

CHAPTER 2023-184

Committee Substitute for Committee Substitute for House Bill No. 783

An act relating to opioid abatement; amending s. 381.887, F.S.; revising definitions; revising the types of delivery systems a pharmacist may order or use to dispense an emergency opioid antagonist; creating s. 397.335, F.S.; establishing the Statewide Council on Opioid Abatement within the Department of Children and Families; providing the purpose of the council; providing for membership, organization and support, and duties of the council; creating s. 1004.0971, F.S.; providing definitions; requiring each Florida College System institution and state university to have a supply of emergency opioid antagonists in certain residence halls or dormitory residences; providing requirements for the placement and accessibility of emergency opioid antagonists; encouraging public and private partnerships to cover the costs of such emergency opioid antagonists; providing specified campus law enforcement and Florida College System institutions and state universities immunity from liability for the administration or attempted administration of emergency opioid antagonists under certain circumstances; requiring the State Board of Education and the Board of Governors to adopt rules and regulations, respectively, in cooperation with the Department of Health; providing an effective date.

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

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:

(b) “Authorized health care practitioner” means a licensed practitioner authorized by the laws of this state to prescribe or dispense drugs.

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

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

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

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

397.335 Statewide Council on Opioid Abatement.—

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

(2) MEMBERSHIP.—

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

1. The Attorney General, or his or her designee, who shall serve as chair.
2. The secretary of the department, or his or her designee, who shall serve as vice chair.
3. One member appointed by the Governor.
4. One member appointed by the President of the Senate.
5. One member appointed by the Speaker of the House of Representatives.
6. Two members appointed by the Florida League of Cities who are commissioners or mayors of municipalities. One member shall be from a municipality with a population of fewer than 50,000 people.
7. Two members appointed by or through the Florida Association of Counties who are county commissioners or mayors. One member shall be appointed from a county with a population of fewer than 200,000, and one member shall be appointed from a county with a population of more than 200,000.
8. One member who is either a county commissioner or county mayor appointed by the Florida Association of Counties or who is a commissioner or mayor of a municipality appointed by the Florida League of Cities. The Florida Association of Counties shall appoint such member for the initial term, and future appointments must alternate between a member appointed

by the Florida League of Cities and a member appointed by the Florida Association of Counties.

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

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

(3) ORGANIZATION AND SUPPORT.—

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

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

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

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

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

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

(4) DUTIES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) “Administer” or “administration” means to introduce an emergency opioid antagonist into the body of a person.

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

(c) “Institution” means a Florida College System institution or state university.

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

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

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

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

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

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

Approved by the Governor June 2, 2023.

Filed in Office Secretary of State June 2, 2023.