offered by general  
2251 hospitals but restricted to a defined age or gender group of the  
2252 population;~~

2253 ~~(b) A restricted range of services appropriate to the  
2254 diagnosis, care, and treatment of patients with specific  
2255 categories of medical or psychiatric illnesses or disorders; or~~

2256 ~~(c) Intensive residential treatment programs for children  
2257 and adolescents as defined in subsection (15) ~~(16)~~.~~

2258 Section 41. Subsection (1) and paragraph (d) of subsection  
2259 (5) of section 395.003, Florida Statutes, are amended to read:

2260 395.003 Licensure; denial, suspension, and revocation.—

2261 ~~(1) (a) The requirements of part II of chapter 408 apply to  
2262 the provision of services that require licensure pursuant to ss.~~

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2263 395.001-395.1065 and part II of chapter 408 and to entities  
 2264 licensed by or applying for such licensure from the Agency for  
 2265 Health Care Administration pursuant to ss. 395.001-395.1065. A  
 2266 license issued by the agency is required in order to operate a  
 2267 hospital ~~or ambulatory surgical center~~ in this state.

2268 (b)1. It is unlawful for a person to use or advertise to  
 2269 the public, in any way or by any medium whatsoever, any facility  
 2270 as a "hospital" ~~or "ambulatory surgical center"~~ unless such  
 2271 facility has first secured a license under this chapter part.

2272 2. This part does not apply to veterinary hospitals or to  
 2273 commercial business establishments using the word "hospital" ~~or~~  
 2274 ~~"ambulatory surgical center"~~ as a part of a trade name if no  
 2275 treatment of human beings is performed on the premises of such  
 2276 establishments.

2277 (5)

2278 (d) A hospital, ~~an ambulatory surgical center~~, a specialty  
 2279 hospital, or an urgent care center shall comply with ss.  
 2280 627.64194 and 641.513 as a condition of licensure.

2281 Section 42. Subsections (2), (3), and (9) of section  
 2282 395.1055, Florida Statutes, are amended to read:

2283 395.1055 Rules and enforcement.—

2284 (2) Separate standards may be provided for general and  
 2285 specialty hospitals, ~~ambulatory surgical centers~~, and statutory  
 2286 rural hospitals as defined in s. 395.602.

2287 (3) ~~The agency shall adopt rules that establish minimum  
 2288 standards for pediatric patient care in ambulatory surgical  
 2289 centers to ensure the safe and effective delivery of surgical  
 2290 care to children in ambulatory surgical centers. Such standards  
 2291 must include quality of care, nurse staffing, physician~~

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2292 ~~staffing, and equipment standards. Ambulatory surgical centers~~  
 2293 ~~may not provide operative procedures to children under 18 years~~  
 2294 ~~of age which require a length of stay past midnight until such~~  
 2295 ~~standards are established by rule.~~

2296 (8)(9) The agency may not adopt any rule governing the  
 2297 design, construction, erection, alteration, modification,  
 2298 repair, or demolition of any public or private hospital ~~or~~  
 2299 intermediate residential treatment facility, ~~or ambulatory~~  
 2300 ~~surgical center~~. It is the intent of the Legislature to preempt  
 2301 that function to the Florida Building Commission and the State  
 2302 Fire Marshal through adoption and maintenance of the Florida  
 2303 Building Code and the Florida Fire Prevention Code. However, the  
 2304 agency shall provide technical assistance to the commission and  
 2305 the State Fire Marshal in updating the construction standards of  
 2306 the Florida Building Code and the Florida Fire Prevention Code  
 2307 which govern hospitals ~~and~~, intermediate residential treatment  
 2308 facilities, ~~and ambulatory surgical centers~~.

2309 Section 43. Subsection (3) of section 395.10973, Florida  
 2310 Statutes, is amended to read:

2311 395.10973 Powers and duties of the agency.—It is the  
 2312 function of the agency to:

2313 (3) Enforce the special-occupancy provisions of the Florida  
 2314 Building Code which apply to hospitals ~~and~~, intermediate  
 2315 residential treatment facilities, ~~and ambulatory surgical~~  
 2316 ~~centers~~ in conducting any inspection authorized by this chapter  
 2317 and part II of chapter 408.

2318 Section 44. Subsection (8) of section 395.3025, Florida  
 2319 Statutes, is amended to read:

2320 395.3025 Patient and personnel records; copies;

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2321 examination.-

2322 (8) Patient records at hospitals and ~~ambulatory surgical~~  
2323 ~~centers~~ are exempt from disclosure under s. 119.07(1), except as  
2324 provided by subsections (1)-(5).

2325 Section 45. Subsection (3) of section 395.607, Florida  
2326 Statutes, is amended to read:

2327 395.607 Rural emergency hospitals.-

2328 (3) Notwithstanding s. 395.002 s. 395.002(12), a rural  
2329 emergency hospital is not required to offer acute inpatient care  
2330 or care beyond 24 hours, or to make available treatment  
2331 facilities for surgery, obstetrical care, or similar services in  
2332 order to be deemed a hospital as long as it maintains its  
2333 designation as a rural emergency hospital, and may be required  
2334 to make such services available only if it ceases to be  
2335 designated as a rural emergency hospital.

2336 Section 46. Paragraph (c) of subsection (1) of section  
2337 395.701, Florida Statutes, is amended to read:

2338 395.701 Annual assessments on net operating revenues for  
2339 inpatient and outpatient services to fund public medical  
2340 assistance; administrative fines for failure to pay assessments  
2341 when due; exemption.-

2342 (1) For the purposes of this section, the term:

2343 (c) "Hospital" means a health care institution as defined  
2344 in s. 395.002 s. 395.002(12), but does not include any hospital  
2345 operated by a state agency.

2346 Section 47. Paragraph (b) of subsection (3) of section  
2347 400.518, Florida Statutes, is amended to read:

2348 400.518 Prohibited referrals to home health agencies.-

2349 (3)

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2350 (b) A physician who violates this section is subject to  
2351 disciplinary action by the appropriate board under s. 458.331(2)  
2352 or s. 459.015(2). A hospital or ~~ambulatory surgical center~~ that  
2353 violates this section is subject to s. 395.0185(2). An  
2354 ambulatory surgical center that violates this section is subject  
2355 to s. 396.209.

2356 Section 48. Paragraph (h) of subsection (5) of section  
2357 400.93, Florida Statutes, is amended to read:

2358 400.93 Licensure required; exemptions; unlawful acts;  
2359 penalties.-

2360 (5) The following are exempt from home medical equipment  
2361 provider licensure, unless they have a separate company,  
2362 corporation, or division that is in the business of providing  
2363 home medical equipment and services for sale or rent to  
2364 consumers at their regular or temporary place of residence  
2365 pursuant to the provisions of this part:

2366 (h) Hospitals licensed under chapter 395 and ambulatory  
2367 surgical centers licensed under chapter 396 395.

2368 Section 49. Paragraphs (a) through (d) of subsection (4) of  
2369 section 400.9905, Florida Statutes, are amended to read:

2370 400.9905 Definitions.-

2371 (4) "Clinic" means an entity where health care services are  
2372 provided to individuals and which tenders charges for  
2373 reimbursement for such services, including a mobile clinic and a  
2374 portable equipment provider. As used in this part, the term does  
2375 not include and the licensure requirements of this part do not  
2376 apply to:

2377 (a) Entities licensed or registered by the state under  
2378 chapter 395 or chapter 396; entities licensed or registered by

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2379 the state and providing only health care services within the  
 2380 scope of services authorized under their respective licenses  
 2381 under ss. 383.30-383.332, chapter 390, chapter 394, chapter 397,  
 2382 this chapter except part X, chapter 429, chapter 463, chapter  
 2383 465, chapter 466, chapter 478, chapter 484, or chapter 651; end-  
 2384 stage renal disease providers authorized under 42 C.F.R. part  
 2385 494; providers certified and providing only health care services  
 2386 within the scope of services authorized under their respective  
 2387 certifications under 42 C.F.R. part 485, subpart B, subpart H,  
 2388 or subpart J; providers certified and providing only health care  
 2389 services within the scope of services authorized under their  
 2390 respective certifications under 42 C.F.R. part 486, subpart C;  
 2391 providers certified and providing only health care services  
 2392 within the scope of services authorized under their respective  
 2393 certifications under 42 C.F.R. part 491, subpart A; providers  
 2394 certified by the Centers for Medicare and Medicaid services  
 2395 under the federal Clinical Laboratory Improvement Amendments and  
 2396 the federal rules adopted thereunder; or any entity that  
 2397 provides neonatal or pediatric hospital-based health care  
 2398 services or other health care services by licensed practitioners  
 2399 solely within a hospital licensed under chapter 395.  
 2400 (b) Entities that own, directly or indirectly, entities  
 2401 licensed or registered by the state pursuant to chapter 395 or  
chapter 396; entities that own, directly or indirectly, entities  
 2402 licensed or registered by the state and providing only health  
 2403 care services within the scope of services authorized pursuant  
 2404 to their respective licenses under ss. 383.30-383.332, chapter  
 2405 390, chapter 394, chapter 397, this chapter except part X,  
 2406 chapter 429, chapter 463, chapter 465, chapter 466, chapter 478,

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2408 chapter 484, or chapter 651; end-stage renal disease providers  
 2409 authorized under 42 C.F.R. part 494; providers certified and  
 2410 providing only health care services within the scope of services  
 2411 authorized under their respective certifications under 42 C.F.R.  
 2412 part 485, subpart B, subpart H, or subpart J; providers  
 2413 certified and providing only health care services within the  
 2414 scope of services authorized under their respective  
 2415 certifications under 42 C.F.R. part 486, subpart C; providers  
 2416 certified and providing only health care services within the  
 2417 scope of services authorized under their respective  
 2418 certifications under 42 C.F.R. part 491, subpart A; providers  
 2419 certified by the Centers for Medicare and Medicaid services  
 2420 under the federal Clinical Laboratory Improvement Amendments and  
 2421 the federal rules adopted thereunder; or any entity that  
 2422 provides neonatal or pediatric hospital-based health care  
 2423 services by licensed practitioners solely within a hospital  
 2424 licensed under chapter 395.  
 2425 (c) Entities that are owned, directly or indirectly, by an  
 2426 entity licensed or registered by the state pursuant to chapter  
2427 395 or chapter 396; entities that are owned, directly or  
 2428 indirectly, by an entity licensed or registered by the state and  
 2429 providing only health care services within the scope of services  
 2430 authorized pursuant to their respective licenses under ss.  
 2431 383.30-383.332, chapter 390, chapter 394, chapter 397, this  
 2432 chapter except part X, chapter 429, chapter 463, chapter 465,  
 2433 chapter 466, chapter 478, chapter 484, or chapter 651; end-stage  
 2434 renal disease providers authorized under 42 C.F.R. part 494;  
 2435 providers certified and providing only health care services  
 2436 within the scope of services authorized under their respective

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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 under chapter 395.

(d) Entities that are under common ownership, directly or indirectly, with an entity licensed or registered by the state pursuant to chapter 395 or chapter 396; entities that are under common ownership, directly or indirectly, with 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 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

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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.

Notwithstanding this subsection, an entity shall be deemed a clinic and must be licensed under this part in order to receive reimbursement under the Florida Motor Vehicle No-Fault Law, ss. 627.730-627.7405, unless exempted under s. 627.736(5)(h).

Section 50. Paragraph (i) of subsection (1) of section 400.9935, Florida Statutes, is amended to read:

400.9935 Clinic responsibilities.—

(1) Each clinic shall appoint a medical director or clinic director who shall agree in writing to accept legal responsibility for the following activities on behalf of the clinic. The medical director or the clinic director shall:

(i) Ensure that the clinic publishes a schedule of charges for the medical services offered to patients. The schedule must include the prices charged to an uninsured person paying for such services by cash, check, credit card, or debit card. The schedule may group services by price levels, listing services in each price level. The schedule must be posted in a conspicuous 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 ss. 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 ss.  
 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 ss. 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 ss.  
 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 ~~ef~~ 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 ~~ef~~ 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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2611 number of services, or making any other adjustments necessary to  
 2612 comply with the availability of moneys and any limitations or  
 2613 directions provided for in the General Appropriations Act or  
 2614 chapter 216. If necessary to safeguard the state's systems of  
 2615 providing services to elderly and disabled persons and subject  
 2616 to the notice and review provisions of s. 216.177, the Governor  
 2617 may direct the Agency for Health Care Administration to amend  
 2618 the Medicaid state plan to delete the optional Medicaid service  
 2619 known as "Intermediate Care Facilities for the Developmentally  
 2620 Disabled." Optional services may include:

2621 (3) AMBULATORY SURGICAL CENTER SERVICES.—The agency may pay  
 2622 for services provided to a recipient in an ambulatory surgical  
 2623 center licensed under ~~part I of chapter 396~~ 395, by or under the  
 2624 direction of a licensed physician or dentist.

2625 Section 58. Paragraph (b) of subsection (1) of section  
 2626 409.975, Florida Statutes, is amended to read:

2627 409.975 Managed care plan accountability.—In addition to  
 2628 the requirements of s. 409.967, plans and providers  
 2629 participating in the managed medical assistance program shall  
 2630 comply with the requirements of this section.

2631 (1) PROVIDER NETWORKS.—Managed care plans must develop and  
 2632 maintain provider networks that meet the medical needs of their  
 2633 enrollees in accordance with standards established pursuant to  
 2634 s. 409.967(2)(c). Except as provided in this section, managed  
 2635 care plans may limit the providers in their networks based on  
 2636 credentials, quality indicators, and price.

2637 (b) Certain providers are statewide resources and essential  
 2638 providers for all managed care plans in all regions. All managed  
 2639 care plans must include these essential providers in their

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2640 networks. Statewide essential providers include:  
 2641 1. Faculty plans of Florida medical schools.  
 2642 2. Regional perinatal intensive care centers as defined in  
 2643 s. 383.16(2).  
 2644 3. Hospitals licensed as specialty children's hospitals as  
 2645 defined in s. 395.002 ~~s. 395.002(28)~~.  
 2646 4. Accredited and integrated systems serving medically  
 2647 complex children which comprise separately licensed, but  
 2648 commonly owned, health care providers delivering at least the  
 2649 following services: medical group home, in-home and outpatient  
 2650 nursing care and therapies, pharmacy services, durable medical  
 2651 equipment, and Prescribed Pediatric Extended Care.  
 2652 5. Florida cancer hospitals that meet the criteria in 42  
 2653 U.S.C. s. 1395ww(d)(1)(B)(v).  
 2654  
 2655 Managed care plans that have not contracted with all statewide  
 2656 essential providers in all regions as of the first date of  
 2657 recipient enrollment must continue to negotiate in good faith.  
 2658 Payments to physicians on the faculty of nonparticipating  
 2659 Florida medical schools shall be made at the applicable Medicaid  
 2660 rate. Payments for services rendered by regional perinatal  
 2661 intensive care centers shall be made at the applicable Medicaid  
 2662 rate as of the first day of the contract between the agency and  
 2663 the plan. Except for payments for emergency services, payments  
 2664 to nonparticipating specialty children's hospitals, and payments  
 2665 to nonparticipating Florida cancer hospitals that meet the  
 2666 criteria in 42 U.S.C. s. 1395ww(d)(1)(B)(v), shall equal the  
 2667 highest rate established by contract between that provider and  
 2668 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 et  
 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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2727 health care provider, which includes the provision of designated  
 2728 health services or other health care item or service.  
 2729     3. The following orders, recommendations, or plans of care  
 2730 do shall not constitute a referral by a health care provider:  
 2731         a. By a radiologist for diagnostic-imaging services.  
 2732         b. By a physician specializing in the provision of  
 2733 radiation therapy services for such services.  
 2734         c. By a medical oncologist for drugs and solutions to be  
 2735 prepared and administered intravenously to such oncologist's  
 2736 patient, as well as for the supplies and equipment used in  
 2737 connection therewith to treat such patient for cancer and the  
 2738 complications thereof.  
 2739         d. By a cardiologist for cardiac catheterization services.  
 2740         e. By a pathologist for diagnostic clinical laboratory  
 2741 tests and pathological examination services, if furnished by or  
 2742 under the supervision of such pathologist pursuant to a  
 2743 consultation requested by another physician.  
 2744         f. By a health care provider who is the sole provider or  
 2745 member of a group practice for designated health services or  
 2746 other health care items or services that are prescribed or  
 2747 provided solely for such referring health care provider's or  
 2748 group practice's own patients, and that are provided or  
 2749 performed by or under the supervision of such referring health  
 2750 care provider or group practice if such supervision complies  
 2751 with all applicable Medicare payment and coverage rules for  
 2752 services; provided, however, a physician licensed pursuant to  
 2753 chapter 458, chapter 459, chapter 460, or chapter 461 or an  
 2754 advanced practice registered nurse registered under s. 464.0123  
 2755 may refer a patient to a sole provider or group practice for

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2756 diagnostic imaging services, excluding radiation therapy  
 2757 services, for which the sole provider or group practice billed  
 2758 both the technical and the professional fee for or on behalf of  
 2759 the patient, if the referring physician or advanced practice  
 2760 registered nurse registered under s. 464.0123 has no investment  
 2761 interest in the practice. The diagnostic imaging service  
 2762 referred to a group practice or sole provider must be a  
 2763 diagnostic imaging service normally provided within the scope of  
 2764 practice to the patients of the group practice or sole provider.  
 2765 The group practice or sole provider may accept no more than 15  
 2766 percent of their patients receiving diagnostic imaging services  
 2767 from outside referrals, excluding radiation therapy services.  
 2768 However, the 15 percent limitation of this sub subparagraph and  
 2769 the requirements of subparagraph (4)(a)2. do not apply to a  
 2770 group practice entity that owns an accountable care organization  
 2771 or an entity operating under an advanced alternative payment  
 2772 model according to federal regulations if such entity provides  
 2773 diagnostic imaging services and has more than 30,000 patients  
 2774 enrolled per year.  
 2775         g. By a health care provider for services provided by an  
 2776 ambulatory surgical center licensed under chapter 396 ~~395~~.  
 2777         h. By a urologist for lithotripsy services.  
 2778         i. By a dentist for dental services performed by an  
 2779 employee of or health care provider who is an independent  
 2780 contractor with the dentist or group practice of which the  
 2781 dentist is a member.  
 2782         j. By a physician for infusion therapy services to a  
 2783 patient of that physician or a member of that physician's group  
 2784 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 et-  
395.002(8)(a), the physician must accept Medicare assignment  
 2802 provided that the requirement to accept Medicare assignment for  
 2803 an emergency medical condition does shall not apply to treatment  
 2804 rendered after the patient is stabilized, or the treatment that  
 2805 is unrelated to the original emergency medical condition. For  
 2806 the purpose of this subsection, the term "stabilized" means is  
 2807 defined to mean with respect to an emergency medical condition,  
 2808 that no material deterioration of the condition is likely within  
 2809 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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 2843 the disciplinary actions specified in subsection (2) may be  
 2844 taken:  
 2845 (t) Failing to identify through written notice, which may  
 2846 include the wearing of a name tag, or orally to a patient the  
 2847 type of license under which the practitioner is practicing. Any  
 2848 advertisement for health care services naming the practitioner  
 2849 must identify the type of license the practitioner holds. This  
 2850 paragraph does not apply to a practitioner while the  
 2851 practitioner is providing services in a facility licensed under  
 2852 chapter 394, chapter 395, chapter 396, chapter 400, or chapter  
 2853 429. Each board, or the department where there is no board, is  
 2854 authorized by rule to determine how its practitioners may comply  
 2855 with this disclosure requirement.  
 2856 Section 66. Paragraph (b) of subsection (12) of section  
 2857 456.073, Florida Statutes, is amended to read:  
 2858 456.073 Disciplinary proceedings.—Disciplinary proceedings  
 2859 for each board shall be within the jurisdiction of the  
 2860 department.  
 2861 (12)  
 2862 (b) No facility licensed under chapter 395 or chapter 396,  
 2863 health maintenance organization certificated under part I of  
 2864 chapter 641, physician licensed under chapter 458, or  
 2865 osteopathic physician licensed under chapter 459 shall  
 2866 discharge, threaten to discharge, intimidate, or coerce any  
 2867 employee or staff member by reason of such employee's or staff  
 2868 member's report to the department about a physician licensed  
 2869 under chapter 458, chapter 459, chapter 460, chapter 461, or  
 2870 chapter 466 who may be guilty of incompetence, impairment, or  
 2871 unprofessional conduct so long as such report is given without

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 2872 intentional fraud or malice.  
 2873 Section 67. Subsection (3) of section 458.3145, Florida  
 2874 Statutes, is amended to read:  
 2875 458.3145 Medical faculty certificate.—  
 2876 (3) The holder of a medical faculty certificate issued  
 2877 under this section has all rights and responsibilities  
 2878 prescribed by law for the holder of a license issued under s.  
 2879 458.311, except as specifically provided otherwise by law. Such  
 2880 responsibilities include compliance with continuing medical  
 2881 education requirements as set forth by rule of the board. A  
 2882 hospital licensed under chapter 395, an ~~or~~ ambulatory surgical  
 2883 center licensed under chapter 396 395, a health maintenance  
 2884 organization certified under chapter 641, an insurer as defined  
 2885 in s. 624.03, a multiple-employer welfare arrangement as defined  
 2886 in s. 624.437, or any other entity in this state, in considering  
 2887 and acting upon an application for staff membership, clinical  
 2888 privileges, or other credentials as a health care provider, may  
 2889 not deny the application of an otherwise qualified physician for  
 2890 such staff membership, clinical privileges, or other credentials  
 2891 solely because the applicant is a holder of a medical faculty  
 2892 certificate under this section.  
 2893 Section 68. Subsection (2) of section 458.320, Florida  
 2894 Statutes, is amended to read:  
 2895 458.320 Financial responsibility.—  
 2896 (2) Physicians who perform surgery in an ambulatory  
 2897 surgical center licensed under chapter 396 395 and, as a  
 2898 continuing condition of hospital staff privileges, physicians  
 2899 who have staff privileges must also establish financial  
 2900 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 anesthesiology, 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.

Section 71. Paragraph (g) of subsection (4) of section 458.347, Florida Statutes, is amended to read:

458.347 Physician assistants.—

(4) PERFORMANCE OF PHYSICIAN ASSISTANTS.-

(g) 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 72. Paragraph (f) of subsection (4) of section 458.351, Florida Statutes, is amended to read:

458.351 Reports of adverse incidents in office practice settings.-

(4) For purposes of notification to the department pursuant 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

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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.

Section 73. Subsection (2) of section 459.0085, Florida Statutes, is amended to read:

3052 459.0085 Financial responsibility.-

(2) Osteopathic physicians who perform surgery in an ambulatory surgical center licensed under chapter 396 395 and, as a continuing condition of hospital staff privileges, osteopathic physicians who have staff privileges must also establish financial responsibility by one of the following 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.

(b) Obtaining and maintaining professional liability coverage in an amount not less than \$250,000 per claim, with a minimum annual aggregate of not less than \$750,000 from an authorized insurer as defined under s. 624.09, from a surplus lines insurer as defined under s. 626.914(2), from a risk retention group as defined under s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), through a plan of self-insurance as provided in s. 627.357, or through a plan of self-insurance that meets the conditions specified for satisfying financial responsibility in s. 766.110

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3075 The required coverage amount set forth in this paragraph may not  
 3076 be used for litigation costs or attorney attorney's fees for the  
 3077 defense of any medical malpractice claim.

3078 (c) Obtaining and maintaining an unexpired, irrevocable  
 3079 letter of credit, established pursuant to chapter 675, in an  
 3080 amount not less than \$250,000 per claim, with a minimum  
 3081 aggregate availability of credit of not less than \$750,000. The  
 3082 letter of credit must be payable to the osteopathic physician as  
 3083 beneficiary upon presentment of a final judgment indicating  
 3084 liability and awarding damages to be paid by the osteopathic  
 3085 physician or upon presentment of a settlement agreement signed  
 3086 by all parties to such agreement when such final judgment or  
 3087 settlement is a result of a claim arising out of the rendering  
 3088 of, or the failure to render, medical care and services. The  
 3089 letter of credit may not be used for litigation costs or  
 3090 attorney attorney's fees for the defense of any medical  
 3091 malpractice claim. The letter of credit must be nonassignable  
 3092 and nontransferable. The letter of credit must be issued by any  
 3093 bank or savings association organized and existing under the  
 3094 laws of this state or any bank or savings association organized  
 3095 under the laws of the United States which has its principal  
 3096 place of business in this state or has a branch office that is  
 3097 authorized under the laws of this state or of the United States  
 3098 to receive deposits in this state.

3100 This subsection shall be inclusive of the coverage in subsection  
 3101 (1).

3102 Section 74. Paragraph (a) of subsection (1) of section  
 3103 459.0137, Florida Statutes, is amended to read:

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3104 459.0137 Pain-management clinics.—  
 3105 (1) REGISTRATION.—  
 3106 (a)1. As used in this section, the term:  
 3107 a. "Board eligible" means successful completion of an  
 3108 anesthesia, physical medicine and rehabilitation, rheumatology,  
 3109 or neurology residency program approved by the Accreditation  
 3110 Council for Graduate Medical Education or the American  
 3111 Osteopathic Association for a period of 6 years from successful  
 3112 completion of such residency program.  
 3113 b. "Chronic nonmalignant pain" means pain unrelated to  
 3114 cancer which persists beyond the usual course of disease or the  
 3115 injury that is the cause of the pain or more than 90 days after  
 3116 surgery.  
 3117 c. "Pain-management clinic" or "clinic" means any publicly  
 3118 or privately owned facility:  
 3119 (I) That advertises in any medium for any type of pain-  
 3120 management services; or  
 3121 (II) Where in any month a majority of patients are  
 3122 prescribed opioids, benzodiazepines, barbiturates, or  
 3123 carisoprodol for the treatment of chronic nonmalignant pain.  
 3124 2. Each pain-management clinic must register with the  
 3125 department or hold a valid certificate of exemption pursuant to  
 3126 subsection (2).  
 3127 3. The following clinics are exempt from the registration  
 3128 requirement of paragraphs (c)-(m) and must apply to the  
 3129 department for a certificate of exemption:  
 3130 a. A clinic licensed as a hospital under facility pursuant  
 3131 to chapter 395 or an ambulatory surgical center under chapter  
 3132 396;

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3191 chapter 458 or under this chapter who the osteopathic physician  
 3192 or physician assistant knows has violated the grounds for  
 3193 disciplinary action set out in the law under which that person  
 3194 is licensed and who provides health care services in a facility  
 3195 licensed under chapter 395 or chapter 396, or a health  
 3196 maintenance organization certificated under part I of chapter  
 3197 641, in which the osteopathic physician or physician assistant  
 3198 also provides services.

3199 (7) Upon the department's receipt from the Agency for  
 3200 Health Care Administration pursuant to s. 395.0197 or s. 396.213  
 3201 of the name of an osteopathic physician whose conduct may  
 3202 constitute grounds for disciplinary action by the department,  
 3203 the department shall investigate the occurrences upon which the  
 3204 report was based and determine if action by the department  
 3205 against the osteopathic physician is warranted.

3206 (9) When an investigation of an osteopathic physician is  
 3207 undertaken, the department shall promptly furnish to the  
 3208 osteopathic physician or his or her attorney a copy of the  
 3209 complaint or document which resulted in the initiation of the  
 3210 investigation. For purposes of this subsection, such documents  
 3211 include, but are not limited to: the pertinent portions of an  
 3212 annual report submitted to the department pursuant to s.  
 3213 395.0197(6) or s. 396.213(6); a report of an adverse incident  
 3214 which is provided to the department pursuant to s. 395.0197 or  
 3215 s. 396.213; a report of peer review disciplinary action  
 3216 submitted to the department pursuant to s. 395.0193(4), s.  
 3217 396.212(4), or s. 459.016, provided that the investigations,  
 3218 proceedings, and records relating to such peer review  
 3219 disciplinary action shall continue to retain their privileged

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3220 status even as to the licensee who is the subject of the  
 3221 investigation, as provided by ss. 395.0193(8), 396.212(8), and  
 3222 459.016(3); a report of a closed claim submitted pursuant to s.  
 3223 627.912; a presuit notice submitted pursuant to s. 766.106(2);  
 3224 and a petition brought under the Florida Birth-Related  
 3225 Neurological Injury Compensation Plan, pursuant to s.  
 3226 766.305(2). The osteopathic physician may submit a written  
 3227 response to the information contained in the complaint or  
 3228 document which resulted in the initiation of the investigation  
 3229 within 45 days after service to the osteopathic physician of the  
 3230 complaint or document. The osteopathic physician's written  
 3231 response shall be considered by the probable cause panel.

3232 Section 77. Paragraph (f) of subsection (4) of section  
 3233 459.022, Florida Statutes, is amended to read:

3234 459.022 Physician assistants.—

3235 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

3236 (f) A supervisory physician may delegate to a licensed  
 3237 physician assistant the authority to, and the licensed physician  
 3238 assistant acting under the direction of the supervisory  
 3239 physician may, order any medication for administration to the  
 3240 supervisory physician's patient in a facility licensed under  
 3241 chapter 395, chapter 396, or part II of chapter 400,  
 3242 notwithstanding any provisions in chapter 465 or chapter 893  
 3243 which may prohibit this delegation.

3244 Section 78. Paragraph (f) of subsection (4) of section  
 3245 459.026, Florida Statutes, is amended to read:

3246 459.026 Reports of adverse incidents in office practice  
 3247 settings.—

3248 (4) For purposes of notification to the department pursuant

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3249 to this section, the term "adverse incident" means an event over  
 3250 which the physician or licensee could exercise control and which  
 3251 is associated in whole or in part with a medical intervention,  
 3252 rather than the condition for which such intervention occurred,  
 3253 and which results in the following patient injuries:

3254 (f) Any condition that required the transfer of a patient  
 3255 to a hospital licensed under chapter 395 from an ambulatory  
 3256 surgical center licensed under chapter 396 395 or any facility  
 3257 or any office maintained by a physician for the practice of  
 3258 medicine which is not licensed under chapter 395.

3259 Section 79. Paragraph (ee) of subsection (1) of section  
 3260 460.413, Florida Statutes, is amended to read:

3261 460.413 Grounds for disciplinary action; action by board or  
 3262 department.—

3263 (1) The following acts constitute grounds for denial of a  
 3264 license or disciplinary action, as specified in s. 456.072(2):

3265 (ee) Failing to report to the department any licensee under  
 3266 chapter 458 or under chapter 459 who the chiropractic physician  
 3267 or chiropractic physician's assistant knows has violated the  
 3268 grounds for disciplinary action set out in the law under which  
 3269 that person is licensed and who provides health care services in  
 3270 a facility licensed under chapter 395 or chapter 396, or a  
 3271 health maintenance organization certificated under part I of  
 3272 chapter 641, in which the chiropractic physician or chiropractic  
 3273 physician's assistant also provides services.

3274 Section 80. Paragraph (c) of subsection (1) of section  
 3275 460.4167, Florida Statutes, is amended to read:

3276 460.4167 Proprietorship by persons other than licensed  
 3277 chiropractic physicians.—

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3278 (1) A person may not employ a chiropractic physician  
 3279 licensed under this chapter or engage a chiropractic physician  
 3280 licensed under this chapter as an independent contractor to  
 3281 provide services that chiropractic physicians are authorized to  
 3282 offer under this chapter, unless the person is any of the  
 3283 following:

3284 (c) An entity that is wholly owned, directly or indirectly,  
 3285 by an entity licensed or registered by the state under chapter  
 3286 395 or chapter 396.

3287 Section 81. Paragraph (aa) of subsection (1) and paragraph  
 3288 (b) of subsection (5) of section 461.013, Florida Statutes, are  
 3289 amended to read:

3290 461.013 Grounds for disciplinary action; action by the  
 3291 board; investigations by department.—

3292 (1) The following acts constitute grounds for denial of a  
 3293 license or disciplinary action, as specified in s. 456.072(2):

3294 (aa) Failing to report to the department any licensee under  
 3295 chapter 458 or chapter 459 who the podiatric physician knows has  
 3296 violated the grounds for disciplinary action set out in the law  
 3297 under which that person is licensed and who provides health care  
 3298 services in a facility licensed under chapter 395 or chapter  
 3299 396, or a health maintenance organization certificated under  
 3300 part I of chapter 641, in which the podiatric physician also  
 3301 provides services.

3302 (5)

3303 (b) Upon the department's receipt from the Agency for  
 3304 Health Care Administration pursuant to s. 395.0197 or s. 396.213  
 3305 of the name of the podiatric physician whose conduct may  
 3306 constitute grounds for disciplinary action by the department,

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3307 the department shall investigate the occurrences upon which the  
 3308 report was based and determine if action by the department  
 3309 against the podiatric physician is warranted.

3310 Section 82. Paragraph (e) of subsection (3) of section  
 3311 464.012, Florida Statutes, is amended to read:

3312 464.012 Licensure of advanced practice registered nurses;  
 3313 fees; controlled substance prescribing.—

3314 (3) An advanced practice registered nurse shall perform  
 3315 those functions authorized in this section within the framework  
 3316 of an established protocol that must be maintained on site at  
 3317 the location or locations at which an advanced practice  
 3318 registered nurse practices, unless the advanced practice  
 3319 registered nurse is registered and practicing under s. 464.0123.  
 3320 In the case of multiple supervising physicians in the same  
 3321 group, an advanced practice registered nurse must enter into a  
 3322 supervisory protocol with at least one physician within the  
 3323 physician group practice. A practitioner currently licensed  
 3324 under chapter 458, chapter 459, or chapter 466 shall maintain  
 3325 supervision for directing the specific course of medical  
 3326 treatment. Within the established framework, an advanced  
 3327 practice registered nurse may:

3328 (e) Order any medication for administration to a patient in  
 3329 a facility licensed under chapter 395, chapter 396, or part II  
 3330 of chapter 400, notwithstanding any provisions in chapter 465 or  
 3331 chapter 893.

3332 Section 83. Paragraph (e) of subsection (1) of section  
 3333 465.0125, Florida Statutes, is amended to read:

3334 465.0125 Consultant pharmacist license; application,  
 3335 renewal, fees; responsibilities; rules.—

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3336 (1) The department shall issue or renew a consultant  
 3337 pharmacist license upon receipt of an initial or renewal  
 3338 application that conforms to the requirements for consultant  
 3339 pharmacist initial licensure or renewal as adopted by the board  
 3340 by rule and a fee set by the board not to exceed \$250. To be  
 3341 licensed as a consultant pharmacist, a pharmacist must complete  
 3342 additional training as required by the board.

3343 (e) For purposes of this subsection, the term "health care  
 3344 facility" means a an ambulatory surgical center ~~or~~ hospital  
 3345 licensed under chapter 395, an ambulatory surgical center  
licensed under chapter 396, an alcohol or chemical dependency  
 3346 treatment center licensed under chapter 397, an inpatient  
 3347 hospice licensed under part IV of chapter 400, a nursing home  
 3348 licensed under part II of chapter 400, an ambulatory care center  
 3349 as defined in s. 408.07, or a nursing home component under  
 3350 chapter 400 within a continuing care facility licensed under  
 3351 chapter 651.

3352 Section 84. Paragraph (o) of subsection (1) of section  
 3353 465.016, Florida Statutes, is amended to read:

3354 465.016 Disciplinary actions.—

3355 (1) The following acts constitute grounds for denial of a  
 3356 license or disciplinary action, as specified in s. 456.072(2):

3357 (o) Failing to report to the department any licensee under  
 3358 chapter 458 or under chapter 459 who the pharmacist knows has  
 3359 violated the grounds for disciplinary action set out in the law  
 3360 under which that person is licensed and who provides health care  
 3361 services in a facility licensed under chapter 395 or chapter  
396, or a health maintenance organization certificated under  
 3363 part I of chapter 641, in which the pharmacist also provides

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3365 services. However, a person who the licensee knows is unable to  
 3366 practice medicine or osteopathic medicine with reasonable skill  
 3367 and safety to patients by reason of illness or use of alcohol,  
 3368 drugs, narcotics, chemicals, or any other type of material, or  
 3369 as a result of a mental or physical condition, may be reported  
 3370 to a consultant operating an impaired practitioner program as  
 3371 described in s. 456.076 rather than to the department.

3372 Section 85. Paragraph (hh) of subsection (1) of section  
 3373 466.028, Florida Statutes, is amended to read:

3374 466.028 Grounds for disciplinary action; action by the  
 3375 board.—

3376 (1) The following acts constitute grounds for denial of a  
 3377 license or disciplinary action, as specified in s. 456.072(2):

3378 (hh) Failing to report to the department any licensee under  
 3379 chapter 458 or chapter 459 who the dentist knows has violated  
 3380 the grounds for disciplinary action set out in the law under  
 3381 which that person is licensed and who provides health care  
 3382 services in a facility licensed under chapter 395 or chapter  
 3383 396, or a health maintenance organization certificated under  
 3384 part I of chapter 641, in which the dentist also provides  
 3385 services.

3386 Section 86. Paragraph (1) of subsection (1) of section  
 3387 468.505, Florida Statutes, is amended to read:

3388 468.505 Exemptions; exceptions.—

3389 (1) Nothing in this part may be construed as prohibiting or  
 3390 restricting the practice, services, or activities of:

3391 (1) A person employed by a nursing facility exempt from  
 3392 licensing under s. 395.002 ~~s. 395.002(12)~~, or a person exempt  
 3393 from licensing under s. 464.022.

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3394 Section 87. Paragraph (d) of subsection (11) of section  
 3395 486.021, Florida Statutes, is amended to read:  
 3396 486.021 Definitions.—As used in this chapter, unless the  
 3397 context otherwise requires, the term:

3398 (11) "Practice of physical therapy" means the performance  
 3399 of physical therapy assessments and the treatment of any  
 3400 disability, injury, disease, or other health condition of human  
 3401 beings, or the prevention of such disability, injury, disease,  
 3402 or other health condition, and the rehabilitation of such  
 3403 disability, injury, disease, or other health condition by  
 3404 alleviating impairments, functional movement limitations, and  
 3405 disabilities by designing, implementing, and modifying treatment  
 3406 interventions through therapeutic exercise; functional movement  
 3407 training in self-management and in-home, community, or work  
 3408 integration or reintegration; manual therapy; massage; airway  
 3409 clearance techniques; maintaining and restoring the  
 3410 integumentary system and wound care; physical agent or modality;  
 3411 mechanical or electrotherapeutic modality; patient-related  
 3412 instruction; the use of apparatus and equipment in the  
 3413 application of such treatment, prevention, or rehabilitation;  
 3414 the performance of tests of neuromuscular functions as an aid to  
 3415 the diagnosis or treatment of any human condition; or the  
 3416 performance of electromyography as an aid to the diagnosis of  
 3417 any human condition only upon compliance with the criteria set  
 3418 forth by the Board of Medicine.

3419 (d) This subsection does not authorize a physical therapist  
 3420 to implement a plan of treatment for a patient currently being  
 3421 treated in a facility licensed ~~under pursuant to~~ chapter 395 or  
 3422 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     The governing bodies of local governments may provide a schedule  
 3461 of fees, as authorized by s. 125.56(2) or s. 166.222 and this  
 3462 section, for the enforcement of the provisions of this part.  
 3463 Such fees shall be used solely for carrying out the local  
 3464 government's responsibilities in enforcing the Florida Building  
 3465 Code. The authority of state enforcing agencies to set fees for  
 3466 enforcement shall be derived from authority existing on July 1,  
 3467 1998. However, nothing contained in this subsection shall  
 3468 operate to limit such agencies from adjusting their fee schedule  
 3469 in conformance with existing authority.

3470     Section 91. Paragraph (h) of subsection (4) of section  
 3471 627.351, Florida Statutes, is amended to read:  
 3472       627.351 Insurance risk apportionment plans.—  
 3473       (4) MEDICAL MALPRACTICE RISK APPORTIONMENT; ASSOCIATION  
 3474 CONTRACTS AND PURCHASES.—  
 3475       (h) As used in this subsection, the term:

3476       1. "Health care provider" means hospitals licensed under  
 3477 chapter 395; physicians licensed under chapter 458; osteopathic  
 3478 physicians licensed under chapter 459; podiatric physicians  
 3479 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.

2. "Other medical facility" means a facility the primary purpose of which is to provide human medical diagnostic services or a facility providing nonsurgical human medical treatment, to which facility the patient is admitted and from which facility the patient is discharged within the same working day, and which facility is not part of a hospital. However, a facility existing for the primary purpose of performing terminations of pregnancy or an office maintained by a physician or dentist for the practice of medicine may not be construed to be an "other medical facility."

3. "Health care facility" means any hospital licensed under chapter 395, health maintenance organization certificated under part I of chapter 641, ambulatory surgical center licensed under chapter 396 395, or other medical facility as defined in subparagraph 2.

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 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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3655 by applicable law and under the supervision of such physician,  
 3656 osteopathic physician, chiropractic physician, or dentist, by a  
 3657 physician assistant licensed under chapter 458 or chapter 459 or  
 3658 an advanced practice registered nurse licensed under chapter  
 3659 464. Follow-up ~~Followup~~ services and care may also be provided  
 3660 by the following persons or entities:  
 3661 a. A hospital licensed under chapter 395 or an ambulatory  
 3662 surgical center licensed under chapter 396 395.  
 3663 b. An entity wholly owned by one or more physicians  
 3664 licensed under chapter 458 or chapter 459, chiropractic  
 3665 physicians licensed under chapter 460, advanced practice  
 3666 registered nurses registered under s. 464.0123, or dentists  
 3667 licensed under chapter 466 or by such practitioners and the  
 3668 spouse, parent, child, or sibling of such practitioners.  
 3669 c. An entity that owns or is wholly owned, directly or  
 3670 indirectly, by a hospital or hospitals.  
 3671 d. A physical therapist licensed under chapter 486, based  
 3672 upon a referral by a provider described in this subparagraph.  
 3673 e. A health care clinic licensed under part X of chapter  
 3674 400 which is accredited by an accrediting organization whose  
 3675 standards incorporate comparable regulations required by this  
 3676 state, or  
 3677 (I) Has a medical director licensed under chapter 458,  
 3678 chapter 459, or chapter 460;  
 3679 (II) Has been continuously licensed for more than 3 years  
 3680 or is a publicly traded corporation that issues securities  
 3681 traded on an exchange registered with the United States  
 3682 Securities and Exchange Commission as a national securities  
 3683 exchange; and

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3684 (III) Provides at least four of the following medical  
 3685 specialties:  
 3686 (A) General medicine.  
 3687 (B) Radiography.  
 3688 (C) Orthopedic medicine.  
 3689 (D) Physical medicine.  
 3690 (E) Physical therapy.  
 3691 (F) Physical rehabilitation.  
 3692 (G) Prescribing or dispensing outpatient prescription  
 3693 medication.  
 3694 (H) Laboratory services.  
 3695 3. Reimbursement for services and care provided in  
 3696 subparagraph 1. or subparagraph 2. up to \$10,000 if a physician  
 3697 licensed under chapter 458 or chapter 459, a dentist licensed  
 3698 under chapter 466, a physician assistant licensed under chapter  
 3699 458 or chapter 459, or an advanced practice registered nurse  
 3700 licensed under chapter 464 has determined that the injured  
 3701 person had an emergency medical condition.  
 3702 4. Reimbursement for services and care provided in  
 3703 subparagraph 1. or subparagraph 2. is limited to \$2,500 if a  
 3704 provider listed in subparagraph 1. or subparagraph 2. determines  
 3705 that the injured person did not have an emergency medical  
 3706 condition.  
 3707 5. Medical benefits do not include massage therapy as  
 3708 defined in s. 480.033 or acupuncture as defined in s. 457.102,  
 3709 regardless of the person, entity, or licensee providing massage  
 3710 therapy or acupuncture, and a licensed massage therapist or  
 3711 licensed acupuncturist may not be reimbursed for medical  
 3712 benefits under this section.

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3713        6. The Financial Services Commission shall adopt by rule  
 3714 the form that must be used by an insurer and a health care  
 3715 provider specified in sub subparagraph 2.b., sub subparagraph  
 3716 2.c., or sub subparagraph 2.e. to document that the health care  
 3717 provider meets the criteria of this paragraph. Such rule must  
 3718 include a requirement for a sworn statement or affidavit.

3719  
 3720 Only insurers writing motor vehicle liability insurance in this  
 3721 state may provide the required benefits of this section, and  
 3722 such insurer may not require the purchase of any other motor  
 3723 vehicle coverage other than the purchase of property damage  
 3724 liability coverage as required by s. 627.7275 as a condition for  
 3725 providing such benefits. Insurers may not require that property  
 3726 damage liability insurance in an amount greater than \$10,000 be  
 3727 purchased in conjunction with personal injury protection. Such  
 3728 insurers shall make benefits and required property damage  
 3729 liability insurance coverage available through normal marketing  
 3730 channels. An insurer writing motor vehicle liability insurance  
 3731 in this state who fails to comply with such availability  
 3732 requirement as a general business practice violates part IX of  
 3733 chapter 626, and such violation constitutes an unfair method of  
 3734 competition or an unfair or deceptive act or practice involving  
 3735 the business of insurance. An insurer committing such violation  
 3736 is subject to the penalties provided under that part, as well as  
 3737 those provided elsewhere in the insurance code.

3738        Section 100. Paragraph (a) of subsection (1) of section  
 3739 627.912, Florida Statutes, is amended to read:

3740        627.912 Professional liability claims and actions; reports  
 3741 by insurers and health care providers; annual report by office.-

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3742        (1) (a) Each self-insurer authorized under s. 627.357 and  
 3743 each commercial self-insurance fund authorized under s. 624.462,  
 3744 authorized insurer, surplus lines insurer, risk retention group,  
 3745 and joint underwriting association providing professional  
 3746 liability insurance to a practitioner of medicine licensed under  
 3747 chapter 458, to a practitioner of osteopathic medicine licensed  
 3748 under chapter 459, to a podiatric physician licensed under  
 3749 chapter 461, to a dentist licensed under chapter 466, to a  
 3750 hospital licensed under chapter 395, to a crisis stabilization  
 3751 unit licensed under part IV of chapter 394, to a health  
 3752 maintenance organization certificated under part I of chapter  
 3753 641, to clinics included in chapter 390, or to an ambulatory  
 3754 surgical center as defined in s. 396.202 ~~s. 395.002~~, and each  
 3755 insurer providing professional liability insurance to a member  
 3756 of The Florida Bar shall report to the office as set forth in  
 3757 paragraph (c) any written claim or action for damages for  
 3758 personal injuries claimed to have been caused by error,  
 3759 omission, or negligence in the performance of such insured's  
 3760 professional services or based on a claimed performance of  
 3761 professional services without consent.

3762        Section 101. Paragraph (a) of subsection (2) of section  
 3763 641.31076, Florida Statutes, is amended to read:

3764        641.31076 Shared savings incentive program.-

3765        (2) As used in this section, the term:

3766        (a) "Health care provider" means a hospital or facility  
 3767 licensed under chapter 395 or chapter 396; an entity licensed  
 3768 under chapter 400; a health care practitioner as defined in s.  
 3769 456.001; a blood bank, plasma center, industrial clinic, or  
 3770 renal dialysis facility; or a professional association,

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3771 partnership, corporation, joint venture, or other association  
 3772 for professional activity by health care providers. The term  
 3773 includes entities and professionals outside this state with an  
 3774 active, unencumbered license for an equivalent facility or  
 3775 practitioner type issued by another state, the District of  
 3776 Columbia, or a possession or territory of the United States.  
 3777 Section 102. Subsection (2) of section 765.101, Florida  
 3778 Statutes, is amended to read:  
 3779 765.101 Definitions.—As used in this chapter, the term:  
 3780 (2) "Attending physician" means the physician who has  
 3781 primary responsibility for the treatment and care of the patient  
 3782 while the patient receives such treatment or care in a hospital  
 3783 as defined in s. 395.002 et. 395.002(12).  
 3784 Section 103. Paragraph (a) of subsection (1) of section  
 3785 766.101, Florida Statutes, is amended to read:  
 3786 766.101 Medical review committee, immunity from liability.—  
 3787 (1) As used in this section:  
 3788 (a) The term "medical review committee" or "committee"  
 3789 means:  
 3790 1.a. A committee of a hospital licensed under chapter 395  
 3791 or an ambulatory surgical center licensed under chapter 396 395  
 3792 or a health maintenance organization certificated under part I  
 3793 of chapter 641;  
 3794 b. A committee of a physician-hospital organization, a  
 3795 provider-sponsored organization, or an integrated delivery  
 3796 system;  
 3797 c. A committee of a state or local professional society of  
 3798 health care providers;  
 3799 d. A committee of a medical staff of a licensed hospital or

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3800 nursing home, provided the medical staff operates pursuant to  
 3801 written bylaws that have been approved by the governing board of  
 3802 the hospital or nursing home;  
 3803 e. A committee of the Department of Corrections or the  
 3804 Correctional Medical Authority as created under s. 945.602, or  
 3805 employees, agents, or consultants of either the department or  
 3806 the authority or both;  
 3807 f. A committee of a professional service corporation formed  
 3808 under chapter 621 or a corporation organized under part I of  
 3809 chapter 607 or chapter 617, which is formed and operated for the  
 3810 practice of medicine as defined in s. 458.305(3), and which has  
 3811 at least 25 health care providers who routinely provide health  
 3812 care services directly to patients;  
 3813 g. A committee of the Department of Children and Families  
 3814 which includes employees, agents, or consultants to the  
 3815 department as deemed necessary to provide peer review,  
 3816 utilization review, and mortality review of treatment services  
 3817 provided pursuant to chapters 394, 397, and 916;  
 3818 h. A committee of a mental health treatment facility  
 3819 licensed under chapter 394 or a community mental health center  
 3820 as defined in s. 394.907, provided the quality assurance program  
 3821 operates pursuant to the guidelines that have been approved by  
 3822 the governing board of the agency;  
 3823 i. A committee of a substance abuse treatment and education  
 3824 prevention program licensed under chapter 397 provided the  
 3825 quality assurance program operates pursuant to the guidelines  
 3826 that have been approved by the governing board of the agency;  
 3827 j. A peer review or utilization review committee organized  
 3828 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

1. A continuous quality improvement committee of a pharmacy licensed pursuant to chapter 465.

which committee is formed to evaluate and improve the quality of health care rendered by providers of health service, to determine that health services rendered were professionally indicated or were performed in compliance with the applicable standard of care, or that the cost of health care rendered was considered reasonable by the providers of professional health services in the area; or

2. A committee of an insurer, self-insurer, or joint underwriting association of medical malpractice insurance, or other persons conducting review under s. 766.106.

Section 104. Paragraph (a) of subsection (1) and subsection (4) of section 766.1016, Florida Statutes, are amended to read:

766.1016 Patient safety data privilege.-

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

(a) "Patient safety data" means reports made to patient safety organizations, including all health care data, interviews, memoranda, analyses, root cause analyses, products of quality assurance or quality improvement processes, corrective action plans, or information collected or created by a health care facility licensed under chapter 395 or chapter 396, or a health care practitioner as defined in s. 456.001(4), 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.

(4) The exchange of patient safety data among health care facilities licensed under chapter 395 or chapter 396, or health care practitioners as defined in s. 456.001(4), or patient safety organizations which does not identify any patient shall not constitute a waiver of any privilege established in this 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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3887 part I of chapter 395 applies, and for a licensed ambulatory  
 3888 surgical center, chapter 396 applies.

3889 Section 106. Subsection (3) of section 766.110, Florida  
 3890 Statutes, is amended to read:

3891 766.110 Liability of health care facilities.—

3892 (3) In order to ensure comprehensive risk management for  
 3893 diagnosis of disease, a health care facility, including a  
 3894 hospital as defined in s. 395.002 or an ambulatory surgical  
 3895 center, as defined in s. 396.202 chapter 395, may use scientific  
 3896 diagnostic disease methodologies that use information regarding  
 3897 specific diseases in health care facilities and that are adopted  
 3898 by the facility's medical review committee.

3899 Section 107. Paragraph (d) of subsection (3) of section  
 3900 766.1115, Florida Statutes, is amended to read:

3901 766.1115 Health care providers; creation of agency  
 3902 relationship with governmental contractors.—

3903 (3) DEFINITIONS.—As used in this section, the term:

3904 (d) "Health care provider" or "provider" means:

3905 1. A birth center licensed under chapter 383.

3906 2. An ambulatory surgical center licensed under chapter 396

3907 395.

3908 3. A hospital licensed under chapter 395.

3909 4. A physician or physician assistant licensed under

3910 chapter 458.

3911 5. An osteopathic physician or osteopathic physician

3912 assistant licensed under chapter 459.

3913 6. A chiropractic physician licensed under chapter 460.

3914 7. A podiatric physician licensed under chapter 461.

3915 8. A registered nurse, nurse midwife, licensed practical

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3916 nurse, or advanced practice registered nurse licensed or  
 3917 registered under part I of chapter 464 or any facility which  
 3918 employs nurses licensed or registered under part I of chapter  
 3919 464 to supply all or part of the care delivered under this  
 3920 section.

3921 9. A midwife licensed under chapter 467.

3922 10. A health maintenance organization certificated under  
 3923 part I of chapter 641.

3924 11. A health care professional association and its  
 3925 employees or a corporate medical group and its employees.

3926 12. Any other medical facility the primary purpose of which  
 3927 is to deliver human medical diagnostic services or which  
 3928 delivers nonsurgical human medical treatment, and which includes  
 3929 an office maintained by a provider.

3930 13. A dentist or dental hygienist licensed under chapter  
 3931 466.

3932 14. A free clinic that delivers only medical diagnostic  
 3933 services or nonsurgical medical treatment free of charge to all  
 3934 low-income recipients.

3935 15. Any other health care professional, practitioner,  
 3936 provider, or facility under contract with a governmental  
 3937 contractor, including a student enrolled in an accredited  
 3938 program that prepares the student for licensure as any one of  
 3939 the professionals listed in subparagraphs 4.-9.

3940

3941 The term includes any nonprofit corporation qualified as exempt  
 3942 from federal income taxation under s. 501(a) of the Internal  
 3943 Revenue Code, and described in s. 501(c) of the Internal Revenue  
 3944 Code, which delivers health care services provided by licensed

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3945 professionals listed in this paragraph, any federally funded  
 3946 community health center, and any volunteer corporation or  
 3947 volunteer health care provider that delivers health care  
 3948 services.

3949 Section 108. Subsection (4) and paragraph (b) of subsection  
 3950 (6) of section 766.118, Florida Statutes, are amended to read:

3951 766.118 Determination of noneconomic damages.—

3952 (4) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF  
 3953 PRACTITIONERS PROVIDING EMERGENCY SERVICES AND CARE.—  
 3954 Notwithstanding subsections (2) and (3), with respect to a cause  
 3955 of action for personal injury or wrongful death arising from  
 3956 medical negligence of practitioners providing emergency services  
 3957 and care, as defined in s. 395.002 ~~s. 395.002(9)~~, or providing  
 3958 services as provided in s. 401.265, or providing services  
 3959 pursuant to obligations imposed by 42 U.S.C. s. 1395dd to  
 3960 persons with whom the practitioner does not have a then-existing  
 3961 health care patient-practitioner relationship for that medical  
 3962 condition:

3963 (a) Regardless of the number of such practitioner  
 3964 defendants, noneconomic damages may ~~shall~~ not exceed \$150,000  
 3965 per claimant.

3966 (b) Notwithstanding paragraph (a), the total noneconomic  
 3967 damages recoverable by all claimants from all such practitioners  
 3968 may ~~shall~~ not exceed \$300,000.

3969 The limitation provided by this subsection applies only to  
 3970 noneconomic damages awarded as a result of any act or omission  
 3971 of providing medical care or treatment, including diagnosis that  
 3972 occurs prior to the time the patient is stabilized and is

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3974 capable of receiving medical treatment as a nonemergency  
 3975 patient, unless surgery is required as a result of the emergency  
 3976 within a reasonable time after the patient is stabilized, in  
 3977 which case the limitation provided by this subsection applies to  
 3978 any act or omission of providing medical care or treatment which  
 3979 occurs prior to the stabilization of the patient following the  
 3980 surgery.

3981 (6) LIMITATION ON NONECONOMIC DAMAGES FOR NEGLIGENCE OF A  
 3982 PRACTITIONER PROVIDING SERVICES AND CARE TO A MEDICAID  
 3983 RECIPIENT.—Notwithstanding subsections (2), (3), and (5), with  
 3984 respect to a cause of action for personal injury or wrongful  
 3985 death arising from medical negligence of a practitioner  
 3986 committed in the course of providing medical services and  
 3987 medical care to a Medicaid recipient, regardless of the number  
 3988 of such practitioner defendants providing the services and care,  
 3989 noneconomic damages may not exceed \$300,000 per claimant, unless  
 3990 the claimant pleads and proves, by clear and convincing  
 3991 evidence, that the practitioner acted in a wrongful manner. A  
 3992 practitioner providing medical services and medical care to a  
 3993 Medicaid recipient is not liable for more than \$200,000 in  
 3994 noneconomic damages, regardless of the number of claimants,  
 3995 unless the claimant pleads and proves, by clear and convincing  
 3996 evidence, that the practitioner acted in a wrongful manner. The  
 3997 fact that a claimant proves that a practitioner acted in a  
 3998 wrongful manner does not preclude the application of the  
 3999 limitation on noneconomic damages prescribed elsewhere in this  
 4000 section. For purposes of this subsection:

4001 (b) The term "practitioner," in addition to the meaning  
 4002 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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4061 a family member of the patient. Notwithstanding this provision,  
4062 a health care practitioner or health care facility that in good  
4063 faith believes that this information is relevant to the  
4064 patient's medical care or safety, or the safety of others, may  
4065 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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4090 valued at \$300 or more, that is taken from a facility licensed  
4091 under chapter 395 or from an aircraft or vehicle permitted under  
4092 chapter 401; or

4093 4. If the property stolen is law enforcement equipment,  
4094 valued at \$300 or more, that is taken from an authorized  
4095 emergency vehicle, as defined in s. 316.003.

4096  
4097 the offender commits grand theft in the second degree,  
4098 punishable as a felony of the second degree, as provided in s.  
4099 775.082, s. 775.083, or s. 775.084. Emergency medical equipment  
4100 means mechanical or electronic apparatus used to provide  
4101 emergency services and care as defined in s. 395.002 ~~s.~~  
4102 ~~395.002(9)~~ or to treat medical emergencies. Law enforcement  
4103 equipment means any property, device, or apparatus used by any  
4104 law enforcement officer as defined in s. 943.10 in the officer's  
4105 official business. However, if the property is stolen during a  
4106 riot or an aggravated riot prohibited under s. 870.01 and the  
4107 perpetration of the theft is facilitated by conditions arising  
4108 from the riot; or within a county that is subject to a state of  
4109 emergency declared by the Governor under chapter 252, the theft  
4110 is committed after the declaration of emergency is made, and the  
4111 perpetration of the theft is facilitated by conditions arising  
4112 from the emergency, the theft is a felony of the first degree,  
4113 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
4114 As used in this paragraph, the term "conditions arising from the  
4115 riot" means civil unrest, power outages, curfews, or a reduction  
4116 in the presence of or response time for first responders or  
4117 homeland security personnel and the term "conditions arising  
4118 from the emergency" means civil unrest, power outages, curfews,

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4119 voluntary or mandatory evacuations, or a reduction in the  
 4120 presence of or response time for first responders or homeland  
 4121 security personnel. A person arrested for committing a theft  
 4122 during a riot or an aggravated riot or within a county that is  
 4123 subject to a state of emergency may not be released until the  
 4124 person appears before a committing magistrate at a first  
 4125 appearance hearing. For purposes of sentencing under chapter  
 4126 921, a felony offense that is reclassified under this paragraph  
 4127 is ranked one level above the ranking under s. 921.0022 or s.  
 4128 921.0023 of the offense committed.

4129 Section 113. Paragraph (b) of subsection (1) of section  
 4130 893.05, Florida Statutes, is amended to read:

4131 893.05 Practitioners and persons administering controlled  
 4132 substances in their absence.—

4133 (1)

4134 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.  
 4135 464.012(3), as applicable, a practitioner who supervises a  
 4136 licensed physician assistant or advanced practice registered  
 4137 nurse may authorize the licensed physician assistant or advanced  
 4138 practice registered nurse to order controlled substances for  
 4139 administration to a patient in a facility licensed under chapter  
 4140 395, chapter 396, or part II of chapter 400.

4141 Section 114. Paragraph (h) of subsection (1) of section  
 4142 893.13, Florida Statutes, is amended to read:

4143 893.13 Prohibited acts; penalties.—

4144 (1)

4145 (h) Except as authorized by this chapter, a person may not  
 4146 sell, manufacture, or deliver, or possess with intent to sell,  
 4147 manufacture, or deliver, a controlled substance in, on, or

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4148 within 1,000 feet of the real property comprising a mental  
 4149 health facility, as that term is used in chapter 394; a health  
 4150 care facility licensed under chapter 395 or chapter 396 which  
 4151 provides substance abuse treatment; a licensed service provider  
 4152 as defined in s. 397.311; a facility providing services that  
 4153 include clinical treatment, intervention, or prevention as  
 4154 described in s. 397.311(27); a recovery residence as defined in  
 4155 s. 397.311; an assisted living facility as defined in chapter  
 4156 429; or a pain management clinic as defined in s.  
 4157 458.3265(1)(a)1.c. or s. 459.0137(1)(a)1.c. A person who  
 4158 violates this paragraph with respect to:

4159 1. A controlled substance named or described in s.  
 4160 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 4161 commits a felony of the first degree, punishable as provided in  
 4162 s. 775.082, s. 775.083, or s. 775.084.

4163 2. A controlled substance named or described in s.  
 4164 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)6., (2)(c)7.,  
 4165 (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of  
 4166 the second degree, punishable as provided in s. 775.082, s.  
 4167 775.083, or s. 775.084.

4168 3. Any other controlled substance, except as lawfully sold,  
 4169 manufactured, or delivered, must be sentenced to pay a \$500 fine  
 4170 and to serve 100 hours of public service in addition to any  
 4171 other penalty prescribed by law.

4172 Section 115. Paragraph (b) of subsection (1) of section  
 4173 945.6041, Florida Statutes, is amended to read:

4174 945.6041 Inmate medical services.—

4175 (1) As used in this section, the term:

4176 (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:

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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4293  
4294

Section 119. This act shall take effect July 1, 2026.

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# 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 5<sup>th</sup>, 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

- 2933 North Myrtle Avenue, Suite 201, Jacksonville, Florida 32209 (904) 359-2575
- 210 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5005

**BEN ALBRITTON**  
President of the Senate

**JASON BRODEUR**  
President Pro Tempore



## 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 5<sup>th</sup>. 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".

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](http://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 read "Shev" followed by a stylized "D".

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](http://www.flsenate.gov)

**BEN ALBRITTONJASON BRODEUR**  
President of the SenatePresident 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 5<sup>th</sup>.

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](http://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