



1 A bill to be entitled
2 An act relating to the ordering of medication;
3 amending s. 381.887, F.S.; providing that a pharmacist
4 may dispense an emergency opioid antagonist pursuant
5 to a non-patient-specific standing order for an
6 autoinjection delivery system or intranasal
7 application delivery system; amending ss. 458.347 and
8 459.022, F.S.; revising the authority of a licensed
9 physician assistant to order medication under the
10 direction of a supervisory physician for a specified
11 patient; amending s. 464.012, F.S.; authorizing an
12 advanced registered nurse practitioner to order
13 medication for administration to a specified patient;
14 amending s. 465.003, F.S.; revising the term
15 "prescription" to exclude an order for drugs or
16 medicinal supplies dispensed for administration;
17 amending s. 893.02, F.S.; revising the term
18 "administer" to include the term "administration";
19 revising the term "prescription" to exclude an order
20 for drugs or medicinal supplies dispensed for
21 administration; amending s. 893.04, F.S.; conforming
22 provisions to changes made by the act; amending s.
23 893.05, F.S.; authorizing a licensed practitioner to
24 authorize a licensed physician assistant or advanced
25 registered nurse practitioner to order controlled
26 substances for a specified patient under certain



27 | circumstances; reenacting ss. 400.462(26) and
28 | 409.906(18), F.S., relating to the definition of the
29 | term "physician assistant" for purposes of the Home
30 | Health Services Act and physician assistant services
31 | under the Medicaid program, respectively, to
32 | incorporate the amendments made by the act to ss.
33 | 458.347 and 459.022, F.S., in references thereto;
34 | reenacting ss. 401.445(1) and 766.103(3), F.S.,
35 | relating to emergency examination and treatment of
36 | incapacitated persons and the Florida Medical Consent
37 | Law, respectively, to incorporate the amendments made
38 | by the act to ss. 458.347, 459.022, and 464.012, F.S.,
39 | in references thereto; reenacting ss. 409.9201(1)(a),
40 | 465.014(1), 465.1901, 499.003(43), and 831.30(1),
41 | F.S., relating to the definition of "prescription
42 | drug" for purposes of Medicaid fraud, the supervision
43 | of registered pharmacy technicians, applicability of
44 | provisions regulating the practice of orthotics or
45 | pedorthics to pharmacists, the definition of the term
46 | "prescription drug" for purposes of the Florida Drug
47 | and Cosmetic Act, and criminal penalties related to
48 | the fraudulent obtaining of medicinal drugs,
49 | respectively, to incorporate the amendment made by the
50 | act to s. 465.003, F.S., in references thereto;
51 | reenacting ss. 458.331(1)(pp), 459.015(1)(rr),
52 | 465.015(2)(c) and (3), 465.016(1)(s), 465.022(5)(j),



53 | and 465.023(1)(h), F.S., relating to grounds for
 54 | disciplinary action by the Board of Medicine or the
 55 | Board of Osteopathic Medicine, unlawful acts and
 56 | penalties related to the practice of pharmacy, grounds
 57 | for denial of a pharmacy permit or disciplinary action
 58 | against a pharmacy permittee, respectively, to
 59 | incorporate the amendments made by the act to ss.
 60 | 465.003 and 893.02, F.S., in references thereto;
 61 | reenacting ss. 112.0455(5)(i), 381.986(7)(b),
 62 | 440.102(1)(l), 499.0121(14), 768.36(1)(b),
 63 | 810.02(3)(f), 812.014(2)(c), 856.015(1)(c),
 64 | 944.47(1)(a), 951.22(1), 985.711(1)(a), 1003.57(1)(i),
 65 | and 1006.09(8), F.S., relating to the Drug-Free
 66 | Workplace Act, the compassionate use of low-THC
 67 | cannabis, drug-free workplace program requirements,
 68 | reporting of prescription drug distribution, the
 69 | definition of the term "drug" for purposes of defenses
 70 | from civil actions related to alcohol or drugs,
 71 | burglary offenses, penalties for grand theft, the
 72 | definition of the term "drug" for purposes of offenses
 73 | related to open house parties, unlawful introduction
 74 | of certain articles into correctional institutions,
 75 | county detention facilities, or juvenile detention
 76 | facilities, the definition of the term "controlled
 77 | substance" for purposes of exceptional student
 78 | instruction, and duties of school principals related



79 to student discipline, respectively, to incorporate
 80 the amendment made by the act to s. 893.02, F.S., in
 81 references thereto; reenacting s. 893.0551(3)(d) and
 82 (e), F.S., relating to disclosure by the Department of
 83 Health of confidential information in prescription
 84 drug monitoring program records, to incorporate the
 85 amendments made by the act to ss. 893.04 and 893.05,
 86 F.S., in references thereto; providing an effective
 87 date.

88
 89 Be It Enacted by the Legislature of the State of Florida:

90
 91 Section 1. Subsection (3) of section 381.887, Florida
 92 Statutes, is amended to read:

93 381.887 Emergency treatment for suspected opioid
 94 overdose.—

95 (3) An authorized health care practitioner may prescribe
 96 and dispense an emergency opioid antagonist to a patient or
 97 caregiver for use in accordance with this section, and
 98 pharmacists may dispense an emergency opioid antagonist pursuant
 99 to such a prescription or pursuant to a non-patient-specific
 100 standing order for an autoinjection delivery system or
 101 intranasal application delivery system, which must be ~~issued in~~
 102 ~~the name of the patient or caregiver, which is~~ appropriately
 103 labeled with instructions for use. Such patient or caregiver is
 104 authorized to store and possess approved emergency opioid



HB 1241, Engrossed 1

2016

105 antagonists and, in an emergency situation when a physician is
106 not immediately available, administer the emergency opioid
107 antagonist to a person believed in good faith to be experiencing
108 an opioid overdose, regardless of whether that person has a
109 prescription for an emergency opioid antagonist.

110 Section 2. Paragraph (g) of subsection (4) of section
111 458.347, Florida Statutes, is amended to read:

112 458.347 Physician assistants.—

113 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

114 (g) A supervisory physician may delegate to a licensed
115 physician assistant the authority to, and the licensed physician
116 assistant acting under the direction of the supervisory
117 physician may, order any medication ~~medications~~ for
118 administration to the supervisory physician's patient during his
119 ~~or her care~~ in a facility licensed under chapter 395 or part II
120 of chapter 400, ~~notwithstanding any provisions in chapter 465 or~~
121 ~~chapter 893 which may prohibit this delegation. For the purpose~~
122 ~~of this paragraph, an order is not considered a prescription. A~~
123 ~~licensed physician assistant working in a facility that is~~
124 ~~licensed under chapter 395 may order any medication under the~~
125 ~~direction of the supervisory physician.~~

126 Section 3. Paragraph (f) of subsection (4) of section
127 459.022, Florida Statutes, is amended to read:

128 459.022 Physician assistants.—

129 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

130 (f) A supervisory physician may delegate to a licensed



HB 1241, Engrossed 1

2016

131 physician assistant the authority to, and the licensed physician
132 assistant acting under the direction of the supervisory
133 physician may, order any medication ~~medications~~ for
134 administration to the supervisory physician's patient during his
135 ~~or her care~~ in a facility licensed under chapter 395 or part II
136 of chapter 400, notwithstanding any provisions in chapter 465 or
137 ~~chapter 893 which may prohibit this delegation. For the purpose~~
138 ~~of this paragraph, an order is not considered a prescription. A~~
139 ~~licensed physician assistant working in a facility that is~~
140 ~~licensed under chapter 395 may order any medication under the~~
141 ~~direction of the supervisory physician.~~

142 Section 4. Paragraph (e) is added to subsection (3) of
143 section 464.012, Florida Statutes, to read:

144 464.012 Certification of advanced registered nurse
145 practitioners; fees.—

146 (3) An advanced registered nurse practitioner shall
147 perform those functions authorized in this section within the
148 framework of an established protocol that is filed with the
149 board upon biennial license renewal and within 30 days after
150 entering into a supervisory relationship with a physician or
151 changes to the protocol. The board shall review the protocol to
152 ensure compliance with applicable regulatory standards for
153 protocols. The board shall refer to the department licensees
154 submitting protocols that are not compliant with the regulatory
155 standards for protocols. A practitioner currently licensed under
156 chapter 458, chapter 459, or chapter 466 shall maintain



157 supervision for directing the specific course of medical
 158 treatment. Within the established framework, an advanced
 159 registered nurse practitioner may:

160 (e) Order any medication for administration to a patient
 161 in a facility licensed under chapter 395 or part II of chapter
 162 400.

163 Section 5. Subsection (14) of section 465.003, Florida
 164 Statutes, is amended to read:

165 465.003 Definitions.—As used in this chapter, the term:

166 (14) "Prescription" includes any order for drugs or
 167 medicinal supplies written or transmitted by any means of
 168 communication by a ~~duly~~ licensed practitioner authorized by the
 169 laws of this ~~the~~ state to prescribe such drugs or medicinal
 170 supplies and intended to be dispensed by a pharmacist, except
 171 for an order that is dispensed for administration. The term also
 172 includes an orally transmitted order by the lawfully designated
 173 agent of such practitioner; ~~The term also includes an order~~
 174 written or transmitted by a practitioner licensed to practice in
 175 a jurisdiction other than this state, but only if the pharmacist
 176 called upon to dispense such order determines, in the exercise
 177 of her or his professional judgment, that the order is valid and
 178 necessary for the treatment of a chronic or recurrent illness;
 179 and. ~~The term "prescription" also includes a pharmacist's order~~
 180 for a product selected from the formulary created pursuant to s.
 181 465.186. Prescriptions may be retained in written form or the
 182 pharmacist may cause them to be recorded in a data processing



183 system, provided that such order can be produced in printed form
 184 upon lawful request.

185 Section 6. Subsections (1) and (22) of section 893.02,
 186 Florida Statutes, are amended to read:

187 893.02 Definitions.—The following words and phrases as
 188 used in this chapter shall have the following meanings, unless
 189 the context otherwise requires:

190 (1) "Administer" or "administration" means the direct
 191 application of a controlled substance, whether by injection,
 192 inhalation, ingestion, or any other means, to the body of a
 193 person or animal.

194 (22) "Prescription" ~~means and includes~~ any ~~an~~ order for
 195 drugs or medicinal supplies which is written, ~~signed,~~ or
 196 transmitted by any ~~word of mouth, telephone, telegram, or other~~
 197 means of communication by a ~~duly~~ licensed practitioner
 198 authorized ~~licensed~~ by the laws of this ~~the~~ state to prescribe
 199 such drugs or medicinal supplies, is issued in good faith and in
 200 the course of professional practice, is intended to be ~~filled,~~
 201 ~~compounded, or~~ dispensed by a ~~another~~ person authorized ~~licensed~~
 202 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
 203 requirements of s. 893.04.

204 (a) The term also includes an order for drugs or medicinal
 205 supplies ~~so~~ transmitted or written by a physician, dentist,
 206 veterinarian, or other practitioner licensed to practice in a
 207 state other than Florida, but only if the pharmacist called upon
 208 to fill such an order determines, in the exercise of his or her



HB 1241, Engrossed 1

2016

209 professional judgment, that the order was issued pursuant to a
210 valid patient-physician relationship, that it is authentic, and
211 that the drugs or medicinal supplies ~~se~~ ordered are considered
212 necessary for the continuation of treatment of a chronic or
213 recurrent illness.

214 (b) The term does not include an order that is dispensed
215 for administration by a licensed practitioner authorized by the
216 laws of this state to administer such drugs or medicinal
217 supplies.

218 (c) However, If the physician writing the prescription is
219 not known to the pharmacist, the pharmacist shall obtain proof
220 to a reasonable certainty of the validity of the said
221 prescription.

222 (d) A prescription order for a controlled substance may
223 ~~shall~~ not be issued on the same prescription blank with another
224 prescription ~~order~~ for a controlled substance that ~~which~~ is
225 named or described in a different schedule or with another, ~~nor~~
226 ~~shall any prescription order for a controlled substance be~~
227 ~~issued on the same prescription blank as a prescription order~~
228 for a medicinal drug, as defined in s. 465.003(8), that is ~~which~~
229 ~~does not fall within the definition of a controlled substance as~~
230 ~~defined in this act.~~

231 Section 7. Paragraphs (a), (d), and (f) of subsection (2)
232 of section 893.04, Florida Statutes, are amended to read:

233 893.04 Pharmacist and practitioner.—

234 (2) (a) A pharmacist may not dispense a controlled



HB 1241, Engrossed 1

2016

235 substance listed in Schedule II, Schedule III, or Schedule IV to
236 any patient or patient's agent without first determining, in the
237 exercise of her or his professional judgment, that the
238 prescription ~~order~~ is valid. The pharmacist may dispense the
239 controlled substance, in the exercise of her or his professional
240 judgment, when the pharmacist or pharmacist's agent has obtained
241 satisfactory patient information from the patient or the
242 patient's agent.

243 (d) Each ~~written~~ prescription written ~~prescribed~~ by a
244 practitioner in this state for a controlled substance listed in
245 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a
246 written and a numerical notation of the quantity of the
247 controlled substance prescribed and a notation of the date in
248 numerical, month/day/year format, or with the abbreviated month
249 written out, or the month written out in whole. A pharmacist
250 may, upon verification by the prescriber, document any
251 information required by this paragraph. If the prescriber is not
252 available to verify a prescription, the pharmacist may dispense
253 the controlled substance, but may insist that the person to whom
254 the controlled substance is dispensed provide valid photographic
255 identification. If a prescription includes a numerical notation
256 of the quantity of the controlled substance or date, but does
257 not include the quantity or date written out in textual format,
258 the pharmacist may dispense the controlled substance without
259 verification by the prescriber of the quantity or date if the
260 pharmacy previously dispensed another prescription for the



HB 1241, Engrossed 1

2016

261 person to whom the prescription was written.

262 (f) A pharmacist may not knowingly dispense ~~fill~~ a
263 prescription that has been forged for a controlled substance
264 listed in Schedule II, Schedule III, or Schedule IV.

265 Section 8. Subsection (1) of section 893.05, Florida
266 Statutes, is amended to read:

267 893.05 Practitioners and persons administering controlled
268 substances in their absence.—

269 (1) (a) A practitioner, in good faith and in the course of
270 his or her professional practice only, may prescribe,
271 administer, dispense, mix, or otherwise prepare a controlled
272 substance, or the practitioner may cause the controlled
273 substance ~~same~~ to be administered by a licensed nurse or an
274 intern practitioner under his or her direction and supervision
275 only.

276 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.
277 464.012(3), as applicable, a practitioner who supervises a
278 licensed physician assistant or advanced registered nurse
279 practitioner may authorize the licensed physician assistant or
280 advanced registered nurse practitioner to order controlled
281 substances for administration to a patient in a facility
282 licensed under chapter 395 or part II of chapter 400.

283 (c) A veterinarian may ~~so~~ prescribe, administer, dispense,
284 mix, or prepare a controlled substance for use on animals only,
285 and may cause the controlled substance ~~it~~ to be administered by
286 an assistant or orderly under the veterinarian's direction and



HB 1241, Engrossed 1

2016

287 supervision only.

288 (d) A certified optometrist licensed under chapter 463 may
289 not administer or prescribe a controlled substance listed in
290 Schedule I or Schedule II of s. 893.03.

291 Section 9. For the purpose of incorporating the amendments
292 made by this act to sections 458.347 and 459.022, Florida
293 Statutes, in references thereto, subsection (26) of section
294 400.462, Florida Statutes, is reenacted to read:

295 400.462 Definitions.—As used in this part, the term:

296 (26) "Physician assistant" means a person who is a
297 graduate of an approved program or its equivalent, or meets
298 standards approved by the boards, and is licensed to perform
299 medical services delegated by the supervising physician, as
300 defined in s. 458.347 or s. 459.022.

301 Section 10. For the purpose of incorporating the
302 amendments made by this act to sections 458.347 and 459.022,
303 Florida Statutes, in references thereto, subsection (18) of
304 section 409.906, Florida Statutes, is reenacted to read:

305 409.906 Optional Medicaid services.—Subject to specific
306 appropriations, the agency may make payments for services which
307 are optional to the state under Title XIX of the Social Security
308 Act and are furnished by Medicaid providers to recipients who
309 are determined to be eligible on the dates on which the services
310 were provided. Any optional service that is provided shall be
311 provided only when medically necessary and in accordance with
312 state and federal law. Optional services rendered by providers



HB 1241, Engrossed 1

2016

313 in mobile units to Medicaid recipients may be restricted or
314 prohibited by the agency. Nothing in this section shall be
315 construed to prevent or limit the agency from adjusting fees,
316 reimbursement rates, lengths of stay, number of visits, or
317 number of services, or making any other adjustments necessary to
318 comply with the availability of moneys and any limitations or
319 directions provided for in the General Appropriations Act or
320 chapter 216. If necessary to safeguard the state's systems of
321 providing services to elderly and disabled persons and subject
322 to the notice and review provisions of s. 216.177, the Governor
323 may direct the Agency for Health Care Administration to amend
324 the Medicaid state plan to delete the optional Medicaid service
325 known as "Intermediate Care Facilities for the Developmentally
326 Disabled." Optional services may include:

327 (18) PHYSICIAN ASSISTANT SERVICES.—The agency may pay for
328 all services provided to a recipient by a physician assistant
329 licensed under s. 458.347 or s. 459.022. Reimbursement for such
330 services must be not less than 80 percent of the reimbursement
331 that would be paid to a physician who provided the same
332 services.

333 Section 11. For the purpose of incorporating the
334 amendments made by this act to sections 458.347, 459.022, and
335 464.012, Florida Statutes, in references thereto, subsection (1)
336 of section 401.445, Florida Statutes, is reenacted to read:

337 401.445 Emergency examination and treatment of
338 incapacitated persons.—



339 (1) No recovery shall be allowed in any court in this
340 state against any emergency medical technician, paramedic, or
341 physician as defined in this chapter, any advanced registered
342 nurse practitioner certified under s. 464.012, or any physician
343 assistant licensed under s. 458.347 or s. 459.022, or any person
344 acting under the direct medical supervision of a physician, in
345 an action brought for examining or treating a patient without
346 his or her informed consent if:

347 (a) The patient at the time of examination or treatment is
348 intoxicated, under the influence of drugs, or otherwise
349 incapable of providing informed consent as provided in s.
350 766.103;

351 (b) The patient at the time of examination or treatment is
352 experiencing an emergency medical condition; and

353 (c) The patient would reasonably, under all the
354 surrounding circumstances, undergo such examination, treatment,
355 or procedure if he or she were advised by the emergency medical
356 technician, paramedic, physician, advanced registered nurse
357 practitioner, or physician assistant in accordance with s.
358 766.103(3).

359
360 Examination and treatment provided under this subsection shall
361 be limited to reasonable examination of the patient to determine
362 the medical condition of the patient and treatment reasonably
363 necessary to alleviate the emergency medical condition or to
364 stabilize the patient.



365 Section 12. For the purpose of incorporating the
366 amendments made by this act to sections 458.347, 459.022, and
367 464.012, Florida Statutes, in references thereto, subsection (3)
368 of section 766.103, Florida Statutes, is reenacted to read:

369 766.103 Florida Medical Consent Law.—

370 (3) No recovery shall be allowed in any court in this
371 state against any physician licensed under chapter 458,
372 osteopathic physician licensed under chapter 459, chiropractic
373 physician licensed under chapter 460, podiatric physician
374 licensed under chapter 461, dentist licensed under chapter 466,
375 advanced registered nurse practitioner certified under s.
376 464.012, or physician assistant licensed under s. 458.347 or s.
377 459.022 in an action brought for treating, examining, or
378 operating on a patient without his or her informed consent when:

379 (a)1. The action of the physician, osteopathic physician,
380 chiropractic physician, podiatric physician, dentist, advanced
381 registered nurse practitioner, or physician assistant in
382 obtaining the consent of the patient or another person
383 authorized to give consent for the patient was in accordance
384 with an accepted standard of medical practice among members of
385 the medical profession with similar training and experience in
386 the same or similar medical community as that of the person
387 treating, examining, or operating on the patient for whom the
388 consent is obtained; and

389 2. A reasonable individual, from the information provided
390 by the physician, osteopathic physician, chiropractic physician,



HB 1241, Engrossed 1

2016

391 podiatric physician, dentist, advanced registered nurse
392 practitioner, or physician assistant, under the circumstances,
393 would have a general understanding of the procedure, the
394 medically acceptable alternative procedures or treatments, and
395 the substantial risks and hazards inherent in the proposed
396 treatment or procedures, which are recognized among other
397 physicians, osteopathic physicians, chiropractic physicians,
398 podiatric physicians, or dentists in the same or similar
399 community who perform similar treatments or procedures; or

400 (b) The patient would reasonably, under all the
401 surrounding circumstances, have undergone such treatment or
402 procedure had he or she been advised by the physician,
403 osteopathic physician, chiropractic physician, podiatric
404 physician, dentist, advanced registered nurse practitioner, or
405 physician assistant in accordance with the provisions of
406 paragraph (a).

407 Section 13. For the purpose of incorporating the amendment
408 made by this act to section 465.003, Florida Statutes, in a
409 reference thereto, paragraph (a) of subsection (1) of section
410 409.9201, Florida Statutes, is reenacted to read:

411 409.9201 Medicaid fraud.—

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

413 (a) "Prescription drug" means any drug, including, but not
414 limited to, finished dosage forms or active ingredients that are
415 subject to, defined in, or described in s. 503(b) of the Federal
416 Food, Drug, and Cosmetic Act or in s. 465.003(8), s.



HB 1241, Engrossed 1

2016

417 499.003(52), s. 499.007(13), or s. 499.82(10).

418

419 The value of individual items of the legend drugs or goods or
420 services involved in distinct transactions committed during a
421 single scheme or course of conduct, whether involving a single
422 person or several persons, may be aggregated when determining
423 the punishment for the offense.

424 Section 14. For the purpose of incorporating the amendment
425 made by this act to section 465.003, Florida Statutes, in a
426 reference thereto, subsection (1) of section 465.014, Florida
427 Statutes, is reenacted to read:

428 465.014 Pharmacy technician.—

429 (1) A person other than a licensed pharmacist or pharmacy
430 intern may not engage in the practice of the profession of
431 pharmacy, except that a licensed pharmacist may delegate to
432 pharmacy technicians who are registered pursuant to this section
433 those duties, tasks, and functions that do not fall within the
434 purview of s. 465.003(13). All such delegated acts must be
435 performed under the direct supervision of a licensed pharmacist
436 who is responsible for all such acts performed by persons under
437 his or her supervision. A registered pharmacy technician, under
438 the supervision of a pharmacist, may initiate or receive
439 communications with a practitioner or his or her agent, on
440 behalf of a patient, regarding refill authorization requests. A
441 licensed pharmacist may not supervise more than one registered
442 pharmacy technician unless otherwise permitted by the guidelines



HB 1241, Engrossed 1

2016

443 adopted by the board. The board shall establish guidelines to be
444 followed by licensees or permittees in determining the
445 circumstances under which a licensed pharmacist may supervise
446 more than one pharmacy technician.

447 Section 15. For the purpose of incorporating the amendment
448 made by this act to section 465.003, Florida Statutes, in a
449 reference thereto, section 465.1901, Florida Statutes, is
450 reenacted to read:

451 465.1901 Practice of orthotics and pedorthics.—The
452 provisions of chapter 468 relating to orthotics or pedorthics do
453 not apply to any licensed pharmacist or to any person acting
454 under the supervision of a licensed pharmacist. The practice of
455 orthotics or pedorthics by a pharmacist or any of the
456 pharmacist's employees acting under the supervision of a
457 pharmacist shall be construed to be within the meaning of the
458 term "practice of the profession of pharmacy" as set forth in s.
459 465.003(13), and shall be subject to regulation in the same
460 manner as any other pharmacy practice. The Board of Pharmacy
461 shall develop rules regarding the practice of orthotics and
462 pedorthics by a pharmacist. Any pharmacist or person under the
463 supervision of a pharmacist engaged in the practice of orthotics
464 or pedorthics is not precluded from continuing that practice
465 pending adoption of these rules.

466 Section 16. For the purpose of incorporating the amendment
467 made by this act to section 465.003, Florida Statutes, in a
468 reference thereto, subsection (43) of section 499.003, Florida



HB 1241, Engrossed 1

2016

469 Statutes, is reenacted to read:

470 499.003 Definitions of terms used in this part.—As used in
471 this part, the term:

472 (43) "Prescription drug" means a prescription, medicinal,
473 or legend drug, including, but not limited to, finished dosage
474 forms or active pharmaceutical ingredients subject to, defined
475 by, or described by s. 503(b) of the federal act or s.
476 465.003(8), s. 499.007(13), subsection (32), or subsection (52),
477 except that an active pharmaceutical ingredient is a
478 prescription drug only if substantially all finished dosage
479 forms in which it may be lawfully dispensed or administered in
480 this state are also prescription drugs.

481 Section 17. For the purpose of incorporating the amendment
482 made by this act to section 465.003, Florida Statutes, in a
483 reference thereto, subsection (1) of section 831.30, Florida
484 Statutes, is reenacted to read:

485 831.30 Medicinal drugs; fraud in obtaining.—Whoever:

486 (1) Falsely makes, alters, or forges any prescription, as
487 defined in s. 465.003, for a medicinal drug other than a drug
488 controlled by chapter 893;

489
490 with intent to obtain such drug commits a misdemeanor of the
491 second degree, punishable as provided in s. 775.082 or s.
492 775.083. A second or subsequent conviction constitutes a
493 misdemeanor of the first degree, punishable as provided in s.
494 775.082 or s. 775.083.



HB 1241, Engrossed 1

2016

495 Section 18. For the purpose of incorporating the
496 amendments made by this act to sections 465.003 and 893.02,
497 Florida Statutes, in references thereto, paragraph (pp) of
498 subsection (1) of section 458.331, Florida Statutes, is
499 reenacted to read:

500 458.331 Grounds for disciplinary action; action by the
501 board and department.—

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

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

507 1. Registering a pain-management clinic through
508 misrepresentation or fraud;

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

512 3. Failing to comply with any requirement of chapter 499,
513 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
514 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
515 the Drug Abuse Prevention and Control Act; or chapter 893, the
516 Florida Comprehensive Drug Abuse Prevention and Control Act;

517 4. Being convicted or found guilty of, regardless of
518 adjudication to, a felony or any other crime involving moral
519 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
520 the courts of this state, of any other state, or of the United



HB 1241, Engrossed 1

2016

521 States;

522 5. Being convicted of, or disciplined by a regulatory
523 agency of the Federal Government or a regulatory agency of
524 another state for, any offense that would constitute a violation
525 of this chapter;

526 6. Being convicted of, or entering a plea of guilty or
527 nolo contendere to, regardless of adjudication, a crime in any
528 jurisdiction of the courts of this state, of any other state, or
529 of the United States which relates to the practice of, or the
530 ability to practice, a licensed health care profession;

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

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

540 9. Failing to timely notify the board of the date of his
541 or her termination from a pain-management clinic as required by
542 s. 458.3265(2).

543 Section 19. For the purpose of incorporating the
544 amendments made by this act to sections 465.003 and 893.02,
545 Florida Statutes, in references thereto, paragraph (rr) of
546 subsection (1) of section 459.015, Florida Statutes, is



HB 1241, Engrossed 1

2016

547 reenacted to read:

548 459.015 Grounds for disciplinary action; action by the
549 board and department.—

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

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

555 1. Registering a pain-management clinic through
556 misrepresentation or fraud;

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

560 3. Failing to comply with any requirement of chapter 499,
561 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
562 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
563 the Drug Abuse Prevention and Control Act; or chapter 893, the
564 Florida Comprehensive Drug Abuse Prevention and Control Act;

565 4. Being convicted or found guilty of, regardless of
566 adjudication to, a felony or any other crime involving moral
567 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
568 the courts of this state, of any other state, or of the United
569 States;

570 5. Being convicted of, or disciplined by a regulatory
571 agency of the Federal Government or a regulatory agency of
572 another state for, any offense that would constitute a violation



573 of this chapter;

574 6. Being convicted of, or entering a plea of guilty or
 575 nolo contendere to, regardless of adjudication, a crime in any
 576 jurisdiction of the courts of this state, of any other state, or
 577 of the United States which relates to the practice of, or the
 578 ability to practice, a licensed health care profession;

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

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

588 9. Failing to timely notify the board of the date of his
 589 or her termination from a pain-management clinic as required by
 590 s. 459.0137(2).

591 Section 20. For the purpose of incorporating the
 592 amendments made by this act to sections 465.003 and 893.02,
 593 Florida Statutes, in references thereto, paragraph (c) of
 594 subsection (2) and subsection (3) of section 465.015, Florida
 595 Statutes, are reenacted to read:

596 465.015 Violations and penalties.—

597 (2) It is unlawful for any person:

598 (c) To sell or dispense drugs as defined in s. 465.003(8)



599 without first being furnished with a prescription.

600 (3) It is unlawful for any pharmacist to knowingly fail to
601 report to the sheriff or other chief law enforcement agency of
602 the county where the pharmacy is located within 24 hours after
603 learning of any instance in which a person obtained or attempted
604 to obtain a controlled substance, as defined in s. 893.02, or at
605 the close of business on the next business day, whichever is
606 later, that the pharmacist knew or believed was obtained or
607 attempted to be obtained through fraudulent methods or
608 representations from the pharmacy at which the pharmacist
609 practiced pharmacy. Any pharmacist who knowingly fails to make
610 such a report within 24 hours after learning of the fraud or
611 attempted fraud or at the close of business on the next business
612 day, whichever is later, commits a misdemeanor of the first
613 degree, punishable as provided in s. 775.082 or s. 775.083. A
614 sufficient report of the fraudulent obtaining of controlled
615 substances under this subsection must contain, at a minimum, a
616 copy of the prescription used or presented and a narrative,
617 including all information available to the pharmacist concerning
618 the transaction, such as the name and telephone number of the
619 prescribing physician; the name, description, and any personal
620 identification information pertaining to the person who
621 presented the prescription; and all other material information,
622 such as photographic or video surveillance of the transaction.

623 Section 21. For the purpose of incorporating the
624 amendments made by this act to sections 465.003 and 893.02,



HB 1241, Engrossed 1

2016

625 Florida Statutes, in references thereto, paragraph (s) of
626 subsection (1) of section 465.016, Florida Statutes, is
627 reenacted to read:

628 465.016 Disciplinary actions.—

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

631 (s) Dispensing any medicinal drug based upon a
632 communication that purports to be a prescription as defined by
633 s. 465.003(14) or s. 893.02 when the pharmacist knows or has
634 reason to believe that the purported prescription is not based
635 upon a valid practitioner-patient relationship.

636 Section 22. For the purpose of incorporating the
637 amendments made by this act to sections 465.003 and 893.02,
638 Florida Statutes, in references thereto, paragraph (j) of
639 subsection (5) of section 465.022, Florida Statutes, is
640 reenacted to read:

641 465.022 Pharmacies; general requirements; fees.—

642 (5) The department or board shall deny an application for
643 a pharmacy permit if the applicant or an affiliated person,
644 partner, officer, director, or prescription department manager
645 or consultant pharmacist of record of the applicant:

646 (j) Has dispensed any medicinal drug based upon a
647 communication that purports to be a prescription as defined by
648 s. 465.003(14) or s. 893.02 when the pharmacist knows or has
649 reason to believe that the purported prescription is not based
650 upon a valid practitioner-patient relationship that includes a



HB 1241, Engrossed 1

2016

651 documented patient evaluation, including history and a physical
652 examination adequate to establish the diagnosis for which any
653 drug is prescribed and any other requirement established by
654 board rule under chapter 458, chapter 459, chapter 461, chapter
655 463, chapter 464, or chapter 466.

656
657 For felonies in which the defendant entered a plea of guilty or
658 nolo contendere in an agreement with the court to enter a
659 pretrial intervention or drug diversion program, the department
660 shall deny the application if upon final resolution of the case
661 the licensee has failed to successfully complete the program.

662 Section 23. For the purpose of incorporating the
663 amendments made by this act to sections 465.003 and 893.02,
664 Florida Statutes, in references thereto, paragraph (h) of
665 subsection (1) of section 465.023, Florida Statutes, is
666 reenacted to read:

667 465.023 Pharmacy permittee; disciplinary action.—

668 (1) The department or the board may revoke or suspend the
669 permit of any pharmacy permittee, and may fine, place on
670 probation, or otherwise discipline any pharmacy permittee if the
671 permittee, or any affiliated person, partner, officer, director,
672 or agent of the permittee, including a person fingerprinted
673 under s. 465.022(3), has:

674 (h) Dispensed any medicinal drug based upon a
675 communication that purports to be a prescription as defined by
676 s. 465.003(14) or s. 893.02 when the pharmacist knows or has



HB 1241, Engrossed 1

2016

677 reason to believe that the purported prescription is not based
678 upon a valid practitioner-patient relationship that includes a
679 documented patient evaluation, including history and a physical
680 examination adequate to establish the diagnosis for which any
681 drug is prescribed and any other requirement established by
682 board rule under chapter 458, chapter 459, chapter 461, chapter
683 463, chapter 464, or chapter 466.

684 Section 24. For the purpose of incorporating the amendment
685 made by this act to section 893.02, Florida Statutes, in a
686 reference thereto, paragraph (i) of subsection (5) of section
687 112.0455, Florida Statutes, is reenacted to read:

688 112.0455 Drug-Free Workplace Act.—

689 (5) DEFINITIONS.—Except where the context otherwise
690 requires, as used in this act:

691 (i) "Prescription or nonprescription medication" means a
692 drug or medication obtained pursuant to a prescription as
693 defined by s. 893.02 or a medication that is authorized pursuant
694 to federal or state law for general distribution and use without
695 a prescription in the treatment of human diseases, ailments, or
696 injuries.

697 Section 25. For the purpose of incorporating the amendment
698 made by this act to section 893.02, Florida Statutes, in a
699 reference thereto, paragraph (b) of subsection (7) of section
700 381.986, Florida Statutes, is reenacted to read:

701 381.986 Compassionate use of low-THC cannabis.—

702 (7) EXCEPTIONS TO OTHER LAWS.—



HB 1241, Engrossed 1

2016

703 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or
704 any other provision of law, but subject to the requirements of
705 this section, an approved dispensing organization and its
706 owners, managers, and employees may manufacture, possess, sell,
707 deliver, distribute, dispense, and lawfully dispose of
708 reasonable quantities, as established by department rule, of
709 low-THC cannabis. For purposes of this subsection, the terms
710 "manufacture," "possession," "deliver," "distribute," and
711 "dispense" have the same meanings as provided in s. 893.02.

712 Section 26. For the purpose of incorporating the amendment
713 made by this act to section 893.02, Florida Statutes, in a
714 reference thereto, paragraph (1) of subsection (1) of section
715 440.102, Florida Statutes, is reenacted to read:

716 440.102 Drug-free workplace program requirements.—The
717 following provisions apply to a drug-free workplace program
718 implemented pursuant to law or to rules adopted by the Agency
719 for Health Care Administration:

720 (1) DEFINITIONS.—Except where the context otherwise
721 requires, as used in this act:

722 (1) "Prescription or nonprescription medication" means a
723 drug or medication obtained pursuant to a prescription as
724 defined by s. 893.02 or a medication that is authorized pursuant
725 to federal or state law for general distribution and use without
726 a prescription in the treatment of human diseases, ailments, or
727 injuries.

728 Section 27. For the purpose of incorporating the amendment



HB 1241, Engrossed 1

2016

729 made by this act to section 893.02, Florida Statutes, in a
730 reference thereto, subsection (14) of section 499.0121, Florida
731 Statutes, is reenacted to read:

732 499.0121 Storage and handling of prescription drugs;
733 recordkeeping.—The department shall adopt rules to implement
734 this section as necessary to protect the public health, safety,
735 and welfare. Such rules shall include, but not be limited to,
736 requirements for the storage and handling of prescription drugs
737 and for the establishment and maintenance of prescription drug
738 distribution records.

739 (14) DISTRIBUTION REPORTING.—Each prescription drug
740 wholesale distributor, out-of-state prescription drug wholesale
741 distributor, retail pharmacy drug wholesale distributor,
742 manufacturer, or repackager that engages in the wholesale
743 distribution of controlled substances as defined in s. 893.02
744 shall submit a report to the department of its receipts and
745 distributions of controlled substances listed in Schedule II,
746 Schedule III, Schedule IV, or Schedule V as provided in s.
747 893.03. Wholesale distributor facilities located within this
748 state shall report all transactions involving controlled
749 substances, and wholesale distributor facilities located outside
750 this state shall report all distributions to entities located in
751 this state. If the prescription drug wholesale distributor, out-
752 of-state prescription drug wholesale distributor, retail
753 pharmacy drug wholesale distributor, manufacturer, or repackager
754 does not have any controlled substance distributions for the



HB 1241, Engrossed 1

2016

755 month, a report shall be sent indicating that no distributions
756 occurred in the period. The report shall be submitted monthly by
757 the 20th of the next month, in the electronic format used for
758 controlled substance reporting to the Automation of Reports and
759 Consolidated Orders System division of the federal Drug
760 Enforcement Administration. Submission of electronic data must
761 be made in a secured Internet environment that allows for manual
762 or automated transmission. Upon successful transmission, an
763 acknowledgment page must be displayed to confirm receipt. The
764 report must contain the following information:

765 (a) The federal Drug Enforcement Administration
766 registration number of the wholesale distributing location.

767 (b) The federal Drug Enforcement Administration
768 registration number of the entity to which the drugs are
769 distributed or from which the drugs are received.

770 (c) The transaction code that indicates the type of
771 transaction.

772 (d) The National Drug Code identifier of the product and
773 the quantity distributed or received.

774 (e) The Drug Enforcement Administration Form 222 number or
775 Controlled Substance Ordering System Identifier on all Schedule
776 II transactions.

777 (f) The date of the transaction.

778

779 The department must share the reported data with the Department
780 of Law Enforcement and local law enforcement agencies upon



HB 1241, Engrossed 1

2016

781 request and must monitor purchasing to identify purchasing
782 levels that are inconsistent with the purchasing entity's
783 clinical needs. The Department of Law Enforcement shall
784 investigate purchases at levels that are inconsistent with the
785 purchasing entity's clinical needs to determine whether
786 violations of chapter 893 have occurred.

787 Section 28. For the purpose of incorporating the amendment
788 made by this act to section 893.02, Florida Statutes, in a
789 reference thereto, paragraph (b) of subsection (1) of section
790 768.36, Florida Statutes, is reenacted to read:

791 768.36 Alcohol or drug defense.—

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

793 (b) "Drug" means any chemical substance set forth in s.
794 877.111 or any substance controlled under chapter 893. The term
795 does not include any drug or medication obtained pursuant to a
796 prescription as defined in s. 893.02 which was taken in
797 accordance with the prescription, or any medication that is
798 authorized under state or federal law for general distribution
799 and use without a prescription in treating human diseases,
800 ailments, or injuries and that was taken in the recommended
801 dosage.

802 Section 29. For the purpose of incorporating the amendment
803 made by this act to section 893.02, Florida Statutes, in a
804 reference thereto, paragraph (f) of subsection (3) of section
805 810.02, Florida Statutes, is reenacted to read:

806 810.02 Burglary.—



HB 1241, Engrossed 1

2016

807 (3) Burglary is a felony of the second degree, punishable
808 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
809 course of committing the offense, the offender does not make an
810 assault or battery and is not and does not become armed with a
811 dangerous weapon or explosive, and the offender enters or
812 remains in a:

813 (f) Structure or conveyance when the offense intended to
814 be committed therein is theft of a controlled substance as
815 defined in s. 893.02. Notwithstanding any other law, separate
816 judgments and sentences for burglary with the intent to commit
817 theft of a controlled substance under this paragraph and for any
818 applicable possession of controlled substance offense under s.
819 893.13 or trafficking in controlled substance offense under s.
820 893.135 may be imposed when all such offenses involve the same
821 amount or amounts of a controlled substance.

822
823 However, if the burglary is committed within a county that is
824 subject to a state of emergency declared by the Governor under
825 chapter 252 after the declaration of emergency is made and the
826 perpetration of the burglary is facilitated by conditions
827 arising from the emergency, the burglary is a felony of the
828 first degree, punishable as provided in s. 775.082, s. 775.083,
829 or s. 775.084. As used in this subsection, the term "conditions
830 arising from the emergency" means civil unrest, power outages,
831 curfews, voluntary or mandatory evacuations, or a reduction in
832 the presence of or response time for first responders or



HB 1241, Engrossed 1

2016

833 | homeland security personnel. A person arrested for committing a
834 | burglary within a county that is subject to such a state of
835 | emergency may not be released until the person appears before a
836 | committing magistrate at a first appearance hearing. For
837 | purposes of sentencing under chapter 921, a felony offense that
838 | is reclassified under this subsection is ranked one level above
839 | the ranking under s. 921.0022 or s. 921.0023 of the offense
840 | committed.

841 | Section 30. For the purpose of incorporating the amendment
842 | made by this act to section 893.02, Florida Statutes, in a
843 | reference thereto, paragraph (c) of subsection (2) of section
844 | 812.014, Florida Statutes, is reenacted to read:

845 | 812.014 Theft.—

846 | (2)

847 | (c) It is grand theft of the third degree and a felony of
848 | the third degree, punishable as provided in s. 775.082, s.
849 | 775.083, or s. 775.084, if the property stolen is:

850 | 1. Valued at \$300 or more, but less than \$5,000.

851 | 2. Valued at \$5,000 or more, but less than \$10,000.

852 | 3. Valued at \$10,000 or more, but less than \$20,000.

853 | 4. A will, codicil, or other testamentary instrument.

854 | 5. A firearm.

855 | 6. A motor vehicle, except as provided in paragraph (a).

856 | 7. Any commercially farmed animal, including any animal of
857 | the equine, bovine, or swine class or other grazing animal; a
858 | bee colony of a registered beekeeper; and aquaculture species



HB 1241, Engrossed 1

2016

859 raised at a certified aquaculture facility. If the property
860 stolen is aquaculture species raised at a certified aquaculture
861 facility, then a \$10,000 fine shall be imposed.

862 8. Any fire extinguisher.

863 9. Any amount of citrus fruit consisting of 2,000 or more
864 individual pieces of fruit.

865 10. Taken from a designated construction site identified
866 by the posting of a sign as provided for in s. 810.09(2)(d).

867 11. Any stop sign.

868 12. Anhydrous ammonia.

869 13. Any amount of a controlled substance as defined in s.
870 893.02. Notwithstanding any other law, separate judgments and
871 sentences for theft of a controlled substance under this
872 subparagraph and for any applicable possession of controlled
873 substance offense under s. 893.13 or trafficking in controlled
874 substance offense under s. 893.135 may be imposed when all such
875 offenses involve the same amount or amounts of a controlled
876 substance.

877

878 However, if the property is stolen within a county that is
879 subject to a state of emergency declared by the Governor under
880 chapter 252, the property is stolen after the declaration of
881 emergency is made, and the perpetration of the theft is
882 facilitated by conditions arising from the emergency, the
883 offender commits a felony of the second degree, punishable as
884 provided in s. 775.082, s. 775.083, or s. 775.084, if the



HB 1241, Engrossed 1

2016

885 property is valued at \$5,000 or more, but less than \$10,000, as
886 provided under subparagraph 2., or if the property is valued at
887 \$10,000 or more, but less than \$20,000, as provided under
888 subparagraph 3. As used in this paragraph, the term "conditions
889 arising from the emergency" means civil unrest, power outages,
890 curfews, voluntary or mandatory evacuations, or a reduction in
891 the presence of or the response time for first responders or
892 homeland security personnel. For purposes of sentencing under
893 chapter 921, a felony offense that is reclassified under this
894 paragraph is ranked one level above the ranking under s.
895 921.0022 or s. 921.0023 of the offense committed.

896 Section 31. For the purpose of incorporating the amendment
897 made by this act to section 893.02, Florida Statutes, in a
898 reference thereto, paragraph (c) of subsection (1) of section
899 856.015, Florida Statutes, is reenacted to read:

900 856.015 Open house parties.—

901 (1) Definitions.—As used in this section:

902 (c) "Drug" means a controlled substance, as that term is
903 defined in ss. 893.02(4) and 893.03.

904 Section 32. For the purpose of incorporating the amendment
905 made by this act to section 893.02, Florida Statutes, in a
906 reference thereto, paragraph (a) of subsection (1) of section
907 944.47, Florida Statutes, is reenacted to read:

908 944.47 Introduction, removal, or possession of certain
909 articles unlawful; penalty.—

910 (1) (a) Except through regular channels as authorized by



HB 1241, Engrossed 1

2016

911 the officer in charge of the correctional institution, it is
912 unlawful to introduce into or upon the grounds of any state
913 correctional institution, or to take or attempt to take or send
914 or attempt to send therefrom, any of the following articles
915 which are hereby declared to be contraband for the purposes of
916 this section, to wit:

917 1. Any written or recorded communication or any currency
918 or coin given or transmitted, or intended to be given or
919 transmitted, to any inmate of any state correctional
920 institution.

921 2. Any article of food or clothing given or transmitted,
922 or intended to be given or transmitted, to any inmate of any
923 state correctional institution.

924 3. Any intoxicating beverage or beverage which causes or
925 may cause an intoxicating effect.

926 4. Any controlled substance as defined in s. 893.02(4) or
927 any prescription or nonprescription drug having a hypnotic,
928 stimulating, or depressing effect.

929 5. Any firearm or weapon of any kind or any explosive
930 substance.

931 6. Any cellular telephone or other portable communication
932 device intentionally and unlawfully introduced inside the secure
933 perimeter of any state correctional institution without prior
934 authorization or consent from the officer in charge of such
935 correctional institution. As used in this subparagraph, the term
936 "portable communication device" means any device carried, worn,



937 or stored which is designed or intended to receive or transmit
938 verbal or written messages, access or store data, or connect
939 electronically to the Internet or any other electronic device
940 and which allows communications in any form. Such devices
941 include, but are not limited to, portable two-way pagers, hand-
942 held radios, cellular telephones, Blackberry-type devices,
943 personal digital assistants or PDA's, laptop computers, or any
944 components of these devices which are intended to be used to
945 assemble such devices. The term also includes any new technology
946 that is developed for similar purposes. Excluded from this
947 definition is any device having communication capabilities which
948 has been approved or issued by the department for investigative
949 or institutional security purposes or for conducting other state
950 business.

951 Section 33. For the purpose of incorporating the amendment
952 made by this act to section 893.02, Florida Statutes, in a
953 reference thereto, subsection (1) of section 951.22, Florida
954 Statutes, is reenacted to read:

955 951.22 County detention facilities; contraband articles.—

956 (1) It is unlawful, except through regular channels as
957 duly authorized by the sheriff or officer in charge, to
958 introduce into or possess upon the grounds of any county
959 detention facility as defined in s. 951.23 or to give to or
960 receive from any inmate of any such facility wherever said
961 inmate is located at the time or to take or to attempt to take
962 or send therefrom any of the following articles which are hereby



HB 1241, Engrossed 1

2016

963 | declared to be contraband for the purposes of this act, to wit:
964 | Any written or recorded communication; any currency or coin; any
965 | article of food or clothing; any tobacco products as defined in
966 | s. 210.25(11); any cigarette as defined in s. 210.01(1); any
967 | cigar; any intoxicating beverage or beverage which causes or may
968 | cause an intoxicating effect; any narcotic, hypnotic, or
969 | excitative drug or drug of any kind or nature, including nasal
970 | inhalators, sleeping pills, barbiturates, and controlled
971 | substances as defined in s. 893.02(4); any firearm or any
972 | instrumentality customarily used or which is intended to be used
973 | as a dangerous weapon; and any instrumentality of any nature
974 | that may be or is intended to be used as an aid in effecting or
975 | attempting to effect an escape from a county facility.

976 | Section 34. For the purpose of incorporating the amendment
977 | made by this act to section 893.02, Florida Statutes, in a
978 | reference thereto, paragraph (a) of subsection (1) of section
979 | 985.711, Florida Statutes, is reenacted to read:

980 | 985.711 Introduction, removal, or possession of certain
981 | articles unlawful; penalty.—

982 | (1)(a) Except as authorized through program policy or
983 | operating procedure or as authorized by the facility
984 | superintendent, program director, or manager, a person may not
985 | introduce into or upon the grounds of a juvenile detention
986 | facility or commitment program, or take or send, or attempt to
987 | take or send, from a juvenile detention facility or commitment
988 | program, any of the following articles, which are declared to be



989 | contraband under this section:

- 990 | 1. Any unauthorized article of food or clothing.
- 991 | 2. Any intoxicating beverage or any beverage that causes
- 992 | or may cause an intoxicating effect.
- 993 | 3. Any controlled substance, as defined in s. 893.02(4),
- 994 | or any prescription or nonprescription drug that has a hypnotic,
- 995 | stimulating, or depressing effect.
- 996 | 4. Any firearm or weapon of any kind or any explosive
- 997 | substance.

998 | Section 35. For the purpose of incorporating the amendment
 999 | made by this act to section 893.02, Florida Statutes, in a
 1000 | reference thereto, paragraph (i) of subsection (1) of section
 1001 | 1003.57, Florida Statutes, is reenacted to read:

1002 | 1003.57 Exceptional students instruction.—

1003 | (1)

1004 | (i) For purposes of paragraph (h), the term:

1005 | 1. "Controlled substance" means a drug or other substance
 1006 | identified under Schedule I, Schedule II, Schedule III, Schedule
 1007 | IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.
 1008 | 812(c) and s. 893.02(4).

1009 | 2. "Weapon" means a device, instrument, material, or
 1010 | substance, animate or inanimate, which is used for, or is
 1011 | readily capable of, causing death or serious bodily injury;
 1012 | however, this definition does not include a pocketknife having a
 1013 | blade that is less than 2 1/2 inches in length.

1014 | Section 36. For the purpose of incorporating the amendment



HB 1241, Engrossed 1

2016

1015 made by this act to section 893.02, Florida Statutes, in a
1016 reference thereto, subsection (8) of section 1006.09, Florida
1017 Statutes, is reenacted to read:

1018 1006.09 Duties of school principal relating to student
1019 discipline and school safety.—

1020 (8) The school principal shall require all school
1021 personnel to report to the principal or principal's designee any
1022 suspected unlawful use, possession, or sale by a student of any
1023 controlled substance, as defined in s. 893.02; any counterfeit
1024 controlled substance, as defined in s. 831.31; any alcoholic
1025 beverage, as defined in s. 561.01(4); or model glue. School
1026 personnel are exempt from civil liability when reporting in good
1027 faith to the proper school authority such suspected unlawful
1028 use, possession, or sale by a student. Only a principal or
1029 principal's designee is authorized to contact a parent or legal
1030 guardian of a student regarding this situation. Reports made and
1031 verified under this subsection shall be forwarded to an
1032 appropriate agency. The principal or principal's designee shall
1033 timely notify the student's parent that a verified report made
1034 under this subsection with respect to the student has been made
1035 and forwarded.

1036 Section 37. For the purpose of incorporating the
1037 amendments made by this act to sections 893.04 and 893.05,
1038 Florida Statutes, in references thereto, paragraphs (d) and (e)
1039 of subsection (3) of section 893.0551, Florida Statutes, are
1040 reenacted to read:



HB 1241, Engrossed 1

2016

1041 893.0551 Public records exemption for the prescription
1042 drug monitoring program.—

1043 (3) The department shall disclose such confidential and
1044 exempt information to the following persons or entities upon
1045 request and after using a verification process to ensure the
1046 legitimacy of the request as provided in s. 893.055:

1047 (d) A health care practitioner who certifies that the
1048 information is necessary to provide medical treatment to a
1049 current patient in accordance with ss. 893.05 and 893.055.

1050 (e) A pharmacist who certifies that the requested
1051 information will be used to dispense controlled substances to a
1052 current patient in accordance with ss. 893.04 and 893.055.

1053 Section 38. This act shall take effect July 1, 2016.