

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Rules

BILL: HB 259

INTRODUCER: Representative Gerwig and others

SUBJECT: Special Observances

DATE: April 18, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Harmsen	Yeatman	RC	Pre-meeting

I. Summary:

HB 259 designates August 21 of each year as “Fentanyl Awareness and Education Day” to increase awareness of the dangers of fentanyl and potential overdoses.

The bill encourages the Department of Health and Department of Children and Families, local governments, public schools, and other agencies to sponsor events to promote awareness of fentanyl’s dangers, community resources for drug prevention, and substance use and abuse generally.

The bill is not expected to impact state or local government revenues and expenditures.

The bill takes effect July 1, 2025.

II. Present Situation:

Florida Holidays and Special Observances

Chapter 683, F.S., establishes legal holidays and special observance days in Florida. Legal holidays are listed in s. 683.01, F.S., while ss. 683.04 – 683.336, F.S., establish special observance days. Section 683.01, F.S., enumerates legal holidays, which under Florida law are also public holidays. This section also provides that if any legal holiday falls on a Sunday, the next following Monday is deemed a public holiday. Florida currently has 21 legal holidays.

Chapter 683, F.S., includes 40 special observances.¹ Unlike legal holidays, special observances do not directly affect the definition of “legal holidays” in contracts. Special observance days may apply throughout the state, or they may be limited to particular counties. For example, “Gasparilla Day”² is a legal holiday observed only in Hillsborough County, while “Bill of Rights

¹ See ss. 683.04–683.336, F.S.

² Section 683.08, F.S.

Day,”³ if issued by the Governor, is observed throughout the state. While some special observance days encourage recognition in the public schools, others such as the Victims of Communism Day mandate 45 minutes of instruction for high school students enrolled in a required government course.⁴

In 2024, the Florida Legislature designated June 6 of each year as “Revive Awareness Day.” In recognition, the Governor is permitted to annually issue a proclamation designating June 6 as “Revive Awareness Day,” and the Department of Health is encouraged to raise awareness of the dangers of opioid overdose as well as opioid antagonists’ ability to rapidly reverse the effect of opioids.⁵ Several Florida counties held events for Revive Awareness Day throughout the state in 2024, including Duval,⁶ Hillsborough,⁷ Marion,⁸ Miami-Dade,⁹ Okaloosa,¹⁰ Osceola,¹¹ St. Johns,¹² and Seminole¹³ counties.

Fentanyl

“Fentanyl is a powerful synthetic opioid that is similar to morphine but is 50 to 100 times more potent. It is a prescription drug that is also used and made illegally.”¹⁴ In the late 1990s, health care providers began to prescribe opioid pain relievers at greater rates. This subsequently led to

³ Section 683.25, F.S.

⁴ Section 683.334, F.S.

⁵ Ch. 2024-67, Laws of Fla.

⁶ Florida Health Duval County, *Revive Awareness Day Event* (Mar. 30, 2024), <https://duval.floridahealth.gov/events/2024/06/revive-awareness-day-event-06062024.html> (last visited Apr. 16, 2025).

⁷ Health News Florida, *On Florida’s inaugural Revive Awareness Day, free Narcan and overdose awareness* (Jun. 7, 2024), <https://health.wusf.usf.edu/health-news-florida/2024-06-07/health-departments-distribute-narcan-on-revive-awareness-day> (last visited Apr. 16, 2025).

⁸ Florida Health Marion County, *DOH-Marion to Host Revive Awareness Day Event* (Jun. 4, 2024), <https://marion.floridahealth.gov/newsroom/2024/06/Revive-Awareness-Day.html> (last visited Apr. 16, 2025).

⁹ Florida Health Miami-Dade, *DOH-Miami-Dade Observes Revive Awareness Day* (Jun. 6, 2024), <https://miamidade.floridahealth.gov/newsroom/2024/06/2024-06-06-RAD-Observance-PR-MDade.html#:~:text=Miami%2C%20Fla.,at%20305%2D324%2D2400.&text=1350%20NW%2014th%20St.&text=18255%20Homestead%20Ave.&text=All%20Floridians%20need%20to%20know,Limp%20body> (last visited Apr. 16, 2025).

¹⁰ Get the Coast, *Okaloosa County to host Revive Awareness Day event, announce new opioid epidemic efforts* (Jun. 4, 2024), <https://www.getthecoast.com/okaloosa-county-to-host-revive-awareness-day-event-announce-new-opioid-epidemic-efforts/> (last visited Apr. 16, 2025).

¹¹ Florida Health Osceola County, *Revive Awareness Day* (May 31, 2024), <https://osceola.floridahealth.gov/events/2024/05/revive-awareness-day.html> (last visited Apr. 16, 2025).

¹² Florida Health-St. Johns County, *DOH-St. Johns County to Host Revive Awareness Day Event* (Jun. 3, 2024), <https://stjohns.floridahealth.gov/newsroom/2024/06/2024-6-6-revive-awareness-day-pr.html> (last visited Apr. 16, 2025).

¹³ Click Orlando, *Seminole County continues fight against opioid crisis. Here’s how: June 6 marks ‘Revive Awareness Day’* (Jun. 6, 2024), <https://www.clickorlando.com/news/local/2024/06/06/seminole-county-continues-fight-against-opioid-crisis-heres-how/> (last visited Apr. 16, 2025).

¹⁴ National Institute on Drug Abuse, *Fentanyl DrugFacts* (June 2021), <https://nida.nih.gov/publications/drugfacts/fentanyl> (last visited Mar. 27, 2025). As a medicine, fentanyl is “typically used to treat patients with severe pain, especially after surgery[,]” and “is also sometimes used to treat patients with chronic pain who are physically tolerant to other opioids.” *Id.*

widespread misuse of these medications.¹⁵ In 2023, over 115 million pills seized by law enforcement contained illicit fentanyl, while in 2017, only 49,657 pills did.¹⁶

Fentanyl and other synthetic opioids are the most common drugs involved in drug overdose deaths in the United States.¹⁷ In 2023, Fentanyl overdose was the second cause of drug-related deaths in Florida, but when Fentanyl and its analogs are combined, they represent the number-one cause of drug-related deaths.¹⁸

Fentanyl Awareness Day

August 21 is National Fentanyl Prevention and Awareness Day. Established by the federal government in 2022,¹⁹ the day has since been recognized by numerous states, state departments, and local governments, including the Florida Department of Health.²⁰ This day of remembrance honors loved ones who have lost their lives due to fentanyl and aims to raise awareness of the dangers of illegally made fentanyl and the importance of overdose prevention.²¹

Florida Opioid and Fentanyl Crisis

Between the early 2000s and the early 2010s, Florida was infamous as the “pill mill capital” of the country. At the peak of the pill mill crisis, doctors in Florida bought 89 percent of all the oxycodone sold in the county.²² Between 2009 and 2011, the Legislature enacted a series of reforms to combat prescription drug abuse.²³ Subsequently, between 2010 and 2014, deaths from prescription drugs dropped; deaths from illegal opioids, such as fentanyl, however, began to rise.²⁴ In 2022, the most recent year for which national data has been released, Florida ranks second behind California in the highest amount of fentanyl overdose deaths in the country.²⁵

¹⁵ Digital Communications Division, U.S. Dep’t of Health and Human Services, *Opioid Facts and Statistics* (Dec. 16, 2022), <https://www.hhs.gov/opioids/statistics/index.html> (last visited Apr. 16, 2025).

¹⁶ National Institute on Drug Abuse, *Number of Pills Containing Fentanyl Seized by Law Enforcement in the United States, 2017-2023* (May 13, 2024), <https://nida.nih.gov/research-topics/trends-statistics/infographics/number-of-pills-containing-fentanyl-seized-by-law-enforcement-in-the-united-states-2017-2023> (last visited Apr. 16, 2025).

¹⁷ National Institute on Drug Abuse, *Fentanyl DrugFacts*, *supra* note 14.

¹⁸ Florida Statewide Drug Policy Advisory Council, *Statewide Drug Policy Advisory Council 2024 Annual Report* (Dec. 1, 2024), p. 6, <https://www.floridahealth.gov/provider-and-partner-resources/dpac/StatewideDrugPolicyAdvisoryCouncilLegislativeReport.pdf> (last visited Apr. 16, 2025).

¹⁹ See e.g., U.S. Center for Disease Control, *Overdose Prevention: National Fentanyl Prevention and Awareness Day Toolkit*, <https://www.cdc.gov/overdose-prevention/php/toolkits/fentanyl-prevention-awareness-day.html#:~:text=August%201%20marks%20National%20Fentanyl,made%20fentanyl%20and%20save%20lives> (last visited Apr. 16, 2025); Press Release, U.S. Drug Enforcement Administration, *DEA Recognizes National Fentanyl Prevention and Awareness Day* (Aug. 20, 2024).

²⁰ Press Release, The Florida Dep’t of Health, *The Florida Department of Health Recognizes National Fentanyl Awareness Day* (May 10, 2023), <https://www.floridahealth.gov/newsroom/2023/05/20230509-national-fentanyl-awareness-day-pr.html> (last visited Apr. 16, 2025).

²¹ See *supra* note 11.

²² Lizette Alvarez, *Florida Shutting ‘Pill Mill’ Clinics*, THE NEW YORK TIMES (Aug. 31, 2011), <http://www.nytimes.com/2011/09/01/us/01drugs.html> (last visited Apr. 16, 2025).

²³ See chs. 2009-198, 2010-211, and 2011-141, Laws of Fla.; Roger B. Handberg, The Florida Bar, *The Opioid Epidemic in Florida: 2000 to 2017*, 94 FL. BAR J. 18 (2020).

²⁴ Florida Dep’t of Children and Families, *Patterns and Trends of the Opioid Epidemic in Florida: 2018*, p. 8, <https://www.floridahealth.gov/statistics-and-data/e-forcse/fl-seow-annual-report-2018.pdf> (last visited Apr. 16, 2025).

²⁵ National Center for Health Statistics, U.S. Center for Disease Control, *Drug Overdose Mortality by State* (Jan. 10, 2025), https://www.cdc.gov/nchs/pressroom/sosmap/drug_poisoning_mortality/drug_poisoning.htm (last visited Apr. 16, 2025).

According to Florida’s Medical Examiner Commission, the majority of overdose deaths in Florida in 2023 were related to opioids, with 4,962 deaths caused by fentanyl.”²⁶

Recent Actions on Fentanyl and Other Opioids

In 2017, the CDC declared the opioid crisis an epidemic and shortly thereafter, on May 3, 2017, Governor Rick Scott signed executive order 17-146 declaring the opioid epidemic a public health emergency in Florida.²⁷ Subsequent Executive Orders extended the state of emergency through April 2, 2019.²⁸ On April 1, 2019, Governor DeSantis created a Statewide Task Force on Opioid Abuse to research and assess the nature of opioid drug abuse in Florida and develop a statewide strategy to identify best practices to combat the opioid epidemic through education, treatment, prevention, recovery, and law enforcement.²⁹ The Task Force published its findings and recommendations on April 1, 2020.³⁰

In 2019, Florida Attorney General Ashley Moody convened an opioid working group with the primary goal of developing an overview of current programs and providing a practical set of recommendations for the Attorney General to combat the opioid crisis and addiction to opioids throughout the State of Florida. The working group published its findings on March 1, 2019, and concluded that Florida should combat this epidemic with a three-pronged approach to include prevention, enforcement, and treatment, with education being a crucial element of each prong.³¹ In 2023, Florida Attorney General Ashley Moody issued a “warning to Floridians about the flesh-eating ‘zombie drug,’ xylazine,” following a sharp increase in trafficked xylazine and fentanyl mixtures.³²

²⁶ FDLE Medical Examiners Commission, *Drugs Identified in Deceased Persons by Florida Medical Examiners—23023 Annual Report* at 7 (Jan. 2025), <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2023-Annual-Drug-Report-FINAL.aspx> (last visited Apr. 16, 2025).

²⁷ Office of the Governor, *Executive Order Number 17-146*, May 3, 2017 (Opioid Epidemic).

²⁸ Office of the Governor, *Executive Order Number 19-36*, February 1, 2019 (Opioid Epidemic Extension).

²⁹ Office of the Governor, *Executive Order Number 19-97*, April 1, 2019 ((Establishing the Office of Drug Control and the Statewide Task Force on Opioid Abuse to Combat Florida's Substance Abuse Crisis).

³⁰ Florida Statewide Task Force on Opioid Abuse, *Findings and Recommendations of the Statewide Task Force on Opioid Abuse* (Apr. 1, 2020), <https://doseofrealityfl.com/pdfs/opioid-task-force-findings-recommendations-opioid-abuse.pdf> (last visited Apr. 16, 2025).

³¹ Attorney General’s Opioid Working Group, *Florida’s Opioid Epidemic: Recommendations and Best Practices* (March 1, 2019), <https://www.myfloridalegal.com/files/pdf/page/4B6200E9AD8D8BC9852583B00079CEA7/AG+Opioid+Working+Group+Report+Final+2-28-2019.pdf>, (last visited Apr. 16, 2025).

³² News Release, Office of the Attorney General, The State of Florida, *Video: AG Moody Warns of Flesh-Eating Drug Mixed with Fentanyl* (Mar. 22, 2023), <https://www.myfloridalegal.com/newsrelease/video-ag-moody-warns-flesh-eating-drug-mixed-fentanyl> (last visited Apr. 16, 2025). Attorney General Ashley Moody said, “Floridians need to be aware that xylazine is making one of the deadliest drugs in history, fentanyl, even deadlier. Xylazine is a sedative, and therefore resistant to standard opioid reversal treatments such as Narcan. There has never been a more dangerous time to take a chance on any illicit substance, and this drug is only making the problem worse. I’m urging everyone to never use illicit drugs, just one pill or one use can kill.” *Id.*

In 2023, the Florida Legislature established state funding under the State Assistance for Fentanyl Eradication (S.A.F.E.) in Florida program to conduct investigations designed to combat illegal fentanyl activity.³³

“The Facts. Your Future” campaign focuses on supporting students statewide to ensure they receive prevention instruction and encouragement to protect and maintain their health, avoid substance misuse, and discourage risky. This campaign is an interactive approach to ensure students are informed and can make safe decisions as they grow.³⁴

III. Effect of Proposed Changes:

Section 1 creates s. 683.3343, F.S., to designate August 21 of each year as “Fentanyl Awareness and Education Day” to increase awareness of the dangers of fentanyl and the potential to overdose.

The bill encourages the Department of Health, Department of Children and Families, local governments, public schools, and other agencies to sponsor events that promote public awareness and education on the dangers of fentanyl and potential overdoses, including, but not limited to, education on:

- The prevention of fentanyl abuse and addiction;
- The availability of resources for drug prevention at local schools and community resources, as well as any processes involved in accessing those resources; and
- Health issues relating to substance use and abuse, specifically in young people.

Section 2 provides that the act takes effect on July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None identified.

C. Trust Funds Restrictions:

None identified.

³³ Florida Dep’t of Law Enforcement, Office of Planning and Budgeting, *State Assistance for Fentanyl Eradication (S.A.F.E.)*, <https://www.fdle.state.fl.us/FDLE-Grants/Office-of-Planning-and-Budgeting/Programs/SAFE> (last visited Mar. 27, 2025).

³⁴ The Facts. Your Future, *About the Initiative*, <https://thefactsyourfuture.org/> (last visited Mar. 27, 2025).

D. State Tax or Fee Increases:

None identified.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Agencies, local governments, and schools are encouraged, but not required, to sponsor events and education to increase awareness about the dangers of Fentanyl.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 683.3343 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.