



## Session 2024 Report Week 7 | February 19-23, 2024

### Overview

The Legislature concluded the seventh of the nine-week session by giving final approval to the priority issues of each presiding officer. House Speaker Paul Renner's Social Media Protections for Minors legislation (HB 1) and Senate President Kathleen Passidomo's Live Healthy Initiative (SB 7016 and SB 7018) will now head to the Governor for his consideration.

Additionally, House committees will no longer meet and only two Senate committees will hold meetings next week. The bulk of legislators' time will now be spent negotiating and debating bills for final consideration.

### Budget Issues

The House and Senate approved their respective budgets this week. The House budget totals \$115.5 billion, and the Senate budget is \$115.9 billion. We anticipate the budget conference process to begin next week to reconcile the differences between both proposals. This process typically consumes budget negotiators' time during week eight and early in the ninth week since the budget is the only bill the Florida Constitution requires the Legislature to approve. *Attached to this report is the BioFlorida Budget Tracker.*

### 2024 Policy Issues (alphabetically)

*\*Red font indicates the most recent activity.*

**340B Drug Prohibitions** | [SB 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.

*SB 1608 did not receive a hearing this session, and a House companion was not filed.*

**Artificial Intelligence Transparency** | [HB 1459](#) by Rep. Fiona McFarland (R-Sarasota) and [SB 1680](#) by Sen. Jennifer Bradley (R-Fleming Island) seek to regulate certain kinds of artificial intelligence (AI). Outlined below are the provisions of the Senate proposal:

- Establishes the Government Technology Modernization Council, an advisory council within the Department of Management Services (DMS) to generally advise the Legislature on AI-related issues. The purpose of the advisory council is to generally study and monitor the development and deployment of AI systems and provide reports on systems to the Governor and the Legislature.
- Requires the council members to meet at least quarterly and to perform several duties, including the preparation and submittal of two annual reports to the Governor and Legislature: one addressing how to modernize government technology and the other addressing ransomware incidents.

- Establishes the composition of the advisory council and regulates other aspects of service on the council.
- Creates a new criminal statute defining the terms “generated child pornography,” “intentionally view,” “promote,” and “sexual conduct,” and makes it a crime to knowingly possess, control, intentionally view, or create generated child pornography. Each instance of possession, control, or intentional viewing constitutes a separate offense. Anyone convicted of violating the statute is subject to up to five years in prison and a \$5,000 fine, as well as enhanced penalties under habitual offender statute.

HB 1459 also creates an advisory council called the Government Technology Modernization Council to study and monitor the development and deployment of AI systems and provide reports to the Governor and the Legislature. The bill also:

- Require specific entities or persons to adopt safety and transparency standards that disclose to consumers that certain chatbots, images, audio, or video output is generated by AI.
- Require any entity or person who develops a chatbot, image, audio, or video generated by AI to allow such chatbot, image, audio, or video to be recognizable as generated by AI to other AI.
- Require an entity or a person to provide a clear and conspicuous notice on its Internet homepage or landing page if it provides a chatbot, image, audio, or video generated by AI to communicate or interact with Florida consumers for a commercial purpose.
- Require any state agency that uses AI to disclose if a person is interacting with AI when interacting with the agency and ensure that any confidential information accessible to an AI system remains confidential.

The bill creates s. 827.072, F.S., to prohibit a person from:

- Knowingly possessing, controlling, or intentionally viewing a photograph, motion picture, representation, image, data file, computer depiction, or any other presentation which, in whole or in part, he or she knows includes generated child pornography, as a third-degree felony.
- Intentionally creating generated child pornography, as a third-degree felony.

It also prescribes how materials constituting generated child pornography must be maintained and prohibits a defendant from acquiring copies of generated child pornography images as part of discovery. Lastly, the bill authorizes the Department of Legal Affairs (DLA) to bring an action under the Florida Deceptive and Unfair Trade Practices Act against any person or entity violating the AI transparency requirements or intentionally creating generated child pornography in the conduct of trade or commerce.

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 House Judiciary on 2/21/24. . SB 1680 was approved by Senate Rules on 2/15/24. SB 1682 was postponed in Senate Judiciary on 2/5/24*

**Biomarker Testing Coverage** | [HB 885](#) by Rep. Karen Gonzalez-Pittman (R-Tampa) and [SB 964](#) by Sen. Alexis Calatayud (R-Miami) require coverage for biomarker testing in the Medicaid and state group health insurance programs. The bills require recipients or insureds and healthcare providers to have access to a process for requesting testing authorization through an accessible website of the insurer or plan. Coverage would not be required for biomarker testing for screening purposes.

*SB 964 was approved by Fiscal Policy on 2/22/24. HB 885 was approved by Health and Human Services on 2/22/24.*

**Cancer Funding** | [SB 7072](#) by Sen. Gayle Harrell (R-Stuart) and [HB 7087](#) by House Health and Human Services expand the Casey DeSantis Program's role to include promoting high-quality, innovative health care for persons undergoing cancer treatment in Florida. The bills require the Department of Health (DOH) to make cancer innovation grant funding available through the Cancer Connect Collaborative (Collaborative) to healthcare providers and facilities demonstrating excellence in patient-centered cancer treatment or research.

The bills also codify the Collaborative in statute and charge it with advising the DOH and the Legislature on developing a holistic approach to efforts to fund cancer research, cancer facilities, and treatments for cancer patients. The Collaborative also is:

- Authorized to make recommendations on proposed legislation, rules, best practices, data collection and reporting, and issuance of grant funds.
- Required to develop a long-range comprehensive plan for the Casey DeSantis Program and solicit input from cancer centers, research institutions, biomedical education institutions, hospitals, and medical providers.
- Charged with recommending to the DOH grant awards to support innovative cancer research and treatment models, including emerging research and treatment trends and promising treatments.
- Directed to prioritize applications seeking to expand the reach of innovative cancer treatment models into underserved areas of the state.
- Required to review all grant applications and make funding recommendations to the DOH, although the DOH makes the final grant allocation awards.

Further, the bills require, beginning July 1, 2024, each allocation agreement issued by the DOH related to cancer center payments to cancer centers recognized by the National Cancer Institute (NCI) at the National Institutes of Health as NCI-designated cancer centers or NCI-designated comprehensive cancer centers, and cancer centers working toward achieving NCI designation, must include specified requirements. Those requirements include:

- A line-item budget narrative documenting the annual allocation of funds to a cancer center;
- A cap on the annual award of 15% for administrative expenses;
- A requirement for the cancer center to submit quarterly reports of all expenditures made by the cancer center with funds received through the Casey DeSantis Program;
- A provision to allow the DOH to audit all financial records, supporting documents, statistical records, and any other documents pertinent to the allocation agreement; and
- A provision requiring the annual reporting of outcome data and protocols utilized in achieving those outcomes.

*SB 7072 was approved in the Appropriations Committee on Health and Human Services on 2/15/24 and approved in Fiscal Policy on 2/22/24. HB 7087 was approved by House Health and Human Services on 2/22/24.*

**Cultivated Meat** | [HB 1071](#) by Rep. Danny Alvarez and [SB 1084](#) by Sen. Jay Collins | The bills are the legislative package for the Department of Agriculture and Consumer Affairs (DACCS) and contain many provisions. In particular, the bills define “cultivated meat” as “any meat or food product produced from cultured animal cells.” The bills initially sought to prohibit the manufacture and sale of cultivated meat. However, following input from organizations researching the manufacture of cultivated meat, the proposals have been amended to only prohibit the sale or distribution of cultivated meat in Florida

*SB 1084 was approved by Fiscal Policy on 2/22/24. HB 1071 was approved in Infrastructure Strategies on 2/22/24.*

**Department of Health** | [SB 1582](#) by Sen. Ana Maria Rodriguez (R-Doral) and [HB 1441](#) by Rep. Adam Anderson (R-Tarpon Springs) contain 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, revise hearing loss screening requirements to include infants and toddlers, and allow parents or guardians of newborns identified as having sickle cell disease or carrying the sickle cell trait to opt-out of the state's sickle cell registry. *HB 1441 was approved by the House Health and Human Services on 2/22/24. SB 1582 was approved by the Senate Appropriations Committee on Health and Human Services on 2/20/24 and is scheduled for consideration by Fiscal Policy on 2/27/24.*

**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.

*SB 7018 was unanimously approved by the House on 2/22/24 and will now go to the Governor for his consideration. If approved, the bill would take effect upon becoming law.*

**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 the House on 2/22/24 and will now head to the Governor for his consideration. If approved, it would take effect upon becoming law; except where otherwise indicated in the bill.*

**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.

*Neither bill has received a hearing this session.*

**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.

*Neither bill has received a hearing this session.*

**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. SB 1750 did not receive a hearing this session.*

**Interstate Mobility** | [SB 1600](#) by Sen. Jay Collins (R-Tampa) and [HB 1273](#) by Rep. Susan Plasencia (R-Winter Park) and [HB 1381](#) by Rep. Danny Alvarez (R-Riverview). The bills establish the MOBILE Act and require the Department of Health (DOH) to issue a license or certificate by endorsement for each of the 59 health care professions regulated by the DOH when an applicant meets specific criteria. The Senate bill calls for a DOH report to the Governor and the Legislature providing information for the previous fiscal year of the number of applications for licensure received, the number of licenses issued, and the number of submitted applications which were denied under the MOBILE Act.

The DOH is required 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 findings, and authorize boards or DOH to require that applicants successfully complete jurisprudential examination.

*SB 1600 was approved by the Senate Regulated Industries Committee on Monday, 1/29/24 and is scheduled to be considered by Fiscal Policy on 2/27/24. Some of the provisions contained in SB 1600 were amended on 2/15/24 to HB 1273. HB 1273 is scheduled to be considered by the full House on 2/27/24.*

**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.

*HB 493 was approved by the House Healthcare Regulation Subcommittee on 2/1/24. SB 444 has not received a hearing this session.*

**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.

*Neither bill has received a hearing this session.*

**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 the Senate on 2/14/24 and is waiting to be heard in the House. HB 115 was approved by House Health and Human Services on 2/8/24 and is waiting to be heard on the House floor.*

**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.

*Neither bill has received a hearing this session.*

**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.

*Neither bill has received a hearing this session.*

**Rare Disease Day** | HB 8039 by Rep. Adam Anderson (R- ) designates February 29, 2024, as "Rare Disease Day" in Florida.

*The resolution was filed on 2/6/24*

**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.

*Neither bill has received a hearing this session.*

**Rural Regional Economic Development Program** | [SB 196](#) by Sen. Corey Simon (R-Tallahassee) and [HB 141](#) by Rep. Joel Rudman (R-Navarre) eliminate several requirements related to the Regional Rural Development Grants Program, including:

- The requirements for grant funds received by a regional development organization to be matched each year by nonstate resources in an amount equal to 25% of the state contributions;
- The requirement for local governments and private businesses to make financial or in-kind commitments to the regional organization; and
- The requirement that the DOC consider the demonstrated need of the applicant for assistance when approving participants for the program.

*HB 141 was approved by Commerce on 2/22/24 and is ready to be heard on the House floor.. SB 196 was approved by Fiscal Policy on 2/16/24 and is ready to be heard on the Senate floor.*

**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.

*Neither bill has received a hearing this session.*

**Sickle Cell Disease Research and Treatment Grant Program** | [SB 7070](#) by Sen. Gayle Harrell (R-Stuart) and [HB 7085](#) by House Health and Human Services establish the Sickle Cell Disease Research and Treatment Grant Program within the Department of Health (DOH) to fund projects that improve the quality and accessibility of health care available for persons living with sickle cell disease (SCD) in Florida, as well as advance the collection and analysis of comprehensive data to support research of SCD.

The DOH Office of Minority Health and Health Equity is responsible for awarding grants to community-based SCD medical treatment and research centers in Florida. The bill also limits the percentage of grant funding used for administrative expenses and requires an annual report to be provided to the Governor and the Legislature.

Further, the bill revises SCD and sickle cell trait screening requirements to require that screening providers notify a newborn's parent or guardian, rather than the newborn's primary care physician, of certain information. IT also authorizes individuals, other than newborns, that have been identified as having SCD or carrying the sickle cell trait, to volunteer for inclusion on the DOH sickle cell registry. Lastly, the bill requires two-hour continuing education through the regulatory board for applicable health care practitioners and authorizes health care practitioners holding two or more licenses or certificates subject to the course requirement to show proof of completion of one course to satisfy the requirement for all licenses or certificates.

*SB 7070 was approved by Senate Appropriations Committee on Health and Human Services on 2/20/24 and is scheduled to be considered by Appropriations on 2/27/24. HB 7085 was approved in House Health and Human Services on 2/22/24 and is scheduled to be considered by the full House on 2/27/24.*

**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.

*HB 63 was approved by the House on 2/15/24 and is waiting to be heard in the Senate. SB 410 was approved by Senate Health Policy on 1/11/24.*

### Important Dates

- **BioFlorida Post Session Report – Wednesday, March 13th, 3:00pm**
- **BioFlorida Federal Update – To Be Announced**
- **BioFlorida Annual Conference – November 18-20, 2024 – Orlando, Florida**

*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 or if you have any questions or need further information, please don't hesitate to contact Leslie Dughi at [Leslie.Dughi@MHDfirm.com](mailto:Leslie.Dughi@MHDfirm.com).*