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2023 Legislature

1  
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; creating s.  
11 1004.0971, F.S.; providing definitions; requiring each  
12 Florida College System institution and state  
13 university to have a supply of emergency opioid  
14 antagonists in certain residence halls or dormitory  
15 residences; providing requirements for the placement  
16 and accessibility of emergency opioid antagonists;  
17 encouraging public and private partnerships to cover  
18 the costs of such emergency opioid antagonists;  
19 providing specified campus law enforcement and Florida  
20 College System institutions and state universities  
21 immunity from liability for the administration or  
22 attempted administration of emergency opioid  
23 antagonists under certain circumstances; requiring the  
24 State Board of Education and the Board of Governors to  
25 adopt rules and regulations, respectively, in

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26 cooperation with the Department of Health; providing  
 27 an effective date.

28

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

30

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

34 381.887 Emergency treatment for suspected opioid  
 35 overdose.—

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

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

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

43 (3) (a) An authorized health care practitioner may  
 44 prescribe and dispense an emergency opioid antagonist to, and a  
 45 pharmacist may order an emergency opioid antagonist with an  
 46 autoinjection delivery system, a prefilled injection device  
 47 delivery system, or an intranasal application delivery system  
 48 for, a patient or caregiver for use in accordance with this  
 49 section.

50 (b) A pharmacist may dispense an emergency opioid

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51 antagonist pursuant to a prescription by an authorized health  
52 care practitioner. A pharmacist may dispense an emergency opioid  
53 antagonist with an autoinjection delivery system, a prefilled  
54 injection device delivery system, or an intranasal application  
55 delivery system, which must be appropriately labeled with  
56 instructions for use, pursuant to a pharmacist's order or  
57 pursuant to a nonpatient-specific standing order.

58 Section 2. Section 397.335, Florida Statutes, is created  
59 to read:

60 397.335 Statewide Council on Opioid Abatement.—

61 (1) ESTABLISHMENT.—The Statewide Council on Opioid  
62 Abatement, an advisory council as defined in s. 20.03(7), is  
63 created within the department for the purpose of enhancing the  
64 development and coordination of state and local efforts to abate  
65 the opioid epidemic and to support the victims and families of  
66 the crisis.

67 (2) MEMBERSHIP.—

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

70 1. The Attorney General, or his or her designee, who shall  
71 serve as chair.

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

74 3. One member appointed by the Governor.

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

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76 5. One member appointed by the Speaker of the House of  
 77 Representatives.

78 6. Two members appointed by the Florida League of Cities  
 79 who are commissioners or mayors of municipalities. One member  
 80 shall be from a municipality with a population of fewer than  
 81 50,000 people.

82 7. Two members appointed by or through the Florida  
 83 Association of Counties who are county commissioners or mayors.  
 84 One member shall be appointed from a county with a population of  
 85 fewer than 200,000, and one member shall be appointed from a  
 86 county with a population of more than 200,000.

87 8. One member who is either a county commissioner or  
 88 county mayor appointed by the Florida Association of Counties or  
 89 who is a commissioner or mayor of a municipality appointed by  
 90 the Florida League of Cities. The Florida Association of  
 91 Counties shall appoint such member for the initial term, and  
 92 future appointments must alternate between a member appointed by  
 93 the Florida League of Cities and a member appointed by the  
 94 Florida Association of Counties.

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

98 (c) A member may not receive a commission, fee, or  
 99 financial benefit in connection with serving on the council.  
 100 Council members may be reimbursed for per diem and travel

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101 expenses in accordance with s. 112.061 by the state agency that  
 102 the member represents. If the member is not affiliated with a  
 103 state agency, the member shall be reimbursed by the department.

104 (3) ORGANIZATION AND SUPPORT.—

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

107 (b) The council shall meet quarterly and upon the call of  
 108 the chair or two other members. Meetings of the council may take  
 109 place in person or through electronic transmission using  
 110 communications media technology as described in s.  
 111 120.54(5)(b)2.

112 (c) A majority of the members of the council shall  
 113 constitute a quorum.

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

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

121 (f) All members shall adhere to all applicable general  
 122 law, rules, and regulations, including, but not limited to, s.  
 123 112.311, concerning the disclosure of conflicts of interest and  
 124 recusal from discussions or votes on conflicted matters.

125 (4) DUTIES.—

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126       (a) The council shall advise the state and local  
 127 governments on resolving or abating the opioid epidemic and  
 128 review how settlement moneys recovered from the opioid  
 129 litigation brought by the state and its subdivisions have been  
 130 spent and the results that have been achieved from those  
 131 expenditures.

132       (b) The council shall work with, provide information to,  
 133 and receive information from the Statewide Drug Policy Advisory  
 134 Council and ensure that its recommendations and actions are  
 135 consistent with that council's recommendations to the extent  
 136 possible.

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

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

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

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151 (f) By August 31 of each year, each county, municipality,  
152 managing entity, or state agency that receives settlement funds  
153 from an opioid settlement must provide information to the  
154 council related to its expenditure of settlement funds and the  
155 results obtained from those expenditures.

156 (g) The council shall develop and recommend metrics,  
157 measures, or datasets to assess the progress and success of  
158 programs funded by expenditures of opioid settlement funds. The  
159 council must attempt to keep such metrics, measures, or datasets  
160 consistent with those used by the state with managing entities,  
161 as well as any metrics, measures, or datasets required by the  
162 Substance Abuse and Mental Health Services Administration of the  
163 United States Department of Health and Human Services in  
164 connection with any grants received by the state. Upon request  
165 of the council, a county, municipality, managing entity, or  
166 state agency must provide the council data or information  
167 required to develop such metrics, measures, or datasets.

168 (h) The council, with assistance and support of the  
169 department, shall provide a system of documentation and  
170 reporting in accordance with the requirements of federal  
171 agencies and any other agencies providing funding to the state,  
172 including auditing expenditures consistent with any requirements  
173 imposed by the Legislature.

174 (i) By December 1, 2023, and annually thereafter, the  
175 council shall provide and publish an annual report. The report

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176 shall contain information on how settlement moneys were spent  
 177 the previous fiscal year by the state, each of the managing  
 178 entities, and each of the counties and municipalities. The  
 179 report shall also contain recommendations to the Governor, the  
 180 Legislature, and local governments for how moneys should be  
 181 prioritized and spent the coming fiscal year to respond to the  
 182 opioid epidemic.

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

185 Section 3. Section 1004.0971, Florida Statutes, is created  
 186 to read:

187 1004.0971 Emergency opioid antagonists in Florida College  
 188 System institution and state university housing.—

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

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

192 (b) "Emergency opioid antagonist" means naloxone  
 193 hydrochloride or any similarly acting drug that blocks the  
 194 effects of opioids administered from outside the body and that  
 195 is approved by the United States Food and Drug Administration  
 196 for the treatment of an opioid overdose.

197 (c) "Institution" means a Florida College System  
 198 institution or state university.

199 (2) Each institution must have a supply of emergency  
 200 opioid antagonists with an autoinjection or intranasal



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201 application delivery system in each residence hall or dormitory  
 202 residence owned or operated by the institution for the  
 203 administration of emergency opioid antagonists to a person  
 204 believed to be experiencing an opioid overdose.

205 (3) Each institution must place the emergency opioid  
 206 antagonists in a clearly marked location within each residence  
 207 hall or dormitory residence. The emergency opioid antagonist  
 208 must be easily accessible to campus law enforcement officers who  
 209 are trained in the administration of emergency opioid  
 210 antagonists.

211 (4) Public and private partnerships are encouraged to  
 212 cover the cost associated with the purchase and placement of  
 213 such emergency opioid antagonists.

214 (5) Notwithstanding any other provision of law to the  
 215 contrary, any campus law enforcement officer trained in the  
 216 administration of emergency opioid antagonists who administers  
 217 or attempts to administer an emergency opioid antagonist in  
 218 compliance with ss. 381.887 and 768.13, and the institution that  
 219 employs such officer, are immune from civil or criminal  
 220 liability as a result of such administration or attempted  
 221 administration of an emergency opioid antagonist.

222 (6) The State Board of Education and the Board of  
 223 Governors shall adopt rules and regulations, respectively, to  
 224 administer this section in cooperation with the Department of  
 225 Health.

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