

By Senator Passidomo

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1                   A bill to be entitled  
2           An act relating to the state employees' prescription  
3           drug program; amending s. 110.12315, F.S.; requiring  
4           the Department of Management Services to implement  
5           formulary management cost-saving measures; providing  
6           requirements for such measures; amending ch. 99-255,  
7           Laws of Florida; removing a provision that prohibits  
8           the department from implementing a restricted  
9           prescription drug formulary or prior authorization  
10          program in the state employees' prescription drug  
11          program; providing an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (9) is added to section 110.12315,  
16           Florida Statutes, to read:

17           110.12315 Prescription drug program.—The state employees'  
18           prescription drug program is established. This program shall be  
19           administered by the Department of Management Services, according  
20           to the terms and conditions of the plan as established by the  
21           relevant provisions of the annual General Appropriations Act and  
22           implementing legislation, subject to the following conditions:

23           (9) The department shall implement formulary management  
24           cost-saving measures. Such measures must require prescription  
25           drugs to be subject to formulary inclusion or exclusion and may  
26           not restrict access to the most clinically appropriate,  
27           clinically effective, and lowest net-cost prescription drugs.  
28           However, excluded drugs may be available for inclusion if a  
29           physician, an advanced registered nurse practitioner, or a

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30 physician assistant prescribing a pharmaceutical clearly states  
31 that the excluded drug is medically necessary and cannot be  
32 substituted.

33 Section 2. Section 8 of Chapter 99-255, Laws of Florida, is  
34 amended to read:

35 ~~Section 8. The Department of Management Services shall not~~  
36 ~~implement a prior authorization program or a restricted~~  
37 ~~formulary program that restricts a non-HMO enrollee's access to~~  
38 ~~prescription drugs beyond the provisions of paragraph (b)-~~  
39 ~~related specifically to generic equivalents for prescriptions~~  
40 ~~and the provisions in paragraph (d) related specifically to~~  
41 ~~starter dose programs or the dispensing of long-term maintenance~~  
42 ~~medications. The prior authorization program expanded pursuant~~  
43 ~~to section 8 of the 1998-1999 General Appropriations Act is~~  
44 ~~hereby terminated. If this section conflicts with any General~~  
45 ~~Appropriations Act or any act implementing a General~~  
46 ~~Appropriations Act, the Legislature intends that the provisions~~  
47 ~~of this section shall prevail. This section shall take effect~~  
48 ~~upon becoming law.~~

49 Section 3. This act shall take effect January 1, 2019.