

FOR CONSIDERATION By the Committee on Health Policy

588-00561-17

20177006pb

1 A bill to be entitled
2 An act relating to the prescription drug monitoring
3 program; amending s. 893.055, F.S.; abrogating the
4 repeal of provisions authorizing the Department of
5 Health to establish a direct-support organization for
6 the prescription drug monitoring program; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

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

13 893.055 Prescription drug monitoring program.—

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

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

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

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

32 (b) The direct-support organization is not considered a

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33 lobbying firm within the meaning of s. 11.045.

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

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

48 1. Approval of the articles of incorporation and bylaws of
49 the direct-support organization by the department.

50 2. Submission of an annual budget for the approval of the
51 department.

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

59 4. The reversion, without penalty, to the state of all
60 moneys and property held in trust by the direct-support
61 organization for the benefit of the prescription drug monitoring

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62 program if the direct-support organization ceases to exist or if
63 the contract is terminated.

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

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

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

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

87 b. Conducting studies on the efficiency and effectiveness
88 of the program to include feasibility studies as described in
89 subsection (13).

90 c. Providing funds for future enhancements of the program

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91 within the intent of this section.

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

97 e. Providing funds for travel expenses.

98 f. Providing funds for administrative costs, including
99 personnel, audits, facilities, and equipment.

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

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

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

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

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

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

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

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

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

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