

FOR CONSIDERATION By the Committee on Budget

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1                   A bill to be entitled  
2           An act relating to the Office of Drug Control;  
3           amending s. 14.2019, F.S.; relocating the Statewide  
4           Office for Suicide Prevention into the Department of  
5           Children and Family Services; requiring the director  
6           of the Statewide Office for Suicide Prevention to  
7           employ a coordinator for the office; requiring  
8           revenues from grants accepted by the Statewide Office  
9           for Suicide Prevention to be deposited into the Grants  
10          and Donations Trust Fund within the Department of  
11          Children and Family Services rather than the Executive  
12          Office of the Governor; amending s. 14.20195, F.S.;  
13          requiring the director of the Statewide Office for  
14          Suicide Prevention, rather than the director of the  
15          Office of Drug Control, to appoint members to the  
16          Suicide Prevention Coordinating Council; providing  
17          that the director of the Statewide Office for Suicide  
18          Prevention is a nonvoting member of the coordinating  
19          council; repealing s. 311.115, F.S., relating to  
20          Seaport Security Standards Advisory Council within the  
21          Office of Drug Control; amending s. 311.12, F.S.;  
22          deleting the provision that requires the Office of  
23          Drug Control within the Executive Office of the  
24          Governor to maintain a sufficient number of copies of  
25          the standards for seaport security at its offices for  
26          distribution to the public and provide copies to each  
27          affected seaport upon request; conforming provisions  
28          to changes made by the act; amending s. 311.123, F.S.;  
29          deleting the provision that requires the Office of

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30 Drug Control within the Executive Office of the  
31 Governor to create a maritime domain security  
32 awareness training program; amending s. 397.331, F.S.;  
33 conforming provisions to changes made by the act;  
34 repealing s. 397.332, F.S., relating to the creation  
35 of the Office of Drug Control; amending s. 397.333,  
36 F.S.; relocating the Statewide Drug Policy Advisory  
37 Council into the Department of Health; requiring the  
38 Surgeon General or his or her designee, rather than  
39 the director of the Office of Drug Control, to be a  
40 nonvoting, ex officio member of the advisory council;  
41 requiring the department to provide staff support for  
42 the advisory council; revising the state officials  
43 that are appointed to serve on the advisory council;  
44 amending s. 893.055, F.S.; conforming provisions to  
45 changes made by the act; requiring the State Surgeon  
46 General to appoint a board of directors for the  
47 direct-support organization to provide assistance,  
48 funding, and promotional support for the activities  
49 authorized for the prescription drug monitoring  
50 program; requiring the State Surgeon General or his or  
51 her designee, rather than the director of the Office  
52 of Drug Control, to provide guidance to members of the  
53 board of directors; requiring the direct-support  
54 organization to operate under written contract with  
55 the Department of Health rather than the Office of  
56 Drug Control; requiring the activities of the direct-  
57 support organization to be consistent with the goals  
58 and mission of the department rather than the Office

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59 of Drug Control; requiring the direct-support  
60 organization to obtain a written approval from the  
61 State Surgeon General or his or her designee rather  
62 than the director of the Office of Drug Control for  
63 any activities in support of the prescription drug  
64 monitoring program before undertaking the activities;  
65 prohibiting the state from permitting use of any of  
66 its administrative services, property, or facilities  
67 by a direct-support organization under certain  
68 circumstances; amending s. 943.031, F.S.; revising the  
69 membership of the Florida Violent Crime and Drug  
70 Control Council; conforming provisions to changes made  
71 by the act; revising the membership of the Drug  
72 Control Strategy and Criminal Gang Committee; amending  
73 s. 943.042, F.S., relating to the Violent Crime  
74 Investigative Emergency and Drug Control Strategy  
75 Implementation Account; conforming provisions to  
76 changes made by the act; repealing s. 1006.07(7),  
77 F.S., relating to suicide prevention education;  
78 requesting the Division of Statutory Revision of the  
79 Office of Legislative Services to prepare a reviser's  
80 bill to conform the Florida Statutes to the changes  
81 made by the act; providing an effective date.

82

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

84

85 Section 1. Subsections (1), (3), and (4) of section  
86 14.2019, Florida Statutes, are amended to read:

87 14.2019 Statewide Office for Suicide Prevention.—

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88 (1) The Statewide Office for Suicide Prevention shall be  
89 located in the Department of Children and Family Services ~~is~~  
90 ~~created as a unit of the Office of Drug Control within the~~  
91 ~~Executive Office of the Governor.~~

92 (3) Contingent upon a specific appropriation, the director  
93 of the Statewide Office for Suicide Prevention ~~of Drug Control~~  
94 shall employ a coordinator for the ~~Statewide~~ office ~~for Suicide~~  
95 ~~Prevention~~ who shall work under the direction of the director to  
96 achieve the goals and objectives set forth in this section.

97 (4) The Statewide Office for Suicide Prevention may seek  
98 and accept grants or funds from any federal, state, or local  
99 source to support the operation and defray the authorized  
100 expenses of the office and the Suicide Prevention Coordinating  
101 Council. Revenues from grants shall be deposited in the Grants  
102 and Donations Trust Fund within the Department of Children and  
103 Family Services ~~Executive Office of the Governor~~. In accordance  
104 with s. 216.181(11), the Executive Office of the Governor may  
105 request changes to the approved operating budget to allow the  
106 expenditure of any additional grant funds collected pursuant to  
107 this subsection.

108 Section 2. Subsection (2) of section 14.20195, Florida  
109 Statutes, are amended to read:

110 14.20195 Suicide Prevention Coordinating Council; creation;  
111 membership; duties.—There is created within the Statewide Office  
112 for Suicide Prevention a Suicide Prevention Coordinating  
113 Council. The council shall develop strategies for preventing  
114 suicide.

115 (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council  
116 shall consist of 27 ~~28~~ voting members and one nonvoting member.

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117 (a) Thirteen members shall be appointed by the director of  
118 the Statewide Office for Suicide Prevention ~~of Drug Control~~ and  
119 shall represent the following organizations:

- 120 1. The Florida Association of School Psychologists.
- 121 2. The Florida Sheriffs Association.
- 122 3. The Suicide Prevention Action Network USA.
- 123 4. The Florida Initiative of Suicide Prevention.
- 124 5. The Florida Suicide Prevention Coalition.
- 125 6. The American Foundation of Suicide Prevention.
- 126 7. The Florida School Board Association.
- 127 8. The National Council for Suicide Prevention.
- 128 9. The state chapter of AARP.
- 129 10. The Florida Alcohol and Drug Abuse Association.
- 130 11. The Florida Council for Community Mental Health.
- 131 12. The Florida Counseling Association.
- 132 13. NAMI Florida.

133 (b) The following state officials or their designees shall  
134 serve on the coordinating council:

- 135 1. The Secretary of Elderly Affairs.
- 136 2. The State Surgeon General.
- 137 3. The Commissioner of Education.
- 138 4. The Secretary of Health Care Administration.
- 139 5. The Secretary of Juvenile Justice.
- 140 6. The Secretary of Corrections.
- 141 7. The executive director of the Department of Law  
142 Enforcement.
- 143 8. The executive director of the Department of Veterans'  
144 Affairs.
- 145 9. The Secretary of Children and Family Services.

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146 10. The director of the Agency for Workforce Innovation.

147 (c) The Governor shall appoint four additional members to  
148 the coordinating council. The appointees must have expertise  
149 that is critical to the prevention of suicide or represent an  
150 organization that is not already represented on the coordinating  
151 council.

152 (d) For the members appointed by the director of the  
153 Statewide Office for Suicide Prevention ~~of Drug Control~~, seven  
154 members shall be appointed to initial terms of 3 years, and  
155 seven members shall be appointed to initial terms of 4 years.  
156 For the members appointed by the Governor, two members shall be  
157 appointed to initial terms of 4 years, and two members shall be  
158 appointed to initial terms of 3 years. Thereafter, such members  
159 shall be appointed to terms of 4 years. Any vacancy on the  
160 coordinating council shall be filled in the same manner as the  
161 original appointment, and any member who is appointed to fill a  
162 vacancy occurring because of death, resignation, or  
163 ineligibility for membership shall serve only for the unexpired  
164 term of the member's predecessor. A member is eligible for  
165 reappointment.

166 (e) The director of the Statewide Office for Suicide  
167 Prevention ~~of Drug Control~~ shall be a nonvoting member of the  
168 coordinating council and shall act as chair.

169 (f) Members of the coordinating council shall serve without  
170 compensation. Any member of the coordinating council who is a  
171 public employee is entitled to reimbursement for per diem and  
172 travel expenses as provided in s. 112.061.

173 Section 3. Section 311.115, Florida Statutes, is repealed.

174 Section 4. Subsections (1), (3), (8), (10), and (11) of

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175 section 311.12, Florida Statutes, are amended to read:

176 311.12 Seaport security.—

177 (1) SECURITY STANDARDS.—

178 (a) The statewide minimum standards for seaport security  
179 applicable to seaports listed in s. 311.09 shall be those based  
180 on the Florida Seaport Security Assessment 2000 and set forth in  
181 the Port Security Standards Compliance Plan delivered to the  
182 Speaker of the House of Representatives and the President of the  
183 Senate on December 11, 2000. ~~The Office of Drug Control within~~  
184 ~~the Executive Office of the Governor shall maintain a sufficient~~  
185 ~~number of copies of the standards at its offices for~~  
186 ~~distribution to the public and provide copies to each affected~~  
187 ~~seaport upon request.~~

188 (b) A seaport may implement security measures that are more  
189 stringent, more extensive, or supplemental to the minimum  
190 security standards established by this subsection.

191 (c) The provisions of s. 790.251 are not superseded,  
192 preempted, or otherwise modified in any way by the provisions of  
193 this section.

194 (3) SECURITY PLAN.—Each seaport listed in s. 311.09 shall  
195 adopt and maintain a security plan specific to that seaport  
196 which provides for a secure seaport infrastructure that promotes  
197 the safety and security of state residents and visitors and the  
198 flow of legitimate trade and travel.

199 (a) Every 5 years after January 1, 2007, each seaport  
200 director, with the assistance of the Regional Domestic Security  
201 Task Force and in conjunction with the United States Coast  
202 Guard, shall revise the seaport's security plan based on the  
203 director's ongoing assessment of security risks, the risks of

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204 terrorist activities, and the specific and identifiable needs of  
205 the seaport for ensuring that the seaport is in substantial  
206 compliance with the minimum security standards established under  
207 subsection (1).

208 (b) Each adopted or revised security plan must be reviewed  
209 and approved by the ~~Office of Drug Control and the~~ Department of  
210 Law Enforcement for compliance with federal facility security  
211 assessment requirements under 33 C.F.R. s. 105.305 and the  
212 minimum security standards established under subsection (1).  
213 Within 30 days after completion, a copy of the written review  
214 shall be delivered to the United States Coast Guard, the  
215 Regional Domestic Security Task Force, and the Domestic Security  
216 Oversight Council.

217 (8) WAIVER FROM SECURITY REQUIREMENTS.—The ~~Office of Drug~~  
218 ~~Control and the~~ Department of Law Enforcement may modify or  
219 waive any physical facility requirement or other requirement  
220 contained in the minimum security standards upon a determination  
221 that the purposes of the standards have been reasonably met or  
222 exceeded by the seaport requesting the modification or waiver.  
223 An alternate means of compliance must not diminish the safety or  
224 security of the seaport and must be verified through an  
225 extensive risk analysis conducted by the seaport director.

226 (a) Waiver requests shall be submitted in writing, along  
227 with supporting documentation, to the ~~Office of Drug Control and~~  
228 ~~the~~ Department of Law Enforcement. The ~~office and the~~ department  
229 has ~~have~~ 90 days to jointly grant or reject the waiver, in whole  
230 or in part.

231 (b) The seaport may submit any waivers that are not granted  
232 or are jointly rejected to the Domestic Security Oversight



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233 Council for review within 90 days. The council shall recommend  
234 that ~~the Office of Drug Control and~~ the Department of Law  
235 Enforcement grant the waiver or reject the waiver, in whole or  
236 in part. The office and the department shall give great weight  
237 to the council's recommendations.

238 (c) A request seeking a waiver from the seaport law  
239 enforcement personnel standards established under s. 311.122(3)  
240 may not be granted for percentages below 10 percent.

241 (d) Any modifications or waivers granted under this  
242 subsection shall be noted in the annual report submitted by the  
243 Department of Law Enforcement pursuant to subsection (10).

244 (10) REPORTS.—The Department of Law Enforcement, ~~in~~  
245 ~~consultation with the Office of Drug Control,~~ shall annually  
246 complete a report indicating the observations and findings of  
247 all reviews, inspections, or other operations relating to the  
248 seaports conducted during the year and any recommendations  
249 resulting from such reviews, inspections, and operations. A copy  
250 of the report shall be provided to the Governor, the President  
251 of the Senate, the Speaker of the House of Representatives, the  
252 governing body of each seaport or seaport authority, and each  
253 seaport director. The report must include each director's  
254 response indicating what actions, if any, have been taken or are  
255 planned to be taken pursuant to the observations, findings, and  
256 recommendations reported by the department.

257 (11) FUNDING.—

258 (a) In making decisions regarding security projects or  
259 other funding applicable to each seaport listed in s. 311.09,  
260 the Legislature may consider the Department of Law Enforcement's  
261 annual report under subsection (10) as authoritative, especially

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262 regarding each seaport's degree of substantial compliance with  
263 the minimum security standards established in subsection (1).

264 (b) The Legislature shall regularly review the ongoing  
265 costs of operational security on seaports, the impacts of this  
266 section on those costs, mitigating factors that may reduce costs  
267 without reducing security, and the methods by which seaports may  
268 implement operational security using a combination of sworn law  
269 enforcement officers and private security services.

270 (c) Subject to the provisions of this chapter and  
271 appropriations made for seaport security, state funds may not be  
272 expended for security costs without certification of need for  
273 such expenditures by the Office of Ports Administrator within  
274 the Department of Law Enforcement.

275 (d) If funds are appropriated for seaport security, ~~the~~  
276 ~~Office of Drug Control~~, the Department of Law Enforcement, and  
277 the Florida Seaport Transportation and Economic Development  
278 Council shall mutually determine the allocation of such funds  
279 for security project needs identified in the approved seaport  
280 security plans. Any seaport that receives state funds for  
281 security projects must enter into a joint participation  
282 agreement with the appropriate state entity and use the seaport  
283 security plan as the basis for the agreement.

284 1. If funds are made available over more than 1 fiscal  
285 year, the agreement must reflect the entire scope of the project  
286 approved in the security plan and, as practicable, allow for  
287 reimbursement for authorized projects over more than 1 year.

288 2. The agreement may include specific timeframes for  
289 completion of a security project and the applicable funding  
290 reimbursement dates. The agreement may also require a

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291 contractual penalty of up to \$1,000 per day to be imposed for  
292 failure to meet project completion dates if state funding is  
293 available. Any such penalty shall be deposited into the State  
294 Transportation Trust Fund and used for seaport security  
295 operations and capital improvements.

296 Section 5. Subsection (1) of section 311.123, Florida  
297 Statutes, is amended to read:

298 311.123 Maritime domain security awareness training  
299 program.—

300 (1) The Florida Seaport Transportation and Economic  
301 Development Council, in conjunction with the Department of Law  
302 Enforcement ~~and the Office of Drug Control within the Executive~~  
303 ~~Office of the Governor~~, shall create a maritime domain security  
304 awareness training program to instruct all personnel employed  
305 within a seaport's boundaries about the security procedures  
306 required of them for implementation of the seaport security plan  
307 required under s. 311.12(3).

308 Section 6. Subsection (2) of section 397.331, Florida  
309 Statutes, is amended to read:

310 397.331 Definitions; legislative intent.—

311 (2) It is the intent of the Legislature to establish and  
312 institutionalize a rational process for long-range planning,  
313 information gathering, strategic decisionmaking, and funding for  
314 the purpose of limiting substance abuse. The Legislature finds  
315 that the creation of a ~~state Office of Drug Control and a~~  
316 Statewide Drug Policy Advisory Council affords the best means of  
317 establishing and institutionalizing such a process.

318 Section 7. Section 397.332, Florida Statutes, is repealed.

319 Section 8. Paragraphs (a), (b), and (c) of subsection (1)

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320 of section 397.333, Florida Statutes, are amended to read:

321 397.333 Statewide Drug Policy Advisory Council.—

322 (1) (a) The Statewide Drug Policy Advisory Council shall be  
323 located in the Department of Health ~~is created within the~~  
324 ~~Executive Office of the Governor~~. The Surgeon General or his or  
325 her designee ~~director of the Office of Drug Control~~ shall be a  
326 nonvoting, ex officio member of the advisory council and shall  
327 act as chairperson. The director of the Office of Planning and  
328 Budgeting or his or her designee shall be a nonvoting, ex  
329 officio member of the advisory council. The Department of Health  
330 or its successor agency ~~Office of Drug Control and the Office of~~  
331 ~~Planning and Budgeting~~ shall provide staff support for the  
332 advisory council.

333 (b) The following state officials shall be appointed to  
334 serve on the advisory council:

335 1. The Attorney General, or his or her designee.

336 2. The executive director of the Department of Law  
337 Enforcement, or his or her designee.

338 3. The Secretary of Children and Family Services, or his or  
339 her designee.

340 4. The director of the Office of Planning and Budgeting in  
341 the Executive Office of the Governor ~~State Surgeon General~~, or  
342 his or her designee.

343 5. The Secretary of Corrections, or his or her designee.

344 6. The Secretary of Juvenile Justice, or his or her  
345 designee.

346 7. The Commissioner of Education, or his or her designee.

347 8. The executive director of the Department of Highway  
348 Safety and Motor Vehicles, or his or her designee.

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349 9. The Adjutant General of the state as the Chief of the  
350 Department of Military Affairs, or his or her designee.

351 (c) In addition, the Governor shall appoint 7 ~~11~~ members of  
352 the public to serve on the advisory council. Of the 7 ~~11~~  
353 appointed members, one member must have professional or  
354 occupational expertise in drug enforcement, one member must have  
355 professional or occupational expertise in substance abuse  
356 prevention, one member must have professional or occupational  
357 expertise in substance abuse treatment, and two members must  
358 have professional or occupational expertise in faith-based  
359 substance abuse treatment services. The remainder of the members  
360 appointed should have professional or occupational expertise in,  
361 or be generally knowledgeable about, issues that relate to drug  
362 enforcement and substance abuse programs and services. The  
363 members appointed by the Governor must, to the extent possible,  
364 equitably represent all geographic areas of the state.

365 Section 9. Paragraph (b) of subsection (2), and subsections  
366 (11) and (13) of section 893.055, Florida Statutes, are amended  
367 to read:

368 893.055 Prescription drug monitoring program.—

369 (2)

370 (b) The department, ~~when the direct support organization~~  
371 ~~receives at least \$20,000 in nonstate moneys or the state~~  
372 ~~receives at least \$20,000 in federal grants for the prescription~~  
373 ~~drug monitoring program, and in consultation with the Office of~~  
374 ~~Drug Control,~~ shall adopt rules as necessary concerning the  
375 reporting, accessing the database, evaluation, management,  
376 development, implementation, operation, security, and storage of  
377 information within the system, including rules for when patient

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378 advisory reports are provided to pharmacies and prescribers. The  
379 patient advisory report shall be provided in accordance with s.  
380 893.13(7)(a)8. The department shall work with the professional  
381 health care licensure boards, such as the Board of Medicine, the  
382 Board of Osteopathic Medicine, and the Board of Pharmacy; other  
383 appropriate organizations, such as the Florida Pharmacy  
384 Association, ~~the Office of Drug Control~~, the Florida Medical  
385 Association, the Florida Retail Federation, and the Florida  
386 Osteopathic Medical Association, including those relating to  
387 pain management; and the Attorney General, the Department of Law  
388 Enforcement, and the Agency for Health Care Administration to  
389 develop rules appropriate for the prescription drug monitoring  
390 program.

391 (11) ~~The Office of Drug Control, in coordination with the~~  
392 ~~department,~~ may establish a direct-support organization that has  
393 a board consisting of at least five members to provide  
394 assistance, funding, and promotional support for the activities  
395 authorized for the prescription drug monitoring program.

396 (a) As used in this subsection, the term "direct-support  
397 organization" means an organization that is:

398 1. A Florida corporation not for profit incorporated under  
399 chapter 617, exempted from filing fees, and approved by the  
400 Department of State.

401 2. Organized and operated to conduct programs and  
402 activities; raise funds; request and receive grants, gifts, and  
403 bequests of money; acquire, receive, hold, and invest, in its  
404 own name, securities, funds, objects of value, or other  
405 property, either real or personal; and make expenditures or  
406 provide funding to or for the direct or indirect benefit of the

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407 department in the furtherance of the prescription drug  
408 monitoring program.

409 (b) The direct-support organization is not considered a  
410 lobbying firm within the meaning of s. 11.045.

411 (c) The State Surgeon General ~~director of the Office of~~  
412 ~~Drug Control~~ shall appoint a board of directors for the direct-  
413 support organization. The State Surgeon General ~~director~~ may  
414 designate ~~employees of the Office of Drug Control~~, state  
415 employees other than state employees from the department, and  
416 any other nonstate employees as appropriate, to serve on the  
417 board. Members of the board shall serve at the pleasure of the  
418 director of the Office of Drug Control. The State Surgeon  
419 General or his or her designee ~~director~~ shall provide guidance  
420 to members of the board to ensure that moneys received by the  
421 direct-support organization are not received from inappropriate  
422 sources. Inappropriate sources include, but are not limited to,  
423 donors, grantors, persons, or organizations that may monetarily  
424 or substantively benefit from the purchase of goods or services  
425 by the department in furtherance of the prescription drug  
426 monitoring program.

427 (d) The direct-support organization shall operate under  
428 written contract with the department ~~Office of Drug Control~~. The  
429 contract must, at a minimum, provide for:

430 1. Approval of the articles of incorporation and bylaws of  
431 the direct-support organization by the Office of Drug Control.

432 2. Submission of an annual budget for the approval of the  
433 department ~~Office of Drug Control~~.

434 3. Certification by ~~the Office of Drug Control in~~  
435 ~~consultation with~~ the department that the direct-support

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436 organization is complying with the terms of the contract in a  
437 manner consistent with and in furtherance of the goals and  
438 purposes of the prescription drug monitoring program and in the  
439 best interests of the state. Such certification must be made  
440 annually and reported in the official minutes of a meeting of  
441 the direct-support organization.

442 4. The reversion, without penalty, to ~~the Office of Drug~~  
443 ~~Control, or to the state if the Office of Drug Control ceases to~~  
444 ~~exist,~~ of all moneys and property held in trust by the direct-  
445 support organization for the benefit of the prescription drug  
446 monitoring program if the direct-support organization ceases to  
447 exist or if the contract is terminated.

448 5. The fiscal year of the direct-support organization,  
449 which must begin July 1 of each year and end June 30 of the  
450 following year.

451 6. The disclosure of the material provisions of the  
452 contract to donors of gifts, contributions, or bequests,  
453 including such disclosure on all promotional and fundraising  
454 publications, and an explanation to such donors of the  
455 distinction between the department ~~Office of Drug Control~~ and  
456 the direct-support organization.

457 7. The direct-support organization's collecting, expending,  
458 and providing of funds to the department for the development,  
459 implementation, and operation of the prescription drug  
460 monitoring program as described in this section and s. 2,  
461 chapter 2009-198, Laws of Florida, as long as the task force is  
462 authorized. The direct-support organization may collect and  
463 expend funds to be used for the functions of the direct-support  
464 organization's board of directors, as necessary and approved by



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465 the department ~~director of the Office of Drug Control~~. In  
466 addition, the direct-support organization may collect and  
467 provide funding to the department in furtherance of the  
468 prescription drug monitoring program by:

469 a. Establishing and administering the prescription drug  
470 monitoring program's electronic database, including hardware and  
471 software.

472 b. Conducting studies on the efficiency and effectiveness  
473 of the program to include feasibility studies as described in  
474 subsection (13).

475 c. Providing funds for future enhancements of the program  
476 within the intent of this section.

477 d. Providing user training of the prescription drug  
478 monitoring program, including distribution of materials to  
479 promote public awareness and education and conducting workshops  
480 or other meetings, for health care practitioners, pharmacists,  
481 and others as appropriate.

482 e. Providing funds for travel expenses.

483 f. Providing funds for administrative costs, including  
484 personnel, audits, facilities, and equipment.

485 g. Fulfilling all other requirements necessary to implement  
486 and operate the program as outlined in this section.

487 (e) The activities of the direct-support organization must  
488 be consistent with the goals and mission of ~~the Office of Drug~~  
489 ~~Control, as determined by the office in consultation with the~~  
490 department, and in the best interests of the state. The direct-  
491 support organization must obtain a written approval from the  
492 State Surgeon General or his or her designee ~~director of the~~  
493 ~~Office of Drug Control~~ for any activities in support of the

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494 prescription drug monitoring program before undertaking those  
495 activities.

496 ~~(f) The Office of Drug Control, in consultation with the~~  
497 ~~department,~~ may permit, without charge, appropriate use of  
498 administrative services, property, and facilities of ~~the Office~~  
499 ~~of Drug Control~~ and the department by the direct-support  
500 organization, subject to this section. The use must be directly  
501 in keeping with the approved purposes of the direct-support  
502 organization and may not be made at times or places that would  
503 unreasonably interfere with opportunities for the public to use  
504 such facilities for established purposes. Any moneys received  
505 from rentals of facilities and properties managed by the ~~Office~~  
506 ~~of Drug Control~~ and the department may be held by the department  
507 ~~Office of Drug Control~~ or in a separate depository account in  
508 the name of the direct-support organization and subject to the  
509 provisions of the letter of agreement with the department ~~Office~~  
510 ~~of Drug Control~~. The letter of agreement must provide that any  
511 funds held in the separate depository account in the name of the  
512 direct-support organization must revert to the department ~~Office~~  
513 ~~of Drug Control~~ if the direct-support organization is no longer  
514 approved by the department ~~Office of Drug Control~~ to operate in  
515 the best interests of the state.

516 (g) ~~The Office of Drug Control, in consultation with the~~  
517 ~~department,~~ may adopt rules under s. 120.54 to govern the use of  
518 administrative services, property, or facilities of the  
519 department ~~or office~~ by the direct-support organization.

520 (h) The state ~~Office of Drug Control~~ may not permit the use  
521 of any of its administrative services, property, or facilities  
522 ~~of the state~~ by a direct-support organization if that

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523 organization does not provide equal membership and employment  
524 opportunities to all persons regardless of race, color,  
525 religion, gender, age, or national origin.

526 (i) The direct-support organization shall provide for an  
527 independent annual financial audit in accordance with s.  
528 215.981. Copies of the audit shall be provided to the department  
529 ~~Office of Drug Control and the Office of Policy and Budget in~~  
530 ~~the Executive Office of the Governor.~~

531 (j) The direct-support organization may not exercise any  
532 power under s. 617.0302(12) or (16).

533 (13) To the extent that funding is provided for such  
534 purpose through federal or private grants or gifts and other  
535 types of available moneys, the department, ~~in collaboration with~~  
536 ~~the Office of Drug Control,~~ shall study the feasibility of  
537 enhancing the prescription drug monitoring program for the  
538 purposes of public health initiatives and statistical reporting  
539 that respects the privacy of the patient, the prescriber, and  
540 the dispenser. Such a study shall be conducted in order to  
541 further improve the quality of health care services and safety  
542 by improving the prescribing and dispensing practices for  
543 prescription drugs, taking advantage of advances in technology,  
544 reducing duplicative prescriptions and the overprescribing of  
545 prescription drugs, and reducing drug abuse. The requirements of  
546 the National All Schedules Prescription Electronic Reporting  
547 (NASPER) Act are authorized in order to apply for federal NASPER  
548 funding. In addition, the direct-support organization shall  
549 provide funding for the department, ~~in collaboration with the~~  
550 ~~Office of Drug Control,~~ to conduct training for health care  
551 practitioners and other appropriate persons in using the

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552 monitoring program to support the program enhancements.

553 Section 10. Subsections (2) and (5) and paragraph (a) of  
554 subsection (6) of section 943.031, Florida Statutes, are amended  
555 to read:

556 943.031 Florida Violent Crime and Drug Control Council.—

557 (2) MEMBERSHIP.—The council shall consist of 14 members, as  
558 follows:

559 (a) The Attorney General or a designate.

560 (b) A designate of the executive director of the Department  
561 of Law Enforcement.

562 (c) The secretary of the Department of Corrections or a  
563 designate.

564 (d) The Secretary of Juvenile Justice or a designate.

565 (e) The Commissioner of Education or a designate.

566 (f) The president of the Florida Network of Victim/Witness  
567 Services, Inc., or a designate.

568 (g) The policy coordinator in the Public Safety Unit of the  
569 Governor's Office of Planning and Budgeting ~~director of the~~  
570 ~~Office of Drug Control within the Executive Office of the~~  
571 ~~Governor~~, or a designate.

572 (h) The Chief Financial Officer, or a designate.

573 (i) Six members appointed by the Governor, consisting of  
574 two sheriffs, two chiefs of police, one medical examiner, and  
575 one state attorney or their designates.

576

577 The Governor, when making appointments under this subsection,  
578 must take into consideration representation by geography,  
579 population, ethnicity, and other relevant factors to ensure that  
580 the membership of the council is representative of the state at

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581 large. Designates appearing on behalf of a council member who is  
582 unable to attend a meeting of the council are empowered to vote  
583 on issues before the council to the same extent the designating  
584 council member is so empowered.

585 (5) DUTIES OF COUNCIL.—The council shall provide advice and  
586 make recommendations, as necessary, to the executive director of  
587 the department.

588 (a) The council may advise the executive director on the  
589 feasibility of undertaking initiatives which include, but are  
590 not limited to, the following:

591 1. Establishing a program which provides grants to criminal  
592 justice agencies that develop and implement effective violent  
593 crime prevention and investigative programs and which provides  
594 grants to law enforcement agencies for the purpose of drug  
595 control, criminal gang, and illicit money laundering  
596 investigative efforts or task force efforts that are determined  
597 by the council to significantly contribute to achieving the  
598 state's goal of reducing drug-related crime ~~as articulated by~~  
599 ~~the Office of Drug Control~~, that represent significant criminal  
600 gang investigative efforts, that represent a significant illicit  
601 money laundering investigative effort, or that otherwise  
602 significantly support statewide strategies developed by the  
603 Statewide Drug Policy Advisory Council established under s.  
604 397.333, subject to the limitations provided in this section.  
605 The grant program may include an innovations grant program to  
606 provide startup funding for new initiatives by local and state  
607 law enforcement agencies to combat violent crime or to implement  
608 drug control, criminal gang, or illicit money laundering  
609 investigative efforts or task force efforts by law enforcement

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610 agencies, including, but not limited to, initiatives such as:

611       a. Providing enhanced community-oriented policing.

612       b. Providing additional undercover officers and other

613 investigative officers to assist with violent crime

614 investigations in emergency situations.

615       c. Providing funding for multiagency or statewide drug

616 control, criminal gang, or illicit money laundering

617 investigative efforts or task force efforts that cannot be

618 reasonably funded completely by alternative sources and that

619 significantly contribute to achieving the state's goal of

620 reducing drug-related crime ~~as articulated by the Office of Drug~~

621 ~~Control~~, that represent significant criminal gang investigative

622 efforts, that represent a significant illicit money laundering

623 investigative effort, or that otherwise significantly support

624 statewide strategies developed by the Statewide Drug Policy

625 Advisory Council established under s. 397.333.

626       2. Expanding the use of automated fingerprint

627 identification systems at the state and local level.

628       3. Identifying methods to prevent violent crime.

629       4. Identifying methods to enhance multiagency or statewide

630 drug control, criminal gang, or illicit money laundering

631 investigative efforts or task force efforts that significantly

632 contribute to achieving the state's goal of reducing drug-

633 related crime ~~as articulated by the Office of Drug Control~~, that

634 represent significant criminal gang investigative efforts, that

635 represent a significant illicit money laundering investigative

636 effort, or that otherwise significantly support statewide

637 strategies developed by the Statewide Drug Policy Advisory

638 Council established under s. 397.333.

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639           5. Enhancing criminal justice training programs which  
640 address violent crime, drug control, illicit money laundering  
641 investigative techniques, or efforts to control and eliminate  
642 criminal gangs.

643           6. Developing and promoting crime prevention services and  
644 educational programs that serve the public, including, but not  
645 limited to:

646           a. Enhanced victim and witness counseling services that  
647 also provide crisis intervention, information referral,  
648 transportation, and emergency financial assistance.

649           b. A well-publicized rewards program for the apprehension  
650 and conviction of criminals who perpetrate violent crimes.

651           7. Enhancing information sharing and assistance in the  
652 criminal justice community by expanding the use of community  
653 partnerships and community policing programs. Such expansion may  
654 include the use of civilian employees or volunteers to relieve  
655 law enforcement officers of clerical work in order to enable the  
656 officers to concentrate on street visibility within the  
657 community.

658           (b) The full council shall:

659           1. Receive periodic reports from regional violent crime  
660 investigation and statewide drug control strategy implementation  
661 coordinating teams which relate to violent crime trends or the  
662 investigative needs or successes in the regions, including  
663 discussions regarding the activity of significant criminal gangs  
664 in the region, factors, and trends relevant to the  
665 implementation of the statewide drug strategy, and the results  
666 of drug control and illicit money laundering investigative  
667 efforts funded in part by the council.

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668           2. Maintain and use criteria for the disbursement of funds  
669 from the Violent Crime Investigative Emergency and Drug Control  
670 Strategy Implementation Account or any other account from which  
671 the council may disburse proactive investigative funds as may be  
672 established within the Department of Law Enforcement Operating  
673 Trust Fund or other appropriations provided to the Department of  
674 Law Enforcement by the Legislature in the General Appropriations  
675 Act. The criteria shall allow for the advancement of funds to  
676 reimburse agencies regarding violent crime investigations as  
677 approved by the full council and the advancement of funds to  
678 implement proactive drug control strategies or significant  
679 criminal gang investigative efforts as authorized by the Drug  
680 Control Strategy and Criminal Gang Committee or the Victim and  
681 Witness Protection Review Committee. Regarding violent crime  
682 investigation reimbursement, an expedited approval procedure  
683 shall be established for rapid disbursement of funds in violent  
684 crime emergency situations.

685           (c) As used in this section, "significant criminal gang  
686 investigative efforts" eligible for proactive funding must  
687 involve at a minimum an effort against a known criminal gang  
688 that:

689           1. Involves multiple law enforcement agencies.

690           2. Reflects a dedicated significant investigative effort on  
691 the part of each participating agency in personnel, time devoted  
692 to the investigation, and agency resources dedicated to the  
693 effort.

694           3. Reflects a dedicated commitment by a prosecuting  
695 authority to ensure that cases developed by the investigation  
696 will be timely and effectively prosecuted.



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697 4. Demonstrates a strategy and commitment to dismantling  
698 the criminal gang via seizures of assets, significant money  
699 laundering and organized crime investigations and prosecutions,  
700 or similar efforts.

701  
702 The council may require satisfaction of additional elements, to  
703 include reporting criminal investigative and criminal  
704 intelligence information related to criminal gang activity and  
705 members in a manner required by the department, as a  
706 prerequisite for receiving proactive criminal gang funding.

707 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.—

708 (a) The Drug Control Strategy and Criminal Gang Committee  
709 is created within the Florida Violent Crime and Drug Control  
710 Council, consisting of the following council members:

711 1. The Attorney General or a designate.

712 2. The designate of the executive director of the  
713 Department of Law Enforcement.

714 3. The secretary of the Department of Corrections or a  
715 designate.

716 4. The director of the Office of Planning and Budgeting in  
717 the Executive Office of the Governor ~~Drug Control within the~~  
718 ~~Executive Office of the Governor~~ or a designate.

719 5. The state attorney, the two sheriffs, and the two chiefs  
720 of police, or their designates.

721 Section 11. Subsection (1) of section 943.042, Florida  
722 Statutes, is amended to read:

723 943.042 Violent Crime Investigative Emergency and Drug  
724 Control Strategy Implementation Account.—

725 (1) There is created a Violent Crime Investigative

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726 Emergency and Drug Control Strategy Implementation Account  
727 within the Department of Law Enforcement Operating Trust Fund.  
728 The account shall be used to provide emergency supplemental  
729 funds to:

730 (a) State and local law enforcement agencies that ~~which~~ are  
731 involved in complex and lengthy violent crime investigations, or  
732 matching funding to multiagency or statewide drug control or  
733 illicit money laundering investigative efforts or task force  
734 efforts that significantly contribute to achieving the state's  
735 goal of reducing drug-related crime ~~as articulated by the Office~~  
736 ~~of Drug Control~~, that represent a significant illicit money  
737 laundering investigative effort, or that otherwise significantly  
738 support statewide strategies developed by the Statewide Drug  
739 Policy Advisory Council established under s. 397.333;

740 (b) State and local law enforcement agencies that ~~which~~ are  
741 involved in violent crime investigations which constitute a  
742 significant emergency within the state; or

743 (c) Counties that ~~which~~ demonstrate a significant hardship  
744 or an inability to cover extraordinary expenses associated with  
745 a violent crime trial.

746 Section 12. Subsection (7) of section 1006.07, Florida  
747 Statutes, is repealed.

748 Section 13. In accordance with s. 11.242, Florida Statutes,  
749 the Division of Statutory Revision of the Office of Legislative  
750 Services is requested to prepare a reviser's bill for  
751 consideration by the 2012 Regular Session of the Legislature to  
752 conform the Florida Statutes to the changes made by this act.

753 Section 14. This act shall take effect July 1, 2011.