



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          providing a short title; amending s. 465.003, F.S.;  
15          revising the term "prescription" to exclude an order  
16          for drugs or medicinal supplies dispensed for  
17          administration; amending s. 893.02, F.S.; revising the  
18          term "administer" to include the term  
19          "administration"; revising the definition of the term  
20          "prescription"; amending s. 893.04, F.S.; conforming  
21          provisions to changes made by the act; amending s.  
22          893.05, F.S.; authorizing a licensed practitioner to  
23          authorize a licensed physician assistant or advanced  
24          registered nurse practitioner to order controlled  
25          substances for a specified patient under certain  
26          circumstances; reenacting ss. 400.462(26) and



27 | 409.906(18), F.S., relating to the definition of the  
28 | term "physician assistant" for purposes of the Home  
29 | Health Services Act and physician assistant services  
30 | under the Medicaid program, respectively, to  
31 | incorporate the amendments made by the act to ss.  
32 | 458.347 and 459.022, F.S., in references thereto;  
33 | reenacting ss. 401.445(1) and 766.103(3), F.S.,  
34 | relating to emergency examination and treatment of  
35 | incapacitated persons and the Florida Medical Consent  
36 | Law, respectively, to incorporate the amendments made  
37 | by the act to ss. 458.347, 459.022, and 464.012, F.S.,  
38 | in references thereto; reenacting ss. 409.9201(1)(a),  
39 | 465.014(1), 465.1901, 499.003(43), and 831.30(1),  
40 | F.S., relating to the definition of "prescription  
41 | drug" for purposes of Medicaid fraud, the supervision  
42 | of registered pharmacy technicians, applicability of  
43 | provisions regulating the practice of orthotics or  
44 | pedorthics to pharmacists, the definition of the term  
45 | "prescription drug" for purposes of the Florida Drug  
46 | and Cosmetic Act, and criminal penalties related to  
47 | the fraudulent obtaining of medicinal drugs,  
48 | respectively, to incorporate the amendment made by the  
49 | act to s. 465.003, F.S., in references thereto;  
50 | reenacting ss. 458.331(1)(pp), 459.015(1)(rr),  
51 | 465.015(2)(c) and (3), 465.016(1)(s), 465.022(5)(j),  
52 | and 465.023(1)(h), F.S., relating to grounds for



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



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

87  
88 Be It Enacted by the Legislature of the State of Florida:

89  
90 Section 1. Subsection (3) of section 381.887, Florida  
91 Statutes, is amended to read:

92 381.887 Emergency treatment for suspected opioid  
93 overdose.—

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



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

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

111 458.347 Physician assistants.—

112 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

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

127 459.022 Physician assistants.—

128 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

129 (f) A supervisory physician may delegate to a licensed  
130 physician assistant the authority to, and the licensed physician



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

141 Section 4. Paragraph (e) is added to subsection (3) of  
142 section 464.012, Florida Statutes, and subsection (6) is added  
143 to that section 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, notwithstanding any provisions in chapter 465 or chapter  
 163 893.

164 (6) This section shall be known as "The Barbara Lumpkin  
 165 Prescribing Act."

166 Section 5. Subsections (1) and (22) of section 893.02,  
 167 Florida Statutes, are amended to read:

168 893.02 Definitions.—The following words and phrases as  
 169 used in this chapter shall have the following meanings, unless  
 170 the context otherwise requires:

171 (1) "Administer" or "administration" means the direct  
 172 application of a controlled substance, whether by injection,  
 173 inhalation, ingestion, or any other means, to the body of a  
 174 person or animal.

175 (22) "Prescription" ~~means and~~ includes any an order for  
 176 drugs or medicinal supplies which is written, ~~signed,~~ or  
 177 transmitted by any ~~word of mouth, telephone, telegram, or other~~  
 178 means of communication by a ~~duly~~ licensed practitioner  
 179 authorized licensed by the laws of this ~~the~~ state to prescribe  
 180 such drugs or medicinal supplies, is issued in good faith and in  
 181 the course of professional practice, is intended to be ~~filled,~~  
 182 ~~compounded, or~~ dispensed by a another person authorized licensed



183 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the  
 184 requirements of s. 893.04.

185 (a) The term also includes an order for drugs or medicinal  
 186 supplies ~~se~~ transmitted or written by a physician, dentist,  
 187 veterinarian, or other practitioner licensed to practice in a  
 188 state other than Florida, but only if the pharmacist called upon  
 189 to fill such an order determines, in the exercise of his or her  
 190 professional judgment, that the order was issued pursuant to a  
 191 valid patient-physician relationship, that it is authentic, and  
 192 that the drugs or medicinal supplies ~~se~~ ordered are considered  
 193 necessary for the continuation of treatment of a chronic or  
 194 recurrent illness.

195 (b) ~~However,~~ If the physician writing the prescription is  
 196 not known to the pharmacist, the pharmacist shall obtain proof  
 197 to a reasonable certainty of the validity of the ~~said~~  
 198 prescription.

199 (c) A prescription ~~order~~ for a controlled substance may  
 200 ~~shall~~ not be issued on the same prescription blank with another  
 201 prescription ~~order~~ for a controlled substance that ~~which~~ is  
 202 named or described in a different schedule or with another, ~~nor~~  
 203 ~~shall any prescription order for a controlled substance be~~  
 204 ~~issued on the same prescription blank as a prescription order~~  
 205 for a medicinal drug, as defined in s. 465.003(8), that is ~~which~~  
 206 ~~does not fall within the definition of a controlled substance as~~  
 207 ~~defined in this act.~~

208 Section 6. Paragraphs (a), (d), and (f) of subsection (2)





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209 of section 893.04, Florida Statutes, are amended to read:

210 893.04 Pharmacist and practitioner.—

211 (2) (a) A pharmacist may not dispense a controlled  
212 substance listed in Schedule II, Schedule III, or Schedule IV to  
213 any patient or patient's agent without first determining, in the  
214 exercise of her or his professional judgment, that the  
215 prescription ~~order~~ is valid. The pharmacist may dispense the  
216 controlled substance, in the exercise of her or his professional  
217 judgment, when the pharmacist or pharmacist's agent has obtained  
218 satisfactory patient information from the patient or the  
219 patient's agent.

220 (d) Each ~~written~~ prescription written ~~prescribed~~ by a  
221 practitioner in this state for a controlled substance listed in  
222 Schedule II, Schedule III, or Schedule IV must include ~~both~~ a  
223 written and a numerical notation of the quantity of the  
224 controlled substance prescribed and a notation of the date in  
225 numerical, month/day/year format, or with the abbreviated month  
226 written out, or the month written out in whole. A pharmacist  
227 may, upon verification by the prescriber, document any  
228 information required by this paragraph. If the prescriber is not  
229 available to verify a prescription, the pharmacist may dispense  
230 the controlled substance, but may insist that the person to whom  
231 the controlled substance is dispensed provide valid photographic  
232 identification. If a prescription includes a numerical notation  
233 of the quantity of the controlled substance or date, but does  
234 not include the quantity or date written out in textual format,



235 the pharmacist may dispense the controlled substance without  
 236 verification by the prescriber of the quantity or date if the  
 237 pharmacy previously dispensed another prescription for the  
 238 person to whom the prescription was written.

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

242 Section 7. Subsection (1) of section 893.05, Florida  
 243 Statutes, is amended to read:

244 893.05 Practitioners and persons administering controlled  
 245 substances in their absence.—

246 (1)(a) A practitioner, in good faith and in the course of  
 247 his or her professional practice only, may prescribe,  
 248 administer, dispense, mix, or otherwise prepare a controlled  
 249 substance, or the practitioner may cause the controlled  
 250 substance ~~same~~ to be administered by a licensed nurse or an  
 251 intern practitioner under his or her direction and supervision  
 252 only.

253 (b) Pursuant to s. 458.347(4)(g), s. 459.022(4)(f), or s.  
 254 464.012(3), as applicable, a practitioner who supervises a  
 255 licensed physician assistant or advanced registered nurse  
 256 practitioner may authorize the licensed physician assistant or  
 257 advanced registered nurse practitioner to order controlled  
 258 substances for administration to a patient in a facility  
 259 licensed under chapter 395 or part II of chapter 400.

260 (c) A veterinarian may ~~se~~ prescribe, administer, dispense,



261 mix, or prepare a controlled substance for use on animals only,  
 262 and may cause the controlled substance ~~it~~ to be administered by  
 263 an assistant or orderly under the veterinarian's direction and  
 264 supervision only.

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

268 Section 8. For the purpose of incorporating the amendments  
 269 made by this act to sections 458.347 and 459.022, Florida  
 270 Statutes, in references thereto, subsection (26) of section  
 271 400.462, Florida Statutes, is reenacted to read:

272 400.462 Definitions.—As used in this part, the term:

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

278 Section 9. For the purpose of incorporating the amendments  
 279 made by this act to sections 458.347 and 459.022, Florida  
 280 Statutes, in references thereto, subsection (18) of section  
 281 409.906, Florida Statutes, is reenacted to read:

282 409.906 Optional Medicaid services.—Subject to specific  
 283 appropriations, the agency may make payments for services which  
 284 are optional to the state under Title XIX of the Social Security  
 285 Act and are furnished by Medicaid providers to recipients who  
 286 are determined to be eligible on the dates on which the services



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287 were provided. Any optional service that is provided shall be  
288 provided only when medically necessary and in accordance with  
289 state and federal law. Optional services rendered by providers  
290 in mobile units to Medicaid recipients may be restricted or  
291 prohibited by the agency. Nothing in this section shall be  
292 construed to prevent or limit the agency from adjusting fees,  
293 reimbursement rates, lengths of stay, number of visits, or  
294 number of services, or making any other adjustments necessary to  
295 comply with the availability of moneys and any limitations or  
296 directions provided for in the General Appropriations Act or  
297 chapter 216. If necessary to safeguard the state's systems of  
298 providing services to elderly and disabled persons and subject  
299 to the notice and review provisions of s. 216.177, the Governor  
300 may direct the Agency for Health Care Administration to amend  
301 the Medicaid state plan to delete the optional Medicaid service  
302 known as "Intermediate Care Facilities for the Developmentally  
303 Disabled." Optional services may include:

304 (18) PHYSICIAN ASSISTANT SERVICES.—The agency may pay for  
305 all services provided to a recipient by a physician assistant  
306 licensed under s. 458.347 or s. 459.022. Reimbursement for such  
307 services must be not less than 80 percent of the reimbursement  
308 that would be paid to a physician who provided the same  
309 services.

310 Section 10. For the purpose of incorporating the  
311 amendments made by this act to sections 458.347, 459.022, and  
312 464.012, Florida Statutes, in references thereto, subsection (1)



313 of section 401.445, Florida Statutes, is reenacted to read:

314 401.445 Emergency examination and treatment of  
315 incapacitated persons.—

316 (1) No recovery shall be allowed in any court in this  
317 state against any emergency medical technician, paramedic, or  
318 physician as defined in this chapter, any advanced registered  
319 nurse practitioner certified under s. 464.012, or any physician  
320 assistant licensed under s. 458.347 or s. 459.022, or any person  
321 acting under the direct medical supervision of a physician, in  
322 an action brought for examining or treating a patient without  
323 his or her informed consent if:

324 (a) The patient at the time of examination or treatment is  
325 intoxicated, under the influence of drugs, or otherwise  
326 incapable of providing informed consent as provided in s.  
327 766.103;

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

330 (c) The patient would reasonably, under all the  
331 surrounding circumstances, undergo such examination, treatment,  
332 or procedure if he or she were advised by the emergency medical  
333 technician, paramedic, physician, advanced registered nurse  
334 practitioner, or physician assistant in accordance with s.  
335 766.103(3).

336  
337 Examination and treatment provided under this subsection shall  
338 be limited to reasonable examination of the patient to determine



339 the medical condition of the patient and treatment reasonably  
340 necessary to alleviate the emergency medical condition or to  
341 stabilize the patient.

342 Section 11. For the purpose of incorporating the  
343 amendments made by this act to sections 458.347, 459.022, and  
344 464.012, Florida Statutes, in references thereto, subsection (3)  
345 of section 766.103, Florida Statutes, is reenacted to read:

346 766.103 Florida Medical Consent Law.—

347 (3) No recovery shall be allowed in any court in this  
348 state against any physician licensed under chapter 458,  
349 osteopathic physician licensed under chapter 459, chiropractic  
350 physician licensed under chapter 460, podiatric physician  
351 licensed under chapter 461, dentist licensed under chapter 466,  
352 advanced registered nurse practitioner certified under s.  
353 464.012, or physician assistant licensed under s. 458.347 or s.  
354 459.022 in an action brought for treating, examining, or  
355 operating on a patient without his or her informed consent when:

356 (a)1. The action of the physician, osteopathic physician,  
357 chiropractic physician, podiatric physician, dentist, advanced  
358 registered nurse practitioner, or physician assistant in  
359 obtaining the consent of the patient or another person  
360 authorized to give consent for the patient was in accordance  
361 with an accepted standard of medical practice among members of  
362 the medical profession with similar training and experience in  
363 the same or similar medical community as that of the person  
364 treating, examining, or operating on the patient for whom the



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365 consent is obtained; and

366       2. A reasonable individual, from the information provided  
367 by the physician, osteopathic physician, chiropractic physician,  
368 podiatric physician, dentist, advanced registered nurse  
369 practitioner, or physician assistant, under the circumstances,  
370 would have a general understanding of the procedure, the  
371 medically acceptable alternative procedures or treatments, and  
372 the substantial risks and hazards inherent in the proposed  
373 treatment or procedures, which are recognized among other  
374 physicians, osteopathic physicians, chiropractic physicians,  
375 podiatric physicians, or dentists in the same or similar  
376 community who perform similar treatments or procedures; or

377       (b) The patient would reasonably, under all the  
378 surrounding circumstances, have undergone such treatment or  
379 procedure had he or she been advised by the physician,  
380 osteopathic physician, chiropractic physician, podiatric  
381 physician, dentist, advanced registered nurse practitioner, or  
382 physician assistant in accordance with the provisions of  
383 paragraph (a).

384       Section 12. For the purpose of incorporating the amendment  
385 made by this act to section 465.003, Florida Statutes, in a  
386 reference thereto, paragraph (a) of subsection (1) of section  
387 409.9201, Florida Statutes, is reenacted to read:

388       409.9201 Medicaid fraud.—

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

390       (a) "Prescription drug" means any drug, including, but not



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391 limited to, finished dosage forms or active ingredients that are  
392 subject to, defined in, or described in s. 503(b) of the Federal  
393 Food, Drug, and Cosmetic Act or in s. 465.003(8), s.  
394 499.003(52), s. 499.007(13), or s. 499.82(10).

395  
396 The value of individual items of the legend drugs or goods or  
397 services involved in distinct transactions committed during a  
398 single scheme or course of conduct, whether involving a single  
399 person or several persons, may be aggregated when determining  
400 the punishment for the offense.

401 Section 13. For the purpose of incorporating the amendment  
402 made by this act to section 465.003, Florida Statutes, in a  
403 reference thereto, subsection (1) of section 465.014, Florida  
404 Statutes, is reenacted to read:

405 465.014 Pharmacy technician.—

406 (1) A person other than a licensed pharmacist or pharmacy  
407 intern may not engage in the practice of the profession of  
408 pharmacy, except that a licensed pharmacist may delegate to  
409 pharmacy technicians who are registered pursuant to this section  
410 those duties, tasks, and functions that do not fall within the  
411 purview of s. 465.003(13). All such delegated acts must be  
412 performed under the direct supervision of a licensed pharmacist  
413 who is responsible for all such acts performed by persons under  
414 his or her supervision. A registered pharmacy technician, under  
415 the supervision of a pharmacist, may initiate or receive  
416 communications with a practitioner or his or her agent, on





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417 | behalf of a patient, regarding refill authorization requests. A  
418 | licensed pharmacist may not supervise more than one registered  
419 | pharmacy technician unless otherwise permitted by the guidelines  
420 | adopted by the board. The board shall establish guidelines to be  
421 | followed by licensees or permittees in determining the  
422 | circumstances under which a licensed pharmacist may supervise  
423 | more than one pharmacy technician.

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, section 465.1901, Florida Statutes, is  
427 | reenacted to read:

428 |       465.1901 Practice of orthotics and pedorthics.—The  
429 | provisions of chapter 468 relating to orthotics or pedorthics do  
430 | not apply to any licensed pharmacist or to any person acting  
431 | under the supervision of a licensed pharmacist. The practice of  
432 | orthotics or pedorthics by a pharmacist or any of the  
433 | pharmacist's employees acting under the supervision of a  
434 | pharmacist shall be construed to be within the meaning of the  
435 | term "practice of the profession of pharmacy" as set forth in s.  
436 | 465.003(13), and shall be subject to regulation in the same  
437 | manner as any other pharmacy practice. The Board of Pharmacy  
438 | shall develop rules regarding the practice of orthotics and  
439 | pedorthics by a pharmacist. Any pharmacist or person under the  
440 | supervision of a pharmacist engaged in the practice of orthotics  
441 | or pedorthics is not precluded from continuing that practice  
442 | pending adoption of these rules.



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443 Section 15. For the purpose of incorporating the amendment  
444 made by this act to section 465.003, Florida Statutes, in a  
445 reference thereto, subsection (43) of section 499.003, Florida  
446 Statutes, is reenacted to read:

447 499.003 Definitions of terms used in this part.—As used in  
448 this part, the term:

449 (43) "Prescription drug" means a prescription, medicinal,  
450 or legend drug, including, but not limited to, finished dosage  
451 forms or active pharmaceutical ingredients subject to, defined  
452 by, or described by s. 503(b) of the federal act or s.  
453 465.003(8), s. 499.007(13), subsection (32), or subsection (52),  
454 except that an active pharmaceutical ingredient is a  
455 prescription drug only if substantially all finished dosage  
456 forms in which it may be lawfully dispensed or administered in  
457 this state are also prescription drugs.

458 Section 16. For the purpose of incorporating the amendment  
459 made by this act to section 465.003, Florida Statutes, in a  
460 reference thereto, subsection (1) of section 831.30, Florida  
461 Statutes, is reenacted to read:

462 831.30 Medicinal drugs; fraud in obtaining.—Whoever:

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

466  
467 with intent to obtain such drug commits a misdemeanor of the  
468 second degree, punishable as provided in s. 775.082 or s.



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469 775.083. A second or subsequent conviction constitutes a  
470 misdemeanor of the first degree, punishable as provided in s.  
471 775.082 or s. 775.083.

472 Section 17. For the purpose of incorporating the  
473 amendments made by this act to sections 465.003 and 893.02,  
474 Florida Statutes, in references thereto, paragraph (pp) of  
475 subsection (1) of section 458.331, Florida Statutes, is  
476 reenacted to read:

477 458.331 Grounds for disciplinary action; action by the  
478 board and department.—

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

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

484 1. Registering a pain-management clinic through  
485 misrepresentation or fraud;

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

489 3. Failing to comply with any requirement of chapter 499,  
490 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
491 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
492 the Drug Abuse Prevention and Control Act; or chapter 893, the  
493 Florida Comprehensive Drug Abuse Prevention and Control Act;

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



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495 adjudication to, a felony or any other crime involving moral  
496 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
497 the courts of this state, of any other state, or of the United  
498 States;

499 5. Being convicted of, or disciplined by a regulatory  
500 agency of the Federal Government or a regulatory agency of  
501 another state for, any offense that would constitute a violation  
502 of this chapter;

503 6. Being convicted of, or entering a plea of guilty or  
504 nolo contendere to, regardless of adjudication, a crime in any  
505 jurisdiction of the courts of this state, of any other state, or  
506 of the United States which relates to the practice of, or the  
507 ability to practice, a licensed health care profession;

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

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

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

520 Section 18. For the purpose of incorporating the



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521 amendments made by this act to sections 465.003 and 893.02,  
522 Florida Statutes, in references thereto, paragraph (rr) of  
523 subsection (1) of section 459.015, Florida Statutes, is  
524 reenacted to read:

525 459.015 Grounds for disciplinary action; action by the  
526 board and department.—

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

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

532 1. Registering a pain-management clinic through  
533 misrepresentation or fraud;

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

537 3. Failing to comply with any requirement of chapter 499,  
538 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
539 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
540 the Drug Abuse Prevention and Control Act; or chapter 893, the  
541 Florida Comprehensive Drug Abuse Prevention and Control Act;

542 4. Being convicted or found guilty of, regardless of  
543 adjudication to, a felony or any other crime involving moral  
544 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
545 the courts of this state, of any other state, or of the United  
546 States;



547           5. Being convicted of, or disciplined by a regulatory  
548 agency of the Federal Government or a regulatory agency of  
549 another state for, any offense that would constitute a violation  
550 of this chapter;

551           6. Being convicted of, or entering a plea of guilty or  
552 nolo contendere to, regardless of adjudication, a crime in any  
553 jurisdiction of the courts of this state, of any other state, or  
554 of the United States which relates to the practice of, or the  
555 ability to practice, a licensed health care profession;

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

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

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

568           Section 19. For the purpose of incorporating the  
569 amendments made by this act to sections 465.003 and 893.02,  
570 Florida Statutes, in references thereto, paragraph (c) of  
571 subsection (2) and subsection (3) of section 465.015, Florida  
572 Statutes, are reenacted to read:



573 465.015 Violations and penalties.—  
574 (2) It is unlawful for any person:  
575 (c) To sell or dispense drugs as defined in s. 465.003(8)  
576 without first being furnished with a prescription.  
577 (3) It is unlawful for any pharmacist to knowingly fail to  
578 report to the sheriff or other chief law enforcement agency of  
579 the county where the pharmacy is located within 24 hours after  
580 learning of any instance in which a person obtained or attempted  
581 to obtain a controlled substance, as defined in s. 893.02, or at  
582 the close of business on the next business day, whichever is  
583 later, that the pharmacist knew or believed was obtained or  
584 attempted to be obtained through fraudulent methods or  
585 representations from the pharmacy at which the pharmacist  
586 practiced pharmacy. Any pharmacist who knowingly fails to make  
587 such a report within 24 hours after learning of the fraud or  
588 attempted fraud or at the close of business on the next business  
589 day, whichever is later, commits a misdemeanor of the first  
590 degree, punishable as provided in s. 775.082 or s. 775.083. A  
591 sufficient report of the fraudulent obtaining of controlled  
592 substances under this subsection must contain, at a minimum, a  
593 copy of the prescription used or presented and a narrative,  
594 including all information available to the pharmacist concerning  
595 the transaction, such as the name and telephone number of the  
596 prescribing physician; the name, description, and any personal  
597 identification information pertaining to the person who  
598 presented the prescription; and all other material information,



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599 such as photographic or video surveillance of the transaction.

600 Section 20. For the purpose of incorporating the  
601 amendments made by this act to sections 465.003 and 893.02,  
602 Florida Statutes, in references thereto, paragraph (s) of  
603 subsection (1) of section 465.016, Florida Statutes, is  
604 reenacted to read:

605 465.016 Disciplinary actions.—

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

608 (s) Dispensing any medicinal drug based upon a  
609 communication that purports to be a prescription as defined by  
610 s. 465.003(14) or s. 893.02 when the pharmacist knows or has  
611 reason to believe that the purported prescription is not based  
612 upon a valid practitioner-patient relationship.

613 Section 21. For the purpose of incorporating the  
614 amendments made by this act to sections 465.003 and 893.02,  
615 Florida Statutes, in references thereto, paragraph (j) of  
616 subsection (5) of section 465.022, Florida Statutes, is  
617 reenacted to read:

618 465.022 Pharmacies; general requirements; fees.—

619 (5) The department or board shall deny an application for  
620 a pharmacy permit if the applicant or an affiliated person,  
621 partner, officer, director, or prescription department manager  
622 or consultant pharmacist of record of the applicant:

623 (j) Has dispensed any medicinal drug based upon a  
624 communication that purports to be a prescription as defined by





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625 s. 465.003(14) or s. 893.02 when the pharmacist knows or has  
626 reason to believe that the purported prescription is not based  
627 upon a valid practitioner-patient relationship that includes a  
628 documented patient evaluation, including history and a physical  
629 examination adequate to establish the diagnosis for which any  
630 drug is prescribed and any other requirement established by  
631 board rule under chapter 458, chapter 459, chapter 461, chapter  
632 463, chapter 464, or chapter 466.

633  
634 For felonies in which the defendant entered a plea of guilty or  
635 nolo contendere in an agreement with the court to enter a  
636 pretrial intervention or drug diversion program, the department  
637 shall deny the application if upon final resolution of the case  
638 the licensee has failed to successfully complete the program.

639 Section 22. For the purpose of incorporating the  
640 amendments made by this act to sections 465.003 and 893.02,  
641 Florida Statutes, in references thereto, paragraph (h) of  
642 subsection (1) of section 465.023, Florida Statutes, is  
643 reenacted to read:

644 465.023 Pharmacy permittee; disciplinary action.—

645 (1) The department or the board may revoke or suspend the  
646 permit of any pharmacy permittee, and may fine, place on  
647 probation, or otherwise discipline any pharmacy permittee if the  
648 permittee, or any affiliated person, partner, officer, director,  
649 or agent of the permittee, including a person fingerprinted  
650 under s. 465.022(3), has:



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651 (h) Dispensed any medicinal drug based upon a  
652 communication that purports to be a prescription as defined by  
653 s. 465.003(14) or s. 893.02 when the pharmacist knows or has  
654 reason to believe that the purported prescription is not based  
655 upon a valid practitioner-patient relationship that includes a  
656 documented patient evaluation, including history and a physical  
657 examination adequate to establish the diagnosis for which any  
658 drug is prescribed and any other requirement established by  
659 board rule under chapter 458, chapter 459, chapter 461, chapter  
660 463, chapter 464, or chapter 466.

661 Section 23. For the purpose of incorporating the amendment  
662 made by this act to section 893.02, Florida Statutes, in a  
663 reference thereto, paragraph (i) of subsection (5) of section  
664 112.0455, Florida Statutes, is reenacted to read:

665 112.0455 Drug-Free Workplace Act.—

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

668 (i) "Prescription or nonprescription medication" means a  
669 drug or medication obtained pursuant to a prescription as  
670 defined by s. 893.02 or a medication that is authorized pursuant  
671 to federal or state law for general distribution and use without  
672 a prescription in the treatment of human diseases, ailments, or  
673 injuries.

674 Section 24. For the purpose of incorporating the amendment  
675 made by this act to section 893.02, Florida Statutes, in a  
676 reference thereto, paragraph (b) of subsection (7) of section



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677 381.986, Florida Statutes, is reenacted to read:

678 381.986 Compassionate use of low-THC cannabis.—

679 (7) EXCEPTIONS TO OTHER LAWS.—

680 (b) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or  
681 any other provision of law, but subject to the requirements of  
682 this section, an approved dispensing organization and its  
683 owners, managers, and employees may manufacture, possess, sell,  
684 deliver, distribute, dispense, and lawfully dispose of  
685 reasonable quantities, as established by department rule, of  
686 low-THC cannabis. For purposes of this subsection, the terms  
687 "manufacture," "possession," "deliver," "distribute," and  
688 "dispense" have the same meanings as provided in s. 893.02.

689 Section 25. For the purpose of incorporating the amendment  
690 made by this act to section 893.02, Florida Statutes, in a  
691 reference thereto, paragraph (1) of subsection (1) of section  
692 440.102, Florida Statutes, is reenacted to read:

693 440.102 Drug-free workplace program requirements.—The  
694 following provisions apply to a drug-free workplace program  
695 implemented pursuant to law or to rules adopted by the Agency  
696 for Health Care Administration:

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

699 (1) "Prescription or nonprescription medication" means a  
700 drug or medication obtained pursuant to a prescription as  
701 defined by s. 893.02 or a medication that is authorized pursuant  
702 to federal or state law for general distribution and use without



703 a prescription in the treatment of human diseases, ailments, or  
704 injuries.

705 Section 26. For the purpose of incorporating the amendment  
706 made by this act to section 893.02, Florida Statutes, in a  
707 reference thereto, subsection (14) of section 499.0121, Florida  
708 Statutes, is reenacted to read:

709 499.0121 Storage and handling of prescription drugs;  
710 recordkeeping.—The department shall adopt rules to implement  
711 this section as necessary to protect the public health, safety,  
712 and welfare. Such rules shall include, but not be limited to,  
713 requirements for the storage and handling of prescription drugs  
714 and for the establishment and maintenance of prescription drug  
715 distribution records.

716 (14) DISTRIBUTION REPORTING.—Each prescription drug  
717 wholesale distributor, out-of-state prescription drug wholesale  
718 distributor, retail pharmacy drug wholesale distributor,  
719 manufacturer, or repackager that engages in the wholesale  
720 distribution of controlled substances as defined in s. 893.02  
721 shall submit a report to the department of its receipts and  
722 distributions of controlled substances listed in Schedule II,  
723 Schedule III, Schedule IV, or Schedule V as provided in s.  
724 893.03. Wholesale distributor facilities located within this  
725 state shall report all transactions involving controlled  
726 substances, and wholesale distributor facilities located outside  
727 this state shall report all distributions to entities located in  
728 this state. If the prescription drug wholesale distributor, out-



729 of-state prescription drug wholesale distributor, retail  
730 pharmacy drug wholesale distributor, manufacturer, or repackager  
731 does not have any controlled substance distributions for the  
732 month, a report shall be sent indicating that no distributions  
733 occurred in the period. The report shall be submitted monthly by  
734 the 20th of the next month, in the electronic format used for  
735 controlled substance reporting to the Automation of Reports and  
736 Consolidated Orders System division of the federal Drug  
737 Enforcement Administration. Submission of electronic data must  
738 be made in a secured Internet environment that allows for manual  
739 or automated transmission. Upon successful transmission, an  
740 acknowledgment page must be displayed to confirm receipt. The  
741 report must contain the following information:

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

744 (b) The federal Drug Enforcement Administration  
745 registration number of the entity to which the drugs are  
746 distributed or from which the drugs are received.

747 (c) The transaction code that indicates the type of  
748 transaction.

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

751 (e) The Drug Enforcement Administration Form 222 number or  
752 Controlled Substance Ordering System Identifier on all Schedule  
753 II transactions.

754 (f) The date of the transaction.



755  
756 The department must share the reported data with the Department  
757 of Law Enforcement and local law enforcement agencies upon  
758 request and must monitor purchasing to identify purchasing  
759 levels that are inconsistent with the purchasing entity's  
760 clinical needs. The Department of Law Enforcement shall  
761 investigate purchases at levels that are inconsistent with the  
762 purchasing entity's clinical needs to determine whether  
763 violations of chapter 893 have occurred.

764 Section 27. For the purpose of incorporating the amendment  
765 made by this act to section 893.02, Florida Statutes, in a  
766 reference thereto, paragraph (b) of subsection (1) of section  
767 768.36, Florida Statutes, is reenacted to read:

768 768.36 Alcohol or drug defense.—

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

770 (b) "Drug" means any chemical substance set forth in s.  
771 877.111 or any substance controlled under chapter 893. The term  
772 does not include any drug or medication obtained pursuant to a  
773 prescription as defined in s. 893.02 which was taken in  
774 accordance with the prescription, or any medication that is  
775 authorized under state or federal law for general distribution  
776 and use without a prescription in treating human diseases,  
777 ailments, or injuries and that was taken in the recommended  
778 dosage.

779 Section 28. For the purpose of incorporating the amendment  
780 made by this act to section 893.02, Florida Statutes, in a



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781 reference thereto, paragraph (f) of subsection (3) of section  
782 810.02, Florida Statutes, is reenacted to read:

783 810.02 Burglary.—

784 (3) Burglary is a felony of the second degree, punishable  
785 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the  
786 course of committing the offense, the offender does not make an  
787 assault or battery and is not and does not become armed with a  
788 dangerous weapon or explosive, and the offender enters or  
789 remains in a:

790 (f) Structure or conveyance when the offense intended to  
791 be committed therein is theft of a controlled substance as  
792 defined in s. 893.02. Notwithstanding any other law, separate  
793 judgments and sentences for burglary with the intent to commit  
794 theft of a controlled substance under this paragraph and for any  
795 applicable possession of controlled substance offense under s.  
796 893.13 or trafficking in controlled substance offense under s.  
797 893.135 may be imposed when all such offenses involve the same  
798 amount or amounts of a controlled substance.

799

800 However, if the burglary is committed within a county that is  
801 subject to a state of emergency declared by the Governor under  
802 chapter 252 after the declaration of emergency is made and the  
803 perpetration of the burglary is facilitated by conditions  
804 arising from the emergency, the burglary is a felony of the  
805 first degree, punishable as provided in s. 775.082, s. 775.083,  
806 or s. 775.084. As used in this subsection, the term "conditions



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807 arising from the emergency" means civil unrest, power outages,  
808 curfews, voluntary or mandatory evacuations, or a reduction in  
809 the presence of or response time for first responders or  
810 homeland security personnel. A person arrested for committing a  
811 burglary within a county that is subject to such a state of  
812 emergency may not be released until the person appears before a  
813 committing magistrate at a first appearance hearing. For  
814 purposes of sentencing under chapter 921, a felony offense that  
815 is reclassified under this subsection is ranked one level above  
816 the ranking under s. 921.0022 or s. 921.0023 of the offense  
817 committed.

818 Section 29. For the purpose of incorporating the amendment  
819 made by this act to section 893.02, Florida Statutes, in a  
820 reference thereto, paragraph (c) of subsection (2) of section  
821 812.014, Florida Statutes, is reenacted to read:

822 812.014 Theft.—

823 (2)

824 (c) It is grand theft of the third degree and a felony of  
825 the third degree, punishable as provided in s. 775.082, s.  
826 775.083, or s. 775.084, if the property stolen is:

- 827 1. Valued at \$300 or more, but less than \$5,000.
- 828 2. Valued at \$5,000 or more, but less than \$10,000.
- 829 3. Valued at \$10,000 or more, but less than \$20,000.
- 830 4. A will, codicil, or other testamentary instrument.
- 831 5. A firearm.
- 832 6. A motor vehicle, except as provided in paragraph (a).





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833           7. Any commercially farmed animal, including any animal of  
834 the equine, bovine, or swine class or other grazing animal; a  
835 bee colony of a registered beekeeper; and aquaculture species  
836 raised at a certified aquaculture facility. If the property  
837 stolen is aquaculture species raised at a certified aquaculture  
838 facility, then a \$10,000 fine shall be imposed.

839           8. Any fire extinguisher.

840           9. Any amount of citrus fruit consisting of 2,000 or more  
841 individual pieces of fruit.

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

844           11. Any stop sign.

845           12. Anhydrous ammonia.

846           13. Any amount of a controlled substance as defined in s.  
847 893.02. Notwithstanding any other law, separate judgments and  
848 sentences for theft of a controlled substance under this  
849 subparagraph and for any applicable possession of controlled  
850 substance offense under s. 893.13 or trafficking in controlled  
851 substance offense under s. 893.135 may be imposed when all such  
852 offenses involve the same amount or amounts of a controlled  
853 substance.

854

855 However, if the property is stolen within a county that is  
856 subject to a state of emergency declared by the Governor under  
857 chapter 252, the property is stolen after the declaration of  
858 emergency is made, and the perpetration of the theft is



859 facilitated by conditions arising from the emergency, the  
860 offender commits a felony of the second degree, punishable as  
861 provided in s. 775.082, s. 775.083, or s. 775.084, if the  
862 property is valued at \$5,000 or more, but less than \$10,000, as  
863 provided under subparagraph 2., or if the property is valued at  
864 \$10,000 or more, but less than \$20,000, as provided under  
865 subparagraph 3. As used in this paragraph, the term "conditions  
866 arising from the emergency" means civil unrest, power outages,  
867 curfews, voluntary or mandatory evacuations, or a reduction in  
868 the presence of or the response time for first responders or  
869 homeland security personnel. For purposes of sentencing under  
870 chapter 921, a felony offense that is reclassified under this  
871 paragraph is ranked one level above the ranking under s.  
872 921.0022 or s. 921.0023 of the offense committed.

873 Section 30. For the purpose of incorporating the amendment  
874 made by this act to section 893.02, Florida Statutes, in a  
875 reference thereto, paragraph (c) of subsection (1) of section  
876 856.015, Florida Statutes, is reenacted to read:

877 856.015 Open house parties.—

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

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

881 Section 31. For the purpose of incorporating the amendment  
882 made by this act to section 893.02, Florida Statutes, in a  
883 reference thereto, paragraph (a) of subsection (1) of section  
884 944.47, Florida Statutes, is reenacted to read:



885 944.47 Introduction, removal, or possession of certain  
886 articles unlawful; penalty.—

887 (1) (a) Except through regular channels as authorized by  
888 the officer in charge of the correctional institution, it is  
889 unlawful to introduce into or upon the grounds of any state  
890 correctional institution, or to take or attempt to take or send  
891 or attempt to send therefrom, any of the following articles  
892 which are hereby declared to be contraband for the purposes of  
893 this section, to wit:

894 1. Any written or recorded communication or any currency  
895 or coin given or transmitted, or intended to be given or  
896 transmitted, to any inmate of any state correctional  
897 institution.

898 2. Any article of food or clothing given or transmitted,  
899 or intended to be given or transmitted, to any inmate of any  
900 state correctional institution.

901 3. Any intoxicating beverage or beverage which causes or  
902 may cause an intoxicating effect.

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

906 5. Any firearm or weapon of any kind or any explosive  
907 substance.

908 6. Any cellular telephone or other portable communication  
909 device intentionally and unlawfully introduced inside the secure  
910 perimeter of any state correctional institution without prior



911 authorization or consent from the officer in charge of such  
912 correctional institution. As used in this subparagraph, the term  
913 "portable communication device" means any device carried, worn,  
914 or stored which is designed or intended to receive or transmit  
915 verbal or written messages, access or store data, or connect  
916 electronically to the Internet or any other electronic device  
917 and which allows communications in any form. Such devices  
918 include, but are not limited to, portable two-way pagers, hand-  
919 held radios, cellular telephones, Blackberry-type devices,  
920 personal digital assistants or PDA's, laptop computers, or any  
921 components of these devices which are intended to be used to  
922 assemble such devices. The term also includes any new technology  
923 that is developed for similar purposes. Excluded from this  
924 definition is any device having communication capabilities which  
925 has been approved or issued by the department for investigative  
926 or institutional security purposes or for conducting other state  
927 business.

928 Section 32. For the purpose of incorporating the amendment  
929 made by this act to section 893.02, Florida Statutes, in a  
930 reference thereto, subsection (1) of section 951.22, Florida  
931 Statutes, is reenacted to read:

932 951.22 County detention facilities; contraband articles.-

933 (1) It is unlawful, except through regular channels as  
934 duly authorized by the sheriff or officer in charge, to  
935 introduce into or possess upon the grounds of any county  
936 detention facility as defined in s. 951.23 or to give to or



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937 receive from any inmate of any such facility wherever said  
938 inmate is located at the time or to take or to attempt to take  
939 or send therefrom any of the following articles which are hereby  
940 declared to be contraband for the purposes of this act, to wit:  
941 Any written or recorded communication; any currency or coin; any  
942 article of food or clothing; any tobacco products as defined in  
943 s. 210.25(11); any cigarette as defined in s. 210.01(1); any  
944 cigar; any intoxicating beverage or beverage which causes or may  
945 cause an intoxicating effect; any narcotic, hypnotic, or  
946 excitative drug or drug of any kind or nature, including nasal  
947 inhalators, sleeping pills, barbiturates, and controlled  
948 substances as defined in s. 893.02(4); any firearm or any  
949 instrumentality customarily used or which is intended to be used  
950 as a dangerous weapon; and any instrumentality of any nature  
951 that may be or is intended to be used as an aid in effecting or  
952 attempting to effect an escape from a county facility.

953 Section 33. For the purpose of incorporating the amendment  
954 made by this act to section 893.02, Florida Statutes, in a  
955 reference thereto, paragraph (a) of subsection (1) of section  
956 985.711, Florida Statutes, is reenacted to read:

957 985.711 Introduction, removal, or possession of certain  
958 articles unlawful; penalty.—

959 (1) (a) Except as authorized through program policy or  
960 operating procedure or as authorized by the facility  
961 superintendent, program director, or manager, a person may not  
962 introduce into or upon the grounds of a juvenile detention



963 facility or commitment program, or take or send, or attempt to  
 964 take or send, from a juvenile detention facility or commitment  
 965 program, any of the following articles, which are declared to be  
 966 contraband under this section:

- 967 1. Any unauthorized article of food or clothing.
- 968 2. Any intoxicating beverage or any beverage that causes  
 969 or may cause an intoxicating effect.
- 970 3. Any controlled substance, as defined in s. 893.02(4),  
 971 or any prescription or nonprescription drug that has a hypnotic,  
 972 stimulating, or depressing effect.
- 973 4. Any firearm or weapon of any kind or any explosive  
 974 substance.

975 Section 34. For the purpose of incorporating the amendment  
 976 made by this act to section 893.02, Florida Statutes, in a  
 977 reference thereto, paragraph (i) of subsection (1) of section  
 978 1003.57, Florida Statutes, is reenacted to read:

979 1003.57 Exceptional students instruction.—

980 (1)

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

982 1. "Controlled substance" means a drug or other substance  
 983 identified under Schedule I, Schedule II, Schedule III, Schedule  
 984 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.  
 985 812(c) and s. 893.02(4).

986 2. "Weapon" means a device, instrument, material, or  
 987 substance, animate or inanimate, which is used for, or is  
 988 readily capable of, causing death or serious bodily injury;



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989 | however, this definition does not include a pocketknife having a  
990 | blade that is less than 2 1/2 inches in length.

991 |       Section 35. For the purpose of incorporating the amendment  
992 | made by this act to section 893.02, Florida Statutes, in a  
993 | reference thereto, subsection (8) of section 1006.09, Florida  
994 | Statutes, is reenacted to read:

995 |       1006.09 Duties of school principal relating to student  
996 | discipline and school safety.—

997 |       (8) The school principal shall require all school  
998 | personnel to report to the principal or principal's designee any  
999 | suspected unlawful use, possession, or sale by a student of any  
1000 | controlled substance, as defined in s. 893.02; any counterfeit  
1001 | controlled substance, as defined in s. 831.31; any alcoholic  
1002 | beverage, as defined in s. 561.01(4); or model glue. School  
1003 | personnel are exempt from civil liability when reporting in good  
1004 | faith to the proper school authority such suspected unlawful  
1005 | use, possession, or sale by a student. Only a principal or  
1006 | principal's designee is authorized to contact a parent or legal  
1007 | guardian of a student regarding this situation. Reports made and  
1008 | verified under this subsection shall be forwarded to an  
1009 | appropriate agency. The principal or principal's designee shall  
1010 | timely notify the student's parent that a verified report made  
1011 | under this subsection with respect to the student has been made  
1012 | and forwarded.

1013 |       Section 36. For the purpose of incorporating the  
1014 | amendments made by this act to sections 893.04 and 893.05,



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1015 Florida Statutes, in references thereto, paragraphs (d) and (e)  
1016 of subsection (3) of section 893.0551, Florida Statutes, are  
1017 reenacted to read:

1018       893.0551 Public records exemption for the prescription  
1019 drug monitoring program.—

1020       (3) The department shall disclose such confidential and  
1021 exempt information to the following persons or entities upon  
1022 request and after using a verification process to ensure the  
1023 legitimacy of the request as provided in s. 893.055:

1024       (d) A health care practitioner who certifies that the  
1025 information is necessary to provide medical treatment to a  
1026 current patient in accordance with ss. 893.05 and 893.055.

1027       (e) A pharmacist who certifies that the requested  
1028 information will be used to dispense controlled substances to a  
1029 current patient in accordance with ss. 893.04 and 893.055.

1030       Section 37. This act shall take effect July 1, 2016.