

By the Committee on Health Policy

588-00921-17

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1 A bill to be entitled

2 An act relating to the direct-support organization of
3 the prescription drug monitoring program; amending s.
4 893.055, F.S.; deleting language that has become
5 obsolete due to the expiration of the task force;
6 abrogating the repeal of provisions authorizing the
7 Department of Health to establish a direct-support
8 organization for the prescription drug monitoring
9 program; providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Subsection (11) of section 893.055, Florida
14 Statutes, is amended to read:

15 893.055 Prescription drug monitoring program.—

16 (11) The department may establish a direct-support
17 organization that has a board consisting of at least five
18 members to provide assistance, funding, and promotional support
19 for the activities authorized for the prescription drug
20 monitoring program.

21 (a) As used in this subsection, the term "direct-support
22 organization" means an organization that is:

23 1. A Florida corporation not for profit incorporated under
24 chapter 617, exempted from filing fees, and approved by the
25 Department of State.

26 2. Organized and operated to conduct programs and
27 activities; raise funds; request and receive grants, gifts, and
28 bequests of money; acquire, receive, hold, and invest, in its
29 own name, securities, funds, objects of value, or other
30 property, either real or personal; and make expenditures or
31 provide funding to or for the direct or indirect benefit of the
32 department in the furtherance of the prescription drug

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33 monitoring program.

34 (b) The direct-support organization is not considered a
35 lobbying firm within the meaning of s. 11.045.

36 (c) The State Surgeon General shall appoint a board of
37 directors for the direct-support organization. Members of the
38 board shall serve at the pleasure of the State Surgeon General.
39 The State Surgeon General shall provide guidance to members of
40 the board to ensure that moneys received by the direct-support
41 organization are not received from inappropriate sources.
42 Inappropriate sources include, but are not limited to, donors,
43 grantors, persons, or organizations that may monetarily or
44 substantively benefit from the purchase of goods or services by
45 the department in furtherance of the prescription drug
46 monitoring program.

47 (d) The direct-support organization shall operate under
48 written contract with the department. The contract must, at a
49 minimum, provide for:

50 1. Approval of the articles of incorporation and bylaws of
51 the direct-support organization by the department.

52 2. Submission of an annual budget for the approval of the
53 department.

54 3. Certification by the department that the direct-support
55 organization is complying with the terms of the contract in a
56 manner consistent with and in furtherance of the goals and
57 purposes of the prescription drug monitoring program and in the
58 best interests of the state. Such certification must be made
59 annually and reported in the official minutes of a meeting of
60 the direct-support organization.

61 4. The reversion, without penalty, to the state of all

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62 moneys and property held in trust by the direct-support
63 organization for the benefit of the prescription drug monitoring
64 program if the direct-support organization ceases to exist or if
65 the contract is terminated.

66 5. The fiscal year of the direct-support organization,
67 which must begin July 1 of each year and end June 30 of the
68 following year.

69 6. The disclosure of the material provisions of the
70 contract to donors of gifts, contributions, or bequests,
71 including such disclosure on all promotional and fundraising
72 publications, and an explanation to such donors of the
73 distinction between the department and the direct-support
74 organization.

75 7. The direct-support organization's collecting, expending,
76 and providing of funds to the department for the administration
77 ~~development, implementation,~~ and operation of the prescription
78 drug monitoring program as described in this section ~~and s. 2,~~
79 ~~chapter 2009-198, Laws of Florida, as long as the task force is~~
80 ~~authorized.~~ The direct-support organization may collect and
81 expend funds to be used for the functions of the direct-support
82 organization's board of directors, as necessary and approved by
83 the department. In addition, the direct-support organization may
84 collect and provide funding to the department in furtherance of
85 the prescription drug monitoring program by:

86 a. Establishing and administering the prescription drug
87 monitoring program's electronic database, including hardware and
88 software.

89 b. Conducting studies on the efficiency and effectiveness
90 of the program to include feasibility studies as described in

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91 subsection (13).

92 c. Providing funds for future enhancements of the program
93 within the intent of this section.

94 d. Providing user training of the prescription drug
95 monitoring program, including distribution of materials to
96 promote public awareness and education and conducting workshops
97 or other meetings, for health care practitioners, pharmacists,
98 and others as appropriate.

99 e. Providing funds for travel expenses.

100 f. Providing funds for administrative costs, including
101 personnel, audits, facilities, and equipment.

102 g. Fulfilling all other requirements necessary to implement
103 and operate the program as outlined in this section.

104 (e) The activities of the direct-support organization must
105 be consistent with the goals and mission of the department, as
106 determined by the department, and in the best interests of the
107 state. The direct-support organization must obtain a written
108 approval from the department for any activities in support of
109 the prescription drug monitoring program before undertaking
110 those activities.

111 (f) The department may permit, without charge, appropriate
112 use of administrative services, property, and facilities of the
113 department by the direct-support organization, subject to this
114 section. The use must be directly in keeping with the approved
115 purposes of the direct-support organization and may not be made
116 at times or places that would unreasonably interfere with
117 opportunities for the public to use such facilities for
118 established purposes. Any moneys received from rentals of
119 facilities and properties managed by the department may be held

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120 in a separate depository account in the name of the direct-
121 support organization and subject to the provisions of the letter
122 of agreement with the department. The letter of agreement must
123 provide that any funds held in the separate depository account
124 in the name of the direct-support organization must revert to
125 the department if the direct-support organization is no longer
126 approved by the department to operate in the best interests of
127 the state.

128 (g) The department may adopt rules under s. 120.54 to
129 govern the use of administrative services, property, or
130 facilities of the department or office by the direct-support
131 organization.

132 (h) The department may not permit the use of any
133 administrative services, property, or facilities of the state by
134 a direct-support organization if that organization does not
135 provide equal membership and employment opportunities to all
136 persons regardless of race, color, religion, gender, age, or
137 national origin.

138 (i) The direct-support organization shall provide for an
139 independent annual financial audit in accordance with s.
140 215.981. Copies of the audit shall be provided to the department
141 and the Office of Policy and Budget in the Executive Office of
142 the Governor.

143 (j) The direct-support organization may not exercise any
144 power under s. 617.0302(12) or (16).

145 ~~(k) This subsection is repealed October 1, 2017, unless~~
146 ~~reviewed and saved from repeal by the Legislature.~~

147 Section 2. This act shall take effect July 1, 2017.