A bill to be entitled 1 2 An act relating to the Office of Drug Control; repealing 3 s. 397.332, F.S., relating to the Office of Drug Control; 4 amending s. 14.2019, F.S., making conforming changes; 5 placing the Statewide Office for Suicide Prevention and 6 Grants and Donations Trust Fund within the Department of 7 Children and Family Services; amending s. 14.20195, F.S., 8 making conforming changes; naming the director of the 9 Statewide Office for Suicide Prevention as chair and 10 nonvoting member of the Suicide Prevention Coordinating 11 Council; providing for the appointment of members of the council by the director of the Statewide Office for 12 Suicide Prevention; amending s. 311.115, F.S., making 13 14 conforming changes; placing the Seaport Security Standards 15 Advisory Council within the Executive Office of the 16 Governor; providing for the appointment of the chair of the Seaport Security Standards Advisory Council by the 17 Governor; amending s. 311.12, F.S., making conforming 18 19 changes; amending s. 311.123, F.S., making conforming changes; amending s. 397.331, F.S., making conforming 20 21 changes; amending s. 397.333, F.S., making conforming 22 changes; placing the Statewide Drug Policy Advisory 23 Council within the Department of Health; naming the 24 Surgeon General or his or her designee as chairperson and nonvoting member of advisory council; naming the director 25 26 of the Office of Planning and Budgeting or his or her designee as ex officio member of the advisory council; 27 28 directing the Department of Health to provide staff

Page 1 of 17

## PCB HHSC 11-04.DOCX

support for the advisory council; repealing s. 893.055, F.S., relating to the prescription drug monitoring program; repealing s. 893.0551, F.S., relating to the public records exemption for the prescription drug monitoring program; amending s. 943.031, F.S., making conforming changes; naming the Policy Coordinator of the Public Safety Unit, or a designee, of the Governor's Office of Planning and Budgeting as a member of the Florida Violent Crime and Drug Control Council and the Drug Control Strategy and Criminal Gang Committee within the council; amending s. 943.042, F.S., making conforming changes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida: Section 1. Subsections (1), (3), and (4) of section 14.2019, Florida Statutes, are amended to read:

14.2019 Statewide Office for Suicide Prevention.-

- (1) The Statewide Office for Suicide Prevention is created as a unit of the Office of Drug Control within the Department of Children and Family Services Executive Office of the Governor.
- (3) Contingent upon a specific appropriation, the director of the Office of Drug Control shall employ a coordinator for the Statewide Office for Suicide Prevention who shall work under the direction of the director to achieve the goals and objectives set forth in this section.
- (4) The Statewide Office for Suicide Prevention may seek and accept grants or funds from any federal, state, or local source to support the operation and defray the authorized

Page 2 of 17

## PCB HHSC 11-04.DOCX

expenses of the office and the Suicide Prevention Coordinating Council. Revenues from grants shall be deposited in the Grants and Donations Trust Fund within the <u>Department of Children and Family Services Executive Office of the Governor</u>. In accordance with s. 216.181(11), the Executive Office of the Governor may request changes to the approved operating budget to allow the expenditure of any additional grant funds collected pursuant to this subsection.

Section 2. Paragraphs (a), (d), and (e) of subsection (2) of section 14.20195, Florida Statutes, are amended to read:

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

- (2) MEMBERSHIP.—The Suicide Prevention Coordinating Council shall consist of 28 voting members.
- (a) Thirteen members shall be appointed by the director of the <u>Statewide Office for Suicide Prevention</u> <del>Office of Drug</del> <del>Control</del> and shall represent the following organizations:
  - 1. The Florida Association of School Psychologists.
  - 2. The Florida Sheriffs Association.
  - 3. The Suicide Prevention Action Network USA.
  - 4. The Florida Initiative of Suicide Prevention.
  - 5. The Florida Suicide Prevention Coalition.
  - 6. The American Foundation of Suicide Prevention.
  - 7. The Florida School Board Association.
  - 8. The National Council for Suicide Prevention.

Page 3 of 17

## PCB HHSC 11-04.DOCX

57

58

59

60

61

62

63

64

65

66

67

68

6970

71

72

73

74

75

76

77

78

79

80

81

82

83

84

- 9. The state chapter of AARP.
- 10. The Florida Alcohol and Drug Abuse Association.
- 11. The Florida Council for Community Mental Health.
- 12. The Florida Counseling Association.
- 13. NAMI Florida.

- (d) For the members appointed by the director of the Statewide Office for Suicide Prevention Office of Drug Control, seven members shall be appointed to initial terms of 3 years, and seven members shall be appointed to initial terms of 4 years. For the members appointed by the Governor, two members shall be appointed to initial terms of 4 years, and two members shall be appointed to initial terms of 3 years. Thereafter, such members shall be appointed to terms of 4 years. Any vacancy on the coordinating council shall be filled in the same manner as the original appointment, and any member who is appointed to fill a vacancy occurring because of death, resignation, or ineligibility for membership shall serve only for the unexpired term of the member's predecessor. A member is eligible for reappointment.
- (e) The director of the <u>Statewide Office for Suicide</u>

  <u>Prevention Office of Drug Control</u> shall be a nonvoting member of the coordinating council and shall act as chair.
- Section 3. Section 311.115, Florida Statutes, is amended to read:
- 311.115 Seaport Security Standards Advisory Council.—The Seaport Security Standards Advisory Council is created <u>within</u> under the Executive Office of the Governor Office of Drug

- 112 Control. The council shall serve as an advisory council as provided in s. 20.03(7).
  - (1) The members of the council shall be appointed by the Governor and consist of the following:
    - (a) Two seaport directors.

114

115

116

117

118

119

123

124

125

128

131

132

133

134

135

136

- (b) Two seaport security directors.
- (c) One representative of seaport tenants.
- (d) One representative of seaport workers.
- (e) One member from the Department of Law Enforcement.
- (f) One member from the Office of Motor Carrier Compliance of the Department of Transportation.
  - (g) One member from the Office of the Attorney General.
  - (h) One member from the Department of Agriculture and Consumer Services.
- 126 (i) One member from the Office of Tourism, Trade, and 127 Economic Development.
  - (<del>j)</del> One member from the Office of Drug Control.
- 129 <u>(j) (k)</u> One member from the Fish and Wildlife Conservation 130 Commission.
  - $\underline{\text{(k)}}$  The Director of the Division of Emergency Management, or his or her designee.
  - (2) In addition to the members designated in subsection (1), the council may invite a representative of the United States Coast Guard to attend and participate in council meetings as an ex officio, nonvoting member of the council.
- (3) Members of the council shall be appointed to 4-year terms. A vacancy shall be filled by the Governor for the balance of the unexpired term.

Page 5 of 17

- (4) The council chair shall be designated by the Governor from among the appointed members of the council shall be chaired by the member from the Office of Drug Control.
- (5) At least every 4 years after January 15, 2007, the Governor Office of Drug Control shall convene the council to review the minimum security standards referenced in s. 311.12(1) for applicability to and effectiveness in combating current narcotics and terrorism threats to the state's seaports. All sources of information allowed by law shall be used in assessing the applicability and effectiveness of the standards.
- (6) Council members shall serve without pay, but shall be entitled to per diem and travel expenses for attendance at officially called meetings as provided in s. 112.061.
- (7) The council shall consult with the appropriate area maritime security committees to assess possible impacts to commerce and trade contained in the council's nonclassified recommendations and findings.
- (8) The recommendations and findings of the council shall be transmitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.
- Section 4. Paragraph (a) of subsection (1), paragraph (b) of subsection (3), paragraphs (a) and (b) of subsection (8), subsection (10), and paragraph (d) of subsection (11) of section 311.12, Florida Statutes, are amended to read:
  - 311.12 Seaport security.-
  - (1) SECURITY STANDARDS.—
- (a) The statewide minimum standards for seaport security applicable to seaports listed in s. 311.09 shall be those based

Page 6 of 17

## PCB HHSC 11-04.DOCX

on the Florida Seaport Security Assessment 2000 and set forth in the Port Security Standards Compliance Plan delivered to the Speaker of the House of Representatives and the President of the Senate on December 11, 2000. The Office of Drug Control within the Executive Office of the Governor shall maintain a sufficient number of copies of the standards at its offices for distribution to the public and provide copies to each affected seaport upon request.

- (3) SECURITY PLAN.—Each seaport listed in s. 311.09 shall adopt and maintain a security plan specific to that seaport which provides for a secure seaport infrastructure that promotes the safety and security of state residents and visitors and the flow of legitimate trade and travel.
- (b) Each adopted or revised security plan must be reviewed and approved by the Office of Drug Control and the Department of Law Enforcement for compliance with federal facility security assessment requirements under 33 C.F.R. s. 105.305 and the minimum security standards established under subsection (1). Within 30 days after completion, a copy of the written review shall be delivered to the United States Coast Guard, the Regional Domestic Security Task Force, and the Domestic Security Oversight Council.
- (8) WAIVER FROM SECURITY REQUIREMENTS.—The Office of Drug Control and the Department of Law Enforcement may modify or waive any physical facility requirement or other requirement contained in the minimum security standards upon a determination that the purposes of the standards have been reasonably met or exceeded by the seaport requesting the modification or waiver.

Page 7 of 17

An alternate means of compliance must not diminish the safety or security of the seaport and must be verified through an extensive risk analysis conducted by the seaport director.

- (a) Waiver requests shall be submitted in writing, along with supporting documentation, to the Office of Drug Control and the Department of Law Enforcement. The office and the department has have 90 days to jointly grant or reject the waiver, in whole or in part.
- (b) The seaport may submit any waivers that are not granted or are jointly rejected to the Domestic Security Oversight Council for review within 90 days. The council shall recommend that the Office of Drug Control and the Department of Law Enforcement grant the waiver or reject the waiver, in whole or in part. The office and the department shall give great weight to the council's recommendations.
- consultation with the Office of Drug Control, shall annually complete a report indicating the observations and findings of all reviews, inspections, or other operations relating to the seaports conducted during the year and any recommendations resulting from such reviews, inspections, and operations. A copy of the report shall be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives, the governing body of each seaport or seaport authority, and each seaport director. The report must include each director's response indicating what actions, if any, have been taken or are planned to be taken pursuant to the observations, findings, and recommendations reported by the department.

(11) FUNDING.-

- (d) If funds are appropriated for seaport security, the Office of Drug Control, the Department of Law Enforcement, and the Florida Seaport Transportation and Economic Development Council shall mutually determine the allocation of such funds for security project needs identified in the approved seaport security plans. Any seaport that receives state funds for security projects must enter into a joint participation agreement with the appropriate state entity and use the seaport security plan as the basis for the agreement.
- 1. If funds are made available over more than 1 fiscal year, the agreement must reflect the entire scope of the project approved in the security plan and, as practicable, allow for reimbursement for authorized projects over more than 1 year.
- 2. The agreement may include specific timeframes for completion of a security project and the applicable funding reimbursement dates. The agreement may also require a contractual penalty of up to \$1,000 per day to be imposed for failure to meet project completion dates if state funding is available. Any such penalty shall be deposited into the State Transportation Trust Fund and used for seaport security operations and capital improvements.
- Section 5. Subsection (1) of section 311.123, Florida Statutes, is amended to read:
- 311.123 Maritime domain security awareness training program.—
- (1) The Florida Seaport Transportation and Economic Development Council, in conjunction with the Department of Law

Page 9 of 17

## PCB HHSC 11-04.DOCX

Enforcement and the Office of Drug Control within the Executive Office of the Governor, shall create a maritime domain security awareness training program to instruct all personnel employed within a seaport's boundaries about the security procedures required of them for implementation of the seaport security plan required under s. 311.12(3).

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

397.331 Definitions; legislative intent.-

- (2) It is the intent of the Legislature to establish and institutionalize a rational process for long-range planning, information gathering, strategic decisionmaking, and funding for the purpose of limiting substance abuse. The Legislature finds that the creation of a state Office of Drug Control and a Statewide Drug Policy Advisory Council affords the best means of establishing and institutionalizing such a process.
- Section 7. Section 397.332, Florida Statutes, is repealed.

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

  of section 397.333, Florida Statutes, are amended to read:
  - 397.333 Statewide Drug Policy Advisory Council.—
- (1) (a) The Statewide Drug Policy Advisory Council is created within the <u>Department of Health</u> Executive Office of the Governor. The <u>Surgeon General or his or her designee</u> director of the Office of Drug Control shall be a nonvoting, ex officio member of the advisory council and shall act as chairperson. The director of the Office of Planning and Budgeting, or his or her designee, shall be a nonvoting, ex officio member of the advisory council. The department shall provide staff support for

Page 10 of 17

PCB HHSC 11-04.DOCX

the council	. The Offic	<del>ce of Drug</del>	- Control a	<del>nd the Oi</del>	ffice of
<del>Planning an</del>	<del>d Budgeting</del>	shall pro	<del>vide staff</del>	support	for the
advisorv co	uncil.				

- (b) The following state officials shall be appointed to serve on the advisory council:
  - 1. The Attorney General, or his or her designee.
- 2. The executive director of the Department of Law Enforcement, or his or her designee.
- 3. The Secretary of Children and Family Services, or his or her designee.
  - 4. The State Surgeon General, or his or her designee.
  - $\underline{4.5.}$  The Secretary of Corrections, or his or her designee.
- $\underline{5.6.}$  The Secretary of Juvenile Justice, or his or her designee.
- $\underline{6.7.}$  The Commissioner of Education, or his or her designee.
- 7.8. The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.
- 8.9. The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.
- (c) In addition, the Governor shall appoint 7 11 members of the public to serve on the advisory council. Of the 7 11 appointed members, one member must have professional or occupational expertise in drug enforcement, one member must have professional or occupational expertise in substance abuse prevention, one member must have professional or occupational expertise in substance abuse treatment, and two members must have professional or occupational expertise in faith-based

Page 11 of 17

## PCB HHSC 11-04.DOCX

substance abuse treatment services. The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance abuse programs and services. The members appointed by the Governor must, to the extent possible, equitably represent all geographic areas of the state.

Section 9. <u>Section 893.055, Florida Statutes, is repealed.</u> Section 10. Section 893.0551, Florida Statutes, is

# 316 repealed.

308

309

310

311

312

313

314

315

317

318

319

320

321

322

323

324

325

326

327

328

329

330

331

332

333

334

335

Section 11. Subsection (2), paragraph (a) of subsection (5), and paragraph (a) of subsection (6) of section 943.031, Florida Statutes, is amended to read:

943.031 Florida Violent Crime and Drug Control Council.-

- (2) MEMBERSHIP.—The council shall consist of 14 members, as follows:
  - (a) The Attorney General or a designate.
- (b) A designate of the executive director of the Department of Law Enforcement.
- (c) The secretary of the Department of Corrections or a designate.
  - (d) The Secretary of Juvenile Justice or a designate.
  - (e) The Commissioner of Education or a designate.
- (f) The president of the Florida Network of Victim/Witness Services, Inc., or a designate.
- (g) The Policy Coordinator of the Public Safety Unit of
  the Governor's Office of Planning and Budget, or a designee. The
  director of the Office of Drug Control within the Executive
  Office of the Governor, or a designate.

Page 12 of 17

## PCB HHSC 11-04.DOCX

- (h) The Chief Financial Officer, or a designate.
- (i) Six members appointed by the Governor, consisting of two sheriffs, two chiefs of police, one medical examiner, and one state attorney or their designates.

- The Governor, when making appointments under this subsection, must take into consideration representation by geography, population, ethnicity, and other relevant factors to ensure that the membership of the council is representative of the state at large. Designates appearing on behalf of a council member who is unable to attend a meeting of the council are empowered to vote on issues before the council to the same extent the designating council member is so empowered.
- (5) DUTIES OF COUNCIL.—The council shall provide advice and make recommendations, as necessary, to the executive director of the department.
- (a) The council may advise the executive director on the feasibility of undertaking initiatives which include, but are not limited to, the following:
- 1. Establishing a program which provides grants to criminal justice agencies that develop and implement effective violent crime prevention and investigative programs and which provides grants to law enforcement agencies for the purpose of drug control, criminal gang, and illicit money laundering investigative efforts or task force efforts that are determined by the council to significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent significant criminal

Page 13 of 17

PCB HHSC 11-04.DOCX

gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333, subject to the limitations provided in this section. The grant program may include an innovations grant program to provide startup funding for new initiatives by local and state law enforcement agencies to combat violent crime or to implement drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts by law enforcement agencies, including, but not limited to, initiatives such as:

- a. Providing enhanced community-oriented policing.
- b. Providing additional undercover officers and other investigative officers to assist with violent crime investigations in emergency situations.
- c. Providing funding for multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that cannot be reasonably funded completely by alternative sources and that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.
- 2. Expanding the use of automated fingerprint identification systems at the state and local level.

Page 14 of 17

- 3. Identifying methods to prevent violent crime.
- 4. Identifying methods to enhance multiagency or statewide drug control, criminal gang, or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent significant criminal gang investigative efforts, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333.
- 5. Enhancing criminal justice training programs which address violent crime, drug control, illicit money laundering investigative techniques, or efforts to control and eliminate criminal gangs.
- 6. Developing and promoting crime prevention services and educational programs that serve the public, including, but not limited to:
- a. Enhanced victim and witness counseling services that also provide crisis intervention, information referral, transportation, and emergency financial assistance.
- b. A well-publicized rewards program for the apprehension and conviction of criminals who perpetrate violent crimes.
- 7. Enhancing information sharing and assistance in the criminal justice community by expanding the use of community partnerships and community policing programs. Such expansion may include the use of civilian employees or volunteers to relieve law enforcement officers of clerical work in order to enable the

Page 15 of 17

officers to concentrate on street visibility within the community.

- (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.-
- (a) The Drug Control Strategy and Criminal Gang Committee is created within the Florida Violent Crime and Drug Control Council, consisting of the following council members:
  - 1. The Attorney General or a designate.
- 2. The designate of the executive director of the Department of Law Enforcement.
- 3. The secretary of the Department of Corrections or a designate.
- 4. The Policy Coordinator of the Public Safety Unit of the Governor's Office of Planning and Budget, or a designee. The director of the Office of Drug Control within the Executive Office of the Governor or a designate.
- 5. The state attorney, the two sheriffs, and the two chiefs of police, or their designates.
- Section 12. Paragraph (a) of subsection (1) of section 943.042, Florida Statutes, is amended to read:
- 943.042 Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account.—
- (1) There is created a Violent Crime Investigative Emergency and Drug Control Strategy Implementation Account within the Department of Law Enforcement Operating Trust Fund. The account shall be used to provide emergency supplemental funds to:
- (a) State and local law enforcement agencies which are involved in complex and lengthy violent crime investigations, or

Page 16 of 17

matching funding to multiagency or statewide drug control or illicit money laundering investigative efforts or task force efforts that significantly contribute to achieving the state's goal of reducing drug-related crime as articulated by the Office of Drug Control, that represent a significant illicit money laundering investigative effort, or that otherwise significantly support statewide strategies developed by the Statewide Drug Policy Advisory Council established under s. 397.333;

Section 13. This act shall take effect July 1, 2011.