

CS/SB 1066 by HP, Grimsley; (Compare to CS/CS/CS/H 0819) Department of Health

180696	A	S	WD	TR, Evers	Delete L.195 - 232:	04/10 02:35 PM
965562	AA	S	WD	TR, Diaz de la Portilla	Delete L.13:	04/10 07:31 AM
307636	A	S	RCS	TR, Evers	btw L.402 - 403:	04/10 02:35 PM
638522	A	S	L RCS	TR, Joyner	btw L.124 - 125:	04/10 02:35 PM
299734	A	S	L RCS	TR, Thompson	btw L.411 - 412:	04/10 02:35 PM
226178	AA	S	RCS	TR, Thompson	Delete L.67 - 75:	04/10 02:35 PM

SB 1618 by Brandes; Chauffeured Limousines

766326	D	S	RCS	TR, Brandes	Delete everything after	04/10 02:35 PM
679322	AA	S	L WD	TR, Evers	Delete L.14 - 18:	04/10 02:35 PM

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Brandes, Chair
Senator Margolis, Vice Chair

MEETING DATE: Thursday, April 10, 2014
TIME: 9:00 —11:00 a.m.
PLACE: *Mallory Horne Committee Room, 37 Senate Office Building*

MEMBERS: Senator Brandes, Chair; Senator Margolis, Vice Chair; Senators Clemens, Diaz de la Portilla, Evers, Garcia, Joyner, Lee, Richter, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 1066 Health Policy / Grimsley (Compare CS/CS/CS/H 819)	Department of Health; Authorizing the Department of Highway Safety and Motor Vehicles to provide reproductions of specified records to the Department of Health under certain circumstances; clarifying duties of the Department of Health to maintain the confidentiality of patient records that it obtains under subpoena pursuant to an investigation; authorizing licensees under investigation to inspect or receive copies of patient records connected with the investigation, subject to certain conditions, etc. HP 03/25/2014 Fav/CS TR 04/10/2014 Fav/CS AP	Fav/CS Yeas 9 Nays 0
2	SB 1618 Brandes	Chauffeured Limousines; Citing this act as the "Chauffeured Limousines and Services Safety Act"; preempting the licensing and regulation of chauffeured limousines, chauffeured limousine services, and drivers of chauffeured limousines to the state; providing rules of operation for a chauffeured limousine service; providing chauffeured limousine vehicle standards; providing requirements for chauffeured limousine drivers; providing penalties; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; revising proof of insurance requirements for owners or operators of chauffeured limousines and chauffeured limousine services, etc. TR 04/03/2014 Temporarily Postponed TR 04/10/2014 Fav/CS CA	Fav/CS Yeas 7 Nays 3

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 Transportation

BILL: CS/CS/SB 1066

INTRODUCER: Transportation Committee, Health Policy Committee and Senator Grimsley

SUBJECT: Department of Health

DATE: April 9, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peterson</u>	<u>Stovall</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Everette</u>	<u>Eichin</u>	<u>TR</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1066 makes a series of changes to the statutes governing the licensure of health care practitioners and the related operations of the Department of Health (DOH). Specifically, the bill:

- Authorizes fees to be waived for up to one biennial licensing period when the funds of a licensed profession exceed the amount required to administer its licensing program.
- Gives the DOH flexibility in determining the format of the license.
- Authorizes the DOH to access digital images from drivers' licenses for use in licensing and related investigations.
- Revises the method by which the Board of Medicine (BOM) determines continuing education requirements.
- Corrects an obsolete provision related to the authority of hospitals, ambulatory surgical centers, and mobile surgical facilities to release patient records to the DOH for health care practitioner complaint investigation and enforcement.
- Eliminates obsolete or underutilized licensing options related to dental laboratories, nursing home administrators, and massage therapists.
- Deletes references to certification entities for medical assistants.
- Eliminates the Council on Certified Nursing Assistants and revises the schedule for in-service hours required for certified nursing assistants.
- Revises the composition of the Board of Nursing Home Administrators.
- Expands the potential focus of Closing the Gap projects to include sickle cell disease.

- Allows a health care provider who provides free care to low income patients under the Access to Health Care Act, to retain sovereign immunity and provide care for up to 30 days after a patient is determined not to meet the financial eligibility standard while the patient finds a new provider.
- Creates definitions of “health care setting” and “nonhealth care setting” and establishes requirements for consent and notification for HIV testing applicable to each.
- Authorizes the Board of Physical Therapy to approve a curriculum of foreign education as equivalent to education required in the U.S. for purposes of licensure.

II. Present Situation:

Regulation of Health Care Professions

The DOH is responsible for licensing and regulating health care practitioners in order to preserve the health, safety, and welfare of the public.¹ General licensing provisions applicable to health care practitioners are contained in ch. 456, F.S., which also sets out in more detail the policy framework for regulation. Specifically, regulation is to occur when:²

- Unregulated practice can harm or endanger the health, safety, and welfare of the public, and the potential for harm outweighs the potentially anticompetitive effect of regulation.
- The public is not adequately protected by other means, including other statutes, federal law, or local ordinances.
- Less restrictive means of regulation are not available.

The Division of Medical Quality Assurance (MQA) within the DOH has responsibility for licensing health care practitioners, and certain facilities and businesses; enforcing health care practitioner standards; and providing licensure and disciplinary information to enable health care consumers to make more informed health care decisions.³

Practitioners regulated by the MQA include the following professions:

- Emergency Medical Technicians and Paramedics (part III of ch. 401, F.S.)
- Acupuncture (ch. 457, F.S.)
- Allopathic Medicine (ch. 458, F.S.)
- Osteopathic Medicine (ch. 459, F.S.)
- Chiropractic Medicine (ch. 460, F.S.)
- Podiatric Medicine (ch. 461, F.S.)
- Naturopathy (ch. 462, F.S.)
- Optometry (ch. 463, F.S.)
- Nursing, including Certified Nursing Assistants (ch. 464, F.S.)
- Pharmacy (ch. 465, F.S.)
- Dentistry (ch. 466, F.S.)
- Midwifery (ch. 467, F.S.)
- Speech-Language Pathology and Audiology (part I of ch. 468, F.S.)

¹ Section 20.43(1)(g), F.S.

² Section 456.003(2), F.S.

³ Fla. Dept. of Health, *Resource Manual for the Florida Department of Health*, 252 (FY 2012–2013) (on file with the Senate Health Policy Committee).

- Nursing Home Administration (part II of ch. 468, F.S.)
- Occupational Therapy (part III of ch. 468, F.S.)
- Radiology (part IV of ch. 468, F.S.)
- Respiratory Therapy (part V of ch. 468, F.S.)
- Dietetics and Nutrition (part X of ch. 468, F.S.)
- Athletic Training (part XIII of ch. 468, F.S.)
- Orthotics, Prosthetics, and Pedorthics (part XIV of ch. 468, F.S.)
- Electrolysis (ch. 478, F.S.)
- Massage Therapy (ch. 480, F.S.)
- Clinical Laboratory Personnel (part III of ch. 483, F.S.)
- Medical Physicists (part IV of ch. 483, F.S.)
- Opticianry (part I of ch. 484, F.S.)
- Hearing Aid Specialists (part II of ch. 484, F.S.)
- Physical Therapy Practice (ch. 486, F.S.)
- Psychology (ch. 490, F.S.)
- Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (ch. 491, F.S.)

The following facilities or programs are also regulated or inspected by the MQA:⁴

- Body Piercing Establishments (s. 381.0075, F.S.)
- Brain and Spinal Cord Injury Programs (ss. 381.739 - 381.79, F.S.)
- Counterfeit-proof Prescription Vendors (s. 456.42(2), F.S.)
- Dental Laboratories (ch. 466, F.S.)
- Electrology Facilities (ch. 478, F.S.)
- Electrolysis Training Programs (ch. 478, F.S.)
- EMS Education Programs (ch. 401, F.S.)
- EMS Vehicle Permittees (ch. 401, F.S.)
- Environmental Testing Laboratories (s. 403.0625, F.S.)
- Massage Establishments (ch. 480, F.S.)
- Massage Schools (ch. 480, F.S.)
- Nursing Education Programs (ch. 464, F.S.)
- Office Surgery Sites (ch. 458 and ch. 459, F.S.)
- Optical Establishments (part I of ch. 484, F.S.)
- Pain Management Clinics (ch. 458 and ch. 459, F.S.)
- Pharmacies (ch. 465, F.S.)
- Trauma Centers (part II of ch. 395, F.S.)

As part of its enforcement responsibilities, the DOH investigates complaints against health care practitioners. It must investigate any complaint that is written, signed by the complainant,⁵ and

⁴ Other facilities and programs regulated by the DOH, although not the MQA, include tanning facilities, X-ray sites, and radioactive materials users, among others.

⁵ The DOH may investigate an anonymous complaint or a complaint by a confidential informant if the alleged violation of law or rule is substantial and the DOH has reason to believe, after preliminary inquiry, that the violations alleged in the complaint are true. (*See* s. 456.073(1), F.S.)

legally sufficient,⁶ and may initiate an investigation if it believes a violation of law or rule has occurred. Such an investigation may result in an administrative case against the health care practitioner's license.⁷ The DOH also has a duty to notify the proper prosecuting authority when there is a criminal violation of any statute related to the practice of a profession regulated by the DOH.⁸

Responsibility for the regulation of health care practitioners once resided with the Department of Business and Professional Regulation. The 1996 Legislature directed the transfer of that function to the Agency for Health Care Administration (AHCA).⁹ Then in 1997 the Legislature revised the transfer, moving responsibility for the regulation of health care practitioners instead to the DOH and creating the MQA. Health care practitioner complaint, investigative, and prosecutorial services, however, stayed with the AHCA, and were provided under contract to the MQA.¹⁰ It was not until 2002 that these services were transferred to the MQA.¹¹

The 1997 Legislature directed the AHCA to establish a toll-free telephone number for public reporting of complaints relating to medical treatment or services provided by health care professionals.¹² Responsibility for the toll-free consumer complaint hotline was not moved to the MQA when the enforcement services were transferred in 2002. Instead, the established toll-free telephone number remains with the AHCA and is used to take complaints regarding health care facilities regulated by the AHCA. Complaints regarding health care practitioners are forwarded by the AHCA to the MQA.¹³

Likewise, s. 395.3025, F.S., which sets forth when and how hospitals, ambulatory surgical centers, and mobile surgical centers can release patient records was not updated to reflect the transfer. In general, patient records are confidential and cannot be disclosed without consent of the patient or his or her legal guardian.¹⁴ The statute authorizes release of the records without consent, however, to "the agency" for use in the investigation, prosecution, and appeal of disciplinary proceedings.¹⁵ The DOH indicates that a number of hospitals have challenged the DOH's authority to subpoena records based on the current language.¹⁶

⁶ A complaint is legally sufficient if it contains ultimate facts that show a violation of ch. 456, F.S., of any of the practice acts relating to the professions regulated by the DOH, or of any rule adopted by the DOH or one of its regulatory boards has occurred. (*See* s. 456.073(1), F.S.)

⁷ Upon completion of an investigation, the DOH must submit a report to the probable cause panel of the appropriate regulatory board. (*See* s. 456.073(2), F.S.) If the probable cause panel finds that probable cause exists, it must direct the DOH to file a formal administrative complaint against the licensee. If the DOH declines to prosecute the complaint because it finds that probable cause has been improvidently found by the panel, the regulatory board may still pursue and prosecute an administrative complaint. (*See* s. 456.073(4), F.S.)

⁸ Section 456.066, F.S.

⁹ Ch. 96-403, s. 11, Laws of Fla.

¹⁰ Ch. 97-261, ss. 1 and 2, Laws of Fla.; ch. 97-273, s. 1, Laws of Fla.

¹¹ Ch. 2002-400, s. 44, Laws of Fla.

¹² Ch. 97-273, s. 24, Laws of Fla.

¹³ Fla. Dept. of Health, *Senate Bill 1066 Bill Analysis* (undated) (on file with the Senate Health Policy Committee).

¹⁴ Section 395.3025(4), F.S.

¹⁵ Section 395.3025(4)(e), F.S.

¹⁶ Fla. Dept. of Health, *supra* note 13.

Human Immunodeficiency Virus

Human immunodeficiency virus is an immune system virus that can lead to the fatal acquired immunodeficiency syndrome (AIDS). HIV affects specific cells of the immune system and over time the virus can destroy so many of these cells that the body cannot fight off infections and disease. There is no cure for HIV, yet with proper medical care, HIV can be controlled.¹⁷

Human immunodeficiency virus is typically spread by having unprotected sex with someone who has HIV, sharing needles, syringes, or other equipment used to prepare injection drugs with someone who has HIV. As of 2010, about 1.1 million people in the United States were living with HIV and approximately 50,000 people get infected with HIV each year.¹⁸ In Florida, the estimated number of adults and children with an AIDS diagnosis was 117,612 through December 2008, making Florida the third highest state in cumulative reported AIDS cases.¹⁹

HIV Testing

Of the 1.1 million Americans living with AIDS, it is also estimated that one fifth of those are unaware of their infection.²⁰ The Centers for Disease Control and Prevention (CDC) in 2006, revised its recommendations for HIV testing after a comprehensive review of literature, a consensus of medical opinions, input of community organizations, and the opinion of persons living with HIV.²¹

Florida HIV Testing

Currently, in Florida, every person who is tested for HIV must first give their informed consent before a test is administered, except as specified in s. 381.004(2)(h), F.S. Exceptions to informed consent include the testing of inmates from the state prison system prior to release, testing defendants in sexual battery crimes at the request of the victims; and when mandated by court order.

Informed consent for HIV testing is defined under the Florida Administrative Code and requires:²²

- An explanation that the information identifying the test subject and the results of the test are confidential and protected against further disclosure to the extent permitted by law;
- Notice that persons who test positive will be reported to the local CHD;
- Notice that anonymous testing is available and the locations of the anonymous sites;

¹⁷ Centers for Disease Control and Prevention, *About HIV/AIDS*, <http://www.cdc.gov/hiv/basics/whatishiv.html> (last visited Mar. 26, 2014).

¹⁸ Centers for Disease Control and Prevention, *Basic Statistics*, <http://www.cdc.gov/hiv/basics/statistics.html> (last visited Mar. 26, 2014).

¹⁹ Centers for Disease Control and Prevention, *Florida 2010 Profile*, http://www.cdc.gov/nchhstp/stateprofiles/pdf/Florida_profile.pdf (last visited Mar. 26, 2014).

²⁰ Id.

²¹ Centers for Disease Control and Prevention, *Revised CDC Recommendations: HIV Testing of Adults, Adolescents, and Pregnant Women in Health-Care Settings, Annotated Guide* (September 2006), http://www.cdc.gov/hiv/testing/HIVStandardCare/resources/brochures/MMWR-Annotated%20508C_Full.pdf (last visited Mar. 26, 2014).

²² Rule 64D-2.004, F.A.C.

- Written informed consent only for the following:
 - From the potential donor or donor’s legal representative prior to first donation of blood, blood components, organs, skin, semen, or other human tissue or body part;
 - For insurance purposes; and,
 - For contracts purposes in a health maintenance organization, pursuant to s. 641.3007, F.S.

Minors meeting certain requirements, such as being married, pregnant, or able to demonstrate maturity to make an informed judgment, can be tested for HIV, without parental consent if the minor provides informed consent.²³

The other exception to informed consent for HIV testing in Florida relates to pregnancy. Prior to testing, a health care practitioner must inform a pregnant woman that the HIV test will be conducted and of her right to refuse the test. If declined, the refusal will be noted in the medical record.²⁴

The Department of Health (DOH) has developed a comprehensive program for preventing the spread of HIV/AIDS with many testing options available throughout the state in a variety of settings. Over 30,000 people receive AIDS treatment and prevention services from the DOH through the CHD and different programs of the DOH.²⁵

A nonhealth care setting that offers HIV testing services must first register with the DOH and comply with other statutory requirements listed in s. 381.004(4), F.S., such as providing opportunities for pre-test and post-test counseling by counselors specifically trained to address the needs of persons who may receive positive test results.

The Closing the Gap Grant Program

In 2000, the Legislature created the Reducing the Racial and Ethnic Health Disparities: “Closing the Gap” grant program, to stimulate the development of community and neighborhood-based projects to improve health outcomes of racial and ethnic populations.²⁶ The program is administered by the Department of Health (DOH). Grants are awarded for one year but may be renewed annually – subject to the availability of funds – upon the approval of the DOH based on the achievement of quality standards, objectives, and outcomes.²⁷ Grants require a local match of one dollar for every three dollars awarded, although a portion²⁸ of the match may be in-kind, in the form of free services or human resources.²⁹

²³ Section 384.30, F.S. and Rule 64D-2.004(4), F.A.C.

²⁴ Sections 381.004(2)(h)(2) and 384.31, F.S.

²⁵ Department of Health, *County Health Departments*, <http://www.floridahealth.gov/public-health-in-your-life/county-health-departments/index.html> (last visited: Mar. 26, 2014).

²⁶ Section 381.7352, F.S.

²⁷ Section 381.7356(4), F.S.

²⁸ Up to 50% in counties over 50,000 in population and 100% in counties of 50,000 or less. (s. 381.7355(2)(a), F.S.)

²⁹ Section 381.7356(2), F.S.

Sickle Cell Disease

Sickle cell disease (SCD) is a group of inherited red blood cell disorders. Healthy red blood cells are round. In someone who has SCD, the red blood cells become hard, sticky, and shaped like a sickle or the letter “C.” The sickle cells die early, which causes a constant shortage of red blood cells, and the cells clog blood flow in small blood vessels, which can cause pain and other serious problems such as infection, acute chest syndrome, and stroke.³⁰

Sickle cell disease is diagnosed with a blood test, most often at birth during routine newborn screening tests.³¹ It is a genetic disorder, inherited when a child inherits the gene from both parents. The only cure is bone marrow or stem cell transplant.

The exact number of persons with SCD is not known. The Centers for Disease Control and Prevention estimates that:³²

- SCD affects 90,000 to 100,000 Americans.
- SCD occurs among about 1 out of every 500 Black or African-American births.
- SCD occurs among about 1 out of every 36,000 Hispanic-American births.

In 2005, medical expenditures for children with SCD averaged \$11,702 for children with Medicaid coverage and \$14,772 for children with employer-sponsored insurance. About 40 percent of both groups had at least one hospital stay.³³

Color Photographic or Digital Imaged Licenses

Drivers’ licenses are issued by the Department of Highway Safety and Motor Vehicles (DHSMV) with a full face color photograph or digital image of the licensee.³⁴ Records of the digital image maintained by the DHSMV are exempt from public records disclosure, but copies may be made for use by the DHSMV or other specified agencies for activities related to their responsibilities, e.g. Department of Business Regulation for reproduction of licenses; Department of State in connection with determining voter eligibility; and Department of Revenue for use in enforcing child support provisions, among others. The law does not authorize release of the records to the DOH.³⁵

Currently, some, but not all, initial applicants for licensure as a health care practitioner are required to provide a passport photograph at the time of initial application but are not required to maintain a current photograph on file with the DOH. The DOH stores licensing records electronically and most imaged photographic records become distorted and no longer legible once scanned and converted to a digital image. Photographs assist the DOH in confirming the identity of licensed health care practitioners during its investigation of disciplinary cases and in

³⁰ Centers for Disease Control and Prevention, *Facts About Sickle Cell Disease*, <http://www.cdc.gov/ncbddd/sicklecell/facts.html> (last visited Mar. 22, 2014).

³¹ Florida’s newborn screening program includes sickle cell among the genetic disorders that are tested in newborns.

³² Centers for Disease Control and Prevention, *Sickle Cell Disease, Data and Statistics*, <http://www.cdc.gov/ncbddd/sicklecell/data.html> (last visited Mar. 22, 2014).

³³ *Id.*

³⁴ Section 322.142(1), F.S.

³⁵ Section 322.142(4), F.S.

the service of legal documents. In addition, licenses which are displayed in a practitioner's place of practice do not currently contain a photograph.³⁶

Size Requirements for Licenses; Renewal of License

Section 456.013(2), F.S., requires the DOH to issue a wallet-size identification card and a wall card measuring 6.5 inches by five inches to health care practitioners licensed in Florida. The DOH produced 494,115 licenses in the 2011-2012 fiscal year at a cost of \$72,140.79. The DOH would like the opportunity to explore less costly options.³⁷

Health Care Practitioner Continuing Education and Training

Florida law generally requires health care practitioners to complete continuing education or training as a condition of licensure or re-licensure. Some requirements are general obligations to complete a number of hours in subject areas determined by the relevant regulatory board.

Examples of these are as follows:

- The Board of Medicine, Board of Chiropractic Medicine, Board of Osteopathic Medicine, and Board of Podiatric Medicine must require licensees to periodically demonstrate professional competency by completing at least 40 hours of continuing education every two years. The boards generally establish the criteria and content for continuing education and may authorize up to 25 percent of the hours to be fulfilled by pro bono service to an underserved community.³⁸ In addition, the boards may approve alternative methods for obtaining credit in risk management, which include: attendance at a board meeting where another practitioner is disciplined; service as a volunteer expert for the DOH; or service on the board's probable cause panel.³⁹
- Certified nursing assistants (CNAs) are required by statute to complete 12 hours of in-service training each calendar year.⁴⁰ CNA licenses renew biennially on May 31, which conflicts with the statutory requirement of calendar year training. The next scheduled renewal deadline is May 31, 2015.⁴¹

Other continuing education requirements are expressly created in statute. Examples of these are as follows:

- All health care practitioners regulated by the DOH or a board must complete a course related to prevention of medical errors at initial licensure and biennial renewals thereafter.⁴²
- Practitioners licensed or certified under ch. 457, F.S. (Acupuncture), ch. 458, F.S. (Allopathic Medicine), ch. 459, F.S. (Osteopathic Medicine), ch. 460, F.S. (Chiropractic Medicine), ch. 461, F.S., (Podiatric Medicine), ch. 463, F.S. (Optometry), part I of ch. 464, F.S. (Nursing), ch. 465, F.S. (Pharmacy), ch. 466, F.S. (Dentistry and Dental Hygiene), parts II, III, V, and X of ch.468, F.S. (Nursing Home Administration; Occupational Therapy;

³⁶ Fla. Dept. of Health, *supra* note 13.

³⁷ *Id.*

³⁸ Section 456.013(9), F.S.

³⁹ Section 456.013(6), F.S.

⁴⁰ Section 464.203(7), F.S.

⁴¹ Florida Board of Nursing, *Certified Nursing Assistant (CNA)*, <http://floridasnursing.gov/renewals/certified-nursing-assistant/> (last visited March 22, 2014).

⁴² Section 456.013(7), F.S.

Respiratory Therapy; and Dietetics and Nutrition), are required to complete a course on HIV/AIDS one time, no later than first renewal.⁴³

Licensure Fees

The law requires the costs of regulating health care practitioners to be borne solely by licensed practitioners and licensure applicants. The boards, in consultation with the DOH, are responsible for establishing fees that are:⁴⁴

- Based on revenue projections prepared using generally accepted accounting procedures;
- Adequate to cover all expenses relating to that board identified in the DOH's long-range policy plan;
- Reasonable, fair, and not serve as a barrier to licensure;
- Based on potential earnings from working under the scope of the license;
- Similar to fees imposed on similar licensure types; and,
- Not more than 10 percent greater than the actual cost to regulate that profession for the previous biennium.

Licensure fees are subject to challenge pursuant to ch. 120, F.S.

Since the 2008 Session, a total of \$82 million has been authorized for transfer from the MQA Trust Fund to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act. Despite the transfers, the MQA Trust Fund continues to maintain an average cash balance of \$24 million. Since the 2008-2009 fiscal year, the cost of regulating health care practitioners has averaged \$63,198,327 annually, and the MQA has collected an average of \$72,035,217 in revenue annually. The MQA's revenue projections for the 2012-2013 fiscal year and the next five years indicate an average of \$74,672,466 in revenue annually. The MQA projects that operating expenses will remain stable and may even decrease as a result of implementation of a number of process efficiencies.⁴⁵

Medical Assistants

Current law creates a definition of "medical assistant" and describes the duties a medical assistant may undertake under the direct supervision and responsibility of a licensed physician. These limited duties include certain basic office and laboratory procedures, assisting with first aid, taking vital signs, and performing aseptic procedures, among others. The law says that a medical assistant may be certified by the American Association of Medical Assistants or as a Registered Medical Assistant by the American Medical Technologist, but the law does not require certification as a condition of performing the specified duties. Other agencies that certify medical assistants are not recognized in law.⁴⁶

⁴³ Section 456.033, F.S.

⁴⁴ Section 456.025(1), F.S.

⁴⁵ Fla. Dept. of Health, *supra* note 13.

⁴⁶ *See, e.g.* The American Registry of Medical Assistants, <http://arma-cert.org/> (last visited March 17, 2014).

Council of Certified Nursing Assistants

The Council on Certified Nursing Assistants is created under the Board of Nursing to make recommendations to the DOH regarding policies and procedures for certification of CNAs and to develop rules regulating the education, training, and certification process. The Board of Nursing has discretion to adopt the rules recommended by the council.⁴⁷

Dental Laboratories

Dental laboratories must be registered and reregistered biennially with the DOH.⁴⁸ Renewal notices are sent to the last known address of each dental laboratory 120 days prior to the expiration date of the license, which is February 28 of even-numbered years.⁴⁹ If a dental laboratory operator fails to reregister timely, the DOH must notify the operator by registered mail, within one month after the renewal date, return receipt requested.⁵⁰ Dental laboratory operators then have three additional months to renew the establishment license with no late fee. If a dental laboratory fails to renew within that three-month window, the operator must pay a delinquency fee of \$40, in addition to the current renewal fee, to renew.⁵¹ As of March 30, 2013, 1,086 dental laboratories were licensed in Florida.⁵²

During this past licensure renewal period, the DOH mailed 281 return-receipt notices to delinquent dental laboratories. Eighty-six were returned as undeliverable. The requirement to send registered letters to delinquent dental laboratories costs over \$2,000 every two years. Staff spends approximately 35 hours preparing and mailing the registered letters. This process is not required for any other regulated health care professions.⁵³

Nursing Home Administrators

Nursing home administrators are regulated by the Board of Nursing Home Administrators, within the DOH, under part II, ch. 468, F.S. The board consists of seven members appointed by the Governor and confirmed by the Senate to a four-year term. Three members must be licensed nursing home administrators; two members must be health care practitioners; and the remaining two members must be laypersons. At least one member of the board must be older than 60 years of age.⁵⁴

The DOH may issue a provisional license to fill a position of a nursing home administrator that unexpectedly becomes vacant due to illness, sudden death of the administrator, or abandonment of the position. The provisional license is valid for six months.⁵⁵ The last provisional license was issued by the Board of Nursing Home Administrators in December 2007. The board repealed the

⁴⁷ Section 464.2085, F.S.

⁴⁸ Section 466.032(1), F.S.

⁴⁹ Fla. Board of Dentistry, *Dental Laboratory*, <http://floridasdentistry.gov/renewals/dental-laboratory/> (last visited Mar. 22, 2014).

⁵⁰ Section 466.032(2), F.S.

⁵¹ Section 466.032(3), F.S.

⁵² Fla. Dept. of Health, *supra* note 13.

⁵³ *Id.*

⁵⁴ Section 468.1665, F.S.

⁵⁵ Section 468.1735, F.S.

rule implementing the provisional license in 2010 because provisional licenses were no longer necessary for the regulation of the profession.⁵⁶

Massage Therapists and Massage Establishments

Massage therapists and massage establishments in Florida are regulated by the Board of Massage Therapy, within the DOH, under the Massage Practice Act, ch. 480, F.S. A person must be licensed as a massage therapist to practice massage for compensation, unless otherwise specifically exempted under the Massage Practice Act.⁵⁷ In order to be licensed as a massage therapist, an applicant must:⁵⁸

- Be at least 18 years of age or have received a high school diploma or graduate equivalency diploma;
- Complete a course of study at a massage school approved by the board or apprenticeship program; and,
- Pass an examination.

For the 10-year period ending June 21, 2013, the Board of Massage Therapy has received 300 applications for apprenticeship. Of those 300, only eight have obtained full licensure as a massage therapist.⁵⁹

Physical Therapists

Current law allows the Board of Physical Therapy to license a qualified applicant who has graduated from a foreign education program with education credentials deemed equivalent to those required for physical therapy in the United States.⁶⁰ The statute requires the board to use a third party to make the determination and currently the board uses the assessment provided by the Foreign Credentialing Commission on Physical Therapy.⁶¹

Access to Health Care Act

Section 766.1115, F.S., is entitled “The Access to Health Care Act” (the Act). The Act was enacted in 1992 to encourage health care providers to provide care to low-income persons.⁶² This section extends sovereign immunity to health care providers who execute a contract with a governmental contractor and who provide volunteer, uncompensated health care services to low-income individuals as an agent of the state. These health care providers are considered agents of

⁵⁶ Fla. Dept. of Health, *supra* note 13.

⁵⁷ Section 480.047(1)(a), F.S.; s. 480.034, F.S.

⁵⁸ Section 480.041 and 480.042, F.S.

⁵⁹ Fla. Dept. of Health, *supra* note 13.

⁶⁰ Section 486.031(3), F.S.

⁶¹ Rule 64B17-3.001(3)(b), F.A.C.

⁶² Low-income persons are defined in the Act as a person who is Medicaid-eligible, a person who is without health insurance and whose family income does not exceed 200 percent of the federal poverty level, or any eligible client of the Department of Health who voluntarily chooses to participate in a program offered or approved by the department. Section 766.1115(3)(e), F.S. A single individual whose annual income does not exceed \$22,980 is at 200 percent of the federal poverty level using Medicaid data. See *2013 Poverty Guidelines, Annual Guidelines* at: <http://www.medicaid.gov/Medicaid-CHIP-Program-Information/By-Topics/Eligibility/Downloads/2013-Federal-Poverty-level-charts.pdf> (last visited December 13, 2013).

the state under s. 768.28(9), F.S., for purposes of extending sovereign immunity while acting within the scope of duties required under the Act.

III. Effect of Proposed Changes:

Section 1 amends s. 322.142, F.S., to authorize the DHSMV to enter into an interagency agreement with the DOH authorizing it to access digital images retained from drivers' licenses to verify the identity of a health care practitioner who is under investigation pursuant to ch. 456, F.S., and for use in reproducing licenses.

Section 2 amends s. 381.004, F.S., and adds definitions for "health care setting" and "nonhealth care setting." A health care setting is defined as a setting devoted to both the diagnosis and care of persons.

The bill modifies the consent requirements for HIV tests specifically conducted in a health care setting to require the health provider to notify the patient the test is planned and advise the patient of his or her option to decline the planned test. This is changed from requiring informed consent and more closely implements the CDC guidelines for HIV testing. The provider must also inform the patient of his or her right to confidential treatment of identifying information under the law. If the patient opts out of the test, the provider must note the denial in the patient's record.

A nonhealth care setting is defined as a site that conducts HIV testing for the sole purpose of identifying HIV infection.

In a nonhealth care setting, the bill requires the provider to obtain the patient's informed consent for the HIV test after an explanation of the patient's right to confidential treatment of identifying information as provided under law, including test results.

In either setting, the patient must be informed that a positive HIV test will be reported to the local CHD with sufficient information to identify the patient. The patient must also be provided information about the availability of anonymous testing sites. Each CHD will be responsible for maintaining a list of available sites with locations, telephone numbers, and hours of operation.

The bill updates the definition for "preliminary HIV test" with current terminology and testing options.

The bill authorizes hospitals licensed under ch. 395, F.S., to release HIV test results, as is currently permitted, if the hospital notifies the patient of the confidentiality protections included in medical records. The bill conforms this requirement to the notification requirements in the bill related to HIV testing in a health care setting.

Section 3, amends s. 381.7355, F.S., to add projects with the goal of decreasing racial and ethnic disparities in morbidity and mortality rates relating to sickle cell disease, to the priority areas that a project receiving a Closing the Gap grant may address.

Section 4 amends s. 395.3025, F.S., to authorize hospitals, ambulatory surgical centers, and mobile surgical facilities to release patient records without patient consent to the DOH for use in health care practitioner investigation and disciplinary proceedings. This corrects an error created when the enforcement responsibilities were transferred from the AHCA to the DOH in 2002. The bill also deletes obsolete language regarding public access to the records, which is already in s. 456.057, F.S.

Section 5 amends s. 456.013, F.S., to eliminate the size requirements for licenses issued by the DOH.

Section 6 amends s. 456.025, F.S., to delete authority for the boards, or the DOH when there is no board, to charge a fee up to \$25 for issuing wall certificates. This section also authorizes the boards, or the DOH when there is no board, to adopt rules to waive fees (initial application, initial licensure, unlicensed activity, or renewal) for any profession the DOH determines, based on its long-range estimate, will have more revenue than necessary to fund its operations. A fee waiver may not exceed two years. This will allow the DOH to keep fund balances more closely aligned to current statutory requirements without the need for actual fee adjustments.

Section 7 amends s. 458.319, F.S., to create new authority for the BOM to determine continuing education requirements for allopathic physicians. Physicians will continue to complete 40 hours biennially, inclusive of the three statutorily mandated courses in HIV, domestic violence, and medical errors prevention. The BOM is authorized to determine and mandate specific continuing education and to approve alternative methods for obtaining credits, including: attending board meetings; serving as a volunteer expert witness; or as a member of a probable cause panel. These options exist today, but only as a means to obtain risk management credit. In addition, the BOM is authorized to allow up to 25 percent of the required hours through pro bono service to indigent, underserved populations, or patients in areas of critical need. This option exists in current law. Finally, the BOM is authorized to award credit for research in critical need areas, or training for advanced professional certification. The BOM is given rulemaking authority to define underserved and critical need area.

Section 8 amends s. 458.3485, F.S., removes language that contains a partial listing of entities that certify medical assistants. Because the state does not require medical assistants to be certified, the language is unnecessary.

Section 9 amends s. 464.203, F.S., to change the annual in-service training requirement for CNAs to a biennial requirement of 24 hours, thereby conforming, without reducing, the requirement to the renewal schedule. The authority for the Council on Certified Nursing Assistants to recommend rules for implementation of the section is deleted.

Section 10 repeals s. 464.2085, F.S., thereby eliminating the Council on Certified Nursing Assistants.

Section 11 amends s. 466.032, F.S., to delete the requirement for the DOH to send laboratory operators a registered letter when the operator misses the deadline for renewing the laboratory's registration.

Section 12 amends s. 467.009, F.S., to reflect the name change of the midwifery education accrediting organization, from Commission on Recognition of Postsecondary Accreditation to Council for Higher Education Accreditation.

Section 13 amends s. 468.1665, F.S., to revise the composition of the Board of Nursing Home Administrators. The number of administrator representatives is increased by one, to four, and the number of health care practitioners is decreased by one, to one.

Section 14 amends s. 468.1695, F.S., to allow a candidate who has a master's degree, not just a bachelor's degree, in the specified subject areas to take the nursing home administrator examination.

Section 15 repeals s. 468.1735, F.S., thereby eliminating the provisional nursing home administrator license.

Sections 16 and 17 amend ss. 468.503 and 468.505, F.S., to reflect the name change of the accrediting body for registered dietitians, from Commission on Dietetic Registration, the accrediting body of the American Dietetic Association, to the accrediting body of the Academy of Nutrition and Dietetics.

Sections 18, 19, and 21 amend ss. 480.033, 480.041, and 480.044, F.S., to eliminate the apprenticeship program as a pathway to licensure as a massage therapist and repeal related provisions of law.

Section 20 amends s. 480.042, F.S., to delete obsolete language. The DOH no longer administers the massage therapy license.

Section 22 amends s. 486.031, F.S., to allow the board of Physical Therapy to determine whether the education credentials of a foreign educated applicant are the equivalent of the credentials required of applicants educated in the United States.

Section 23 amends s. 766.1115, F.S., to state that a health care provider shall continue to be an agent for purposes of s. 768.28(9), F.S., for 30 days after a determination of ineligibility to allow for treatment until the individual transitions to treatment by another health care provider. A health care provider under contract with the state may not be named as a defendant in any action arising out of medical care or treatment provided on or after April 17, 1992, under contracts entered into under this section.

Section 24 amends s. 456.032, F.S., conform a cross-reference.

Section 25 amends s. 823.05, F.S., to conform a cross-reference.

Section 26 provides an effective date of July 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Health care practitioners will experience a positive fiscal impact if a fee waiver is implemented as authorized by CS/SB 1066.

Private entities that provide HIV testing may need to modify their policies and procedures to meet any revised requirements for informed consent or notification, depending on their status as a health care seeing or nonhealth care setting.

The bill expands the types of community-based projects that may receive state funding. Actual amounts will result from the award of available funds and are unknown at this time.

C. Government Sector Impact:

Licensure Fee Waiver

The DOH will experience a decrease in revenues if a fee waiver as a result of excess trust fund balance is implemented as authorized by the bill.

Color Photographic or Digital Imaged Licenses

The MQA may experience a non-recurring increase in workload associated with the initial set up for the DOH to access the DHSMV photographic records of licensed health care practitioners, but current resources are adequate to absorb.

Size Requirements for Licenses

The fiscal impact is indeterminate at this time, but the DOH anticipates the change will result in a cost savings.

HIV and AIDS Instruction

The DOH will incur non-recurring costs for rulemaking, which current budget authority is adequate to absorb.

HIV Testing

The DOH will need to revise Rule 64D-2.004, F.A.C., to conform to the changes in this bill.

Elimination Council of Certified Nursing Assistants

The DOH will experience a cost savings of approximately \$40,000 per fiscal year related to the administration of the council.

Dental Laboratory

The DOH will experience a cost savings of over \$2,000 biennially for postage and staff time required to send delinquency notices by registered mail.⁶³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.142, 381.004, 381.7355, 395.3025, 456.013, 456.025, 456.032, 458.319, 458.3485, 464.203, 466.032, 467.009, 468.1665, 468.1695, 468.503, 468.505, 480.033, 480.041, 480.042, 480.044, 486.031, and 823.05.

The bill repeals the following sections of the Florida Statutes: 464.2085 and 468.1735.

⁶³ Fla. Dept. of Health, *supra* note 13.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by Transportation on April 10, 2014:

- Expands the potential focus of Closing the Gap projects to include sickle cell disease.
- Allows a health care provider who provides free care to low income patients under the Access to Health Care Act, to retain sovereign immunity and provide care for up to 30 days after a patient is determined not to meet the financial eligibility standard while the patient finds a new provider.
- Revises requirements for notification and consent for HIV testing in health care and non-health care settings.

CS by Health Policy on March 25, 2014:

The committee substitute:

- Restores current law requiring allopathic physicians to complete a two-hour course in medical errors prevention as part of licensure and renewal licensure.
- Restores current law requiring allopathic physicians to complete a one-time, two-hour course in HIV.
- Restores current law directing the AHCA to maintain a consumer complaint hotline.
- Deletes references in statute to medical assistant certification agencies.
- Further revises the membership of the board of nursing home administrators, by reducing the number of health care practitioners by one, to one, instead of reducing the number of consumer representatives by one, as originally proposed by the bill.
- Authorizes the Board of Physical Therapy to approve a curriculum of foreign education as equivalent to education required in the U.S. for licensure.

- B. **Amendments:**

None.



180696

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2014	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Delete lines 195 - 232

and insert:

Section 5. Subsection (17) of section 456.057, Florida Statutes, is amended to read:

456.057 Ownership and control of patient records; report or copies of records to be furnished; disclosure of information.—

(17) A health care practitioner or records owner furnishing copies of reports or records or making the reports or records



180696

11 available for digital scanning pursuant to this section shall
12 charge no more than the actual cost of copying, including
13 reasonable staff time, or the amount specified in administrative
14 rule by the appropriate board, or the department when there is
15 no board. The rates charged for reproduction of written or typed
16 medical records must be the same regardless of format or medium.

17 Section 6. Subsections (2) through (4) of section 458.319,
18 Florida Statutes, are redesignated as subsections (3) through
19 (5), respectively, and a new subsection (2) is added to that
20 section, to read:

21 458.319 Renewal of license.—

22 (2) Each licensee shall demonstrate his or her professional
23 competency by completing at least 40 hours of continuing medical
24 education every 2 years. The board, by rule, may:

25 (a) Provide that continuing medical education approved by
26 the American Medical Association satisfies some or all of the
27 continuing medical education requirements.

28 (b) Mandate specific continuing medical education
29 requirements.

30 (c) Approve alternative methods for obtaining continuing
31 medical education credits, including, but not limited to:

32 1. Attendance at a board meeting at which another licensee
33 is disciplined;

34 2. Service as a volunteer expert witness for the department
35 in a disciplinary proceeding; or

36 3. Service as a member of a probable cause panel following
37 expiration of a board member's term.

38
39 ===== T I T L E A M E N D M E N T =====



180696

40 And the title is amended as follows:

41 Delete lines 21 - 23

42 and insert:

43 s. 456.057, F.S.; requiring rates charged for copies
44 of certain medical records to be the same; amending s.
45 458.319, F.S.; providing continuing medical education
46 requirements for Board of Medicine licensees;



965562

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2014	.	
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The Committee on Transportation (Diaz de la Portilla)
recommended the following:

Senate Amendment to Amendment (180696)

Delete line 13

and insert:

reasonable staff time, or the amount authorized by 45
C.F.R. s. 164.524 and specified in administrative



307636

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2014	.	
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The Committee on Transportation (Evers) recommended the following:

Senate Amendment (with title amendment)

Between lines 402 and 403

insert:

Section 21. Subsection (4) of section 766.1115, Florida Statutes, is amended to read:

766.1115 Health care providers; creation of agency relationship with governmental contractors.—

(4) CONTRACT REQUIREMENTS.—A health care provider that executes a contract with a governmental contractor to deliver



307636

11 health care services on or after April 17, 1992, as an agent of
12 the governmental contractor is an agent for purposes of s.
13 768.28(9), while acting within the scope of duties under the
14 contract, if the contract complies with the requirements of this
15 section and regardless of whether the individual treated is
16 later found to be ineligible. A health care provider shall
17 continue to be an agent for purposes of s. 768.28(9) for 30 days
18 after a determination of ineligibility to allow for treatment
19 until the individual transitions to treatment by another health
20 care provider. A health care provider under contract with the
21 state may not be named as a defendant in any action arising out
22 of medical care or treatment provided on or after April 17,
23 1992, under contracts entered into under this section. The
24 contract must provide that:

25 (a) The right of dismissal or termination of any health
26 care provider delivering services under the contract is retained
27 by the governmental contractor.

28 (b) The governmental contractor has access to the patient
29 records of any health care provider delivering services under
30 the contract.

31 (c) Adverse incidents and information on treatment outcomes
32 must be reported by any health care provider to the governmental
33 contractor if the incidents and information pertain to a patient
34 treated under the contract. The health care provider shall
35 submit the reports required by s. 395.0197. If an incident
36 involves a professional licensed by the Department of Health or
37 a facility licensed by the Agency for Health Care
38 Administration, the governmental contractor shall submit such
39 incident reports to the appropriate department or agency, which



307636

40 shall review each incident and determine whether it involves
41 conduct by the licensee that is subject to disciplinary action.
42 All patient medical records and any identifying information
43 contained in adverse incident reports and treatment outcomes
44 which are obtained by governmental entities under this paragraph
45 are confidential and exempt from the provisions of s. 119.07(1)
46 and s. 24(a), Art. I of the State Constitution.

47 (d) Patient selection and initial referral must be made by
48 the governmental contractor or the provider. Patients may not be
49 transferred to the provider based on a violation of the
50 antidumping provisions of the Omnibus Budget Reconciliation Act
51 of 1989, the Omnibus Budget Reconciliation Act of 1990, or
52 chapter 395.

53 (e) If emergency care is required, the patient need not be
54 referred before receiving treatment, but must be referred within
55 48 hours after treatment is commenced or within 48 hours after
56 the patient has the mental capacity to consent to treatment,
57 whichever occurs later.

58 (f) The provider is subject to supervision and regular
59 inspection by the governmental contractor.

60
61 A governmental contractor that is also a health care provider is
62 not required to enter into a contract under this section with
63 respect to the health care services delivered by its employees.

64
65 ===== T I T L E A M E N D M E N T =====

66 And the title is amended as follows:

67 Delete line 62

68 and insert:



307636

69 as a physical therapist; amending s. 766.1115, F.S.;

70 extending the period a health care provider remains an

71 agent of the state after an individual is deemed

72 inelgible; amending s. 823.05, F.S.;



638522

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2014	.	
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The Committee on Transportation (Joyner) recommended the following:

Senate Amendment (with title amendment)

Between lines 124 and 125

insert:

Section 2. Paragraph (a) of subsection (2) of section 381.7355, Florida Statutes, is amended to read:

381.7355 Project requirements; review criteria.-

(2) A proposal must include each of the following elements:

(a) The purpose and objectives of the proposal, including identification of the particular racial or ethnic disparity the



638522

11 project will address. The proposal must address one or more of
12 the following priority areas:

13 1. Decreasing racial and ethnic disparities in maternal and
14 infant mortality rates.

15 2. Decreasing racial and ethnic disparities in morbidity
16 and mortality rates relating to cancer.

17 3. Decreasing racial and ethnic disparities in morbidity
18 and mortality rates relating to HIV/AIDS.

19 4. Decreasing racial and ethnic disparities in morbidity
20 and mortality rates relating to cardiovascular disease.

21 5. Decreasing racial and ethnic disparities in morbidity
22 and mortality rates relating to diabetes.

23 6. Increasing adult and child immunization rates in certain
24 racial and ethnic populations.

25 7. Decreasing racial and ethnic disparities in oral health
26 care.

27 8. Decreasing racial and ethnic disparities in morbidity
28 and mortality rates relating to sickle cell disease.

29
30 ===== T I T L E A M E N D M E N T =====

31 And the title is amended as follows:

32 Delete line 6

33 and insert:

34 of Health under certain circumstances; amending s.
35 381.7355, F.S.; adding a requirement for project
36 proposals under the grant program to address racial
37 and ethnic disparities in morbidity and mortality
38 rates relating to sickle cell disease; amending s.



299734

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2014	.	
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The Committee on Transportation (Thompson) recommended the following:

Senate Amendment (with title amendment)

Between lines 411 and 412

insert:

Section 22. Subsection (1), paragraphs (a), (b), (g), and (h) of subsection (2), and paragraph (d) of subsection (4) of section 381.004, Florida Statutes, are amended, and subsection (1) of that section is reordered, to read:

381.004 HIV testing.—

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



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11 (a) "Health care setting" means a setting devoted to both
12 the diagnosis and care of persons, such as county health
13 department clinics, hospital emergency departments, urgent care
14 clinics, substance abuse treatment clinics, primary care
15 settings, community clinics, mobile medical clinics, and
16 correctional health care facilities.

17 (b)-(a) "HIV test" means a test ordered after July 6, 1988,
18 to determine the presence of the antibody or antigen to human
19 immunodeficiency virus or the presence of human immunodeficiency
20 virus infection.

21 (c)-(b) "HIV test result" means a laboratory report of a
22 human immunodeficiency virus test result entered into a medical
23 record on or after July 6, 1988, or any report or notation in a
24 medical record of a laboratory report of a human
25 immunodeficiency virus test. ~~As used in this section,~~ The term
26 "~~HIV test result~~" does not include test results reported to a
27 health care provider by a patient.

28 (d) "Nonhealth care setting" means a site that conducts HIV
29 testing for the sole purpose of identifying HIV infection. Such
30 setting does not provide medical treatment but may include
31 community-based organizations, outreach settings, county health
32 department HIV testing programs, and mobile vans.

33 (f)-(e) "Significant exposure" means:

34 1. Exposure to blood or body fluids through needlestick,
35 instruments, or sharps;

36 2. Exposure of mucous membranes to visible blood or body
37 fluids, to which universal precautions apply according to the
38 National Centers for Disease Control and Prevention, including,
39 without limitations, the following body fluids:



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- 40 a. Blood.
41 b. Semen.
42 c. Vaginal secretions.
43 d. Cerebrospinal ~~Cerebro-spinal~~ fluid (CSF).
44 e. Synovial fluid.
45 f. Pleural fluid.
46 g. Peritoneal fluid.
47 h. Pericardial fluid.
48 i. Amniotic fluid.
49 j. Laboratory specimens that contain HIV (e.g., suspensions
50 of concentrated virus); or

51 3. Exposure of skin to visible blood or body fluids,
52 especially when the exposed skin is chapped, abraded, or
53 afflicted with dermatitis or the contact is prolonged or
54 involving an extensive area.

55 (e) ~~(d)~~ "Preliminary HIV test" means an antibody or
56 antibody-antigen screening test, such as the ~~enzyme-linked~~
57 immunosorbent assays (IA), or a rapid test approved by the
58 federal Food and Drug Administration ~~(ELISAs) or the Single-Use~~
59 ~~Diagnostic System (SUDS).~~

60 (g) ~~(e)~~ "Test subject" or "subject of the test" means the
61 person upon whom an HIV test is performed, or the person who has
62 legal authority to make health care decisions for the test
63 subject.

64 (2) HUMAN IMMUNODEFICIENCY VIRUS TESTING; INFORMED CONSENT;
65 RESULTS; COUNSELING; CONFIDENTIALITY.—

66 (a) Before performing an HIV test:

67 1. In a health care setting, the health care provider shall
68 notify the person to be tested that the test is planned, provide



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69 information about the test, and advise the person that he or she
70 has the right to decline the test. The health care provider
71 shall also explain the right to confidential treatment of
72 information identifying the subject of the test and the results
73 of the test as provided by law. If a person declines the test,
74 the health care provider shall note that fact in the person's
75 medical record. No person in this state shall order a test
76 designed to identify the human immunodeficiency virus, or its
77 antigen or antibody, without first obtaining the informed
78 consent of the person upon whom the test is being performed,
79 except as specified in paragraph (h). Informed consent shall be
80 preceded by an explanation of the right to confidential
81 treatment of information identifying the subject of the test and
82 the results of the test to the extent provided by law.
83 Information shall also be provided on the fact that a positive
84 HIV test result will be reported to the county health department
85 with sufficient information to identify the test subject and on
86 the availability and location of sites at which anonymous
87 testing is performed. As required in paragraph (3) (c), each
88 county health department shall maintain a list of sites at which
89 anonymous testing is performed, including the locations, phone
90 numbers, and hours of operation of the sites. Consent need not
91 be in writing provided there is documentation in the medical
92 record that the test has been explained and the consent has been
93 obtained.

94 2. In a nonhealth care setting, a provider shall obtain the
95 informed consent of the person upon whom the test is being
96 performed. Informed consent shall be preceded by an explanation
97 of the right to confidential treatment of information



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98 identifying the subject of the test and the results of the test
99 as provided by law.

100
101 The test subject shall also be informed that a positive HIV test
102 result will be reported to the county health department with
103 sufficient information to identify the test subject and on the
104 availability and location of sites at which anonymous testing is
105 performed. As required in paragraph (3)(c), each county health
106 department shall maintain a list of sites at which anonymous
107 testing is performed, including the locations, telephone
108 numbers, and hours of operation of the sites.

109 (b) Except as provided in paragraph (h), informed consent
110 must be obtained from a legal guardian or other person
111 authorized by law if ~~when~~ the person:

- 112 1. Is not competent, is incapacitated, or is otherwise
113 unable to make an informed judgment; or
114 2. Has not reached the age of majority, except as provided
115 in s. 384.30.

116 (g) Human immunodeficiency virus test results contained in
117 the medical records of a hospital licensed under chapter 395 may
118 be released in accordance with s. 395.3025 without being subject
119 to ~~the requirements of~~ subparagraph (e)2., subparagraph (e)9.,
120 or paragraph (f) if; ~~provided~~ the hospital has notified the
121 patient of the limited confidentiality protections afforded HIV
122 test results contained in hospital medical records ~~obtained~~
123 ~~written informed consent for the HIV test in accordance with~~
124 ~~provisions of this section.~~

125 (h) Notwithstanding ~~the provisions of~~ paragraph (a),
126 informed consent is not required:



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127 1. When testing for sexually transmissible diseases is
128 required by state or federal law, or by rule including the
129 following situations:
130 a. HIV testing pursuant to s. 796.08 of persons convicted
131 of prostitution or of procuring another to commit prostitution.
132 b. HIV testing of inmates pursuant to s. 945.355 before
133 ~~prior to their~~ release from prison by reason of parole,
134 accumulation of gain-time credits, or expiration of sentence.
135 c. Testing for HIV by a medical examiner in accordance with
136 s. 406.11.
137 d. HIV testing of pregnant women pursuant to s. 384.31.
138 2. Those exceptions provided for blood, plasma, organs,
139 skin, semen, or other human tissue pursuant to s. 381.0041.
140 3. For the performance of an HIV-related test by licensed
141 medical personnel in bona fide medical emergencies if ~~when~~ the
142 test results are necessary for medical diagnostic purposes to
143 provide appropriate emergency care or treatment to the person
144 being tested and the patient is unable to consent, as supported
145 by documentation in the medical record. Notification of test
146 results in accordance with paragraph (c) is required.
147 4. For the performance of an HIV-related test by licensed
148 medical personnel for medical diagnosis of acute illness where,
149 in the opinion of the attending physician, providing
150 notification ~~obtaining informed consent~~ would be detrimental to
151 the patient, as supported by documentation in the medical
152 record, and the test results are necessary for medical
153 diagnostic purposes to provide appropriate care or treatment to
154 the person being tested. Notification of test results in
155 accordance with paragraph (c) is required if it would not be



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156 detrimental to the patient. This subparagraph does not authorize
157 the routine testing of patients for HIV infection without
158 notification ~~informed consent~~.

159 5. If ~~When~~ HIV testing is performed as part of an autopsy
160 for which consent was obtained pursuant to s. 872.04.

161 6. For the performance of an HIV test upon a defendant
162 pursuant to the victim's request in a prosecution for any type
163 of sexual battery where a blood sample is taken from the
164 defendant voluntarily, pursuant to court order for any purpose,
165 or pursuant to ~~the provisions of~~ s. 775.0877, s. 951.27, or s.
166 960.003; however, the results of an ~~any~~ HIV test performed shall
167 be disclosed solely to the victim and the defendant, except as
168 provided in ss. 775.0877, 951.27, and 960.003.

169 7. If ~~When~~ an HIV test is mandated by court order.

170 8. For epidemiological research pursuant to s. 381.0031,
171 for research consistent with institutional review boards created
172 by 45 C.F.R. part 46, or for the performance of an HIV-related
173 test for the purpose of research, if the testing is performed in
174 a manner by which the identity of the test subject is not known
175 and may not be retrieved by the researcher.

176 9. If ~~When~~ human tissue is collected lawfully without the
177 consent of the donor for corneal removal as authorized by s.
178 765.5185 or enucleation of the eyes as authorized by s. 765.519.

179 10. For the performance of an HIV test upon an individual
180 who comes into contact with medical personnel in such a way that
181 a significant exposure has occurred during the course of
182 employment or within the scope of practice and where a blood
183 sample is available which ~~that~~ was taken from that individual
184 voluntarily by medical personnel for other purposes. The term



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185 "medical personnel" includes a licensed or certified health care
186 professional; an employee of a health care professional or
187 health care facility; employees of a laboratory licensed under
188 chapter 483; personnel of a blood bank or plasma center; a
189 medical student or other student who is receiving training as a
190 health care professional at a health care facility; and a
191 paramedic or emergency medical technician certified by the
192 department to perform life-support procedures under s. 401.23.

193 a. Before performing ~~Prior to performance of~~ an HIV test on
194 a voluntarily obtained blood sample, the individual from whom
195 the blood was obtained shall be requested to consent to the
196 performance of the test and to the release of the results. If
197 consent cannot be obtained within the time necessary to perform
198 the HIV test and begin prophylactic treatment of the exposed
199 medical personnel, all information concerning the performance of
200 an HIV test and any HIV test result shall be documented only in
201 the medical personnel's record unless the individual gives
202 written consent to entering this information on the individual's
203 medical record.

204 b. Reasonable attempts to locate the individual and to
205 obtain consent shall be made, and all attempts must be
206 documented. If the individual cannot be found or is incapable of
207 providing consent, an HIV test may be conducted on the available
208 blood sample. If the individual does not voluntarily consent to
209 the performance of an HIV test, the individual shall be informed
210 that an HIV test will be performed, and counseling shall be
211 furnished as provided in this section. However, HIV testing
212 shall be conducted only after appropriate medical personnel
213 under the supervision of a licensed physician documents, in the



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214 medical record of the medical personnel, that there has been a
215 significant exposure and that, in accordance with the written
216 protocols based on the National Centers for Disease Control and
217 Prevention guidelines on HIV postexposure prophylaxis and in the
218 physician's medical judgment, the information is medically
219 necessary to determine the course of treatment for the medical
220 personnel.

221 c. Costs of an ~~any~~ HIV test of a blood sample performed
222 with or without the consent of the individual, as provided in
223 this subparagraph, shall be borne by the medical personnel or
224 the employer of the medical personnel. However, costs of testing
225 or treatment not directly related to the initial HIV tests or
226 costs of subsequent testing or treatment may not be borne by the
227 medical personnel or the employer of the medical personnel.

228 d. In order to use ~~utilize~~ the provisions of this
229 subparagraph, the medical personnel must ~~either~~ be tested for
230 HIV pursuant to this section or provide the results of an HIV
231 test taken within 6 months before ~~prior to~~ the significant
232 exposure if such test results are negative.

233 e. A person who receives the results of an HIV test
234 pursuant to this subparagraph shall maintain the confidentiality
235 of the information received and of the persons tested. Such
236 confidential information is exempt from s. 119.07(1).

237 f. If the source of the exposure will not voluntarily
238 submit to HIV testing and a blood sample is not available, the
239 medical personnel or the employer of such person acting on
240 behalf of the employee may seek a court order directing the
241 source of the exposure to submit to HIV testing. A sworn
242 statement by a physician licensed under chapter 458 or chapter



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243 459 that a significant exposure has occurred and that, in the
244 physician's medical judgment, testing is medically necessary to
245 determine the course of treatment constitutes probable cause for
246 the issuance of an order by the court. The results of the test
247 shall be released to the source of the exposure and to the
248 person who experienced the exposure.

249 11. For the performance of an HIV test upon an individual
250 who comes into contact with medical personnel in such a way that
251 a significant exposure has occurred during the course of
252 employment or within the scope of practice of the medical
253 personnel while the medical personnel provides emergency medical
254 treatment to the individual; or notwithstanding s. 384.287, an
255 individual who comes into contact with nonmedical personnel in
256 such a way that a significant exposure has occurred while the
257 nonmedical personnel provides emergency medical assistance
258 during a medical emergency. For the purposes of this
259 subparagraph, a medical emergency means an emergency medical
260 condition outside of a hospital or health care facility that
261 provides physician care. The test may be performed only during
262 the course of treatment for the medical emergency.

263 a. An individual who is capable of providing consent shall
264 be requested to consent to an HIV test before ~~prior to the~~
265 testing. If consent cannot be obtained within the time necessary
266 to perform the HIV test and begin prophylactic treatment of the
267 exposed medical personnel and nonmedical personnel, all
268 information concerning the performance of an HIV test and its
269 result, shall be documented only in the medical personnel's or
270 nonmedical personnel's record unless the individual gives
271 written consent to entering this information in ~~on~~ the



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272 individual's medical record.

273 b. HIV testing shall be conducted only after appropriate
274 medical personnel under the supervision of a licensed physician
275 documents, in the medical record of the medical personnel or
276 nonmedical personnel, that there has been a significant exposure
277 and that, in accordance with the written protocols based on the
278 National Centers for Disease Control and Prevention guidelines
279 on HIV postexposure prophylaxis and in the physician's medical
280 judgment, the information is medically necessary to determine
281 the course of treatment for the medical personnel or nonmedical
282 personnel.

283 c. Costs of any HIV test performed with or without the
284 consent of the individual, as provided in this subparagraph,
285 shall be borne by the medical personnel or the employer of the
286 medical personnel or nonmedical personnel. However, costs of
287 testing or treatment not directly related to the initial HIV
288 tests or costs of subsequent testing or treatment may not be
289 borne by the medical personnel or the employer of the medical
290 personnel or nonmedical personnel.

291 d. In order to use ~~utilize~~ the provisions of this
292 subparagraph, the medical personnel or nonmedical personnel
293 shall be tested for HIV pursuant to this section or shall
294 provide the results of an HIV test taken within 6 months before
295 ~~prior to~~ the significant exposure if such test results are
296 negative.

297 e. A person who receives the results of an HIV test
298 pursuant to this subparagraph shall maintain the confidentiality
299 of the information received and of the persons tested. Such
300 confidential information is exempt from s. 119.07(1).



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301 f. If the source of the exposure will not voluntarily
302 submit to HIV testing and a blood sample was not obtained during
303 treatment for the medical emergency, the medical personnel, the
304 employer of the medical personnel acting on behalf of the
305 employee, or the nonmedical personnel may seek a court order
306 directing the source of the exposure to submit to HIV testing. A
307 sworn statement by a physician licensed under chapter 458 or
308 chapter 459 that a significant exposure has occurred and that,
309 in the physician's medical judgment, testing is medically
310 necessary to determine the course of treatment constitutes
311 probable cause for the issuance of an order by the court. The
312 results of the test shall be released to the source of the
313 exposure and to the person who experienced the exposure.

314 12. For the performance of an HIV test by the medical
315 examiner or attending physician upon an individual who expired
316 or could not be resuscitated while receiving emergency medical
317 assistance or care and who was the source of a significant
318 exposure to medical or nonmedical personnel providing such
319 assistance or care.

320 a. HIV testing may be conducted only after appropriate
321 medical personnel under the supervision of a licensed physician
322 documents in the medical record of the medical personnel or
323 nonmedical personnel that there has been a significant exposure
324 and that, in accordance with the written protocols based on the
325 National Centers for Disease Control and Prevention guidelines
326 on HIV postexposure prophylaxis and in the physician's medical
327 judgment, the information is medically necessary to determine
328 the course of treatment for the medical personnel or nonmedical
329 personnel.



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330 b. Costs of an ~~any~~ HIV test performed under this
331 subparagraph may not be charged to the deceased or to the family
332 of the deceased person.

333 c. For ~~the provisions of~~ this subparagraph to be
334 applicable, the medical personnel or nonmedical personnel must
335 be tested for HIV under this section or must provide the results
336 of an HIV test taken within 6 months before the significant
337 exposure if such test results are negative.

338 d. A person who receives the results of an HIV test
339 pursuant to this subparagraph shall comply with paragraph (e).

340 13. For the performance of an HIV-related test medically
341 indicated by licensed medical personnel for medical diagnosis of
342 a hospitalized infant as necessary to provide appropriate care
343 and treatment of the infant if ~~when~~, after a reasonable attempt,
344 a parent cannot be contacted to provide consent. The medical
345 records of the infant must ~~shall~~ reflect the reason consent of
346 the parent was not initially obtained. Test results shall be
347 provided to the parent when the parent is located.

348 14. For the performance of HIV testing conducted to monitor
349 the clinical progress of a patient previously diagnosed to be
350 HIV positive.

351 15. For the performance of repeated HIV testing conducted
352 to monitor possible conversion from a significant exposure.

353 (4) HUMAN IMMUNODEFICIENCY VIRUS TESTING REQUIREMENTS;
354 REGISTRATION WITH THE DEPARTMENT OF HEALTH; EXEMPTIONS FROM
355 REGISTRATION.—No county health department and no other person in
356 this state shall conduct or hold themselves out to the public as
357 conducting a testing program for acquired immune deficiency
358 syndrome or human immunodeficiency virus status without first



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359 registering with the Department of Health, reregistering each
360 year, complying with all other applicable provisions of state
361 law, and meeting the following requirements:

362 (d) A program in a health care setting shall meet the
363 notification criteria contained in subparagraph (2) (a)1. A
364 program in a nonhealth care setting shall meet all informed
365 consent criteria contained in subparagraph (2) (a)2. ~~The program~~
366 ~~must meet all the informed consent criteria contained in~~
367 ~~subsection (2).~~

368 Section 23. Subsection (2) of section 456.032, Florida
369 Statutes, is amended to read:

370 456.032 Hepatitis B or HIV carriers.-

371 (2) Any person licensed by the department and any other
372 person employed by a health care facility who contracts a blood-
373 borne infection shall have a rebuttable presumption that the
374 illness was contracted in the course and scope of his or her
375 employment, provided that the person, as soon as practicable,
376 reports to the person's supervisor or the facility's risk
377 manager any significant exposure, as that term is defined in s.
378 381.004(1) ~~381.004(1)(c)~~, to blood or body fluids. The employer
379 may test the blood or body fluid to determine if it is infected
380 with the same disease contracted by the employee. The employer
381 may rebut the presumption by the preponderance of the evidence.
382 Except as expressly provided in this subsection, there shall be
383 no presumption that a blood-borne infection is a job-related
384 injury or illness.

385
386 ===== T I T L E A M E N D M E N T =====

387 And the title is amended as follows:



299734

388 Delete line 63
389 and insert:
390 conforming a cross-reference; amending s. 381.004,
391 F.S.; revising and providing definitions; specifying
392 the notification and consent procedures for performing
393 an HIV test in a health care setting and a nonhealth
394 care setting; amending s. 456.032, F.S.; conforming a
395 cross-reference; providing an effective



226178

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Thompson) recommended the following:

Senate Amendment to Amendment (299734)

Delete lines 67 - 75
and insert:

In a health care setting, the person to be tested shall be provided information about the test, and notified that the test is planned, that he or she has the right to decline the test, and that he or she has the right to confidential treatment of information identifying the subject of the test and the results of the test as provided by law. If the person to be tested



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11 declines the test, such decision shall be documented in the
12 medical record. ~~No person in this state shall order a test~~

THE FLORIDA SENATE
APPEARANCE RECORD

W/D

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10

Meeting Date

Topic DOH

Bill Number 1066

Name Cynthia Henderson

and
Amendment Barcode 180696
(if applicable)
(if applicable)

Job Title _____

Address 108 E Jefferson St Ste A

Phone 850.210.5385

Street

Tallahassee FL 32301

City

State

Zip

E-mail cynthenderson@me.com

Speaking: For Against Information

Representing Health Prof

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

W/D

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-14

Meeting Date

Topic Medical Records

Bill Number SB 1066
(if applicable)

Name Debra Henley

Amendment Barcode 180696
(if applicable)

Job Title Executive Director

Address 218 S Monroe St.

Phone 850 521 1034

Street

TLH

FL

32301

City

State

Zip

E-mail fja@floridajustice
association.org

Speaking: For Against Information

Representing Florida Justice Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

W/D

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14

Meeting Date

Topic medical Records

Bill Number SB 1066
(if applicable)

Name Laura Cantwell

Amendment Barcode 180696
(if applicable)

Job Title Associate State Director

Address 400 Canyon Pkwy, St. 100

Phone 850-570-2110

Street

St. Petersburg FL 33702

City

State

Zip

E-mail lcantwell@aarp.us

Speaking: For Against Information

Representing AARP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

W/O

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-19

Meeting Date

Topic medical records

Bill Number SB 1066
(if applicable)

Name Steve Watrel

Amendment Barcode _____
(if applicable)

Job Title Private Attorney

Address 6129 Atlantic Blvd

Phone 904 723-0030

Street
Jacksonville FL 32211
City State Zip

E-mail swatrel@stewatrel.com

Speaking: For Against Information

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

By the Committee on Health Policy; and Senator Grimsley

588-03218-14

20141066c1

1 A bill to be entitled
 2 An act relating to the Department of Health; amending
 3 s. 322.142, F.S.; authorizing the Department of
 4 Highway Safety and Motor Vehicles to provide
 5 reproductions of specified records to the Department
 6 of Health under certain circumstances; amending s.
 7 395.3025, F.S.; clarifying duties of the Department of
 8 Health to maintain the confidentiality of patient
 9 records that it obtains under subpoena pursuant to an
 10 investigation; authorizing licensees under
 11 investigation to inspect or receive copies of patient
 12 records connected with the investigation, subject to
 13 certain conditions; amending s. 456.013, F.S.;
 14 deleting requirements for the physical size of
 15 licenses issued for various health professions;
 16 amending s. 456.025, F.S.; deleting a fee provision
 17 for the issuance of wall certificates for various
 18 health profession licenses; authorizing the boards or
 19 the department to adopt rules waiving certain fees for
 20 a specified period in certain circumstances; amending
 21 s. 458.319, F.S.; providing continuing medical
 22 education requirements for Board of Medicine
 23 licensees; authorizing the board to adopt rules;
 24 amending s. 458.3485, F.S.; deleting language relating
 25 to the certification and registration of medical
 26 assistants; amending s. 464.203, F.S.; revising
 27 certified nursing assistant inservice training
 28 requirements; repealing s. 464.2085, F.S., relating to
 29 the creation, membership, and duties of the Council on

Page 1 of 15

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

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30 Certified Nursing Assistants; amending s. 466.032,
 31 F.S.; deleting a requirement that the department
 32 provide certain notice to a dental laboratory operator
 33 who fails to renew her or his registration; amending
 34 s. 467.009, F.S.; updating the name of the
 35 organization that accredits certain midwifery
 36 programs; amending s. 468.1665, F.S.; increasing the
 37 number of members of the Board of Nursing Home
 38 Administrators who must be licensed nursing home
 39 administrators and decreasing the number of members
 40 who must be health care practitioners; amending s.
 41 468.1695, F.S.; revising the qualifications of
 42 applicants who may sit for the licensed nursing home
 43 administrator examination to include an applicant with
 44 a master's degree in certain subjects; repealing s.
 45 468.1735, F.S., relating to provisional licenses for
 46 nursing home administrators; amending ss. 468.503 and
 47 468.505, F.S.; revising the organization with whom an
 48 individual must be registered to be a registered
 49 dietitian; revising a definition; amending ss. 480.033
 50 and 480.041, F.S.; deleting provisions relating to
 51 massage therapy apprentices and apprenticeship
 52 programs; deleting a definition and revising licensure
 53 requirements for massage therapists, to conform;
 54 amending s. 480.042, F.S.; revising requirements for
 55 conducting massage therapist licensing examinations
 56 and maintaining examination records; amending s.
 57 480.044, F.S.; deleting a fee for massage therapy
 58 apprentices; amending s. 486.031, F.S.; revising

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59 provisions relating to the recognition of physical
60 therapy programs and educational credentials from
61 foreign countries to meet requirements for licensing
62 as a physical therapist; amending s. 823.05, F.S.;
63 conforming a cross-reference; providing an effective
64 date.

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

67 Section 1. Subsection (4) of section 322.142, Florida
68 Statutes, is amended to read:

69 322.142 Color photographic or digital imaged licenses.—

70 (4) The department may maintain a film negative or print
71 file. The department shall maintain a record of the digital
72 image and signature of the licensees, together with other data
73 required by the department for identification and retrieval.
74 Reproductions from the file or digital record are exempt from
75 the provisions of s. 119.07(1) and shall be made and issued
76 only:

- 78 (a) For departmental administrative purposes;
- 79 (b) For the issuance of duplicate licenses;
- 80 (c) In response to law enforcement agency requests;
- 81 (d) To the Department of Business and Professional
82 Regulation pursuant to an interagency agreement for the purpose
83 of accessing digital images for reproduction of licenses issued
84 by the Department of Business and Professional Regulation;
- 85 (e) To the Department of State pursuant to an interagency
86 agreement to facilitate determinations of eligibility of voter
87 registration applicants and registered voters in accordance with

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88 ss. 98.045 and 98.075;

89 (f) To the Department of Revenue pursuant to an interagency
90 agreement for use in establishing paternity and establishing,
91 modifying, or enforcing support obligations in Title IV-D cases;

92 (g) To the Department of Children and Families pursuant to
93 an interagency agreement to conduct protective investigations
94 under part III of chapter 39 and chapter 415;

95 (h) To the Department of Children and Families pursuant to
96 an interagency agreement specifying the number of employees in
97 each of that department's regions to be granted access to the
98 records for use as verification of identity to expedite the
99 determination of eligibility for public assistance and for use
100 in public assistance fraud investigations;

101 (i) To the Department of Financial Services pursuant to an
102 interagency agreement to facilitate the location of owners of
103 unclaimed property, the validation of unclaimed property claims,
104 and the identification of fraudulent or false claims;

105 (j) To district medical examiners pursuant to an
106 interagency agreement for the purpose of identifying a deceased
107 individual, determining cause of death, and notifying next of
108 kin of any investigations, including autopsies and other
109 laboratory examinations, authorized in s. 406.11; ~~or~~

110 (k) To the following persons for the purpose of identifying
111 a person as part of the official work of a court:

- 112 1. A justice or judge of this state;
- 113 2. An employee of the state courts system who works in a
114 position that is designated in writing for access by the Chief
115 Justice of the Supreme Court or a chief judge of a district or
116 circuit court, or by his or her designee; or

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117 3. A government employee who performs functions on behalf
 118 of the state courts system in a position that is designated in
 119 writing for access by the Chief Justice or a chief judge, or by
 120 his or her designee; or

121 (1) To the Department of Health, pursuant to an interagency
 122 agreement to access digital images to verify the identity of an
 123 individual during an investigation under chapter 456, and for
 124 the reproduction of licenses issued by the Department of Health.

125 Section 2. Paragraph (e) of subsection (4) of section
 126 395.3025, Florida Statutes, is amended to read:

127 395.3025 Patient and personnel records; copies;
 128 examination.—

129 (4) Patient records are confidential and ~~may~~ ~~must~~ not be
 130 disclosed without the consent of the patient or his or her legal
 131 representative, but appropriate disclosure may be made without
 132 such consent to:

133 (e) The department agency upon subpoena issued pursuant to
 134 s. 456.071, ~~but~~ The records obtained ~~thereby~~ must be used
 135 solely for the purpose of the department agency and the
 136 appropriate professional board in its investigation,
 137 prosecution, and appeal of disciplinary proceedings. If the
 138 department agency requests copies of the records, the facility
 139 shall charge a fee pursuant to this section no more than its
 140 actual copying costs, including reasonable staff time. The
 141 department and the appropriate professional board must maintain
 142 the confidentiality of patient records obtained under this
 143 paragraph pursuant to s. 456.057. A licensee who is the subject
 144 of a department investigation may inspect or receive a copy of a
 145 patient record connected with the investigation if the licensee

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146 agrees in writing to maintain the confidentiality of the patient
 147 record pursuant to s. 456.057 must be sealed and must not be
 148 available to the public pursuant to s. 119.07(1) or any other
 149 statute providing access to records, nor may they be available
 150 to the public as part of the record of investigation for and
 151 prosecution in disciplinary proceedings made available to the
 152 public by the agency or the appropriate regulatory board.
 153 ~~However, the agency must make available, upon written request by~~
 154 ~~a practitioner against whom probable cause has been found, any~~
 155 ~~such records that form the basis of the determination of~~
 156 ~~probable cause.~~

157 Section 3. Subsection (2) of section 456.013, Florida
 158 Statutes, is amended to read:

159 456.013 Department; general licensing provisions.—

160 (2) Before the issuance of a any license, the department
 161 shall charge an initial license fee as determined by the
 162 applicable board or, if there is no board, by rule of the
 163 department. Upon receipt of the appropriate license fee, the
 164 department shall issue a license to a any person certified by
 165 the appropriate board, or its designee, as having met the
 166 licensure requirements imposed by law or rule. ~~The license shall~~
 167 ~~consist of a wallet-size identification card and a wall card~~
 168 ~~measuring 6 1/2 inches by 5 inches.~~ The licensee shall surrender
 169 the license to the department ~~the wallet-size identification~~
 170 ~~card and the wall card~~ if the licensee's license was ~~is~~ issued
 171 in error or is revoked.

172 Section 4. Present subsections (5) through (11) of section
 173 456.025, Florida Statutes, are redesignated as subsections (4)
 174 through (10), respectively, and present subsections (4) and (6)

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175 are amended to read:

176 456.025 Fees; receipts; disposition.—

177 ~~(4) Each board, or the department if there is no board, may~~
 178 ~~charge a fee not to exceed \$25, as determined by rule, for the~~
 179 ~~issuance of a wall certificate pursuant to s. 456.013(2)~~
 180 ~~requested by a licensee who was licensed prior to July 1, 1998,~~
 181 ~~or for the issuance of a duplicate wall certificate requested by~~
 182 ~~any licensee.~~

183 (5)(6) If the cash balance of the trust fund at the end of
 184 any fiscal year exceeds the total appropriation provided for the
 185 regulation of the health care professions in the prior fiscal
 186 year, the boards, in consultation with the department, may lower
 187 the license renewal fees. When the department determines, based
 188 on long-range estimates of revenue, that a profession's trust
 189 fund balance exceeds the amount required to cover necessary
 190 functions, each board, or the department when there is no board,
 191 may adopt rules to implement the waiver of initial application
 192 fees, initial licensure fees, unlicensed activity fees, or
 193 renewal fees for that profession. The waiver of renewal fees may
 194 not exceed 2 years.

195 Section 5. Subsections (2) through (4) of section 458.319,
 196 Florida Statutes, are redesignated as subsections (3) through
 197 (5), respectively, and a new subsection (2) is added to that
 198 section, to read:

199 458.319 Renewal of license.—

200 (2) Each licensee shall demonstrate his or her professional
 201 competency by completing at least 40 hours of continuing medical
 202 education every 2 years. The board, by rule, may:

203 (a) Provide that continuing medical education approved by

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204 the American Medical Association satisfies some or all of the
 205 continuing medical education requirements.

206 (b) Mandate specific continuing medical education
 207 requirements.

208 (c) Approve alternative methods for obtaining continuing
 209 medical education credits, including, but not limited to:

210 1. Attendance at a board meeting at which another licensee
 211 is disciplined;

212 2. Service as a volunteer expert witness for the department
 213 in a disciplinary proceeding; or

214 3. Service as a member of a probable cause panel following
 215 expiration of a board member's term.

216 (d) Provide that up to 25 percent of the required
 217 continuing medical education hours may be fulfilled through pro
 218 bono services to the indigent, underserved populations, or
 219 patients in critical need areas in the state where the licensee
 220 practices.

221 1. The board shall require that any pro bono service be
 222 approved in advance to receive credit for continuing medical
 223 education under this paragraph.

224 2. The standard for determining indigency is that
 225 recognized by the federal poverty guidelines and must be less
 226 than 150 percent of the federal poverty level.

227 (e) Provide that a portion of the continuing medical
 228 education hours may be fulfilled by performing research in
 229 critical need areas or by training for advanced professional
 230 certification.

231 (f) Adopt rules to define underserved and critical need
 232 areas.

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233 Section 6. Subsection (3) of section 458.3485, Florida
 234 Statutes, is amended to read:
 235 458.3485 Medical assistant.-
 236 ~~(3) CERTIFICATION. Medical assistants may be certified by~~
 237 ~~the American Association of Medical Assistants or as a~~
 238 ~~Registered Medical Assistant by the American Medical~~
 239 ~~Technologists.-~~
 240 Section 7. Subsection (7) of section 464.203, Florida
 241 Statutes, is amended to read:
 242 464.203 Certified nursing assistants; certification
 243 requirement.-
 244 (7) A certified nursing assistant shall complete 24 ~~42~~
 245 hours of inservice training during each biennium ~~calendar year~~.
 246 The certified nursing assistant shall maintain ~~be responsible~~
 247 ~~for maintaining~~ documentation demonstrating compliance with
 248 these provisions. ~~The Council on Certified Nursing Assistants,~~
 249 ~~in accordance with s. 464.2085(2)(b), shall propose rules to~~
 250 ~~implement this subsection.-~~
 251 Section 8. Section 464.2085, Florida Statutes, is repealed.
 252 Section 9. Subsection (2) of section 466.032, Florida
 253 Statutes, is amended to read:
 254 466.032 Registration.-
 255 ~~(2) Upon the failure of any dental laboratory operator to~~
 256 ~~comply with subsection (1), the department shall notify her or~~
 257 ~~him by registered mail, within 1 month after the registration~~
 258 ~~renewal date, return receipt requested, at her or his last known~~
 259 ~~address, of such failure and inform her or him of the provisions~~
 260 ~~of subsections (3) and (4).-~~
 261 Section 10. Subsection (8) of section 467.009, Florida

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262 Statutes, is amended to read:
 263 467.009 Midwifery programs; education and training
 264 requirements.-
 265 (8) Nonpublic educational institutions that conduct
 266 approved midwifery programs shall be accredited by a member of
 267 the Council for Higher Education Commission on Recognition of
 268 ~~Postsecondary~~ Accreditation and shall be licensed by the
 269 Commission for Independent Education.
 270 Section 11. Subsection (2) of section 468.1665, Florida
 271 Statutes, is amended to read:
 272 468.1665 Board of Nursing Home Administrators; membership;
 273 appointment; terms.-
 274 (2) Four ~~Three~~ members of the board must be licensed
 275 nursing home administrators. One member ~~Two members~~ of the board
 276 must be a health care practitioner ~~practitioners~~. The remaining
 277 two members of the board must be laypersons who are not, and
 278 have never been, nursing home administrators or members of any
 279 health care profession or occupation. At least one member of the
 280 board must be 60 years of age or older.
 281 Section 12. Subsection (2) of section 468.1695, Florida
 282 Statutes, is amended to read:
 283 468.1695 Licensure by examination.-
 284 (2) The department shall examine each applicant who the
 285 board certifies has completed the application form and remitted
 286 an examination fee set by the board not to exceed \$250 and who:
 287 (a)1. Holds a baccalaureate or master's degree from an
 288 accredited college or university and majored in health care
 289 administration, health services administration, or an equivalent
 290 major, or has credit for at least 60 semester hours in subjects,

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291 as prescribed by rule of the board, which prepare the applicant
 292 for total management of a nursing home; and
 293 2. Has fulfilled the requirements of a college-affiliated
 294 or university-affiliated internship in nursing home
 295 administration or of a 1,000-hour nursing home administrator-in-
 296 training program prescribed by the board; or
 297 (b)1. Holds a baccalaureate degree from an accredited
 298 college or university; and
 299 2.a. Has fulfilled the requirements of a 2,000-hour nursing
 300 home administrator-in-training program prescribed by the board;
 301 or
 302 b. Has 1 year of management experience allowing for the
 303 application of executive duties and skills, including the
 304 staffing, budgeting, and directing of resident care, dietary,
 305 and bookkeeping departments within a skilled nursing facility,
 306 hospital, hospice, assisted living facility with a minimum of 60
 307 licensed beds, or geriatric residential treatment program and,
 308 if such experience is not in a skilled nursing facility, has
 309 fulfilled the requirements of a 1,000-hour nursing home
 310 administrator-in-training program prescribed by the board.
 311 Section 13. Section 468.1735, Florida Statutes, is
 312 repealed.
 313 Section 14. Subsection (11) of section 468.503, Florida
 314 Statutes, is amended to read:
 315 468.503 Definitions.—As used in this part:
 316 (11) "Registered dietitian" means an individual registered
 317 with the accrediting body of the Academy of Nutrition and
 318 Dietetics Commission on Dietetic Registration, the accrediting
 319 body of the American Dietetic Association.

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

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320 Section 15. Subsection (4) of section 468.505, Florida
 321 Statutes, is amended to read:
 322 468.505 Exemptions; exceptions.—
 323 (4) Notwithstanding any other provision of this part, an
 324 individual registered by the accrediting body of the Academy of
 325 Nutrition and Dietetics Commission on Dietetic Registration of
 326 ~~the American Dietetic Association~~ has the right to use the title
 327 "Registered Dietitian" and the designation "R.D."
 328 Section 16. Subsection (5) of section 480.033, Florida
 329 Statutes, is amended to read:
 330 480.033 Definitions.—As used in this act:
 331 ~~(5) "Apprentice" means a person approved by the board to~~
 332 ~~study massage under the instruction of a licensed massage~~
 333 ~~therapist.~~
 334 Section 17. Subsections (1) and (4) of section 480.041,
 335 Florida Statutes, are amended to read:
 336 480.041 Massage therapists; qualifications; licensure;
 337 endorsement.—
 338 (1) A ~~Any~~ person is qualified for licensure as a massage
 339 therapist under this act who:
 340 (a) Is at least 18 years of age or has received a high
 341 school diploma or graduate equivalency diploma;
 342 (b) Has completed a course of study at a board-approved
 343 massage school ~~or has completed an apprenticeship program that~~
 344 ~~meets standards adopted by the board;~~ and
 345 (c) Has received a passing grade on an examination
 346 administered by the department.
 347 (4) The board shall adopt rules:
 348 (a) ~~Establishing a minimum training program for~~

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

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349 ~~apprentices.~~

350 ~~(b)~~ Providing for educational standards, examination, and
 351 certification for the practice of colonic irrigation, as defined
 352 in s. 480.033~~(6)~~, by massage therapists.

353 ~~(b)(c)~~ Specifying licensing procedures for practitioners
 354 desiring to be licensed in this state who hold an active license
 355 and have practiced in any other state, territory, or
 356 jurisdiction of the United States or any foreign national
 357 jurisdiction which has licensing standards substantially similar
 358 to, equivalent to, or more stringent than the standards of this
 359 state.

360 Section 18. Subsection (5) of section 480.042, Florida
 361 Statutes, is amended to read:

362 480.042 Examinations.—

363 (5) ~~All licensing examinations shall be conducted in such~~
 364 ~~manner that the applicant shall be known to the department by~~
 365 ~~number until her or his examination is completed and the proper~~
 366 ~~grade determined.~~ An accurate record of each examination shall
 367 be maintained, made, and that record, together with all
 368 examination papers, ~~shall be filed with the State Surgeon~~
 369 ~~General and~~ shall be kept by the testing entities for reference
 370 and inspection for a period of not less than 2 years immediately
 371 following the examination.

372 Section 19. Paragraph (h) of subsection (1) of section
 373 480.044, Florida Statutes, is amended to read:

374 480.044 Fees; disposition.—

375 (1) The board shall set fees according to the following
 376 schedule:

377 ~~(h) Fee for apprentice: not to exceed \$100.~~

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378 Section 20. Subsection (3) of section 486.031, Florida
 379 Statutes, is amended to read:

380 486.031 Physical therapist; licensing requirements.—To be
 381 eligible for licensing as a physical therapist, an applicant
 382 must:

383 (3) (a) Have been graduated from a school of physical
 384 therapy which has been approved for the educational preparation
 385 of physical therapists by the appropriate accrediting agency
 386 recognized by the Commission on Recognition of Postsecondary
 387 Accreditation or the United States Department of Education at
 388 the time of her or his graduation and have passed, to the
 389 satisfaction of the board, the American Registry Examination
 390 before ~~prior to~~ 1971 or a national examination approved by the
 391 board to determine her or his fitness for practice as a physical
 392 therapist as hereinafter provided;

393 (b) Have received a diploma from a program in physical
 394 therapy in a foreign country and have educational credentials
 395 deemed equivalent to those required for the educational
 396 preparation of physical therapists in this country, as
 397 recognized by the board or by an appropriate agency as
 398 identified by the board, and have passed to the satisfaction of
 399 the board an examination to determine her or his fitness for
 400 practice as a physical therapist ~~as hereinafter provided;~~ or

401 (c) Be entitled to licensure without examination as
 402 provided in s. 486.081.

403 Section 21. Subsection (3) of section 823.05, Florida
 404 Statutes, is amended to read:

405 823.05 Places and groups engaged in criminal gang-related
 406 activity declared a nuisance; massage establishments engaged in

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407 prohibited activity; may be abated and enjoined.-

408 (3) A massage establishment as defined in s. 480.033~~(7)~~

409 that operates in violation of s. 480.0475 or s. 480.0535(2) is

410 declared a nuisance and may be abated or enjoined as provided in

411 ss. 60.05 and 60.06.

412 Section 22. This act shall take effect July 1, 2014.

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 Transportation

BILL: CS/SB 1618

INTRODUCER: Senator Brandes

SUBJECT: Chauffeured Limousines

DATE: April 10, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Fav/CS
2.			CA	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1618 defines the term “chauffeured limousine” and prohibits a special district that regulates such limousines from:

- Requiring a minimum wait time or minimum fare;
- Restricting the number of permits issued to operate limousines in a county; or
- Restricting access across county lines from limousines for hire.

The bill also requires chauffeured limousines to meet certain minimum financial responsibility requirements, or greater requirements set by the county if those same requirements apply to individuals and businesses that provide the same or similar service.

II. Present Situation:

For-hire vehicle services are undergoing changes with respect to models most often associated with the provision of transportation to individuals, such as by taxi. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages.

In some geographic locations, local regulatory entities are requiring businesses that utilize these new technologies and methods for providing transportation to consumers to impose minimum

fares,¹ minimum wait times between the reservation and delivery of the service, and restricting access across county lines by imposing limitations on the number of permits issued to operate limousines.²

Current State Law

Local Regulation

Local governmental entities primarily control regulation of for-hire vehicles in Florida. The legislative and governing body of a county is granted the authority to license and regulate taxis, jitneys, limousines for hire,³ rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county.⁴ “For-hire vehicle” is currently defined to mean:

Any motor vehicle, when used for transporting persons or goods for compensation; let or rented to another for consideration; offered for rent or hire as a means of transportation for compensation; advertised in a newspaper or generally held out as being for rent or hire; used in connection with a travel bureau; or offered or used to provide transportation for persons solicited through personal contact or advertised on a “share-expense” basis. When goods or passengers are transported for compensation in a motor vehicle outside a municipal corporation of this state, or when goods are transported in a motor vehicle not owned by the person owning the goods, such transportation is “for hire.” The carriage of goods and other personal property in a motor vehicle by a corporation or association for its stockholders, shareholders, and members, cooperative or otherwise, is transportation “for hire.”⁵

Insurance Requirements

An owner or lessee who operates one or more taxicabs, jitneys, or any other for-hire passenger transportation vehicles excluding limousines may prove financial responsibility by holding a motor vehicle liability policy with minimum limits of \$125,000 per person for bodily injury, up to \$250,000 per person for bodily injury, and \$50,000 for property damage.⁶

An owner or lessee required to maintain insurance under s. 324.021(9)(b), F.S., and who operates limousines, jitneys, or any other for-hire passenger vehicle other than taxicabs may prove

¹ See, i.e.: <http://www.usnews.com/news/blogs/washington-whispers/2012/08/24/no-one-wants-to-take-credit-for-bers-50-minimum-in-tampa> and http://news.cnet.com/8301-1023_3-57589869-93/miami-officials-propose-law-changes-to-allow-uber-service/. (Last visited March 21, 2014.)

² See, i.e.: http://blogs.miaminewtimes.com/cultist/2013/09/luxury_car_app_uber_takes_miam.php. (Last visited March 21, 2014.)

³ Because limousines are not commercial motor vehicles as defined in s. 320.01(25), F.S., drivers operating a limousine are not required to have a commercial driver license.

⁴ Section 125.01(1)(n), F.S.

⁵ Section 320.01(15)(a), F.S.

⁶ Section 324.032(1)(a), F.S.

financial responsibility by holding a motor vehicle liability policy with minimum limits of \$100,000/\$300,000/\$50,000.^{7,8}

III. Effect of Proposed Changes:

The bill creates s. 316.901, F.S., defining “chauffeured limousine” for purposes of that section to mean:

[A] chauffeured, nonmetered motor vehicle with four or more doors, designed to carry fewer than nine passengers excluding the chauffeur, and operated for hire pursuant to an advance reservation, the fare for which is calculated on the basis of time and distance, except for trips to airports or other point-to-point trips based on well-traveled routes or for event-related trips such as sporting events, which may be charged on a flat-fee basis. The term does not include a taxicab; a vehicle used for not-for-profit, tax-exempt operations; or a vehicle used for transportation of persons between home and work locations or of persons having a common work-related trip when ridesharing is incidental to another purpose of the driver.

The bill prohibits a special district from discriminating or restricting the use of chauffeured limousines for hire using digital transportation request services by:

- Requiring a minimum wait time or minimum fare;
- Restricting the number of permits that may be issued to operate limousines in a county; or
- Restricting access across county lines from limousines for hire.

The bill also requires chauffeured limousines to meet current minimum financial responsibility requirements, or greater requirements set by the county if those same requirements apply to individuals and businesses that provide the same or similar service.

The bill takes effect October 1, 2014.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁷ Section 324.032(1)(b), F.S. *See also* s. 324.021(9)(b), F.S.

⁸ Section 324.032(2), F.S., authorizes an owner or lessee required to maintain insurance under s. 324.021(9)(b), F.S., and who operates at least 300 taxicabs, limousines, jitneys, or any other for-hire passenger vehicles to prove financial responsibility through self-insurance as provided by s. 324.171, F.S.

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

None.

B. Private Sector Impact:

The bill may provide greater stability and predictability to businesses seeking to implement emerging transportation technology, may provide increased consumer choice, and may enhance personal mobility. Businesses previously unable to obtain operating permits due to caps on the number of available permits will incur expenses associated with obtaining such permits.

C. Government Sector Impact:

Revenues of local regulating entities may increase as a result of issuing more operating permits.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 316.901.

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 April 10, 2014:**

The CS removes from the bill creation of the “Chauffeured Limousines and Services Safety Act,” which preempted to the state the licensure and regulation of chauffeured limousines, services, and drivers, including:

- Definitions and legislative intent;
- Rules of operation for chauffeured limousine services;
- Vehicle standards;
- Requirements for chauffeured limousine drivers;
- Compliance reviews, penalties, appeal, and disposition of such penalties;
- Authorization of the Department of Highway Safety & Motor Vehicles to adopt or revise rules to implement and administer the Act; and

- Revisions to proof of insurance requirements for owners or operators of chauffeured limousines and chauffeured limousine service.

The strike-all amendment adopted by the committee and incorporated into the CS:

- Defines the term “chauffeured limousine;”
- Prohibits a special district that regulates such limousines from:
 - Requiring a minimum wait time or minimum fare;
 - Restricting the number of permits issued to operate limousines in a county; or
 - Restricting access across county lines from limousines for hire; and
- Requires chauffeured limousines to meet certain minimum financial responsibility requirements, or greater requirements set by the county if those same requirements apply to individuals and businesses that provide the same or similar service.

B. Amendments:

None.



766326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/10/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 316.901, Florida Statutes, is amended to
read:

316.901 Chauffeured limousines; prohibited practices;
definition.—A special district may not discriminate or restrict
the use of chauffeured limousines for hire using digital
transportation request services by requiring a minimum wait



766326

11 time, requiring a minimum fare, restricting the number of
12 permits issued to operate limousines in the county or
13 restricting access across county lines from limousines for hire.
14 Chauffeured limousines shall meet the minimum financial
15 responsibility requirements of s. 324.032, or greater
16 requirements set by the county if those same requirements apply
17 to individuals and businesses that provide the same or similar
18 service. As used in this section, "chauffeured limousine" means
19 a chauffeured, nonmetered motor vehicle with four or more doors,
20 designed to carry fewer than nine passengers excluding the
21 chauffeur, and operated for hire pursuant to an advance
22 reservation, the fare for which is calculated on the basis of
23 time and distance, except for trips to airports or other point-
24 to-point trips based on well-traveled routes or for event-
25 related trips such as sporting events, which may be charged on a
26 flat-fee basis. The term does not include a taxicab; a vehicle
27 used for not-for-profit, tax-exempt operations; or a vehicle
28 used for transportation of persons between home and work
29 locations or of persons having a common work-related trip when
30 ridesharing is incidental to another purpose of the driver.

31 Section 2. This act shall take effect October 1, 2014.

32
33 ===== T I T L E A M E N D M E N T =====

34 And the title is amended as follows:

35 Delete everything before the enacting clause
36 and insert:

37 A bill to be entitled
38 An act relating to chauffeured limousines; creating s.
39 316.901, F.S.; prohibiting a special district from



766326

40 restricting the use of certain chauffeured limousines
41 by requiring a minimum wait time or minimum fare,
42 restricting the number of permits issued to operate in
43 the county, or restricting access across county lines;
44 requiring chauffeured limousines to meet certain
45 minimum financial responsibility requirements;
46 defining the term "chauffeured limousine"; providing
47 an effective date.



679322

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/10/2014	.	
	.	
	.	
	.	

The Committee on Transportation (Evers) recommended the following:

Senate Amendment to Amendment (766326) (with title amendment)

Delete lines 14 - 18
and insert:

Chauffeured limousines for hire using digital transportation request services must meet the minimum financial responsibility requirements of s. 324.032, or greater requirements set by the county if those same requirements apply to individuals and businesses that provide the same or similar service. If such a



679322

11 chauffeured limousine does not maintain the minimum insurance
12 required by s. 324.032, or greater requirements set by the
13 county if those same requirements apply to individuals and
14 businesses that provide the same or similar service, the digital
15 transportation request service is vicariously liable for up to
16 \$1 million per incident involving such chauffeured limousine or
17 its driver. As used in this section, the term "digital
18 transportation request service" means a corporation,
19 partnership, sole proprietorship, or other entity that uses a
20 digital network to connect passengers or businesses to
21 chauffeured limousines for the purpose of providing
22 transportation. As used in this section, the term "chauffeured
23 limousine" means

24
25 ===== T I T L E A M E N D M E N T =====

26 And the title is amended as follows:

27 Delete line 46

28 and insert:

29 providing that a digital transportation request
30 service is vicariously liable for incidents involving
31 a chauffeured limousine or the driver thereof using
32 the service if the chauffeured limousine does not meet
33 certain insurance requirements; defining terms;
34 providing

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10

Meeting Date

Topic Chauffeored Limousines

Bill Number SB 1618
(if applicable)

Name Woody Simmons

Amendment Barcode _____
(if applicable)

Job Title VP Govt Affairs

Address 106 S. Collier Ave apt 710

Phone 222-6300

Street
Tallahassee FL 32301
City *State* *Zip*

E-mail Woodrow.Simmons@verizon.com

Speaking: For Against Information

Representing Verizon

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14
Meeting Date

Topic Transportation Proposed Bill

Bill Number 1618
(if applicable)

Name ROBERT A. SEARCY

Amendment Barcode _____
(if applicable)

Job Title PRESIDENT

Address 1701 WEST CASS ST.

Phone 407-222-2700

Street

TAMPA FL
City State

State

33606
Zip

E-mail rsearcy@tamp-taxi.com

Speaking: For Against Information

Representing GULF COAST TRANSPORTATION, INC. Corporation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/2014

Meeting Date

Topic Chauffered Limousines (ON THE AMENDMENT)

Bill Number SB 1618
(if applicable)

Name RYAN PADGETT

Amendment Barcode 766326
(if applicable)

Job Title Asst. General Counsel

Address PO Box 1757

Phone 850-701-3616

Street

Tallahassee

FL

32302

E-mail rpadgett@flcities.com

City

State

Zip

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-14

Meeting Date

Topic Taxis, Limos, TNCs

Bill Number 1618
(if applicable)

Name Roger Chapin

Amendment Barcode _____
(if applicable)

Job Title VP

Address 324 W. Gore St
Street

Phone _____

Orlando, FL 32801
City State Zip

E-mail _____

Speaking: For Against Information

Representing Mears Transportation Group

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

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4/10/14

Meeting Date

Topic Chauffeured Limousines

Bill Number SB 1618

(if applicable)

Name Brewster Bevis

Amendment Barcode _____

(if applicable)

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

Tallahassee

FL

32301

City

State

Zip

E-mail bbevis@aif.com

Speaking: For Against Information

Representing Associated Industries of Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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4/10/14

Meeting Date

Topic

TNC / TAXI CABS LIMO'S

Bill Number

1618

Name

JOHN MADIEDO, JR

Amendment Barcode

(if applicable)

Job Title

PRESIDENT / OWNER PROFESSIONAL RISK MANAGERS, INC

(if applicable)

Address

2003 W. KENNEDY BLVD
PROFESSIONAL INSURANCE CENTER, INC

Phone

813-240-2111

Street

TAUPEA

FLORIDA

33606

E-mail

JMTAXI@MSN.COM

City

State

Zip

Speaking:

For

Against

Information

Representing

PROFESSIONAL FOR HIRE TRANSPORTATION INDUSTRY

Appearing at request of Chair:

Yes

No

Lobbyist registered with Legislature:

Yes

No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14
Meeting Date

Topic Uber

Bill Number 1618
(if applicable)

Name Abbas Hamdoun

Amendment Barcode _____
(if applicable)

Job Title OWNER

Address 2900 Coronet LN
Street

Phone 904-505-8192

Jacksonville FL
City State Zip

E-mail abbastan@gmail.com

Speaking: For Against Information

Representing Royal Transportation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

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4-10-14

Meeting Date

Topic CHAUFFEURED LIMOUSINE

Bill Number 1618
(if applicable)

Name DAVE SHAW

Amendment Barcode _____
(if applicable)

Job Title OPERATION MANAGER

Address 8020 MASSACHUSETTS AVENUE

Phone 727-842-3522

Street

NEW PORT RICHEY FL 34653

City

State

Zip

E-mail dave@olympuslimo.com

Speaking: For Against Information

Representing WEST FLORIDA LIVERY ASSOCIATION, OLYMPUS LIMO

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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4/10/14
Meeting Date

Topic Limousine Transportation

Bill Number 16/E
(if applicable)

Name Rick Bryant

Amendment Barcode _____
(if applicable)

Job Title President

Address 221 N Hogan St

Phone 904-616-3588

Jacksonville, FL 32202
City State Zip

E-mail rickbryant123@
cflhud.com

Speaking: For Against Information

Representing Metro Executive Transportation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE

APPEARANCE RECORD

4/10/14
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Topic LIMOUSINES

Bill Number 1618
(if applicable)

Name John Camillo

Amendment Barcode _____
(if applicable)

Job Title President

Address 221 West Oakland Pk Blvd
Street

Phone 954-565-8900

FORT LAUDERDALE FL 33311
City State Zip

E-mail JCamillo@KLServices Inc. com

Speaking: For Against Information

Representing Yellow CABS Broward AT/Alia hassee

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic _____ Bill Number SB 1018
(if applicable)

Name STEPHEN BIRTMAN Amendment Barcode _____
(if applicable)

Job Title _____

Address 110 EAST JEFFERSON Phone 850-727-3465
Street

Tallah FL E-mail SBIRTMAN@COMCAST.NET
City State Zip

Speaking: For Against Information

Representing NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14

Meeting Date

Topic Trans. Chevron Limo

Bill Number 1618
(if applicable)

Name Louis Minardi

Amendment Barcode _____
(if applicable)

Job Title President Yellow Cab Tampa

Address 4413 N. Hesperides St

Phone (813) 253 8871

Street

City

Tampa

Fl.
State

33614
Zip

E-mail Louis@yellowcaboftampa.com

Speaking: For Against Information

Representing Yellow Cab / West Coast Tampa Area

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14

Meeting Date

Topic SB 1618

Bill Number 1618
(if applicable)

Name ANDREW SOLOMON

Amendment Barcode _____
(if applicable)

Job Title Driver

Address 1111 San Jose Blvd Ste 70
Street

Phone 904 405 8294

Jacksonville FL 32223
City State Zip

E-mail Uberdedendy@gmail.com

Speaking: For Against Information

Representing Royal Transportation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

4-10-14 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Taxis & Limo's

Bill Number 1618
(if applicable)

Name Brock Rosayn

Amendment Barcode _____
(if applicable)

Job Title PRES.

Address 1730 S. Fed Hwy #344

Phone 561-276-2420

Street
Delray Beach FL 33483
City State Zip

E-mail _____

Speaking: For Against Information

Representing Metro-Taxi

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic _____

Bill Number 1618
(if applicable)

Name FASSIL GABREMARIAM

Amendment Barcode _____
(if applicable)

Job Title LIMO/TAXI COALITION

Address 1105 MANHATTAN AVE #44
Street

Phone _____

TAMPA FL 33609
City State Zip

E-mail _____

Speaking: For Against Information

Representing TAMPA BAY TAXI/LIMO COALITION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/10/2014
Meeting Date

Topic Taxi cabs Limos

Bill Number SB 1658
(if applicable)

Name Brook Negusei

Amendment Barcode _____
(if applicable)

Job Title Small Business owner

Address 449 S 12th St
Street

Phone 813 966-6462

TAMPA FL 33602
City State Zip

E-mail brookn1@verizon.net

Speaking: For Against Information

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic TRM 1 Lmo TRM

Bill Number 1618
(if applicable)

Name ACASTAGNA

Amendment Barcode _____
(if applicable)

Job Title VP/S

Address 6017 Sunset Pines East Blvd

Phone 407 947 7797

Street ORLANDO FL

E-mail AK.MP@CND.COM

City _____ *State* _____ *Zip* _____

Speaking: For Against Information

Representing GOV. TRANSPORTATION SPARKS ORLANDO LIMO ASSOC

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/10/14

Meeting Date

Topic TAXI Limo TNR

Bill Number 1618
(if applicable)

Name Gregg Moulton

Amendment Barcode _____
(if applicable)

Job Title VP

Address 806 W Lanostreet Rd.

Phone 407-414-7463

Street
ORLANDO, FL 32824

City State Zip

E-mail gmoulton002@yahoo.com

Speaking: For Against Information

Representing Greater Orlando Limousine Association (GOLA)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4/10/2014
Meeting Date

Topic Transportation Bill

Bill Number 1618
(if applicable)

Name Jeremy Jenkins

Amendment Barcode _____
(if applicable)

Job Title owner

Address 4037 66th St

Phone 727 4885624

St. Pete FL 33709
City State Zip

E-mail jeremy@hhlimo.com

Speaking: For Against Information

Representing His & Her's Limousines

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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04/10/2014
Meeting Date

Topic TRANSPORTATION Bill

Bill Number _____
(if applicable)

Name DENNIS ROCKFORD

Amendment Barcode _____
(if applicable)

Job Title PRES

Address 1393 PASADENA AVE S.
Street

Phone 727-302-9300

ST PETE FL 33707
City State Zip

E-mail ALimo2@TAMPABAY
TAMPABAY.PR
.com

Speaking: For Against Information

Representing PURE LIMO

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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4-10-14

Meeting Date

Topic Transportation

Bill Number 1618
(if applicable)

Name Abraham Mirardi

Amendment Barcode _____
(if applicable)

Job Title Supervisor

Address 4413 N. Hesperides St
Street

Phone 813-917-1444

Tampa FL 33614
City State Zip

E-mail _____

Speaking: For Against Information

WAZIVE *

Representing Checker Cab Transportation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-10-11
Meeting Date

Topic Transportation

Bill Number 1618
(if applicable)

Name Glenn Mohr

Amendment Barcode _____
(if applicable)

Job Title Vice President Yellow Cab of Tampa

Address 4413 N. Hesperides St
Street

Phone 813-917-7992

Tampa FL 33614
City State Zip

E-mail _____

Speaking: For Against Information

Representing Yellow Cab of Tampa

WAVE *

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/10/14

Meeting Date

Topic TRANSPORTATION

Bill Number 1618
(if applicable)

Name SHAWN COCHRAN

Amendment Barcode _____
(if applicable)

Job Title OPERATIONS MANAGER

Address 4415 W. HESPERIDES ST

Phone (813) 917-5094

Street

Tampa FL 33614

City

State

Zip

E-mail _____

Speaking: For Against Information

WAIVE

Representing WESTCOAST SHUTTLE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

April 10th
Meeting Date

Topic Uber bill / transportation

Bill Number 1618
(if applicable)

Name Nicholas Lofter

Amendment Barcode _____
(if applicable)

Job Title Field director

Address 200 west college Ave
Street
Suite 113 FL 32701
City State Zip

Phone 850 508 9957

E-mail NLofter@AFPLA.org

Speaking: For Against Information

Representing Americans For prosperity

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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

By Senator Brandes

22-01498-14

20141618__

A bill to be entitled

An act relating to chauffeured limousines; amending s. 125.01, F.S.; preempting the licensing and regulation of chauffeured limousines, chauffeured limousine services, and drivers of chauffeured limousines to the state; creating s. 316.90, F.S.; providing a short title; creating s. 316.901, F.S.; providing definitions; creating s. 316.902, F.S.; providing legislative findings and intent; creating s. 316.903, F.S.; providing rules of operation for a chauffeured limousine service; creating s. 316.904, F.S.; providing chauffeured limousine vehicle standards; creating s. 316.905, F.S.; providing requirements for chauffeured limousine drivers; creating s. 316.906, F.S.; providing penalties; providing for appeal of penalties; creating s. 316.907, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to adopt rules; amending ss. 324.031 and 324.032, F.S.; revising proof of insurance requirements for owners or operators of chauffeured limousines and chauffeured limousine services; amending ss. 324.023, 324.151, and 627.733, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Paragraph (n) of subsection (1) of section 125.01, Florida Statutes, is amended to read:
125.01 Powers and duties.—

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(1) The legislative and governing body of a county shall have the power to carry on county government. To the extent not inconsistent with general or special law, this power includes, but is not restricted to, the power to:

(n) License and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county; except that any constitutional charter county as defined in s. 125.011(1) shall on July 1, 1988, have been authorized to have issued a number of permits to operate taxis which is no less than the ratio of one permit for each 1,000 residents of said county, and any such new permits issued after June 4, 1988, shall be issued by lottery among individuals with such experience as a taxi driver as the county may determine. Notwithstanding any provision of this paragraph, the legislative and governing body of a county does not have the power to license or regulate chauffeured limousines, chauffeured limousine services, and drivers of chauffeured limousines, as defined in s. 316.901, and the licensure and regulation thereof is specifically preempted to the state.

Section 2. Section 316.90, Florida Statutes, is created to read:

316.90 Chauffeured Limousines and Services Safety Act; short title.—Sections 316.90-316.907 may be cited as the "Chauffeured Limousines and Services Safety Act."

Section 3. Section 316.901, Florida Statutes, is created to read:

316.901 Chauffeured limousines and services; definitions.—As used in ss. 316.90-316.907, the term:

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59 (1) "Advance reservation" means a reservation made in
 60 advance by a person requesting the use of a chauffeured
 61 limousine for transportation of a passenger or passengers for a
 62 specified period of time, or from and to a specific location.

63 (2) "Chauffeured limousine" means a chauffeured, nonmetered
 64 motor vehicle with four or more doors, designed to carry fewer
 65 than nine passengers excluding the chauffeur, and operated for
 66 hire pursuant to an advance reservation, the fare for which is
 67 calculated on the basis of time and distance, except for trips
 68 to airports or other point-to-point trips based on well-traveled
 69 routes or for event-related trips such as sporting events, which
 70 may be charged on a flat-fee basis. The term does not include a
 71 taxicab; a vehicle used for not-for-profit, tax-exempt
 72 operations; or a vehicle used for transportation of persons
 73 between home and work locations or of persons having a common
 74 work-related trip when ridesharing is incidental to another
 75 purpose of the driver.

76 (3) "Chauffeured limousine service" means any business that
 77 provides chauffeured limousines by advance reservation.

78 (4) "Department" means the Department of Highway Safety and
 79 Motor Vehicles.

80 Section 4. Section 316.902, Florida Statutes, is created to
 81 read:

82 316.902 Chauffeured limousines and services; legislative
 83 findings and intent; preemption.—The Legislature finds that the
 84 emerging field of transportation technology is a statewide
 85 concern. The Legislature intends to provide a uniform statewide
 86 level of regulation of emerging transportation technology to
 87 provide stability and predictability to businesses seeking to

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88 implement such technology, to provide convenience and safety to
 89 the traveling public, and to enhance personal mobility.
 90 Accordingly, the regulation of chauffeured limousines,
 91 chauffeured limousine services, and drivers of chauffeured
 92 limousines is hereby preempted to the state. Further regulation
 93 thereof by a county, a municipality, or any other political
 94 subdivision of the state is void.

95 Section 5. Section 316.903, Florida Statutes, is created to
 96 read:

97 316.903 Chauffeured limousine services; rules of
 98 operation.—

99 (1) Before engaging in business in this state as a
 100 chauffeured limousine service, and at all times thereafter while
 101 so actively engaged, a chauffeured limousine service shall:

102 (a) Establish and maintain:

103 1. A publicly listed telephone number identifying the
 104 business name and actual physical address for the purpose of
 105 receiving telephone calls related to the chauffeured limousine
 106 service.

107 2. A website that provides:

108 a. The telephone number and actual physical address of the
 109 business as required under subparagraph 1.

110 b. Specific information regarding the method of fare
 111 calculation and the rates and fees charged by the chauffeured
 112 limousine service.

113 c. A mechanism for passengers of the chauffeured limousine
 114 service to file complaints regarding the service through the
 115 website.

116 3. A zero-tolerance intoxicating substance policy for

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117 drivers of chauffeured limousines.

118 4. A central records repository located in this state for
 119 the maintenance of records required by the department. A
 120 chauffeured limousine service shall make such records available
 121 for inspection to the department for the purpose of establishing
 122 compliance with this act.

123 (b) Employ only drivers that meet the requirements of s.
 124 316.905.

125 1. In addition to obtaining sufficient proof that a driver
 126 meets the requirements of s. 316.905, prior to a driver's
 127 employment the chauffeured limousine service must also obtain at
 128 least 1 year of the driver's driving history and shall check the
 129 driver's record quarterly thereafter to ensure that
 130 disqualifying violations specified in s. 316.905(1)(c)1. have
 131 not occurred.

132 2. A chauffeured limousine service shall immediately
 133 suspend any driver:

134 a. Who receives a disqualifying violation on his or her
 135 driving record until such time as the driver's compliance is
 136 reestablished.

137 b. Who is reported by a person who reasonably suspects the
 138 driver was under the influence of alcohol or drugs during the
 139 course of a passenger's trip pending an investigation of the
 140 report.

141 (c) Ensure that valid background-screening certificates of
 142 the driver and the insurer certificates of the chauffeured
 143 limousine are displayed inside the chauffeured limousine so the
 144 certificates are plainly visible to the passengers.

145 (2) A chauffeured limousine service may not unlawfully

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146 discriminate against passengers or potential passengers based
 147 upon the geographic beginning point or end point of the ride.

148 (3) A chauffeured limousine service shall provide to the
 149 driver a waybill for each ride which includes the driver's name,
 150 motor vehicle license plate number, and the time and date of the
 151 advance reservation.

152 (4) A chauffeured limousine service shall provide each
 153 customer a paper or electronic receipt that lists the
 154 origination and destination of the trip, the total distance and
 155 time of the trip, and a breakdown of the total fare paid,
 156 including fees and gratuity, if any.

157 (5) If, in the interim between background screenings of a
 158 driver or between issuance and renewal of insurance as required
 159 under s. 316.905, an event occurs that renders the driver or the
 160 chauffeured limousine out of compliance with the standards in
 161 this act, the driver or the vehicle, or both, as appropriate,
 162 shall be disqualified from providing chauffeured limousine
 163 services. The chauffeured limousine service is prohibited from
 164 using the driver or the vehicle until such time as compliance is
 165 reestablished in accordance with this act.

166 (6) A chauffeured limousine service shall annually provide
 167 a report to the department which includes the number of rides
 168 requested and accepted by drivers within each zip code where the
 169 service operates in the state; the number of driver violations
 170 and suspensions, including a list of complaints of driver
 171 alcohol or drug intoxication and the outcome of investigations
 172 into those complaints; and a listing of each accident or other
 173 incident that involved a chauffeured limousine service's driver,
 174 including the date, time, and cause of the incident, and the

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175 amounts paid, if any, by the driver's insurance and the
 176 service's insurance.

177 Section 6. Section 316.904, Florida Statutes, is created to
 178 read:

179 316.904 Chauffeured limousine vehicle standards.-A
 180 chauffeured limousine may not be older than 5 model years of age
 181 when initially placed into service by a chauffeured limousine
 182 service and must be taken out of service at 10 model years of
 183 age. If a chauffeured limousine is taken out of service for more
 184 than 30 calendar days after its initial placement into service,
 185 the chauffeured limousine is no longer a previously in-service
 186 vehicle.

187 Section 7. Section 316.905, Florida Statutes, is created to
 188 read:

189 316.905 Chauffeured limousine drivers.-

190 (1) A driver for a chauffeured limousine service must:

191 (a) Possess a valid driver license issued in this state or
 192 any other state which has been active for at least 5 years.

193 (b) Hold a motor vehicle liability policy in accordance
 194 with s. 324.031 or s. 324.032, if the driver owns or leases the
 195 chauffeured limousine, or be in possession of such proof
 196 provided by the owner or lessee of the chauffeured limousine.

197 (c) Successfully complete a Level 1 background screening
 198 under s. 435.03 conducted by the Department of Law Enforcement.

199 1. Such background screening shall include a statewide
 200 criminal correspondence check through the Department of Law
 201 Enforcement; a check of the Dru Sjodin National Sex Offender
 202 Public Website; a local criminal records check through local law
 203 enforcement agencies; and a check of the driver's driving record

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204 to ensure the driver has no conviction or an arrest awaiting
 205 final disposition for driving under the influence of alcohol,
 206 chemical substances, or controlled substances in violation of
 207 chapter 316, in addition to any offense prohibited under s.
 208 435.04(2) or similar law of another jurisdiction.

209 2. The driver must be rescreened annually following the
 210 date of his or her most recent background screening.

211 3. Upon receipt of payment of the appropriate fee, the
 212 Department of Law Enforcement shall conduct the screenings
 213 required by this paragraph. The department shall issue a
 214 certificate or renewed certificate, as applicable, to any driver
 215 found to be in compliance with the screening standards specified
 216 in this paragraph. Each certificate is valid for 14 months and
 217 must contain a unique identification number associated with the
 218 driver.

219 (2) At all times while operating a chauffeured limousine,
 220 the driver shall:

221 (a) Have in his or her possession:

222 1. A valid driver license that meets the requirements of
 223 paragraph (1) (a);

224 2. Proof of insurance that meets the requirements of s.
 225 324.031 or s. 324.032;

226 3. A valid background screening certificate issued under
 227 paragraph (1) (c);

228 4. A valid certificate issued by the motor vehicle insurer
 229 attesting to the vehicle's compliance with the safety equipment
 230 standards of chapter 316 and any other applicable requirements
 231 on the date of issuance or renewal of the motor vehicle
 232 liability policy; and

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233 5. A waybill for each ride which includes the driver's
 234 name, vehicle license plate number, and the time and date of the
 235 advance reservation. The driver shall produce the waybill for
 236 any law enforcement officer upon request.

237 (b) Ensure that the valid background-screening certificates
 238 and insurer certificates are displayed inside the chauffeured
 239 limousine so that they are plainly visible to the passengers.

240 (c) Ensure that all chauffeured limousine passenger trips
 241 are arranged only through advance registration. The driver of a
 242 chauffeured limousine may not accept or solicit street hails.

243 (4) The driver of a chauffeured limousine may not
 244 unlawfully discriminate against passengers or potential
 245 passengers based upon the geographic beginning point or end
 246 point of the ride.

247 (5) The driver of a chauffeured limousine shall provide
 248 monthly to the chauffeured limousine service an affidavit
 249 attesting to continued compliance with this section. If, in the
 250 interim between background screenings or between issuance and
 251 renewal of insurance as required by this section, an event
 252 occurs that renders the driver noncompliant with the standards
 253 in this section, the driver shall report the event to the
 254 chauffeured limousine service, and the driver is prohibited from
 255 operating any chauffeured limousine until such time as the
 256 driver meets the requirements of this section.

257 (6) A driver that meets the requirements of this section
 258 may not operate a chauffeured limousine for passenger trips of
 259 the chauffeured limousine service which does not meet the
 260 standards under s. 316.904 until such time as the limousine's
 261 compliance is reestablished.

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262 Section 8. Section 316.906, Florida Statutes, is created to
 263 read:

264 316.906 Chauffeured limousines and services; review and
 265 inspection for compliance; penalties.-

266 (1) The department may conduct reviews and inspections of
 267 chauffeured limousine services for the purpose of determining
 268 compliance with this act.

269 (2) The department may impose the following penalties for
 270 violations of this act:

271 (a) In addition to penalties provided in this chapter and
 272 chapters 318, 319, 320, 322, and 324, violations of this act are
 273 punishable as provided in s. 316.655.

274 (b) Civil penalties are as follows:

275 1. A civil penalty of \$1,000 for violations identified in
 276 an initial compliance review or inspection.

277 2. A civil penalty of \$2,500 for violations found in a
 278 follow-up compliance review or inspection conducted within 6
 279 months after a previous compliance review or inspection where
 280 violations were identified.

281 3. A civil penalty of \$5,000 for violations found in a
 282 follow-up compliance review or inspection conducted within 12
 283 months after a previous compliance review or inspection where
 284 violations were identified.

285 (c) All civil penalties imposed and collected under this
 286 subsection shall be paid to the Chief Financial Officer, who
 287 shall credit the total amount collected to the State
 288 Transportation Disadvantaged Trust Fund for use as provided in
 289 s. 427.0159.

290 (d) A chauffeured limousine service aggrieved by the

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291 imposition of a civil penalty under this section may apply to
 292 the Commercial Motor Vehicle Review Board for a modification,
 293 cancellation, or revocation of the penalty. Such appeal
 294 proceedings must be conducted in accordance with chapter 120.

295 Section 9. Section 316.907, Florida Statutes, is created to
 296 read:

297 316.907 Chauffeured limousines and services; rulemaking
 298 authority.—The department may adopt or revise rules to implement
 299 and administer ss. 316.90-316.907.

300 Section 10. Section 324.031, Florida Statutes, is amended
 301 to read:

302 324.031 Manner of proving financial responsibility.—

303 (1) The owner or operator of a taxicab, limousine, jitney,
 304 or any other for-hire passenger transportation vehicle may prove
 305 financial responsibility by providing satisfactory evidence of
 306 holding a motor vehicle liability policy as defined in s.
 307 324.021(8) or s. 324.151, which policy is issued by an insurance
 308 carrier which is a member of the Florida Insurance Guaranty
 309 Association. Except as provided in subsection (2), the operator
 310 or owner of any other vehicle may prove his or her financial
 311 responsibility by:

312 (a)~~(1)~~ Furnishing satisfactory evidence of holding a motor
 313 vehicle liability policy as defined in ss. 324.021(8) and
 314 324.151;

315 (b)~~(2)~~ Furnishing a certificate of self-insurance showing a
 316 deposit of cash in accordance with s. 324.161; or

317 (c)~~(3)~~ Furnishing a certificate of self-insurance issued by
 318 the department in accordance with s. 324.171.

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320 Any person, including any firm, partnership, association,
 321 corporation, or other person, other than a natural person,
 322 electing to use the method of proof specified in paragraph
 323 (1) (b) subsection (2) shall furnish a certificate of deposit
 324 equal to the number of vehicles owned times \$30,000, to a
 325 maximum of \$120,000; in addition, any such person, other than a
 326 natural person, shall maintain insurance providing coverage in
 327 excess of limits of \$10,000/20,000/10,000 or \$30,000 combined
 328 single limits, and such excess insurance shall provide minimum
 329 limits of \$125,000/250,000/50,000 or \$300,000 combined single
 330 limits. These increased limits shall not affect the requirements
 331 for proving financial responsibility under s. 324.032(1).

332 (2) The owner or operator of a chauffeured limousine, as
 333 defined in s. 316.901, may prove financial responsibility by
 334 furnishing satisfactory evidence of holding a motor vehicle
 335 liability policy, with minimum limits of
 336 \$500,000/1,000,000/50,000.

337 (3) A chauffeured limousine service, as defined in s.
 338 316.901, may prove financial responsibility by furnishing
 339 satisfactory evidence of holding a nonowned motor vehicle
 340 liability policy with minimum limits of \$500,000 combined single
 341 limits.

342 Section 11. Section 324.032, Florida Statutes, is amended
 343 to read:

344 324.032 Manner of proving financial responsibility; for-
 345 hire passenger transportation vehicles.—Notwithstanding the
 346 provisions of s. 324.031:

347 (1) (a) A person who is either the owner or a lessee
 348 required to maintain insurance under s. 627.733(1) (b) and who

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 349 operates one or more taxicabs, limousines, jitneys, or any other
 350 for-hire passenger transportation vehicles may prove financial
 351 responsibility by furnishing satisfactory evidence of holding a
 352 motor vehicle liability policy, but with minimum limits of
 353 \$125,000/250,000/50,000.

354 (b) A person who is either the owner or a lessee required
 355 to maintain insurance under s. 324.021(9)(b) and who operates
 356 limousines, jitneys, or any other for-hire passenger vehicles,
 357 other than taxicabs, may prove financial responsibility by
 358 furnishing satisfactory evidence of holding a motor vehicle
 359 liability policy as defined in s. 324.031.

360 (c) A person who is the owner or a lessee required to
 361 maintain insurance under s. 324.021(9)(b) and who operates a
 362 chauffeured limousine, as defined in s. 316.901, may prove
 363 financial responsibility by furnishing satisfactory evidence of
 364 holding a motor vehicle liability policy, but with minimum in
 365 excess of limits of \$500,000/1,000,000/50,000.

366 (d) A chauffeured limousine service, as defined in s.
 367 316.901, may prove financial responsibility by furnishing
 368 satisfactory evidence of holding a non-owned motor vehicle
 369 liability policy with minimum limits of \$500,000 combined single
 370 limits.

371 (2) An owner or a lessee who is required to maintain
 372 insurance under s. 324.021(9)(b) and who operates at least 300
 373 taxicabs, limousines, jitneys, or any other for-hire passenger
 374 transportation vehicles may provide financial responsibility by
 375 complying with the provisions of s. 324.171, such compliance to
 376 be demonstrated by maintaining at its principal place of
 377 business an audited financial statement, prepared in accordance

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 378 with generally accepted accounting principles, and providing to
 379 the department a certification issued by a certified public
 380 accountant that the applicant's net worth is at least equal to
 381 the requirements of s. 324.171 as determined by the Office of
 382 Insurance Regulation of the Financial Services Commission,
 383 including claims liabilities in an amount certified as adequate
 384 by a Fellow of the Casualty Actuarial Society.
 385

386 Upon request by the department, the applicant must provide the
 387 department at the applicant's principal place of business in
 388 this state access to the applicant's underlying financial
 389 information and financial statements that provide the basis of
 390 the certified public accountant's certification. The applicant
 391 shall reimburse the requesting department for all reasonable
 392 costs incurred by it in reviewing the supporting information.
 393 The maximum amount of self-insurance permissible under this
 394 subsection is \$300,000 and must be stated on a per-occurrence
 395 basis, and the applicant shall maintain adequate excess
 396 insurance issued by an authorized or eligible insurer licensed
 397 or approved by the Office of Insurance Regulation. All risks
 398 self-insured shall remain with the owner or lessee providing it,
 399 and the risks are not transferable to any other person, unless a
 400 policy complying with subsection (1) is obtained.

401 Section 12. Section 324.023, Florida Statutes, is amended
 402 to read:

403 324.023 Financial responsibility for bodily injury or
 404 death.—In addition to any other financial responsibility
 405 required by law, every owner or operator of a motor vehicle that
 406 is required to be registered in this state, or that is located

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 407 within this state, and who, regardless of adjudication of guilt,
 408 has been found guilty of or entered a plea of guilty or nolo
 409 contendere to a charge of driving under the influence under s.
 410 316.193 after October 1, 2007, shall, by one of the methods
 411 established in s. 324.031(1)(a) or (1)(b) ~~s. 324.031(1) or (2)~~,
 412 establish and maintain the ability to respond in damages for
 413 liability on account of accidents arising out of the use of a
 414 motor vehicle in the amount of \$100,000 because of bodily injury
 415 to, or death of, one person in any one crash and, subject to
 416 such limits for one person, in the amount of \$300,000 because of
 417 bodily injury to, or death of, two or more persons in any one
 418 crash and in the amount of \$50,000 because of property damage in
 419 any one crash. If the owner or operator chooses to establish and
 420 maintain such ability by furnishing a certificate of deposit
 421 pursuant to s. 324.031(1)(b) ~~s. 324.031(2)~~, such certificate of
 422 deposit must be at least \$350,000. Such higher limits must be
 423 carried for a minimum period of 3 years. If the owner or
 424 operator has not been convicted of driving under the influence
 425 or a felony traffic offense for a period of 3 years from the
 426 date of reinstatement of driving privileges for a violation of
 427 s. 316.193, the owner or operator shall be exempt from this
 428 section.

429 Section 13. Subsection (1) of section 324.151, Florida
 430 Statutes, is amended to read:

431 324.151 Motor vehicle liability policies; required
 432 provisions.—

433 (1) A motor vehicle liability policy to be proof of
 434 financial responsibility under s. 324.031(1)(a) ~~s. 324.031(1)~~,
 435 shall be issued to owners or operators under the following

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 436 provisions:
 437 (a) An owner's liability insurance policy shall designate
 438 by explicit description or by appropriate reference all motor
 439 vehicles with respect to which coverage is thereby granted and
 440 shall insure the owner named therein and any other person as
 441 operator using such motor vehicle or motor vehicles with the
 442 express or implied permission of such owner against loss from
 443 the liability imposed by law for damage arising out of the
 444 ownership, maintenance, or use of such motor vehicle or motor
 445 vehicles within the United States or the Dominion of Canada,
 446 subject to limits, exclusive of interest and costs with respect
 447 to each such motor vehicle as is provided for under s.
 448 324.021(7). Insurers may make available, with respect to
 449 property damage liability coverage, a deductible amount not to
 450 exceed \$500. In the event of a property damage loss covered by a
 451 policy containing a property damage deductible provision, the
 452 insurer shall pay to the third-party claimant the amount of any
 453 property damage liability settlement or judgment, subject to
 454 policy limits, as if no deductible existed.
 455 (b) An operator's motor vehicle liability policy of
 456 insurance shall insure the person named therein against loss
 457 from the liability imposed upon him or her by law for damages
 458 arising out of the use by the person of any motor vehicle not
 459 owned by him or her, with the same territorial limits and
 460 subject to the same limits of liability as referred to above
 461 with respect to an owner's policy of liability insurance.
 462 (c) All such motor vehicle liability policies shall state
 463 the name and address of the named insured, the coverage afforded
 464 by the policy, the premium charged therefor, the policy period,

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465 the limits of liability, and shall contain an agreement or be
 466 endorsed that insurance is provided in accordance with the
 467 coverage defined in this chapter as respects bodily injury and
 468 death or property damage or both and is subject to all
 469 provisions of this chapter. Said policies shall also contain a
 470 provision that the satisfaction by an insured of a judgment for
 471 such injury or damage shall not be a condition precedent to the
 472 right or duty of the insurance carrier to make payment on
 473 account of such injury or damage, and shall also contain a
 474 provision that bankruptcy or insolvency of the insured or of the
 475 insured's estate shall not relieve the insurance carrier of any
 476 of its obligations under said policy.

477 Section 14. Subsection (3) of section 627.733, Florida
 478 Statutes, is amended to read:

479 627.733 Required security.—

480 (3) Such security shall be provided:

481 (a) By an insurance policy delivered or issued for delivery
 482 in this state by an authorized or eligible motor vehicle
 483 liability insurer which provides the benefits and exemptions
 484 contained in ss. 627.730-627.7405. Any policy of insurance
 485 represented or sold as providing the security required hereunder
 486 shall be deemed to provide insurance for the payment of the
 487 required benefits; or

488 (b) By any other method authorized by s. 324.031(1)(b) or
 489 (1)(c) 324.031(2) or (3) and approved by the Department of
 490 Highway Safety and Motor Vehicles as affording security
 491 equivalent to that afforded by a policy of insurance or by self-
 492 insuring as authorized by s. 768.28(16). The person filing such
 493 security shall have all of the obligations and rights of an

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

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494 insurer under ss. 627.730-627.7405.

495 Section 15. This act shall take effect October 1, 2014.

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

CourtSmart Tag Report

Room: LL 37
Caption: Senate Transportation

Case:
Judge:

Type:

Started: 4/10/2014 9:06:39 AM
Ends: 4/10/2014 10:55:32 AM **Length:** 01:48:54

9:06:41 AM Meeting called to order by Chairman Brandes
9:06:51 AM Roll call by Administrative Assistant, Marilyn Hudson
9:07:02 AM Comments by Chairman Brandes
9:07:13 AM Tab 1 - CS/SB 1066 introduced
9:07:29 AM Explanation by Senator Grimsley's Legislative Assistant
9:07:35 AM Comments from Chairman Brandes
9:08:13 AM Amendment 180696 and 337138 withdrawn
9:08:47 AM Amendment 307636 explained by Assistant
9:09:16 AM Comments by Chairman Brandes
9:09:20 AM Amendment 307636 adopted
9:09:29 AM Amendment 638522 introduced
9:09:40 AM Amendment explained by Senator Joyner
9:10:05 AM Comments from Chairman Brandes
9:10:14 AM Amendment 638522 adopted
9:10:23 AM Amendment 299734 introduced
9:10:32 AM Amendment 299734 explained by Senator Thompson
9:10:51 AM Comments from Chairman Brandes
9:10:59 AM Late-filed handwritten amendment to the amendment introduced
9:11:15 AM Explanation of handwritten amendment to the amendment by Senator Thompson
9:11:41 AM Comments from Chairman Brandes
9:11:49 AM Closure waived on amendment to amendment
9:11:58 AM Amendment to amendment adopted
9:12:07 AM Back on 299734 amendment as amended adopted
9:12:29 AM Comments from Chairman Brandes
9:13:05 AM Closure waived
9:13:10 AM Senator Garcia moves for CS
9:13:27 AM Roll call on CS/CS/SB 1066 by Administrative Assistant, Marilyn Hudson
9:13:46 AM Bill reported favorably
9:14:01 AM Motion by Senator Clemens to have structured debate on SB 1618
9:14:31 AM Chair passed to Senator Margolis
9:14:47 AM Comments from Senator Margolis
9:15:09 AM Explanation of Amendment 766326 by Chairman Brandes
9:16:08 AM Comments from Senator Margolis
9:16:52 AM Speaker Woody Simmons, Vice President Government Affairs, Verizon for the amendment
9:17:11 AM Question from Senator Lee
9:17:19 AM Explanation by Woody Simmons
9:17:40 AM Speaker Robert A. Searcy, President, Gulf Coast Transportation, Inc. in opposition of amendment
9:19:22 AM Speaker Ryan Padgett, Assistant General Counsel, Florida League of Cities for the amendment
9:20:13 AM Question from Senator Joyner
9:20:26 AM Response from Ryan Padgett
9:21:24 AM Follow-up question from Senator Joyner
9:21:33 AM Response from Ryan Padgett
9:22:23 AM Additional question from Senator Joyner
9:22:30 AM Response from Ryan Padgett
9:23:52 AM Question from Senator Lee
9:24:09 AM Response from Ryan Padgett
9:25:05 AM Speaker Roger Chapin, Vice President, Mears Transportation Group in opposition of amendment
9:29:41 AM Question from Senator Garcia
9:29:47 AM Response from Roger Chapin
9:29:54 AM Follow-up question from Senator Garcia
9:30:02 AM Response from Roger Chapin
9:30:32 AM Question from Senator Lee

9:30:59 AM Response from Roger Chapin
9:32:36 AM Comments from Senator Lee
9:34:00 AM Questions from Chairman Brandes
9:34:17 AM Response from Roger Chapin
9:34:43 AM Additional questions from Chairman Brandes
9:34:50 AM Response from Roger Chapin
9:35:39 AM Comments/question from Senator Diaz de la Portilla
9:37:08 AM Response from Roger Chapin
9:38:08 AM Follow-up comments from Senator Diaz de la Portilla
9:38:42 AM Comments from Senator Margolis
9:39:16 AM Question from Senator Evers
9:39:33 AM Response from Senator Diaz de la Portilla
9:41:28 AM Comments from Senator Margolis
9:41:50 AM Follow-up question from Senator Evers
9:42:01 AM Response from Senator Diaz de la Portilla
9:44:36 AM Comments from Roger Chapin
9:44:51 AM Speaker Brewster Bevis, Senior Vice President, Associated Industries of Florida for the bill
9:45:21 AM Question from Senator Lee
9:45:31 AM Response from Brewster Bevis
9:45:42 AM Follow-up question from Senator Lee
9:45:49 AM Response from Brewster Bevis
9:46:42 AM Speaker John Madiedo, Jr., President/Owner, Professional for Hire Transportation Industry in opposition
9:51:01 AM Question from Chairman Brandes
9:51:13 AM Response from John Madiedo
9:52:40 AM Follow-up question from Chairman Brandes
9:52:50 AM Response from John Madiedo
9:54:17 AM Comments from Chairman Brandes
9:54:27 AM Question from Senator Clemens
9:54:36 AM Response from John Madiedo
9:55:03 AM Follow-up from Senator Clemens
9:55:11 AM Response from John Madiedo
9:56:13 AM Speaker Dave Shaw, Operation Manager, West Florida Livery Association, Olympus Limo in opposition
9:58:14 AM Speaker Abbas-Hamdoun, Owner, Royal Transportation for the amendment
10:00:03 AM Speaker Rick Bryant, President, Metro Executive Transportation for the bill
10:02:06 AM Question from Chairman Brandes
10:02:13 AM Response from Rick Bryant
10:02:48 AM Follow-up question from Chairman Brandes
10:02:58 AM Response from Rick Bryant
10:03:29 AM Additional question from Chairman Brandes
10:03:39 AM Response from Rick Bryant
10:04:25 AM Comments from Senator Clemens to extend motion
10:04:39 AM Question from Senator Thompson
10:04:45 AM Response from Rick Bryant
10:05:29 AM Follow-up question from Senator Thompson
10:05:37 AM Response from Rick Bryant
10:05:45 AM Additional question from Senator Thompson
10:05:51 AM Response from Rick Bryant
10:07:21 AM Additional question from Senator Thompson
10:07:27 AM Response from Rick Bryant
10:08:02 AM Comments from Chairman Brandes regarding amendment
10:09:00 AM Question from Senator Diaz de la Portilla
10:09:13 AM Response from Chairman Brandes
10:09:23 AM Question from Senator Margolis
10:09:28 AM Response from Chairman Brandes
10:09:45 AM Speaker John Camillo, President, Yellow Cab Broward/Tallahassee in opposition
10:13:12 AM Speaker Bateman waives in support
10:15:12 AM Speaker Louis Minardi, President, Yellow Cab Tampa
10:19:36 AM Question from Senator Thompson
10:19:42 AM Response from Louis Minardi
10:20:14 AM Follow-up question from Senator Thompson
10:20:23 AM Response from Louis Minardi
10:20:31 AM Comments from Senator Diaz de la Portilla

10:20:41 AM Comments from Louis Minardi
10:21:29 AM Speaker Andrew Solomon, Driver, Royal Transportation for the amendment
10:23:59 AM Speaker Brock Rosayn, President, Metro-Taxi in opposition
10:25:00 AM Comments from Senator Clemens regarding motion
10:26:02 AM Speaker Fassil Gabremariam, Tampa Bay Taxi/Limo Coalition in opposition
10:27:40 AM Brook Negusei, Tampa Florida waives in opposition
10:28:03 AM A Caotagal, Vice President, Quick Transportation, Greater Orlando Limo Association waives in opposition
10:28:14 AM Jeremy Jenkins, Owner, His & Hers Limousines waives in opposition
10:28:18 AM Dennis Rockford, President, Pure Limo waives in opposition
10:28:35 AM Abraham Minardi, Supervisor, Checker Cab Transportation waives in opposition
10:28:41 AM Glenn Minardi, Vice President, Yellow Cab of Tampa waives in opposition
10:28:48 AM Shaun Cochran, Operations Manager, Westcoast Shuttle waives in opposition
10:28:56 AM Nicholas Loffer, Field Director, Americans for Prosperity waives in support
10:29:29 AM Closure by Chairman Brandes
10:31:13 AM Comments from Senator Margolis
10:31:20 AM Roll call on Amendment 766326 by Administrative Assistant, Marilyn Hudson
10:31:34 AM Amendment 766326 passes
10:31:54 AM Comments from Senator Lee
10:36:47 AM Comments from Senator Diaz de la Portilla
10:41:37 AM Comments from Senator Evers
10:42:58 AM Comments from Senator Garcia
10:45:27 AM Comments from Senator Margolis
10:46:33 AM Comments from Senator Thompson
10:47:52 AM Comments from Senator Joyner
10:54:48 AM Senator Brandes moves CS
10:54:53 AM Roll call on CS/SB 1618 by Administrative Assistant, Marilyn Hudson
10:55:00 AM Bill reported favorably
10:55:15 AM Chair passed back to Chairman Brandes
10:55:18 AM Senator Margolis moves to rise