

1 A bill to be entitled
2 An act relating to state group insurance; amending s.
3 110.12315, F.S.; requiring the Department of
4 Management Services to submit to the Governor and the
5 Legislative Budget Commission certain recommendations
6 on the implementation of formulary management for
7 prescription drugs and supplies for a specified plan
8 year; authorizing the commission to consider the
9 department's recommendations; requiring the department
10 to implement only the recommendations approved by the
11 commission; requiring the department to submit to the
12 Governor and the Legislature a specified list of
13 prescription drugs and supplies for informational
14 purposes; requiring the list of prescription drugs and
15 supplies excluded from the state employees'
16 prescription drug program to be approved by the
17 commission; removing the requirement that certain
18 drugs excluded from the formulary be available for
19 inclusion under specified circumstances; removing
20 certain changes made by the act under specified
21 circumstances; requiring the commission to notify the
22 Division of Law Revision of the commission's approval
23 of certain recommendations; providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

Section 1. Subsection (9) of section 110.12315, Florida Statutes, is amended to read:

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

(9) (a) 1. Beginning with the 2020 plan year, the department must implement formulary management for prescription drugs and supplies. Such management practices must require prescription drugs to be subject to formulary inclusion or exclusion but may not restrict access to the most clinically appropriate, clinically effective, and lowest net-cost prescription drugs and supplies. Drugs excluded from the formulary must be available for inclusion if a physician, advanced practice registered nurse, or physician assistant prescribing a pharmaceutical clearly states on the prescription that the excluded drug is medically necessary. Prescription drugs and supplies first made available in the marketplace after January 1, 2020, may not be covered by the prescription drug program until specifically included in the list of covered prescription drugs and supplies.

2. No later than September 1, 2025, the department must submit to the Governor and the Legislative Budget Commission

51 recommendations on the implementation of formulary management
52 for prescription drugs and supplies for the 2026 plan year,
53 including, but not limited to, recommendations relating to the
54 following:

55 a. Lists of excluded prescription drugs and supplies for a
56 recommended formulary, with a comparison to the formulary in
57 effect during the 2025 plan year. A recommended formulary is not
58 subject to the requirement in subparagraph 1. that drugs
59 excluded from the formulary must be available for inclusion if a
60 physician, advanced practice registered nurse, or physician
61 assistant prescribing a pharmaceutical clearly states on the
62 prescription that the excluded drug is medically necessary.

63 b. Lists of included prescription drugs and supplies for a
64 recommended formulary, with a comparison to the formulary in
65 effect during the 2025 plan year.

66 c. Prior authorization of specified prescription drugs and
67 supplies.

68 d. Step therapy of specified prescription drugs and
69 supplies.

70 3. Prescription drugs and supplies first made available in
71 the marketplace after January 1, 2026, may not be covered by the
72 prescription drug program until specifically included in the
73 list of covered prescription drugs and supplies.

74 4. In support of its recommendations, the department must
75 submit relevant information identifying the prescription drugs

76 and supplies affected, the number of plan members and
77 prescriptions affected for each identified drug or supply, and
78 the cost savings expected for each recommended component
79 implemented.

80 5. The Legislative Budget Commission may consider the
81 department's recommendations in total or in part, and, beginning
82 in the 2026 plan year, the department shall implement only those
83 recommendations approved by the Legislative Budget Commission.

84 (b) No later than September ~~October~~ 1, 2025 ~~2019~~, and by
85 each September ~~October~~ 1 thereafter, the department must submit
86 to the Governor, the President of the Senate, and the Speaker of
87 the House of Representatives the list of prescription drugs and
88 supplies that will be excluded from program coverage for the
89 next plan year and, for informational purposes only, the list of
90 prescription drugs and supplies that are recommended to be
91 subject to a higher copayment for the next plan year. The list
92 of prescription drugs and supplies that will be excluded from
93 program coverage must be approved by the Legislative Budget
94 Commission. If the department proposes to exclude prescription
95 drugs and supplies after the plan year has commenced, the
96 department must provide notice to the Governor, the President of
97 the Senate, and the Speaker of the House of Representatives of
98 such exclusions at least 60 days before implementation of such
99 exclusions. Such exclusions must be approved by the Legislative
100 Budget Commission.

101 Section 2. Effective January 1, 2026, and contingent upon
102 the Legislative Budget Commission approving one or more
103 recommendations of the Department of Management Services under
104 sub-subparagraph (a)2.a. of subsection (9) of section 110.12315,
105 Florida Statutes, as amended by section 1 of this act, paragraph
106 (a) of subsection (9) of section 110.12315, Florida Statutes, as
107 amended by section 1 of this act, is amended to read:

108 110.12315 Prescription drug program.—The state employees'
109 prescription drug program is established. This program shall be
110 administered by the Department of Management Services, according
111 to the terms and conditions of the plan as established by the
112 relevant provisions of the annual General Appropriations Act and
113 implementing legislation, subject to the following conditions:

114 (9) (a) ~~1.~~ Beginning with the 2026 ~~2020~~ plan year, the
115 department must implement formulary management for prescription
116 drugs and supplies. Such management practices must require
117 prescription drugs to be subject to formulary inclusion or
118 exclusion but may not restrict access to the most clinically
119 appropriate, clinically effective, and lowest net-cost
120 prescription drugs and supplies. ~~Drugs excluded from the~~
121 ~~formulary must be available for inclusion if a physician,~~
122 ~~advanced practice registered nurse, or physician assistant~~
123 ~~prescribing a pharmaceutical clearly states on the prescription~~
124 ~~that the excluded drug is medically necessary.~~ Prescription
125 drugs and supplies first made available in the marketplace after

126 January 1, 2026 ~~2020~~, may not be covered by the prescription
127 drug program until specifically included in the list of covered
128 prescription drugs and supplies.

129 ~~2. No later than September 1, 2025, the department must~~
130 ~~submit to the Governor and the Legislative Budget Commission~~
131 ~~recommendations on the implementation of formulary management~~
132 ~~for prescription drugs and supplies for the 2026 plan year,~~
133 ~~including, but not limited to, recommendations relating to the~~
134 ~~following:~~

135 ~~a. Lists of excluded prescription drugs and supplies for a~~
136 ~~recommended formulary, with a comparison to the formulary in~~
137 ~~effect during the 2025 plan year. A recommended formulary is not~~
138 ~~subject to the requirement in subparagraph 1. that drugs~~
139 ~~excluded from the formulary must be available for inclusion if a~~
140 ~~physician, advanced practice registered nurse, or physician~~
141 ~~assistant prescribing a pharmaceutical clearly states on the~~
142 ~~prescription that the excluded drug is medically necessary.~~

143 ~~b. Lists of included prescription drugs and supplies for a~~
144 ~~recommended formulary, with a comparison to the formulary in~~
145 ~~effect during the 2025 plan year.~~

146 ~~c. Prior authorization of specified prescription drugs and~~
147 ~~supplies.~~

148 ~~d. Step therapy of specified prescription drugs and~~
149 ~~supplies.~~

150 ~~3. Prescription drugs and supplies first made available in~~

151 ~~the marketplace after January 1, 2026, may not be covered by the~~
152 ~~prescription drug program until specifically included in the~~
153 ~~list of covered prescription drugs and supplies.~~

154 ~~4. In support of its recommendations, the department must~~
155 ~~submit relevant information identifying the prescription drugs~~
156 ~~and supplies affected, the number of plan members and~~
157 ~~prescriptions affected for each identified drug or supply, and~~
158 ~~the cost savings expected for each recommended component~~
159 ~~implemented.~~

160 ~~5. The Legislative Budget Commission may consider the~~
161 ~~department's recommendations in total or in part, and, beginning~~
162 ~~in the 2026 plan year, the department shall implement only those~~
163 ~~recommendations approved by the Legislative Budget Commission.~~

164 Section 3. The Legislative Budget Commission shall notify
165 the Division of Law Revision upon the commission's approval of
166 one or more recommendations of the Department of Management
167 Services under section 110.12315(9)(a)2.a., Florida Statutes, as
168 amended by section 1 of this act.

169 Section 4. Except as otherwise expressly provided in this
170 act, this act shall take effect July 1, 2025.