

Week 7 - February 19-23, 2018

Below is a summary of the priority issues impacting BioFlorida. This update accompanies the detailed [BioFlorida Legislative Tracking Report](#) that includes over 100 bills impacting the life sciences industry.

Budget Update

No movement on conference

Both chambers have crafted their individual budgets through the first half of session and passed their budgets off the floor during week five. The next step is for the two chambers to conference (starting again at the subcommittee level) to negotiate into one FY 18-19 budget. As week seven comes to a close, the legislature has not yet begun the budget conference process. While there is still time to complete the budget conference process prior to the end of the regularly-scheduled session, there is a sense of urgency to get those negotiations started.

Link to SB 2500: <https://www.flsenate.gov/Session/Bill/2018/02500>

Link to HB 5001: <https://www.flsenate.gov/Session/Bill/2018/05001>

Biomedical Research

Level funding proposed

BioFlorida supports the state's investment in biomedical research that can lead to breakthrough treatments and expand the industry and Florida's economy. Both the House and Senate have level-funded biomedical research initiatives and we anticipate the concurrence on that issue will allow it to be one of the first items resolved in the budget process.

Tax Incentives

House tax package has been released, Senate still mum

The House heard and passed their tax package proposal, HB 7087, out of the full Appropriations Committee this week. Included in the package is a rollback on the business rent tax, from 5.8 to 5.5% (last year it was reduced from 6 to 5.8%). This component of the tax package has a first year fiscal impact of \$38.5 million and a recurring fiscal impact of \$92.4 million. The bill retains the base funding of \$9 million for the research and development tax incentive. HB 7087 will now head to the chamber floor. The Senate has not yet released their tax package.

Link to HB 7087: <https://www.flsenate.gov/Session/Bill/2018/07087>

Policy Issues

Institute for Commercialization of Public Research

Initial movement in the Senate

BioFlorida supports the FICPR which funds start-ups and helps investors and entrepreneurs identify new investment opportunities based on technologies developed. This year, there are two proposals to move the FICPR further in a direction of privatization, and thereby eliminating the recurring necessity for public funding. The Senate bill was unanimously passed in the Appropriations Subcommittee on Transportation, Tourism and Economic Development; the bill has one final reference in Appropriations. The House bill has not yet been heard.

Link to SB 1314: <https://www.flsenate.gov/Session/Bill/2018/01314>

Link to HB 1181: <https://www.flsenate.gov/Session/Bill/2018/01181>

Opioid Prescribing

Movement in the Senate and the House

SB 8 by Senator Lizbeth Benacquisto (R-Fort Myers) and HB 21 by Rep. Jim Boyd (R-Bradenton) are aimed at reducing opioid deaths and addiction in Florida. The legislation restricts Schedule II controlled opioids to a 3-day supply but would allow physicians to prescribe up to a 7-day supply in certain situations. Under the legislation, health care practitioners would also be required to consult the Prescription Drug Monitoring Program (PDMP) before writing prescriptions for controlled substances. Lastly, the bills require physicians to complete a board-approved 2-hour mandatory education course on prescribing controlled substances as part of biennial renewal of their licenses. HB 21 is waiting to be scheduled for a hearing by the final committee, the Health and Human Services Committee. The Senate bill also contains language that restricts Medicaid managed care plans and health insurers from requiring prior authorization or step therapy or imposing any other conditions as a prerequisite to receiving medication assisted treatment (MAT) services.

On February 21st, the House Health & Human Services Committee took up a series of health care bills, including HB 21, the House proposal that seeks to help curb the state's opioid epidemic. The committee adopted a "strike-all" amendment and then passed the bill by a vote of 19 to 0.

On February 15th, SB 8 passed the Rules Committee, its last stop, and the bill is now on the calendar of bills ready for Senate floor consideration.

Link to SB 8: <http://www.flsenate.gov/Session/Bill/2018/8>

Link to HB 21: <http://www.flsenate.gov/Session/Bill/2018/21>

Step Therapy

Passed the Senate, no movement in the House

SB 98 by Senator Greg Steube (R-Sarasota) and HB 199 by Rep. Shawn Harrison (R-Tampa) require a health insurer to make current prior authorization requirements, restrictions, and forms accessible. The legislation specifies the requirements for a health insurer that implements a new prior authorization requirement or that amends an existing requirement or restriction and requires a plan to publish on the plan's website and provide to an insured a written procedure for requesting a protocol exception. The bills also provide timeframes for when an insurance company must deny or authorize the prior authorization request and define an "urgent care situation" to clarify that, not just a treating physician, but a PA or ARNP, could also determine whether a health situation is urgent. HB 199 was amended to only prohibit step therapy protocols that have been completed previously. The Senate bill was amended to require insurers to grant exceptions to any "step therapy" requirements if the medical treatment being recommended is an opioid and the request for an exception is for a non-opioid prescription drug or for treatment with a likelihood of similar or better results. HB 199 is now in Health and Human Services Committee, its final committee. SB 98 passed the Senate by a vote of 37 to 0 and is now in the House awaiting movement on the House companion measure.

Link to SB 98: <http://www.flsenate.gov/Session/Bill/2018/98>

Link to HB 199: <http://www.flsenate.gov/Session/Bill/2018/199>

In addition to these issues and budget items, BioFlorida is monitoring approximately 100 pieces of legislation on behalf of its members. More information will be forthcoming on budget-related issues as the budgeting process begins in the few weeks. The 2018 BioFlorida Government Affairs Priorities can be [found here](#), and a complete legislative tracking list can be found here.

If interested in joining the BioFlorida Government Relations Committee, please email admin@bioflorida.com. The Government Relations Committee helps address the legislative priorities and goals of BioFlorida, and also formulates advocacy positions in support or opposition of proposed legislation.

We hope this brief legislative update is helpful. If you have any questions about specific bills or the budget process, please email Alli Liby-Schoonover at Allison.LibySchoonover@metzlaw.com.