

By Senator Benacquisto

27-00673-18

20188__

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

27-00673-18

20188__

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 the 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

27-00673-18

20188__

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

27-00673-18

20188__

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

27-00673-18

20188__

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

27-00673-18

20188__

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

27-00673-18

20188__

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:

27-00673-18

20188__

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 for
227 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

27-00673-18

20188__

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 examination,
242 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 is
256 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

27-00673-18

20188__

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,

27-00673-18

20188__

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 for
311 a Schedule II opioid, as defined in s. 893.03 or 21 U.S.C. s.
312 812, 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.

27-00673-18

20188__

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-

27-00673-18

20188__

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 more
376 board-eligible or board-certified anesthesiologists,
377 physiatrists, rheumatologists, or neurologists; or

27-00673-18

20188__

378 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a physician
379 multispecialty practice where one or more board-eligible or
380 board-certified medical specialists, who have also completed
381 fellowships in pain medicine approved by the Accreditation
382 Council for Graduate Medical Education or who are also board-
383 certified in pain medicine by the American Board of Pain
384 Medicine or a board approved by the American Board of Medical
385 Specialties, the American Association of Physician Specialists,
386 or the American Osteopathic Association, perform interventional
387 pain procedures of the type routinely billed using surgical
388 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 the
396 registration requirements of subsection (1), must apply for a
397 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.

27-00673-18

20188__

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 least
424 60 days before any anticipated relocation or name change of the
425 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

27-00673-18

20188__

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 clinic
447 annually, including a review of the patient records, to ensure
448 that it complies with this section and the rules of the Board of
449 Medicine adopted pursuant to subsection (5)~~(4)~~ unless the clinic
450 is accredited by a nationally recognized accrediting agency
451 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.—

27-00673-18

20188__

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

27-00673-18

20188__

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 more
507 board-eligible or board-certified anesthesiologists,
508 physiatrists, rheumatologists, or neurologists; or

509 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a physician
510 multispecialty practice where one or more board-eligible or
511 board-certified medical specialists, who have also completed
512 fellowships in pain medicine approved by the Accreditation
513 Council for Graduate Medical Education or the American
514 Osteopathic Association or who are also board-certified in pain
515 medicine by the American Board of Pain Medicine or a board
516 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

27-00673-18

20188__

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 the
527 registration requirements of subsection (1), must apply for a
528 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

27-00673-18

20188__

552 exemption and is valid only to the specific exemption claimed
553 and granted.

554 (f) A certificateholder must notify the department at least
555 60 days before any anticipated relocation or name change of the
556 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 a
566 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 clinic
578 annually, including a review of the patient records, to ensure
579 that it complies with this section and the rules of the Board of
580 Osteopathic Medicine adopted pursuant to subsection (5)-(4)

27-00673-18

20188__

581 unless the clinic is accredited by a nationally recognized
582 accrediting agency approved by the Board of Osteopathic
583 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 person
599 not known to the pharmacist, the pharmacist must require the
600 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

27-00673-18

20188__

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

27-00673-18

20188__

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:

27-00673-18

20188__

668 1. Opium and any salt, compound, derivative, or preparation
669 of opium, except nalmefene or isoquinoline alkaloids of opium,
670 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 somniferum*,

27-00673-18

20188__

697 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.

27-00673-18

20188__

- 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.

27-00673-18

20188__

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.

27-00673-18

20188__

- 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

27-00673-18

20188__

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:

27-00673-18

20188__

- 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.

27-00673-18

20188__

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, salts,
897 and salts of isomers, esters, and ethers, whenever the existence
898 of such isomers, esters, ethers, and salts is possible within
899 the specific chemical designation.

27-00673-18

20188__

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.

27-00673-18

20188__

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.

27-00673-18

20188__

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.

27-00673-18

20188__

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:

27-00673-18

20188__

- 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

27-00673-18

20188__

- 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 practitioner
1064 or pharmacist licensed to dispense medicinal drugs in this
1065 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

27-00673-18

20188__

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, prescribing
1085 practitioner, or other prescribing health care practitioner
1086 authorized by the laws of this state to order medicinal drugs.

1087 (k) "Program manager" means an employee of or a person
1088 contracted by the department who is designated to ensure the
1089 integrity of the prescription drug monitoring program in
1090 accordance with the requirements established in this section.

1091 (2) (a) The department shall maintain an electronic system
1092 to collect and store controlled substance dispensing information
1093 and shall release the information as authorized in s. 893.0551.
1094 The electronic system must:

1095 1. Not infringe upon the legitimate prescribing or
1096 dispensing of a controlled substance by a prescriber or
1097 dispenser acting in good faith and in the course of professional
1098 practice.

1099 2. Be consistent with standards of the American Society for
1100 Automation in Pharmacy (ASAP).

1101 3. Comply with the Health Insurance Portability and
1102 Accountability Act (HIPAA) as it pertains to protected health

27-00673-18

20188__

1103 information (PHI), electronic protected health information
1104 (EPHI), and all other relevant state and federal privacy and
1105 security laws and regulations.

1106 (b) The department may collaborate with professional health
1107 care regulatory boards, appropriate organizations, and other
1108 state agencies to identify indicators of controlled substance
1109 abuse.

1110 (c) The department shall adopt rules necessary to implement
1111 this subsection.

1112 (3) For each controlled substance dispensed to a patient in
1113 the state, the following information must be reported by the
1114 dispenser to the system as soon thereafter as possible but no
1115 later than the close of the next business day after the day the
1116 controlled substance is dispensed unless an extension or
1117 exemption is approved by the department:

1118 (a) The name of the prescribing practitioner, the
1119 practitioner's federal Drug Enforcement Administration
1120 registration number, the practitioner's National Provider
1121 Identification (NPI) or other appropriate identifier, and the
1122 date of the prescription.

1123 (b) The date the prescription was filled and the method of
1124 payment, such as cash by an individual, insurance coverage
1125 through a third party, or Medicaid payment. This paragraph does
1126 not authorize the department to include individual credit card
1127 numbers or other account numbers in the system.

1128 (c) The full name, address, telephone number, and date of
1129 birth of the person for whom the prescription was written.

1130 (d) The name, national drug code, quantity, and strength of
1131 the controlled substance dispensed.

27-00673-18

20188__

1132 (e) The full name, federal Drug Enforcement Administration
1133 registration number, State of Florida Department of Health
1134 issued pharmacy permit number, and address of the pharmacy or
1135 other location from which the controlled substance was
1136 dispensed. If the controlled substance was dispensed by a
1137 practitioner other than a pharmacist, the practitioner's full
1138 name, address, federal Drug Enforcement Administration
1139 registration number, State of Florida Department of Health
1140 issued license number, and National Provider Identification
1141 (NPI).

1142 (f) Whether the drug was dispensed as an initial
1143 prescription or a refill, and the number of refills ordered.

1144 (g) The name of the individual picking up the controlled
1145 substance prescription and type and issuer of the identification
1146 provided.

1147 (h) Other appropriate identifying information as determined
1148 by department rule.

1149 (i) All acts of administration of controlled substances are
1150 exempt from the reporting requirements of this section.

1151 (4) The following shall have direct access to information
1152 in the system:

1153 (a) An authorized prescriber or dispenser or his or her
1154 designee.

1155 (b) An employee of the United States Department of Veterans
1156 Affairs, United States Department of Defense, or the Indian
1157 Health Service who provides health care services pursuant to
1158 such employment and who has the authority to prescribe
1159 controlled substances shall have access to the information in
1160 the program's system upon verification of employment.

27-00673-18

20188__

1161 (c) The program manager or designated program and support
1162 staff may have access to administer the system.

1163 1. The program manager or designated program and support
1164 staff must complete a level II background screening.

1165 2. In order to calculate performance measures pursuant to
1166 subsection (14), the program manager or program and support
1167 staff members who have been directed by the program manager to
1168 calculate performance measures may have direct access to
1169 information that contains no identifying information of any
1170 patient, physician, health care practitioner, prescriber, or
1171 dispenser.

1172 3. The program manager or designated program and support
1173 staff must provide the department, upon request, data that does
1174 not contain patient, physician, health care practitioner,
1175 prescriber, or dispenser identifying information for public
1176 health care and safety initiatives purposes.

1177 4. The program manager, upon determining a pattern
1178 consistent with the department's rules established under
1179 paragraph (2) (b), may provide relevant information to the
1180 prescriber and dispenser.

1181 5. The program manager, upon determining a pattern
1182 consistent with the rules established under paragraph (2) (b) and
1183 having cause to believe a violation of s. 893.13(7) (a) 8.,
1184 (8) (a), or (8) (b) has occurred, may provide relevant information
1185 to the applicable law enforcement agency.

1186 (5) The following entities may not directly access
1187 information in the system, but may request information from the
1188 program manager or designated program and support staff:

1189 (a) The department for investigations involving licensees

27-00673-18

20188__

1190 authorized to prescribe or dispense controlled substances.

1191 (b) The Attorney General for Medicaid fraud cases involving
1192 prescribed controlled substances.

1193 (c) A law enforcement agency during active investigations
1194 of potential criminal activity, fraud, or theft regarding
1195 prescribed controlled substances.

1196 (d) A medical examiner when conducting an authorized
1197 investigation under s. 406.11, to determine the cause of death
1198 of an individual.

1199 (e) An impaired practitioner consultant who is retained by
1200 the department under s. 456.076 to review the system information
1201 of an impaired practitioner program participant or a referral
1202 who has agreed to be evaluated or monitored through the program
1203 and who has separately agreed in writing to the consultant's
1204 access to and review of such information.

1205 (f) A patient or the legal guardian or designated health
1206 care surrogate of an incapacitated patient who submits a written
1207 and notarized request that includes the patient's full name,
1208 address, phone number, date of birth, and a copy of a
1209 government-issued photo identification. A legal guardian or
1210 health care surrogate must provide the same information if he or
1211 she submits the request.

1212 (6) The department may enter into a reciprocal agreement or
1213 contract to share prescription drug monitoring information with
1214 another state, district, or territory if the prescription drug
1215 monitoring programs of other states, districts, or territories
1216 are compatible with the Florida program.

1217 (a) In determining compatibility, the department shall
1218 consider:

27-00673-18

20188__

- 1219 1. The safeguards for privacy of patient records and the
1220 success of the program in protecting patient privacy.
- 1221 2. The persons authorized to view the data collected by the
1222 program. Comparable entities and licensed health care
1223 practitioners in other states, districts, or territories of the
1224 United States, law enforcement agencies, the Attorney General's
1225 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1226 needed, management staff that have similar duties as management
1227 staff who work with the prescription drug monitoring program as
1228 authorized in s. 893.0551 are authorized access upon approval by
1229 the department.
- 1230 3. The schedules of the controlled substances that are
1231 monitored by the program.
- 1232 4. The data reported to or included in the program's
1233 system.
- 1234 5. Any implementing criteria deemed essential for a
1235 thorough comparison.
- 1236 6. The costs and benefits to the state of sharing
1237 prescription information.
- 1238 (b) The department must assess the prescription drug
1239 monitoring program's continued compatibility with the other
1240 state's, district's, or territory's program periodically.
- 1241 (c) Any agreement or contract for sharing of prescription
1242 drug monitoring information between the department and another
1243 state, district, or territory shall contain the same
1244 restrictions and requirements as this section or s. 893.0551,
1245 and the information must be provided according to the
1246 department's determination of compatibility.
- 1247 (7) The department may enter into agreements or contracts

27-00673-18

20188__

1248 to establish secure connections between the system and a
1249 prescribing or dispensing health care practitioner's electronic
1250 health recordkeeping system. The electronic health recordkeeping
1251 system owner or license holder will be responsible for ensuring
1252 that only authorized individuals have access to prescription
1253 drug monitoring program information.

1254 (8) A prescriber or dispenser or a designee of a prescriber
1255 or dispenser must consult the system to review a patient's
1256 controlled substance dispensing history before prescribing or
1257 dispensing a controlled substance.

1258 (a) The duty to consult the system does not apply to a
1259 prescriber or dispenser or designee of a prescriber or dispenser
1260 if the system is not operational, as determined by the
1261 department, or when it cannot be accessed by a health care
1262 practitioner because of a temporary technological or electrical
1263 failure.

1264 (b) A prescriber or dispenser or designee of a prescriber
1265 or dispenser who does not consult the system under this
1266 subsection shall document the reason he or she did not consult
1267 the system in the patient's medical record or prescription
1268 record, and shall not prescribe or dispense greater than a 3-day
1269 supply of a controlled substance to the patient.

1270 (c) The department shall issue a nondisciplinary citation
1271 to any prescriber or dispenser who fails to consult the system
1272 as required by this subsection.

1273 (9) A person who willfully and knowingly fails to report
1274 the dispensing of a controlled substance as required by this
1275 section commits a misdemeanor of the first degree, punishable as
1276 provided in s. 775.082 or s. 775.083.

27-00673-18

20188__

1277 (10) Information in the prescription drug monitoring
1278 program's system may be released only as provided in this
1279 subsection and s. 893.0551. The content of the system is
1280 intended to be informational only and imposes no obligations of
1281 any nature or any legal duty on a prescriber, dispenser,
1282 pharmacy, or patient. Information in the system shall be
1283 provided in accordance with s. 893.13(7)(a)8. and is not subject
1284 to discovery or introduction into evidence in any civil or
1285 administrative action against a prescriber, dispenser, pharmacy,
1286 or patient arising out of matters that are the subject of
1287 information in the system. The program manager and authorized
1288 persons who participate in preparing, reviewing, issuing, or any
1289 other activity related to management of the system may not be
1290 permitted or required to testify in any such civil or
1291 administrative action as to any findings, recommendations,
1292 evaluations, opinions, or other actions taken in connection with
1293 management of the system.

1294 (11) A prescriber or dispenser, or his or her designee, may
1295 have access to the information under this section which relates
1296 to a patient of that prescriber or dispenser as needed for the
1297 purpose of reviewing the patient's controlled drug prescription
1298 history. A prescriber or dispenser acting in good faith is
1299 immune from any civil, criminal, or administrative liability
1300 that might otherwise be incurred or imposed for receiving or
1301 using information from the prescription drug monitoring program.
1302 This subsection does not create a private cause of action, and a
1303 person may not recover damages against a prescriber or dispenser
1304 authorized to access information under this subsection for
1305 accessing or failing to access such information.

27-00673-18

20188__

1306 (12) (a) All costs incurred by the department in
1307 administering the prescription drug monitoring program shall be
1308 funded through federal grants, private funding applied for or
1309 received by the state, or state funds appropriated in the
1310 General Appropriations Act. The department may not:

1311 1. Commit funds for the monitoring program without ensuring
1312 funding is available; or

1313 2. Use funds provided, directly or indirectly by
1314 prescription drug manufacturers to implement the program.

1315 (b) The department shall cooperate with the direct-support
1316 organization established under subsection (15) in seeking
1317 federal grant funds, other nonstate grant funds, gifts,
1318 donations, or other private moneys for the department if the
1319 costs of doing so are immaterial. Immaterial costs include, but
1320 are not limited to, the costs of mailing and personnel assigned
1321 to research or apply for a grant. The department may
1322 competitively procure and contract pursuant to s. 287.057 for
1323 any goods and services required be this section.

1324 (13) The department shall conduct or participate in studies
1325 to examine the feasibility of enhancing the prescription drug
1326 monitoring program for the purposes of public health initiatives
1327 and statistical reporting. Such studies shall respect the
1328 privacy of the patient, the prescriber, and the dispenser. Such
1329 studies may be conducted by the department or a contracted
1330 vendor in order to:

1331 (a) Improve the quality of health care services and safety
1332 by improving the prescribing and dispensing practices for
1333 prescription drugs;

1334 (b) Take advantage of advances in technology;

27-00673-18

20188__

1335 (c) Reduce duplicative prescriptions and the
1336 overprescribing of prescription drugs; and

1337 (d) Reduce drug abuse.

1338 (14) The department shall annually report on performance
1339 measures to the Governor, the President of the Senate, and the
1340 Speaker of the House of Representatives by the department each
1341 December 1. Performance measures may include, but are not
1342 limited to, the following outcomes:

1343 (a) Reduction of the rate of inappropriate use of
1344 prescription drugs through department education and safety
1345 efforts.

1346 (b) Reduction of the quantity of pharmaceutical controlled
1347 substances obtained by individuals attempting to engage in fraud
1348 and deceit.

1349 (c) Increased coordination among partners participating in
1350 the prescription drug monitoring program.

1351 (d) Involvement of stakeholders in achieving improved
1352 patient health care and safety and reduction of prescription
1353 drug abuse and prescription drug diversion.

1354 (15) The department may establish a direct-support
1355 organization to provide assistance, funding, and promotional
1356 support for the activities authorized for the prescription drug
1357 monitoring program.

1358 (a) As used in this subsection, the term "direct-support
1359 organization" means an organization that is:

1360 1. A Florida corporation not for profit incorporated under
1361 chapter 617, exempted from filing fees, and approved by the
1362 Department of State.

1363 2. Organized and operated to conduct programs and

27-00673-18

20188__

1364 activities; raise funds; request and receive grants, gifts, and
1365 bequests of money; acquire, receive, hold, and invest, in its
1366 own name, securities, funds, objects of value, or other
1367 property, either real or personal; and make expenditures or
1368 provide funding to or for the direct or indirect benefit of the
1369 department in the furtherance of the prescription drug
1370 monitoring program.

1371 (b) The State Surgeon General shall appoint a board of
1372 directors for the direct-support organization.

1373 1. The board of directors shall consist of no fewer than
1374 five members who shall serve at the pleasure of the State
1375 Surgeon General.

1376 2. The State Surgeon General shall provide guidance to
1377 members of the board to ensure that moneys received by the
1378 direct-support organization are not received from inappropriate
1379 sources. Inappropriate sources include, but are not limited to,
1380 donors, grantors, persons, or organizations that may monetarily
1381 or substantively benefit from the purchase of goods or services
1382 by the department in furtherance of the prescription drug
1383 monitoring program.

1384 (c) The direct-support organization shall operate under
1385 written contract with the department. The contract must, at a
1386 minimum, provide for:

1387 1. Approval of the articles of incorporation and bylaws of
1388 the direct-support organization by the department.

1389 2. Submission of an annual budget for the approval of the
1390 department.

1391 3. The reversion, without penalty, to the department's
1392 grants and donations trust fund for the administration of the

27-00673-18

20188__

1393 prescription drug monitoring program of all moneys and property
1394 held in trust by the direct-support organization for the benefit
1395 of the prescription drug monitoring program if the direct-
1396 support organization ceases to exist or if the contract is
1397 terminated.

1398 4. The fiscal year of the direct-support organization,
1399 which must begin July 1 of each year and end June 30 of the
1400 following year.

1401 5. The disclosure of the material provisions of the
1402 contract to donors of gifts, contributions, or bequests,
1403 including such disclosure on all promotional and fundraising
1404 publications, and an explanation to such donors of the
1405 distinction between the department and the direct-support
1406 organization.

1407 6. The direct-support organization's collecting, expending,
1408 and providing of funds to the department for the development,
1409 implementation, and operation of the prescription drug
1410 monitoring program as described in this section. The direct-
1411 support organization may collect and expend funds to be used for
1412 the functions of the direct-support organization's board of
1413 directors, as necessary and approved by the department. In
1414 addition, the direct-support organization may collect and
1415 provide funding to the department in furtherance of the
1416 prescription drug monitoring program by:

1417 a. Establishing and administering the prescription drug
1418 monitoring program's electronic system, including hardware and
1419 software.

1420 b. Conducting studies on the efficiency and effectiveness
1421 of the program to include feasibility studies as described in

27-00673-18

20188__

1422 subsection (13).

1423 c. Providing funds for future enhancements of the program
1424 within the intent of this section.

1425 d. Providing user training of the prescription drug
1426 monitoring program, including distribution of materials to
1427 promote public awareness and education and conducting workshops
1428 or other meetings, for health care practitioners, pharmacists,
1429 and others as appropriate.

1430 e. Providing funds for travel expenses.

1431 f. Providing funds for administrative costs, including
1432 personnel, audits, facilities, and equipment.

1433 g. Fulfilling all other requirements necessary to implement
1434 and operate the program as outlined in this section.

1435 7. Certification by the department that the direct-support
1436 organization is complying with the terms of the contract in a
1437 manner consistent with and in furtherance of the goals and
1438 purposes of the prescription drug monitoring program and in the
1439 best interests of the state. Such certification must be made
1440 annually and reported in the official minutes of a meeting of
1441 the direct-support organization.

1442 (d) The activities of the direct-support organization must
1443 be consistent with the goals and mission of the department, as
1444 determined by the department, and in the best interests of the
1445 state. The direct-support organization must obtain written
1446 approval from the department for any activities in support of
1447 the prescription drug monitoring program before undertaking
1448 those activities.

1449 (e) The direct-support organization shall provide for an
1450 independent annual financial audit in accordance with s.

27-00673-18

20188__

1451 215.981. Copies of the audit shall be provided to the department
1452 and the Office of Policy and Budget in the Executive Office of
1453 the Governor.

1454 (f) The direct-support organization may not exercise any
1455 power under s. 617.0302(12) or (16).

1456 (g) The direct-support organization is not considered a
1457 lobbying firm within the meaning of s. 11.045.

1458 (h) The department may permit, without charge, appropriate
1459 use of administrative services, property, and facilities of the
1460 department by the direct-support organization, subject to this
1461 section. The use must be directly in keeping with the approved
1462 purposes of the direct-support organization and may not be made
1463 at times or places that would unreasonably interfere with
1464 opportunities for the public to use such facilities for
1465 established purposes. Any moneys received from rentals of
1466 facilities and properties managed by the department may be held
1467 in a separate depository account in the name of the direct-
1468 support organization and subject to the provisions of the letter
1469 of agreement with the department. The letter of agreement must
1470 provide that any funds held in the separate depository account
1471 in the name of the direct-support organization must revert to
1472 the department if the direct-support organization is no longer
1473 approved by the department to operate in the best interests of
1474 the state.

1475 (i) The department may adopt rules under s. 120.54 to
1476 govern the use of administrative services, property, or
1477 facilities of the department or office by the direct-support
1478 organization.

1479 (j) The department may not permit the use of any

27-00673-18

20188__

1480 administrative services, property, or facilities of the state by
 1481 a direct-support organization if that organization does not
 1482 provide equal membership and employment opportunities to all
 1483 persons regardless of race, color, religion, gender, age, or
 1484 national origin.

1485 (k) This subsection is repealed October 1, 2027, unless
 1486 reviewed and saved from repeal by the Legislature.

1487 Section 10. Section 893.0551, Florida Statutes, is amended
 1488 to read:

1489 893.0551 Public records exemption for the prescription drug
 1490 monitoring program.—

1491 (1) For purposes of this section, the terms used in this
 1492 section have the same meanings as provided in s. 893.055.

1493 (2) The following information of a patient or patient's
 1494 agent, a health care practitioner, a dispenser, an employee of
 1495 the practitioner who is acting on behalf of and at the direction
 1496 of the practitioner, a pharmacist, or a pharmacy that is
 1497 contained in records held by the department under s. 893.055 is
 1498 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 1499 of the State Constitution:

1500 (a) Name.

1501 (b) Address.

1502 (c) Telephone number.

1503 (d) Insurance plan number.

1504 (e) Government-issued identification number.

1505 (f) Provider number.

1506 (g) Drug Enforcement Administration number.

1507 (h) Any other unique identifying information or number.

1508 (3) The department shall disclose such ~~confidential and~~

27-00673-18

20188__

1509 ~~exempt~~ information to the following persons or entities upon
1510 request and after using a verification process to ensure the
1511 legitimacy of the request as provided in s. 893.055:

1512 (a) A health care practitioner, or his or her designee, who
1513 certifies that the information is necessary to provide medical
1514 treatment to a current patient in accordance with ss. 893.05 and
1515 893.055.

1516 (b) An employee of the United States Department of Veterans
1517 Affairs, United States Department of Defense, or the Indian
1518 Health Service who provides health care services pursuant to
1519 such employment and who has the authority to prescribe
1520 controlled substances shall have access to the information in
1521 the program's system upon verification of such employment.

1522 (c) The program manager and designated support staff for
1523 administration of the program, and to provide relevant
1524 information to the prescriber, dispenser, and appropriate law
1525 enforcement agencies, in accordance with s. 893.055.

1526 (d) The department for investigations involving licensees
1527 authorized to prescribe or dispense controlled substances. The
1528 department may request information from the program but may not
1529 have direct access to its system. The department may provide to
1530 a law enforcement agency pursuant to ss. 456.066 and 456.073
1531 only information that is relevant to the specific controlled
1532 substances investigation that prompted the request for the
1533 information.

1534 (e) ~~(a)~~ The Attorney General or his or her designee when
1535 working on Medicaid fraud cases involving prescribed controlled
1536 substances ~~prescription drugs~~ or when the Attorney General has
1537 initiated a review of specific identifiers of Medicaid fraud or

27-00673-18

20188__

1538 specific identifiers that warrant a Medicaid investigation
1539 regarding prescribed controlled substances ~~prescription drugs~~.
1540 The Attorney General's Medicaid fraud investigators may not have
1541 direct access to the department's system ~~database~~. The Attorney
1542 General or his or her designee may disclose to a criminal
1543 justice agency, as defined in s. 119.011, only the ~~confidential~~
1544 ~~and exempt~~ information received from the department that is
1545 relevant to an identified active investigation that prompted the
1546 request for the information.

1547 ~~(b) The department's relevant health care regulatory boards~~
1548 ~~responsible for the licensure, regulation, or discipline of a~~
1549 ~~practitioner, pharmacist, or other person who is authorized to~~
1550 ~~prescribe, administer, or dispense controlled substances and who~~
1551 ~~is involved in a specific controlled substances investigation~~
1552 ~~for prescription drugs involving a designated person. The health~~
1553 ~~care regulatory boards may request information from the~~
1554 ~~department but may not have direct access to its database. The~~
1555 ~~health care regulatory boards may provide to a law enforcement~~
1556 ~~agency pursuant to ss. 456.066 and 456.073 only information that~~
1557 ~~is relevant to the specific controlled substances investigation~~
1558 ~~that prompted the request for the information.~~

1559 (f) ~~(e)~~ A law enforcement agency that has initiated an
1560 active investigation involving a specific violation of law
1561 regarding prescription drug abuse or diversion of prescribed
1562 controlled substances and that has entered into a user agreement
1563 with the department. A law enforcement agency may request
1564 information from the department but may not have direct access
1565 to its system ~~database~~. The law enforcement agency may disclose
1566 to a criminal justice agency, as defined in s. 119.011, only

27-00673-18

20188__

1567 ~~confidential and exempt~~ information received from the department
1568 that is relevant to an identified active investigation that
1569 prompted the request for such information.

1570 (g) A medical examiner or associate medical examiner, as
1571 defined in s 406.06, pursuant to his or her official duties, as
1572 required by s. 406.11, to determine the cause of death of an
1573 individual. A medical examiner may request information from the
1574 department but may not have direct access to the system.

1575 ~~(f) A patient or the legal guardian or designated health~~
1576 ~~care surrogate for an incapacitated patient, if applicable,~~
1577 ~~making a request as provided in s. 893.055(7)(e)4.~~

1578 (h) An impaired practitioner consultant who has been
1579 authorized in writing by a participant in, or by a referral to,
1580 the impaired practitioner program to access and review
1581 information as provided in s. 893.055(6)(e) ~~893.055(7)(e)5.~~

1582 (i) A patient or the legal guardian or designated health
1583 care surrogate for an incapacitated patient, if applicable,
1584 making a request as provided in s. 893.055(6)(f).

1585 (4) If the department determines consistent with its rules
1586 that a pattern of controlled substance abuse exists, the
1587 department may disclose such confidential and exempt information
1588 to the applicable law enforcement agency in accordance with s.
1589 893.055. The law enforcement agency may disclose to a criminal
1590 justice agency, as defined in s. 119.011, only ~~confidential and~~
1591 ~~exempt~~ information received from the department that is relevant
1592 to an identified active investigation that is specific to a
1593 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
1594 893.13(8)(b).

1595 (5) Before disclosing ~~confidential and exempt~~ information

27-00673-18

20188__

1596 to a criminal justice agency or a law enforcement agency
1597 pursuant to this section, the disclosing person or entity must
1598 take steps to ensure the continued confidentiality of all
1599 ~~confidential and exempt~~ information. At a minimum, these steps
1600 must include redacting any nonrelevant information.

1601 (6) An agency or person who obtains any ~~confidential and~~
1602 ~~exempt~~ information pursuant to this section must maintain the
1603 confidential and exempt status of that information and may not
1604 disclose such information unless authorized by law. Information
1605 shared with a state attorney pursuant to paragraph (3) (e) ~~(3) (a)~~
1606 or paragraph (3) (f) ~~(3) (e)~~ may be released only in response to a
1607 discovery demand if such information is directly related to the
1608 criminal case for which the information was requested. Unrelated
1609 information may be released only upon an order of a court of
1610 competent jurisdiction.

1611 (7) A person who willfully and knowingly violates this
1612 section commits a felony of the third degree, punishable as
1613 provided in s. 775.082, s. 775.083, or s. 775.084.

1614 Section 11. Paragraphs (pp) and (qq) of subsection (1) of
1615 section 458.331, Florida Statutes, are amended to read:

1616 458.331 Grounds for disciplinary action; action by the
1617 board and department.—

1618 (1) The following acts constitute grounds for denial of a
1619 license or disciplinary action, as specified in s. 456.072(2):

1620 (pp) Applicable to a licensee who serves as the designated
1621 physician of a pain-management clinic as defined in s. 458.3265
1622 or s. 459.0137:

1623 1. Registering a pain-management clinic through
1624 misrepresentation or fraud;

27-00673-18

20188__

1625 2. Procuring, or attempting to procure, the registration of
1626 a pain-management clinic for any other person by making or
1627 causing to be made, any false representation;

1628 3. Failing to comply with any requirement of chapter 499,
1629 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
1630 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
1631 the Drug Abuse Prevention and Control Act; or chapter 893, the
1632 Florida Comprehensive Drug Abuse Prevention and Control Act;

1633 4. Being convicted or found guilty of, regardless of
1634 adjudication to, a felony or any other crime involving moral
1635 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
1636 the courts of this state, of any other state, or of the United
1637 States;

1638 5. Being convicted of, or disciplined by a regulatory
1639 agency of the Federal Government or a regulatory agency of
1640 another state for, any offense that would constitute a violation
1641 of this chapter;

1642 6. Being convicted of, or entering a plea of guilty or nolo
1643 contendere to, regardless of adjudication, a crime in any
1644 jurisdiction of the courts of this state, of any other state, or
1645 of the United States which relates to the practice of, or the
1646 ability to practice, a licensed health care profession;

1647 7. Being convicted of, or entering a plea of guilty or nolo
1648 contendere to, regardless of adjudication, a crime in any
1649 jurisdiction of the courts of this state, of any other state, or
1650 of the United States which relates to health care fraud;

1651 8. Dispensing any medicinal drug based upon a communication
1652 that purports to be a prescription as defined in s. 465.003(14)
1653 or s. 893.02 if the dispensing practitioner knows or has reason

27-00673-18

20188__

1654 to believe that the purported prescription is not based upon a
 1655 valid practitioner-patient relationship; or

1656 9. Failing to timely notify the board of the date of his or
 1657 her termination from a pain-management clinic as required by s.
 1658 458.3265(3) ~~458.3265(2)~~.

1659 (qq) Failing to timely notify the department of the theft
 1660 of prescription blanks from a pain-management clinic or a breach
 1661 of other methods for prescribing within 24 hours as required by
 1662 s. 458.3265(3) ~~458.3265(2)~~.

1663 Section 12. Paragraphs (rr) and (ss) of subsection (1) of
 1664 section 459.015, Florida Statutes, are amended to read:

1665 459.015 Grounds for disciplinary action; action by the
 1666 board and department.—

1667 (1) The following acts constitute grounds for denial of a
 1668 license or disciplinary action, as specified in s. 456.072(2):

1669 (rr) Applicable to a licensee who serves as the designated
 1670 physician of a pain-management clinic as defined in s. 458.3265
 1671 or s. 459.0137:

1672 1. Registering a pain-management clinic through
 1673 misrepresentation or fraud;

1674 2. Procuring, or attempting to procure, the registration of
 1675 a pain-management clinic for any other person by making or
 1676 causing to be made, any false representation;

1677 3. Failing to comply with any requirement of chapter 499,
 1678 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 1679 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 1680 the Drug Abuse Prevention and Control Act; or chapter 893, the
 1681 Florida Comprehensive Drug Abuse Prevention and Control Act;

1682 4. Being convicted or found guilty of, regardless of

27-00673-18

20188__

1683 adjudication to, a felony or any other crime involving moral
1684 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
1685 the courts of this state, of any other state, or of the United
1686 States;

1687 5. Being convicted of, or disciplined by a regulatory
1688 agency of the Federal Government or a regulatory agency of
1689 another state for, any offense that would constitute a violation
1690 of this chapter;

1691 6. Being convicted of, or entering a plea of guilty or nolo
1692 contendere to, regardless of adjudication, a crime in any
1693 jurisdiction of the courts of this state, of any other state, or
1694 of the United States which relates to the practice of, or the
1695 ability to practice, a licensed health care profession;

1696 7. Being convicted of, or entering a plea of guilty or nolo
1697 contendere to, regardless of adjudication, a crime in any
1698 jurisdiction of the courts of this state, of any other state, or
1699 of the United States which relates to health care fraud;

1700 8. Dispensing any medicinal drug based upon a communication
1701 that purports to be a prescription as defined in s. 465.003(14)
1702 or s. 893.02 if the dispensing practitioner knows or has reason
1703 to believe that the purported prescription is not based upon a
1704 valid practitioner-patient relationship; or

1705 9. Failing to timely notify the board of the date of his or
1706 her termination from a pain-management clinic as required by s.
1707 459.0137(3) ~~459.0137(2)~~.

1708 (ss) Failing to timely notify the department of the theft
1709 of prescription blanks from a pain-management clinic or a breach
1710 of other methods for prescribing within 24 hours as required by
1711 s. 459.0137(3) ~~459.0137(2)~~.

27-00673-18

20188__

1712 Section 13. Paragraph (b) of subsection (4) of section
 1713 463.0055, Florida Statutes, is amended to read:

1714 463.0055 Administration and prescription of ocular
 1715 pharmaceutical agents.—

1716 (4) A certified optometrist shall be issued a prescriber
 1717 number by the board. Any prescription written by a certified
 1718 optometrist for an ocular pharmaceutical agent pursuant to this
 1719 section shall have the prescriber number printed thereon. A
 1720 certified optometrist may not administer or prescribe:

1721 (b) A controlled substance for the treatment of chronic
 1722 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1723 Section 14. Paragraph (a) of subsection (1) of section
 1724 782.04, Florida Statutes, is amended to read:

1725 782.04 Murder.—

1726 (1) (a) The unlawful killing of a human being:

1727 1. When perpetrated from a premeditated design to effect
 1728 the death of the person killed or any human being;

1729 2. When committed by a person engaged in the perpetration
 1730 of, or in the attempt to perpetrate, any:

1731 a. Trafficking offense prohibited by s. 893.135(1),

1732 b. Arson,

1733 c. Sexual battery,

1734 d. Robbery,

1735 e. Burglary,

1736 f. Kidnapping,

1737 g. Escape,

1738 h. Aggravated child abuse,

1739 i. Aggravated abuse of an elderly person or disabled adult,

1740 j. Aircraft piracy,

27-00673-18

20188__

- 1741 k. Unlawful throwing, placing, or discharging of a
 1742 destructive device or bomb,
- 1743 l. Carjacking,
 1744 m. Home-invasion robbery,
 1745 n. Aggravated stalking,
 1746 o. Murder of another human being,
 1747 p. Resisting an officer with violence to his or her person,
 1748 q. Aggravated fleeing or eluding with serious bodily injury
 1749 or death,
- 1750 r. Felony that is an act of terrorism or is in furtherance
 1751 of an act of terrorism, including a felony under s. 775.30, s.
 1752 775.32, s. 775.33, s. 775.34, or s. 775.35, or
 1753 s. Human trafficking; or
- 1754 3. Which resulted from the unlawful distribution by a
 1755 person 18 years of age or older of any of the following
 1756 substances, or mixture containing any of the following
 1757 substances, when such substance or mixture is proven to be the
 1758 proximate cause of the death of the user:
- 1759 a. A substance controlled under s. 893.03(1);
 1760 b. Cocaine, as described in s. 893.03(2)(a)4.;
 1761 c. Opium or any synthetic or natural salt, compound,
 1762 derivative, or preparation of opium;
 1763 d. Methadone;
 1764 e. Alfentanil, as described in s. 893.03(2)(b)1.;
 1765 f. Carfentanil, as described in s. 893.03(2)(b)6.;
 1766 g. Fentanyl, as described in s. 893.03(2)(b)9.;
 1767 h. Sufentanil, as described in s. 893.03(2)(b)30.
 1768 ~~893.03(2)(b)29.~~; or
 1769 i. A controlled substance analog, as described in s.

27-00673-18

20188__

1770 893.0356, of any substance specified in sub-subparagraphs a.-h.,
 1771
 1772 is murder in the first degree and constitutes a capital felony,
 1773 punishable as provided in s. 775.082.

1774 Section 15. Paragraphs (a), (c), (d), (e), (f), and (h) of
 1775 subsection (1), subsection (2), paragraphs (a) and (b) of
 1776 subsection (4), and subsection (5) of section 893.13, Florida
 1777 Statutes, are amended to read:

1778 893.13 Prohibited acts; penalties.—

1779 (1) (a) Except as authorized by this chapter and chapter
 1780 499, a person may not sell, manufacture, or deliver, or possess
 1781 with intent to sell, manufacture, or deliver, a controlled
 1782 substance. A person who violates this provision with respect to:

1783 1. A controlled substance named or described in s.
 1784 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
 1785 ~~(2) (c) 4.~~ commits a felony of the second degree, punishable as
 1786 provided in s. 775.082, s. 775.083, or s. 775.084.

1787 2. A controlled substance named or described in s.
 1788 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.,~~ (2) (c) 6.,
 1789 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a
 1790 felony of the third degree, punishable as provided in s.
 1791 775.082, s. 775.083, or s. 775.084.

1792 3. A controlled substance named or described in s.
 1793 893.03(5) commits a misdemeanor of the first degree, punishable
 1794 as provided in s. 775.082 or s. 775.083.

1795 (c) Except as authorized by this chapter, a person may not
 1796 sell, manufacture, or deliver, or possess with intent to sell,
 1797 manufacture, or deliver, a controlled substance in, on, or
 1798 within 1,000 feet of the real property comprising a child care

27-00673-18

20188__

1799 facility as defined in s. 402.302 or a public or private
 1800 elementary, middle, or secondary school between the hours of 6
 1801 a.m. and 12 midnight, or at any time in, on, or within 1,000
 1802 feet of real property comprising a state, county, or municipal
 1803 park, a community center, or a publicly owned recreational
 1804 facility. As used in this paragraph, the term "community center"
 1805 means a facility operated by a nonprofit community-based
 1806 organization for the provision of recreational, social, or
 1807 educational services to the public. A person who violates this
 1808 paragraph with respect to:

1809 1. A controlled substance named or described in s.
 1810 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1811 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
 1812 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
 1813 must be sentenced to a minimum term of imprisonment of 3
 1814 calendar years unless the offense was committed within 1,000
 1815 feet of the real property comprising a child care facility as
 1816 defined in s. 402.302.

1817 2. A controlled substance named or described in s.
 1818 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
 1819 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1820 felony of the second degree, punishable as provided in s.
 1821 775.082, s. 775.083, or s. 775.084.

1822 3. Any other controlled substance, except as lawfully sold,
 1823 manufactured, or delivered, must be sentenced to pay a \$500 fine
 1824 and to serve 100 hours of public service in addition to any
 1825 other penalty prescribed by law.

1826
 1827 This paragraph does not apply to a child care facility unless

27-00673-18

20188__

1828 the owner or operator of the facility posts a sign that is not
1829 less than 2 square feet in size with a word legend identifying
1830 the facility as a licensed child care facility and that is
1831 posted on the property of the child care facility in a
1832 conspicuous place where the sign is reasonably visible to the
1833 public.

1834 (d) Except as authorized by this chapter, a person may not
1835 sell, manufacture, or deliver, or possess with intent to sell,
1836 manufacture, or deliver, a controlled substance in, on, or
1837 within 1,000 feet of the real property comprising a public or
1838 private college, university, or other postsecondary educational
1839 institution. A person who violates this paragraph with respect
1840 to:

1841 1. A controlled substance named or described in s.
1842 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1843 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1844 provided in s. 775.082, s. 775.083, or s. 775.084.

1845 2. A controlled substance named or described in s.
1846 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1847 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1848 felony of the second degree, punishable as provided in s.
1849 775.082, s. 775.083, or s. 775.084.

1850 3. Any other controlled substance, except as lawfully sold,
1851 manufactured, or delivered, must be sentenced to pay a \$500 fine
1852 and to serve 100 hours of public service in addition to any
1853 other penalty prescribed by law.

1854 (e) Except as authorized by this chapter, a person may not
1855 sell, manufacture, or deliver, or possess with intent to sell,
1856 manufacture, or deliver, a controlled substance not authorized

27-00673-18

20188__

1857 by law in, on, or within 1,000 feet of a physical place for
1858 worship at which a church or religious organization regularly
1859 conducts religious services or within 1,000 feet of a
1860 convenience business as defined in s. 812.171. A person who
1861 violates this paragraph with respect to:

1862 1. A controlled substance named or described in s.
1863 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1864 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1865 provided in s. 775.082, s. 775.083, or s. 775.084.

1866 2. A controlled substance named or described in s.
1867 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
1868 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1869 felony of the second degree, punishable as provided in s.
1870 775.082, s. 775.083, or s. 775.084.

1871 3. Any other controlled substance, except as lawfully sold,
1872 manufactured, or delivered, must be sentenced to pay a \$500 fine
1873 and to serve 100 hours of public service in addition to any
1874 other penalty prescribed by law.

1875 (f) Except as authorized by this chapter, a person may not
1876 sell, manufacture, or deliver, or possess with intent to sell,
1877 manufacture, or deliver, a controlled substance in, on, or
1878 within 1,000 feet of the real property comprising a public
1879 housing facility at any time. As used in this section, the term
1880 "real property comprising a public housing facility" means real
1881 property, as defined in s. 421.03(12), of a public corporation
1882 created as a housing authority pursuant to part I of chapter
1883 421. A person who violates this paragraph with respect to:

1884 1. A controlled substance named or described in s.
1885 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

27-00673-18

20188__

1886 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
 1887 provided in s. 775.082, s. 775.083, or s. 775.084.

1888 2. A controlled substance named or described in s.
 1889 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~, (2)(c)6.,
 1890 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1891 felony of the second degree, punishable as provided in s.
 1892 775.082, s. 775.083, or s. 775.084.

1893 3. Any other controlled substance, except as lawfully sold,
 1894 manufactured, or delivered, must be sentenced to pay a \$500 fine
 1895 and to serve 100 hours of public service in addition to any
 1896 other penalty prescribed by law.

1897 (h) Except as authorized by this chapter, a person may not
 1898 sell, manufacture, or deliver, or possess with intent to sell,
 1899 manufacture, or deliver, a controlled substance in, on, or
 1900 within 1,000 feet of the real property comprising an assisted
 1901 living facility, as that term is used in chapter 429. A person
 1902 who violates this paragraph with respect to:

1903 1. A controlled substance named or described in s.
 1904 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1905 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
 1906 provided in s. 775.082, s. 775.083, or s. 775.084.

1907 2. A controlled substance named or described in s.
 1908 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~, (2)(c)6.,
 1909 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1910 felony of the second degree, punishable as provided in s.
 1911 775.082, s. 775.083, or s. 775.084.

1912 3. Any other controlled substance, except as lawfully sold,
 1913 manufactured, or delivered, must be sentenced to pay a \$500 fine
 1914 and to serve 100 hours of public service in addition to any

27-00673-18

20188__

1915 other penalty prescribed by law.

1916 (2) (a) Except as authorized by this chapter and chapter
1917 499, a person may not purchase, or possess with intent to
1918 purchase, a controlled substance. A person who violates this
1919 provision with respect to:

1920 1. A controlled substance named or described in s.
1921 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
1922 ~~(2) (e) 4.~~ commits a felony of the second degree, punishable as
1923 provided in s. 775.082, s. 775.083, or s. 775.084.

1924 2. A controlled substance named or described in s.
1925 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (e) 5.~~ (2) (c) 6.,
1926 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a
1927 felony of the third degree, punishable as provided in s.
1928 775.082, s. 775.083, or s. 775.084.

1929 3. A controlled substance named or described in s.
1930 893.03(5) commits a misdemeanor of the first degree, punishable
1931 as provided in s. 775.082 or s. 775.083.

1932 (b) Except as provided in this chapter, a person may not
1933 purchase more than 10 grams of any substance named or described
1934 in s. 893.03(1) (a) or (1) (b), or any combination thereof, or any
1935 mixture containing any such substance. A person who violates
1936 this paragraph commits a felony of the first degree, punishable
1937 as provided in s. 775.082, s. 775.083, or s. 775.084.

1938 (4) Except as authorized by this chapter, a person 18 years
1939 of age or older may not deliver any controlled substance to a
1940 person younger than 18 years of age, use or hire a person
1941 younger than 18 years of age as an agent or employee in the sale
1942 or delivery of such a substance, or use such person to assist in
1943 avoiding detection or apprehension for a violation of this

27-00673-18

20188__

1944 chapter. A person who violates this subsection with respect to:

1945 (a) A controlled substance named or described in s.
1946 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1947 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1948 provided in s. 775.082, s. 775.083, or s. 775.084.

1949 (b) A controlled substance named or described in s.
1950 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
1951 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1952 felony of the second degree, punishable as provided in s.
1953 775.082, s. 775.083, or s. 775.084.

1954
1955 Imposition of sentence may not be suspended or deferred, and the
1956 person so convicted may not be placed on probation.

1957 (5) A person may not bring into this state any controlled
1958 substance unless the possession of such controlled substance is
1959 authorized by this chapter or unless such person is licensed to
1960 do so by the appropriate federal agency. A person who violates
1961 this provision with respect to:

1962 (a) A controlled substance named or described in s.
1963 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1964 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
1965 provided in s. 775.082, s. 775.083, or s. 775.084.

1966 (b) A controlled substance named or described in s.
1967 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
1968 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1969 felony of the third degree, punishable as provided in s.
1970 775.082, s. 775.083, or s. 775.084.

1971 (c) A controlled substance named or described in s.
1972 893.03(5) commits a misdemeanor of the first degree, punishable

27-00673-18

20188__

1973 as provided in s. 775.082 or s. 775.083.

1974 Section 16. Paragraphs (c) and (f) of subsection (1) of
1975 section 893.135, Florida Statutes, are amended to read:

1976 893.135 Trafficking; mandatory sentences; suspension or
1977 reduction of sentences; conspiracy to engage in trafficking.—

1978 (1) Except as authorized in this chapter or in chapter 499
1979 and notwithstanding the provisions of s. 893.13:

1980 (c)1. A person who knowingly sells, purchases,
1981 manufactures, delivers, or brings into this state, or who is
1982 knowingly in actual or constructive possession of, 4 grams or
1983 more of any morphine, opium, hydromorphone, or any salt,
1984 derivative, isomer, or salt of an isomer thereof, including
1985 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
1986 (3)(c)4., or 4 grams or more of any mixture containing any such
1987 substance, but less than 30 kilograms of such substance or
1988 mixture, commits a felony of the first degree, which felony
1989 shall be known as "trafficking in illegal drugs," punishable as
1990 provided in s. 775.082, s. 775.083, or s. 775.084. If the
1991 quantity involved:

1992 a. Is 4 grams or more, but less than 14 grams, such person
1993 shall be sentenced to a mandatory minimum term of imprisonment
1994 of 3 years and shall be ordered to pay a fine of \$50,000.

1995 b. Is 14 grams or more, but less than 28 grams, such person
1996 shall be sentenced to a mandatory minimum term of imprisonment
1997 of 15 years and shall be ordered to pay a fine of \$100,000.

1998 c. Is 28 grams or more, but less than 30 kilograms, such
1999 person shall be sentenced to a mandatory minimum term of
2000 imprisonment of 25 years and shall be ordered to pay a fine of
2001 \$500,000.

27-00673-18

20188__

2002 2. A person who knowingly sells, purchases, manufactures,
2003 delivers, or brings into this state, or who is knowingly in
2004 actual or constructive possession of, 14 grams or more of
2005 hydrocodone, as described in s. 893.03(2)(a)1.k.

2006 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,
2007 or any salt thereof, or 14 grams or more of any mixture
2008 containing any such substance, commits a felony of the first
2009 degree, which felony shall be known as "trafficking in
2010 hydrocodone," punishable as provided in s. 775.082, s. 775.083,
2011 or s. 775.084. If the quantity involved:

2012 a. Is 14 grams or more, but less than 28 grams, such person
2013 shall be sentenced to a mandatory minimum term of imprisonment
2014 of 3 years and shall be ordered to pay a fine of \$50,000.

2015 b. Is 28 grams or more, but less than 50 grams, such person
2016 shall be sentenced to a mandatory minimum term of imprisonment
2017 of 7 years and shall be ordered to pay a fine of \$100,000.

2018 c. Is 50 grams or more, but less than 200 grams, such
2019 person shall be sentenced to a mandatory minimum term of
2020 imprisonment of 15 years and shall be ordered to pay a fine of
2021 \$500,000.

2022 d. Is 200 grams or more, but less than 30 kilograms, such
2023 person shall be sentenced to a mandatory minimum term of
2024 imprisonment of 25 years and shall be ordered to pay a fine of
2025 \$750,000.

2026 3. A person who knowingly sells, purchases, manufactures,
2027 delivers, or brings into this state, or who is knowingly in
2028 actual or constructive possession of, 7 grams or more of
2029 oxycodone, as described in s. 893.03(2)(a)1.q. ~~893.03(2)(a)1.o.~~,
2030 or any salt thereof, or 7 grams or more of any mixture

27-00673-18

20188__

2031 containing any such substance, commits a felony of the first
2032 degree, which felony shall be known as "trafficking in
2033 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
2034 s. 775.084. If the quantity involved:

2035 a. Is 7 grams or more, but less than 14 grams, such person
2036 shall be sentenced to a mandatory minimum term of imprisonment
2037 of 3 years and shall be ordered to pay a fine of \$50,000.

2038 b. Is 14 grams or more, but less than 25 grams, such person
2039 shall be sentenced to a mandatory minimum term of imprisonment
2040 of 7 years and shall be ordered to pay a fine of \$100,000.

2041 c. Is 25 grams or more, but less than 100 grams, such
2042 person shall be sentenced to a mandatory minimum term of
2043 imprisonment of 15 years and shall be ordered to pay a fine of
2044 \$500,000.

2045 d. Is 100 grams or more, but less than 30 kilograms, such
2046 person shall be sentenced to a mandatory minimum term of
2047 imprisonment of 25 years and shall be ordered to pay a fine of
2048 \$750,000.

2049 4.a. A person who knowingly sells, purchases, manufactures,
2050 delivers, or brings into this state, or who is knowingly in
2051 actual or constructive possession of, 4 grams or more of:

2052 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2053 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2054 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2055 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2056 ~~893.03(2)(b)29.;~~

2057 (V) A fentanyl derivative, as described in s.

2058 893.03(1)(a)62.;

2059 (VI) A controlled substance analog, as described in s.

27-00673-18

20188__

2060 893.0356, of any substance described in sub-sub-subparagraphs
 2061 (I)-(V); or
 2062 (VII) A mixture containing any substance described in sub-
 2063 sub-subparagraphs (I)-(VI),
 2064
 2065 commits a felony of the first degree, which felony shall be
 2066 known as "trafficking in fentanyl," punishable as provided in s.
 2067 775.082, s. 775.083, or s. 775.084.

2068 b. If the quantity involved under sub-subparagraph a.:
 2069 (I) Is 4 grams or more, but less than 14 grams, such person
 2070 shall be sentenced to a mandatory minimum term of imprisonment
 2071 of 3 years, and shall be ordered to pay a fine of \$50,000.

2072 (II) Is 14 grams or more, but less than 28 grams, such
 2073 person shall be sentenced to a mandatory minimum term of
 2074 imprisonment of 15 years, and shall be ordered to pay a fine of
 2075 \$100,000.

2076 (III) Is 28 grams or more, such person shall be sentenced
 2077 to a mandatory minimum term of imprisonment of 25 years, and
 2078 shall be ordered to pay a fine of \$500,000.

2079 5. A person who knowingly sells, purchases, manufactures,
 2080 delivers, or brings into this state, or who is knowingly in
 2081 actual or constructive possession of, 30 kilograms or more of
 2082 any morphine, opium, oxycodone, hydrocodone, codeine,
 2083 hydromorphone, or any salt, derivative, isomer, or salt of an
 2084 isomer thereof, including heroin, as described in s.
 2085 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 2086 more of any mixture containing any such substance, commits the
 2087 first degree felony of trafficking in illegal drugs. A person
 2088 who has been convicted of the first degree felony of trafficking

27-00673-18

20188__

2089 in illegal drugs under this subparagraph shall be punished by
2090 life imprisonment and is ineligible for any form of
2091 discretionary early release except pardon or executive clemency
2092 or conditional medical release under s. 947.149. However, if the
2093 court determines that, in addition to committing any act
2094 specified in this paragraph:

2095 a. The person intentionally killed an individual or
2096 counseled, commanded, induced, procured, or caused the
2097 intentional killing of an individual and such killing was the
2098 result; or

2099 b. The person's conduct in committing that act led to a
2100 natural, though not inevitable, lethal result,

2101
2102 such person commits the capital felony of trafficking in illegal
2103 drugs, punishable as provided in ss. 775.082 and 921.142. A
2104 person sentenced for a capital felony under this paragraph shall
2105 also be sentenced to pay the maximum fine provided under
2106 subparagraph 1.

2107 6. A person who knowingly brings into this state 60
2108 kilograms or more of any morphine, opium, oxycodone,
2109 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2110 isomer, or salt of an isomer thereof, including heroin, as
2111 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2112 60 kilograms or more of any mixture containing any such
2113 substance, and who knows that the probable result of such
2114 importation would be the death of a person, commits capital
2115 importation of illegal drugs, a capital felony punishable as
2116 provided in ss. 775.082 and 921.142. A person sentenced for a
2117 capital felony under this paragraph shall also be sentenced to

27-00673-18

20188__

2118 pay the maximum fine provided under subparagraph 1.

2119 (f)1. Any person who knowingly sells, purchases,
2120 manufactures, delivers, or brings into this state, or who is
2121 knowingly in actual or constructive possession of, 14 grams or
2122 more of amphetamine, as described in s. 893.03(2)(c)2., or
2123 methamphetamine, as described in s. 893.03(2)(c)5.

2124 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or
2125 methamphetamine, or phenylacetone, phenylacetic acid,
2126 pseudoephedrine, or ephedrine in conjunction with other
2127 chemicals and equipment utilized in the manufacture of
2128 amphetamine or methamphetamine, commits a felony of the first
2129 degree, which felony shall be known as "trafficking in
2130 amphetamine," punishable as provided in s. 775.082, s. 775.083,
2131 or s. 775.084. If the quantity involved:

2132 a. Is 14 grams or more, but less than 28 grams, such person
2133 shall be sentenced to a mandatory minimum term of imprisonment
2134 of 3 years, and the defendant shall be ordered to pay a fine of
2135 \$50,000.

2136 b. Is 28 grams or more, but less than 200 grams, such
2137 person shall be sentenced to a mandatory minimum term of
2138 imprisonment of 7 years, and the defendant shall be ordered to
2139 pay a fine of \$100,000.

2140 c. Is 200 grams or more, such person shall be sentenced to
2141 a mandatory minimum term of imprisonment of 15 calendar years
2142 and pay a fine of \$250,000.

2143 2. Any person who knowingly manufactures or brings into
2144 this state 400 grams or more of amphetamine, as described in s.
2145 893.03(2)(c)2., or methamphetamine, as described in s.
2146 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing

27-00673-18

20188__

2147 amphetamine or methamphetamine, or phenylacetone, phenylacetic
 2148 acid, pseudoephedrine, or ephedrine in conjunction with other
 2149 chemicals and equipment used in the manufacture of amphetamine
 2150 or methamphetamine, and who knows that the probable result of
 2151 such manufacture or importation would be the death of any person
 2152 commits capital manufacture or importation of amphetamine, a
 2153 capital felony punishable as provided in ss. 775.082 and
 2154 921.142. Any person sentenced for a capital felony under this
 2155 paragraph shall also be sentenced to pay the maximum fine
 2156 provided under subparagraph 1.

2157 Section 17. Paragraphs (b), (c), and (e) of subsection (3)
 2158 of section 921.0022, Florida Statutes, are amended to read:

2159 921.0022 Criminal Punishment Code; offense severity ranking
 2160 chart.—

2161 (3) OFFENSE SEVERITY RANKING CHART

2162 (b) LEVEL 2

2163
 2164

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

2166

27-00673-18

20188__

			Act.
2167	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.
2168	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
2169	590.28(1)	3rd	Intentional burning of lands.
2170	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2171	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2172	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2173	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling;

27-00673-18

20188__

			facilitating or furthering burglary.
2174	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
2175	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2176	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2177	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2178	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
2179	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2180	817.52(3)	3rd	Failure to redeliver hired

27-00673-18

20188__

2181			vehicle.
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2182			
	817.60 (5)	3rd	Dealing in credit cards of another.
2183			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2184			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2185			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2186			
	831.01	3rd	Forgery.
2187			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2188			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2189			

27-00673-18

20188__

2190
2191
2192
2193
2194
2195
2196
2197
2198

831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
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.
893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.

(c) LEVEL 3

27-00673-18

20188__

2199
2200
2201
2202
2203
2204
2205
2206
2207

Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

27-00673-18

20188__

	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2208	327.35(2)(b)	3rd	Felony BUI.
2209	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2210	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2211	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2212	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.

27-00673-18

20188__

2213

379.2431 3rd Possessing any marine turtle
 (1) (e) 6. species or hatchling, or parts
 thereof, or the nest of any
 marine turtle species described
 in the Marine Turtle Protection
 Act.

2214

379.2431 3rd Soliciting to commit or
 (1) (e) 7. conspiring to commit a
 violation of the Marine Turtle
 Protection Act.

2215

400.9935 (4) (a) 3rd Operating a clinic, or offering
 or (b) services requiring licensure,
 without a license.

2216

400.9935 (4) (e) 3rd Filing a false license
 application or other required
 information or failing to
 report information.

2217

440.1051 (3) 3rd False report of workers'
 compensation fraud or
 retaliation for making such a
 report.

2218

501.001 (2) (b) 2nd Tampers with a consumer product
 or the container using

27-00673-18

20188__

			materially false/misleading information.
2219	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2220	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2221	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2222	697.08	3rd	Equity skimming.
2223	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2224	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2225	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2226	810.09 (2) (c)	3rd	Trespass on property other than

27-00673-18

20188__

			structure or conveyance armed with firearm or dangerous weapon.
2227	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2228	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2229	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2230	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2231	817.233	3rd	Burning to defraud insurer.
2232	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2233	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2234	817.236	3rd	Filing a false motor vehicle

27-00673-18

20188__

2235			insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2236			
	817.413 (2)	3rd	Sale of used goods as new.
2237			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2238			
	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2239			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2240			
	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2241			
	843.19	3rd	Injure, disable, or kill police dog or horse.
2242			

27-00673-18

20188__

2243
2244
2245
2246
2247

860.15 (3)	3rd	Overcharging for repairs and parts.
870.01 (2)	3rd	Riot; inciting or encouraging.
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).
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.
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.

27-00673-18

20188__

2248

893.13(4)(c) 3rd Use or hire of minor; deliver to minor other controlled substances.

2249

893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

2250

893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance.

2251

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

2252

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

2253

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an

27-00673-18

20188__

2254	893.13(8)(a)2.	3rd	<p>animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.</p>
2255	893.13(8)(a)3.	3rd	<p>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.</p>
2256	893.13(8)(a)4.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p>
2257	918.13(1)(a)	3rd	<p>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.</p>
2258			<p>Alter, destroy, or conceal investigation evidence.</p>

27-00673-18

20188__

2259

944.47 3rd Introduce contraband to
(1) (a) 1. & 2. correctional facility.

2260

944.47 (1) (c) 2nd Possess contraband while upon
the grounds of a correctional
institution.

2261

985.721 3rd Escapes from a juvenile
facility (secure detention or
residential commitment
facility).

2262

(e) LEVEL 5

2263

2264

Florida	Felony	Description
Statute	Degree	

2265

316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
-----------------	-----	--

2266

316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
------------------	-----	--------------------------------

2267

316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
------------	-----	--

2268

322.34 (6)	3rd	Careless operation of motor
------------	-----	-----------------------------

27-00673-18

20188__

2269

vehicle with suspended license,
resulting in death or serious
bodily injury.

327.30(5)

3rd

Vessel accidents involving
personal injury; leaving scene.

2270

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.

2271

379.367(4)

3rd

Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

27-00673-18

20188__

2272	379.407(5)(b)3.	3rd	Possession of 100 or more undersized spiny lobsters.
2273	381.0041(11)(b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2274	440.10(1)(g)	2nd	Failure to obtain workers' compensation coverage.
2275	440.105(5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2276	440.381(2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2277	624.401(4)(b)2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2278	626.902(1)(c)	2nd	Representing an unauthorized insurer; repeat offender.
2279	790.01(2)	3rd	Carrying a concealed firearm.

27-00673-18

20188__

2280

790.162 2nd Threat to throw or discharge
destructive device.

2281

790.163 (1) 2nd False report of bomb,
explosive, weapon of mass
destruction, or use of firearms
in violent manner.

2282

790.221 (1) 2nd Possession of short-barreled
shotgun or machine gun.

2283

790.23 2nd Felons in possession of
firearms, ammunition, or
electronic weapons or devices.

2284

796.05 (1) 2nd Live on earnings of a
prostitute; 1st offense.

2285

800.04 (6) (c) 3rd Lewd or lascivious conduct;
offender less than 18 years of
age.

2286

800.04 (7) (b) 2nd Lewd or lascivious exhibition;
offender 18 years of age or
older.

2287

806.111 (1) 3rd Possess, manufacture, or
dispense fire bomb with intent

27-00673-18

20188__

			to damage any structure or property.
2288	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2289	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2290	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2291	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2292	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2293	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2294	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2295	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or

27-00673-18

20188__

2296

false statements regarding property values relating to the solvency of an insuring entity.

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.

2297

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

2298

817.625 (2) (b)

2nd

Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.

2299

825.1025 (4)

3rd

Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.

2300

827.071 (4)

2nd

Possess with intent to promote any photographic material, motion picture, etc., which

27-00673-18

20188__

2301

includes sexual conduct by a child.

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

2302

839.13 (2) (b)

2nd

Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.

2303

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

2304

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

2305

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

2306

847.0138
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

27-00673-18

20188__

2307

874.05 (1) (b) 2nd Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

2308

874.05 (2) (a) 2nd Encouraging or recruiting person under 13 years of age to join a criminal gang.

2309

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) (e) 4.~~ drugs).

2310

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) (e) 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.

2311

27-00673-18

20188__

2312

893.13(1)(d)1. 1st 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) within 1,000 feet of university.

2313

893.13(1)(e)2. 2nd 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., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

2314

893.13(1)(f)1. 1st Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5. ~~(2)(c)4.~~ drugs) within 1,000 feet of public housing facility.

893.13(4)(b) 2nd Use or hire of minor; deliver to minor other controlled

27-00673-18

20188__

substance.

2315

893.1351(1)

3rd

Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.

2316

2317

2318

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