

By the Committee on Budget

576-03639-11

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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.