



Session 2024 Report Week 3 | January 22-26, 2024

Overview

The state Capitol was packed this week with thousands of Florida citizens exercising their right to petition the government and showcase their organizations. A sampling of advocacy groups visiting Tallahassee this week included BioFlorida, the Space Industry, the Florida Bankers Association, Hillsborough County, rural counties, the Florida Mosquito Control Association Day, Florida Youth Shine, the Building Owners and Managers Association of Florida and the Florida Home Care Association.

Legislators' schedules were jammed with back-to-back legislative committees and constituent meetings. However, the overarching issue on the minds of legislators, constituents and lobbyists was the release of the initial budget proposals from the House and Senate Appropriation Subcommittees. With the close of the third week of the nine-week session, the budget negotiations are officially in full swing.

BioFlorida Day at the Capitol

On Monday, nearly 50 BioFlorida members representing more than 30 companies, universities, research institutes, and health systems visited Tallahassee for the 2024 BioFlorida Day. Members attended legislative committee meetings and met with more than 20 legislators to discuss our legislative priorities. Also, six members showcased their companies to policymakers and the public with exhibits in the Capitol building.

Budget Issues

The budget subcommittees in the House and Senate released their initial budget proposals this week. On Wednesday, January 31st, the full Appropriations Committees of each chamber will consider the subcommittee proposals, setting the stage for consideration on the House and Senate floors in the coming weeks. Once each chamber approves its budget, conference committees are appointed to hash out the final compromise 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.

2024 Policy Issues (*alphabetically*)

**Red font indicates the most recent activity.*

340B Drug Prohibitions | [HB 1608](#) by Sen. Jason Brodeur (R-Lake Mary) prohibits specific 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.

The accompanying public records bills – [HB 1461](#) by Rep. McFarland and [SB 1682](#) by Sen. Bradley - provide an exemption from public records requirements for information related to AI transparency investigations by the Department of Legal Affairs (DLA).

HB 1459 and HB 1461 were approved by the Commerce Committee on 1/23/24. SB 1680 and SB 1682 are scheduled to be considered in Judiciary on 1/29/24

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.

HB 885 was approved by the Select Committee on Health Innovation on 1/22/24.

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 specific certification requirements, provide that any health care practitioner present at birth or responsible for primary care during the neonatal period is primarily responsible for administering certain screenings, and revise hearing loss screening requirements to include infants and toddlers.

HB 1441 was approved by Healthcare Regulation on 1/24/24.

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.

HB 1501 was approved by the Healthcare Regulation Subcommittee on 1/11/24. SB 7018 was approved by the Senate on 1/18/24.

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.

HB 1549 was approved by the Select Committee on Health Innovation on 1/12/24. SB 7016 was approved by the Senate on 1/18/24.

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 as SB 636. An additional provision requires the Department of Health (DOH) to obtain approval from the Legislature to add new immunizations required for school attendance.

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 are required to submit a joint report to the Governor and the Legislature.

HB 1431 was approved by the House Select Committee on Health Innovation on 1/22/24.

Interstate Mobility | [HB 1381](#) by Rep. Danny Alvarez (R-Riverview) and [SB 1600](#) by Sen. Jay Collins (R-Tampa) require respective boards of occupations, or the Department of Business and Professional Regulation (DBPR) if there is no board to issue license or certificate to applicants who meet specified conditions, require DOH to verify certain information using National Practitioner Data Bank, specify circumstances under which person is ineligible for licensing, authorize boards or DOH to revoke license upon specified finding, authorize boards or DOH to require that applicants successfully complete jurisprudential examination, revise licensure by endorsement requirements for multiple health care practitioner licenses.

SB 1600 was approved in Health Policy on 1/23/24 and is scheduled to be considered by Regulated Industries on 1/29/24.

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.

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.

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.

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.

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.

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.

HB 63 was approved by Health Care Appropriations on 1/24/24.

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.