



# Session 2018 Report

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## Week 9 - March 5-9, 2018 and Sine Die March 11, 2018

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

### Budget Update

*Final vote on the budget Sunday afternoon.*

On Thursday, March 6, the House and Senate completed budget negotiations and published the conference report. On Sunday, March 11, the House and Senate convened to pass the constitutionally-required balanced budget. The following chart includes the funding priorities of BioFlorida, it was a successful session with level funding for biomedical research and increased funding for cancer treatment and other life science appropriations requests.

Issue	<a href="#"><u>Conference Report on HB 5001</u></a>
James and Esther King Biomedical Research Program	<b>\$10 million</b>
Bankhead & Coley Cancer Research Program	<b>\$10 million</b> From the funds in Specific Appropriation 455, \$500,000 from the Biomedical Research Trust Fund is provided to maintain the statewide Brain Tumor Registry Program at the McKnight Brain Institute (recurring base appropriations project).
Florida Consortium of National Cancer Institutes Centers Program	<b>\$62,228,743</b> Funds in Specific Appropriation 457 are provided for the Florida Consortium of National Cancer Institute (NCI) Centers Program established in section 381.915, Florida Statutes. Cancer centers are eligible for Tier 1, Tier 2 and Tier 3 designation to participate in the Florida Consortium of National Cancer Institute (NCI) Centers Program as follows: H. Lee Moffitt Cancer Center and Research Institute is eligible for Tier 1 designation as a NCI-designated comprehensive cancer center; and the University of Miami Sylvester Comprehensive Cancer Center and the University of Florida Health

	Shands Cancer Hospital are eligible for Tier 3 designation in the Florida Consortium of NCI Centers Program.
Endowed Chair of Cancer Research – Mayo Clinic	<b>\$2 million</b> Funds in Specific Appropriation 458 are provided to the Mayo Clinic Cancer Center of Jacksonville to fund an endowed cancer research chair pursuant to section 381.922(4), Florida Statutes.
Ed and Ethel Moore Alzheimer’s Disease Research Program	<b>\$5 million</b> Funds in Specific Appropriation 459 are provided for the Ed and Ethel Moore Alzheimer’s Disease Research Program established in section 381.82, Florida Statutes.
Enterprise Florida	<b>\$16 million</b>
Job Growth Grant Fund	<b>\$85 million</b> Administered through the Department of Economic Opportunity, the <b>Job Growth Grant Fund</b> supports public infrastructure and job training projects that support growth and employment in Florida’s diverse industries.
Economic Development “Tools”	<b>\$29.1 million</b> Funds provided in Specific Appropriation 2231 are provided to make payments and tax refunds in Fiscal Year 2018-2019 for the following programs: Qualified Target Industry (QTI) Business Tax Refund; QTI Tax Refund - Brownfield Redevelopment Bonus; Brownfield Redevelopment Tax Refund; High-Impact Business Performance (HIPI) Grant; and Qualified Defense Contractor and Space Flight (QDSC) Business Tax Refund. Payments may only be made for projects that meet the statutory eligibility requirements. Funds may not be released for any other purpose and may only be disbursed when projects are certified to have met all contracted performance requirements. Funds provided in Specific Appropriation 2231 from the Economic Development Trust Fund represent local matching funds. The Department of Economic Opportunity must provide monthly reports, within 10 business days after the end of each month, to the Governor’s Office of Policy and Budget, the chair of the Senate Appropriations Committee, and the chair of the House Appropriations Committee regarding all escrow activity relating to the Quick Action Closing Fund and the Innovation Incentive Fund programs. Such report must include information regarding any funds and interest earnings returned to the appropriate fund in the state treasury, and the anticipated payment date(s) of all funds held in escrow. The Department of Economic

	<p>Opportunity shall provide monthly reports to the Governor’s Office of Policy and Budget, the chair of the Senate Appropriations Committee, and the chair of the House Appropriations Committee on the status of economic development programs administered by the department under chapter 288, Florida Statutes.</p>
<p>Tax Incentives</p>	<p>On Sunday afternoon, the House and Senate reconvened to vote on the budget and associated bills as well as the tax package. <a href="#">HB 7087</a> is the tax package totals \$171 million, this reduction from the original proposal was understandably lower due to increased costs on the public safety bill following the Parkland tragedy. The tax package has two components important to the life science industry:</p> <ul style="list-style-type: none"> <li>• Retains the \$9 million base funding for the Research and Development tax credit (but is \$16.5 million for 2018 calendar year),</li> <li>• Lowers the sales tax on rental of commercial real estate from 5.8% to 5.7%.</li> </ul>
<p>Additional Biomedical Research Funding</p> <p>(This is a general list, if any BioFlorida member has a specific inquiry please reach out.)</p>	<p><b>\$1.5 million</b>  From the funds in Specific Appropriation 457A, \$1,500,000 in nonrecurring funds from the General Revenue Fund is provided for the purpose of supporting activities in relation to biomedical research through the Florida Drug Discovery Acceleration Program at <b>Torrey Pines Institute for Molecular Studies</b> (HB 2383) (Senate Form 1478).</p> <p><b>\$150,000</b>  From the funds in Specific Appropriation 457A, \$150,000 in nonrecurring funds from the General Revenue Fund is provided for the <b>Coalition for Medicinal Cannabis Research within the Moffitt Cancer Center</b> to conduct medical cannabis research pursuant to section 1004.4351, Florida Statutes.</p> <p><b>\$3 million</b>  Funds in Specific Appropriation 458A are provided for the <b>Live Like Bella Initiative</b> pursuant to section 381.922(2)(c), Florida Statutes, to advance progress toward curing pediatric cancer.</p> <p><b>\$600,000</b>  <b>Live Like Bella Childhood Cancer Foundation</b> (Senate Form 2038)</p> <p><b>\$500,000</b>  <b>University of Miami Miller School of Medicine - Florida Stroke Registry</b> (HB 3243) (Senate Form 1403)</p>

	<p><b>\$750,000</b>  <b>Max Planck Scientific Fellowship Program (HB 3055)</b></p> <p><b>\$2 million</b>  The nonrecurring funds provided in Specific Appropriation 2361A shall be transferred to the <b>University of Miami-Sylvester Comprehensive Cancer Center</b> for the purpose of Firefighter Cancer Research. The funds shall be utilized to: expand firefighters' access to cancer screenings across the state; enable prevention and earlier detection of the disease; identify exposures that account for increased cancer risk; and field test new technology and methods that measure exposure in the field. The University of Miami - Sylvester Comprehensive Cancer Center shall develop a report on cancer research outcomes and cancer mitigation efforts being examined. The report shall be submitted to the President of the Senate, the Speaker of the House of Representatives, the Chief Financial Officer, and the Governor by June 15, 2019 (HB 2915) (Senate Form 2407).</p>
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## Policy Issues

### Institute for Commercialization of Public Research

*HB 1285 passed.*

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. When the individual bills stalled, Senator Jeff Brandes (R-Pinellas) amended his language onto HB 1285, the business corporations bill, and it was one of the final bills that passed late into the night on Friday, March 9. This expansion of the FICPR will continue to foster the Florida innovation economy by attracting investment into Florida companies.

Link to HB 1285: <https://www.flsenate.gov/Session/Bill/2018/01285>

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

*HB 21 Passed.*

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 for acute pain to a 3-day supply but would allow physicians to prescribe up to a 7-day supply in certain situations. Acute pain is described as the “normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness.”

The House bill includes exemptions from the prescription limits for cancer patients, people who are terminally ill and those who are receiving palliative care. Trauma patients who meet certain criteria for severity of injuries also would be exempt from the limits. The bill also requires every physician registered with the U.S. Drug Enforcement Administration and authorized to prescribe controlled substances to take a two-hour continuing education course. The course must include non-pharmacological therapies and the prescribing of emergency opioid antagonists. Further, the bills require a health care practitioner to consult the PDMP prior to prescribing or dispensing a controlled substance.

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

### **Step Therapy**

*Failed to pass.*

**SB 98** by Senator Greg Steube (R-Sarasota) and **HB 199** by Rep. Shawn Harrison (R-Tampa) create an expedited and standard process for prior authorizations. The bills establish time frames for prior authorization denial and acceptances and create a more transparent process. In addition, the bills require health insurers to grant prior authorization exemptions in certain situations. HB 199 was narrowed to only prohibit step therapy protocols that have been completed previously.

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](#).

If there is anyone who is interested in joining the BioFlorida Government Relations Committee please email [admin@bioflorida.com](mailto: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](mailto:Allison.LibySchoonover@metzlaw.com).