Appropriations Subcommittee on Health and Human Services (Bean) recommended the following:

**Senate Amendment**

Delete lines 116 – 281 and insert:

required regardless of the type of bid or negotiation process used by the agency or the type of final contract or agreement executed for services.

(d) Is identified by the vendor as eligible to participate in the program.

(e) Submits evidence at the time of contract award and
throughout the contract term of a surety bond or a comparable security arrangement from this state or any other state in the United States in the minimum amount of $1 million. The agency shall reevaluate and adjust the amount of the bond annually, based on program volume. The surety bond or comparable security arrangement must include the State of Florida as a beneficiary. In lieu of the surety bond, the supplier may provide a comparable security arrangement, such as an irrevocable letter of credit or a deposit into a trust account or financial institution which includes the State of Florida as a beneficiary. The purposes of the bond or other security arrangement for the program are to:

1. Indemnify the supplier in the event that any civil or criminal legal action is brought by the state, the agency, any other state agency, or private individuals or entities against the supplier because of the supplier’s failure to perform under the contract, including, but not limited to, causes of action for personal injury, negligence, and wrongful death;

2. Ensure payment by the supplier of legal judgments and claims that have been awarded to the state, the agency, other entities acting on behalf of the state, individuals, or organizations if the supplier is assessed a final judgment or other monetary penalty in a court of law for a civil or criminal action related to participation in the program. The bond or comparable security arrangement may be accessed if the supplier fails to pay any judgment or claim within 60 days after final judgment; and

3. Allow for civil and criminal litigation claims to be made against the bond or other comparable security arrangement...
for up to 1 year after the supplier’s contract under the program has ended with the agency or the state, the supplier’s license is no longer valid, or the program has ended, whichever occurs last.

(4) ELIGIBLE IMPORTERS.—

(a) The following entities or persons may import prescription drugs from a Canadian supplier under the program:

1. A wholesale distributor.
2. A pharmacy.
3. A pharmacist.

(b) An eligible importer must meet all of the following requirements at the time of contract award and throughout the contract term:

1. Register with the vendor before importing drugs into this state under the program and be deemed in compliance with all requirements, including any relevant provisions of the Federal Act.

2. Submit evidence at the time of contract award and throughout the contract term of a surety bond or other comparable security arrangement from this state or any other state in the United States in the minimum amount of $1 million. The surety bond or comparable security arrangement must include the State of Florida as a beneficiary. In lieu of the surety bond, the importer may provide a comparable security agreement, such as an irrevocable letter of credit or a deposit into a trust account or financial institution which includes the State of Florida as a beneficiary, payable to the State of Florida.

The purposes of the bond or other security arrangement for the program are to:
a. Ensure payment of any administrative penalties imposed by the agency or any other state agency under the contract when the importer fails to pay within 30 days after assessment;

b. Ensure that the importer meets contractual and statutory obligations through use of a bond or other comparable security arrangements to pay any other costs or fees incurred by the agency, the state, or other entities acting on behalf of the state if the importer fails to meet its contractual and statutory obligations. If the importer is assessed a penalty under the program and fails to pay within 30 days after that assessment, the agency, the state, or an entity acting on behalf of the state may file a claim for reimbursement against the bond or other comparable security arrangement; and

c. Allow for claims to be made against the bond or other comparable security arrangements for up to 1 year after the importer’s contract under the program has ended with the agency or the state, the importer’s license is no longer valid, or the program has ended, whichever occurs last.

A surety bond or comparable document is required, regardless of the type of bid or negotiation process the agency used or the type of final contract or agreement executed for services.

(c) An eligible importer must submit evidence at the time of contract award and throughout the contract term of a surety bond or comparable security arrangement from this state or any other state in the United States in the minimum amount of $1 million. The agency shall reevaluate and adjust the amount of the bond annually, based on program volume. The surety bond or comparable security arrangement must include the State of
Florida as a beneficiary. In lieu of the surety bond, the importer may provide a comparable security agreement, such as an irrevocable letter of credit or a deposit into a trust account or financial institution which includes the State of Florida as a beneficiary, payable to the State of Florida. The purposes of the bond or other security arrangement for the program are to:

1. Ensure the importer’s participation in any civil or criminal legal action by the state, the agency, any other state agency, or private individuals or entities against the importer because of the importer’s failure to perform under the contract, including, but not limited to causes of action for personal injury, negligence, and wrongful death;

2. Ensure payment by the importer through the use of a bond or other comparable security arrangements of legal judgments and claims that have been awarded to the agency, the state, other entities acting on behalf of the state, individuals, or organizations if the importer is assessed a final judgment or other monetary penalty in a court of law for a civil or criminal action under the program. The bond or comparable security arrangement may be accessed if the importer fails to pay any judgment or claim within 60 days after final judgment; and

3. Allow for civil and criminal litigation claims to be made against the bond or other comparable security arrangements for up to 1 year after the importer’s contract under the program has ended with the agency or the state, the importer’s license is no longer valid, or the program has ended, whichever occurs last.

(5) IMPORTATION PROCESS.—
(a) The agency shall contract with a vendor to provide
services under the program. The vendor shall submit evidence of a surety bond with any bid or initial contract negotiation documents and shall maintain documentation of evidence of such a bond with the agency throughout the contract term. The surety bond may be from this state or any other state in the United States in the minimum amount of $1 million. The surety bond or comparable security arrangement must include the State of Florida as a beneficiary. In lieu of the surety bond, the vendor may provide a comparable security agreement, such as an irrevocable letter of credit or a deposit into a trust account or financial institution which includes the State of Florida as a beneficiary, payable to the State of Florida. The purposes of the bond or other security arrangement for the program are to:

1. Ensure payment of any administrative penalties imposed by the agency or any other state agency under the contract when the vendor fails to pay within 30 days after assessment;

2. Ensure that the vendor meets contractual and statutory obligations through use of a surety bond or other comparable security arrangements to pay any other costs or fees incurred by the agency, the state, or other entities acting on behalf of the state if the vendor fails to meet its contractual and statutory obligations. If the vendor is assessed a penalty under the program and fails to pay within 30 days after that assessment, the agency, the state, or an entity acting on behalf of the state may file a claim for reimbursement against the bond or other comparable security arrangement; and

3. Allow for claims to be made against the bond or other comparable security arrangements for up to 1 year after the vendor’s contract under the program has ended with the agency or
the state or the program has ended, whichever occurs last.

A surety bond or comparable document is required, regardless of the type of bid or negotiation process the agency used or the type of final contract or agreement executed for services. (b) The eligible vendor must submit evidence at the time of contract award and throughout the contract term of a surety bond or comparable security arrangement from this state or any other state in the United States in the minimum amount of $1 million. The agency shall reevaluate and adjust the amount of the bond annually, based on program volume. The surety bond or comparable security arrangement must include the State of Florida as a beneficiary. In lieu of the surety bond, the vendor may provide a...