

1 A bill to be entitled
2 An act relating to controlled substances; creating s.
3 456.0301, F.S.; authorizing certain boards to require
4 practitioners to complete a specified board-approved
5 continuing education course to obtain authorization to
6 prescribe controlled substances as part of biennial
7 renewal; providing exceptions; providing course
8 requirements; prohibiting the department from renewing
9 a license of a prescriber under specified
10 circumstances; requiring a licensee to submit
11 confirmation of course completion; providing for each
12 licensing board requiring such continuing education
13 course to include hours of completion with the total
14 hours of continuing education required in certain
15 circumstances; authorizing rulemaking; amending s.
16 456.072, F.S.; authorizing disciplinary action against
17 practitioners for violating specified provisions
18 relating to controlled substances; amending s. 456.44,
19 F.S.; defining the term "acute pain"; providing for
20 the adoption of standards of practice for the
21 treatment of acute pain; providing that failure of a
22 practitioner to follow specified guidelines is grounds
23 for disciplinary action; limiting opioid prescriptions
24 for the treatment of acute pain to a specified period
25 under certain circumstances; authorizing prescriptions

26 | for such opioids for an extended period if specified
27 | requirements are met; amending ss. 458.3265 and
28 | 459.0137, F.S.; requiring certain pain management
29 | clinic owners to register approved exemptions with the
30 | department; requiring certain clinics to obtain
31 | certificates of exemption; providing requirements for
32 | such certificates; authorizing rulemaking relating to
33 | specified exemptions; amending ss. 465.0155 and
34 | 465.0276, F.S.; providing requirements for pharmacists
35 | and practitioners for the dispensing of controlled
36 | substances to persons not known to them; defining the
37 | term "proper identification"; amending s. 893.03,
38 | F.S.; conforming the state controlled substances
39 | schedule to the federal controlled substances
40 | schedule; amending s. 893.055, F.S.; revising and
41 | providing definitions; revising requirements for the
42 | prescription drug monitoring program; authorizing
43 | rulemaking; requiring the department to maintain an
44 | electronic system for certain purposes to meet
45 | specified requirements; requiring certain information
46 | to be reported to the system by a specified time;
47 | specifying direct access to system information;
48 | authorizing department to enter into reciprocal
49 | agreements or contracts to share prescription drug
50 | monitoring information with certain entities;

51 providing requirements for such agreements;
52 authorizing the department to enter into agreements or
53 contracts for secure connections with practitioner
54 electronic systems; requiring specified persons to
55 consult the system for certain purposes within a
56 specified time; providing exceptions to the duty of
57 specified persons to consult the system under certain
58 circumstances; authorizing the department to issue
59 nondisciplinary citations to specified entities for
60 failing to meet certain requirements; prohibiting the
61 failure to report the dispensing of a controlled
62 substance when required to do so; providing penalties;
63 authorizing the department to enter into agreements or
64 contracts for specified purposes; providing for the
65 release of information obtained by the system;
66 allowing specified persons to have direct access to
67 information for the purpose of reviewing the
68 controlled drug prescription history of a patient;
69 providing prescriber or dispenser immunity from
70 liability for review of patient history when acting in
71 good faith; providing construction; prohibiting the
72 department from specified uses of funds; authorizing
73 the department to conduct or participate in studies
74 for specified purposes; requiring an annual report to
75 be submitted to the Governor and Legislature by a

76 | specified date; providing report requirements;
77 | providing exemptions; establishing direct-support
78 | organizations for specified purposes; defining the
79 | term "direct-support organization"; requiring a
80 | direct-support organization to operate under written
81 | contract with the department; providing contract
82 | requirements; requiring the direct-support
83 | organization to obtain written approval from the
84 | department for specified purposes; authorizing
85 | rulemaking; providing for an independent annual
86 | financial audit by the direct-support organization;
87 | providing that copies of such audit be provided to
88 | specified entities; providing for future repeal of
89 | provisions relating to the direct-support
90 | organization; amending s. 893.0551, F.S.; revising
91 | provisions concerning release of information held by
92 | the prescription drug monitoring program; amending ss.
93 | 458.331, 459.015, 463.0055, 782.04, 893.13, 893.135,
94 | and 921.0022, F.S.; correcting cross-references;
95 | conforming provisions to changes made by the act;
96 | providing effective dates.

97 |
98 | Be It Enacted by the Legislature of the State of Florida:
99 |

100 Section 1. Section 456.0301, Florida Statutes, is created
101 to read:

102 456.0301 Requirement for instruction on controlled
103 substance prescribing.-

104 (1)(a) If not already required by the licensee's practice
105 act, the appropriate board shall require each person registered
106 with the United States Drug Enforcement Administration and
107 authorized to prescribe controlled substances pursuant to 21
108 U.S.C. s. 822 to complete a board-approved 2-hour continuing
109 education course on prescribing controlled substances as part of
110 biennial renewal. The course must include information on the
111 current standards regarding for prescribing controlled
112 substances, particularly opiates, alternatives to these
113 standards, and information on the risks of opioid addiction
114 following all stages of treatment in the management of acute
115 pain. The course may be offered in a distance learning format
116 and must be included within the number of continuing education
117 hours required by law. The department may not renew the license
118 of any prescriber registered with the United States Drug
119 Enforcement Administration to prescribe controlled substances
120 that has failed to complete the course. When required by this
121 paragraph, the course shall be completed by January 31, 2019,
122 and at each subsequent renewal.

123 (b) Each such licensee shall submit confirmation of having
124 completed such course when applying for biennial renewal.

125 (c) Each licensing board that requires a licensee to
 126 complete an educational course pursuant to this subsection may
 127 include the hours required for completion of the course in the
 128 total hours of continuing education required by law for such
 129 profession unless the continuing education requirements for such
 130 profession consist of fewer than 30 hours biennially.

131 (2) Each board may adopt rules to administer this section.

132 Section 2. Paragraph (gg) of subsection (1) of section
 133 456.072, Florida Statutes, is amended to read:

134 456.072 Grounds for discipline; penalties; enforcement.—

135 (1) The following acts shall constitute grounds for which
 136 the disciplinary actions specified in subsection (2) may be
 137 taken:

138 (gg) Engaging in a pattern of practice when prescribing
 139 medicinal drugs or controlled substances which demonstrates a
 140 lack of reasonable skill or safety to patients, a violation of
 141 any provision of this chapter or ss. 893.055 and 893.0551, a
 142 violation of the applicable practice act, or a violation of any
 143 rules adopted under this chapter or the applicable practice act
 144 of the prescribing practitioner. Notwithstanding s. 456.073(13),
 145 the department may initiate an investigation and establish such
 146 a pattern from billing records, data, or any other information
 147 obtained by the department.

148 Section 3. Paragraphs (a) through (g) of subsection (1) of
 149 section 456.44, Florida Statutes, are redesignated as paragraphs

150 (b) through (h), respectively, a new paragraph (a) is added to
151 that subsection, subsection (3) is amended, and subsections (4)
152 and (5) are added to that section, to read:

153 456.44 Controlled substance prescribing.—

154 (1) DEFINITIONS.—As used in this section, the term:

155 (a) "Acute pain" means the normal, predicted,
156 physiological, and time-limited response to an adverse chemical,
157 thermal, or mechanical stimulus associated with surgery, trauma,
158 or acute illness.

159 (3) STANDARDS OF PRACTICE FOR TREATMENT OF CHRONIC
160 NONMALIGNANT PAIN.—The standards of practice in this section do
161 not supersede the level of care, skill, and treatment recognized
162 in general law related to health care licensure.

163 (a) A complete medical history and a physical examination
164 must be conducted before beginning any treatment and must be
165 documented in the medical record. The exact components of the
166 physical examination shall be left to the judgment of the
167 registrant who is expected to perform a physical examination
168 proportionate to the diagnosis that justifies a treatment. The
169 medical record must, at a minimum, document the nature and
170 intensity of the pain, current and past treatments for pain,
171 underlying or coexisting diseases or conditions, the effect of
172 the pain on physical and psychological function, a review of
173 previous medical records, previous diagnostic studies, and
174 history of alcohol and substance abuse. The medical record shall

175 | also document the presence of one or more recognized medical
176 | indications for the use of a controlled substance. Each
177 | registrant must develop a written plan for assessing each
178 | patient's risk of aberrant drug-related behavior, which may
179 | include patient drug testing. Registrants must assess each
180 | patient's risk for aberrant drug-related behavior and monitor
181 | that risk on an ongoing basis in accordance with the plan.

182 | (b) Each registrant must develop a written individualized
183 | treatment plan for each patient. The treatment plan shall state
184 | objectives that will be used to determine treatment success,
185 | such as pain relief and improved physical and psychosocial
186 | function, and shall indicate if any further diagnostic
187 | evaluations or other treatments are planned. After treatment
188 | begins, the registrant shall adjust drug therapy to the
189 | individual medical needs of each patient. Other treatment
190 | modalities, including a rehabilitation program, shall be
191 | considered depending on the etiology of the pain and the extent
192 | to which the pain is associated with physical and psychosocial
193 | impairment. The interdisciplinary nature of the treatment plan
194 | shall be documented.

195 | (c) The registrant shall discuss the risks and benefits of
196 | the use of controlled substances, including the risks of abuse
197 | and addiction, as well as physical dependence and its
198 | consequences, with the patient, persons designated by the
199 | patient, or the patient's surrogate or guardian if the patient

200 is incompetent. The registrant shall use a written controlled
201 substance agreement between the registrant and the patient
202 outlining the patient's responsibilities, including, but not
203 limited to:

204 1. Number and frequency of controlled substance
205 prescriptions and refills.

206 2. Patient compliance and reasons for which drug therapy
207 may be discontinued, such as a violation of the agreement.

208 3. An agreement that controlled substances for the
209 treatment of chronic nonmalignant pain shall be prescribed by a
210 single treating registrant unless otherwise authorized by the
211 treating registrant and documented in the medical record.

212 (d) The patient shall be seen by the registrant at regular
213 intervals, not to exceed 3 months, to assess the efficacy of
214 treatment, ensure that controlled substance therapy remains
215 indicated, evaluate the patient's progress toward treatment
216 objectives, consider adverse drug effects, and review the
217 etiology of the pain. Continuation or modification of therapy
218 shall depend on the registrant's evaluation of the patient's
219 progress. If treatment goals are not being achieved, despite
220 medication adjustments, the registrant shall reevaluate the
221 appropriateness of continued treatment. The registrant shall
222 monitor patient compliance in medication usage, related
223 treatment plans, controlled substance agreements, and
224 indications of substance abuse or diversion at a minimum of 3-

225 month intervals.

226 (e) The registrant shall refer the patient as necessary
227 for additional evaluation and treatment in order to achieve
228 treatment objectives. Special attention shall be given to those
229 patients who are at risk for misusing their medications and
230 those whose living arrangements pose a risk for medication
231 misuse or diversion. The management of pain in patients with a
232 history of substance abuse or with a comorbid psychiatric
233 disorder requires extra care, monitoring, and documentation and
234 requires consultation with or referral to an addiction medicine
235 specialist or a psychiatrist.

236 (f) A registrant must maintain accurate, current, and
237 complete records that are accessible and readily available for
238 review and comply with the requirements of this section, the
239 applicable practice act, and applicable board rules. The medical
240 records must include, but are not limited to:

- 241 1. The complete medical history and a physical
242 examination, including history of drug abuse or dependence.
- 243 2. Diagnostic, therapeutic, and laboratory results.
- 244 3. Evaluations and consultations.
- 245 4. Treatment objectives.
- 246 5. Discussion of risks and benefits.
- 247 6. Treatments.
- 248 7. Medications, including date, type, dosage, and quantity
249 prescribed.

250 8. Instructions and agreements.
251 9. Periodic reviews.
252 10. Results of any drug testing.
253 11. A photocopy of the patient's government-issued photo
254 identification.
255 12. If a written prescription for a controlled substance
256 is given to the patient, a duplicate of the prescription.
257 13. The registrant's full name presented in a legible
258 manner.
259 (g) A registrant shall immediately refer patients with
260 signs or symptoms of substance abuse to a board-certified pain
261 management physician, an addiction medicine specialist, or a
262 mental health addiction facility as it pertains to drug abuse or
263 addiction unless the registrant is a physician who is board-
264 certified or board-eligible in pain management. Throughout the
265 period of time before receiving the consultant's report, a
266 prescribing registrant shall clearly and completely document
267 medical justification for continued treatment with controlled
268 substances and those steps taken to ensure medically appropriate
269 use of controlled substances by the patient. Upon receipt of the
270 consultant's written report, the prescribing registrant shall
271 incorporate the consultant's recommendations for continuing,
272 modifying, or discontinuing controlled substance therapy. The
273 resulting changes in treatment shall be specifically documented
274 in the patient's medical record. Evidence or behavioral

275 | indications of diversion shall be followed by discontinuation of
276 | controlled substance therapy, and the patient shall be
277 | discharged, and all results of testing and actions taken by the
278 | registrant shall be documented in the patient's medical record.
279 |

280 | This subsection does not apply to a board-eligible or board-
281 | certified anesthesiologist, physiatrist, rheumatologist, or
282 | neurologist, or to a board-certified physician who has surgical
283 | privileges at a hospital or ambulatory surgery center and
284 | primarily provides surgical services. This subsection does not
285 | apply to a board-eligible or board-certified medical specialist
286 | who has also completed a fellowship in pain medicine approved by
287 | the Accreditation Council for Graduate Medical Education or the
288 | American Osteopathic Association, or who is board eligible or
289 | board certified in pain medicine by the American Board of Pain
290 | Medicine, the American Board of Interventional Pain Physicians,
291 | the American Association of Physician Specialists, or a board
292 | approved by the American Board of Medical Specialties or the
293 | American Osteopathic Association and performs interventional
294 | pain procedures of the type routinely billed using surgical
295 | codes. This subsection does not apply to a registrant who
296 | prescribes medically necessary controlled substances for a
297 | patient during an inpatient stay in a hospital licensed under
298 | chapter 395.

299 (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The
 300 department shall adopt rules establishing guidelines for
 301 prescribing controlled substances for acute pain, including
 302 evaluation of the patient, creation of a treatment plan,
 303 obtaining informed consent and agreement for treatment, periodic
 304 review of the treatment plan, consultation, medical record
 305 review, and compliance with controlled substance laws and
 306 regulations. Failure of a prescriber to follow such guidelines
 307 constitutes grounds for disciplinary action pursuant to s.
 308 456.072(1)(gg), punishable as provided in s. 456.072(2).

309 (5) PRESCRIPTION SUPPLY.—

310 (a) Except as provided in paragraph (b), a prescription
 311 for a Schedule II opioid, as defined in s. 893.03 or 21 U.S.C.
 312 s. 812, for the treatment of acute pain must not exceed a 3-day
 313 supply.

314 (b) An up to 7-day supply of an opioid described in
 315 paragraph (a) may be prescribed if:

316 1. The practitioner, in his or her professional judgment,
 317 believes that more than a 3-day supply of such an opioid is
 318 medically necessary to treat the patient's pain as an acute
 319 medical condition.

320 2. The practitioner indicates "MEDICALLY NECESSARY" on the
 321 prescription.

322 3. The prescriber adequately documents in the patient's
 323 medical records the acute medical condition and lack of

324 alternative treatment options that justify deviation from the 3-
 325 day supply limit established in this subsection.

326 Section 4. Effective January 1, 2019, subsections (2)
 327 through (5) of section 458.3265, Florida Statutes, are
 328 renumbered as subsections (3) through (6), respectively,
 329 paragraphs (a) and (g) of subsection (1), paragraph (a) of
 330 present subsection (2), paragraph (a) of present subsection (3),
 331 and paragraph (a) of present subsection (4) are amended, and a
 332 new subsection (2) is added to that section, to read:

333 458.3265 Pain-management clinics.—

334 (1) REGISTRATION.—

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

336 a. "Board eligible" means successful completion of an
 337 anesthesia, physical medicine and rehabilitation, rheumatology,
 338 or neurology residency program approved by the Accreditation
 339 Council for Graduate Medical Education or the American
 340 Osteopathic Association for a period of 6 years from successful
 341 completion of such residency program.

342 b. "Chronic nonmalignant pain" means pain unrelated to
 343 cancer which persists beyond the usual course of disease or the
 344 injury that is the cause of the pain or more than 90 days after
 345 surgery.

346 c. "Pain-management clinic" or "clinic" means any publicly
 347 or privately owned facility:

348 (I) That advertises in any medium for any type of pain-

349 management services; or

350 (II) Where in any month a majority of patients are
351 prescribed opioids, benzodiazepines, barbiturates, or
352 carisoprodol for the treatment of chronic nonmalignant pain.

353 2. Each pain-management clinic must register with the
354 department or hold a valid certificate of exemption pursuant to
355 subsection (2). ~~unless:~~

356 3. The following clinics are exempt from the registration
357 requirement of paragraphs (c)-(m), and must apply to the
358 department for a certificate of exemption:

359 a. A ~~The~~ clinic ~~is~~ licensed as a facility pursuant to
360 chapter 395;

361 b. A clinic in which the majority of the physicians who
362 provide services in the clinic primarily provide surgical
363 services;

364 c. A ~~The~~ clinic ~~is~~ owned by a publicly held corporation
365 whose shares are traded on a national exchange or on the over-
366 the-counter market and whose total assets at the end of the
367 corporation's most recent fiscal quarter exceeded \$50 million;

368 d. A ~~The~~ clinic ~~is~~ affiliated with an accredited medical
369 school at which training is provided for medical students,
370 residents, or fellows;

371 e. A ~~The~~ clinic that does not prescribe controlled
372 substances for the treatment of pain;

373 f. A ~~The~~ clinic ~~is~~ owned by a corporate entity exempt from

374 federal taxation under 26 U.S.C. s. 501(c) (3);

375 g. A ~~The~~ clinic ~~is~~ wholly owned and operated by one or
376 more board-eligible or board-certified anesthesiologists,
377 physiatrists, rheumatologists, or neurologists; or

378 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a
379 physician multispecialty practice where one or more board-
380 eligible or board-certified medical specialists, who have also
381 completed fellowships in pain medicine approved by the
382 Accreditation Council for Graduate Medical Education or who are
383 also board-certified in pain medicine by the American Board of
384 Pain Medicine or a board approved by the American Board of
385 Medical Specialties, the American Association of Physician
386 Specialists, or the American Osteopathic Association, perform
387 interventional pain procedures of the type routinely billed
388 using surgical codes.

389 (g) The department may revoke the clinic's certificate of
390 registration and prohibit all physicians associated with that
391 pain-management clinic from practicing at that clinic location
392 based upon an annual inspection and evaluation of the factors
393 described in subsection (4)~~(3)~~.

394 (2) CERTIFICATE OF EXEMPTION.-

395 (a) A pain management clinic claiming an exemption from
396 the registration requirements of subsection (1), must apply for
397 a certificate of exemption on a form adopted in rule by the
398 department. The form shall require the applicant to provide:

- 399 1. The name or names under which the applicant does
400 business.
- 401 2. The address at which the pain management clinic is
402 located.
- 403 3. The specific exemption the applicant is claiming with
404 supporting documentation.
- 405 4. Any other information deemed necessary by the
406 department.
- 407 (b) Within 30 days after the receipt of a complete
408 application, the department must approve or deny the
409 application.
- 410 (c) The certificate of exemption must be renewed
411 biennially, except that the department may issue the initial
412 certificates of exemption for up to 3 years in order to stagger
413 renewal dates.
- 414 (d) A certificateholder must prominently display the
415 certificate of exemption and make it available to the department
416 or the board upon request.
- 417 (e) A certificate of exemption is not movable or
418 transferable. A certificate of exemption is valid only for the
419 applicant, qualifying owners, licenses, registrations,
420 certifications, and services provided under a specific statutory
421 exemption and is valid only to the specific exemption claimed
422 and granted.
- 423 (f) A certificateholder must notify the department at

424 least 60 days before any anticipated relocation or name change
425 of the pain management clinic or a change of ownership.

426 (g) If a pain management clinic no longer qualifies for a
427 certificate of exemption, the certificateholder must immediately
428 notify the department and register as a pain management clinic
429 under subsection (1).

430 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
431 apply to any physician who provides professional services in a
432 pain-management clinic that is required to be registered in
433 subsection (1).

434 (a) A physician may not practice medicine in a pain-
435 management clinic, as described in subsection (5)-(4), if the
436 pain-management clinic is not registered with the department as
437 required by this section. Any physician who qualifies to
438 practice medicine in a pain-management clinic pursuant to rules
439 adopted by the Board of Medicine as of July 1, 2012, may
440 continue to practice medicine in a pain-management clinic as
441 long as the physician continues to meet the qualifications set
442 forth in the board rules. A physician who violates this
443 paragraph is subject to disciplinary action by his or her
444 appropriate medical regulatory board.

445 (4)-(3) INSPECTION.—

446 (a) The department shall inspect the pain-management
447 clinic annually, including a review of the patient records, to
448 ensure that it complies with this section and the rules of the

449 Board of Medicine adopted pursuant to subsection (5)~~(4)~~ unless
 450 the clinic is accredited by a nationally recognized accrediting
 451 agency approved by the Board of Medicine.

452 (5)~~(4)~~ RULEMAKING.—

453 (a) The department shall adopt rules necessary to
 454 administer the registration, exemption, and inspection of pain-
 455 management clinics which establish the specific requirements,
 456 procedures, forms, and fees.

457 Section 5. Effective January 1, 2019, subsections (2)
 458 through (5) of section 459.0137, Florida Statutes, are
 459 renumbered as subsections (3) through (6), respectively,
 460 paragraphs (a) and (g) of subsection (1), paragraph (a) of
 461 present subsection (2), paragraph (a) of present subsection (3),
 462 and paragraph (a) of present subsection (4) are amended, and a
 463 new subsection (2) is added to that section, to read:

464 459.0137 Pain-management clinics.—

465 (1) REGISTRATION.—

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

467 a. "Board eligible" means successful completion of an
 468 anesthesia, physical medicine and rehabilitation, rheumatology,
 469 or neurology residency program approved by the Accreditation
 470 Council for Graduate Medical Education or the American
 471 Osteopathic Association for a period of 6 years from successful
 472 completion of such residency program.

473 b. "Chronic nonmalignant pain" means pain unrelated to

474 cancer which persists beyond the usual course of disease or the
 475 injury that is the cause of the pain or more than 90 days after
 476 surgery.

477 c. "Pain-management clinic" or "clinic" means any publicly
 478 or privately owned facility:

479 (I) That advertises in any medium for any type of pain-
 480 management services; or

481 (II) Where in any month a majority of patients are
 482 prescribed opioids, benzodiazepines, barbiturates, or
 483 carisoprodol for the treatment of chronic nonmalignant pain.

484 2. Each pain-management clinic must register with the
 485 department or hold a valid certificate of exemption pursuant to
 486 subsection (2). ~~unless:~~

487 3. The following clinics are exempt from the registration
 488 requirement of paragraphs (c)-(m), and must apply to the
 489 department for a certificate of exemption:

490 a. ~~A That~~ clinic ~~is~~ licensed as a facility pursuant to
 491 chapter 395;

492 b. A clinic in which the majority of the physicians who
 493 provide services in the clinic primarily provide surgical
 494 services;

495 c. ~~A The~~ clinic ~~is~~ owned by a publicly held corporation
 496 whose shares are traded on a national exchange or on the over-
 497 the-counter market and whose total assets at the end of the
 498 corporation's most recent fiscal quarter exceeded \$50 million;

499 d. A ~~The~~ clinic ~~is~~ affiliated with an accredited medical
500 school at which training is provided for medical students,
501 residents, or fellows;

502 e. A ~~The~~ clinic that does not prescribe controlled
503 substances for the treatment of pain;

504 f. A ~~The~~ clinic ~~is~~ owned by a corporate entity exempt from
505 federal taxation under 26 U.S.C. s. 501(c)(3);

506 g. A ~~The~~ clinic ~~is~~ wholly owned and operated by one or
507 more board-eligible or board-certified anesthesiologists,
508 physiatrists, rheumatologists, or neurologists; or

509 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a
510 physician multispecialty practice where one or more board-
511 eligible or board-certified medical specialists, who have also
512 completed fellowships in pain medicine approved by the
513 Accreditation Council for Graduate Medical Education or the
514 American Osteopathic Association or who are also board-certified
515 in pain medicine by the American Board of Pain Medicine or a
516 board approved by the American Board of Medical Specialties, the
517 American Association of Physician Specialists, or the American
518 Osteopathic Association, perform interventional pain procedures
519 of the type routinely billed using surgical codes.

520 (g) The department may revoke the clinic's certificate of
521 registration and prohibit all physicians associated with that
522 pain-management clinic from practicing at that clinic location
523 based upon an annual inspection and evaluation of the factors

524 described in subsection (4)~~(3)~~.

525 (2) CERTIFICATE OF EXEMPTION.-

526 (a) A pain management clinic claiming an exemption from
527 the registration requirements of subsection (1), must apply for
528 a certificate of exemption on a form adopted in rule by the
529 department. The form shall require the applicant to provide:

530 1. The name or names under which the applicant does
531 business.

532 2. The address at which the pain management clinic is
533 located.

534 3. The specific exemption the applicant is claiming with
535 supporting documentation.

536 4. Any other information deemed necessary by the
537 department.

538 (b) Within 30 days after the receipt of a complete
539 application, the department must approve or deny the
540 application.

541 (c) The certificate of exemption must be renewed
542 biennially, except that the department may issue the initial
543 certificates of exemption for up to 3 years in order to stagger
544 renewal dates.

545 (d) A certificateholder must prominently display the
546 certificate of exemption and make it available to the department
547 or the board upon request.

548 (e) A certificate of exemption is not movable or

549 transferable. A certificate of exemption is valid only for the
550 applicant, qualifying owners, licenses, registrations,
551 certifications, and services provided under a specific statutory
552 exemption and is valid only to the specific exemption claimed
553 and granted.

554 (f) A certificateholder must notify the department at
555 least 60 days before any anticipated relocation or name change
556 of the pain management clinic or a change of ownership.

557 (g) If a pain management clinic no longer qualifies for a
558 certificate of exemption, the certificateholder must immediately
559 notify the department and register as a pain management clinic
560 under subsection (1).

561 (3)~~(2)~~ PHYSICIAN RESPONSIBILITIES.—These responsibilities
562 apply to any osteopathic physician who provides professional
563 services in a pain-management clinic that is required to be
564 registered in subsection (1).

565 (a) An osteopathic physician may not practice medicine in
566 a pain-management clinic, as described in subsection (5)~~(4)~~, if
567 the pain-management clinic is not registered with the department
568 as required by this section. Any physician who qualifies to
569 practice medicine in a pain-management clinic pursuant to rules
570 adopted by the Board of Osteopathic Medicine as of July 1, 2012,
571 may continue to practice medicine in a pain-management clinic as
572 long as the physician continues to meet the qualifications set
573 forth in the board rules. An osteopathic physician who violates

574 | this paragraph is subject to disciplinary action by his or her
 575 | appropriate medical regulatory board.

576 | (4)~~(3)~~ INSPECTION.—

577 | (a) The department shall inspect the pain-management
 578 | clinic annually, including a review of the patient records, to
 579 | ensure that it complies with this section and the rules of the
 580 | Board of Osteopathic Medicine adopted pursuant to subsection
 581 | (5)~~(4)~~ unless the clinic is accredited by a nationally
 582 | recognized accrediting agency approved by the Board of
 583 | Osteopathic Medicine.

584 | (5)~~(4)~~ RULEMAKING.—

585 | (a) The department shall adopt rules necessary to
 586 | administer the registration, exemption, and inspection of pain-
 587 | management clinics which establish the specific requirements,
 588 | procedures, forms, and fees.

589 | Section 6. Section 465.0155, Florida Statutes, is amended
 590 | to read:

591 | 465.0155 Standards of practice.—

592 | (1) Consistent with the provisions of this act, the board
 593 | shall adopt by rule standards of practice relating to the
 594 | practice of pharmacy which shall be binding on every state
 595 | agency and shall be applied by such agencies when enforcing or
 596 | implementing any authority granted by any applicable statute,
 597 | rule, or regulation, whether federal or state.

598 | (2) (a) Before dispensing a controlled substance to a

599 person not known to the pharmacist, the pharmacist must require
 600 the person purchasing, receiving, or otherwise acquiring the
 601 controlled substance to present valid photographic
 602 identification or other verification of his or her identity. If
 603 the person does not have proper identification, the pharmacist
 604 may verify the validity of the prescription and the identity of
 605 the patient with the prescriber or his or her authorized agent.
 606 Verification of health plan eligibility through a real-time
 607 inquiry or adjudication system is considered to be proper
 608 identification.

609 (b) This subsection does not apply in an institutional
 610 setting or to a long-term care facility, including, but not
 611 limited to, an assisted living facility or a hospital to which
 612 patients are admitted.

613 (c) As used in this subsection, the term "proper
 614 identification" means an identification that is issued by a
 615 state or the Federal Government containing the person's
 616 photograph, printed name, and signature or a document considered
 617 acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

618 Section 7. Paragraph (d) is added to subsection (2) of
 619 section 465.0276, Florida Statutes, to read:

620 465.0276 Dispensing practitioner.—

621 (2) A practitioner who dispenses medicinal drugs for human
 622 consumption for fee or remuneration of any kind, whether direct
 623 or indirect, must:

624 (d)1. Before dispensing a controlled substance to a person
625 not known to the dispenser, require the person purchasing,
626 receiving, or otherwise acquiring the controlled substance to
627 present valid photographic identification or other verification
628 of his or her identity. If the person does not have proper
629 identification, the dispenser may verify the validity of the
630 prescription and the identity of the patient with the prescriber
631 or his or her authorized agent. Verification of health plan
632 eligibility through a real-time inquiry or adjudication system
633 is considered to be proper identification.

634 2. This paragraph does not apply in an institutional
635 setting or to a long-term care facility, including, but not
636 limited to, an assisted living facility or a hospital to which
637 patients are admitted.

638 3. As used in this paragraph, the term "proper
639 identification" means an identification that is issued by a
640 state or the Federal Government containing the person's
641 photograph, printed name, and signature or a document considered
642 acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

643 Section 8. Subsections (2), (3), (4), and (5) of section
644 893.03, Florida Statutes, are amended to read:

645 893.03 Standards and schedules.—The substances enumerated
646 in this section are controlled by this chapter. The controlled
647 substances listed or to be listed in Schedules I, II, III, IV,
648 and V are included by whatever official, common, usual,

649 chemical, trade name, or class designated. The provisions of
650 this section shall not be construed to include within any of the
651 schedules contained in this section any excluded drugs listed
652 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
653 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
654 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
655 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
656 Anabolic Steroid Products."

657 (2) SCHEDULE II.—A substance in Schedule II has a high
658 potential for abuse and has a currently accepted but severely
659 restricted medical use in treatment in the United States, and
660 abuse of the substance may lead to severe psychological or
661 physical dependence. The following substances are controlled in
662 Schedule II:

663 (a) Unless specifically excepted or unless listed in
664 another schedule, any of the following substances, whether
665 produced directly or indirectly by extraction from substances of
666 vegetable origin or independently by means of chemical
667 synthesis:

668 1. Opium and any salt, compound, derivative, or
669 preparation of opium, except nalmefene or isoquinoline alkaloids
670 of opium, including, but not limited to the following:

- 671 a. Raw opium.
672 b. Opium extracts.
673 c. Opium fluid extracts.

- 674 d. Powdered opium.
- 675 e. Granulated opium.
- 676 f. Tincture of opium.
- 677 g. Codeine.
- 678 h. Dihydroetorphine.
- 679 ~~i.h.~~ Ethylmorphine.
- 680 ~~j.i.~~ Etorphine hydrochloride.
- 681 ~~k.j.~~ Hydrocodone and hydrocodone combination products.
- 682 ~~l.k.~~ Hydromorphone.
- 683 ~~m.l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
- 684 acetylmethadol, levomethadyl acetate, or LAAM).
- 685 ~~n.m.~~ Metopon (methyldihydromorphinone).
- 686 ~~o.n.~~ Morphine.
- 687 p. Oripavine.
- 688 ~~q.o.~~ Oxycodone.
- 689 ~~r.p.~~ Oxymorphone.
- 690 ~~s.q.~~ Thebaine.
- 691 2. Any salt, compound, derivative, or preparation of a
- 692 substance which is chemically equivalent to or identical with
- 693 any of the substances referred to in subparagraph 1., except
- 694 that these substances shall not include the isoquinoline
- 695 alkaloids of opium.
- 696 3. Any part of the plant of the species *Papaver*
- 697 *somniferum*, L.
- 698 4. Cocaine or ecgonine, including any of their

699 stereoisomers, and any salt, compound, derivative, or
700 preparation of cocaine or ecgonine, except that these substances
701 shall not include ioflupane I 123.

702 (b) Unless specifically excepted or unless listed in
703 another schedule, any of the following substances, including
704 their isomers, esters, ethers, salts, and salts of isomers,
705 esters, and ethers, whenever the existence of such isomers,
706 esters, ethers, and salts is possible within the specific
707 chemical designation:

- 708 1. Alfentanil.
- 709 2. Alphaprodine.
- 710 3. Anileridine.
- 711 4. Bezitramide.
- 712 5. Bulk propoxyphene (nondosage forms).
- 713 6. Carfentanil.
- 714 7. Dihydrocodeine.
- 715 8. Diphenoxylate.
- 716 9. Fentanyl.
- 717 10. Isomethadone.
- 718 11. Levomethorphan.
- 719 12. Levorphanol.
- 720 13. Metazocine.
- 721 14. Methadone.
- 722 15. Methadone-Intermediate, 4-cyano-2-
723 dimethylamino-4,4-diphenylbutane.

- 724 16. Moramide-Intermediate, 2-methyl-
 725 3-morpholino-1,1-diphenylpropane-carboxylic acid.
 726 17. Nabilone.
 727 18. Pethidine (meperidine).
 728 19. Pethidine-Intermediate-A, 4-cyano-1-
 729 methyl-4-phenylpiperidine.
 730 20. Pethidine-Intermediate-B, ethyl-4-
 731 phenylpiperidine-4-carboxylate.
 732 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
 733 4-carboxylic acid.
 734 22. Phenazocine.
 735 23. Phencyclidine.
 736 24. 1-Phenylcyclohexylamine.
 737 25. Piminodine.
 738 26. 1-Piperidinocyclohexanecarbonitrile.
 739 27. Racemethorphan.
 740 28. Racemorphan.
 741 29. Remifentanil.
 742 30.~~29.~~ Sufentanil.
 743 31. Tapentadol.
 744 32. Thiafentanil.
 745 (c) Unless specifically excepted or unless listed in
 746 another schedule, any material, compound, mixture, or
 747 preparation which contains any quantity of the following
 748 substances, including their salts, isomers, optical isomers,

749 salts of their isomers, and salts of their optical isomers:

- 750 1. Amobarbital.
- 751 2. Amphetamine.
- 752 3. Glutethimide.
- 753 4. Lisdexamfetamine.
- 754 ~~5.4.~~ Methamphetamine.
- 755 ~~6.5.~~ Methylphenidate.
- 756 ~~7.6.~~ Pentobarbital.
- 757 ~~8.7.~~ Phenmetrazine.
- 758 ~~9.8.~~ Phenylacetone.
- 759 ~~10.9.~~ Secobarbital.

760 (d) Dronabinol (synthetic THC) in oral solution in a drug
 761 product approved by the United States Food and Drug
 762 Administration.

763 (3) SCHEDULE III.—A substance in Schedule III has a
 764 potential for abuse less than the substances contained in
 765 Schedules I and II and has a currently accepted medical use in
 766 treatment in the United States, and abuse of the substance may
 767 lead to moderate or low physical dependence or high
 768 psychological dependence or, in the case of anabolic steroids,
 769 may lead to physical damage. The following substances are
 770 controlled in Schedule III:

771 (a) Unless specifically excepted or unless listed in
 772 another schedule, any material, compound, mixture, or
 773 preparation which contains any quantity of the following

774 substances having a depressant or stimulant effect on the
 775 nervous system:

776 1. Any substance which contains any quantity of a
 777 derivative of barbituric acid, including thiobarbituric acid, or
 778 any salt of a derivative of barbituric acid or thiobarbituric
 779 acid, including, but not limited to, butabarbital and
 780 butalbital.

781 2. Benzphetamine.

782 3. Buprenorphine.

783 ~~4.3.~~ Chlorhexadol.

784 ~~5.4.~~ Chlorphentermine.

785 ~~6.5.~~ Clortermine.

786 7. Embutramide.

787 ~~8.6.~~ Lysergic acid.

788 ~~9.7.~~ Lysergic acid amide.

789 ~~10.8.~~ Methyprylon.

790 11. Perampanel.

791 ~~12.9.~~ Phendimetrazine.

792 ~~13.10.~~ Sulfondiethylmethane.

793 ~~14.11.~~ Sulfonethylmethane.

794 ~~15.12.~~ Sulfonmethane.

795 ~~16.13.~~ Tiletamine and zolazepam or any salt thereof.

796 (b) Nalorphine.

797 (c) Unless specifically excepted or unless listed in
 798 another schedule, any material, compound, mixture, or

799 preparation containing limited quantities of any of the
800 following controlled substances or any salts thereof:

801 1. Not more than 1.8 grams of codeine per 100 milliliters
802 or not more than 90 milligrams per dosage unit, with an equal or
803 greater quantity of an isoquinoline alkaloid of opium.

804 2. Not more than 1.8 grams of codeine per 100 milliliters
805 or not more than 90 milligrams per dosage unit, with recognized
806 therapeutic amounts of one or more active ingredients which are
807 not controlled substances.

808 3. Not more than 300 milligrams of hydrocodone per 100
809 milliliters or not more than 15 milligrams per dosage unit, with
810 a fourfold or greater quantity of an isoquinoline alkaloid of
811 opium.

812 4. Not more than 300 milligrams of hydrocodone per 100
813 milliliters or not more than 15 milligrams per dosage unit, with
814 recognized therapeutic amounts of one or more active ingredients
815 that are not controlled substances.

816 5. Not more than 1.8 grams of dihydrocodeine per 100
817 milliliters or not more than 90 milligrams per dosage unit, with
818 recognized therapeutic amounts of one or more active ingredients
819 which are not controlled substances.

820 6. Not more than 300 milligrams of ethylmorphine per 100
821 milliliters or not more than 15 milligrams per dosage unit, with
822 one or more active, nonnarcotic ingredients in recognized
823 therapeutic amounts.

824 7. Not more than 50 milligrams of morphine per 100
825 milliliters or per 100 grams, with recognized therapeutic
826 amounts of one or more active ingredients which are not
827 controlled substances.

828

829 For purposes of charging a person with a violation of s. 893.135
830 involving any controlled substance described in subparagraph 3.
831 or subparagraph 4., the controlled substance is a Schedule III
832 controlled substance pursuant to this paragraph but the weight
833 of the controlled substance per milliliters or per dosage unit
834 is not relevant to the charging of a violation of s. 893.135.
835 The weight of the controlled substance shall be determined
836 pursuant to s. 893.135(6).

837 (d) Anabolic steroids.

838 1. The term "anabolic steroid" means any drug or hormonal
839 substance, chemically and pharmacologically related to
840 testosterone, other than estrogens, progestins, and
841 corticosteroids, that promotes muscle growth and includes:

842 a. Androsterone.

843 b. Androsterone acetate.

844 c. Boldenone.

845 d. Boldenone acetate.

846 e. Boldenone benzoate.

847 f. Boldenone undecylenate.

848 g. Chlorotestosterone (Clostebol).

- 849 | h. Dehydrochlormethyltestosterone.
- 850 | i. Dihydrotestosterone (Stanolone).
- 851 | j. Drostanolone.
- 852 | k. Ethylestrenol.
- 853 | l. Fluoxymesterone.
- 854 | m. Formebolone (Formebolone).
- 855 | n. Mesterolone.
- 856 | o. Methandrostenolone (Methandienone).
- 857 | p. Methandranone.
- 858 | q. Methandriol.
- 859 | r. Methenolone.
- 860 | s. Methyltestosterone.
- 861 | t. Mibolerone.
- 862 | u. Nortestosterone (Nandrolone).
- 863 | v. Norethandrolone.
- 864 | w. Nortestosterone decanoate.
- 865 | x. Nortestosterone phenylpropionate.
- 866 | y. Nortestosterone propionate.
- 867 | z. Oxandrolone.
- 868 | aa. Oxymesterone.
- 869 | bb. Oxymetholone.
- 870 | cc. Stanozolol.
- 871 | dd. Testolactone.
- 872 | ee. Testosterone.
- 873 | ff. Testosterone acetate.

- 874 gg. Testosterone benzoate.
 - 875 hh. Testosterone cypionate.
 - 876 ii. Testosterone decanoate.
 - 877 jj. Testosterone enanthate.
 - 878 kk. Testosterone isocaproate.
 - 879 ll. Testosterone oleate.
 - 880 mm. Testosterone phenylpropionate.
 - 881 nn. Testosterone propionate.
 - 882 oo. Testosterone undecanoate.
 - 883 pp. Trenbolone.
 - 884 qq. Trenbolone acetate.
 - 885 rr. Any salt, ester, or isomer of a drug or substance
 - 886 described or listed in this subparagraph if that salt, ester, or
 - 887 isomer promotes muscle growth.
- 888 2. The term does not include an anabolic steroid that is
- 889 expressly intended for administration through implants to cattle
- 890 or other nonhuman species and that has been approved by the
- 891 United States Secretary of Health and Human Services for such
- 892 administration. However, any person who prescribes, dispenses,
- 893 or distributes such a steroid for human use is considered to
- 894 have prescribed, dispensed, or distributed an anabolic steroid
- 895 within the meaning of this paragraph.
- 896 (e) Ketamine, including any isomers, esters, ethers,
- 897 salts, and salts of isomers, esters, and ethers, whenever the
- 898 existence of such isomers, esters, ethers, and salts is possible

899 | within the specific chemical designation.

900 | (f) Dronabinol (synthetic THC) in sesame oil and
 901 | encapsulated in a soft gelatin capsule in a drug product
 902 | approved by the United States Food and Drug Administration.

903 | (g) Any drug product containing gamma-hydroxybutyric acid,
 904 | including its salts, isomers, and salts of isomers, for which an
 905 | application is approved under s. 505 of the Federal Food, Drug,
 906 | and Cosmetic Act.

907 | (4) (a) SCHEDULE IV.—A substance in Schedule IV has a low
 908 | potential for abuse relative to the substances in Schedule III
 909 | and has a currently accepted medical use in treatment in the
 910 | United States, and abuse of the substance may lead to limited
 911 | physical or psychological dependence relative to the substances
 912 | in Schedule III.

913 | (b) Unless specifically excepted or unless listed in
 914 | another schedule, any material, compound, mixture, or
 915 | preparation which contains any quantity of the following
 916 | substances, including its salts, isomers, and salts of isomers
 917 | whenever the existence of such salts, isomers, and salts of
 918 | isomers is possible within the specific chemical designation,
 919 | are controlled in Schedule IV:

- 920 | 1. Alfaxalone.
- 921 | 2.~~(a)~~ Alprazolam.
- 922 | 3.~~(b)~~ Barbital.
- 923 | 4.~~(c)~~ Bromazepam.

- 924 | 5.~~(iii)~~ Butorphanol tartrate.
- 925 | 6.~~(d)~~ Camazepam.
- 926 | 7.~~(jjj)~~ Carisoprodol.
- 927 | 8.~~(e)~~ Cathine.
- 928 | 9.~~(f)~~ Chloral betaine.
- 929 | 10.~~(g)~~ Chloral hydrate.
- 930 | 11.~~(h)~~ Chlordiazepoxide.
- 931 | 12.~~(i)~~ Clobazam.
- 932 | 13.~~(j)~~ Clonazepam.
- 933 | 14.~~(k)~~ Clorazepate.
- 934 | 15.~~(l)~~ Clotiazepam.
- 935 | 16.~~(m)~~ Cloxazolam.
- 936 | 17. Dexfenfluramine.
- 937 | 18.~~(n)~~ Delorazepam.
- 938 | 19. Dichloralphenazone.
- 939 | 20.~~(p)~~ Diazepam.
- 940 | 21.~~(q)~~ Diethylpropion.
- 941 | 22. Eluxadoline.
- 942 | 23.~~(r)~~ Estazolam.
- 943 | 24. Eszopiclone.
- 944 | 25.~~(s)~~ Ethchlorvynol.
- 945 | 26.~~(t)~~ Ethinamate.
- 946 | 27.~~(u)~~ Ethyl loflazepate.
- 947 | 28.~~(v)~~ Fencamfamin.
- 948 | 29.~~(w)~~ Fenfluramine.

- 949 | 30.~~(x)~~ Fenproporex.
- 950 | 31.~~(y)~~ Fludiazepam.
- 951 | 32.~~(z)~~ Flurazepam.
- 952 | 33. Fospropofol.
- 953 | 34.~~(aa)~~ Halazepam.
- 954 | 35.~~(bb)~~ Haloxazolam.
- 955 | 36.~~(cc)~~ Ketazolam.
- 956 | 37.~~(dd)~~ Loprazolam.
- 957 | 38.~~(ee)~~ Lorazepam.
- 958 | 39. Lorcaserin.
- 959 | 40.~~(ff)~~ Lormetazepam.
- 960 | 41.~~(gg)~~ Mazindol.
- 961 | 42.~~(hh)~~ Mebutamate.
- 962 | 43.~~(ii)~~ Medazepam.
- 963 | 44.~~(jj)~~ Mefenorex.
- 964 | 45.~~(kk)~~ Meprobamate.
- 965 | 46.~~(ll)~~ Methohexital.
- 966 | 47.~~(mm)~~ Methylphenobarbital.
- 967 | 48.~~(nn)~~ Midazolam.
- 968 | 49. Modafinil.
- 969 | 50.~~(oo)~~ Nimetazepam.
- 970 | 51.~~(pp)~~ Nitrazepam.
- 971 | 52.~~(qq)~~ Nordiazepam.
- 972 | 53.~~(rr)~~ Oxazepam.
- 973 | 54.~~(ss)~~ Oxazolam.

- 974 55.~~(tt)~~ Paraldehyde.
- 975 56.~~(uu)~~ Pemoline.
- 976 57.~~(vv)~~ Pentazocine.
- 977 58. Petrichloral.
- 978 59.~~(ww)~~ Phenobarbital.
- 979 60.~~(xx)~~ Phentermine.
- 980 61.~~(yy)~~ Pinazepam.
- 981 62.~~(zz)~~ Pipradrol.
- 982 63.~~(aaa)~~ Prazepam.
- 983 64.~~(o)~~ Propoxyphene (dosage forms).
- 984 65.~~(bbb)~~ Propylhexedrine, excluding any patent or
- 985 proprietary preparation containing propylhexedrine, unless
- 986 otherwise provided by federal law.
- 987 66.~~(eee)~~ Quazepam.
- 988 67. Sibutramine.
- 989 68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2
- 990 diphenylethane].
- 991 69. Suvorexant.
- 992 70.~~(fff)~~ Temazepam.
- 993 71.~~(ddd)~~ Tetrazepam.
- 994 72. Tramadol.
- 995 73.~~(ggg)~~ Triazolam.
- 996 74. Zaleplon.
- 997 75. Zolpidem.
- 998 76. Zopiclone.

999 | 77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not
 1000 | less than 25 micrograms of atropine sulfate per dosage unit.

1001 | (5) SCHEDULE V.—A substance, compound, mixture, or
 1002 | preparation of a substance in Schedule V has a low potential for
 1003 | abuse relative to the substances in Schedule IV and has a
 1004 | currently accepted medical use in treatment in the United
 1005 | States, and abuse of such compound, mixture, or preparation may
 1006 | lead to limited physical or psychological dependence relative to
 1007 | the substances in Schedule IV.

1008 | (a) Substances controlled in Schedule V include any
 1009 | compound, mixture, or preparation containing any of the
 1010 | following limited quantities of controlled substances, which
 1011 | shall include one or more active medicinal ingredients which are
 1012 | not controlled substances in sufficient proportion to confer
 1013 | upon the compound, mixture, or preparation valuable medicinal
 1014 | qualities other than those possessed by the controlled substance
 1015 | alone:

1016 | 1. Not more than 200 milligrams of codeine per 100
 1017 | milliliters or per 100 grams.

1018 | 2. Not more than 100 milligrams of dihydrocodeine per 100
 1019 | milliliters or per 100 grams.

1020 | 3. Not more than 100 milligrams of ethylmorphine per 100
 1021 | milliliters or per 100 grams.

1022 | 4. Not more than 2.5 milligrams of diphenoxylate and not
 1023 | less than 25 micrograms of atropine sulfate per dosage unit.

1024 5. Not more than 100 milligrams of opium per 100
 1025 milliliters or per 100 grams.

1026 6. Not more than 0.5 milligrams of difenoxin and not less
 1027 than 25 micrograms of atropine sulfate per dosage unit.

1028 7. Brivaracetam.

1029 8. Ezogabine.

1030 9. Lacosamide.

1031 10. Pregabalin.

1032 ~~(b) Narcotic drugs. Unless specifically excepted or unless~~
 1033 ~~listed in another schedule, any material, compound, mixture, or~~
 1034 ~~preparation containing any of the following narcotic drugs and~~
 1035 ~~their salts: Buprenorphine.~~

1036 (b)(e) Stimulants. Unless specifically excepted or unless
 1037 listed in another schedule, any material, compound, mixture, or
 1038 preparation which contains any quantity of the following
 1039 substances having a stimulant effect on the central nervous
 1040 system, including its salts, isomers, and salts of isomers:
 1041 Pyrovalerone.

1042 Section 9. Section 893.055, Florida Statutes, is amended to
 1043 read:

1044 (Substantial rewording of section. See
 1045 s. 893.055, F.S., for present text.)

1046 893.055 Prescription drug monitoring program.-

1047 (1) As used in this section, the term:

1048 (a) "Administration" means the obtaining and giving of a

1049 single dose of medicinal drugs by a legally authorized person to
1050 a patient for her or his consumption.

1051 (b) "Active investigation" means an investigation that is
1052 being conducted with a reasonable, good faith belief that it
1053 could lead to the filing of administrative, civil, or criminal
1054 proceedings, or that is ongoing and continuing and for which
1055 there is a reasonable, good faith anticipation of securing an
1056 arrest or prosecution in the foreseeable future.

1057 (c) "Controlled substance" means a controlled substance
1058 listed in Schedule II, Schedule III, Schedule IV, or Schedule V
1059 of s. 893.03 or 21 U.S.C. s. 812.

1060 (d) "Dispense" means the transfer of possession of one or
1061 more doses of a medicinal drug by a health care practitioner to
1062 the ultimate consumer or to his or her agent.

1063 (e) "Dispenser" means a dispensing health care
1064 practitioner or pharmacist licensed to dispense medicinal drugs
1065 in this state.

1066 (f) "Health care practitioner" or "practitioner" means any
1067 practitioner licensed under chapter 458, chapter 459, chapter
1068 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1069 (g) "Health care regulatory board" means any board or
1070 commission as defined in s. 456.001(1).

1071 (h) "Law enforcement agency" means the Department of Law
1072 Enforcement, a sheriff's office in this state, a police
1073 department in this state, or a law enforcement agency of the

1074 Federal Government which enforces the laws of this state or the
 1075 United States relating to controlled substances, and which its
 1076 agents and officers are empowered by law to conduct criminal
 1077 investigations and make arrests.

1078 (i) "Pharmacy" includes a community pharmacy, an
 1079 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
 1080 or an Internet pharmacy that is licensed by the department under
 1081 chapter 465 and that dispenses or delivers medicinal drugs,
 1082 including controlled substances to an individual or address in
 1083 this state.

1084 (j) "Prescriber" means a prescribing physician,
 1085 prescribing practitioner, or other prescribing health care
 1086 practitioner authorized by the laws of this state to order
 1087 medicinal drugs.

1088 (k) "Program manager" means an employee of or a person
 1089 contracted by the department who is designated to ensure the
 1090 integrity of the prescription drug monitoring program in
 1091 accordance with the requirements established in this section.

1092 (2) (a) The department shall maintain an electronic system
 1093 to collect and store controlled substance dispensing information
 1094 and shall release the information as authorized in s. 893.0551.
 1095 The electronic system must:

1096 1. Not infringe upon the legitimate prescribing or
 1097 dispensing of a controlled substance by a prescriber or
 1098 dispenser acting in good faith and in the course of professional

1099 | practice.

1100 | 2. Be consistent with standards of the American Society
 1101 | for Automation in Pharmacy (ASAP).

1102 | 3. Comply with the Health Insurance Portability and
 1103 | Accountability Act (HIPAA) as it pertains to protected health
 1104 | information (PHI), electronic protected health information
 1105 | (EPHI), and all other relevant state and federal privacy and
 1106 | security laws and regulations.

1107 | (b) The department may collaborate with professional
 1108 | health care regulatory boards, appropriate organizations, and
 1109 | other state agencies to identify indicators of controlled
 1110 | substance abuse.

1111 | (c) The department shall adopt rules necessary to
 1112 | implement this subsection.

1113 | (3) For each controlled substance dispensed to a patient
 1114 | in the state, the following information must be reported by the
 1115 | dispenser to the system as soon thereafter as possible but no
 1116 | later than the close of the next business day after the day the
 1117 | controlled substance is dispensed unless an extension or
 1118 | exemption is approved by the department:

1119 | (a) The name of the prescribing practitioner, the
 1120 | practitioner's federal Drug Enforcement Administration
 1121 | registration number, the practitioner's National Provider
 1122 | Identification (NPI) or other appropriate identifier, and the
 1123 | date of the prescription.

1124 (b) The date the prescription was filled and the method of
1125 payment, such as cash by an individual, insurance coverage
1126 through a third party, or Medicaid payment. This paragraph does
1127 not authorize the department to include individual credit card
1128 numbers or other account numbers in the system.

1129 (c) The full name, address, telephone number, and date of
1130 birth of the person for whom the prescription was written.

1131 (d) The name, national drug code, quantity, and strength
1132 of the controlled substance dispensed.

1133 (e) The full name, federal Drug Enforcement Administration
1134 registration number, State of Florida Department of Health
1135 issued pharmacy permit number, and address of the pharmacy or
1136 other location from which the controlled substance was
1137 dispensed. If the controlled substance was dispensed by a
1138 practitioner other than a pharmacist, the practitioner's full
1139 name, address, federal Drug Enforcement Administration
1140 registration number, State of Florida Department of Health
1141 issued license number, and National Provider Identification
1142 (NPI).

1143 (f) Whether the drug was dispensed as an initial
1144 prescription or a refill, and the number of refills ordered.

1145 (g) The name of the individual picking up the controlled
1146 substance prescription and type and issuer of the identification
1147 provided.

1148 (h) Other appropriate identifying information as

1149 determined by department rule.

1150 (i) All acts of administration of controlled substances
1151 are exempt from the reporting requirements of this section.

1152 (4) The following shall have direct access to information
1153 in the system:

1154 (a) An authorized prescriber or dispenser or his or her
1155 designee.

1156 (b) An employee of the United States Department of
1157 Veterans Affairs, United States Department of Defense, or the
1158 Indian Health Service who provides health care services pursuant
1159 to such employment and who has the authority to prescribe
1160 controlled substances shall have access to the information in
1161 the program's system upon verification of employment.

1162 (c) The program manager or designated program and support
1163 staff may have access to administer the system.

1164 1. The program manager or designated program and support
1165 staff must complete a level II background screening.

1166 2. In order to calculate performance measures pursuant to
1167 subsection (14), the program manager or program and support
1168 staff members who have been directed by the program manager to
1169 calculate performance measures may have direct access to
1170 information that contains no identifying information of any
1171 patient, physician, health care practitioner, prescriber, or
1172 dispenser.

1173 3. The program manager or designated program and support

1174 staff must provide the department, upon request, data that does
1175 not contain patient, physician, health care practitioner,
1176 prescriber, or dispenser identifying information for public
1177 health care and safety initiatives purposes.

1178 4. The program manager, upon determining a pattern
1179 consistent with the department's rules established under
1180 paragraph (2)(b) may provide relevant information to the
1181 prescriber and dispenser.

1182 5. The program manager, upon determining a pattern
1183 consistent with the rules established under paragraph (2)(b) and
1184 having cause to believe a violation of s. 893.13(7)(a)8.,
1185 (8)(a), or (8)(b) has occurred, may provide relevant information
1186 to the applicable law enforcement agency.

1187 (5) The following entities may not directly access
1188 information in the system, but may request information from the
1189 program manager or designated program and support staff:

1190 (a) The department or the relevant health care regulatory
1191 board for investigations involving licensees authorized to
1192 prescribe or dispense controlled substances.

1193 (b) The Attorney General for Medicaid fraud cases
1194 involving prescribed controlled substances.

1195 (c) A law enforcement agency during active investigations
1196 of potential criminal activity, fraud, or theft regarding
1197 prescribed controlled substances.

1198 (d) A medical examiner when conducting an authorized

1199 investigation under s. 406.11, to determine the cause of death
1200 of an individual.

1201 (e) An impaired practitioner consultant who is retained by
1202 the department under s. 456.076 to review the system information
1203 of an impaired practitioner program participant or a referral
1204 who has agreed to be evaluated or monitored through the program
1205 and who has separately agreed in writing to the consultant's
1206 access to and review of such information.

1207 (f) A patient or the legal guardian or designated health
1208 care surrogate of an incapacitated patient who submits a written
1209 and notarized request that includes the patient's full name,
1210 address, phone number, date of birth, and a copy of a
1211 government-issued photo identification. A legal guardian or
1212 health care surrogate must provide the same information if he or
1213 she submits the request.

1214 (6) The department may enter into a reciprocal agreement
1215 or contract to share prescription drug monitoring information
1216 with another state, district, or territory if the prescription
1217 drug monitoring programs of other states, districts, or
1218 territories are compatible with the Florida program.

1219 (a) In determining compatibility, the department shall
1220 consider:

1221 1. The safeguards for privacy of patient records and the
1222 success of the program in protecting patient privacy.

1223 2. The persons authorized to view the data collected by

1224 the program. Comparable entities and licensed health care
1225 practitioners in other states, districts, or territories of the
1226 United States, law enforcement agencies, the Attorney General's
1227 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1228 needed, management staff that have similar duties as management
1229 staff who work with the prescription drug monitoring program as
1230 authorized in s. 893.0551 are authorized access upon approval by
1231 the department.

1232 3. The schedules of the controlled substances that are
1233 monitored by the program.

1234 4. The data reported to or included in the program's
1235 system.

1236 5. Any implementing criteria deemed essential for a
1237 thorough comparison.

1238 6. The costs and benefits to the state of sharing
1239 prescription information.

1240 (b) The department must assess the prescription drug
1241 monitoring program's continued compatibility with the other
1242 state's, district's, or territory's program periodically.

1243 (c) Any agreement or contract for sharing of prescription
1244 drug monitoring information between the department and another
1245 state, district, or territory shall contain the same
1246 restrictions and requirements as this section or s. 893.0551,
1247 and the information must be provided according to the
1248 department's determination of compatibility.

1249 (7) The department may enter into agreements or contracts
1250 to establish secure connections between the system and a
1251 prescribing or dispensing health care practitioner's electronic
1252 health recordkeeping system. The electronic health recordkeeping
1253 system owner or license holder will be responsible for ensuring
1254 that only authorized individuals have access to prescription
1255 drug monitoring program information.

1256 (8) A prescriber or dispenser or a designee of a
1257 prescriber or dispenser must consult the system to review a
1258 patient's controlled substance dispensing history before
1259 prescribing or dispensing a controlled substance.

1260 (a) The duty to consult the system does not apply to a
1261 prescriber or dispenser or designee of a prescriber or dispenser
1262 if the system is not operational, as determined by the
1263 department, or when it cannot be accessed by a health care
1264 practitioner because of a temporary technological or electrical
1265 failure.

1266 (b) A prescriber or dispenser or designee of a prescriber
1267 or dispenser who does not consult the system under this
1268 subsection shall document the reason he or she did not consult
1269 the system in the patient's medical record or prescription
1270 record, and shall not prescribe or dispense greater than a 3-day
1271 supply of a controlled substance to the patient.

1272 (c) The department shall issue a nondisciplinary citation
1273 to any prescriber or dispenser who fails to consult the system

1274 as required by this subsection.

1275 (9) A person who willfully and knowingly fails to report
1276 the dispensing of a controlled substance as required by this
1277 section commits a misdemeanor of the first degree, punishable as
1278 provided in s. 775.082 or s. 775.083.

1279 (10) Information in the prescription drug monitoring
1280 program's system may be released only as provided in this
1281 subsection and s. 893.0551. The content of the system is
1282 intended to be informational only and imposes no obligations of
1283 any nature or any legal duty on a prescriber, dispenser,
1284 pharmacy, or patient. Information in the system shall be
1285 provided in accordance with s. 893.13(7)(a)8. and is not subject
1286 to discovery or introduction into evidence in any civil or
1287 administrative action against a prescriber, dispenser, pharmacy,
1288 or patient arising out of matters that are the subject of
1289 information in the system. The program manager and authorized
1290 persons who participate in preparing, reviewing, issuing, or any
1291 other activity related to management of the system may not be
1292 permitted or required to testify in any such civil or
1293 administrative action as to any findings, recommendations,
1294 evaluations, opinions, or other actions taken in connection with
1295 management of the system.

1296 (11) A prescriber or dispenser, or his or her designee,
1297 may have access to the information under this section which
1298 relates to a patient of that prescriber or dispenser as needed

1299 for the purpose of reviewing the patient's controlled drug
1300 prescription history. A prescriber or dispenser acting in good
1301 faith is immune from any civil, criminal, or administrative
1302 liability that might otherwise be incurred or imposed for
1303 receiving or using information from the prescription drug
1304 monitoring program. This subsection does not create a private
1305 cause of action, and a person may not recover damages against a
1306 prescriber or dispenser authorized to access information under
1307 this subsection for accessing or failing to access such
1308 information.

1309 (12) (a) All costs incurred by the department in
1310 administering the prescription drug monitoring program shall be
1311 funded through federal grants, private funding applied for or
1312 received by the state, or state funds appropriated in the
1313 General Appropriations Act. The department may not:

- 1314 1. Commit funds for the monitoring program without
1315 ensuring funding is available; or
1316 2. Use funds provided, directly or indirectly by
1317 prescription drug manufacturers to implement the program.

1318 (b) The department shall cooperate with the direct-support
1319 organization established under subsection (15) in seeking
1320 federal grant funds, other nonstate grant funds, gifts,
1321 donations, or other private moneys for the department if the
1322 costs of doing so are immaterial. Immaterial costs include, but
1323 are not limited to, the costs of mailing and personnel assigned

1324 to research or apply for a grant. The department may
1325 competitively procure and contract pursuant to s. 287.057 for
1326 any goods and services required by this section.

1327 (13) The department shall conduct or participate in
1328 studies to examine the feasibility of enhancing the prescription
1329 drug monitoring program for the purposes of public health
1330 initiatives and statistical reporting. Such studies shall
1331 respect the privacy of the patient, the prescriber, and the
1332 dispenser. Such studies may be conducted by the department or a
1333 contracted vendor in order to:

1334 (a) Improve the quality of health care services and safety
1335 by improving the prescribing and dispensing practices for
1336 prescription drugs;

1337 (b) Take advantage of advances in technology;

1338 (c) Reduce duplicative prescriptions and the
1339 overprescribing of prescription drugs; and

1340 (d) Reduce drug abuse.

1341 (14) The department shall annually report on performance
1342 measures to the Governor, the President of the Senate, and the
1343 Speaker of the House of Representatives by the department each
1344 December 1. Performance measures may include, but are not
1345 limited to, the following outcomes:

1346 (a) Reduction of the rate of inappropriate use of
1347 prescription drugs through department education and safety
1348 efforts.

1349 (b) Reduction of the quantity of pharmaceutical controlled
1350 substances obtained by individuals attempting to engage in fraud
1351 and deceit.

1352 (c) Increased coordination among partners participating in
1353 the prescription drug monitoring program.

1354 (d) Involvement of stakeholders in achieving improved
1355 patient health care and safety and reduction of prescription
1356 drug abuse and prescription drug diversion.

1357 (15) The department may establish a direct-support
1358 organization to provide assistance, funding, and promotional
1359 support for the activities authorized for the prescription drug
1360 monitoring program.

1361 (a) As used in this subsection, the term "direct-support
1362 organization" means an organization that is:

1363 1. A Florida corporation not for profit incorporated under
1364 chapter 617, exempted from filing fees, and approved by the
1365 Department of State.

1366 2. Organized and operated to conduct programs and
1367 activities; raise funds; request and receive grants, gifts, and
1368 bequests of money; acquire, receive, hold, and invest, in its
1369 own name, securities, funds, objects of value, or other
1370 property, either real or personal; and make expenditures or
1371 provide funding to or for the direct or indirect benefit of the
1372 department in the furtherance of the prescription drug
1373 monitoring program.

1374 (b) The State Surgeon General shall appoint a board of
1375 directors for the direct-support organization.

1376 1. The board of directors shall consist of no fewer than
1377 five members who shall serve at the pleasure of the State
1378 Surgeon General.

1379 2. The State Surgeon General shall provide guidance to
1380 members of the board to ensure that moneys received by the
1381 direct-support organization are not received from inappropriate
1382 sources. Inappropriate sources include, but are not limited to,
1383 donors, grantors, persons, or organizations that may monetarily
1384 or substantively benefit from the purchase of goods or services
1385 by the department in furtherance of the prescription drug
1386 monitoring program.

1387 (c) The direct-support organization shall operate under
1388 written contract with the department. The contract must, at a
1389 minimum, provide for:

1390 1. Approval of the articles of incorporation and bylaws of
1391 the direct-support organization by the department.

1392 2. Submission of an annual budget for the approval of the
1393 department.

1394 3. The reversion, without penalty, to the department's
1395 grants and donations trust fund for the administration of the
1396 prescription drug monitoring program of all moneys and property
1397 held in trust by the direct-support organization for the benefit
1398 of the prescription drug monitoring program if the direct-

1399 support organization ceases to exist or if the contract is
 1400 terminated.

1401 4. The fiscal year of the direct-support organization,
 1402 which must begin July 1 of each year and end June 30 of the
 1403 following year.

1404 5. The disclosure of the material provisions of the
 1405 contract to donors of gifts, contributions, or bequests,
 1406 including such disclosure on all promotional and fundraising
 1407 publications, and an explanation to such donors of the
 1408 distinction between the department and the direct-support
 1409 organization.

1410 6. The direct-support organization's collecting,
 1411 expending, and providing of funds to the department for the
 1412 development, implementation, and operation of the prescription
 1413 drug monitoring program as described in this section. The
 1414 direct-support organization may collect and expend funds to be
 1415 used for the functions of the direct-support organization's
 1416 board of directors, as necessary and approved by the department.
 1417 In addition, the direct-support organization may collect and
 1418 provide funding to the department in furtherance of the
 1419 prescription drug monitoring program by:

1420 a. Establishing and administering the prescription drug
 1421 monitoring program's electronic system, including hardware and
 1422 software.

1423 b. Conducting studies on the efficiency and effectiveness

1424 of the program to include feasibility studies as described in
1425 subsection (13).

1426 c. Providing funds for future enhancements of the program
1427 within the intent of this section.

1428 d. Providing user training of the prescription drug
1429 monitoring program, including distribution of materials to
1430 promote public awareness and education and conducting workshops
1431 or other meetings, for health care practitioners, pharmacists,
1432 and others as appropriate.

1433 e. Providing funds for travel expenses.

1434 f. Providing funds for administrative costs, including
1435 personnel, audits, facilities, and equipment.

1436 g. Fulfilling all other requirements necessary to
1437 implement and operate the program as outlined in this section.

1438 7. Certification by the department that the direct-support
1439 organization is complying with the terms of the contract in a
1440 manner consistent with and in furtherance of the goals and
1441 purposes of the prescription drug monitoring program and in the
1442 best interests of the state. Such certification must be made
1443 annually and reported in the official minutes of a meeting of
1444 the direct-support organization.

1445 (d) The activities of the direct-support organization must
1446 be consistent with the goals and mission of the department, as
1447 determined by the department, and in the best interests of the
1448 state. The direct-support organization must obtain written

1449 approval from the department for any activities in support of
1450 the prescription drug monitoring program before undertaking
1451 those activities.

1452 (e) The direct-support organization shall provide for an
1453 independent annual financial audit in accordance with s.
1454 215.981. Copies of the audit shall be provided to the department
1455 and the Office of Policy and Budget in the Executive Office of
1456 the Governor.

1457 (f) The direct-support organization may not exercise any
1458 power under s. 617.0302(12) or (16).

1459 (g) The direct-support organization is not considered a
1460 lobbying firm within the meaning of s.11.045.

1461 (h) The department may permit, without charge, appropriate
1462 use of administrative services, property, and facilities of the
1463 department by the direct-support organization, subject to this
1464 section. The use must be directly in keeping with the approved
1465 purposes of the direct-support organization and may not be made
1466 at times or places that would unreasonably interfere with
1467 opportunities for the public to use such facilities for
1468 established purposes. Any moneys received from rentals of
1469 facilities and properties managed by the department may be held
1470 in a separate depository account in the name of the direct-
1471 support organization and subject to the provisions of the letter
1472 of agreement with the department. The letter of agreement must
1473 provide that any funds held in the separate depository account

1474 in the name of the direct-support organization must revert to
1475 the department if the direct-support organization is no longer
1476 approved by the department to operate in the best interests of
1477 the state.

1478 (i) The department may adopt rules under s. 120.54 to
1479 govern the use of administrative services, property, or
1480 facilities of the department or office by the direct-support
1481 organization.

1482 (j) The department may not permit the use of any
1483 administrative services, property, or facilities of the state by
1484 a direct-support organization if that organization does not
1485 provide equal membership and employment opportunities to all
1486 persons regardless of race, color, religion, gender, age, or
1487 national origin.

1488 (k) This subsection is repealed October 1, 2027, unless
1489 reviewed and saved from repeal by the Legislature.

1490 Section 10. Section 893.0551, Florida Statutes, is amended
1491 to read:

1492 893.0551 Public records exemption for the prescription
1493 drug monitoring program.—

1494 (1) For purposes of this section, the terms used in this
1495 section have the same meanings as provided in s. 893.055.

1496 (2) The following information of a patient or patient's
1497 agent, a health care practitioner, a dispenser, an employee of
1498 the practitioner who is acting on behalf of and at the direction

1499 of the practitioner, a pharmacist, or a pharmacy that is
 1500 contained in records held by the department under s. 893.055 is
 1501 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1502 of the State Constitution:

- 1503 (a) Name.
- 1504 (b) Address.
- 1505 (c) Telephone number.
- 1506 (d) Insurance plan number.
- 1507 (e) Government-issued identification number.
- 1508 (f) Provider number.
- 1509 (g) Drug Enforcement Administration number.
- 1510 (h) Any other unique identifying information or number.

1511 (3) The department shall disclose such ~~confidential and~~
 1512 ~~exempt~~ information to the following persons or entities upon
 1513 request and after using a verification process to ensure the
 1514 legitimacy of the request as provided in s. 893.055:

1515 (a) A health care practitioner, or his or her designee,
 1516 who certifies that the information is necessary to provide
 1517 medical treatment to a current patient in accordance with ss.
 1518 893.05 and 893.055.

1519 (b) An employee of the United States Department of
 1520 Veterans Affairs, United States Department of Defense, or the
 1521 Indian Health Service who provides health care services pursuant
 1522 to such employment and who has the authority to prescribe
 1523 controlled substances shall have access to the information in

1524 the program's system upon verification of such employment.

1525 (c) The program manager and designated support staff for
 1526 administration of the program, and to provide relevant
 1527 information to the prescriber, dispenser, and appropriate law
 1528 enforcement agencies, in accordance with s. 893.055.

1529 (d) The department or the relevant health care regulatory
 1530 board for investigations involving licensees authorized to
 1531 prescribe or dispense controlled substances. The department may
 1532 request information from the program but may not have direct
 1533 access to its system. The department may provide to a law
 1534 enforcement agency pursuant to ss. 456.066 and 456.073 only
 1535 information that is relevant to the specific controlled
 1536 substances investigation that prompted the request for the
 1537 information.

1538 (e) ~~(a)~~ The Attorney General or his or her designee when
 1539 working on Medicaid fraud cases involving prescribed controlled
 1540 substances ~~prescription drugs~~ or when the Attorney General has
 1541 initiated a review of specific identifiers of Medicaid fraud or
 1542 specific identifiers that warrant a Medicaid investigation
 1543 regarding prescribed controlled substances ~~prescription drugs~~.
 1544 The Attorney General's Medicaid fraud investigators may not have
 1545 direct access to the department's system ~~database~~. The Attorney
 1546 General or his or her designee may disclose to a criminal
 1547 justice agency, as defined in s. 119.011, only the ~~confidential~~
 1548 ~~and exempt~~ information received from the department that is

1549 relevant to an identified active investigation that prompted the
1550 request for the information.

1551 ~~(b) The department's relevant health care regulatory~~
1552 ~~boards responsible for the licensure, regulation, or discipline~~
1553 ~~of a practitioner, pharmacist, or other person who is authorized~~
1554 ~~to prescribe, administer, or dispense controlled substances and~~
1555 ~~who is involved in a specific controlled substances~~
1556 ~~investigation for prescription drugs involving a designated~~
1557 ~~person. The health care regulatory boards may request~~
1558 ~~information from the department but may not have direct access~~
1559 ~~to its database. The health care regulatory boards may provide~~
1560 ~~to a law enforcement agency pursuant to ss. 456.066 and 456.073~~
1561 ~~only information that is relevant to the specific controlled~~
1562 ~~substances investigation that prompted the request for the~~
1563 ~~information.~~

1564 (f) ~~(e)~~ A law enforcement agency that has initiated an
1565 active investigation involving a specific violation of law
1566 regarding prescription drug abuse or diversion of prescribed
1567 controlled substances and that has entered into a user agreement
1568 with the department. A law enforcement agency may request
1569 information from the department but may not have direct access
1570 to its system ~~database~~. The law enforcement agency may disclose
1571 to a criminal justice agency, as defined in s. 119.011, only
1572 ~~confidential and exempt~~ information received from the department
1573 that is relevant to an identified active investigation that

1574 prompted the request for such information.

1575 (g) A medical examiner or associate medical examiner, as
1576 defined in s 406.06, pursuant to his or her official duties, as
1577 required by s. 406.11, to determine the cause of death of an
1578 individual. A medical examiner may request information from the
1579 department but may not have direct access to the system.

1580 ~~(f) A patient or the legal guardian or designated health~~
1581 ~~care surrogate for an incapacitated patient, if applicable,~~
1582 ~~making a request as provided in s. 893.055(7)(c)4.~~

1583 (h) An impaired practitioner consultant who has been
1584 authorized in writing by a participant in, or by a referral to,
1585 the impaired practitioner program to access and review
1586 information as provided in s. 893.055(6)(e) ~~893.055(7)(e)5.~~

1587 (i)~~(f)~~ A patient or the legal guardian or designated
1588 health care surrogate for an incapacitated patient, if
1589 applicable, making a request as provided in s. 893.055(6)(f)
1590 ~~893.055(7)(c)4.~~

1591 (4) If the department determines consistent with its rules
1592 that a pattern of controlled substance abuse exists, the
1593 department may disclose such confidential and exempt information
1594 to the applicable law enforcement agency in accordance with s.
1595 893.055. The law enforcement agency may disclose to a criminal
1596 justice agency, as defined in s. 119.011, only ~~confidential and~~
1597 ~~exempt~~ information received from the department that is relevant
1598 to an identified active investigation that is specific to a

1599 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
1600 893.13(8)(b).

1601 (5) Before disclosing ~~confidential and exempt~~ information
1602 to a criminal justice agency or a law enforcement agency
1603 pursuant to this section, the disclosing person or entity must
1604 take steps to ensure the continued confidentiality of all
1605 ~~confidential and exempt~~ information. At a minimum, these steps
1606 must include redacting any nonrelevant information.

1607 (6) An agency or person who obtains any ~~confidential and~~
1608 ~~exempt~~ information pursuant to this section must maintain the
1609 confidential and exempt status of that information and may not
1610 disclose such information unless authorized by law. Information
1611 shared with a state attorney pursuant to paragraph (3)(e) ~~(3)(a)~~
1612 or paragraph (3)(f) ~~(3)(e)~~ may be released only in response to a
1613 discovery demand if such information is directly related to the
1614 criminal case for which the information was requested. Unrelated
1615 information may be released only upon an order of a court of
1616 competent jurisdiction.

1617 (7) A person who willfully and knowingly violates this
1618 section commits a felony of the third degree, punishable as
1619 provided in s. 775.082, s. 775.083, or s. 775.084.

1620 Section 11. Paragraphs (pp) and (qq) of subsection (1) of
1621 section 458.331, Florida Statutes, are amended to read:

1622 458.331 Grounds for disciplinary action; action by the
1623 board and department.—

1624 (1) The following acts constitute grounds for denial of a
 1625 license or disciplinary action, as specified in s. 456.072(2):
 1626 (pp) Applicable to a licensee who serves as the designated
 1627 physician of a pain-management clinic as defined in s. 458.3265
 1628 or s. 459.0137:

- 1629 1. Registering a pain-management clinic through
 1630 misrepresentation or fraud;
- 1631 2. Procuring, or attempting to procure, the registration
 1632 of a pain-management clinic for any other person by making or
 1633 causing to be made, any false representation;
- 1634 3. Failing to comply with any requirement of chapter 499,
 1635 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 1636 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 1637 the Drug Abuse Prevention and Control Act; or chapter 893, the
 1638 Florida Comprehensive Drug Abuse Prevention and Control Act;
- 1639 4. Being convicted or found guilty of, regardless of
 1640 adjudication to, a felony or any other crime involving moral
 1641 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 1642 the courts of this state, of any other state, or of the United
 1643 States;
- 1644 5. Being convicted of, or disciplined by a regulatory
 1645 agency of the Federal Government or a regulatory agency of
 1646 another state for, any offense that would constitute a violation
 1647 of this chapter;
- 1648 6. Being convicted of, or entering a plea of guilty or

1649 nolo contendere to, regardless of adjudication, a crime in any
1650 jurisdiction of the courts of this state, of any other state, or
1651 of the United States which relates to the practice of, or the
1652 ability to practice, a licensed health care profession;

1653 7. Being convicted of, or entering a plea of guilty or
1654 nolo contendere to, regardless of adjudication, a crime in any
1655 jurisdiction of the courts of this state, of any other state, or
1656 of the United States which relates to health care fraud;

1657 8. Dispensing any medicinal drug based upon a
1658 communication that purports to be a prescription as defined in
1659 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
1660 or has reason to believe that the purported prescription is not
1661 based upon a valid practitioner-patient relationship; or

1662 9. Failing to timely notify the board of the date of his
1663 or her termination from a pain-management clinic as required by
1664 s. 458.3265(3) ~~458.3265(2)~~.

1665 (qq) Failing to timely notify the department of the theft
1666 of prescription blanks from a pain-management clinic or a breach
1667 of other methods for prescribing within 24 hours as required by
1668 s. 458.3265(3) ~~458.3265(2)~~.

1669 Section 12. Paragraphs (rr) and (ss) of subsection (1) of
1670 section 459.015, Florida Statutes, are amended to read:

1671 459.015 Grounds for disciplinary action; action by the
1672 board and department.—

1673 (1) The following acts constitute grounds for denial of a

1674 license or disciplinary action, as specified in s. 456.072(2):
 1675 (rr) Applicable to a licensee who serves as the designated
 1676 physician of a pain-management clinic as defined in s. 458.3265
 1677 or s. 459.0137:

- 1678 1. Registering a pain-management clinic through
 1679 misrepresentation or fraud;
- 1680 2. Procuring, or attempting to procure, the registration
 1681 of a pain-management clinic for any other person by making or
 1682 causing to be made, any false representation;
- 1683 3. Failing to comply with any requirement of chapter 499,
 1684 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 1685 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 1686 the Drug Abuse Prevention and Control Act; or chapter 893, the
 1687 Florida Comprehensive Drug Abuse Prevention and Control Act;
- 1688 4. Being convicted or found guilty of, regardless of
 1689 adjudication to, a felony or any other crime involving moral
 1690 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 1691 the courts of this state, of any other state, or of the United
 1692 States;
- 1693 5. Being convicted of, or disciplined by a regulatory
 1694 agency of the Federal Government or a regulatory agency of
 1695 another state for, any offense that would constitute a violation
 1696 of this chapter;
- 1697 6. Being convicted of, or entering a plea of guilty or
 1698 nolo contendere to, regardless of adjudication, a crime in any

1699 jurisdiction of the courts of this state, of any other state, or
 1700 of the United States which relates to the practice of, or the
 1701 ability to practice, a licensed health care profession;

1702 7. Being convicted of, or entering a plea of guilty or
 1703 nolo contendere to, regardless of adjudication, a crime in any
 1704 jurisdiction of the courts of this state, of any other state, or
 1705 of the United States which relates to health care fraud;

1706 8. Dispensing any medicinal drug based upon a
 1707 communication that purports to be a prescription as defined in
 1708 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
 1709 or has reason to believe that the purported prescription is not
 1710 based upon a valid practitioner-patient relationship; or

1711 9. Failing to timely notify the board of the date of his
 1712 or her termination from a pain-management clinic as required by
 1713 s. 459.0137(3) ~~459.0137(2)~~.

1714 (ss) Failing to timely notify the department of the theft
 1715 of prescription blanks from a pain-management clinic or a breach
 1716 of other methods for prescribing within 24 hours as required by
 1717 s. 459.0137(3) ~~459.0137(2)~~.

1718 Section 13. Paragraph (b) of subsection (4) of section
 1719 463.0055, Florida Statutes, is amended to read:

1720 463.0055 Administration and prescription of ocular
 1721 pharmaceutical agents.—

1722 (4) A certified optometrist shall be issued a prescriber
 1723 number by the board. Any prescription written by a certified

1724 | optometrist for an ocular pharmaceutical agent pursuant to this
 1725 | section shall have the prescriber number printed thereon. A
 1726 | certified optometrist may not administer or prescribe:

1727 | (b) A controlled substance for the treatment of chronic
 1728 | nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1729 | Section 14. Paragraph (a) of subsection (1) of section
 1730 | 782.04, Florida Statutes, is amended to read:

1731 | 782.04 Murder.—

1732 | (1)(a) The unlawful killing of a human being:

1733 | 1. When perpetrated from a premeditated design to effect
 1734 | the death of the person killed or any human being;

1735 | 2. When committed by a person engaged in the perpetration
 1736 | of, or in the attempt to perpetrate, any:

1737 | a. Trafficking offense prohibited by s. 893.135(1),

1738 | b. Arson,

1739 | c. Sexual battery,

1740 | d. Robbery,

1741 | e. Burglary,

1742 | f. Kidnapping,

1743 | g. Escape,

1744 | h. Aggravated child abuse,

1745 | i. Aggravated abuse of an elderly person or disabled
 1746 | adult,

1747 | j. Aircraft piracy,

1748 | k. Unlawful throwing, placing, or discharging of a

1749 destructive device or bomb,
 1750 1. Carjacking,
 1751 m. Home-invasion robbery,
 1752 n. Aggravated stalking,
 1753 o. Murder of another human being,
 1754 p. Resisting an officer with violence to his or her
 1755 person,
 1756 q. Aggravated fleeing or eluding with serious bodily
 1757 injury or death,
 1758 r. Felony that is an act of terrorism or is in furtherance
 1759 of an act of terrorism, including a felony under s. 775.30, s.
 1760 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 1761 s. Human trafficking; or
 1762 3. Which resulted from the unlawful distribution by a
 1763 person 18 years of age or older of any of the following
 1764 substances, or mixture containing any of the following
 1765 substances, when such substance or mixture is proven to be the
 1766 proximate cause of the death of the user:
 1767 a. A substance controlled under s. 893.03(1);
 1768 b. Cocaine, as described in s. 893.03(2)(a)4.;
 1769 c. Opium or any synthetic or natural salt, compound,
 1770 derivative, or preparation of opium;
 1771 d. Methadone;
 1772 e. Alfentanil, as described in s. 893.03(2)(b)1.;
 1773 f. Carfentanil, as described in s. 893.03(2)(b)6.;

1774 g. Fentanyl, as described in s. 893.03(2)(b)9.;

1775 h. Sufentanil, as described in s. 893.03(2)(b)30.

1776 ~~893.03(2)(b)29.~~; or

1777 i. A controlled substance analog, as described in s.

1778 893.0356, of any substance specified in sub-subparagraphs a.-h.,

1779

1780 is murder in the first degree and constitutes a capital felony,

1781 punishable as provided in s. 775.082.

1782 Section 15. Paragraphs (a), (c), (d), (e), (f), and (h) of

1783 subsection (1), subsection (2), paragraphs (a) and (b) of

1784 subsection (4), and subsection (5) of section 893.13, Florida

1785 Statutes, are amended to read:

1786 893.13 Prohibited acts; penalties.—

1787 (1)(a) Except as authorized by this chapter and chapter

1788 499, a person may not sell, manufacture, or deliver, or possess

1789 with intent to sell, manufacture, or deliver, a controlled

1790 substance. A person who violates this provision with respect to:

1791 1. A controlled substance named or described in s.

1792 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1793 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as

1794 provided in s. 775.082, s. 775.083, or s. 775.084.

1795 2. A controlled substance named or described in s.

1796 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,

1797 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

1798 felony of the third degree, punishable as provided in s.

1799 | 775.082, s. 775.083, or s. 775.084.

1800 | 3. A controlled substance named or described in s.
1801 | 893.03(5) commits a misdemeanor of the first degree, punishable
1802 | as provided in s. 775.082 or s. 775.083.

1803 | (c) Except as authorized by this chapter, a person may not
1804 | sell, manufacture, or deliver, or possess with intent to sell,
1805 | manufacture, or deliver, a controlled substance in, on, or
1806 | within 1,000 feet of the real property comprising a child care
1807 | facility as defined in s. 402.302 or a public or private
1808 | elementary, middle, or secondary school between the hours of 6
1809 | a.m. and 12 midnight, or at any time in, on, or within 1,000
1810 | feet of real property comprising a state, county, or municipal
1811 | park, a community center, or a publicly owned recreational
1812 | facility. As used in this paragraph, the term "community center"
1813 | means a facility operated by a nonprofit community-based
1814 | organization for the provision of recreational, social, or
1815 | educational services to the public. A person who violates this
1816 | paragraph with respect to:

1817 | 1. A controlled substance named or described in s.
1818 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1819 | ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1820 | provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
1821 | must be sentenced to a minimum term of imprisonment of 3
1822 | calendar years unless the offense was committed within 1,000
1823 | feet of the real property comprising a child care facility as

1824 defined in s. 402.302.

1825 2. A controlled substance named or described in s.
 1826 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
 1827 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1828 felony of the second degree, punishable as provided in s.
 1829 775.082, s. 775.083, or s. 775.084.

1830 3. Any other controlled substance, except as lawfully
 1831 sold, manufactured, or delivered, must be sentenced to pay a
 1832 \$500 fine and to serve 100 hours of public service in addition
 1833 to any other penalty prescribed by law.

1834
 1835 This paragraph does not apply to a child care facility unless
 1836 the owner or operator of the facility posts a sign that is not
 1837 less than 2 square feet in size with a word legend identifying
 1838 the facility as a licensed child care facility and that is
 1839 posted on the property of the child care facility in a
 1840 conspicuous place where the sign is reasonably visible to the
 1841 public.

1842 (d) Except as authorized by this chapter, a person may not
 1843 sell, manufacture, or deliver, or possess with intent to sell,
 1844 manufacture, or deliver, a controlled substance in, on, or
 1845 within 1,000 feet of the real property comprising a public or
 1846 private college, university, or other postsecondary educational
 1847 institution. A person who violates this paragraph with respect
 1848 to:

1849 1. A controlled substance named or described in s.
 1850 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1851 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
 1852 provided in s. 775.082, s. 775.083, or s. 775.084.

1853 2. A controlled substance named or described in s.
 1854 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
 1855 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1856 felony of the second degree, punishable as provided in s.
 1857 775.082, s. 775.083, or s. 775.084.

1858 3. Any other controlled substance, except as lawfully
 1859 sold, manufactured, or delivered, must be sentenced to pay a
 1860 \$500 fine and to serve 100 hours of public service in addition
 1861 to any other penalty prescribed by law.

1862 (e) Except as authorized by this chapter, a person may not
 1863 sell, manufacture, or deliver, or possess with intent to sell,
 1864 manufacture, or deliver, a controlled substance not authorized
 1865 by law in, on, or within 1,000 feet of a physical place for
 1866 worship at which a church or religious organization regularly
 1867 conducts religious services or within 1,000 feet of a
 1868 convenience business as defined in s. 812.171. A person who
 1869 violates this paragraph with respect to:

1870 1. A controlled substance named or described in s.
 1871 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1872 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
 1873 provided in s. 775.082, s. 775.083, or s. 775.084.

1874 2. A controlled substance named or described in s.
 1875 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
 1876 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1877 felony of the second degree, punishable as provided in s.
 1878 775.082, s. 775.083, or s. 775.084.

1879 3. Any other controlled substance, except as lawfully
 1880 sold, manufactured, or delivered, must be sentenced to pay a
 1881 \$500 fine and to serve 100 hours of public service in addition
 1882 to any other penalty prescribed by law.

1883 (f) Except as authorized by this chapter, a person may not
 1884 sell, manufacture, or deliver, or possess with intent to sell,
 1885 manufacture, or deliver, a controlled substance in, on, or
 1886 within 1,000 feet of the real property comprising a public
 1887 housing facility at any time. As used in this section, the term
 1888 "real property comprising a public housing facility" means real
 1889 property, as defined in s. 421.03(12), of a public corporation
 1890 created as a housing authority pursuant to part I of chapter
 1891 421. A person who violates this paragraph with respect to:

1892 1. A controlled substance named or described in s.
 1893 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1894 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
 1895 provided in s. 775.082, s. 775.083, or s. 775.084.

1896 2. A controlled substance named or described in s.
 1897 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
 1898 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

1899 felony of the second degree, punishable as provided in s.
 1900 775.082, s. 775.083, or s. 775.084.

1901 3. Any other controlled substance, except as lawfully
 1902 sold, manufactured, or delivered, must be sentenced to pay a
 1903 \$500 fine and to serve 100 hours of public service in addition
 1904 to any other penalty prescribed by law.

1905 (h) Except as authorized by this chapter, a person may not
 1906 sell, manufacture, or deliver, or possess with intent to sell,
 1907 manufacture, or deliver, a controlled substance in, on, or
 1908 within 1,000 feet of the real property comprising an assisted
 1909 living facility, as that term is used in chapter 429. A person
 1910 who violates this paragraph with respect to:

1911 1. A controlled substance named or described in s.
 1912 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1913 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
 1914 provided in s. 775.082, s. 775.083, or s. 775.084.

1915 2. A controlled substance named or described in s.
 1916 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
 1917 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1918 felony of the second degree, punishable as provided in s.
 1919 775.082, s. 775.083, or s. 775.084.

1920 3. Any other controlled substance, except as lawfully
 1921 sold, manufactured, or delivered, must be sentenced to pay a
 1922 \$500 fine and to serve 100 hours of public service in addition
 1923 to any other penalty prescribed by law.

1924 (2) (a) Except as authorized by this chapter and chapter
 1925 499, a person may not purchase, or possess with intent to
 1926 purchase, a controlled substance. A person who violates this
 1927 provision with respect to:

1928 1. A controlled substance named or described in s.
 1929 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
 1930 ~~(2) (c) 4.~~ commits a felony of the second degree, punishable as
 1931 provided in s. 775.082, s. 775.083, or s. 775.084.

1932 2. A controlled substance named or described in s.
 1933 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.,~~ (2) (c) 6.,
 1934 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a
 1935 felony of the third degree, punishable as provided in s.
 1936 775.082, s. 775.083, or s. 775.084.

1937 3. A controlled substance named or described in s.
 1938 893.03(5) commits a misdemeanor of the first degree, punishable
 1939 as provided in s. 775.082 or s. 775.083.

1940 (b) Except as provided in this chapter, a person may not
 1941 purchase more than 10 grams of any substance named or described
 1942 in s. 893.03(1) (a) or (1) (b), or any combination thereof, or any
 1943 mixture containing any such substance. A person who violates
 1944 this paragraph commits a felony of the first degree, punishable
 1945 as provided in s. 775.082, s. 775.083, or s. 775.084.

1946 (4) Except as authorized by this chapter, a person 18
 1947 years of age or older may not deliver any controlled substance
 1948 to a person younger than 18 years of age, use or hire a person

1949 | younger than 18 years of age as an agent or employee in the sale
 1950 | or delivery of such a substance, or use such person to assist in
 1951 | avoiding detection or apprehension for a violation of this
 1952 | chapter. A person who violates this subsection with respect to:

1953 | (a) A controlled substance named or described in s.
 1954 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1955 | ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
 1956 | provided in s. 775.082, s. 775.083, or s. 775.084.

1957 | (b) A controlled substance named or described in s.
 1958 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
 1959 | (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1960 | felony of the second degree, punishable as provided in s.
 1961 | 775.082, s. 775.083, or s. 775.084.

1962 |
 1963 | Imposition of sentence may not be suspended or deferred, and the
 1964 | person so convicted may not be placed on probation.

1965 | (5) A person may not bring into this state any controlled
 1966 | substance unless the possession of such controlled substance is
 1967 | authorized by this chapter or unless such person is licensed to
 1968 | do so by the appropriate federal agency. A person who violates
 1969 | this provision with respect to:

1970 | (a) A controlled substance named or described in s.
 1971 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1972 | ~~(2)(c)4.~~ commits a felony of the second degree, punishable as
 1973 | provided in s. 775.082, s. 775.083, or s. 775.084.

1974 (b) A controlled substance named or described in s.
 1975 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
 1976 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1977 felony of the third degree, punishable as provided in s.
 1978 775.082, s. 775.083, or s. 775.084.

1979 (c) A controlled substance named or described in s.
 1980 893.03(5) commits a misdemeanor of the first degree, punishable
 1981 as provided in s. 775.082 or s. 775.083.

1982 Section 16. Paragraphs (c) and (f) of subsection (1) of
 1983 section 893.135, Florida Statutes, are amended to read:

1984 893.135 Trafficking; mandatory sentences; suspension or
 1985 reduction of sentences; conspiracy to engage in trafficking.—

1986 (1) Except as authorized in this chapter or in chapter 499
 1987 and notwithstanding the provisions of s. 893.13:

1988 (c)1. A person who knowingly sells, purchases,
 1989 manufactures, delivers, or brings into this state, or who is
 1990 knowingly in actual or constructive possession of, 4 grams or
 1991 more of any morphine, opium, hydromorphone, or any salt,
 1992 derivative, isomer, or salt of an isomer thereof, including
 1993 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
 1994 (3)(c)4., or 4 grams or more of any mixture containing any such
 1995 substance, but less than 30 kilograms of such substance or
 1996 mixture, commits a felony of the first degree, which felony
 1997 shall be known as "trafficking in illegal drugs," punishable as
 1998 provided in s. 775.082, s. 775.083, or s. 775.084. If the

1999 quantity involved:

2000 a. Is 4 grams or more, but less than 14 grams, such person

2001 shall be sentenced to a mandatory minimum term of imprisonment

2002 of 3 years and shall be ordered to pay a fine of \$50,000.

2003 b. Is 14 grams or more, but less than 28 grams, such

2004 person shall be sentenced to a mandatory minimum term of

2005 imprisonment of 15 years and shall be ordered to pay a fine of

2006 \$100,000.

2007 c. Is 28 grams or more, but less than 30 kilograms, such

2008 person shall be sentenced to a mandatory minimum term of

2009 imprisonment of 25 years and shall be ordered to pay a fine of

2010 \$500,000.

2011 2. A person who knowingly sells, purchases, manufactures,

2012 delivers, or brings into this state, or who is knowingly in

2013 actual or constructive possession of, 14 grams or more of

2014 hydrocodone, as described in s. 893.03(2)(a)1.k.

2015 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,

2016 or any salt thereof, or 14 grams or more of any mixture

2017 containing any such substance, commits a felony of the first

2018 degree, which felony shall be known as "trafficking in

2019 hydrocodone," punishable as provided in s. 775.082, s. 775.083,

2020 or s. 775.084. If the quantity involved:

2021 a. Is 14 grams or more, but less than 28 grams, such

2022 person shall be sentenced to a mandatory minimum term of

2023 imprisonment of 3 years and shall be ordered to pay a fine of

2024 \$50,000.

2025 b. Is 28 grams or more, but less than 50 grams, such
 2026 person shall be sentenced to a mandatory minimum term of
 2027 imprisonment of 7 years and shall be ordered to pay a fine of
 2028 \$100,000.

2029 c. Is 50 grams or more, but less than 200 grams, such
 2030 person shall be sentenced to a mandatory minimum term of
 2031 imprisonment of 15 years and shall be ordered to pay a fine of
 2032 \$500,000.

2033 d. Is 200 grams or more, but less than 30 kilograms, such
 2034 person shall be sentenced to a mandatory minimum term of
 2035 imprisonment of 25 years and shall be ordered to pay a fine of
 2036 \$750,000.

2037 3. A person who knowingly sells, purchases, manufactures,
 2038 delivers, or brings into this state, or who is knowingly in
 2039 actual or constructive possession of, 7 grams or more of
 2040 oxycodone, as described in s. 893.03(2)(a)1.g. ~~893.03(2)(a)1.o.~~,
 2041 or any salt thereof, or 7 grams or more of any mixture
 2042 containing any such substance, commits a felony of the first
 2043 degree, which felony shall be known as "trafficking in
 2044 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
 2045 s. 775.084. If the quantity involved:

2046 a. Is 7 grams or more, but less than 14 grams, such person
 2047 shall be sentenced to a mandatory minimum term of imprisonment
 2048 of 3 years and shall be ordered to pay a fine of \$50,000.

2049 b. Is 14 grams or more, but less than 25 grams, such
 2050 person shall be sentenced to a mandatory minimum term of
 2051 imprisonment of 7 years and shall be ordered to pay a fine of
 2052 \$100,000.

2053 c. Is 25 grams or more, but less than 100 grams, such
 2054 person shall be sentenced to a mandatory minimum term of
 2055 imprisonment of 15 years and shall be ordered to pay a fine of
 2056 \$500,000.

2057 d. Is 100 grams or more, but less than 30 kilograms, such
 2058 person shall be sentenced to a mandatory minimum term of
 2059 imprisonment of 25 years and shall be ordered to pay a fine of
 2060 \$750,000.

2061 4.a. A person who knowingly sells, purchases,
 2062 manufactures, delivers, or brings into this state, or who is
 2063 knowingly in actual or constructive possession of, 4 grams or
 2064 more of:

2065 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2066 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2067 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2068 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2069 ~~893.03(2)(b)29.;~~

2070 (V) A fentanyl derivative, as described in s.

2071 893.03(1)(a)62.;

2072 (VI) A controlled substance analog, as described in s.

2073 893.0356, of any substance described in sub-sub-subparagraphs

2074 (I)-(V); or
 2075 (VII) A mixture containing any substance described in sub-
 2076 sub-subparagraphs (I)-(VI),
 2077
 2078 commits a felony of the first degree, which felony shall be
 2079 known as "trafficking in fentanyl," punishable as provided in s.
 2080 775.082, s. 775.083, or s. 775.084.
 2081 b. If the quantity involved under sub-subparagraph a.:
 2082 (I) Is 4 grams or more, but less than 14 grams, such
 2083 person shall be sentenced to a mandatory minimum term of
 2084 imprisonment of 3 years, and shall be ordered to pay a fine of
 2085 \$50,000.
 2086 (II) Is 14 grams or more, but less than 28 grams, such
 2087 person shall be sentenced to a mandatory minimum term of
 2088 imprisonment of 15 years, and shall be ordered to pay a fine of
 2089 \$100,000.
 2090 (III) Is 28 grams or more, such person shall be sentenced
 2091 to a mandatory minimum term of imprisonment of 25 years, and
 2092 shall be ordered to pay a fine of \$500,000.
 2093 5. A person who knowingly sells, purchases, manufactures,
 2094 delivers, or brings into this state, or who is knowingly in
 2095 actual or constructive possession of, 30 kilograms or more of
 2096 any morphine, opium, oxycodone, hydrocodone, codeine,
 2097 hydromorphone, or any salt, derivative, isomer, or salt of an
 2098 isomer thereof, including heroin, as described in s.

2099 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 2100 more of any mixture containing any such substance, commits the
 2101 first degree felony of trafficking in illegal drugs. A person
 2102 who has been convicted of the first degree felony of trafficking
 2103 in illegal drugs under this subparagraph shall be punished by
 2104 life imprisonment and is ineligible for any form of
 2105 discretionary early release except pardon or executive clemency
 2106 or conditional medical release under s. 947.149. However, if the
 2107 court determines that, in addition to committing any act
 2108 specified in this paragraph:

2109 a. The person intentionally killed an individual or
 2110 counseled, commanded, induced, procured, or caused the
 2111 intentional killing of an individual and such killing was the
 2112 result; or

2113 b. The person's conduct in committing that act led to a
 2114 natural, though not inevitable, lethal result,
 2115
 2116 such person commits the capital felony of trafficking in illegal
 2117 drugs, punishable as provided in ss. 775.082 and 921.142. A
 2118 person sentenced for a capital felony under this paragraph shall
 2119 also be sentenced to pay the maximum fine provided under
 2120 subparagraph 1.

2121 6. A person who knowingly brings into this state 60
 2122 kilograms or more of any morphine, opium, oxycodone,
 2123 hydrocodone, codeine, hydromorphone, or any salt, derivative,

2124 isomer, or salt of an isomer thereof, including heroin, as
2125 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2126 60 kilograms or more of any mixture containing any such
2127 substance, and who knows that the probable result of such
2128 importation would be the death of a person, commits capital
2129 importation of illegal drugs, a capital felony punishable as
2130 provided in ss. 775.082 and 921.142. A person sentenced for a
2131 capital felony under this paragraph shall also be sentenced to
2132 pay the maximum fine provided under subparagraph 1.

2133 (f)1. Any person who knowingly sells, purchases,
2134 manufactures, delivers, or brings into this state, or who is
2135 knowingly in actual or constructive possession of, 14 grams or
2136 more of amphetamine, as described in s. 893.03(2)(c)2., or
2137 methamphetamine, as described in s. 893.03(2)(c)5.
2138 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or
2139 methamphetamine, or phenylacetone, phenylacetic acid,
2140 pseudoephedrine, or ephedrine in conjunction with other
2141 chemicals and equipment utilized in the manufacture of
2142 amphetamine or methamphetamine, commits a felony of the first
2143 degree, which felony shall be known as "trafficking in
2144 amphetamine," punishable as provided in s. 775.082, s. 775.083,
2145 or s. 775.084. If the quantity involved:

2146 a. Is 14 grams or more, but less than 28 grams, such
2147 person shall be sentenced to a mandatory minimum term of
2148 imprisonment of 3 years, and the defendant shall be ordered to

2149 pay a fine of \$50,000.

2150 b. Is 28 grams or more, but less than 200 grams, such
2151 person shall be sentenced to a mandatory minimum term of
2152 imprisonment of 7 years, and the defendant shall be ordered to
2153 pay a fine of \$100,000.

2154 c. Is 200 grams or more, such person shall be sentenced to
2155 a mandatory minimum term of imprisonment of 15 calendar years
2156 and pay a fine of \$250,000.

2157 2. Any person who knowingly manufactures or brings into
2158 this state 400 grams or more of amphetamine, as described in s.
2159 893.03(2)(c)2., or methamphetamine, as described in s.
2160 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing
2161 amphetamine or methamphetamine, or phenylacetone, phenylacetic
2162 acid, pseudoephedrine, or ephedrine in conjunction with other
2163 chemicals and equipment used in the manufacture of amphetamine
2164 or methamphetamine, and who knows that the probable result of
2165 such manufacture or importation would be the death of any person
2166 commits capital manufacture or importation of amphetamine, a
2167 capital felony punishable as provided in ss. 775.082 and
2168 921.142. Any person sentenced for a capital felony under this
2169 paragraph shall also be sentenced to pay the maximum fine
2170 provided under subparagraph 1.

2171 Section 17. Paragraphs (b), (c), and (e) of subsection (3)
2172 of section 921.0022, Florida Statutes, are amended to read:

2173 921.0022 Criminal Punishment Code; offense severity

2174 ranking chart.—

2175 (3) OFFENSE SEVERITY RANKING CHART

2176 (b) LEVEL 2

2177

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.

2182	590.28 (1)	3rd	Intentional burning of lands.
2183	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2184	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2185	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2186	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2187	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.

2188	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2189	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2190	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2191	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
2192	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2193	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2194			

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2195	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2196	817.60 (5)	3rd	Dealing in credit cards of another.
2197	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2198	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2199	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2200	831.01	3rd	Forgery.
2201	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
	831.07	3rd	Forging bank bills, checks,

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2202			drafts, or promissory notes.
2203	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2204	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2205	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2206	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
2207	843.08	3rd	False personation.
	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5. , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs other than cannabis.

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2208	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
2209			
2210	(c) LEVEL 3		
2211			
	Florida	Felony	
	Statute	Degree	Description
2212			
	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2213			
	316.066	3rd	Unlawfully obtaining or using confidential crash reports.
	(3)(b)-(d)		
2214			
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.
2215			
	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2216			
	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification

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2217			number plate removed.
	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2218			
	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2219			
	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2220			
	327.35(2)(b)	3rd	Felony BUI.
2221			
	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2222			
	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2223			

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2224	376.302 (5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2225	379.2431 (1) (e) 5.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
2226	379.2431 (1) (e) 6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
2226	379.2431 (1) (e) 7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

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2227	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2228	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2229	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2230	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2231	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2232	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority;

			premium collected less than \$20,000.
2233	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2234	697.08	3rd	Equity skimming.
2235	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2236	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2237	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2238	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2239			

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2240	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2241	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2242	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2243	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2244	817.233	3rd	Burning to defraud insurer.
2245	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2246	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
	817.236	3rd	Filing a false motor vehicle

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2247			insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2248			
	817.413 (2)	3rd	Sale of used goods as new.
2249			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2250			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2251			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2252			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.

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2253	843.19	3rd	Injure, disable, or kill police dog or horse.
2254	860.15 (3)	3rd	Overcharging for repairs and parts.
2255	870.01 (2)	3rd	Riot; inciting or encouraging.
2256	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5. , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs).
2257	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5. , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs within 1,000 feet of university.
2258			

2259	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5. , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs within 1,000 feet of public housing facility.
2260	893.13 (4) (c)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2261	893.13 (6) (a)	3rd	Possession of any controlled substance other than felony possession of cannabis.
2262	893.13 (7) (a) 8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.
	893.13 (7) (a) 9.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

2263	893.13 (7) (a) 10.	3rd	Affix false or forged label to package of controlled substance.
2264	893.13 (7) (a) 11.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
2265	893.13 (8) (a) 1.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
2266	893.13 (8) (a) 2.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.

2267	893.13 (8) (a) 3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2268	893.13 (8) (a) 4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2269	918.13 (1) (a)	3rd	Alter, destroy, or conceal investigation evidence.
2270	944.47 (1) (a) 1. & 2.	3rd	Introduce contraband to correctional facility.
2271	944.47 (1) (c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2272	985.721	3rd	Escapes from a juvenile facility (secure detention or

			residential commitment facility).
2273			
2274	(e)	LEVEL 5	
2275			
	Florida	Felony	
	Statute	Degree	Description
2276			
	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2277			
	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2278			
	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
2279			
	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2280			
	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.

2281

379.365 (2) (c) 1. 3rd Violation of rules relating to:
willful molestation of stone
crab traps, lines, or buoys;
illegal bartering, trading, or
sale, conspiring or aiding in
such barter, trade, or sale, or
supplying, agreeing to supply,
aiding in supplying, or giving
away stone crab trap tags or
certificates; making, altering,
forging, counterfeiting, or
reproducing stone crab trap
tags; possession of forged,
counterfeit, or imitation stone
crab trap tags; and engaging in
the commercial harvest of stone
crabs while license is
suspended or revoked.

2282

379.367 (4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

2283

379.407 (5) (b) 3. 3rd Possession of 100 or more

2284			undersized spiny lobsters.
	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2285			
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2286			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2287			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2288			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2289			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.

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2290	790.01 (2)	3rd	Carrying a concealed firearm.
2291	790.162	2nd	Threat to throw or discharge destructive device.
2292	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
2293	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2294	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2295	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2296	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2297			

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2298	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2299	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2300	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2301	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2302	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2303	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2304	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.

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2305	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2306	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2307	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
2308	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14

2309	817.625 (2) (b)	2nd	counterfeit credit cards or related documents.
2310	825.1025 (4)	3rd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2311	827.071 (4)	2nd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2312	827.071 (5)	3rd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2313	839.13 (2) (b)	2nd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
			Falsifying records of an individual in the care and

			custody of a state agency involving great bodily harm or death.
2314	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2315	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2316	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2317	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2318	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2319	874.05 (2) (a)	2nd	Encouraging or recruiting

2320 person under 13 years of age to
join a criminal gang.

893.13(1)(a)1. 2nd Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
~~(2)(c)4.~~ drugs).

2321 893.13(1)(c)2. 2nd Sell, manufacture, or deliver
cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., ~~(2)(c)5.,~~
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3), or
(4) drugs) within 1,000 feet of
a child care facility, school,
or state, county, or municipal
park or publicly owned
recreational facility or
community center.

2322 893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),

2323	893.13(1)(e)2.	2nd	<p>(2) (a), (2) (b), or <u>(2) (c) 5.</u> (2) (c) 4. drugs) within 1,000 feet of university.</p>
2324	893.13(1)(f)1.	1st	<p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u>, (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
2325	893.13(4)(b)	2nd	<p>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or <u>(2)(c)5.</u> (2)(c)4. drugs) within 1,000 feet of public housing facility.</p> <p>Use or hire of minor; deliver</p>

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to minor other controlled
substance.

2326

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

2327

2328 Section 18. Except as otherwise provided in this act, this
2329 act shall take effect July 1, 2018.