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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: C
05/02/2023 12:32 PM	.	05/03/2023 06:37 PM
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Senator Boyd moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

381.887 Emergency treatment for suspected opioid overdose.—

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



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

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

17 (3) (a) An authorized health care practitioner may prescribe
18 and dispense an emergency opioid antagonist to, and a pharmacist
19 may order an emergency opioid antagonist with an autoinjection
20 delivery system, a prefilled injection device delivery system,
21 or an intranasal application delivery system for, a patient or
22 caregiver for use in accordance with this section.

23 (b) A pharmacist may dispense an emergency opioid
24 antagonist pursuant to a prescription by an authorized health
25 care practitioner. A pharmacist may dispense an emergency opioid
26 antagonist with an autoinjection delivery system, a prefilled
27 injection device delivery system, or an intranasal application
28 delivery system, which must be appropriately labeled with
29 instructions for use, pursuant to a pharmacist's order or
30 pursuant to a nonpatient-specific standing order.

31 Section 2. Section 397.335, Florida Statutes, is created to
32 read:

33 397.335 Statewide Council on Opioid Abatement.—

34 (1) ESTABLISHMENT.—The Statewide Council on Opioid
35 Abatement, an advisory council as defined in s. 20.03(7), is
36 created within the department for the purpose of enhancing the
37 development and coordination of state and local efforts to abate
38 the opioid epidemic and to support the victims and families of
39 the crisis.



40 (2) MEMBERSHIP.—
41 (a) Notwithstanding s. 20.052, the council shall be
42 composed of the following members:
43 1. The Attorney General, or his or her designee, who shall
44 serve as chair.
45 2. The secretary of the department, or his or her designee,
46 who shall serve as vice chair.
47 3. One member appointed by the Governor.
48 4. One member appointed by the President of the Senate.
49 5. One member appointed by the Speaker of the House of
50 Representatives.
51 6. Two members appointed by the Florida League of Cities
52 who are commissioners or mayors of municipalities. One member
53 shall be from a municipality with a population of fewer than
54 50,000 people.
55 7. Two members appointed by or through the Florida
56 Association of Counties who are county commissioners or mayors.
57 One member shall be appointed from a county with a population of
58 fewer than 200,000, and one member shall be appointed from a
59 county with a population of more than 200,000.
60 8. One member who is either a county commissioner or county
61 mayor appointed by the Florida Association of Counties or who is
62 a commissioner or mayor of a municipality appointed by the
63 Florida League of Cities. The Florida Association of Counties
64 shall appoint such member for the initial term, and future
65 appointments must alternate between a member appointed by the
66 Florida League of Cities and a member appointed by the Florida
67 Association of Counties.
68 (b) Each member shall serve a 2-year term. Any vacancy



69 shall be filled in the same manner as the original appointment
70 for the remainder of the unexpired term.

71 (c) A member may not receive a commission, fee, or
72 financial benefit in connection with serving on the council.
73 Council members may be reimbursed for per diem and travel
74 expenses in accordance with s. 112.061 by the state agency that
75 the member represents. If the member is not affiliated with a
76 state agency, the member shall be reimbursed by the department.

77 (3) ORGANIZATION AND SUPPORT.—

78 (a) The first meeting of the council must be held by August
79 31, 2023.

80 (b) The council shall meet quarterly and upon the call of
81 the chair or two other members. Meetings of the council may take
82 place in person or through electronic transmission using
83 communications media technology as described in s.
84 120.54(5)(b)2.

85 (c) A majority of the members of the council shall
86 constitute a quorum.

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

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

94 (f) All members shall adhere to all applicable general law,
95 rules, and regulations, including, but not limited to, s.
96 112.311, concerning the disclosure of conflicts of interest and
97 recusal from discussions or votes on conflicted matters.



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98 (4) DUTIES.-

99 (a) The council shall advise the state and local
100 governments on resolving or abating the opioid epidemic and
101 review how settlement moneys recovered from the opioid
102 litigation brought by the state and its subdivisions have been
103 spent and the results that have been achieved from those
104 expenditures.

105 (b) The council shall work with, provide information to,
106 and receive information from the Statewide Drug Policy Advisory
107 Council and ensure that its recommendations and actions are
108 consistent with that council's recommendations to the extent
109 possible.

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

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

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

124 (f) By August 31 of each year, each county, municipality,
125 managing entity, or state agency that receives settlement funds
126 from an opioid settlement must provide information to the



127 council related to its expenditure of settlement funds and the
128 results obtained from those expenditures.

129 (g) The council shall develop and recommend metrics,
130 measures, or datasets to assess the progress and success of
131 programs funded by expenditures of opioid settlement funds. The
132 council must attempt to keep such metrics, measures, or datasets
133 consistent with those used by the state with managing entities,
134 as well as any metrics, measures, or datasets required by the
135 Substance Abuse and Mental Health Services Administration of the
136 United States Department of Health and Human Services in
137 connection with any grants received by the state. Upon request
138 of the council, a county, municipality, managing entity, or
139 state agency must provide the council data or information
140 required to develop such metrics, measures, or datasets.

141 (h) The council, with assistance and support of the
142 department, shall provide a system of documentation and
143 reporting in accordance with the requirements of federal
144 agencies and any other agencies providing funding to the state,
145 including auditing expenditures consistent with any requirements
146 imposed by the Legislature.

147 (i) By December 1, 2023, and annually thereafter, the
148 council shall provide and publish an annual report. The report
149 shall contain information on how settlement moneys were spent
150 the previous fiscal year by the state, each of the managing
151 entities, and each of the counties and municipalities. The
152 report shall also contain recommendations to the Governor, the
153 Legislature, and local governments for how moneys should be
154 prioritized and spent the coming fiscal year to respond to the
155 opioid epidemic.



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

158 Section 3. Section 1004.0971, Florida Statutes, is created
159 to read:

160 1004.0971 Emergency opioid antagonists in Florida College
161 System institution and state university housing.—

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

163 (a) "Administer" or "administration" means to introduce an
164 emergency opioid antagonist into the body of a person.

165 (b) "Emergency opioid antagonist" means naloxone
166 hydrochloride or any similarly acting drug that blocks the
167 effects of opioids administered from outside the body and that
168 is approved by the United States Food and Drug Administration
169 for the treatment of an opioid overdose.

170 (c) "Institution" means a Florida College System
171 institution or state university.

172 (2) Each institution must have a supply of emergency opioid
173 antagonists with an autoinjection or intranasal application
174 delivery system in each residence hall or dormitory residence
175 owned or operated by the institution for the administration of
176 emergency opioid antagonists to a person believed to be
177 experiencing an opioid overdose.

178 (3) Each institution must place the emergency opioid
179 antagonists in a clearly marked location within each residence
180 hall or dormitory residence. The emergency opioid antagonist
181 must be easily accessible to campus law enforcement officers who
182 are trained in the administration of emergency opioid
183 antagonists.

184 (4) Public and private partnerships are encouraged to cover



185 the cost associated with the purchase and placement of such
186 emergency opioid antagonists.

187 (5) Notwithstanding any other provision of law to the
188 contrary, any campus law enforcement officer trained in the
189 administration of emergency opioid antagonists who administers
190 or attempts to administer an emergency opioid antagonist in
191 compliance with ss. 381.887 and 768.13, and the institution that
192 employs such officer, are immune from civil or criminal
193 liability as a result of such administration or attempted
194 administration of an emergency opioid antagonist.

195 (6) The State Board of Education and the Board of Governors
196 shall adopt rules and regulations, respectively, to administer
197 this section in cooperation with the Department of Health.

198 Section 4. This act shall take effect July 1, 2023.

199
200 ===== T I T L E A M E N D M E N T =====

201 And the title is amended as follows:

202 Delete everything before the enacting clause
203 and insert:

204 A bill to be entitled
205 An act relating to opioid abatement; amending s.
206 381.887, F.S.; revising definitions; revising the
207 types of delivery systems a pharmacist may order or
208 use to dispense an emergency opioid antagonist;
209 creating s. 397.335, F.S.; establishing the Statewide
210 Council on Opioid Abatement within the Department of
211 Children and Families; providing the purpose of the
212 council; providing for membership, organization and
213 support, and duties of the council; creating s.



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214 1004.0971, F.S.; providing definitions; requiring each
215 Florida College System institution and state
216 university to have a supply of emergency opioid
217 antagonists in certain residence halls or dormitory
218 residences; providing requirements for the placement
219 and accessibility of emergency opioid antagonists;
220 encouraging public and private partnerships to cover
221 the costs of such emergency opioid antagonists;
222 providing specified campus law enforcement and Florida
223 College System institutions and state universities
224 immunity from liability for the administration or
225 attempted administration of emergency opioid
226 antagonists under certain circumstances; requiring the
227 State Board of Education and the Board of Governors to
228 adopt rules and regulations, respectively, in
229 cooperation with the Department of Health; providing
230 an effective date.