

By the Committee on Fiscal Policy; and Senator Boyd

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1                   A bill to be entitled  
2           An act relating to opioid abatement; amending s.  
3           381.887, F.S.; revising definitions; revising the  
4           types of delivery systems a pharmacist may order or  
5           use to dispense an emergency opioid antagonist;  
6           creating s. 397.335, F.S.; establishing the Statewide  
7           Council on Opioid Abatement within the Department of  
8           Children and Families; providing the purpose of the  
9           council; providing for membership, organization and  
10          support, and duties of the council; providing an  
11          effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Paragraphs (b) and (c) of subsection (1) and  
16           paragraphs (a) and (b) of subsection (3) of section 381.887,  
17           Florida Statutes, are amended to read:

18           381.887 Emergency treatment for suspected opioid overdose.—

19           (1) As used in this section, the term:

20           (b) "Authorized health care practitioner" means a licensed  
21           practitioner authorized by the laws of this state to prescribe  
22           or dispense drugs.

23           (c) "Caregiver" means a family member, friend, or person in  
24           a position to have ~~recurring~~ contact with a person at risk of  
25           experiencing an opioid overdose.

26           (3) (a) An authorized health care practitioner may prescribe  
27           and dispense an emergency opioid antagonist to, and a pharmacist  
28           may order an emergency opioid antagonist with an autoinjection  
29           delivery system, prefilled injection device delivery system, or

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30 intranasal application delivery system for, a patient or  
31 caregiver for use in accordance with this section.

32 (b) A pharmacist may dispense an emergency opioid  
33 antagonist pursuant to a prescription by an authorized health  
34 care practitioner. A pharmacist may dispense an emergency opioid  
35 antagonist with an autoinjection delivery system, prefilled  
36 injection device delivery system, or intranasal application  
37 delivery system, which must be appropriately labeled with  
38 instructions for use, pursuant to a pharmacist's order or  
39 pursuant to a nonpatient-specific standing order.

40 Section 2. Section 397.335, Florida Statutes, is created to  
41 read:

42 397.335 Statewide Council on Opioid Abatement.—

43 (1) ESTABLISHMENT.—The Statewide Council on Opioid  
44 Abatement, an advisory council as defined in s. 20.03, is  
45 created within the department for the purpose of enhancing the  
46 development and coordination of state and local efforts to abate  
47 the opioid epidemic and to support the victims and families of  
48 the crisis.

49 (2) MEMBERSHIP.—

50 (a) Notwithstanding s. 20.052, the council shall be  
51 composed of the following members:

52 1. The Attorney General, or his or her designee, who shall  
53 serve as chair.

54 2. The secretary of the department, or his or her designee,  
55 who shall serve as vice chair.

56 3. One member appointed by the Governor.

57 4. One member appointed by the President of the Senate.

58 5. One member appointed by the Speaker of the House of

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59 Representatives.

60 6. Two members appointed by the Florida League of Cities  
61 who are commissioners or mayors of municipalities. One member  
62 shall be from a municipality with a population of fewer than  
63 50,000 people.

64 7. Two members appointed by or through the Florida  
65 Association of Counties who are county commissioners or mayors.  
66 One member shall be appointed from a county with a population of  
67 fewer than 200,000, and one member shall be appointed from a  
68 county with a population of more than 200,000.

69 8. One member who is either a county commissioner or county  
70 mayor appointed by the Florida Association of Counties or who is  
71 a commissioner or mayor of a municipality appointed by the  
72 Florida League of Cities. The Florida Association of Counties  
73 shall appoint such member for the initial term, and future  
74 appointments must alternate between a member appointed by the  
75 Florida League of Cities and a member appointed by the Florida  
76 Association of Counties.

77 (b) Each member shall serve a 2-year term. Any vacancy  
78 shall be filled in the same manner as the original appointment  
79 for the remainder of the unexpired term.

80 (c) A member may not receive a commission, fee, or  
81 financial benefit in connection with serving on the council.  
82 Council members may be reimbursed for per diem and travel  
83 expenses in accordance with s. 112.061 by the state agency that  
84 the member represents. If the member is not affiliated with a  
85 state agency, the member shall be reimbursed by the Department  
86 of Children and Families.

87 (3) ORGANIZATION AND SUPPORT.—

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88       (a) The first meeting of the council must be held by August  
89 31, 2023.

90       (b) The council shall meet quarterly and upon the call of  
91 the chair or two other members. Meetings of the council may take  
92 place in person or through electronic transmission using  
93 communications media technology as described in s.  
94 120.54(5)(b)2.

95       (c) A majority of the members of the council shall  
96 constitute a quorum.

97       (d) The department and the Department of Legal Affairs  
98 shall provide the council with staff necessary to assist the  
99 council in the performance of its duties.

100       (e) The council may apply for and accept funds, grants,  
101 gifts, and services from the state, the Federal Government or  
102 any of its agencies, or any other public or private source for  
103 the purposes of defraying costs or performing its duties.

104       (f) All members shall adhere to all applicable general law,  
105 rules, and regulations, including, but not limited to, s.  
106 112.311, concerning the disclosure of conflicts of interest and  
107 recusal from discussions or votes on conflicted matters.

108       (4) DUTIES.—

109       (a) The council shall advise the state and local  
110 governments on resolving or abating the opioid epidemic and  
111 review how settlement moneys recovered from the opioid  
112 litigation brought by the state and its subdivisions have been  
113 spent and the results that have been achieved from those  
114 expenditures.

115       (b) The council shall work with, provide information to,  
116 and receive information from the Statewide Drug Policy Advisory

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117 Council and ensure that its recommendations and actions are  
118 consistent with that council's recommendations to the extent  
119 possible.

120 (c) The council shall review data from local, state, and  
121 national agencies, both on a regional and a statewide basis, to  
122 advise state and local governments on the status, severity, and  
123 stage of the opioid epidemic.

124 (d) The council shall review data from local governments,  
125 other states, and national agencies regarding how moneys are  
126 being spent to abate the opioid epidemic, the success of such  
127 programs, and the appropriate metrics needed to assess the  
128 epidemic and progress in abating it.

129 (e) By June 30 of each year, each county, municipality,  
130 managing entity, or state agency that receives settlement funds  
131 from an opioid settlement shall provide information to the  
132 council related to how it intends to use settlement funds and  
133 how it intends to collect data regarding its use of funds.

134 (f) By August 31 of each year, each county, municipality,  
135 managing entity, or state agency that receives settlement funds  
136 from an opioid settlement must provide information to the  
137 council related to its expenditure of settlement funds and the  
138 results obtained from those expenditures.

139 (g) The council shall develop and recommend metrics,  
140 measures, or datasets to assess the progress and success of  
141 programs funded by expenditures of opioid settlement funds. The  
142 council must attempt to keep such metrics, measures, or datasets  
143 consistent with those used by the state with managing entities,  
144 as well as any metrics, measures, or datasets required by the  
145 Substance Abuse and Mental Health Services Administration of the

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146 United States Department of Health and Human Services in  
147 connection with any grants received by the state. Upon request  
148 of the council, a county, municipality, managing entity, or  
149 state agency must provide the council data or information  
150 required to develop such metrics, measures, or datasets.

151 (h) The council, with assistance and support of the  
152 department, shall provide a system of documentation and  
153 reporting in accordance with the requirements of federal  
154 agencies and any other agencies providing funding to the state,  
155 including auditing expenditures consistent with any requirements  
156 imposed by the Legislature.

157 (i) By December 1, 2023, and annually thereafter, the  
158 council shall provide and publish an annual report. The report  
159 shall contain information on how settlement moneys were spent  
160 the previous fiscal year by the state, each of the managing  
161 entities, and each of the counties and municipalities. The  
162 report shall also contain recommendations to the Governor, the  
163 Legislature, and local governments for how moneys should be  
164 prioritized and spent the coming fiscal year to respond to the  
165 opioid epidemic.

166 (j) The report shall be posted on the websites of the  
167 department and the Department of Legal Affairs.

168 Section 3. This act shall take effect July 1, 2023.