



Session 2024 Report Week 1 | January 9-12, 2024

Below is a report on the activities of interest to BioFlorida members during the first week of the 2024 Florida Legislative Session. You will receive an update on priority BioFlorida issues every other week during the nine-week legislative session scheduled to end on Friday, March 8th.

Accompanying this report is the BioFlorida legislative tracking report of all bills that may also impact the life sciences industry and the BioFlorida Budget Tracker on budget-related bills.

BioFlorida Days – January 22-23rd, 2024

Join other BioFlorida members as we advocate for critical funding and policy issues to facilitate growth in the life sciences industry.

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Overview

Tuesday marked the beginning of the 2024 Florida Legislative Session. The House and Senate chambers convened, with leadership making opening remarks, followed by a Joint Session of the Legislature to receive Governor Ron DeSantis' State of the State address.

Senate President Kathleen Passidomo addressed the Senate chamber and outlined her "Live Healthy" Initiative as a key Senate priority. Speaker Paul Renner's address to House members focused on the ills of social media platform overuse by youth, noting specifically the addictive nature and mental health consequences of "tech addiction." In addition to sharing their priorities and expressing support for one another's priority issues, both leaders noted Florida's strong economy and the positive results of many of the policy initiatives addressed in the preceding year.

The Joint Session focused on Governor DeSantis. He is the first Florida incumbent governor in recent memory to run for the Presidency. And although he has been crisscrossing Iowa in anticipation of next week's caucus, he returned home to deliver an address focused on Florida's successes and how other states should replicate the state's policies. Governor DeSantis highlighted Florida's strong economy, positive job creation statistics, his educational reforms, and an overall "freedom" agenda.

Later in the week, legislative committees quickly acted on the priorities of the Senate President and House Speaker. We anticipate a busy second week of the session shortened due to Monday's Martin Luther King, Jr. Holiday.

Budget Issues

Many of BioFlorida's priorities are budget-related. Governor DeSantis unveiled his \$114.4 billion 2024-2025 Focus on Florida's Future budget recommendations in early December. The following issues of interest to BioFlorida are the Governor's proposed budget:

- \$100 million for the Job Growth Grant Fund;
- \$127.5 million for the Casey DeSantis Cancer Research Program;
- \$60 million for the Florida Cancer Innovation Fund; and,
- Funding for biomedical research initiatives including the King, Moore, and Bankhead-Coley programs.

The House and Senate budget committees have received presentations from the Governor’s office and state agencies on the recommended budget items. Legislative leaders will now build their proposed budgets and conference committees from each chamber will hash out the final compromise budget that returns to the Governor for consideration. Gov. DeSantis has line-item veto authority in the budget, meaning funding for specific programs can be eliminated at his discretion. BioFlorida’s budget tracker is attached.

2024 Policy Issues Advancing This Week *(alphabetically)*

**Red font indicates the most recent activity.*

Health Care Innovation | [SB 7018](#) by Sen. Gayle Harrell (R-Stuart) and [HB 1501](#) by Rep. Karen Pittman-Gonzalez (R-Tampa) is the portion of the Senate President’s “Live Healthy” initiative focusing on fostering healthcare innovation. The bills create the Health Care Innovation Council, a 15-member council within the Department of Health (DOH), to facilitate public meetings to hear from innovators, developers, and implementers of technologies on workforce pathways, service delivery models, or other healthcare-related solutions. Based on public input, the bills require the council to create best practice recommendations and focus areas for the advancement of the delivery of health care in Florida, with an emphasis on:

- Increasing efficiency in the delivery of health care;
- Reducing strain on the healthcare workforce;
- Increasing public access to health care;
- Improving patient outcomes;
- Reducing unnecessary emergency department visits; and
- Reducing costs for patients and the state without reducing the quality of patient care.

The bills create a revolving loan program within the DOH to provide low-interest loans to applicants. The council will review loan applications and a prioritized list of proposals recommended for funding to DOH. Loan recipients enter into agreements with DOH for loans of up to 10-year terms for up to 50 percent of the proposal costs, or up to 80 percent of the costs for an applicant that is located in a rural or medically underserved area and is either a rural hospital or a nonprofit entity that accepts Medicaid patients.

SB 7018 was approved by Fiscal Policy on 1/11/24. HB 1501 was approved by Healthcare Regulation on 1/11/24.

Health Care Workforce | [SB 7016](#) by Sen. Colleen Burton (R-Lakeland) and [HB 1549](#) by Rep. Michael Grant (R-Port Charlotte) is the workforce development portion of the Senate President’s “Live Healthy” initiative. The bills create numerous provisions of Florida law and make appropriations related to the state’s healthcare workforce, healthcare practitioner and facility licensure, the Medicaid program, and healthcare-related education programs. Specifically, the bills create:

- The Health Care Screening and Services Grant Program;
- An advanced birth center designation;
- The Training, Education, and Clinicals in Health (TEACH) Funding Program;
- Emergency department diversion requirements for hospitals and MCOs;

- A requirement for AHCA to prepare an annual report on “Analysis of Potentially Preventable Health Care Events of Florida Medicaid Enrollees;”
- A requirement for AHCA to seek federal approval to implement acute hospital care at home programs in Florida Medicaid;
- Limited licenses for graduate assistant physicians; and
- Temporary certificates for physician assistants (PA) and advanced practice registered nurses (APRN) to practice in areas of critical need.

SB 7016 was approved by Fiscal Policy on 1/11/24 and HB 1549 was approved by the House Select Committee on Health Innovation on 1/12/24.

International Drug Reference Pricing | [HB 1431](#) by Rep. Randy Fine (R-Melbourne) and **[SB 1750](#)** by Sen. Jason Brodeur (R-Lake Mary) require prescription drug manufacturer permit holders to annually report international price data to the Agency for Health Care Administration (AHCA). The bills require AHCA to contract with an entity to designate reference price source countries and establish reference prices for prescription drugs.

The contracted entity must weigh such countries' reference price benchmark value in two or more tiers, analyze data to compare prices among source countries and establish reference prices for prescribed drugs or products. The bills also require:

- AHCA to publish prices online.
- Pharmacies to charge no more than the reference price for cash-paying patients.
- Requires health insurers to:
 - Provide reimbursement for certain prescription drugs no higher than the reference price;
 - Use savings to offset payer costs;
 - Document anticipated savings and premium reductions in rate filings;
 - Assess the actuarial effect of the reference pricing program for each insurer product each plan year;
 - Submit an annual report on the assessed effect of the program to AHCA and the Office of Insurance Regulation (OIR).
- OIR and AHCA to submit a joint report to the Governor and the Legislature.

The House Health and Human Services Committee discussed International Drug Reference Pricing. Andres Mulcahy from the RAND Corporation gave an overview of U.S. and International Drug Prices. He reported that, for any drug, there are many U.S. prices and U.S. drug spending is concentrated on just a few drugs. Drew Gattine from the National Academy for State Health Policy (NASHP) discussed the flow of products, funding, and services through the pharmaceutical distribution system and reported that spending on prescription drugs is increasing much faster than in other medical service sectors. NASHP-recommended legislation combines prescription drug affordability boards with international reference rates and Medicare reference rates to produce upper payment limits to expand access to affordable drugs in the U.S.

The House Health and Human Services Committee received a presentation on IRP on 1/10/24 which you may access [here](#). The committee will continue their discussion of International Drug Reference Pricing at their next meeting on 1/16/24.

Progressive Supranuclear Palsy and Other Neurodegenerative Diseases Policy Committee | [SB 186](#) by Sen. Jason Brodeur (R-Lake Mary) and **[HB 115](#)** by Rep. Doug Bankson (R-Apopka) require the Surgeon General to establish a progressive supranuclear palsy and other neurodegenerative diseases policy committee to identify the impact of the disease on Floridians and provide recommendations to improve health awareness, detection, and outcomes.

The committee members must be appointed by September 1, 2024, and the initial meeting must be held by October 1, 2024. The Surgeon General must submit a progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2025, and submit a final report by January 4, 2026.

SB 186 was approved by Senate Health and Human Services Appropriations on 1/11/24.

Rural Regional Economic Development Program | [SB 196](#) by Sen. Corey Simon (R-Tallahassee) and [HB 141](#) by Rep. Joel Rudman (R-Navarre) eliminate the requirement that grant funds received by a regional economic development organization must be matched yearly by nonstate resources equal to 25 percent of the state contributions.

The bills also remove the requirement that the Department of Commerce (DC) consider the demonstrated need of the applicant for assistance when approving participants for the program. Lastly, it removes the requirement that an applicant must show proof that each local government and the private sector made a financial or in-kind commitment to the regional organization to receive funding.

SB 196 was approved by Senate Transportation, Tourism and Economic Development Appropriations on 1/11/24.

Surgical Smoke Protections | [HB 63](#) by Rep. Marie Paule Woodson (D-Pembroke Pines) and [SB 410](#) by Sen. Ileana Garcia (R-Miami) require hospitals and ambulatory surgical centers to adopt and implement policies requiring the use of smoke evacuation systems during certain surgical procedures.

SB 410 will be considered by Senate Health Policy on 1/16/24 and HB 63 will be considered in the Select Committee on Health Innovation on 1/16/24.

Newly Filed Bills (Alphabetically)

340B Drug Prohibitions | [HB 1608](#) by Sen. Jason Brodeur (R-Lake Mary) prohibits certain actions by health insurance issuers, pharmacy benefit managers, or other third-party payors related to reimbursement to a 340B entity for 340B drugs. The bill prohibits actions by manufacturers related to acquiring a 340B drug and a pharmacy's right to contract with a 340B entity. Thus far, a House companion has not been filed.

Artificial Intelligence Transparency | [HB 1459](#) by Rep. Fiona McFarland (R-Sarasota) and [SB 1680](#) by Sen. Jennifer Bradley (R-Fleming Island) establish the Government Technology Modernization Council within the Department of Management Services (DMS) and requires entities and persons to create safety and transparency standards for content, images, and videos generated by artificial intelligence (AI) and disclosures for communications, interactions, images, likenesses, and content. Further, the bills prohibit using a person's image or likeness without consent and provide additional requirements for political advertisements. The Department of Legal Affairs (DLA) is authorized to bring action for violations under the Florida Deceptive and Unfair Trade Practices Act.

Biomarker Testing Coverage | [HB 885](#) by Rep. Karen Gonzalez-Pittman (R-Tampa) and [SB 964](#) by Sen. Alexis Calatayud (R-) require the Agency for Health Care Administration (AHCA) to provide coverage of biomarker testing under the Medicaid program. The bills require health insurance policies and health maintenance organization (HMO) contracts to provide coverage of biomarker testing and require the coverage to be provided in a manner that does not disrupt care.

Department of Health – [SB 1582](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1441](#) by Rep. Adam Anderson (R-Tarpon Springs) contains the Department of Health's (DOH) legislative proposals. The bills create the Andrew John Anderson Rare Pediatric Disease Grant Program within DOH to advance

the progress of research and cures for rare pediatric diseases subject to an annual appropriation. The bills also exempt environmental health technicians from certain certification requirements, provide that any health care practitioner present at a birth or responsible for primary care during the neonatal period has the primary responsibility of administering certain screenings, and revise hearing loss screening requirements to include infants and toddlers.

Health Insurance Cost Sharing | [SB 228](#) by Sen. Tom Wright (R-Port Orange) and [HB 363](#) by Rep. Lindsay Cross (R-St. Petersburg) and Rep. Dr. Joel Rudman (R-Navarre) define the term “cost-sharing requirement” and require specified individual health insurers and their pharmacy benefit managers to apply payments by or on behalf of insureds toward the total contributions of the insureds’ cost-sharing requirements.

Immunization Requirement | [SB 636](#) by Sen. Ileana Garcia (R-Miami) authorizes persons to claim an exemption from any immunization requirement if no FDA-approved vaccine meets specified criteria. The bill also prohibits employers, school districts, the Department of Health, and certain public entities from requiring a person to meet other conditions to claim the exemption.

[SB 1094](#) by Sen. Jonathan Martin (R-Ft. Myers) contains the same provisions in SB 636. An additional provision requires the Department of Health (DOH) to obtain approval by the Legislature to add new immunizations required for school attendance.

Pharmacy | [SB 444](#) by Sen. Jay Collins (R-Tampa) and [HB 493](#) by Rep. Spencer Roach (R-North Fort Myers) authorize registered pharmacy technicians to dispense medicinal drugs under certain circumstances, define the terms “supervising pharmacy” and “telepharmacy,” provide requirements for remote-site pharmacies, exempt registered pharmacists serving as prescription department managers for remote-site pharmacies from certain practice limitations.

Prescription Drug Formularies | [HB 1543](#) by Rep. Karen Gonzalez-Pittman (R-Tampa) and [SB 924](#) by Sen. Anna Maria Rodriguez (R-Doral) establish notification, reporting, and other requirements for health insurers planning to change their prescription drug formulary. The bills also require insurers to provide continued drug coverage if the treating physician certifies the drug is medically necessary and may not increase the out-of-pocket cost or make changes that restrict access to that medically necessary drug. These bills do not apply to Medicaid or grandfathered plans.

Public Health Emergency Declarations | [SB 402](#) by Sen. Clay Yarborough (R-Jacksonville) and [HB 459](#) by Rep. Joel Rudman (R-Navarre) provide that the administration of vaccines is not included within the meaning of the terms “treat,” “treated,” or “treatment” as they relate to public health emergencies, authorize an individual to refuse examination, testing, or treatment under a State Health Officer’s order during a public health emergency by submitting a written refusal to the State Health Officer, and delete the State Health Officer’s authority to use any means necessary to treat an individual who poses a danger to public health.

Public Health Mandates and Policies | | [SB 680](#) by Sen. Joe Gruters (R-Sarasota) and [HB 1535](#) by Rep. Rachel Plakon (R-Orlando) prohibit the Department of Health (DOH) from requiring enrollment in the state’s immunization registry or otherwise requiring persons to submit to immunizations or immunization tracking. The bills also prohibit a government or educational entity from adopting, implementing, or enforcing international public health policies or guidelines unless specifically approved by the Legislature. Further, the bill prohibits the DOH from requiring, as a school-entry requirement, that children receive immunizations approved only for emergency use unless specifically approved by the Legislature.

Research Animals | [SB 368](#) by Sen. Jennifer Bradley (R-Fleming Island) and [HB 1201](#) by Rep. Joel Rudman (R-Navarre) establish requirements for research facilities to offer certain dogs and cats for adoption to societies or associations for the prevention of cruelty to animals rather than euthanizing the animals. The bills authorize research facilities to enter into collaborative agreements with the adoption organizations. Lastly, the bills require certain publicly funded institutions to make reports on animal testing activities each year.

Serious Mental Illness Medications/Step-Therapy Protocols | [HB 491](#) by Rep. Karen Gonzalez Pittman (R-Tampa) and [SB 268](#) by Sen. Gayle Harrell (R-Stuart) require the Agency for Healthcare Administration (AHCA) to approve certain drug products for Medicaid recipients for treatment of serious mental illness without step-therapy prior authorization.

Important Dates

- *BioFlorida Mid-Session Report – Thursday, February 15th, 3:00pm*
- *BioFlorida Post Session Report – Monday, March 18th, 3:00pm*
- *BioFlorida Federal Update – To Be Announced*
- *BioFlorida Annual Conference – November 18-20, 2024 – Orlando, Florida*

We hope you find this information useful.

The BioFlorida Government Relations Committee assists the legislative advocacy team address the legislative priorities and goals of BioFlorida and formulates positions in support or opposition of proposed legislation. If you would like to join the Committee, please send an email to. If you have any questions or need further information, please don't hesitate to contact Leslie Dughi at Leslie.Dughi@MHDfirm.com.