A bill to be entitled
An act relating to controlled substances; creating s. 456.0301, F.S.; authorizing certain boards to require practitioners to complete a specified board-approved continuing education course to obtain authorization to prescribe controlled substances as part of biennial renewal; providing exceptions; providing course requirements; prohibiting the department from renewing a license of a prescriber under specified circumstances; requiring a licensee to submit confirmation of course completion; providing for each licensing board requiring such continuing education course to include hours of completion with the total hours of continuing education required in certain circumstances; authorizing rulemaking; amending s. 456.072, F.S.; authorizing disciplinary action against practitioners for violating specified provisions relating to controlled substances; amending s. 456.44, F.S.; providing definitions; providing exclusions; providing for the adoption of standards of practice for the treatment of acute pain; providing that failure of a practitioner to follow specified guidelines is grounds for disciplinary action; limiting opioid prescriptions for the treatment of acute pain to a specified period under certain
circumstances; authorizing prescriptions for such opioids for an extended period if specified requirements are met; providing requirements for opioid prescriptions for pain other than acute pain; amending ss. 458.3265 and 459.0137, F.S.; requiring certain pain management clinic owners to register approved exemptions with the department; requiring certain clinics to obtain certificates of exemption; providing requirements for such certificates; authorizing rulemaking relating to specified exemptions; amending s. 465.0155, F.S.; providing requirements for pharmacists for the dispensing of controlled substances to persons not known to them; defining the term "proper identification"; amending s. 465.0276, F.S.; prohibiting the dispensing of certain controlled substances in an amount that exceeds a 3-day supply or a medically necessary 7-day supply if certain criteria are met; providing an exception for the dispensing of certain controlled substances by a practitioner to the practitioner’s own patients for the medication-assisted treatment of opiate addiction; providing requirements for practitioners for the dispensing of controlled substances to persons not known to them; defining the term "proper identification"; amending s. 893.03, F.S.; conforming
the state controlled substances schedule to the
federal controlled substances schedule; amending s.
893.04, F.S.; authorizing pharmacist to dispense
controlled substances upon receipt of an electronic
prescription if certain conditions are met; amending
s. 893.055, F.S.; revising and providing definitions;
revising requirements for the prescription drug
monitoring program; authorizing rulemaking; requiring
the department to maintain an electronic system for
certain purposes to meet specified requirements;
requiring certain information to be reported to the
system by a specified time; providing exceptions;
specifying direct access to system information;
authorizing department to enter into one or more
reciprocal agreements or contracts to share
prescription drug monitoring information with certain
entities; providing requirements for such agreements;
authorizing the department to enter into agreements or
contracts for secure connections with practitioner
electronic systems; requiring specified persons to
consult the system for certain purposes within a
specified time; providing exceptions to the duty of
specified persons to consult the system under certain
circumstances; authorizing the department to issue
nondisciplinary citations to specified entities for
failing to meet certain requirements for the initial instance and to discipline specified entities for subsequently failing to meet such requirements; providing applicability; prohibiting the failure to report the dispensing of a controlled substance as required; providing penalties; authorizing the department to enter into agreements or contracts for specified purposes; providing for the release of information obtained by the system; allowing specified persons to have direct access to information for the purpose of reviewing the controlled drug prescription history of a patient; providing prescriber or dispenser immunity from liability for review of patient history when acting in good faith; providing construction; prohibiting the department from specified uses of funds; authorizing the department to conduct or participate in studies for specified purposes; requiring an annual report to be submitted to the Governor and Legislature by a specified date; providing report requirements; providing exemptions; establishing direct-support organizations for specified purposes; defining the term "direct-support organization"; requiring a direct-support organization to operate under written contract with the department; providing contract requirements; requiring the direct-
support organization to obtain written approval from
the department for specified purposes; authorizing
rulemaking; providing for an independent annual
financial audit by the direct-support organization;
providing that copies of such audit be provided to
specified entities; providing for future repeal of
provisions relating to the direct-support
organization; amending s. 893.0551, F.S.; revising
provisions concerning release of information held by
the prescription drug monitoring program; amending s.
893.13, F.S.; correcting cross-references; conforming
provisions to changes made by the act; increasing the
penalty for an offense; amending s. 893.147, F.S.;
prohibiting the use, possession, manufacture,
delivery, transportation, advertisement, or retail
sale of specified paraphernalia, machines, and
counterfeiting materials; providing definitions;
providing exceptions to the prohibition; providing
penalties; amending ss. 458.331, 459.015, 463.0055,
782.04, 893.135, and 921.0022, F.S.; correcting cross-
references; conforming provisions to changes made by
the act; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 456.0301, Florida Statutes, is created to read:

456.0301 Requirement for instruction on controlled substance prescribing.—

(1)(a) The appropriate board shall require each person registered with the United States Drug Enforcement Administration and authorized to prescribe controlled substances pursuant to 21 U.S.C. s. 822 to complete a board-approved 2-hour continuing education course on prescribing controlled substances offered by a statewide professional association of physicians in this state that is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category I Credit or the American Osteopathic Category 1-A continuing medical education credit as part of biennial license renewal. The course must include information on the current standards for prescribing controlled substances, particularly opiates, alternatives to these standards, nonpharmacological therapies, prescribing emergency opioid antagonists, and the risks of opioid addiction following all stages of treatment in the management of acute pain. The course may be offered in a distance learning format and must be included within the number of continuing education hours required by law. The department may not renew the license of any prescriber registered with the United States Drug Enforcement Administration to prescribe controlled substances that has
failed to complete the course. When required by this paragraph, the course shall be completed by January 31, 2019, and at each subsequent renewal. This paragraph does not apply to a licensee who is required by the applicable practice act to complete a minimum of 2 hours of continuing education on the safe and effective prescribing of controlled substances.

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

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

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

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

456.072 Grounds for discipline; penalties; enforcement.—
(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

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

Section 3. Paragraphs (a) through (g) of subsection (1) of section 456.44, Florida Statutes, are redesignated as paragraphs (b) through (h), respectively, a new paragraph (a) is added to that subsection, subsection (3) is amended, and subsections (4), (5), and (6) are added to that section, to read:

456.44 Controlled substance prescribing.—
(1) DEFINITIONS.—As used in this section, the term:
   (a) "Acute pain" means the normal, predicted, physiological, and time-limited response to an adverse chemical, thermal, or mechanical stimulus associated with surgery, trauma, or acute illness. The term does not include pain related to:
       2. A terminal condition. As used in this subparagraph, the term "terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment; is not considered by a treating physician to be reversible without the administration of life-sustaining procedures; and will result in death within 1 year after
3. Palliative care to provide relief of symptoms related to an incurable, progressive illness or injury.

4. A traumatic injury with an Injury Severity Score of 9 or higher.

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

(a) A complete medical history and a physical examination must be conducted before beginning any treatment and must be documented in the medical record. The exact components of the physical examination shall be left to the judgment of the registrant who is expected to perform a physical examination proportionate to the diagnosis that justifies a treatment. The medical record must, at a minimum, document the nature and intensity of the pain, current and past treatments for pain, underlying or coexisting diseases or conditions, the effect of the pain on physical and psychological function, a review of previous medical records, previous diagnostic studies, and history of alcohol and substance abuse. The medical record shall also document the presence of one or more recognized medical indications for the use of a controlled substance. Each registrant must develop a written plan for assessing each patient's risk of aberrant drug-related behavior, which may
include patient drug testing. Registrants must assess each
patient's risk for aberrant drug-related behavior and monitor
that risk on an ongoing basis in accordance with the plan.

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

(c) The registrant shall discuss the risks and benefits of
the use of controlled substances, including the risks of abuse
and addiction, as well as physical dependence and its
consequences, with the patient, persons designated by the
patient, or the patient's surrogate or guardian if the patient
is incompetent. The registrant shall use a written controlled
substance agreement between the registrant and the patient
outlining the patient's responsibilities, including, but not
limited to:
1. Number and frequency of controlled substance prescriptions and refills.

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

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

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

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

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

1. The complete medical history and a physical
   examination, including history of drug abuse or dependence.
2. Diagnostic, therapeutic, and laboratory results.
3. Evaluations and consultations.
4. Treatment objectives.
5. Discussion of risks and benefits.
6. Treatments.
7. Medications, including date, type, dosage, and quantity
   prescribed.
8. Instructions and agreements.
9. Periodic reviews.
10. Results of any drug testing.
11. A photocopy of the patient's government-issued photo

CODING: Words **stricken** are deletions; words *underlined* are additions.
12. If a written prescription for a controlled substance is given to the patient, a duplicate of the prescription.

13. The registrant's full name presented in a legible manner.

(g) A registrant shall immediately refer patients with signs or symptoms of substance abuse to a board-certified pain management physician, an addiction medicine specialist, or a mental health addiction facility as it pertains to drug abuse or addiction unless the registrant is a physician who is board-certified or board-eligible in pain management. Throughout the period of time before receiving the consultant's report, a prescribing registrant shall clearly and completely document medical justification for continued treatment with controlled substances and those steps taken to ensure medically appropriate use of controlled substances by the patient. Upon receipt of the consultant's written report, the prescribing registrant shall incorporate the consultant's recommendations for continuing, modifying, or discontinuing controlled substance therapy. The resulting changes in treatment shall be specifically documented in the patient's medical record. Evidence or behavioral indications of diversion shall be followed by discontinuation of controlled substance therapy, and the patient shall be discharged, and all results of testing and actions taken by the registrant shall be documented in the patient's medical record.
This subsection does not apply to a board-eligible or board-certified anesthesiologist, physiatrist, rheumatologist, or neurologist, or to a board-certified physician who has surgical privileges at a hospital or ambulatory surgery center and primarily provides surgical services. This subsection does not apply to a board-eligible or board-certified medical specialist who has also completed a fellowship in pain medicine approved by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, or who is board eligible or board certified in pain medicine by the American Board of Pain Medicine, the American Board of Interventional Pain Physicians, the American Association of Physician Specialists, or a board approved by the American Board of Medical Specialties or the American Osteopathic Association and performs interventional pain procedures of the type routinely billed using surgical codes. This subsection does not apply to a registrant who prescribes medically necessary controlled substances for a patient during an inpatient stay in a hospital licensed under chapter 395.

(4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The department shall adopt rules establishing guidelines for prescribing controlled substances for acute pain, which may include evaluation of the patient, creation and maintenance of a treatment plan, obtaining informed consent and agreement for
treatment, periodic review of the treatment plan, consultation, medical record review, and compliance with controlled substance laws and regulations. The rules shall take into account the applicability of the guidelines in different practice settings. Failure of a prescriber to follow such guidelines constitutes grounds for disciplinary action pursuant to s. 456.072(1)(gg), punishable as provided in s. 456.072(2).

(5) PRESCRIPTION SUPPLY.-

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

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

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

2. The practitioner indicates "ACUTE PAIN EXCEPTION" on the prescription.

3. The prescriber adequately documents in the patient's medical records the acute medical condition and lack of alternative treatment options that justify deviation from the 3-day supply limit established in this subsection.

(c) For a prescription for a Schedule II opioid, as
defined in s. 893.03 or 21 U.S.C. s. 812, for the treatment of
pain, other than acute pain, the practitioner must indicate
"NONACUTE PAIN" on the prescription.

(6) EMERGENCY OPIOID ANTAGONIST.—For a prescription for a
Schedule II opioid, as defined in s. 893.03 or 21 U.S.C. s. 812,
for the treatment of pain related to a traumatic injury with an
International Classification Injury Severity Score of 9 or
higher, the prescriber must concurrently prescribe an emergency
opioid antagonist.

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

458.3265  Pain-management clinics.—
(1)  REGISTRATION.—
(a)1.  As used in this section, the term:
   a.  "Board eligible" means successful completion of an
anesthesia, physical medicine and rehabilitation, rheumatology,
or neurology residency program approved by the Accreditation
Council for Graduate Medical Education or the American
Osteopathic Association for a period of 6 years from successful
completion of such residency program.
b. "Chronic nonmalignant pain" means pain unrelated to cancer which persists beyond the usual course of disease or the injury that is the cause of the pain or more than 90 days after surgery.

   c. "Pain-management clinic" or "clinic" means any publicly or privately owned facility:
      (I) That advertises in any medium for any type of pain-management services; or
      (II) Where in any month a majority of patients are prescribed opioids, benzodiazepines, barbiturates, or carisoprodol for the treatment of chronic nonmalignant pain.

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

3. The following clinics are exempt from the registration requirement of paragraphs (c)-(m), and must apply to the department for a certificate of exemption:
   a. A clinic is licensed as a facility pursuant to chapter 395;
   b. A clinic in which the majority of the physicians who provide services in the clinic primarily provide surgical services;
   c. The clinic is owned by a publicly held corporation whose shares are traded on a national exchange or on the over-the-counter market and whose total assets at the end of the
corporation's most recent fiscal quarter exceeded $50 million;

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

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

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

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

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

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

(2) CERTIFICATE OF EXEMPTION.—

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

1. The name or names under which the applicant does business.
2. The address at which the pain management clinic is located.
3. The specific exemption the applicant is claiming with supporting documentation.
4. Any other information deemed necessary by the department.

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

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

(d) A certificateholder must prominently display the certificate of exemption and make it available to the department or the board upon request.
(e) A new certificate of exemption is required for a change of address and is not transferable. A certificate of exemption is valid only for the applicant, qualifying owners, licenses, registrations, certifications, and services provided under a specific statutory exemption and is valid only to the specific exemption claimed and granted.

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

(g) If a pain management clinic no longer qualifies for a certificate of exemption, the certificateholder must notify the department within 3 days after becoming aware that the clinic no longer qualifies for a certificate of exemption and register as a pain management clinic under subsection (1) or cease operations.

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

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

(4)INSPECTION.—

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

(5)RULEMAKING.—

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

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

459.0137 Pain-management clinics.—
(1) REGISTRATION.—

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

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

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

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

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

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

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

3. The following clinics are exempt from the registration requirement of paragraphs (c)-(m), and must apply to the department for a certificate of exemption:
a. A clinic is licensed as a facility pursuant to chapter 395;

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

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

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

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

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

g. A clinic wholly owned and operated by one or more board-eligible or board-certified anesthesiologists, physiatrists, rheumatologists, or neurologists; or

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

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

(2) CERTIFICATE OF EXEMPTION.—

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

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

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

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

4. Any other information deemed necessary by the department.

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

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

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

(e) A new certificate of exemption is required for a change of address and is not transferable. A certificate of exemption is valid only for the applicant, qualifying owners, licenses, registrations, certifications, and services provided under a specific statutory exemption and is valid only to the specific exemption claimed and granted.

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

(g) If a pain management clinic no longer qualifies for a certificate of exemption, the certificateholder must notify the department within 3 days after becoming aware that the clinic no longer qualifies for a certificate of exemption and register as a pain management clinic under subsection (1) or cease operations.

(3)(c) PHYSICIAN RESPONSIBILITIES.—These responsibilities apply to any osteopathic physician who provides professional

CODING: Words stricken are deletions; words underlined are additions.
services in a pain-management clinic that is required to be registered in subsection (1).

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

(4)(3) INSPECTION.—

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

(5)(4) RULEMAKING.—

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

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

465.0155 Standards of practice.—
(1) Consistent with the provisions of this act, the board shall adopt by rule standards of practice relating to the practice of pharmacy which shall be binding on every state agency and shall be applied by such agencies when enforcing or implementing any authority granted by any applicable statute, rule, or regulation, whether federal or state.

(2)(a) Before dispensing a controlled substance to a person not known to the pharmacist, the pharmacist must require the person purchasing, receiving, or otherwise acquiring the controlled substance to present valid photographic identification or other verification of his or her identity. If the person does not have proper identification, the pharmacist may verify the validity of the prescription and the identity of the patient with the prescriber or his or her authorized agent.

Verification of health plan eligibility through a real-time inquiry or adjudication system is considered to be proper identification.

(b) This subsection does not apply in an institutional setting or to a long-term care facility, including, but not limited to, an assisted living facility or a hospital to which patients are admitted.
(c) As used in this subsection, the term "proper identification" means an identification that is issued by a state or the Federal Government containing the person's photograph, printed name, and signature or a document considered acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

Section 7. Paragraph (b) of subsection (1) of section 465.0276, Florida Statutes, is amended, and paragraph (d) is added to subsection (2) of that section, to read:

465.0276 Dispensing practitioner.—

(1) A practitioner registered under this section may not dispense a controlled substance listed in Schedule II or Schedule III as provided in s. 893.03. This paragraph does not apply to:

1. The dispensing of complimentary packages of medicinal drugs which are labeled as a drug sample or complimentary drug as defined in s. 499.028 to the practitioner's own patients in the regular course of her or his practice without the payment of a fee or remuneration of any kind, whether direct or indirect, as provided in subsection (4).

2. The dispensing of controlled substances in the health care system of the Department of Corrections.

3. The dispensing of a controlled substance listed in Schedule II or Schedule III in connection with the performance of a surgical procedure.
a. For an opioid drug listed as a Schedule II controlled substance in s. 893.03 or 21 U.S.C. s. 812, the amount dispensed pursuant to this subparagraph may not exceed a 3-day supply unless the criteria in s. 456.44(5)(b) are met, in which case the amount dispensed may not exceed a 7-day supply.

b. For any Schedule II controlled substance that is not an opioid or for Schedule III controlled substance, the amount dispensed pursuant to this subparagraph may not exceed a 14-day supply.

c. The exception in this subparagraph does not allow for the dispensing of a controlled substance listed in Schedule II or Schedule III more than 14 days after the performance of the surgical procedure.

d. For purposes of this subparagraph, the term "surgical procedure" means any procedure in any setting which involves, or reasonably should involve:

(I) Perioperative medication and sedation that allows the patient to tolerate unpleasant procedures while maintaining adequate cardiorespiratory function and the ability to respond purposefully to verbal or tactile stimulation and makes intra- and postoperative monitoring necessary; or

(II) The use of general anesthesia or major conduction anesthesia and preoperative sedation.

4. The dispensing of a controlled substance listed in Schedule II or Schedule III pursuant to an approved clinical
trial. For purposes of this subparagraph, the term "approved
clinical trial" means a clinical research study or clinical
investigation that, in whole or in part, is state or federally
funded or is conducted under an investigational new drug
application that is reviewed by the United States Food and Drug
Administration.

5. The dispensing of methadone in a facility licensed
under s. 397.427 where medication-assisted treatment for opiate
addiction is provided.

6. The dispensing of a controlled substance listed in
Schedule II or Schedule III to a patient of a facility licensed
under part IV of chapter 400.

7. The dispensing of a controlled substance listed in
Schedule III which has been approved by the United States Food
and Drug Administration for the purpose of treating opiate
addiction including, but not limited to, buprenorphine and
buprenoromine combination products, by a practitioner authorized
under 21 U.S.C. s. 823, as amended, to the practitioner's own
patients for medication-assisted treatment of opiate addiction.

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

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

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

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

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

893.03 Standards and schedules.—The substances enumerated in this section are controlled by this chapter. The controlled substances listed or to be listed in Schedules I, II, III, IV, and V are included by whatever official, common, usual, chemical, trade name, or class designated. The provisions of this section shall not be construed to include within any of the schedules contained in this section any excluded drugs listed
within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
Anabolic Steroid Products."

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

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

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

      a. Raw opium.
      b. Opium extracts.
      c. Opium fluid extracts.
      d. Powdered opium.
      e. Granulated opium.
      f. Tincture of opium.
g. Codeine.

h. Dihydroetorphine.

i. Ethylmorphine.

j. Etorphine hydrochloride.

k. Hydrocodone and hydrocodone combination products.

l. Hydromorphone.

m. Levo-alpha-acetylmethadol (also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM).

n. Metopon (methyldihydromorphinone).

o. Morphine.

p. Oripavine.

q. Oxycodone.

r. Oxymorphone.

s. Thebaaine.

2. Any salt, compound, derivative, or preparation of a substance which is chemically equivalent to or identical with any of the substances referred to in subparagraph 1., except that these substances shall not include the isoquinoline alkaloids of opium.

3. Any part of the plant of the species Papaver somniferum, L.

4. Cocaine or ecgonine, including any of their stereoisomers, and any salt, compound, derivative, or preparation of cocaine or ecgonine, except that these substances shall not include ioflupane I 123.
(b) Unless specifically excepted or unless listed in another schedule, any of the following substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation:

1. Alfentanil.
2. Alphaprodine.
3. Anileridine.
5. Bulk propoxyphene (nondosage forms).
6. Carfentanil.
7. Dihydrocodeine.
8. Diphenoxylate.
10. Isomethadone.
11. Levomethorphan.
12. Levorphanol.
15. Methadone-Intermediate, 4-cyano-2-dimethylamino-4,4-diphenylbutane.
17. Nabilone.
18. Pethidine (meperidine).
19. Pethidine-Intermediate-A,4-cyano-1-
methyl-4-phenylpiperidine.
20. Pethidine-Intermediate-B,ethyl-4-
phenylpiperidine-4-carboxylate.
22. Phenazocine.
23. Phencyclidine.
24. 1-Phenylcyclohexylamine.
25. Piminodine.
26. 1-Piperidinocyclohexanecarbonitrile.
27. Racemethorphan.
28. Racemorphan.
29. Remifentanil.
30. Sufentanil.
31. Tapentadol.
32. Thiafentanil.

(c) Unless specifically excepted or unless listed in
another schedule, any material, compound, mixture, or
preparation which contains any quantity of the following
substances, including their salts, isomers, optical isomers,
salts of their isomers, and salts of their optical isomers:
1. Amobarbital.
2. Amphetamine.
4. Lisdexamfetamine.
5. Methamphetamine.
7. Pentobarbital.
8. Phenmetrazine.
10. Secobarbital.

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

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

(a) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant or stimulant effect on the nervous system:

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

2.  Benzphetamine.
5.  Chlorphentermine.
6.  Clortermine.
7.  Embutramide.
8.  Lysergic acid.
9.  Lysergic acid amide.
10.  Methyprylon.
11.  Perampanel.
13.  Sulfondiethylmethane.
15.  Sulfonmethane.
16.  Tiletamine and zolazepam or any salt thereof.

(b)  Nalorphine.

(c)  Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following controlled substances or any salts thereof:

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

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

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

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

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

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

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

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

(d) Anabolic steroids.
1. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids, that promotes muscle growth and includes:
   a. Androsterone.
   b. Androsterone acetate.
   c. Boldenone.
   d. Boldenone acetate.
   e. Boldenone benzoate.
   f. Boldenone undecylenate.
   g. Chlorotestosterone (Clostebol).
   h. Dehydrochlormethyltestosterone.
   i. Dihydrotestosterone (Stanolone).
   j. Drostanolone.
976  k. Ethylestrenol.
977  l. Fluoxymesterone.
978  m. Formebulone (Formebolone).
979  n. Mesterolone.
980  o. Methandrostenolone (Methandienone).
981  p. Methandranone.
982  q. Methandriol.
983  r. Methenolone.
984  s. Methyltestosterone.
985  t. Mibolerone.
986  u. Nortestosterone (Nandrolone).
987  v. Norethandrolone.
988  w. Nortestosterone decanoate.
989  x. Nortestosterone phenylpropionate.
990  y. Nortestosterone propionate.
991  z. Oxandrolone.
992  aa. Oxymesterone.
993  bb. Oxymetholone.
994  cc. Stanozolol.
995  dd. Testolactone.
996  ee. Testosterone.
997  ff. Testosterone acetate.
998  gg. Testosterone benzoate.
999  hh. Testosterone cypionate.
1000  ii. Testosterone decanoate.
jj. Testosterone enanthate.

kk. Testosterone isocaproate.

ll. Testosterone oleate.

mm. Testosterone phenylpropionate.

nn. Testosterone propionate.

oo. Testosterone undecanoate.

pp. Trenbolone.

qq. Trenbolone acetate.

rr. Any salt, ester, or isomer of a drug or substance described or listed in this subparagraph if that salt, ester, or isomer promotes muscle growth.

2. The term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman species and that has been approved by the United States Secretary of Health and Human Services for such administration. However, any person who prescribes, dispenses, or distributes such a steroid for human use is considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

(e) Ketamine, including any isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation.

(f) Dronabinol (synthetic THC) in sesame oil and encapsulated in a soft gelatin capsule in a drug product...
approved by the United States Food and Drug Administration.
(g) Any drug product containing gamma-hydroxybutyric acid,
including its salts, isomers, and salts of isomers, for which an
application is approved under s. 505 of the Federal Food, Drug,
and Cosmetic Act.

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

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

1. Alfaxalone.
2. (a) Alprazolam.
3. (b) Barbital.
4. (e) Bromazepam.
5. (iii) Butorphanol tartrate.
6. (d) Camazepam.
7. (jjj) Carisoprodol.
8. (e) Cathine.
9. (f) Chloral betaine.
10. (g) Chloral hydrate.
11. (h) Chlordiazepoxide.
12. (i) Clobazam.
13. (j) Clonazepam.
15. (l) Clotiazepam.
16. (m) Cloxazolam.
17. Dexfenfluramine.
18. (n) Delorazepam.
19. Dichloralphenazone.
20. (p) Diazepam.
21. (q) Diethylpropion.
22. Eluxadoline.
23. (r) Estazolam.
24. Eszopiclone.
25. (s) Ethchlorvynol.
26. (t) Ethinamate.
27. (u) Ethyl loflazepate.
28. (v) Fencamfamin.
29. (w) Fenfluramine.
30. (x) Fenproporex.
31. (y) Fludiazepam.
32. (z) Flurazepam.
33. Fospropofol.
34. (aa) Halazepam.
35. (bb) Haloxazolam.
36. (ee) Ketazolam.
37. (dd) Loprazolam.
38. (ee) Lorazepam.
39. Lorcaserin.
40. (ff) Lormetazepam.
41. (gg) Mazindol.
42. (hh) Mebutamate.
43. (ii) Medazepam.
44. (jj) Mefenorex.
45. (kk) Meprobamate.
46. (ll) Methohexital.
47. (mm) Methylphenobarbital.
48. (nn) Midazolam.
49. Modafinil.
50. (oo) Nimetazepam.
51. (pp) Nitrazepam.
52. (qq) Nordiazepam.
53. (rr) Oxazepam.
54. (ss) Oxazolam.
55. (tt) Paraldehyde.
56. (uu) Pemoline.
57. (ww) Pentazocine.
58. Petrichloral.
59. Phenobarbital.
60. Phentermine.
61. Pinazepam.
63. Prazepam.
64. Propoxyphene (dosage forms).
65. Propylhexedrine, excluding any patent or proprietary preparation containing propylhexedrine, unless otherwise provided by federal law.
66. Quazepam.
67. Sibutramine.
68. SPA[(-)-1 dimethylamino-1, 2 diphenylethane].
69. Suvorexant.
70. Temazepam.
71. Tetrazepam.
72. Tramadol.
73. Triazolam.
74. Zaleplon.
75. Zolpidem.
76. Zopiclone.
77. Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

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

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

1. Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.
2. Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams.
3. Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams.
4. Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit.
5. Not more than 100 milligrams of opium per 100 milliliters or per 100 grams.
6. Not more than 0.5 milligrams of difenoxin and not less
than 25 micrograms of atropine sulfate per dosage unit.

(b) Any material, compound, mixture, or preparation that contains any quantity of the following substances is controlled in Schedule V:

1. Brivaracetam.
2. Ezogabine.
3. Lacosamide.
4. Pregabalin.

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

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

Section 9. Subsection (1) of section 893.04, Florida Statutes, is amended to read:

893.04 Pharmacist and practitioner.—

(1) A pharmacist, in good faith and in the course of professional practice only, may dispense controlled substances upon a written, oral, or electronic prescription of a practitioner, under the following conditions:
(a) Oral prescriptions must be promptly reduced to writing by the pharmacist or recorded electronically if permitted by federal law.

(b) The written prescription must be dated and signed by the prescribing practitioner on the day when issued.

(c) There shall appear on the face of the prescription or written record thereof for the controlled substance the following information:

1. The full name and address of the person for whom, or the owner of the animal for which, the controlled substance is dispensed.

2. The full name and address of the prescribing practitioner and the practitioner's federal controlled substance registry number shall be printed thereon.

3. If the prescription is for an animal, the species of animal for which the controlled substance is prescribed.

4. The name of the controlled substance prescribed and the strength, quantity, and directions for use thereof.

5. The number of the prescription, as recorded in the prescription files of the pharmacy in which it is filled.

6. The initials of the pharmacist filling the prescription and the date filled.

(d) The prescription shall be retained on file by the proprietor of the pharmacy in which it is filled for a period of 2 years.
(e) Affixed to the original container in which a controlled substance is delivered upon a prescription or authorized refill thereof, as hereinafter provided, there shall be a label bearing the following information:

1. The name and address of the pharmacy from which such controlled substance was dispensed.
2. The date on which the prescription for such controlled substance was filled.
3. The number of such prescription, as recorded in the prescription files of the pharmacy in which it is filled.
4. The name of the prescribing practitioner.
5. The name of the patient for whom, or of the owner and species of the animal for which, the controlled substance is prescribed.
6. The directions for the use of the controlled substance prescribed in the prescription.
7. A clear, concise warning that it is a crime to transfer the controlled substance to any person other than the patient for whom prescribed.

(f) A prescription for a controlled substance listed in Schedule II may be dispensed only upon a written or electronic prescription of a practitioner, except that in an emergency situation, as defined by regulation of the Department of Health, such controlled substance may be dispensed upon oral prescription but is limited to a 72-hour supply. A prescription
for a controlled substance listed in Schedule II may not be
refilled.

(g) A prescription for a controlled substance listed in
Schedule III, Schedule IV, or Schedule V may not be filled or
refilled more than five times within a period of 6 months after
the date on which the prescription was written unless the
prescription is renewed by a practitioner.

Section 10. Section 893.055, Florida Statutes, is amended
to read:

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

893.055 Prescription drug monitoring program.—
(1) As used in this section, the term:
(a) "Administration" means the obtaining and giving of a
single dose of a controlled substance by a legally authorized
person to a patient for her or his consumption.
(b) "Active investigation" means an investigation that is
being conducted with a reasonable, good faith belief that it
could lead to the filing of administrative, civil, or criminal
proceedings, or that is ongoing and continuing and for which
there is a reasonable, good faith anticipation of securing an
arrest or prosecution in the foreseeable future.
(c) "Controlled substance" means a controlled substance
listed in Schedule II, Schedule III, Schedule IV, or Schedule V
of s. 893.03 or 21 U.S.C. s. 812.

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CODING: Words stricken are deletions; words underlined are additions.
(d) "Dispense" means the transfer of possession of one or more doses of a controlled substance by a dispenser to the ultimate consumer or to his or her agent.

(e) "Dispenser" means a dispensing health care practitioner, pharmacy, or pharmacist licensed to dispense controlled substances in or into this state.

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

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

(h) "Law enforcement agency" means the Department of Law Enforcement, a sheriff's office in this state, a police department in this state, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances, and which its agents and officers are empowered by law to conduct criminal investigations and make arrests.

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

(j) "Prescriber" means a prescribing physician,
prescribing practitioner, or other prescribing health care practitioner authorized by the laws of this state to order controlled substances.

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

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

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

2. Be consistent with standards of the American Society for Automation in Pharmacy.

3. Comply with the Health Insurance Portability and Accountability Act and all other relevant state and federal privacy and security laws and regulations.

4. Purge or cause to be purged information in the database that is more than 4 years old.

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

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

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

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

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

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

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

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

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

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

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

(4) The following acts of administration or dispensing are
exempt from the reporting under this section:

(a) All acts of administration of a controlled substance.

(b) The dispensing of a controlled substance in the health
care system of the Department of Corrections.

(c) The dispensing of a controlled substance to a person
under the age of 16.

(5) The following shall have direct access to information
in the system:

(a) An authorized prescriber or dispenser or his or her
designee.
(b) An employee of the United States Department of Veterans Affairs, United States Department of Defense, or the Indian Health Service who provides health care services pursuant to such employment and who has the authority to prescribe or dispense controlled substances shall have access to the information in the program's system upon verification of employment.

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

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

2. In order to calculate performance measures pursuant to subsection (15), the program manager or program and support staff members who have been directed by the program manager to calculate performance measures may have direct access to information that contains no identifying information of any patient, physician, health care practitioner, prescriber, or dispenser.

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

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

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

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

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

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

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

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

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

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

(7) The department may enter into one or more reciprocal agreements or contracts to share prescription drug monitoring information with other states, districts, or territories if the prescription drug monitoring programs of other states, districts, or territories are compatible with the Florida program.

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

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

2. The persons authorized to view the data collected by the program. Comparable entities and licensed health care practitioners in other states, districts, or territories of the United States, law enforcement agencies, the Attorney General's Medicaid Fraud Control Unit, medical regulatory boards, and, as needed, management staff that have similar duties as management
staff who work with the prescription drug monitoring program as authorized in s. 893.0551 are authorized access upon approval by the department.

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

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

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

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

(b) The department must assess the prescription drug monitoring program's continued compatibility with the other state's, district's, or territory's program every 4 years.

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

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

(9) A prescriber or dispenser or a designee of a prescriber or dispenser must consult the system to review a patient's controlled substance dispensing history before prescribing or dispensing a controlled substance for a patient age 16 or older. This requirement does not apply when prescribing or dispensing a nonopioid controlled substance listed in Schedule V of s. 893.03 or 21 U.S.C. 812. For purposes of this subsection, a "nonopioid controlled substance" is a controlled substance that does not contain any amount of a substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

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

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

(c) The department shall issue a nondisciplinary citation
to any prescriber or dispenser who fails to consult the system
as required by this subsection for an initial offense. Each
subsequent offense is subject to disciplinary action pursuant to
s. 456.073.

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

(11) Information in the prescription drug monitoring
program's system may be released only as provided in this
section and s. 893.0551. The content of the system is intended
to be informational only and imposes no obligations of any
nature or any legal duty on a prescriber, dispenser, pharmacy,
or patient. Information in the system shall be provided in
accordance with s. 893.13(7)(a)8. and is not subject to
discovery or introduction into evidence in any civil or
administrative action against a prescriber, dispenser, pharmacy,
or patient arising out of matters that are the subject of
information in the system. The program manager and authorized
persons who participate in preparing, reviewing, issuing, or any
other activity related to management of the system may not be
permitted or required to testify in any such civil or
administrative action as to any findings, recommendations,
evaluations, opinions, or other actions taken in connection with
management of the system.
(12) A prescriber or dispenser, or his or her designee, may have access to the information under this section which relates to a patient of that prescriber or dispenser as needed for the purpose of reviewing the patient's controlled drug prescription history. A prescriber or dispenser acting in good faith is immune from any civil, criminal, or administrative liability that might otherwise be incurred or imposed for receiving or using information from the prescription drug monitoring program. This subsection does not create a private cause of action, and a person may not recover damages against a prescriber or dispenser authorized to access information under this subsection for accessing or failing to access such information.

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

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

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

(b) The department shall cooperate with the direct-support organization established under subsection (16) in seeking federal grant funds, other nonstate grant funds, gifts,
donations, or other private moneys for the department if the costs of doing so are immaterial. Immaterial costs include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. The department may competitively procure and contract pursuant to s. 287.057 for any goods and services required by this section.

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

(a) Improve the quality of health care services and safety by improving prescribing and dispensing practices for controlled substances;

(b) Take advantage of advances in technology;

(c) Reduce duplicative prescriptions and the overprescribing of controlled substances; and

(d) Reduce drug abuse.

(15) The department shall annually report on performance measures to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1. Performance measures may include, but are not limited to, the following outcomes:
(a) Reduction of the rate of inappropriate use of controlled substances through department education and safety efforts.

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

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

(d) Involvement of stakeholders in achieving improved patient health care and safety and reduction of controlled substance abuse and controlled substance diversion.

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

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

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

2. Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, and invest, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures or

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provide funding to or for the direct or indirect benefit of the
department in the furtherance of the prescription drug
monitoring program.

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

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

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

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

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

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

3. The reversion, without penalty, to the department's
grants and donations trust fund for the administration of the
prescription drug monitoring program of all moneys and property held in trust by the direct-support organization for the benefit of the prescription drug monitoring program if the direct-support organization ceases to exist or if the contract is terminated.

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

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

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

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

b. Conducting studies on the efficiency and effectiveness of the program to include feasibility studies as described in subsection (14).

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

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

e. Providing funds for travel expenses.

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

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

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

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

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

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

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

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

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

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

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

Section 11. Section 893.0551, Florida Statutes, is amended to read:

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

(1) For purposes of this section, the terms used in this section have the same meanings as provided in s. 893.055.
(2) The following information of a patient or patient's agent, a health care practitioner, a dispenser, an employee of the practitioner who is acting on behalf of and at the direction of the practitioner, a pharmacist, or a pharmacy that is contained in records held by the department under s. 893.055 is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

(a) Name.
(b) Address.
(c) Telephone number.
(d) Insurance plan number.
(e) Government-issued identification number.
(f) Provider number.
(g) Drug Enforcement Administration number.
(h) Any other unique identifying information or number.

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

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

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

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

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

(e)(a) The Attorney General or his or her designee when working on Medicaid fraud cases involving prescribed controlled substances or when the Attorney General has initiated a review of specific identifiers of Medicaid fraud or specific identifiers that warrant a Medicaid investigation regarding prescribed controlled substances. The Attorney General's Medicaid fraud investigators may not have...
direct access to the department's system database. The Attorney General or his or her designee may disclose to a criminal justice agency, as defined in s. 119.011, only the confidential and exempt information received from the department that is relevant to an identified active investigation that prompted the request for the information.

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

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

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

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

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

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

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

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

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

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

Section 12. Paragraphs (a), (c), (d), (e), (f), and (h) of subsection (1), subsection (2), paragraphs (a) and (b) of subsection (4), and subsection (5), and paragraph (e) of subsection (7) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—
(1)(a) Except as authorized by this chapter and chapter 499, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. A person who violates this provision with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2. [Amended by HB 0021] a controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) [Amended by HB 0021] commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) [Amended by HB 0021] commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

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

2. A controlled substance named or described in s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
3. Any other controlled substance, except as lawfully sold, manufactured, or delivered, must be sentenced to pay a $500 fine and to serve 100 hours of public service in addition to any other penalty prescribed by law.

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

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

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

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

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

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

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

2. A controlled substance named or described in s.

3. Any other controlled substance, except as lawfully

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sold, manufactured, or delivered, must be sentenced to pay a
$500 fine and to serve 100 hours of public service in addition
to any other penalty prescribed by law.

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

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

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

3. Any other controlled substance, except as lawfully
sold, manufactured, or delivered, must be sentenced to pay a
$500 fine and to serve 100 hours of public service in addition
to any other penalty prescribed by law.
(h) Except as authorized by this chapter, a person may not sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429. A person who violates this paragraph with respect to:

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

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

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

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

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

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

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

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

(4) Except as authorized by this chapter, a person 18 years of age or older may not deliver any controlled substance to a person younger than 18 years of age, use or hire a person younger than 18 years of age as an agent or employee in the sale or delivery of such a substance, or use such person to assist in avoiding detection or apprehension for a violation of this chapter. A person who violates this subsection with respect to:

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

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

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

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

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

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

(7)

(e) A person or health care practitioner who violates the provisions of subparagraph (a) or paragraph (b) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if any controlled substance that is the subject of the offense is listed in Schedule II, Schedule III, or Schedule IV.

Section 13. Subsection (7) is added to section 893.147, Florida Statutes, to read:

893.147 Use, possession, manufacture, delivery, transportation, advertisement, or retail sale of drug paraphernalia, specified machines, and materials.—

(7) TABLETING MACHINES, ENCAPSULATING MACHINES, AND CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.—

(a) Except as provided in paragraph (b), it is unlawful for any person to possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine, encapsulating machine or controlled substance counterfeiting material knowing, intending, or having reasonable cause to believe that it will be used to manufacture a controlled substance or counterfeit controlled substance.

(b)1. A regulated person may possess, purchase, deliver, sell, or possess with intent to deliver or sell a tableting
machine or encapsulating machine as part of a regulated transaction with a regular customer or regular importer, in compliance with 21 U.S.C. s. 830. For purposes of this paragraph, the terms "regulated person," "regulated transaction," "regular customer," and "regular importer" have the same meaning as defined in 21 U.S.C. s. 802.

2. A person registered under 21 U.S.C. s. 822 may possess, purchase, deliver, sell, or possess with intent to deliver or sell a tableting machine or encapsulating machine to manufacture a controlled substance pursuant to such registration.

3. A person who holds an active, unencumbered license or permit under chapter 465 may possess, purchase, deliver, sell, or possess with intent to sell or deliver a tableting machine or encapsulating machine to manufacture a controlled substance, if such person is performing functions in compliance with or under the authority of that license or permit.

(c) For the purpose of this subsection, the term:

1. "Controlled substance" has the same meaning as provided in s. 893.02(4).

2. "Controlled substance counterfeiting material" means a punch, die, plate, stone, or other item designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon a drug or container or labeling thereof so as to render such drug a counterfeit controlled
substance.

3. "Counterfeit controlled substance" has the same meaning as provided in s. 831.31(2).

4. "Encapsulating machine" means manual, semiautomatic, or fully automatic equipment used to fill shells or capsules with any powdered or granular solids or semisolid material to produce coherent solid tablets.

5. "Tableting machine" means manual, semiautomatic, or fully automatic equipment used to compact or mold powdered or granular solids or semisolid material to produce coherent solid tablets.

(d)1. Except as provided in subparagraph 2., a person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. Any person who violates this subsection knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains:

a. A controlled substance under s. 893.03(1);

b. Cocaine;

c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;

d. Methadone;

e. Alfentanil;

f. Carfentanil;
g. Fentanyl;
h. Sufentanil; or
i. A controlled substance analog, as defined in s. 893.0356, of any substance in sub-subparagraphs a. through h., commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Paragraphs (pp) and (qq) of subsection (1) of section 458.331, Florida Statutes, are amended to read:

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

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

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

1. Registering a pain-management clinic through misrepresentation or fraud;
2. Procuring, or attempting to procure, the registration of a pain-management clinic for any other person by making or causing to be made, any false representation;
4. Being convicted or found guilty of, regardless of adjudication to, a felony or any other crime involving moral turpitude, fraud, dishonesty, or deceit in any jurisdiction of the courts of this state, of any other state, or of the United States;

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

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

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

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

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

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

Section 15. Paragraphs (rr) and (ss) of subsection (1) of section 459.015, Florida Statutes, are amended to read:

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

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

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

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

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


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

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

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

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

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

9. Failing to timely notify the board of the date of his
or her termination from a pain-management clinic as required by
s. 459.0137(3) s. 459.0137(2).
(ss) Failing to timely notify the department of the theft of prescription blanks from a pain-management clinic or a breach of other methods for prescribing within 24 hours as required by s. 459.0137(3) s. 459.0137(2).

Section 16. Paragraph (b) of subsection (4) of section 463.0055, Florida Statutes, is amended to read:

463.0055 Administration and prescription of ocular pharmaceutical agents.—

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

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

Section 17. Paragraph (a) of subsection (1) of section 782.04, Florida Statutes, is amended to read:

782.04 Murder.—

(a) The unlawful killing of a human being:

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

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

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

b. Arson,
c. Sexual battery,
d. Robbery,
e. Burglary,
f. Kidnapping,
g. Escape,
h. Aggravated child abuse,
i. Aggravated abuse of an elderly person or disabled adult,
j. Aircraft piracy,
k. Unlawful throwing, placing, or discharging of a destructive device or bomb,
l. Carjacking,
m. Home-invasion robbery,
n. Aggravated stalking,
o. Murder of another human being,
p. Resisting an officer with violence to his or her person,
q. Aggravated fleeing or eluding with serious bodily injury or death,
r. Felony that is an act of terrorism or is in furtherance of an act of terrorism, including a felony under s. 775.30, s. 775.32, s. 775.33, s. 775.34, or s. 775.35, or
s. Human trafficking; or
3. Which resulted from the unlawful distribution by a person 18 years of age or older of any of the following
substances, or mixture containing any of the following substances, when such substance or mixture is proven to be the proximate cause of the death of the user:

a. A substance controlled under s. 893.03(1);

b. Cocaine, as described in s. 893.03(2)(a)4.;

c. Opium or any synthetic or natural salt, compound, derivative, or preparation of opium;

d. Methadone;

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

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

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

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

i. A controlled substance analog, as described in s. 893.0356, of any substance specified in sub-subparagraphs a.-h., is murder in the first degree and constitutes a capital felony, punishable as provided in s. 775.082.

Section 18. Paragraphs (c) and (f) of subsection (1) of section 893.135, Florida Statutes, are amended to read:

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

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

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

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

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

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

2. A person who knowingly sells, purchases, manufactures, delivers, or brings into this state, or who is knowingly in actual or constructive possession of, 14 grams or more of
hydrocodone, as described in s. 893.03(2)(a)1.k., codeine, as described in s. 893.03(2)(a)1.g.,
or any salt thereof, or 14 grams or more of any mixture
containing any such substance, commits a felony of the first
degree, which felony shall be known as "trafficking in
hydrocodone," punishable as provided in s. 775.082, s. 775.083,
or s. 775.084. If the quantity involved:

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

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

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

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

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

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

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

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

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

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

(I) Alfentanil, as described in s. 893.03(2)(b)1.;
(II) Carfentanil, as described in s. 893.03(2)(b)6.;
(III) Fentanyl, as described in s. 893.03(2)(b)9.;
(IV) Sufentanil, as described in s. 893.03(2)(b)30.
(V) A fentanyl derivative, as described in s. 893.03(1)(a)62.;
(VI) A controlled substance analog, as described in s. 893.0356, of any substance described in sub-sub-subparagraphs (I)-(V); or
(VII) A mixture containing any substance described in sub-sub-subparagraphs (I)-(VI),

commits a felony of the first degree, which felony shall be known as "trafficking in fentanyl," punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. If the quantity involved under sub-subparagraph a.:

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

(II) Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 years, and shall be ordered to pay a fine of

CODING: Words **stricken** are deletions; words *underlined* are additions.
2376 $100,000.
2377 (III) Is 28 grams or more, such person shall be sentenced
2378 to a mandatory minimum term of imprisonment of 25 years, and
2379 shall be ordered to pay a fine of $500,000.
2380 5. A person who knowingly sells, purchases, manufactures,
2381 delivers, or brings into this state, or who is knowingly in
2382 actual or constructive possession of, 30 kilograms or more of
2383 any morphine, opium, oxycodone, hydrocodone, codeine,
2384 hydromorphone, or any salt, derivative, isomer, or salt of an
2385 isomer thereof, including heroin, as described in s.
2386 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2387 more of any mixture containing any such substance, commits the
2388 first degree felony of trafficking in illegal drugs. A person
2389 who has been convicted of the first degree felony of trafficking
2390 in illegal drugs under this subparagraph shall be punished by
2391 life imprisonment and is ineligible for any form of
2392 discretionary early release except pardon or executive clemency
2393 or conditional medical release under s. 947.149. However, if the
2394 court determines that, in addition to committing any act
2395 specified in this paragraph:
2396 a. The person intentionally killed an individual or
2397 counseled, commanded, induced, procured, or caused the
2398 intentional killing of an individual and such killing was the
2399 result; or
2400 b. The person's conduct in committing that act led to a
natural, though not inevitable, lethal result,

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

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

(f)1. Any person who knowingly sells, purchases,
manufactures, delivers, or brings into this state, or who is
knowingly in actual or constructive possession of, 14 grams or
more of amphetamine, as described in s. 893.03(2)(c)2., or
methamphetamine, as described in s. 893.03(2)(c)5. or
893.03(2)(c)4., or of any mixture containing amphetamine or
methamphetamine, or phenylacetone, phenylacetic acid, pseudoephedrine, or ephedrine in conjunction with other chemicals and equipment utilized in the manufacture of amphetamine or methamphetamine, commits a felony of the first degree, which felony shall be known as "traffic in amphetamine," punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If the quantity involved:
   a. Is 14 grams or more, but less than 28 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 3 years, and the defendant shall be ordered to pay a fine of $50,000.
   b. Is 28 grams or more, but less than 200 grams, such person shall be sentenced to a mandatory minimum term of imprisonment of 7 years, and the defendant shall be ordered to pay a fine of $100,000.
   c. Is 200 grams or more, such person shall be sentenced to a mandatory minimum term of imprisonment of 15 calendar years and pay a fine of $250,000.

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

Section 19. Paragraphs (b), (c), (d), (e), and (g) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022  Criminal Punishment Code; offense severity ranking chart.—
(3) OFFENSE SEVERITY RANKING CHART
(b) LEVEL 2

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Felony Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>379.2431(1)(e)3.</td>
<td>3rd</td>
<td>Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>379.2431(1)(e)4.</td>
<td>3rd</td>
<td>Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>Code</td>
<td>Degree</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>403.413(6)(c)</td>
<td>3rd</td>
<td>Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.</td>
</tr>
<tr>
<td>517.07(2)</td>
<td>3rd</td>
<td>Failure to furnish a prospectus meeting requirements.</td>
</tr>
<tr>
<td>590.28(1)</td>
<td>3rd</td>
<td>Intentional burning of lands.</td>
</tr>
<tr>
<td>784.05(3)</td>
<td>3rd</td>
<td>Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.</td>
</tr>
<tr>
<td>787.04(1)</td>
<td>3rd</td>
<td>In violation of court order, take, entice, etc., minor beyond state limits.</td>
</tr>
<tr>
<td>806.13(1)(b)3.</td>
<td>3rd</td>
<td>Criminal mischief; damage $1,000 or more to public communication or any other public service.</td>
</tr>
</tbody>
</table>
810.061(2)  3rd  Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.

810.09(2)(e)  3rd  Trespassing on posted commercial horticulture property.

812.014(2)(c)1.  3rd  Grand theft, 3rd degree; $300 or more but less than $5,000.

812.014(2)(d)  3rd  Grand theft, 3rd degree; $100 or more but less than $300, taken from unenclosed curtilage of dwelling.

812.015(7)  3rd  Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.

817.234(1)(a)2.  3rd  False statement in support of insurance claim.
<table>
<thead>
<tr>
<th>Statute</th>
<th>Code</th>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>817.481(3)(a)</td>
<td>3rd</td>
<td></td>
<td>Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over $300.</td>
</tr>
<tr>
<td>817.52(3)</td>
<td>3rd</td>
<td></td>
<td>Failure to redeliver hired vehicle.</td>
</tr>
<tr>
<td>817.54</td>
<td>3rd</td>
<td></td>
<td>With intent to defraud, obtain mortgage note, etc., by false representation.</td>
</tr>
<tr>
<td>817.60(5)</td>
<td>3rd</td>
<td></td>
<td>Dealing in credit cards of another.</td>
</tr>
<tr>
<td>817.60(6)(a)</td>
<td>3rd</td>
<td></td>
<td>Forgery; purchase goods, services with false card.</td>
</tr>
<tr>
<td>817.61</td>
<td>3rd</td>
<td></td>
<td>Fraudulent use of credit cards over $100 or more within 6 months.</td>
</tr>
<tr>
<td>826.04</td>
<td>3rd</td>
<td></td>
<td>Knowingly marries or has sexual intercourse with person to whom related.</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th>Section</th>
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</thead>
<tbody>
<tr>
<td>831.01</td>
<td>3rd</td>
<td>Forgery.</td>
</tr>
<tr>
<td>831.02</td>
<td>3rd</td>
<td>Uttering forged instrument; utters or publishes alteration with intent to defraud.</td>
</tr>
<tr>
<td>831.07</td>
<td>3rd</td>
<td>Forging bank bills, checks, drafts, or promissory notes.</td>
</tr>
<tr>
<td>831.08</td>
<td>3rd</td>
<td>Possessing 10 or more forged notes, bills, checks, or drafts.</td>
</tr>
<tr>
<td>831.09</td>
<td>3rd</td>
<td>Uttering forged notes, bills, checks, drafts, or promissory notes.</td>
</tr>
<tr>
<td>831.11</td>
<td>3rd</td>
<td>Bringing into the state forged bank bills, checks, drafts, or notes.</td>
</tr>
<tr>
<td>832.05(3)(a)</td>
<td>3rd</td>
<td>Cashing or depositing item with intent to defraud.</td>
</tr>
<tr>
<td>843.08</td>
<td>3rd</td>
<td>False personation.</td>
</tr>
</tbody>
</table>

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<th>Florida Statute</th>
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<tbody>
<tr>
<td>893.13(2)(a)2.</td>
<td>3rd</td>
<td>Purchase of any s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs other than cannabis.</td>
</tr>
<tr>
<td>893.147(2)</td>
<td>3rd</td>
<td>Manufacture or delivery of drug paraphernalia.</td>
</tr>
<tr>
<td>119.10(2)(b)</td>
<td>3rd</td>
<td>Unlawful use of confidential information from police reports.</td>
</tr>
<tr>
<td>316.066</td>
<td>3rd</td>
<td>Unlawfully obtaining or using confidential crash reports.</td>
</tr>
<tr>
<td>316.193(2)(b)</td>
<td>3rd</td>
<td>Felony DUI, 3rd conviction.</td>
</tr>
</tbody>
</table>

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2505 316.1935(2) 3rd  Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.

2506 319.30(4) 3rd  Possession by junkyard of motor vehicle with identification number plate removed.

2507 319.33(1)(a) 3rd  Alter or forge any certificate of title to a motor vehicle or mobile home.

2508 319.33(1)(c) 3rd  Procure or pass title on stolen vehicle.

2509 319.33(4) 3rd  With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.

2510 327.35(2)(b) 3rd  Felony BUI.

2511 328.05(2) 3rd  Possess, sell, or counterfeit
<table>
<thead>
<tr>
<th>Section</th>
<th>3rd</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2512</td>
<td></td>
<td><strong>328.07(4)</strong> Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.</td>
</tr>
<tr>
<td>2513</td>
<td></td>
<td><strong>376.302(5)</strong> Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.</td>
</tr>
<tr>
<td>2514</td>
<td></td>
<td><strong>379.2431 (1)(e)5.</strong> Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>2515</td>
<td></td>
<td><strong>379.2431 (1)(e)6.</strong> Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any fictitious, stolen, or fraudulent titles or bills of sale of vessels.</td>
</tr>
<tr>
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</tr>
<tr>
<td>379.2431 (1)(e)7.</td>
<td>3rd</td>
<td>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</td>
</tr>
<tr>
<td>400.9935(4)(a)</td>
<td>3rd</td>
<td>Operating a clinic, or offering services requiring licensure, without a license.</td>
</tr>
<tr>
<td>400.9935(4)(e)</td>
<td>3rd</td>
<td>Filing a false license application or other required information or failing to report information.</td>
</tr>
<tr>
<td>440.1051(3)</td>
<td>3rd</td>
<td>False report of workers' compensation fraud or retaliation for making such a report.</td>
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<tr>
<td>501.001(2)(b)</td>
<td>2nd</td>
<td>Tampers with a consumer product or the container using</td>
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marine turtle species described in the Marine Turtle Protection Act.
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<tr>
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<tbody>
<tr>
<td>624.401(4)(a)</td>
<td>Transacting insurance without a certificate of authority.</td>
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<td>624.401(4)(b)</td>
<td>Transacting insurance without a certificate of authority; premium collected less than $20,000.</td>
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<tr>
<td>626.902(1)(a) &amp; (b)</td>
<td>Representing an unauthorized insurer.</td>
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<tr>
<td>697.08</td>
<td>Equity skimming.</td>
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<tr>
<td>790.15(3)</td>
<td>Person directs another to discharge firearm from a vehicle.</td>
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<tr>
<td>806.10(1)</td>
<td>Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.</td>
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<tr>
<td>806.10(2)</td>
<td>Interferes with or assaults material false/misleading information.</td>
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</tr>
<tr>
<td>810.09(2)(c)</td>
<td>3rd</td>
<td>Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.</td>
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<td>812.014(2)(c)</td>
<td>3rd</td>
<td>Grand theft; $5,000 or more but less than $10,000.</td>
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<td>812.0145(2)(c)</td>
<td>3rd</td>
<td>Theft from person 65 years of age or older; $300 or more but less than $10,000.</td>
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<td>815.04(5)(b)</td>
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<td>Computer offense devised to defraud or obtain property.</td>
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<tr>
<td>817.034(4)(a)</td>
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<td>Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than $20,000.</td>
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<td>817.233</td>
<td>3rd</td>
<td>Burning to defraud insurer.</td>
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<tr>
<td>817.234</td>
<td>3rd</td>
<td>Unlawful solicitation of persons involved in motor vehicle accidents. (b) &amp; (c)</td>
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<tr>
<td>817.234(11)(a)</td>
<td>3rd</td>
<td>Insurance fraud; property value less than $20,000.</td>
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<td>817.236</td>
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<td>Filing a false motor vehicle insurance application.</td>
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<td>817.2361</td>
<td>3rd</td>
<td>Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.</td>
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<tr>
<td>817.413(2)</td>
<td>3rd</td>
<td>Sale of used goods as new.</td>
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<tr>
<td>828.12(2)</td>
<td>3rd</td>
<td>Tortures any animal with intent to inflict intense pain, serious physical injury, or death.</td>
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<tr>
<td>831.28(2)(a)</td>
<td>3rd</td>
<td>Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.</td>
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</table>
831.29  2nd  Possession of instruments for counterfeiting driver licenses or identification cards.

838.021(3)(b)  3rd  Threatens unlawful harm to public servant.

843.19  3rd  Injure, disable, or kill police dog or horse.

860.15(3)  3rd  Overcharging for repairs and parts.

870.01(2)  3rd  Riot; inciting or encouraging.

893.13(1)(a)2.  3rd  Sell, manufacture, or deliver cannabis (or other s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3), or (4) drugs).

893.13(1)(d)2.  2nd  Sell, manufacture, or deliver s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of university.

2548 893.13(1)(f)2. 2nd Sell, manufacture, or deliver s.
893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5.,
(2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs within 1,000 feet of public housing facility.

2549 893.13(4)(c) 3rd Use or hire of minor; deliver to minor other controlled substances.

2550 893.13(6)(a) 3rd Possession of any controlled substance other than felony possession of cannabis.

2551 893.13(7)(a)8. 3rd Withhold information from practitioner regarding previous receipt of or prescription for a
controlled substance.

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

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

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

893.13(8)(a)1.  3rd  Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.

893.13(8)(a)2.  3rd  Employ a trick or scheme in the practitioner's practice to assist a patient, other person,
or owner of an animal in obtaining a controlled substance.

2557
893.13(8)(a)3. 3rd Knowingly write a prescription for a controlled substance for a fictitious person.

2558
893.13(8)(a)4. 3rd Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.

2559
918.13(1)(a) 3rd Alter, destroy, or conceal investigation evidence.

2560
944.47 3rd Introduce contraband to correctional facility.

2561
944.47(1)(c) 2nd Possess contraband while upon the grounds of a correctional institution.

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<th>Florida Statute</th>
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</thead>
<tbody>
<tr>
<td>985.721(3)</td>
<td>3rd</td>
<td>Felony</td>
<td>Escapes from a juvenile facility (secure detention or residential commitment facility).</td>
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<tr>
<td>316.1935(3)(a)</td>
<td>2nd</td>
<td>Felony</td>
<td>Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.</td>
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<tr>
<td>499.0051(1)</td>
<td>3rd</td>
<td>Felony</td>
<td>Failure to maintain or deliver transaction history, transaction information, or transaction statements.</td>
</tr>
<tr>
<td>Section Number</td>
<td>Level</td>
<td>Description</td>
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</tr>
<tr>
<td>499.0051(5)</td>
<td>2nd</td>
<td>Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.</td>
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</tr>
<tr>
<td>517.07(1)</td>
<td>3rd</td>
<td>Failure to register securities.</td>
<td></td>
</tr>
<tr>
<td>517.12(1)</td>
<td>3rd</td>
<td>Failure of dealer, associated person, or issuer of securities to register.</td>
<td></td>
</tr>
<tr>
<td>784.07(2)(b)</td>
<td>3rd</td>
<td>Battery of law enforcement officer, firefighter, etc.</td>
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<td>784.074(1)(c)</td>
<td>3rd</td>
<td>Battery of sexually violent predators facility staff.</td>
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<tr>
<td>784.075</td>
<td>3rd</td>
<td>Battery on detention or commitment facility staff.</td>
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<tr>
<td>784.078</td>
<td>3rd</td>
<td>Battery of facility employee</td>
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</tbody>
</table>
by throwing, tossing, or expelling certain fluids or materials.

784.08(2)(c)  3rd Battery on a person 65 years of age or older.

784.081(3)  3rd Battery on specified official or employee.

784.082(3)  3rd Battery by detained person on visitor or other detainee.

784.083(3)  3rd Battery on code inspector.

784.085  3rd Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.

787.03(1)  3rd Interference with custody; wrongly takes minor from appointed guardian.
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<tbody>
<tr>
<td>787.04(2)</td>
<td>3rd</td>
<td>Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.</td>
</tr>
<tr>
<td>787.04(3)</td>
<td>3rd</td>
<td>Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.</td>
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<td>787.07</td>
<td>3rd</td>
<td>Human smuggling.</td>
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<tr>
<td>790.115(1)</td>
<td>3rd</td>
<td>Exhibiting firearm or weapon within 1,000 feet of a school.</td>
</tr>
<tr>
<td>790.115(2)(b)</td>
<td>3rd</td>
<td>Possessing electric weapon or device, destructive device, or other weapon on school property.</td>
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<tr>
<td>Section</td>
<td>3rd Description</td>
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</tr>
<tr>
<td>790.115(2)(c)</td>
<td>Possessing firearm on school property.</td>
<td></td>
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<tr>
<td>800.04(7)(c)</td>
<td>Lewd or lascivious exhibition; offender less than 18 years.</td>
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<tr>
<td>810.02(4)(a)</td>
<td>Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.</td>
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</tr>
<tr>
<td>810.02(4)(b)</td>
<td>Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.</td>
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<tr>
<td>810.06</td>
<td>Burglary; possession of tools.</td>
<td></td>
</tr>
<tr>
<td>810.08(2)(c)</td>
<td>Trespass on property, armed with firearm or dangerous weapon.</td>
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</tr>
</tbody>
</table>
812.014(2)(c)3. 3rd Grand theft, 3rd degree $10,000 or more but less than $20,000.

812.014 3rd Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
(2)(c)4.-10.

812.0195(2) 3rd Dealing in stolen property by use of the Internet; property stolen $300 or more.

817.505(4)(a) 3rd Patient brokering.

817.563(1) 3rd Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.

817.568(2)(a) 3rd Fraudulent use of personal identification information.
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<td>817.625(2)(a)</td>
<td>3rd</td>
<td>Fraudulent use of scanning device, skimming device, or reencoder.</td>
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<tr>
<td>817.625(2)(c)</td>
<td>3rd</td>
<td>Possess, sell, or deliver skimming device.</td>
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<tr>
<td>828.125(1)</td>
<td>2nd</td>
<td>Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.</td>
</tr>
<tr>
<td>837.02(1)</td>
<td>3rd</td>
<td>Perjury in official proceedings.</td>
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<td>837.021(1)</td>
<td>3rd</td>
<td>Make contradictory statements in official proceedings.</td>
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<tr>
<td>838.022</td>
<td>3rd</td>
<td>Official misconduct.</td>
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<td>839.13(2)(a)</td>
<td>3rd</td>
<td>Falsifying records of an individual in the care</td>
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</tbody>
</table>
and custody of a state agency.

839.13(2)(c)  3rd  Falsifying records of the Department of Children and Families.

843.021  3rd  Possession of a concealed handcuff key by a person in custody.

843.025  3rd  Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.

843.15(1)(a)  3rd  Failure to appear while on bail for felony (bond estreature or bond jumping).

847.0135(5)(c)  3rd  Lewd or lascivious exhibition using computer; offender less than 18 years.
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<tr>
<th>Section</th>
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<tbody>
<tr>
<td>874.05(1)(a)</td>
<td>3rd</td>
<td>Encouraging or recruiting another to join a criminal gang.</td>
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<tr>
<td>893.13(2)(a)</td>
<td>2nd</td>
<td>Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)5. (2)(c)4. drugs).</td>
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<tr>
<td>914.14(2)</td>
<td>3rd</td>
<td>Witnesses accepting bribes.</td>
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<tr>
<td>914.22(1)</td>
<td>3rd</td>
<td>Force, threaten, etc., witness, victim, or informant.</td>
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</tr>
<tr>
<td>914.23(2)</td>
<td>3rd</td>
<td>Retaliation against a witness, victim, or informant, no bodily injury.</td>
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<td>918.12</td>
<td>3rd</td>
<td>Tampering with jurors.</td>
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<td>934.215</td>
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<td>Use of two-way communications</td>
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device to facilitate commission of a crime.

(e) LEVEL 5

<table>
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<th>Florida Statute</th>
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<tr>
<td>316.027(2)(a)</td>
<td>3rd</td>
<td>Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.</td>
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<td>316.1935(4)(a)</td>
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<td>Aggravated fleeing or eluding.</td>
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<td>316.80(2)</td>
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<td>Unlawful conveyance of fuel; obtaining fuel fraudulently.</td>
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<tr>
<td>322.34(6)</td>
<td>3rd</td>
<td>Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.</td>
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</table>
2628 327.30(5) 3rd Vessel accidents involving personal injury; leaving scene.

2629 379.365(2)(c)1. 3rd Violation of rules relating to: willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

2630 379.367(4) 3rd Willful molestation of a commercial harvester's spiny...
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<tr>
<td>379.407(5)(b)3.</td>
<td>3rd</td>
<td>Possession of 100 or more undersized spiny lobsters.</td>
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<td>381.0041(11)(b)</td>
<td>3rd</td>
<td>Donate blood, plasma, or organs knowing HIV positive.</td>
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<tr>
<td>440.10(1)(g)</td>
<td>2nd</td>
<td>Failure to obtain workers' compensation coverage.</td>
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<tr>
<td>440.105(5)</td>
<td>2nd</td>
<td>Unlawful solicitation for the purpose of making workers' compensation claims.</td>
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<tr>
<td>440.381(2)</td>
<td>2nd</td>
<td>Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.</td>
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<tr>
<td>624.401(4)(b)2.</td>
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<td>Transacting insurance without a certificate or authority; premium collected $20,000 or more but less than $100,000.</td>
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<tr>
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</tr>
<tr>
<td>626.902(1)(c)</td>
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<td>Representing an unauthorized insurer; repeat offender.</td>
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<td>790.01(2)</td>
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<td>Carrying a concealed firearm.</td>
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<td>790.162</td>
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<td>Threat to throw or discharge destructive device.</td>
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<td>790.163(1)</td>
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<td>False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.</td>
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<td>790.221(1)</td>
<td>2nd</td>
<td>Possession of short-barreled shotgun or machine gun.</td>
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<td>790.23</td>
<td>2nd</td>
<td>Felons in possession of firearms, ammunition, or electronic weapons or devices.</td>
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<tr>
<td>796.05(1)</td>
<td>2nd</td>
<td>Live on earnings of a prostitute; 1st offense.</td>
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<tr>
<td>800.04(6)(c)</td>
<td>3rd</td>
<td>Lewd or lascivious conduct;</td>
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</tbody>
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offender less than 18 years of age.

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

806.111(1) 3rd  Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.

812.0145(2)(b) 2nd  Theft from person 65 years of age or older; $10,000 or more but less than $50,000.

812.015(8) 3rd  Retail theft; property stolen is valued at $300 or more and one or more specified acts.

812.019(1) 2nd  Stolen property; dealing in or trafficking in.

812.131(2)(b) 3rd  Robbery by sudden snatching.
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<td>Owning, operating, or conducting a chop shop.</td>
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<tr>
<td>817.034(4)(a)2</td>
<td>2nd</td>
<td>Communications fraud, value $20,000 to $50,000.</td>
</tr>
<tr>
<td>817.234(11)(b)</td>
<td>2nd</td>
<td>Insurance fraud; property value $20,000 or more but less than $100,000.</td>
</tr>
<tr>
<td>817.2341(1), (2)(a) &amp; (3)(a)</td>
<td>3rd</td>
<td>Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.</td>
</tr>
<tr>
<td>817.568(2)(b)</td>
<td>2nd</td>
<td>Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, $5,000 or more or use of personal identification information of 10 or more</td>
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<td>Section</td>
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<tr>
<td>817.611(2)(a)</td>
<td>2nd</td>
<td>Traffic in or possess 5 to 14 counterfeit credit cards or related documents.</td>
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<tr>
<td>817.625(2)(b)</td>
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<td>Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.</td>
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<tr>
<td>825.1025(4)</td>
<td>3rd</td>
<td>Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.</td>
</tr>
<tr>
<td>827.071(4)</td>
<td>2nd</td>
<td>Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.</td>
</tr>
<tr>
<td>827.071(5)</td>
<td>3rd</td>
<td>Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.</td>
</tr>
<tr>
<td>Section</td>
<td>Degree</td>
<td>Description</td>
</tr>
<tr>
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</tr>
<tr>
<td>839.13(2)(b)</td>
<td>2nd</td>
<td>Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.</td>
</tr>
<tr>
<td>843.01</td>
<td>3rd</td>
<td>Resist officer with violence to person; resist arrest with violence.</td>
</tr>
<tr>
<td>847.0135(5)(b)</td>
<td>2nd</td>
<td>Lewd or lascivious exhibition using computer; offender 18 years or older.</td>
</tr>
<tr>
<td>847.0137</td>
<td>3rd</td>
<td>Transmission of pornography by electronic device or equipment.</td>
</tr>
<tr>
<td>847.0138</td>
<td>3rd</td>
<td>Transmission of material harmful to minors to a minor by electronic device or equipment.</td>
</tr>
<tr>
<td>874.05(1)(b)</td>
<td>2nd</td>
<td>Encouraging or recruiting another to join a criminal gang; second or subsequent offense.</td>
</tr>
</tbody>
</table>
Encouraging or recruiting person under 13 years of age to join a criminal gang.

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

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

Sell, manufacture, or deliver cocaine (or other s.
<table>
<thead>
<tr>
<th>Section</th>
<th>2nd</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>893.13(1)(e)2.</td>
<td>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)4., (2)(c)5., (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Section</th>
<th>1st</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.13(1)(f)1.</td>
<td>Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), or (2)(a), (2)(b), or (2)(c)5., (2)(c)4. drugs) within 1,000 feet of public housing facility.</td>
<td></td>
</tr>
</tbody>
</table>

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<thead>
<tr>
<th>Section</th>
<th>2nd</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.13(4)(b)</td>
<td>Use or hire of minor; deliver to minor other controlled</td>
<td></td>
</tr>
</tbody>
</table>
substance.

<table>
<thead>
<tr>
<th>Florida Statute</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>893.1351(1)</td>
<td>3rd</td>
<td>Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.</td>
</tr>
<tr>
<td>(g) LEVEL 7</td>
<td></td>
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</tr>
<tr>
<td>Florida Felony</td>
<td></td>
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</tr>
<tr>
<td>316.027(2)(c)</td>
<td>1st</td>
<td>Accident involving death, failure to stop; leaving scene.</td>
</tr>
<tr>
<td>316.193(3)(c)2.</td>
<td>3rd</td>
<td>DUI resulting in serious bodily injury.</td>
</tr>
<tr>
<td>316.1935(3)(b)</td>
<td>1st</td>
<td>Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for</td>
</tr>
</tbody>
</table>
safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.

327.35(3)(c)2. 3rd Vessel BUI resulting in serious bodily injury.

402.319(2) 2nd Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.

409.920 (2)(b)1.a. 3rd Medicaid provider fraud; $10,000 or less.

409.920 (2)(b)1.b. 2nd Medicaid provider fraud; more than $10,000, but less than $50,000.
<table>
<thead>
<tr>
<th>Statute Number</th>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>456.065(2)</td>
<td>3rd</td>
<td>Practicing a health care profession without a license.</td>
<td></td>
</tr>
<tr>
<td>456.065(2)</td>
<td>2nd</td>
<td>Practicing a health care profession without a license which results in</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>serious bodily injury.</td>
</tr>
<tr>
<td>458.327(1)</td>
<td>3rd</td>
<td>Practicing medicine without a license.</td>
<td></td>
</tr>
<tr>
<td>459.013(1)</td>
<td>3rd</td>
<td>Practicing osteopathic medicine without a license.</td>
<td></td>
</tr>
<tr>
<td>460.411(1)</td>
<td>3rd</td>
<td>Practicing chiropractic medicine without a license.</td>
<td></td>
</tr>
<tr>
<td>461.012(1)</td>
<td>3rd</td>
<td>Practicing podiatric medicine without a license.</td>
<td></td>
</tr>
<tr>
<td>462.17</td>
<td>3rd</td>
<td>Practicing naturopathy without a license.</td>
<td></td>
</tr>
</tbody>
</table>

CODING: Words **stricken** are deletions; words *underlined* are additions.
463.015(1)  3rd  Practicing optometry without a license.

464.016(1)  3rd  Practicing nursing without a license.

465.015(2)  3rd  Practicing pharmacy without a license.

466.026(1)  3rd  Practicing dentistry or dental hygiene without a license.

467.201  3rd  Practicing midwifery without a license.

468.366  3rd  Delivering respiratory care services without a license.

483.828(1)  3rd  Practicing as clinical laboratory personnel without a license.

483.901(7)  3rd  Practicing medical physics without a license.
<table>
<thead>
<tr>
<th>Code</th>
<th>Level</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>484.013(1)(c)</td>
<td>3rd</td>
<td>Preparing or dispensing optical devices without a prescription.</td>
</tr>
<tr>
<td>484.053</td>
<td>3rd</td>
<td>Dispensing hearing aids without a license.</td>
</tr>
<tr>
<td>494.0018(2)</td>
<td>1st</td>
<td>Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded $50,000 and there were five or more victims.</td>
</tr>
<tr>
<td>560.123(8)(b)1.</td>
<td>3rd</td>
<td>Failure to report currency or payment instruments exceeding $300 but less than $20,000 by a money services business.</td>
</tr>
<tr>
<td>560.125(5)(a)</td>
<td>3rd</td>
<td>Money services business by unauthorized person,</td>
</tr>
</tbody>
</table>
currency or payment instruments exceeding $300 but less than $20,000.

655.50(10)(b)1. 3rd Failure to report financial transactions exceeding $300 but less than $20,000 by financial institution.

775.21(10)(a) 3rd Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.

775.21(10)(b) 3rd Sexual predator working where children regularly congregate.

775.21(10)(g) 3rd Failure to report or providing false information about a sexual predator; harbor or conceal a sexual
782.051(3) 2nd  Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.

782.07(1) 2nd  Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).

782.071 2nd  Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).

782.072 2nd  Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).

784.045(1)(a)1. 2nd  Aggravated battery;
intentionally causing
great bodily harm or
disfigurement.

2715
784.045(1)(a)2.  2nd  Aggravated battery;
                 using deadly weapon.

2716
784.045(1)(b)  2nd  Aggravated battery;
                 perpetrator aware victim
                 pregnant.

2717
784.048(4)  3rd  Aggravated stalking;
               violation of injunction or
               court order.

2718
784.048(7)  3rd  Aggravated stalking;
               violation of court order.

2719
784.07(2)(d)  1st  Aggravated battery on law
                 enforcement officer.

2720
784.074(1)(a)  1st  Aggravated battery on
                 sexually violent
                 predators facility
                 staff.
784.08(2)(a)  1st  Aggravated battery on a person 65 years of age or older.

784.081(1)  1st  Aggravated battery on specified official or employee.

784.082(1)  1st  Aggravated battery by detained person on visitor or other detainee.

784.083(1)  1st  Aggravated battery on code inspector.

787.06(3)(a)  1st  Human trafficking using coercion for labor and services of an adult.

787.06(3)(e)  1st  Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to
within the state.

<table>
<thead>
<tr>
<th>Section</th>
<th>Grade</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>790.07(4)</td>
<td>1st</td>
<td>Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).</td>
</tr>
<tr>
<td>790.16(1)</td>
<td>1st</td>
<td>Discharge of a machine gun under specified circumstances.</td>
</tr>
<tr>
<td>790.165(2)</td>
<td>2nd</td>
<td>Manufacture, sell, possess, or deliver hoax bomb.</td>
</tr>
<tr>
<td>790.165(3)</td>
<td>2nd</td>
<td>Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.</td>
</tr>
<tr>
<td>790.166(3)</td>
<td>2nd</td>
<td>Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.</td>
</tr>
<tr>
<td>790.166(4)</td>
<td>2nd</td>
<td>Possessing, displaying, or threatening to use a hoax weapon of mass destruction.</td>
</tr>
<tr>
<td>Section</td>
<td>Penal Code</td>
<td>Degree</td>
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</tr>
<tr>
<td>790.23</td>
<td>1st, PBL</td>
<td></td>
</tr>
<tr>
<td>794.08(4)</td>
<td>3rd</td>
<td></td>
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<tr>
<td>796.05(1)</td>
<td>1st</td>
<td></td>
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<tr>
<td>796.05(1)</td>
<td>1st</td>
<td></td>
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<tr>
<td>800.04(5)(c)1.</td>
<td></td>
<td>2nd</td>
</tr>
</tbody>
</table>

CODING: Words *stricken* are deletions; words *underlined* are additions.

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molestation; victim younger than 12 years of age; offender younger than 18 years of age.

2738
800.04(5)(c)2. 2nd Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.

2739
800.04(5)(e) 1st Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.

2740
806.01(2) 2nd Maliciously damage structure by fire or explosive.

2741
810.02(3)(a) 2nd Burglary of occupied dwelling; unarmed; no

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CODING: Words stricken are deletions; words underlined are additions.
assault or battery.

2742
810.02(3)(b) 2nd Burglary of unoccupied dwelling; unarmed; no assault or battery.

2743
810.02(3)(d) 2nd Burglary of occupied conveyance; unarmed; no assault or battery.

2744
810.02(3)(e) 2nd Burglary of authorized emergency vehicle.

2745
812.014(2)(a)1. 1st Property stolen, valued at $100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.

2746
812.014(2)(b)2. 2nd Property stolen, cargo valued at less than $50,000,
2747

812.014(2)(b)3.  
2nd Property stolen, emergency medical equipment; 2nd degree grand theft.

2748

812.014(2)(b)4.  
2nd Property stolen, law enforcement equipment from authorized emergency vehicle.

2749

812.0145(2)(a)  
1st Theft from person 65 years of age or older; $50,000 or more.

2750

812.019(2)  
1st Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.

2751

812.131(2)(a)  
2nd Robbery by sudden grand theft in 2nd degree.
snatching.

812.133(2)(b)  1st  Carjacking; no firearm, deadly weapon, or other weapon.

817.034(4)(a)1.  1st  Communications fraud, value greater than $50,000.

817.234(8)(a)  2nd  Solicitation of motor vehicle accident victims with intent to defraud.

817.234(9)  2nd  Organizing, planning, or participating in an intentional motor vehicle collision.

817.234(11)(c)  1st  Insurance fraud; property value $100,000 or more.

817.2341  1st  Making false entries of material fact or false
(2)(b) & (3)(b)
statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.

| 2758   | 3rd | 817.535(2)(a) | Filing false lien or other unauthorized document. |
| 2759   | 2nd | 817.611(2)(b) | Traffic in or possess 15 to 49 counterfeit credit cards or related documents. |
| 2760   | 2nd | 825.102(3)(b) | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 2761   | 2nd | 825.103(3)(b) | Exploiting an elderly person or disabled adult and property is valued at $10,000 or
more, but less than $50,000.

827.03(2)(b)  2nd  Neglect of a child causing great bodily harm, disability, or disfigurement.

827.04(3)  3rd  Impregnation of a child under 16 years of age by person 21 years of age or older.

837.05(2)  3rd  Giving false information about alleged capital felony to a law enforcement officer.

838.015  2nd  Bribery.

838.016  2nd  Unlawful compensation or reward for official behavior.

838.021(3)(a)  2nd  Unlawful harm to a public servant.

838.22  2nd  Bid tampering.
<table>
<thead>
<tr>
<th>Code</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>843.0855(2)</td>
<td>3rd</td>
<td>Impersonation of a public officer or employee.</td>
</tr>
<tr>
<td>843.0855(3)</td>
<td>3rd</td>
<td>Unlawful simulation of legal process.</td>
</tr>
<tr>
<td>843.0855(4)</td>
<td>3rd</td>
<td>Intimidation of a public officer or employee.</td>
</tr>
<tr>
<td>847.0135(3)</td>
<td>3rd</td>
<td>Solicitation of a child, via a computer service, to commit an unlawful sex act.</td>
</tr>
<tr>
<td>847.0135(4)</td>
<td>2nd</td>
<td>Traveling to meet a minor to commit an unlawful sex act.</td>
</tr>
<tr>
<td>872.06</td>
<td>2nd</td>
<td>Abuse of a dead human body.</td>
</tr>
<tr>
<td>874.05(2)(b)</td>
<td>1st</td>
<td>Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.</td>
</tr>
</tbody>
</table>
Flor.: House of Reps.

2776

874.10 1st, PBL
Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.

2777

893.13(1)(c)1.
1st
Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. (2)(e)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

2778

893.13(1)(e)1.
1st
Sell, manufacture, or deliver cocaine or other drug prohibited under s.
893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. (2)(e)4., within 1,000 feet of property used for religious services or a specified business site.

893.13(4)(a) 1st Use or hire of minor; deliver to minor other controlled substance.

893.135(1)(a)1. 1st Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.

893.135 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

893.135 1st Trafficking in illegal drugs, more than 4 grams, less than 14 grams.
893.135  
(1)(c)2.a.  
1st Trafficking in hydrocodone,  
14 grams or more, less than  
28 grams.

893.135  
(1)(c)2.b.  
1st Trafficking in hydrocodone,  
28 grams or more, less than  
50 grams.

893.135  
(1)(c)3.a.  
1st Trafficking in oxycodone,  
7 grams or more, less than 14  
grams.

893.135  
(1)(c)3.b.  
1st Trafficking in oxycodone,  
14 grams or more, less than  
25 grams.

893.135  
(1)(c)4.b.(I)  
1st Trafficking in fentanyl,  
4 grams or more, less  
than 14 grams.

893.135  
(1)(d)1.a.  
1st Trafficking in phencyclidine,  
28 grams or more, less than 200  
grams.

893.135 (1)(e)1.  
1st Trafficking in
methaqualone, 200 grams or more, less than 5 kilograms.

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<thead>
<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>893.135(1)(f)1.</td>
<td>1st Trafficking in amphetamine, 14 grams or more, less than 28 grams.</td>
</tr>
<tr>
<td>893.135(1)(g)1.a.</td>
<td>1st Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.</td>
</tr>
<tr>
<td>893.135(1)(h)1.a.</td>
<td>1st Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.</td>
</tr>
<tr>
<td>893.135(1)(j)1.a.</td>
<td>1st Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.</td>
</tr>
<tr>
<td>893.135(1)(k)2.a.</td>
<td>1st Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.</td>
</tr>
</tbody>
</table>
893.135 (1)(m)2.a. 1st Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.

893.135 (1)(m)2.b. 1st Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.

893.135 (1)(n)2.a. 1st Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.

893.1351(2) 2nd Possession of place for trafficking in or manufacturing of controlled substance.

896.101(5)(a) 3rd Money laundering, financial transactions exceeding $300 but less than $20,000.

896.104(4)(a)1. 3rd Structuring transactions
to evade reporting or registration requirements, financial transactions exceeding $300 but less than $20,000.

2801
943.0435(4)(c) 2nd Sexual offender vacating permanent residence; failure to comply with reporting requirements.

2802
943.0435(8) 2nd Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.

2803
943.0435(9)(a) 3rd Sexual offender; failure to comply with reporting requirements.

2804
943.0435(13) 3rd Failure to report or providing false information about a sexual offender; harbor

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or conceal a sexual offender.

943.0435(14)  3rd  Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

944.607(9)    3rd  Sexual offender; failure to comply with reporting requirements.

944.607(10)(a) 3rd  Sexual offender; failure to submit to the taking of a digitized photograph.

944.607(12)   3rd  Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
<table>
<thead>
<tr>
<th>Section</th>
<th>Degree</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>944.607(13)</td>
<td>3rd</td>
<td>Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.</td>
</tr>
<tr>
<td>985.4815(10)</td>
<td>3rd</td>
<td>Sexual offender; failure to submit to the taking of a digitized photograph.</td>
</tr>
<tr>
<td>985.4815(12)</td>
<td>3rd</td>
<td>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</td>
</tr>
<tr>
<td>985.4815(13)</td>
<td>3rd</td>
<td>Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.</td>
</tr>
</tbody>
</table>
Section 20. Except as otherwise provided in this act, this act shall take effect July 1, 2018.