



531668

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 1b/RE/3R	.	
05/03/2013 11:10 AM	.	
	.	

---

Senator Grimsley moved the following:

1           **Senate Amendment to Amendment (566056) (with title**  
2 **amendment)**

3  
4           Between lines 164 and 165  
5 insert:

6           Section 86. Paragraph (b) of subsection (2), subsection  
7 (10), and paragraph (c) of subsection (11) of section 893.055,  
8 Florida Statutes, is amended to read:

9           893.055 Prescription drug monitoring program.—

10           (2)

11           (b) The department, ~~when the direct support organization~~  
12 ~~receives at least \$20,000 in nonstate moneys or the state~~  
13 ~~receives at least \$20,000 in federal grants for the prescription~~



531668

14 ~~drug monitoring program,~~ shall adopt rules as necessary  
15 concerning the reporting, accessing the database, evaluation,  
16 management, development, implementation, operation, security,  
17 and storage of information within the system, including rules  
18 for when patient advisory reports are provided to pharmacies and  
19 prescribers. The patient advisory report shall be provided in  
20 accordance with s. 893.13(7)(a)8. The department shall work with  
21 the professional health care licensure boards, such as the Board  
22 of Medicine, the Board of Osteopathic Medicine, and the Board of  
23 Pharmacy; other appropriate organizations, such as the Florida  
24 Pharmacy Association, the Florida Medical Association, the  
25 Florida Retail Federation, and the Florida Osteopathic Medical  
26 Association, including those relating to pain management; and  
27 the Attorney General, the Department of Law Enforcement, and the  
28 Agency for Health Care Administration to develop rules  
29 appropriate for the prescription drug monitoring program.

30 (10) All costs incurred by the department in administering  
31 the prescription drug monitoring program shall be funded through  
32 state funds, federal grants, or private funding applied for or  
33 received by the state. The department may not commit funds for  
34 the monitoring program without ensuring funding is available.  
35 ~~The prescription drug monitoring program and the implementation~~  
36 ~~thereof are contingent upon receipt of the nonstate funding.~~ The  
37 department and state government shall cooperate with the direct-  
38 support organization established pursuant to subsection (11) in  
39 seeking state funds, federal grant funds, other nonstate grant  
40 funds, gifts, donations, or other private moneys for the  
41 department if so long as the costs of doing so are not  
42 considered material. Nonmaterial costs for this purpose include,



531668

43 but are not limited to, the costs of mailing and personnel  
44 assigned to research or apply for a grant. Notwithstanding the  
45 exemptions to competitive-solicitation requirements under s.  
46 287.057(3)(f), the department shall comply with the competitive-  
47 solicitation requirements under s. 287.057 for the procurement  
48 of any goods or services required by this section. ~~Funds~~  
49 ~~provided, directly or indirectly, by prescription drug~~  
50 ~~manufacturers may not be used to implement the program.~~

51 (11) The department may establish a direct-support  
52 organization that has a board consisting of at least five  
53 members to provide assistance, funding, and promotional support  
54 for the activities authorized for the prescription drug  
55 monitoring program.

56 (c) The State Surgeon General shall appoint a board of directors  
57 for the direct-support organization. Members of the board shall  
58 serve at the pleasure of the State Surgeon General. The State  
59 Surgeon General shall provide guidance to members of the board  
60 to ensure that moneys received by the direct-support  
61 organization are not received from inappropriate sources.  
62 Inappropriate sources include, but are not limited to, donors,  
63 grantors, persons, ~~or~~ organizations, or pharmaceutical  
64 companies, that may monetarily or substantively benefit from the  
65 purchase of goods or services by the department in furtherance  
66 of the prescription drug monitoring program.

67  
68 ===== T I T L E A M E N D M E N T =====

69 And the title is amended as follows:

70 Delete line 187

71 and insert:



531668

72 expedited review; amending s. 893.055, F.S.; deleting  
73 obsolete provisions; deleting a provision that  
74 prohibits funds from prescription drug manufacturers  
75 to be used to implement the prescription drug  
76 monitoring program; authorizing the prescription drug  
77 monitoring program to be funded by state funds;  
78 revising the sources of money which are inappropriate  
79 for the direct-support organization of the  
80 prescription drug monitoring program to receive;  
81 providing an effective date.