

By the Committee on Health Policy; and Senators Benacquisto, Perry, Stargel, Bean, and Passidomo

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1 A bill to be entitled
2 An act relating to controlled substances; amending s.
3 409.967, F.S.; prohibiting managed care plans and
4 their fiscal agents or intermediaries from imposing
5 certain requirements or conditions on recipients as a
6 prerequisite to receiving medication-assisted
7 treatment (MAT) services to treat substance abuse
8 disorders; creating s. 456.0301, F.S.; authorizing
9 certain boards to require practitioners to complete a
10 specified board-approved continuing education course
11 to obtain authorization to prescribe controlled
12 substances as part of biennial license renewal;
13 providing exceptions; providing course requirements;
14 prohibiting the Department of Health from renewing a
15 license of a prescriber under specified circumstances;
16 requiring a licensee to submit confirmation of course
17 completion; providing for each licensing board
18 requiring such continuing education course to include
19 hours of completion with the total hours of continuing
20 education required in certain circumstances;
21 authorizing rulemaking; amending s. 456.072, F.S.;
22 authorizing disciplinary action against practitioners
23 for violating specified provisions relating to
24 controlled substances; amending s. 456.44, F.S.;
25 defining the term "acute pain"; requiring the
26 applicable boards to adopt rules establishing certain
27 guidelines for prescribing controlled substances for
28 acute pain; providing that failure of a practitioner
29 to follow specified guidelines is grounds for

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30 disciplinary action; limiting opioid drug
31 prescriptions for the treatment of acute pain to a
32 specified period under certain circumstances;
33 authorizing prescriptions for such opioids for an
34 extended period if specified requirements are met;
35 amending ss. 458.3265 and 459.0137, F.S.; requiring
36 certain pain management clinic owners to register
37 approved exemptions with the department; requiring
38 certain clinics to obtain certificates of exemption;
39 providing requirements for such certificates;
40 requiring the department to adopt rules necessary to
41 administer such exemptions; amending s. 465.0155,
42 F.S.; providing requirements for pharmacists for the
43 dispensing of controlled substances to persons not
44 known to them; defining the term "proper
45 identification"; amending s. 465.0276, F.S.;

46 prohibiting the dispensing of certain controlled
47 substances in an amount that exceeds a 3-day supply or
48 a medically necessary 7-day supply if certain criteria
49 are met; providing an exception for the dispensing of
50 certain controlled substances by a practitioner to the
51 practitioner's own patients for the medication-
52 assisted treatment of opiate addiction; providing
53 requirements for practitioners for the dispensing of
54 controlled substances to persons not known to them;
55 defining the term "proper identification"; amending s.
56 627.42392, F.S.; prohibiting a health insurer from
57 imposing certain requirements or conditions on
58 insureds as a prerequisite to receiving medication-

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59 assisted treatment (MAT) services to treat substance
60 abuse disorders; amending s. 893.03, F.S.; conforming
61 the state controlled substances schedule to the
62 federal controlled substances schedule; amending s.
63 893.055, F.S.; revising and providing definitions;
64 revising requirements for the prescription drug
65 monitoring program; authorizing rulemaking; requiring
66 the department to maintain an electronic system for
67 certain purposes which meets specified requirements;
68 requiring certain information to be reported to the
69 system by a specified time; specifying direct access
70 to system information; authorizing the department to
71 enter into reciprocal agreements or contracts to share
72 prescription drug monitoring information with certain
73 entities; providing requirements for such agreements;
74 authorizing the department to enter into agreements or
75 contracts for secure connections with practitioner
76 electronic systems; requiring specified persons to
77 consult the system for certain purposes within a
78 specified time; providing exceptions to the duty of
79 specified persons to consult the system under certain
80 circumstances; authorizing the department to issue
81 citations to specified entities for failing to meet
82 certain requirements; prohibiting the failure to
83 report the dispensing of a controlled substance when
84 required to do so; providing penalties; authorizing
85 the department to enter into agreements or contracts
86 for specified purposes; providing for the release of
87 information obtained by the system; allowing specified

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88 persons to have direct access to information for the
89 purpose of reviewing the controlled drug prescription
90 history of a patient; providing prescriber or
91 dispenser immunity from liability for review of
92 patient history when acting in good faith; providing
93 construction; prohibiting the department from
94 specified uses of funds; requiring the department to
95 conduct or participate in studies for specified
96 purposes; requiring an annual report to be submitted
97 to the Governor and Legislature by a specified date;
98 providing report requirements; authorizing the
99 department to establish a certain direct-support
100 organization for specified purposes; defining the term
101 "direct-support organization"; requiring a direct-
102 support organization to operate under written contract
103 with the department; providing contract requirements;
104 requiring the direct-support organization to obtain
105 written approval from the department for specified
106 purposes; authorizing the department to adopt certain
107 rules relating to resources used by the direct-support
108 organization; providing for an independent annual
109 financial audit by the direct-support organization;
110 providing that copies of such audit be provided to
111 specified entities; providing for future repeal of
112 provisions relating to the direct-support
113 organization; requiring the department to adopt rules
114 to implement the system; amending s. 893.0551, F.S.;
115 revising provisions concerning the release of
116 information held by the prescription drug monitoring

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117 program; amending ss. 458.331, 459.015, 463.0055,
118 782.04, 893.13, 893.135, and 921.0022, F.S.;
119 correcting cross-references; conforming provisions to
120 changes made by the act; providing appropriations;
121 providing effective dates.

122

123 Be It Enacted by the Legislature of the State of Florida:

124

125 Section 1. Paragraph (c) of subsection (2) of section
126 409.967, Florida Statutes, is amended to read:

127 409.967 Managed care plan accountability.—

128 (2) The agency shall establish such contract requirements
129 as are necessary for the operation of the statewide managed care
130 program. In addition to any other provisions the agency may deem
131 necessary, the contract must require:

132 (c) *Access*.—

133 1. The agency shall establish specific standards for the
134 number, type, and regional distribution of providers in managed
135 care plan networks to ensure access to care for both adults and
136 children. Each plan must maintain a regionwide network of
137 providers in sufficient numbers to meet the access standards for
138 specific medical services for all recipients enrolled in the
139 plan. The exclusive use of mail-order pharmacies may not be
140 sufficient to meet network access standards. Consistent with the
141 standards established by the agency, provider networks may
142 include providers located outside the region. A plan may
143 contract with a new hospital facility before the date the
144 hospital becomes operational if the hospital has commenced
145 construction, will be licensed and operational by January 1,

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146 2013, and a final order has issued in any civil or
147 administrative challenge. Each plan shall establish and maintain
148 an accurate and complete electronic database of contracted
149 providers, including information about licensure or
150 registration, locations and hours of operation, specialty
151 credentials and other certifications, specific performance
152 indicators, and such other information as the agency deems
153 necessary. The database must be available online to both the
154 agency and the public and have the capability to compare the
155 availability of providers to network adequacy standards and to
156 accept and display feedback from each provider's patients. Each
157 plan shall submit quarterly reports to the agency identifying
158 the number of enrollees assigned to each primary care provider.

159 2. Each managed care plan must publish any prescribed drug
160 formulary or preferred drug list on the plan's website in a
161 manner that is accessible to and searchable by enrollees and
162 providers. The plan must update the list within 24 hours after
163 making a change. Each plan must ensure that the prior
164 authorization process for prescribed drugs is readily accessible
165 to health care providers, including posting appropriate contact
166 information on its website and providing timely responses to
167 providers. For Medicaid recipients diagnosed with hemophilia who
168 have been prescribed anti-hemophilic-factor replacement
169 products, the agency shall provide for those products and
170 hemophilia overlay services through the agency's hemophilia
171 disease management program.

172 3. Managed care plans, and their fiscal agents or
173 intermediaries, must accept prior authorization requests for any
174 service electronically.

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175 4. Managed care plans, and their fiscal agents and
176 intermediaries, may not implement, manage, or require a prior
177 authorization process or step therapy procedures and may not
178 impose any other conditions on recipients as a prerequisite to
179 receiving medication-assisted treatment (MAT) services, as
180 defined in s. 397.311, to treat substance abuse disorders.

181 5. Managed care plans serving children in the care and
182 custody of the Department of Children and Families must maintain
183 complete medical, dental, and behavioral health encounter
184 information and participate in making such information available
185 to the department or the applicable contracted community-based
186 care lead agency for use in providing comprehensive and
187 coordinated case management. The agency and the department shall
188 establish an interagency agreement to provide guidance for the
189 format, confidentiality, recipient, scope, and method of
190 information to be made available and the deadlines for
191 submission of the data. The scope of information available to
192 the department shall be the data that managed care plans are
193 required to submit to the agency. The agency shall determine the
194 plan's compliance with standards for access to medical, dental,
195 and behavioral health services; the use of medications; and
196 followup on all medically necessary services recommended as a
197 result of early and periodic screening, diagnosis, and
198 treatment.

199 Section 2. Section 456.0301, Florida Statutes, is created
200 to read:

201 456.0301 Requirement for instruction on controlled
202 substance prescribing.-

203 (1) (a) If not already required by the licensee's practice

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204 act, the appropriate board shall require each person registered
205 with the United States Drug Enforcement Administration and
206 authorized to prescribe controlled substances pursuant to 21
207 U.S.C. s. 822 to complete a board-approved 2-hour continuing
208 education course on prescribing controlled substances as part of
209 biennial license renewal. The course must include information on
210 the current standards for prescribing controlled substances,
211 particularly opiates; alternatives to these standards; and
212 information on the risks of opioid addiction following all
213 stages of treatment in the management of acute pain. The course
214 may be offered in a distance learning format and must be
215 included within the number of continuing education hours
216 required by law. The department may not renew the license of any
217 prescriber registered with the United States Drug Enforcement
218 Administration to prescribe controlled substances who has failed
219 to complete the course. When required by this paragraph, the
220 course must be completed by January 31, 2019, and at each
221 subsequent renewal.

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

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

226 Section 3. Paragraph (gg) of subsection (1) of section
227 456.072, Florida Statutes, is amended to read:

228 456.072 Grounds for discipline; penalties; enforcement.—

229 (1) The following acts shall constitute grounds for which
230 the disciplinary actions specified in subsection (2) may be
231 taken:

232 (gg) Engaging in a pattern of practice when prescribing

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

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

247 456.44 Controlled substance prescribing.—

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

249 (a) “Acute pain” means the normal, predicted,
250 physiological, and time-limited response to an adverse chemical,
251 thermal, or mechanical stimulus associated with surgery, trauma,
252 or acute illness.

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

257 (a) A complete medical history and a physical examination
258 must be conducted before beginning any treatment and must be
259 documented in the medical record. The exact components of the
260 physical examination shall be left to the judgment of the
261 registrant who is expected to perform a physical examination

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262 proportionate to the diagnosis that justifies a treatment. The
263 medical record must, at a minimum, document the nature and
264 intensity of the pain, current and past treatments for pain,
265 underlying or coexisting diseases or conditions, the effect of
266 the pain on physical and psychological function, a review of
267 previous medical records, previous diagnostic studies, and
268 history of alcohol and substance abuse. The medical record shall
269 also document the presence of one or more recognized medical
270 indications for the use of a controlled substance. Each
271 registrant must develop a written plan for assessing each
272 patient's risk of aberrant drug-related behavior, which may
273 include patient drug testing. Registrants must assess each
274 patient's risk for aberrant drug-related behavior and monitor
275 that risk on an ongoing basis in accordance with the plan.

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

289 (c) The registrant shall discuss the risks and benefits of
290 the use of controlled substances, including the risks of abuse

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291 and addiction, as well as physical dependence and its
292 consequences, with the patient, persons designated by the
293 patient, or the patient's surrogate or guardian if the patient
294 is incompetent. The registrant shall use a written controlled
295 substance agreement between the registrant and the patient
296 outlining the patient's responsibilities, including, but not
297 limited to:

298 1. Number and frequency of controlled substance
299 prescriptions and refills.

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

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

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

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

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

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

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349 12. If a written prescription for a controlled substance is
350 given to the patient, a duplicate of the prescription.

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

353 (g) A registrant shall immediately refer patients with
354 signs or symptoms of substance abuse to a board-certified pain
355 management physician, an addiction medicine specialist, or a
356 mental health addiction facility as it pertains to drug abuse or
357 addiction unless the registrant is a physician who is board-
358 certified or board-eligible in pain management. Throughout the
359 period of time before receiving the consultant's report, a
360 prescribing registrant shall clearly and completely document
361 medical justification for continued treatment with controlled
362 substances and those steps taken to ensure medically appropriate
363 use of controlled substances by the patient. Upon receipt of the
364 consultant's written report, the prescribing registrant shall
365 incorporate the consultant's recommendations for continuing,
366 modifying, or discontinuing controlled substance therapy. The
367 resulting changes in treatment shall be specifically documented
368 in the patient's medical record. Evidence or behavioral
369 indications of diversion shall be followed by discontinuation of
370 controlled substance therapy, and the patient shall be
371 discharged, and all results of testing and actions taken by the
372 registrant shall be documented in the patient's medical record.

373
374 This subsection does not apply to a board-eligible or board-
375 certified anesthesiologist, physiatrist, rheumatologist, or
376 neurologist, or to a board-certified physician who has surgical
377 privileges at a hospital or ambulatory surgery center and

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378 primarily provides surgical services. This subsection does not
379 apply to a board-eligible or board-certified medical specialist
380 who has also completed a fellowship in pain medicine approved by
381 the Accreditation Council for Graduate Medical Education or the
382 American Osteopathic Association, or who is board eligible or
383 board certified in pain medicine by the American Board of Pain
384 Medicine, the American Board of Interventional Pain Physicians,
385 the American Association of Physician Specialists, or a board
386 approved by the American Board of Medical Specialties or the
387 American Osteopathic Association and performs interventional
388 pain procedures of the type routinely billed using surgical
389 codes. This subsection does not apply to a registrant who
390 prescribes medically necessary controlled substances for a
391 patient during an inpatient stay in a hospital licensed under
392 chapter 395.

393 (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The
394 applicable boards shall adopt rules establishing guidelines for
395 prescribing controlled substances for acute pain, including
396 evaluation of the patient, creation and maintenance of a
397 treatment plan, obtaining informed consent and agreement for
398 treatment, periodic review of the treatment plan, consultation,
399 medical record review, and compliance with controlled substance
400 laws and regulations. Failure of a prescriber to follow such
401 guidelines constitutes grounds for disciplinary action pursuant
402 to s. 456.072(1)(gg), punishable as provided in s. 456.072(2).

403 (5) PRESCRIPTION SUPPLY.—

404 (a) Except as provided in paragraph (b), a prescription for
405 an opioid drug listed as a Schedule II controlled substance in
406 s. 893.03 or 21 U.S.C. s. 812, for the treatment of acute pain

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407 may not exceed a 3-day supply.

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

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

414 2. The practitioner indicates "MEDICALLY NECESSARY" on the
415 prescription.

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

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

428 458.3265 Pain-management clinics.—

429 (1) REGISTRATION.—

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

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

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436 completion of such residency program.

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

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

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

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

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

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

454 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to
455 chapter 395;

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

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

463 d. A ~~The~~ clinic ~~is~~ affiliated with an accredited medical
464 school at which training is provided for medical students,

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465 residents, or fellows;

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

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

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

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

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

489 (2) CERTIFICATE OF EXEMPTION.-

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

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- 494 1. The name or names under which the applicant does
495 business.
- 496 2. The address at which the pain management clinic is
497 located.
- 498 3. The specific exemption the applicant is claiming with
499 supporting documentation.
- 500 4. Any other information deemed necessary by the
501 department.
- 502 (b) The department must approve or deny the application
503 within 30 days after the receipt of a complete application.
- 504 (c) The certificate of exemption must be renewed
505 biennially, except that the department may issue the initial
506 certificates of exemption for up to 3 years in order to stagger
507 renewal dates.
- 508 (d) A certificateholder must prominently display the
509 certificate of exemption and make it available to the department
510 or the board upon request.
- 511 (e) A new certificate of exemption is required for a change
512 of address and is not transferable. A certificate of exemption
513 is valid only for the applicant, qualifying owners, licenses,
514 registrations, certifications, and services provided under a
515 specific statutory exemption and is valid only to the specific
516 exemption claimed and granted.
- 517 (f) A certificateholder must notify the department at least
518 60 days before any anticipated relocation or name change of the
519 pain management clinic or a change of ownership.
- 520 (g) If a pain management clinic no longer qualifies for a
521 certificate of exemption, the certificateholder must notify the
522 department within 3 days after becoming aware that the clinic no

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523 longer qualifies for a certificate of exemption and register as
524 a pain management clinic under subsection (1) or cease
525 operations.

526 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
527 apply to any physician who provides professional services in a
528 pain-management clinic that is required to be registered in
529 subsection (1).

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

541 (4)-(3) INSPECTION.—

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

548 (5)-(4) RULEMAKING.—

549 (a) The department shall adopt rules necessary to
550 administer the registration, exemption, and inspection of pain-
551 management clinics which establish the specific requirements,

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552 procedures, forms, and fees.

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

561 459.0137 Pain-management clinics.—

562 (1) REGISTRATION.—

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

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

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

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

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

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

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

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

587 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to
588 chapter 395;

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

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

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

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

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

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

606 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a physician
607 multispecialty practice where one or more board-eligible or
608 board-certified medical specialists, who have also completed
609 fellowships in pain medicine approved by the Accreditation

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610 Council for Graduate Medical Education or the American
611 Osteopathic Association or who are also board-certified in pain
612 medicine by the American Board of Pain Medicine or a board
613 approved by the American Board of Medical Specialties, the
614 American Association of Physician Specialists, or the American
615 Osteopathic Association, perform interventional pain procedures
616 of the type routinely billed using surgical codes.

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

622 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

633 4. Any other information deemed necessary by the
634 department.

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

638 (c) The certificate of exemption must be renewed

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639 biennially, except that the department may issue the initial
640 certificates of exemption for up to 3 years in order to stagger
641 renewal dates.

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

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

651 (f) A certificateholder must notify the department at least
652 60 days before any anticipated relocation or name change of the
653 pain management clinic or a change of ownership.

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

660 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
661 apply to any osteopathic physician who provides professional
662 services in a pain-management clinic that is required to be
663 registered in subsection (1).

664 (a) An osteopathic physician may not practice medicine in a
665 pain-management clinic, as described in subsection (5)-(4), if
666 the pain-management clinic is not registered with the department
667 as required by this section. Any physician who qualifies to

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668 practice medicine in a pain-management clinic pursuant to rules
669 adopted by the Board of Osteopathic Medicine as of July 1, 2012,
670 may continue to practice medicine in a pain-management clinic as
671 long as the physician continues to meet the qualifications set
672 forth in the board rules. An osteopathic physician who violates
673 this paragraph is subject to disciplinary action by his or her
674 appropriate medical regulatory board.

675 (4)~~(3)~~ INSPECTION.—

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

683 (5)~~(4)~~ RULEMAKING.—

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

688 Section 7. Section 465.0155, Florida Statutes, is amended
689 to read:

690 465.0155 Standards of practice.—

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

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697 (2) (a) Before dispensing a controlled substance to a person
698 not known to the pharmacist, the pharmacist must require the
699 person purchasing, receiving, or otherwise acquiring the
700 controlled substance to present valid photographic
701 identification or other verification of his or her identity. If
702 the person does not have proper identification, the pharmacist
703 may verify the validity of the prescription and the identity of
704 the patient with the prescriber or his or her authorized agent.
705 Verification of health plan eligibility through a real-time
706 inquiry or adjudication system is considered to be proper
707 identification.

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

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

717 Section 8. Paragraph (b) of subsection (1) of section
718 465.0276, Florida Statutes, is amended, and paragraph (d) is
719 added to subsection (2) of that section, to read:

720 465.0276 Dispensing practitioner.—

721 (1)

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

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

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

734 3. The dispensing of a controlled substance listed in
735 Schedule II or Schedule III in connection with the performance
736 of a surgical procedure.

737 a. For a controlled substance listed in Schedule II, the
738 amount dispensed pursuant to this subparagraph may not exceed a
739 3-day supply unless the criteria in s. 456.44(5)(b) are met, in
740 which case the amount dispensed may not exceed a 7-day supply.

741 b. For a controlled substance listed in Schedule III, the
742 amount dispensed pursuant to this ~~the~~ subparagraph may not
743 exceed a 14-day supply.

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

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

751 (I) ~~a.~~ Perioperative medication and sedation that allows the
752 patient to tolerate unpleasant procedures while maintaining
753 adequate cardiorespiratory function and the ability to respond
754 purposefully to verbal or tactile stimulation and makes intra-

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755 and postoperative monitoring necessary; or

756 (II)~~b~~. The use of general anesthesia or major conduction
757 anesthesia and preoperative sedation.

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

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

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

772 7. The dispensing of controlled substances listed in
773 Schedule II or Schedule III which have been approved by the
774 United States Food and Drug Administration for the purpose of
775 treating opiate addiction including, but not limited to,
776 buprenorphine and buprenorphine combination products, by a
777 practitioner authorized under 21 U.S.C. 823, as amended, to the
778 practitioner's own patients for the medication-assisted
779 treatment of opiate addiction.

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

783 (d)1. Before dispensing a controlled substance to a person

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784 not known to the dispenser, require the person purchasing,
785 receiving, or otherwise acquiring the controlled substance to
786 present valid photographic identification or other verification
787 of his or her identity. If the person does not have proper
788 identification, the dispenser may verify the validity of the
789 prescription and the identity of the patient with the prescriber
790 or his or her authorized agent. Verification of health plan
791 eligibility through a real-time inquiry or adjudication system
792 is considered to be proper identification.

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

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

802 Section 9. Subsection (5) is added to section 627.42392,
803 Florida Statutes, to read:

804 627.42392 Prior authorization.—

805 (5) A health insurer may not require a prior authorization
806 process or step therapy procedure or impose any other conditions
807 on insureds as a prerequisite to receiving medication-assisted
808 treatment (MAT) services, as defined in s. 397.311, to treat
809 substance abuse disorders.

810 Section 10. Subsections (2), (3), (4), and (5) of section
811 893.03, Florida Statutes, are amended to read:

812 893.03 Standards and schedules.—The substances enumerated

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

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

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

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

- 838 a. Raw opium.
839 b. Opium extracts.
840 c. Opium fluid extracts.
841 d. Powdered opium.

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- 842 e. Granulated opium.
- 843 f. Tincture of opium.
- 844 g. Codeine.
- 845 h. Dihydroetorphine.
- 846 i.~~h.~~ Ethylmorphine.
- 847 j.~~i.~~ Etorphine hydrochloride.
- 848 k.~~j.~~ Hydrocodone and hydrocodone combination products.
- 849 l.~~k.~~ Hydromorphone.
- 850 m.~~l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
- 851 acetylmethadol, levomethadyl acetate, or LAAM).
- 852 n.~~m.~~ Metopon (methyldihydromorphinone).
- 853 o.~~n.~~ Morphine.
- 854 p. Oripavine.
- 855 q.~~o.~~ Oxycodone.
- 856 r.~~p.~~ Oxymorphone.
- 857 s.~~q.~~ Thebaine.
- 858 2. Any salt, compound, derivative, or preparation of a
- 859 substance which is chemically equivalent to or identical with
- 860 any of the substances referred to in subparagraph 1., except
- 861 that these substances shall not include the isoquinoline
- 862 alkaloids of opium.
- 863 3. Any part of the plant of the species *Papaver somniferum*,
- 864 *L.*
- 865 4. Cocaine or ecgonine, including any of their
- 866 stereoisomers, and any salt, compound, derivative, or
- 867 preparation of cocaine or ecgonine, except that these substances
- 868 shall not include ioflupane I 123.
- 869 (b) Unless specifically excepted or unless listed in
- 870 another schedule, any of the following substances, including

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871 their isomers, esters, ethers, salts, and salts of isomers,
872 esters, and ethers, whenever the existence of such isomers,
873 esters, ethers, and salts is possible within the specific
874 chemical designation:

- 875 1. Alfentanil.
- 876 2. Alphaprodine.
- 877 3. Anileridine.
- 878 4. Bezitramide.
- 879 5. Bulk propoxyphene (nondosage forms).
- 880 6. Carfentanil.
- 881 7. Dihydrocodeine.
- 882 8. Diphenoxylate.
- 883 9. Fentanyl.
- 884 10. Isomethadone.
- 885 11. Levomethorphan.
- 886 12. Levorphanol.
- 887 13. Metazocine.
- 888 14. Methadone.
- 889 15. Methadone-Intermediate, 4-cyano-2-
890 dimethylamino-4,4-diphenylbutane.
- 891 16. Moramide-Intermediate, 2-methyl-
892 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 893 17. Nabilone.
- 894 18. Pethidine (meperidine).
- 895 19. Pethidine-Intermediate-A, 4-cyano-1-
896 methyl-4-phenylpiperidine.
- 897 20. Pethidine-Intermediate-B, ethyl-4-
898 phenylpiperidine-4-carboxylate.
- 899 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-

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900 4-carboxylic acid.

901 22. Phenazocine.

902 23. Phencyclidine.

903 24. 1-Phenylcyclohexylamine.

904 25. Piminodine.

905 26. 1-Piperidinocyclohexanecarbonitrile.

906 27. Racemethorphan.

907 28. Racemorphan.

908 29. Remifentanil.

909 30.~~29.~~ Sufentanil.

910 31. Tapentadol.

911 32. Thiafentanil.

912 (c) Unless specifically excepted or unless listed in

913 another schedule, any material, compound, mixture, or

914 preparation which contains any quantity of the following

915 substances, including their salts, isomers, optical isomers,

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

917 1. Amobarbital.

918 2. Amphetamine.

919 3. Glutethimide.

920 4. Lisdexamfetamine.

921 5.~~4.~~ Methamphetamine.

922 6.~~5.~~ Methylphenidate.

923 7.~~6.~~ Pentobarbital.

924 8.~~7.~~ Phenmetrazine.

925 9.~~8.~~ Phenylacetone.

926 10.~~9.~~ Secobarbital.

927 (d) Dronabinol (synthetic THC) in oral solution in a drug

928 product approved by the United States Food and Drug

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929 Administration.

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

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

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

948 2. Benzphetamine.

949 3. Buprenorphine.950 ~~4.3.~~ Chlorhexadol.951 ~~5.4.~~ Chlorphentermine.952 ~~6.5.~~ Clortermine.953 7. Embutramide.954 ~~8.6.~~ Lysergic acid.955 ~~9.7.~~ Lysergic acid amide.956 ~~10.8.~~ Methyprylon.957 11. Perampanel.

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958 12.9. Phendimetrazine.
959 13.10. Sulfondiethylmethane.
960 14.11. Sulfonethylmethane.
961 15.12. Sulfonmethane.
962 16.13. Tiletamine and zolazepam or any salt thereof.
963 (b) Nalorphine.
964 (c) Unless specifically excepted or unless listed in
965 another schedule, any material, compound, mixture, or
966 preparation containing limited quantities of any of the
967 following controlled substances or any salts thereof:
968 1. Not more than 1.8 grams of codeine per 100 milliliters
969 or not more than 90 milligrams per dosage unit, with an equal or
970 greater quantity of an isoquinoline alkaloid of opium.
971 2. Not more than 1.8 grams of codeine per 100 milliliters
972 or not more than 90 milligrams per dosage unit, with recognized
973 therapeutic amounts of one or more active ingredients which are
974 not controlled substances.
975 3. Not more than 300 milligrams of hydrocodone per 100
976 milliliters or not more than 15 milligrams per dosage unit, with
977 a fourfold or greater quantity of an isoquinoline alkaloid of
978 opium.
979 4. Not more than 300 milligrams of hydrocodone per 100
980 milliliters or not more than 15 milligrams per dosage unit, with
981 recognized therapeutic amounts of one or more active ingredients
982 that are not controlled substances.
983 5. Not more than 1.8 grams of dihydrocodeine per 100
984 milliliters or not more than 90 milligrams per dosage unit, with
985 recognized therapeutic amounts of one or more active ingredients
986 which are not controlled substances.

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

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

995
996 For purposes of charging a person with a violation of s. 893.135
997 involving any controlled substance described in subparagraph 3.
998 or subparagraph 4., the controlled substance is a Schedule III
999 controlled substance pursuant to this paragraph but the weight
1000 of the controlled substance per milliliters or per dosage unit
1001 is not relevant to the charging of a violation of s. 893.135.
1002 The weight of the controlled substance shall be determined
1003 pursuant to s. 893.135(6).

1004 (d) Anabolic steroids.

1005 1. The term "anabolic steroid" means any drug or hormonal
1006 substance, chemically and pharmacologically related to
1007 testosterone, other than estrogens, progestins, and
1008 corticosteroids, that promotes muscle growth and includes:

- 1009 a. Androsterone.
1010 b. Androsterone acetate.
1011 c. Boldenone.
1012 d. Boldenone acetate.
1013 e. Boldenone benzoate.
1014 f. Boldenone undecylenate.
1015 g. Chlorotestosterone (Clostebol).

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- 1016 h. Dehydrochlormethyltestosterone.
1017 i. Dihydrotestosterone (Stanolone).
1018 j. Drostanolone.
1019 k. Ethylestrenol.
1020 l. Fluoxymesterone.
1021 m. Formebolone (Formebolone).
1022 n. Mesterolone.
1023 o. Methandrostenolone (Methandienone).
1024 p. Methandranone.
1025 q. Methandriol.
1026 r. Methenolone.
1027 s. Methyltestosterone.
1028 t. Mibolerone.
1029 u. Nortestosterone (Nandrolone).
1030 v. Norethandrolone.
1031 w. Nortestosterone decanoate.
1032 x. Nortestosterone phenylpropionate.
1033 y. Nortestosterone propionate.
1034 z. Oxandrolone.
1035 aa. Oxymesterone.
1036 bb. Oxymetholone.
1037 cc. Stanozolol.
1038 dd. Testolactone.
1039 ee. Testosterone.
1040 ff. Testosterone acetate.
1041 gg. Testosterone benzoate.
1042 hh. Testosterone cypionate.
1043 ii. Testosterone decanoate.
1044 jj. Testosterone enanthate.

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1045 kk. Testosterone isocaproate.

1046 ll. Testosterone oleate.

1047 mm. Testosterone phenylpropionate.

1048 nn. Testosterone propionate.

1049 oo. Testosterone undecanoate.

1050 pp. Trenbolone.

1051 qq. Trenbolone acetate.

1052 rr. Any salt, ester, or isomer of a drug or substance
1053 described or listed in this subparagraph if that salt, ester, or
1054 isomer promotes muscle growth.

1055 2. The term does not include an anabolic steroid that is
1056 expressly intended for administration through implants to cattle
1057 or other nonhuman species and that has been approved by the
1058 United States Secretary of Health and Human Services for such
1059 administration. However, any person who prescribes, dispenses,
1060 or distributes such a steroid for human use is considered to
1061 have prescribed, dispensed, or distributed an anabolic steroid
1062 within the meaning of this paragraph.

1063 (e) Ketamine, including any isomers, esters, ethers, salts,
1064 and salts of isomers, esters, and ethers, whenever the existence
1065 of such isomers, esters, ethers, and salts is possible within
1066 the specific chemical designation.

1067 (f) Dronabinol (synthetic THC) in sesame oil and
1068 encapsulated in a soft gelatin capsule in a drug product
1069 approved by the United States Food and Drug Administration.

1070 (g) Any drug product containing gamma-hydroxybutyric acid,
1071 including its salts, isomers, and salts of isomers, for which an
1072 application is approved under s. 505 of the Federal Food, Drug,
1073 and Cosmetic Act.

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1074 (4) (a) SCHEDULE IV.—A substance in Schedule IV has a low
1075 potential for abuse relative to the substances in Schedule III
1076 and has a currently accepted medical use in treatment in the
1077 United States, and abuse of the substance may lead to limited
1078 physical or psychological dependence relative to the substances
1079 in Schedule III.

1080 (b) Unless specifically excepted or unless listed in
1081 another schedule, any material, compound, mixture, or
1082 preparation which contains any quantity of the following
1083 substances, including its salts, isomers, and salts of isomers
1084 whenever the existence of such salts, isomers, and salts of
1085 isomers is possible within the specific chemical designation,
1086 are controlled in Schedule IV:

- 1087 1. Alfaxalone.
1088 2.~~(a)~~ Alprazolam.
1089 3.~~(b)~~ Barbital.
1090 4.~~(c)~~ Bromazepam.
1091 5.~~(iii)~~ Butorphanol tartrate.
1092 6.~~(d)~~ Camazepam.
1093 7.~~(jjj)~~ Carisoprodol.
1094 8.~~(e)~~ Cathine.
1095 9.~~(f)~~ Chloral betaine.
1096 10.~~(g)~~ Chloral hydrate.
1097 11.~~(h)~~ Chlordiazepoxide.
1098 12.~~(i)~~ Clobazam.
1099 13.~~(j)~~ Clonazepam.
1100 14.~~(k)~~ Clorazepate.
1101 15.~~(l)~~ Clotiazepam.
1102 16.~~(m)~~ Cloxazolam.

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1103 17. Dexfenfluramine.
1104 18.~~(n)~~ Delorazepam.
1105 19. Dichloralphenazone.
1106 20.~~(p)~~ Diazepam.
1107 21.~~(q)~~ Diethylpropion.
1108 22. Eluxadoline.
1109 23.~~(r)~~ Estazolam.
1110 24. Eszopiclone.
1111 25.~~(s)~~ Ethchlorvynol.
1112 26.~~(t)~~ Ethinamate.
1113 27.~~(u)~~ Ethyl loflazepate.
1114 28.~~(v)~~ Fencamfamin.
1115 29.~~(w)~~ Fenfluramine.
1116 30.~~(x)~~ Fenproporex.
1117 31.~~(y)~~ Fludiazepam.
1118 32.~~(z)~~ Flurazepam.
1119 33. Fospropofol.
1120 34.~~(aa)~~ Halazepam.
1121 35.~~(bb)~~ Haloxazolam.
1122 36.~~(cc)~~ Ketazolam.
1123 37.~~(dd)~~ Loprazolam.
1124 38.~~(ee)~~ Lorazepam.
1125 39. Lorcaserin.
1126 40.~~(ff)~~ Lormetazepam.
1127 41.~~(gg)~~ Mazindol.
1128 42.~~(hh)~~ Mebutamate.
1129 43.~~(ii)~~ Medazepam.
1130 44.~~(jj)~~ Mefenorex.
1131 45.~~(kk)~~ Meprobamate.

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- 1132 46.~~(ll)~~ Methohexital.
- 1133 47.~~(mm)~~ Methylphenobarbital.
- 1134 48.~~(nn)~~ Midazolam.
- 1135 49. Modafinil.
- 1136 50.~~(oo)~~ Nimetazepam.
- 1137 51.~~(pp)~~ Nitrazepam.
- 1138 52.~~(qq)~~ Nordiazepam.
- 1139 53.~~(rr)~~ Oxazepam.
- 1140 54.~~(ss)~~ Oxazolam.
- 1141 55.~~(tt)~~ Paraldehyde.
- 1142 56.~~(uu)~~ Pemoline.
- 1143 57.~~(vv)~~ Pentazocine.
- 1144 58. Petrichloral.
- 1145 59.~~(ww)~~ Phenobarbital.
- 1146 60.~~(xx)~~ Phentermine.
- 1147 61.~~(yy)~~ Pinazepam.
- 1148 62.~~(zz)~~ Pipradrol.
- 1149 63.~~(aaa)~~ Prazepam.
- 1150 64.~~(o)~~ Propoxyphene (dosage forms).
- 1151 65.~~(bbb)~~ Propylhexedrine, excluding any patent or
- 1152 proprietary preparation containing propylhexedrine, unless
- 1153 otherwise provided by federal law.
- 1154 66.~~(ccc)~~ Quazepam.
- 1155 67. Sibutramine.
- 1156 68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2
- 1157 diphenylethane].
- 1158 69. Suvorexant.
- 1159 70.~~(fff)~~ Temazepam.
- 1160 71.~~(ddd)~~ Tetrazepam.

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1161 72. Tramadol.1162 73.~~(999)~~ Triazolam.1163 74. Zaleplon.1164 75. Zolpidem.1165 76. Zopiclone.1166 77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not
1167 less than 25 micrograms of atropine sulfate per dosage unit.1168 (5) SCHEDULE V.—A substance, compound, mixture, or
1169 preparation of a substance in Schedule V has a low potential for
1170 abuse relative to the substances in Schedule IV and has a
1171 currently accepted medical use in treatment in the United
1172 States, and abuse of such compound, mixture, or preparation may
1173 lead to limited physical or psychological dependence relative to
1174 the substances in Schedule IV.1175 (a) Substances controlled in Schedule V include any
1176 compound, mixture, or preparation containing any of the
1177 following limited quantities of controlled substances, which
1178 must shall include one or more active medicinal ingredients that
1179 ~~which~~ are not controlled substances in sufficient proportion to
1180 confer upon the compound, mixture, or preparation valuable
1181 medicinal qualities other than those possessed by the controlled
1182 substance alone:1183 1. Not more than 200 milligrams of codeine per 100
1184 milliliters or per 100 grams.1185 2. Not more than 100 milligrams of dihydrocodeine per 100
1186 milliliters or per 100 grams.1187 3. Not more than 100 milligrams of ethylmorphine per 100
1188 milliliters or per 100 grams.

1189 4. Not more than 2.5 milligrams of diphenoxylate and not

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1190 less than 25 micrograms of atropine sulfate per dosage unit.

1191 5. Not more than 100 milligrams of opium per 100
1192 milliliters or per 100 grams.

1193 6. Not more than 0.5 milligrams of difenoxin and not less
1194 than 25 micrograms of atropine sulfate per dosage unit.

1195 (b) Unless a specific exception exists or unless listed in
1196 another schedule, any material, compound, mixture, or
1197 preparation that contains any quantity of the following
1198 substances is controlled in Schedule V:

1199 1. Brivaracetam.

1200 2. Ezogabine.

1201 3. Lacosamide.

1202 4. Pregabalin ~~Narcotic drugs. Unless specifically excepted~~
1203 ~~or unless listed in another schedule, any material, compound,~~
1204 ~~mixture, or preparation containing any of the following narcotic~~
1205 ~~drugs and their salts: Buprenorphine.~~

1206 (c) Stimulants. Unless specifically excepted or unless
1207 listed in another schedule, any material, compound, mixture, or
1208 preparation which contains any quantity of the following
1209 substances having a stimulant effect on the central nervous
1210 system, including its salts, isomers, and salts of isomers:
1211 Pyrovalerone.

1212 Section 11. Section 893.055, Florida Statutes, is amended
1213 to read:

1214 (Substantial rewording of section. See
1215 s. 893.055, F.S., for present text.)

1216 893.055 Prescription drug monitoring program.-

1217 (1) As used in this section, the term:

1218 (a) "Active investigation" means an investigation that is

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1219 being conducted with a reasonable, good faith belief that it
1220 could lead to the filing of administrative, civil, or criminal
1221 proceedings, or that is ongoing and continuing and for which
1222 there is a reasonable, good faith anticipation of securing an
1223 arrest or prosecution in the foreseeable future.

1224 (b) "Administration" means the obtaining and giving of a
1225 single dose of a controlled substance by a legally authorized
1226 person to a patient for her or his consumption.

1227 (c) "Controlled substance" means a controlled substance
1228 listed in Schedule II, Schedule III, Schedule IV, or Schedule V
1229 of s. 893.03 or 21 U.S.C. s. 812.

1230 (d) "Dispense" means the transfer of possession of one or
1231 more doses of a controlled substance by a dispenser to the
1232 ultimate consumer or to his or her agent.

1233 (e) "Dispenser" means a dispensing health care
1234 practitioner, pharmacy, or pharmacist licensed to dispense
1235 controlled substances in or into this state.

1236 (f) "Health care practitioner" or "practitioner" means any
1237 practitioner licensed under chapter 458, chapter 459, chapter
1238 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1239 (g) "Health care regulatory board" has the same meaning as
1240 s. 456.001(1).

1241 (h) "Law enforcement agency" means the Department of Law
1242 Enforcement, a sheriff's office in this state, a police
1243 department in this state, or a law enforcement agency of the
1244 Federal Government which enforces the laws of this state or the
1245 United States relating to controlled substances and whose agents
1246 and officers are empowered by law to conduct criminal
1247 investigations and make arrests.

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1248 (i) "Pharmacy" includes a community pharmacy, an
1249 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
1250 or an Internet pharmacy that is licensed by the department under
1251 chapter 465 and that dispenses or delivers controlled substances
1252 to an individual or address in this state.

1253 (j) "Prescriber" means a prescribing physician, prescribing
1254 practitioner, or other prescribing health care practitioner
1255 authorized by the laws of this state to order controlled
1256 substances.

1257 (k) "Program manager" means an employee of or a person
1258 contracted by the department who is designated to ensure the
1259 integrity of the prescription drug monitoring program in
1260 accordance with the requirements established in this section.

1261 (2) (a) The department shall maintain an electronic system
1262 to collect and store controlled substance dispensing information
1263 and shall release the information as authorized in this section
1264 and s. 893.0551. The electronic system must:

1265 1. Not infringe upon the legitimate prescribing or
1266 dispensing of a controlled substance by a prescriber or
1267 dispenser acting in good faith and in the course of professional
1268 practice.

1269 2. Be consistent with standards of the American Society for
1270 Automation in Pharmacy.

1271 3. Comply with the Health Insurance Portability and
1272 Accountability Act as it pertains to protected health
1273 information, electronic protected health information, and all
1274 other relevant state and federal privacy and security laws and
1275 regulations.

1276 (b) The department may collaborate with professional health

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1277 care regulatory boards, appropriate organizations, and other
1278 state agencies to identify indicators of controlled substance
1279 abuse.

1280 (3) For each controlled substance dispensed to a patient in
1281 the state, the following information must be reported by the
1282 dispenser to the system as soon thereafter as possible but no
1283 later than the close of the next business day after the day the
1284 controlled substance is dispensed unless an extension or
1285 exemption is approved by the department:

1286 (a) The name of the prescribing practitioner, the
1287 practitioner's federal Drug Enforcement Administration
1288 registration number, the practitioner's National Provider
1289 Identification (NPI) or other appropriate identifier, and the
1290 date of the prescription.

1291 (b) The date the prescription was filled and the method of
1292 payment, such as cash by an individual, insurance coverage
1293 through a third party, or Medicaid payment. This paragraph does
1294 not authorize the department to include individual credit card
1295 numbers or other account numbers in the system.

1296 (c) The full name, address, telephone number, and date of
1297 birth of the person for whom the prescription was written.

1298 (d) The name, national drug code, quantity, and strength of
1299 the controlled substance dispensed.

1300 (e) The full name, federal Drug Enforcement Administration
1301 registration number, State of Florida Department of Health
1302 issued pharmacy permit number, and address of the pharmacy or
1303 other location from which the controlled substance was
1304 dispensed. If the controlled substance was dispensed by a
1305 practitioner other than a pharmacist, the practitioner's full

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1306 name, address, federal Drug Enforcement Administration
1307 registration number, State of Florida Department of Health
1308 issued license number, and National Provider Identification
1309 (NPI).

1310 (f) Whether the drug was dispensed as an initial
1311 prescription or a refill, and the number of refills ordered.

1312 (g) The name of the individual picking up the controlled
1313 substance prescription and type and issuer of the identification
1314 provided.

1315 (h) Other appropriate identifying information as determined
1316 by department rule.

1317
1318 All acts of administration of controlled substances are exempt
1319 from the reporting requirements of this subsection.

1320 (4) The following must be provided direct access to
1321 information in the system:

1322 (a) A prescriber or dispenser or his or her designee.

1323 (b) An employee of the United States Department of Veterans
1324 Affairs, United States Department of Defense, or the Indian
1325 Health Service who provides health care services pursuant to
1326 such employment and who has the authority to prescribe
1327 controlled substances shall have access to the information in
1328 the program's system upon verification of employment.

1329 (c) The program manager or designated program and support
1330 staff may have access to administer the system.

1331 1. In order to calculate performance measures pursuant to
1332 subsection (14), the program manager or program and support
1333 staff members who have been directed by the program manager to
1334 calculate performance measures may have direct access to

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1335 information that contains no identifying information of any
1336 patient, physician, health care practitioner, prescriber, or
1337 dispenser.

1338 2. The program manager or designated program and support
1339 staff must provide the department, upon request, data that does
1340 not contain patient, physician, health care practitioner,
1341 prescriber, or dispenser identifying information for public
1342 health care and safety initiatives purposes.

1343 3. The program manager, upon determining a pattern
1344 consistent with the department's rules established under
1345 subsection (16), may provide relevant information to the
1346 prescriber and dispenser.

1347 4. The program manager, upon determining a pattern
1348 consistent with the rules established under subsection (16) and
1349 having cause to believe a violation of s. 893.13(7)(a)8.,
1350 (8)(a), or (8)(b) has occurred, may provide relevant information
1351 to the applicable law enforcement agency.

1352
1353 The program manager and designated program and support staff
1354 must complete a level II background screening.

1355 (5) The following entities may not directly access
1356 information in the system, but may request information from the
1357 program manager or designated program and support staff:

1358 (a) The department and its health care regulatory boards,
1359 as appropriate, for investigations involving licensees
1360 authorized to prescribe or dispense controlled substances.

1361 (b) The Attorney General for Medicaid fraud cases involving
1362 prescribed controlled substances.

1363 (c) A law enforcement agency during active investigations

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1364 of potential criminal activity, fraud, or theft regarding
1365 prescribed controlled substances.

1366 (d) A medical examiner when conducting an authorized
1367 investigation under s. 406.11, to determine the cause of death
1368 of an individual.

1369 (e) An impaired practitioner consultant who is retained by
1370 the department under s. 456.076 to review the system information
1371 of an impaired practitioner program participant or a referral
1372 who has agreed to be evaluated or monitored through the program
1373 and who has separately agreed in writing to the consultant's
1374 access to and review of such information.

1375 (f) A patient or the legal guardian or designated health
1376 care surrogate of an incapacitated patient who submits a written
1377 and notarized request that includes the patient's full name,
1378 address, phone number, date of birth, and a copy of a
1379 government-issued photo identification.

1380 (6) The department may enter into a reciprocal agreement or
1381 contract to share prescription drug monitoring information with
1382 another state, district, or territory if the prescription drug
1383 monitoring programs of other states, districts, or territories
1384 are compatible with the Florida program.

1385 (a) In determining compatibility, the department shall
1386 consider:

1387 1. The safeguards for privacy of patient records and the
1388 success of the program in protecting patient privacy.

1389 2. The persons authorized to view the data collected by the
1390 program. Comparable entities and licensed health care
1391 practitioners in other states, districts, or territories of the
1392 United States, law enforcement agencies, the Attorney General's

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1393 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1394 needed, management staff that have similar duties as management
1395 staff who work with the prescription drug monitoring program as
1396 authorized in s. 893.0551 are authorized access upon approval by
1397 the department.

1398 3. The schedules of the controlled substances that are
1399 monitored by the program.

1400 4. The data reported to or included in the program's
1401 system.

1402 5. Any implementing criteria deemed essential for a
1403 thorough comparison.

1404 6. The costs and benefits to the state of sharing
1405 prescription information.

1406 (b) The department shall assess the prescription drug
1407 monitoring program's continued compatibility with the other
1408 state's, district's, or territory's program every 4 years.

1409 (c) Any agreement or contract for sharing of prescription
1410 drug monitoring information between the department and another
1411 state, district, or territory shall contain the same
1412 restrictions and requirements as this section or s. 893.0551,
1413 and the information must be provided according to the
1414 department's determination of compatibility.

1415 (7) The department may enter into agreements or contracts
1416 to establish secure connections between the system and a
1417 prescribing or dispensing health care practitioner's electronic
1418 health recordkeeping system. The electronic health recordkeeping
1419 system owner or license holder will be responsible for ensuring
1420 that only authorized individuals have access to prescription
1421 drug monitoring program information.

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1422 (8) A prescriber or dispenser or a designee of a prescriber
1423 or dispenser must consult the system to review a patient's
1424 controlled substance dispensing history before prescribing or
1425 dispensing a controlled substance.

1426 (a) The duty to consult the system does not apply to a
1427 prescriber or dispenser or designee of a prescriber or dispenser
1428 if the system is not operational, as determined by the
1429 department, or when it cannot be accessed by a health care
1430 practitioner because of a temporary technological or electrical
1431 failure.

1432 (b) A prescriber or dispenser or designee of a prescriber
1433 or dispenser who does not consult the system under this
1434 subsection shall document the reason he or she did not consult
1435 the system in the patient's medical record or prescription
1436 record, and shall not prescribe or dispense greater than a 3-day
1437 supply of a controlled substance to the patient.

1438 (c) The department shall issue a citation pursuant to the
1439 procedure in s. 456.077 to any prescriber or dispenser who fails
1440 to consult the system as required by this subsection.

1441 (9) A person who willfully and knowingly fails to report
1442 the dispensing of a controlled substance as required by this
1443 section commits a misdemeanor of the first degree, punishable as
1444 provided in s. 775.082 or s. 775.083.

1445 (10) Information in the prescription drug monitoring
1446 program's system may be released only as provided in this
1447 section and s. 893.0551. The content of the system is intended
1448 to be informational only. Information in the system is not
1449 subject to discovery or introduction into evidence in any civil
1450 or administrative action against a prescriber, dispenser,

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1451 pharmacy, or patient arising out of matters that are the subject
1452 of information in the system. The program manager and authorized
1453 persons who participate in preparing, reviewing, issuing, or any
1454 other activity related to management of the system may not be
1455 permitted or required to testify in any such civil or
1456 administrative action as to any findings, recommendations,
1457 evaluations, opinions, or other actions taken in connection with
1458 management of the system.

1459 (11) A prescriber or dispenser, or his or her designee, may
1460 have access to the information under this section which relates
1461 to a patient of that prescriber or dispenser as needed for the
1462 purpose of reviewing the patient's controlled drug prescription
1463 history. A prescriber or dispenser acting in good faith is
1464 immune from any civil, criminal, or administrative liability
1465 that might otherwise be incurred or imposed for receiving or
1466 using information from the prescription drug monitoring program.
1467 This subsection does not create a private cause of action, and a
1468 person may not recover damages against a prescriber or dispenser
1469 authorized to access information under this subsection for
1470 accessing or failing to access such information.

1471 (12) (a) All costs incurred by the department in
1472 administering the prescription drug monitoring program shall be
1473 funded through federal grants, private funding applied for or
1474 received by the state, or state funds appropriated in the
1475 General Appropriations Act. The department may not:

1476 1. Commit funds for the monitoring program without ensuring
1477 funding is available; or

1478 2. Use funds provided, directly or indirectly by
1479 prescription drug manufacturers to implement the program.

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1480 (b) The department shall cooperate with the direct-support
1481 organization established under subsection (15) in seeking
1482 federal grant funds, other nonstate grant funds, gifts,
1483 donations, or other private moneys for the department if the
1484 costs of doing so are immaterial. Immaterial costs include, but
1485 are not limited to, the costs of mailing and personnel assigned
1486 to research or apply for a grant. The department may
1487 competitively procure and contract pursuant to s. 287.057 for
1488 any goods and services required by this section.

1489 (13) The department shall conduct or participate in studies
1490 to examine the feasibility of enhancing the prescription drug
1491 monitoring program for the purposes of public health initiatives
1492 and statistical reporting. Such studies shall respect the
1493 privacy of the patient, the prescriber, and the dispenser. Such
1494 studies may be conducted by the department or a contracted
1495 vendor in order to:

1496 (a) Improve the quality of health care services and safety
1497 by improving prescribing and dispensing practices for controlled
1498 substances;

1499 (b) Take advantage of advances in technology;

1500 (c) Reduce duplicative prescriptions and the
1501 overprescribing of controlled substances; and

1502 (d) Reduce drug abuse.

1503 (14) The department shall annually report on performance
1504 measures to the Governor, the President of the Senate, and the
1505 Speaker of the House of Representatives by December 1.
1506 Performance measures may include, but are not limited to, the
1507 following outcomes:

1508 (a) Reduction of the rate of inappropriate use of

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1509 controlled substances through department education and safety
1510 efforts.

1511 (b) Reduction of the quantity of controlled substances
1512 obtained by individuals attempting to engage in fraud and
1513 deceit.

1514 (c) Increased coordination among partners participating in
1515 the prescription drug monitoring program.

1516 (d) Involvement of stakeholders in achieving improved
1517 patient health care and safety and reduction of controlled
1518 substance abuse and controlled substance diversion.

1519 (15) The department may establish a direct-support
1520 organization to provide assistance, funding, and promotional
1521 support for the activities authorized for the prescription drug
1522 monitoring program.

1523 (a) As used in this subsection, the term "direct-support
1524 organization" means an organization that is:

1525 1. A Florida corporation not for profit incorporated under
1526 chapter 617, exempted from filing fees, and approved by the
1527 Department of State.

1528 2. Organized and operated to conduct programs and
1529 activities; raise funds; request and receive grants, gifts, and
1530 bequests of money; acquire, receive, hold, and invest, in its
1531 own name, securities, funds, objects of value, or other
1532 property, either real or personal; and make expenditures or
1533 provide funding to or for the direct or indirect benefit of the
1534 department in the furtherance of the prescription drug
1535 monitoring program.

1536 (b) The State Surgeon General shall appoint a board of
1537 directors for the direct-support organization.

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1538 1. The board of directors shall consist of no fewer than
1539 five members who shall serve at the pleasure of the State
1540 Surgeon General.

1541 2. The State Surgeon General shall provide guidance to
1542 members of the board to ensure that moneys received by the
1543 direct-support organization are not received from inappropriate
1544 sources. Inappropriate sources include, but are not limited to,
1545 donors, grantors, persons, prescription drug manufacturers, or
1546 organizations that may monetarily or substantively benefit from
1547 the purchase of goods or services by the department in
1548 furtherance of the prescription drug monitoring program.

1549 (c) The direct-support organization shall operate under
1550 written contract with the department. The contract must, at a
1551 minimum, provide for:

1552 1. Approval of the articles of incorporation and bylaws of
1553 the direct-support organization by the department.

1554 2. Submission of an annual budget for the approval of the
1555 department.

1556 3. The reversion, without penalty, to the department's
1557 grants and donations trust fund for the administration of the
1558 prescription drug monitoring program of all moneys and property
1559 held in trust by the direct-support organization for the benefit
1560 of the prescription drug monitoring program if the direct-
1561 support organization ceases to exist or if the contract is
1562 terminated.

1563 4. The fiscal year of the direct-support organization,
1564 which must begin July 1 of each year and end June 30 of the
1565 following year.

1566 5. The disclosure of the material provisions of the

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1567 contract to donors of gifts, contributions, or bequests,
1568 including such disclosure on all promotional and fundraising
1569 publications, and an explanation to such donors of the
1570 distinction between the department and the direct-support
1571 organization.

1572 6. The direct-support organization's collecting, expending,
1573 and providing of funds to the department for the development,
1574 implementation, and operation of the prescription drug
1575 monitoring program as described in this section. The direct-
1576 support organization may collect and expend funds to be used for
1577 the functions of the direct-support organization's board of
1578 directors, as necessary and approved by the department. In
1579 addition, the direct-support organization may collect and
1580 provide funding to the department in furtherance of the
1581 prescription drug monitoring program by:

1582 a. Establishing and administering the prescription drug
1583 monitoring program's electronic system, including hardware and
1584 software.

1585 b. Conducting studies on the efficiency and effectiveness
1586 of the program to include feasibility studies as described in
1587 subsection (13).

1588 c. Providing funds for future enhancements of the program
1589 within the intent of this section.

1590 d. Providing user training of the prescription drug
1591 monitoring program, including distribution of materials to
1592 promote public awareness and education and conducting workshops
1593 or other meetings, for health care practitioners, pharmacists,
1594 and others as appropriate.

1595 e. Providing funds for travel expenses.

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1596 f. Providing funds for administrative costs, including
1597 personnel, audits, facilities, and equipment.

1598 g. Fulfilling all other requirements necessary to implement
1599 and operate the program as outlined in this section.

1600 7. Certification by the department that the direct-support
1601 organization is complying with the terms of the contract in a
1602 manner consistent with and in furtherance of the goals and
1603 purposes of the prescription drug monitoring program and in the
1604 best interests of the state. Such certification must be made
1605 annually and reported in the official minutes of a meeting of
1606 the direct-support organization.

1607 (d) The activities of the direct-support organization must
1608 be consistent with the goals and mission of the department, as
1609 determined by the department, and in the best interests of the
1610 state. The direct-support organization must obtain written
1611 approval from the department for any activities in support of
1612 the prescription drug monitoring program before undertaking
1613 those activities.

1614 (e) The direct-support organization shall provide for an
1615 independent annual financial audit in accordance with s.
1616 215.981. Copies of the audit shall be provided to the department
1617 and the Office of Policy and Budget in the Executive Office of
1618 the Governor.

1619 (f) The direct-support organization may not exercise any
1620 power under s. 617.0302(12) or (16).

1621 (g) The direct-support organization is not considered a
1622 lobbying firm within the meaning of s. 11.045.

1623 (h) The department may permit, without charge, appropriate
1624 use of administrative services, property, and facilities of the

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1625 department by the direct-support organization, subject to this
1626 section. The use must be directly in keeping with the approved
1627 purposes of the direct-support organization and may not be made
1628 at times or places that would unreasonably interfere with
1629 opportunities for the public to use such facilities for
1630 established purposes. Any moneys received from rentals of
1631 facilities and properties managed by the department may be held
1632 in a separate depository account in the name of the direct-
1633 support organization and subject to the provisions of the letter
1634 of agreement with the department. The letter of agreement must
1635 provide that any funds held in the separate depository account
1636 in the name of the direct-support organization must revert to
1637 the department if the direct-support organization is no longer
1638 approved by the department to operate in the best interests of
1639 the state.

1640 (i) The department may adopt rules under s. 120.54 to
1641 govern the use of administrative services, property, or
1642 facilities of the department or office by the direct-support
1643 organization.

1644 (j) The department may not permit the use of any
1645 administrative services, property, or facilities of the state by
1646 a direct-support organization if that organization does not
1647 provide equal membership and employment opportunities to all
1648 persons regardless of race, color, religion, gender, age, or
1649 national origin.

1650 (k) This subsection is repealed October 1, 2027, unless
1651 reviewed and saved from repeal by the Legislature.

1652 (16) The department shall adopt rules necessary to
1653 implement this section.

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1654 Section 12. Section 893.0551, Florida Statutes, is amended
1655 to read:

1656 893.0551 Public records exemption for the prescription drug
1657 monitoring program.—

1658 (1) For purposes of this section, the terms used in this
1659 section have the same meanings as provided in s. 893.055.

1660 (2) The following information of a patient or patient's
1661 agent, a health care practitioner, a dispenser, an employee of
1662 the practitioner who is acting on behalf of and at the direction
1663 of the practitioner, a pharmacist, or a pharmacy that is
1664 contained in records held by the department under s. 893.055 is
1665 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1666 of the State Constitution:

1667 (a) Name.

1668 (b) Address.

1669 (c) Telephone number.

1670 (d) Insurance plan number.

1671 (e) Government-issued identification number.

1672 (f) Provider number.

1673 (g) Drug Enforcement Administration number.

1674 (h) Any other unique identifying information or number.

1675 (3) The department shall disclose such ~~confidential and~~
1676 ~~exempt~~ information to the following persons or entities upon
1677 request and after using a verification process to ensure the
1678 legitimacy of the request as provided in s. 893.055:

1679 (a) A health care practitioner, or his or her designee, who
1680 certifies that the information is necessary to provide medical
1681 treatment to a current patient in accordance with ss. 893.05 and
1682 893.055.

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1683 (b) A qualified physician, to review a patient's controlled
1684 drug prescription history before issuing a physician
1685 certification pursuant to s. 381.986.

1686 (c) An employee of the United States Department of Veterans
1687 Affairs, United States Department of Defense, or the Indian
1688 Health Service who provides health care services pursuant to
1689 such employment and who has the authority to prescribe
1690 controlled substances shall have access to the information in
1691 the program's system upon verification of such employment.

1692 (d) The program manager and designated support staff for
1693 administration of the program, and to provide relevant
1694 information to the prescriber, dispenser, and appropriate law
1695 enforcement agencies, in accordance with s. 893.055.

1696 (e) The department for investigations involving licensees
1697 authorized to prescribe or dispense controlled substances. The
1698 department may request information from the program but may not
1699 have direct access to its system. The department may provide to
1700 a law enforcement agency pursuant to ss. 456.066 and 456.073
1701 only information that is relevant to the specific controlled
1702 substances investigation that prompted the request for the
1703 information.

1704 (f) ~~(a)~~ The Attorney General or his or her designee when
1705 working on Medicaid fraud cases involving prescribed controlled
1706 substances ~~prescription drugs~~ or when the Attorney General has
1707 initiated a review of specific identifiers of Medicaid fraud or
1708 specific identifiers that warrant a Medicaid investigation
1709 regarding prescribed controlled substances ~~prescription drugs~~.
1710 The Attorney General's Medicaid fraud investigators may not have
1711 direct access to the department's system ~~database~~. The Attorney

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1712 General or his or her designee may disclose to a criminal
1713 justice agency, as defined in s. 119.011, only the ~~confidential~~
1714 ~~and exempt~~ information received from the department that is
1715 relevant to an identified active investigation that prompted the
1716 request for the information.

1717 (g) ~~(b)~~ The department's relevant health care regulatory
1718 boards responsible for the licensure, regulation, or discipline
1719 of a practitioner, pharmacist, or other person who is authorized
1720 to prescribe, administer, or dispense controlled substances and
1721 who is involved in a specific controlled substances
1722 investigation for prescription drugs involving a designated
1723 person. The health care regulatory boards may request
1724 information from the department but may not have direct access
1725 to its database. The health care regulatory boards may provide
1726 to a law enforcement agency pursuant to ss. 456.066 and 456.073
1727 only information that is relevant to the specific controlled
1728 substances investigation that prompted the request for the
1729 information.

1730 (h) ~~(e)~~ A law enforcement agency that has initiated an
1731 active investigation involving a specific violation of law
1732 regarding prescription drug abuse or diversion of prescribed
1733 controlled substances and that has entered into a user agreement
1734 with the department. A law enforcement agency may request
1735 information from the department but may not have direct access
1736 to its system ~~database~~. The law enforcement agency may disclose
1737 to a criminal justice agency, as defined in s. 119.011, only
1738 ~~confidential and exempt~~ information received from the department
1739 that is relevant to an identified active investigation that
1740 prompted the request for such information.

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1741 (i) A district medical examiner or associate medical
1742 examiner, as described in s. 406.06, pursuant to his or her
1743 official duties, as required by s. 406.11, to determine the
1744 cause of death of an individual. Such medical examiners may
1745 request information from the department but may not have direct
1746 access to the system

1747 ~~(d) A health care practitioner, or his or her designee, who~~
1748 ~~certifies that the information is necessary to provide medical~~
1749 ~~treatment to a current patient in accordance with ss. 893.05 and~~
1750 ~~893.055.~~

1751 ~~(e) A pharmacist, or his or her designee, who certifies~~
1752 ~~that the requested information will be used to dispense~~
1753 ~~controlled substances to a current patient in accordance with~~
1754 ~~ss. 893.04 and 893.055.~~

1755 ~~(f) A patient or the legal guardian or designated health~~
1756 ~~care surrogate for an incapacitated patient, if applicable,~~
1757 ~~making a request as provided in s. 893.055(7)(c)4.~~

1758 ~~(g) The patient's pharmacy, prescriber, or dispenser, or~~
1759 ~~the designee of the pharmacy, prescriber, or dispenser, who~~
1760 ~~certifies that the information is necessary to provide medical~~
1761 ~~treatment to his or her current patient in accordance with s.~~
1762 ~~893.055.~~

1763 (j)~~(h)~~ An impaired practitioner consultant who has been
1764 authorized in writing by a participant in, or by a referral to,
1765 the impaired practitioner program to access and review
1766 information as provided in s. 893.055(5)(e) ~~893.055(7)(c)5~~.

1767 (k) A patient or the legal guardian or designated health
1768 care surrogate for an incapacitated patient, if applicable,
1769 making a request as provided in s. 893.055(5)(f).

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1770 (4) If the department determines consistent with its rules
1771 that a pattern of controlled substance abuse exists, the
1772 department may disclose such confidential and exempt information
1773 to the applicable law enforcement agency in accordance with s.
1774 893.055. The law enforcement agency may disclose to a criminal
1775 justice agency, as defined in s. 119.011, only ~~confidential and~~
1776 ~~exempt~~ information received from the department that is relevant
1777 to an identified active investigation that is specific to a
1778 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
1779 893.13(8)(b).

1780 (5) Before disclosing ~~confidential and exempt~~ information
1781 to a criminal justice agency or a law enforcement agency
1782 pursuant to this section, the disclosing person or entity must
1783 take steps to ensure the continued confidentiality of all
1784 ~~confidential and exempt~~ information. At a minimum, these steps
1785 must include redacting any nonrelevant information.

1786 (6) An agency or person who obtains any ~~confidential and~~
1787 ~~exempt~~ information pursuant to this section must maintain the
1788 confidential and exempt status of that information and may not
1789 disclose such information unless authorized by law. Information
1790 shared with a state attorney pursuant to paragraph (3)(f) ~~(3)(a)~~
1791 or paragraph (3)(h) ~~(3)(e)~~ may be released only in response to a
1792 discovery demand if such information is directly related to the
1793 criminal case for which the information was requested. Unrelated
1794 information may be released only upon an order of a court of
1795 competent jurisdiction.

1796 (7) A person who willfully and knowingly violates this
1797 section commits a felony of the third degree, punishable as
1798 provided in s. 775.082, s. 775.083, or s. 775.084.

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1799 Section 13. Effective January 1, 2019, paragraphs (pp) and
1800 (qq) of subsection (1) of section 458.331, Florida Statutes, are
1801 amended to read:

1802 458.331 Grounds for disciplinary action; action by the
1803 board and department.—

1804 (1) The following acts constitute grounds for denial of a
1805 license or disciplinary action, as specified in s. 456.072(2):

1806 (pp) Applicable to a licensee who serves as the designated
1807 physician of a pain-management clinic as defined in s. 458.3265
1808 or s. 459.0137:

1809 1. Registering a pain-management clinic through
1810 misrepresentation or fraud;

1811 2. Procuring, or attempting to procure, the registration of
1812 a pain-management clinic for any other person by making or
1813 causing to be made, any false representation;

1814 3. Failing to comply with any requirement of chapter 499,
1815 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
1816 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
1817 the Drug Abuse Prevention and Control Act; or chapter 893, the
1818 Florida Comprehensive Drug Abuse Prevention and Control Act;

1819 4. Being convicted or found guilty of, regardless of
1820 adjudication to, a felony or any other crime involving moral
1821 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
1822 the courts of this state, of any other state, or of the United
1823 States;

1824 5. Being convicted of, or disciplined by a regulatory
1825 agency of the Federal Government or a regulatory agency of
1826 another state for, any offense that would constitute a violation
1827 of this chapter;

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1828 6. Being convicted of, or entering a plea of guilty or nolo
1829 contendere to, regardless of adjudication, a crime in any
1830 jurisdiction of the courts of this state, of any other state, or
1831 of the United States which relates to the practice of, or the
1832 ability to practice, a licensed health care profession;

1833 7. Being convicted of, or entering a plea of guilty or nolo
1834 contendere to, regardless of adjudication, a crime in any
1835 jurisdiction of the courts of this state, of any other state, or
1836 of the United States which relates to health care fraud;

1837 8. Dispensing any medicinal drug based upon a communication
1838 that purports to be a prescription as defined in s. 465.003(14)
1839 or s. 893.02 if the dispensing practitioner knows or has reason
1840 to believe that the purported prescription is not based upon a
1841 valid practitioner-patient relationship; or

1842 9. Failing to timely notify the board of the date of his or
1843 her termination from a pain-management clinic as required by s.
1844 458.3265(3) ~~458.3265(2)~~.

1845 (qq) Failing to timely notify the department of the theft
1846 of prescription blanks from a pain-management clinic or a breach
1847 of other methods for prescribing within 24 hours as required by
1848 s. 458.3265(3) ~~458.3265(2)~~.

1849 Section 14. Effective January 1, 2019, Paragraphs (rr) and
1850 (ss) of subsection (1) of section 459.015, Florida Statutes, are
1851 amended to read:

1852 459.015 Grounds for disciplinary action; action by the
1853 board and department.—

1854 (1) The following acts constitute grounds for denial of a
1855 license or disciplinary action, as specified in s. 456.072(2):

1856 (rr) Applicable to a licensee who serves as the designated

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1857 physician of a pain-management clinic as defined in s. 458.3265
1858 or s. 459.0137:

1859 1. Registering a pain-management clinic through
1860 misrepresentation or fraud;

1861 2. Procuring, or attempting to procure, the registration of
1862 a pain-management clinic for any other person by making or
1863 causing to be made, any false representation;

1864 3. Failing to comply with any requirement of chapter 499,
1865 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
1866 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
1867 the Drug Abuse Prevention and Control Act; or chapter 893, the
1868 Florida Comprehensive Drug Abuse Prevention and Control Act;

1869 4. Being convicted or found guilty of, regardless of
1870 adjudication to, a felony or any other crime involving moral
1871 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
1872 the courts of this state, of any other state, or of the United
1873 States;

1874 5. Being convicted of, or disciplined by a regulatory
1875 agency of the Federal Government or a regulatory agency of
1876 another state for, any offense that would constitute a violation
1877 of this chapter;

1878 6. Being convicted of, or entering a plea of guilty or nolo
1879 contendere to, regardless of adjudication, a crime in any
1880 jurisdiction of the courts of this state, of any other state, or
1881 of the United States which relates to the practice of, or the
1882 ability to practice, a licensed health care profession;

1883 7. Being convicted of, or entering a plea of guilty or nolo
1884 contendere to, regardless of adjudication, a crime in any
1885 jurisdiction of the courts of this state, of any other state, or

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1886 of the United States which relates to health care fraud;

1887 8. Dispensing any medicinal drug based upon a communication
1888 that purports to be a prescription as defined in s. 465.003(14)
1889 or s. 893.02 if the dispensing practitioner knows or has reason
1890 to believe that the purported prescription is not based upon a
1891 valid practitioner-patient relationship; or

1892 9. Failing to timely notify the board of the date of his or
1893 her termination from a pain-management clinic as required by s.
1894 459.0137(3) ~~459.0137(2)~~.

1895 (ss) Failing to timely notify the department of the theft
1896 of prescription blanks from a pain-management clinic or a breach
1897 of other methods for prescribing within 24 hours as required by
1898 s. 459.0137(3) ~~459.0137(2)~~.

1899 Section 15. Paragraph (b) of subsection (4) of section
1900 463.0055, Florida Statutes, is amended to read:

1901 463.0055 Administration and prescription of ocular
1902 pharmaceutical agents.—

1903 (4) A certified optometrist shall be issued a prescriber
1904 number by the board. Any prescription written by a certified
1905 optometrist for an ocular pharmaceutical agent pursuant to this
1906 section shall have the prescriber number printed thereon. A
1907 certified optometrist may not administer or prescribe:

1908 (b) A controlled substance for the treatment of chronic
1909 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1910 Section 16. Paragraph (a) of subsection (1) of section
1911 782.04, Florida Statutes, is amended to read:

1912 782.04 Murder.—

1913 (1) (a) The unlawful killing of a human being:

1914 1. When perpetrated from a premeditated design to effect

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1915 the death of the person killed or any human being;

1916 2. When committed by a person engaged in the perpetration
1917 of, or in the attempt to perpetrate, any:

1918 a. Trafficking offense prohibited by s. 893.135(1),

1919 b. Arson,

1920 c. Sexual battery,

1921 d. Robbery,

1922 e. Burglary,

1923 f. Kidnapping,

1924 g. Escape,

1925 h. Aggravated child abuse,

1926 i. Aggravated abuse of an elderly person or disabled adult,

1927 j. Aircraft piracy,

1928 k. Unlawful throwing, placing, or discharging of a
1929 destructive device or bomb,

1930 l. Carjacking,

1931 m. Home-invasion robbery,

1932 n. Aggravated stalking,

1933 o. Murder of another human being,

1934 p. Resisting an officer with violence to his or her person,

1935 q. Aggravated fleeing or eluding with serious bodily injury
1936 or death,

1937 r. Felony that is an act of terrorism or is in furtherance
1938 of an act of terrorism, including a felony under s. 775.30, s.
1939 775.32, s. 775.33, s. 775.34, or s. 775.35, or

1940 s. Human trafficking; or

1941 3. Which resulted from the unlawful distribution by a
1942 person 18 years of age or older of any of the following
1943 substances, or mixture containing any of the following

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1944 substances, when such substance or mixture is proven to be the
 1945 proximate cause of the death of the user:

1946 a. A substance controlled under s. 893.03(1);

1947 b. Cocaine, as described in s. 893.03(2)(a)4.;

1948 c. Opium or any synthetic or natural salt, compound,
 1949 derivative, or preparation of opium;

1950 d. Methadone;

1951 e. Alfentanil, as described in s. 893.03(2)(b)1.;

1952 f. Carfentanil, as described in s. 893.03(2)(b)6.;

1953 g. Fentanyl, as described in s. 893.03(2)(b)9.;

1954 h. Sufentanil, as described in s. 893.03(2)(b)30.

1955 ~~893.03(2)(b)29.~~; or

1956 i. A controlled substance analog, as described in s.
 1957 893.0356, of any substance specified in sub-subparagraphs a.-h.,

1958
 1959 is murder in the first degree and constitutes a capital felony,
 1960 punishable as provided in s. 775.082.

1961 Section 17. Paragraphs (a), (c), (d), (e), (f), and (h) of
 1962 subsection (1), subsection (2), paragraphs (a) and (b) of
 1963 subsection (4), and subsection (5) of section 893.13, Florida
 1964 Statutes, are amended to read:

1965 893.13 Prohibited acts; penalties.—

1966 (1) (a) Except as authorized by this chapter and chapter
 1967 499, a person may not sell, manufacture, or deliver, or possess
 1968 with intent to sell, manufacture, or deliver, a controlled
 1969 substance. A person who violates this provision with respect to:

1970 1. A controlled substance named or described in s.

1971 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1972 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as

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1973 provided in s. 775.082, s. 775.083, or s. 775.084.

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

1979 3. A controlled substance named or described in s.
 1980 893.03(5) commits a misdemeanor of the first degree, punishable
 1981 as provided in s. 775.082 or s. 775.083.

1982 (c) Except as authorized by this chapter, a person may not
 1983 sell, manufacture, or deliver, or possess with intent to sell,
 1984 manufacture, or deliver, a controlled substance in, on, or
 1985 within 1,000 feet of the real property comprising a child care
 1986 facility as defined in s. 402.302 or a public or private
 1987 elementary, middle, or secondary school between the hours of 6
 1988 a.m. and 12 midnight, or at any time in, on, or within 1,000
 1989 feet of real property comprising a state, county, or municipal
 1990 park, a community center, or a publicly owned recreational
 1991 facility. As used in this paragraph, the term "community center"
 1992 means a facility operated by a nonprofit community-based
 1993 organization for the provision of recreational, social, or
 1994 educational services to the public. A person who violates this
 1995 paragraph with respect to:

1996 1. A controlled substance named or described in s.
 1997 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1998 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
 1999 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
 2000 must be sentenced to a minimum term of imprisonment of 3
 2001 calendar years unless the offense was committed within 1,000

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2002 feet of the real property comprising a child care facility as
2003 defined in s. 402.302.

2004 2. A controlled substance named or described in s.
2005 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
2006 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2007 felony of the second degree, punishable as provided in s.
2008 775.082, s. 775.083, or s. 775.084.

2009 3. Any other controlled substance, except as lawfully sold,
2010 manufactured, or delivered, must be sentenced to pay a \$500 fine
2011 and to serve 100 hours of public service in addition to any
2012 other penalty prescribed by law.

2013
2014 This paragraph does not apply to a child care facility unless
2015 the owner or operator of the facility posts a sign that is not
2016 less than 2 square feet in size with a word legend identifying
2017 the facility as a licensed child care facility and that is
2018 posted on the property of the child care facility in a
2019 conspicuous place where the sign is reasonably visible to the
2020 public.

2021 (d) Except as authorized by this chapter, a person may not
2022 sell, manufacture, or deliver, or possess with intent to sell,
2023 manufacture, or deliver, a controlled substance in, on, or
2024 within 1,000 feet of the real property comprising a public or
2025 private college, university, or other postsecondary educational
2026 institution. A person who violates this paragraph with respect
2027 to:

2028 1. A controlled substance named or described in s.
2029 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2030 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as

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2031 provided in s. 775.082, s. 775.083, or s. 775.084.

2032 2. A controlled substance named or described in s.
2033 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
2034 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2035 felony of the second degree, punishable as provided in s.
2036 775.082, s. 775.083, or s. 775.084.

2037 3. Any other controlled substance, except as lawfully sold,
2038 manufactured, or delivered, must be sentenced to pay a \$500 fine
2039 and to serve 100 hours of public service in addition to any
2040 other penalty prescribed by law.

2041 (e) Except as authorized by this chapter, a person may not
2042 sell, manufacture, or deliver, or possess with intent to sell,
2043 manufacture, or deliver, a controlled substance not authorized
2044 by law in, on, or within 1,000 feet of a physical place for
2045 worship at which a church or religious organization regularly
2046 conducts religious services or within 1,000 feet of a
2047 convenience business as defined in s. 812.171. A person who
2048 violates this paragraph with respect to:

2049 1. A controlled substance named or described in s.
2050 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2051 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
2052 provided in s. 775.082, s. 775.083, or s. 775.084.

2053 2. A controlled substance named or described in s.
2054 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
2055 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2056 felony of the second degree, punishable as provided in s.
2057 775.082, s. 775.083, or s. 775.084.

2058 3. Any other controlled substance, except as lawfully sold,
2059 manufactured, or delivered, must be sentenced to pay a \$500 fine

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2060 and to serve 100 hours of public service in addition to any
2061 other penalty prescribed by law.

2062 (f) Except as authorized by this chapter, a person may not
2063 sell, manufacture, or deliver, or possess with intent to sell,
2064 manufacture, or deliver, a controlled substance in, on, or
2065 within 1,000 feet of the real property comprising a public
2066 housing facility at any time. As used in this section, the term
2067 "real property comprising a public housing facility" means real
2068 property, as defined in s. 421.03(12), of a public corporation
2069 created as a housing authority pursuant to part I of chapter
2070 421. A person who violates this paragraph with respect to:

2071 1. A controlled substance named or described in s.
2072 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2073 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
2074 provided in s. 775.082, s. 775.083, or s. 775.084.

2075 2. A controlled substance named or described in s.
2076 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.7~~ (2)(c)6.,
2077 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2078 felony of the second degree, punishable as provided in s.
2079 775.082, s. 775.083, or s. 775.084.

2080 3. Any other controlled substance, except as lawfully sold,
2081 manufactured, or delivered, must be sentenced to pay a \$500 fine
2082 and to serve 100 hours of public service in addition to any
2083 other penalty prescribed by law.

2084 (h) Except as authorized by this chapter, a person may not
2085 sell, manufacture, or deliver, or possess with intent to sell,
2086 manufacture, or deliver, a controlled substance in, on, or
2087 within 1,000 feet of the real property comprising an assisted
2088 living facility, as that term is used in chapter 429. A person

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2089 who violates this paragraph with respect to:

2090 1. A controlled substance named or described in s.
2091 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2092 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
2093 provided in s. 775.082, s. 775.083, or s. 775.084.

2094 2. A controlled substance named or described in s.
2095 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2096 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2097 felony of the second degree, punishable as provided in s.
2098 775.082, s. 775.083, or s. 775.084.

2099 3. Any other controlled substance, except as lawfully sold,
2100 manufactured, or delivered, must be sentenced to pay a \$500 fine
2101 and to serve 100 hours of public service in addition to any
2102 other penalty prescribed by law.

2103 (2)(a) Except as authorized by this chapter and chapter
2104 499, a person may not purchase, or possess with intent to
2105 purchase, a controlled substance. A person who violates this
2106 provision with respect to:

2107 1. A controlled substance named or described in s.
2108 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2109 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
2110 provided in s. 775.082, s. 775.083, or s. 775.084.

2111 2. A controlled substance named or described in s.
2112 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2113 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2114 felony of the third degree, punishable as provided in s.
2115 775.082, s. 775.083, or s. 775.084.

2116 3. A controlled substance named or described in s.
2117 893.03(5) commits a misdemeanor of the first degree, punishable

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2118 as provided in s. 775.082 or s. 775.083.

2119 (b) Except as provided in this chapter, a person may not
2120 purchase more than 10 grams of any substance named or described
2121 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
2122 mixture containing any such substance. A person who violates
2123 this paragraph commits a felony of the first degree, punishable
2124 as provided in s. 775.082, s. 775.083, or s. 775.084.

2125 (4) Except as authorized by this chapter, a person 18 years
2126 of age or older may not deliver any controlled substance to a
2127 person younger than 18 years of age, use or hire a person
2128 younger than 18 years of age as an agent or employee in the sale
2129 or delivery of such a substance, or use such person to assist in
2130 avoiding detection or apprehension for a violation of this
2131 chapter. A person who violates this subsection with respect to:

2132 (a) A controlled substance named or described in s.
2133 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2134 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
2135 provided in s. 775.082, s. 775.083, or s. 775.084.

2136 (b) A controlled substance named or described in s.
2137 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2138 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2139 felony of the second degree, punishable as provided in s.
2140 775.082, s. 775.083, or s. 775.084.

2141
2142 Imposition of sentence may not be suspended or deferred, and the
2143 person so convicted may not be placed on probation.

2144 (5) A person may not bring into this state any controlled
2145 substance unless the possession of such controlled substance is
2146 authorized by this chapter or unless such person is licensed to

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2147 do so by the appropriate federal agency. A person who violates
2148 this provision with respect to:

2149 (a) A controlled substance named or described in s.
2150 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2151 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
2152 provided in s. 775.082, s. 775.083, or s. 775.084.

2153 (b) A controlled substance named or described in s.
2154 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
2155 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
2156 felony of the third degree, punishable as provided in s.
2157 775.082, s. 775.083, or s. 775.084.

2158 (c) A controlled substance named or described in s.
2159 893.03(5) commits a misdemeanor of the first degree, punishable
2160 as provided in s. 775.082 or s. 775.083.

2161 Section 18. Paragraphs (c) and (f) of subsection (1) of
2162 section 893.135, Florida Statutes, are amended to read:

2163 893.135 Trafficking; mandatory sentences; suspension or
2164 reduction of sentences; conspiracy to engage in trafficking.—

2165 (1) Except as authorized in this chapter or in chapter 499
2166 and notwithstanding the provisions of s. 893.13:

2167 (c)1. A person who knowingly sells, purchases,
2168 manufactures, delivers, or brings into this state, or who is
2169 knowingly in actual or constructive possession of, 4 grams or
2170 more of any morphine, opium, hydromorphone, or any salt,
2171 derivative, isomer, or salt of an isomer thereof, including
2172 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
2173 (3)(c)4., or 4 grams or more of any mixture containing any such
2174 substance, but less than 30 kilograms of such substance or
2175 mixture, commits a felony of the first degree, which felony

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2176 shall be known as "trafficking in illegal drugs," punishable as
2177 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2178 quantity involved:

2179 a. Is 4 grams or more, but less than 14 grams, such person
2180 shall be sentenced to a mandatory minimum term of imprisonment
2181 of 3 years and shall be ordered to pay a fine of \$50,000.

2182 b. Is 14 grams or more, but less than 28 grams, such person
2183 shall be sentenced to a mandatory minimum term of imprisonment
2184 of 15 years and shall be ordered to pay a fine of \$100,000.

2185 c. Is 28 grams or more, but less than 30 kilograms, such
2186 person shall be sentenced to a mandatory minimum term of
2187 imprisonment of 25 years and shall be ordered to pay a fine of
2188 \$500,000.

2189 2. A person who knowingly sells, purchases, manufactures,
2190 delivers, or brings into this state, or who is knowingly in
2191 actual or constructive possession of, 14 grams or more of
2192 hydrocodone, as described in s. 893.03(2)(a)1.k.

2193 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,
2194 or any salt thereof, or 14 grams or more of any mixture
2195 containing any such substance, commits a felony of the first
2196 degree, which felony shall be known as "trafficking in
2197 hydrocodone," punishable as provided in s. 775.082, s. 775.083,
2198 or s. 775.084. If the quantity involved:

2199 a. Is 14 grams or more, but less than 28 grams, such person
2200 shall be sentenced to a mandatory minimum term of imprisonment
2201 of 3 years and shall be ordered to pay a fine of \$50,000.

2202 b. Is 28 grams or more, but less than 50 grams, such person
2203 shall be sentenced to a mandatory minimum term of imprisonment
2204 of 7 years and shall be ordered to pay a fine of \$100,000.

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2205 c. Is 50 grams or more, but less than 200 grams, such
2206 person shall be sentenced to a mandatory minimum term of
2207 imprisonment of 15 years and shall be ordered to pay a fine of
2208 \$500,000.

2209 d. Is 200 grams or more, but less than 30 kilograms, such
2210 person shall be sentenced to a mandatory minimum term of
2211 imprisonment of 25 years and shall be ordered to pay a fine of
2212 \$750,000.

2213 3. A person who knowingly sells, purchases, manufactures,
2214 delivers, or brings into this state, or who is knowingly in
2215 actual or constructive possession of, 7 grams or more of
2216 oxycodone, as described in s. 893.03(2)(a)1.g. ~~893.03(2)(a)1.e.~~,
2217 or any salt thereof, or 7 grams or more of any mixture
2218 containing any such substance, commits a felony of the first
2219 degree, which felony shall be known as "trafficking in
2220 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
2221 s. 775.084. If the quantity involved:

2222 a. Is 7 grams or more, but less than 14 grams, such person
2223 shall be sentenced to a mandatory minimum term of imprisonment
2224 of 3 years and shall be ordered to pay a fine of \$50,000.

2225 b. Is 14 grams or more, but less than 25 grams, such person
2226 shall be sentenced to a mandatory minimum term of imprisonment
2227 of 7 years and shall be ordered to pay a fine of \$100,000.

2228 c. Is 25 grams or more, but less than 100 grams, such
2229 person shall be sentenced to a mandatory minimum term of
2230 imprisonment of 15 years and shall be ordered to pay a fine of
2231 \$500,000.

2232 d. Is 100 grams or more, but less than 30 kilograms, such
2233 person shall be sentenced to a mandatory minimum term of

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2234 imprisonment of 25 years and shall be ordered to pay a fine of
2235 \$750,000.

2236 4.a. A person who knowingly sells, purchases, manufactures,
2237 delivers, or brings into this state, or who is knowingly in
2238 actual or constructive possession of, 4 grams or more of:

2239 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2240 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2241 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2242 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2243 ~~893.03(2)(b)29.;~~

2244 (V) A fentanyl derivative, as described in s.

2245 893.03(1)(a)62.;

2246 (VI) A controlled substance analog, as described in s.

2247 893.0356, of any substance described in sub-sub-subparagraphs

2248 (I)-(V); or

2249 (VII) A mixture containing any substance described in sub-
2250 sub-subparagraphs (I)-(VI),

2251
2252 commits a felony of the first degree, which felony shall be
2253 known as "trafficking in fentanyl," punishable as provided in s.
2254 775.082, s. 775.083, or s. 775.084.

2255 b. If the quantity involved under sub-subparagraph a.:

2256 (I) Is 4 grams or more, but less than 14 grams, such person
2257 shall be sentenced to a mandatory minimum term of imprisonment
2258 of 3 years, and shall be ordered to pay a fine of \$50,000.

2259 (II) Is 14 grams or more, but less than 28 grams, such
2260 person shall be sentenced to a mandatory minimum term of
2261 imprisonment of 15 years, and shall be ordered to pay a fine of
2262 \$100,000.

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2263 (III) Is 28 grams or more, such person shall be sentenced
2264 to a mandatory minimum term of imprisonment of 25 years, and
2265 shall be ordered to pay a fine of \$500,000.

2266 5. A person who knowingly sells, purchases, manufactures,
2267 delivers, or brings into this state, or who is knowingly in
2268 actual or constructive possession of, 30 kilograms or more of
2269 any morphine, opium, oxycodone, hydrocodone, codeine,
2270 hydromorphone, or any salt, derivative, isomer, or salt of an
2271 isomer thereof, including heroin, as described in s.
2272 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2273 more of any mixture containing any such substance, commits the
2274 first degree felony of trafficking in illegal drugs. A person
2275 who has been convicted of the first degree felony of trafficking
2276 in illegal drugs under this subparagraph shall be punished by
2277 life imprisonment and is ineligible for any form of
2278 discretionary early release except pardon or executive clemency
2279 or conditional medical release under s. 947.149. However, if the
2280 court determines that, in addition to committing any act
2281 specified in this paragraph:

2282 a. The person intentionally killed an individual or
2283 counseled, commanded, induced, procured, or caused the
2284 intentional killing of an individual and such killing was the
2285 result; or

2286 b. The person's conduct in committing that act led to a
2287 natural, though not inevitable, lethal result,
2288
2289 such person commits the capital felony of trafficking in illegal
2290 drugs, punishable as provided in ss. 775.082 and 921.142. A
2291 person sentenced for a capital felony under this paragraph shall

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2292 also be sentenced to pay the maximum fine provided under
2293 subparagraph 1.

2294 6. A person who knowingly brings into this state 60
2295 kilograms or more of any morphine, opium, oxycodone,
2296 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2297 isomer, or salt of an isomer thereof, including heroin, as
2298 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2299 60 kilograms or more of any mixture containing any such
2300 substance, and who knows that the probable result of such
2301 importation would be the death of a person, commits capital
2302 importation of illegal drugs, a capital felony punishable as
2303 provided in ss. 775.082 and 921.142. A person sentenced for a
2304 capital felony under this paragraph shall also be sentenced to
2305 pay the maximum fine provided under subparagraph 1.

2306 (f)1. Any person who knowingly sells, purchases,
2307 manufactures, delivers, or brings into this state, or who is
2308 knowingly in actual or constructive possession of, 14 grams or
2309 more of amphetamine, as described in s. 893.03(2)(c)2., or
2310 methamphetamine, as described in s. 893.03(2)(c)5.
2311 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or
2312 methamphetamine, or phenylacetone, phenylacetic acid,
2313 pseudoephedrine, or ephedrine in conjunction with other
2314 chemicals and equipment utilized in the manufacture of
2315 amphetamine or methamphetamine, commits a felony of the first
2316 degree, which felony shall be known as "trafficking in
2317 amphetamine," punishable as provided in s. 775.082, s. 775.083,
2318 or s. 775.084. If the quantity involved:
2319 a. Is 14 grams or more, but less than 28 grams, such person
2320 shall be sentenced to a mandatory minimum term of imprisonment

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2321 of 3 years, and the defendant shall be ordered to pay a fine of
2322 \$50,000.

2323 b. Is 28 grams or more, but less than 200 grams, such
2324 person shall be sentenced to a mandatory minimum term of
2325 imprisonment of 7 years, and the defendant shall be ordered to
2326 pay a fine of \$100,000.

2327 c. Is 200 grams or more, such person shall be sentenced to
2328 a mandatory minimum term of imprisonment of 15 calendar years
2329 and pay a fine of \$250,000.

2330 2. Any person who knowingly manufactures or brings into
2331 this state 400 grams or more of amphetamine, as described in s.
2332 893.03(2)(c)2., or methamphetamine, as described in s.
2333 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing
2334 amphetamine or methamphetamine, or phenylacetone, phenylacetic
2335 acid, pseudoephedrine, or ephedrine in conjunction with other
2336 chemicals and equipment used in the manufacture of amphetamine
2337 or methamphetamine, and who knows that the probable result of
2338 such manufacture or importation would be the death of any person
2339 commits capital manufacture or importation of amphetamine, a
2340 capital felony punishable as provided in ss. 775.082 and
2341 921.142. Any person sentenced for a capital felony under this
2342 paragraph shall also be sentenced to pay the maximum fine
2343 provided under subparagraph 1.

2344 Section 19. Paragraphs (b) through (e) and (g) of
2345 subsection (3) of section 921.0022, Florida Statutes, are
2346 amended to read:

2347 921.0022 Criminal Punishment Code; offense severity ranking
2348 chart.—

2349 (3) OFFENSE SEVERITY RANKING CHART

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|---------------------|---------------|--|
| (b) LEVEL 2 | | |
| Florida Statute | Felony Degree | Description |
| 379.2431 (1) (e) 3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 379.2431 (1) (e) 4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 403.413 (6) (c) | 3rd | Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste. |
| 517.07 (2) | 3rd | Failure to furnish a prospectus meeting requirements. |
| 590.28 (1) | 3rd | Intentional burning of lands. |
| 784.05 (3) | 3rd | Storing or leaving a loaded firearm within reach of minor |

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| | | | |
|------|--------------------|-----|--|
| 2359 | | | who uses it to inflict injury or death. |
| 2360 | 787.04 (1) | 3rd | In violation of court order, take, entice, etc., minor beyond state limits. |
| 2361 | 806.13 (1) (b) 3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service. |
| 2362 | 810.061 (2) | 3rd | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary. |
| 2363 | 810.09 (2) (e) | 3rd | Trespassing on posted commercial horticulture property. |
| 2364 | 812.014 (2) (c) 1. | 3rd | Grand theft, 3rd degree; \$300 or more but less than \$5,000. |
| 2365 | 812.014 (2) (d) | 3rd | Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling. |

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- 2366
812.015 (7)
3rd
Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
- 2367
817.234 (1) (a) 2.
3rd
False statement in support of insurance claim.
- 2368
817.481 (3) (a)
3rd
Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
- 2369
817.52 (3)
3rd
Failure to redeliver hired vehicle.
- 2370
817.54
3rd
With intent to defraud, obtain mortgage note, etc., by false representation.
- 2371
817.60 (5)
3rd
Dealing in credit cards of another.
- 2372
817.60 (6) (a)
3rd
Forgery; purchase goods, services with false card.
- 817.61
3rd
Fraudulent use of credit cards over \$100 or more within 6 months.

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| | | |
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| 826.04 | 3rd | Knowingly marries or has sexual intercourse with person to whom related. |
| 831.01 | 3rd | Forgery. |
| 831.02 | 3rd | Uttering forged instrument; utters or publishes alteration with intent to defraud. |
| 831.07 | 3rd | Forging bank bills, checks, drafts, or promissory notes. |
| 831.08 | 3rd | Possessing 10 or more forged notes, bills, checks, or drafts. |
| 831.09 | 3rd | Uttering forged notes, bills, checks, drafts, or promissory notes. |
| 831.11 | 3rd | Bringing into the state forged bank bills, checks, drafts, or notes. |
| 832.05 (3) (a) | 3rd | Cashing or depositing item with intent to defraud. |

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2382

843.08 3rd False personation.

2383

893.13 (2) (a) 2. 3rd Purchase of any s.
 893.03 (1) (c), (2) (c) 1.,
 (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.~~,
 (2) (c) 6., (2) (c) 7., (2) (c) 8.,
 (2) (c) 9., (2) (c) 10., (3), or
 (4) drugs other than cannabis.

2384

893.147 (2) 3rd Manufacture or delivery of drug
 paraphernalia.

2385

2386

(c) LEVEL 3

2387

2388

| Florida Statute | Felony Degree | Description |
|--------------------|------------------|-------------|
|--------------------|------------------|-------------|

2389

| | | |
|----------------|-----|---|
| 119.10 (2) (b) | 3rd | Unlawful use of confidential information from police reports. |
|----------------|-----|---|

2390

| | | |
|--------------------------|-----|--|
| 316.066 (3) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
|--------------------------|-----|--|

2391

| | | |
|-----------------|-----|-----------------------------|
| 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction. |
|-----------------|-----|-----------------------------|

2392

| | | |
|--------------|-----|--------------------------------|
| 316.1935 (2) | 3rd | Fleeing or attempting to elude |
|--------------|-----|--------------------------------|

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|------|--------------|-----|---|
| | | | law enforcement officer in patrol vehicle with siren and lights activated. |
| 2393 | 319.30(4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 2394 | 319.33(1)(a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |
| 2395 | 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. |
| 2396 | 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 2397 | 327.35(2)(b) | 3rd | Felony BUI. |
| 2398 | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 2399 | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit |

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2400

or wrong ID number.

376.302 (5)

3rd

Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.

2401

379.2431
(1) (e) 5.

3rd

Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.

2402

379.2431
(1) (e) 6.

3rd

Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.

2403

379.2431
(1) (e) 7.

3rd

Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

2404

400.9935 (4) (a)

3rd

Operating a clinic, or offering

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| | | | |
|------|--------------------------|-----|---|
| 2405 | or (b) | | services requiring licensure, without a license. |
| 2406 | 400.9935 (4) (e) | 3rd | Filing a false license application or other required information or failing to report information. |
| 2407 | 440.1051 (3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 2408 | 501.001 (2) (b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 2409 | 624.401 (4) (a) | 3rd | Transacting insurance without a certificate of authority. |
| 2410 | 624.401 (4) (b) 1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than \$20,000. |
| 2411 | 626.902 (1) (a) & (b) | 3rd | Representing an unauthorized insurer. |

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2412

697.08 3rd Equity skimming.

2413

790.15 (3) 3rd Person directs another to discharge firearm from a vehicle.

2414

806.10 (1) 3rd Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.

2415

806.10 (2) 3rd Interferes with or assaults firefighter in performance of duty.

2416

810.09 (2) (c) 3rd Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.

2417

812.014 (2) (c) 2. 3rd Grand theft; \$5,000 or more but less than \$10,000.

2418

812.0145 (2) (c) 3rd Theft from person 65 years of age or older; \$300 or more but less than \$10,000.

2419

815.04 (5) (b) 2nd Computer offense devised to defraud or obtain property.

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| | | |
|--------------------------|-----|---|
| 817.034 (4) (a) 3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 817.233 | 3rd | Burning to defraud insurer. |
| 817.234 (8) (b) & (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 817.234 (11) (a) | 3rd | Insurance fraud; property value less than \$20,000. |
| 817.236 | 3rd | Filing a false motor vehicle insurance application. |
| 817.2361 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 817.413 (2) | 3rd | Sale of used goods as new. |
| 828.12 (2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |

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2428

831.28 (2) (a) 3rd Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

2429

831.29 2nd Possession of instruments for counterfeiting driver licenses or identification cards.

2430

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

2431

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

2432

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

2433

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

2434

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

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2435 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.

2436 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.

2437 893.13(4)(c) 3rd Use or hire of minor; deliver
 to minor other controlled
 substances.

2438 893.13(6)(a) 3rd Possession of any controlled
 substance other than felony
 possession of cannabis.

2439 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

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2440

controlled substance by fraud,
forgery, misrepresentation,
etc.

893.13(7)(a)10.

3rd

Affix false or forged label to
package of controlled
substance.

2441

893.13(7)(a)11.

3rd

Furnish false or fraudulent
material information on any
document or record required by
chapter 893.

2442

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.

2443

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.

2444

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2445

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

2446

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.

2447

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

2448

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

2449

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

2450

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

2451

2452

(d) LEVEL 4

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2453

Florida
Statute

Felony
Degree

Description

2454

316.1935 (3) (a)

2nd

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.

2455

499.0051 (1)

3rd

Failure to maintain or deliver transaction history, transaction information, or transaction statements.

2456

499.0051 (5)

2nd

Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.

2457

517.07 (1)

3rd

Failure to register securities.

2458

517.12 (1)

3rd

Failure of dealer,

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| | | | |
|------|-----------------|-----|--|
| 2459 | 784.07 (2) (b) | 3rd | associated person, or issuer of securities to register. |
| 2460 | 784.074 (1) (c) | 3rd | Battery of law enforcement officer, firefighter, etc. |
| 2461 | 784.075 | 3rd | Battery of sexually violent predators facility staff. |
| 2462 | 784.078 | 3rd | Battery on detention or commitment facility staff. |
| 2463 | 784.08 (2) (c) | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 2464 | 784.081 (3) | 3rd | Battery on a person 65 years of age or older. |
| 2465 | 784.082 (3) | 3rd | Battery on specified official or employee. |
| | | | Battery by detained |

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2466

person on visitor or
other detainee.

784.083 (3)

3rd

Battery on code
inspector.

2467

784.085

3rd

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

2468

787.03 (1)

3rd

Interference with
custody; wrongly takes
minor from appointed
guardian.

2469

787.04 (2)

3rd

Take, entice, or remove
child beyond state
limits with criminal
intent pending custody
proceedings.

2470

787.04 (3)

3rd

Carrying child beyond
state lines with
criminal intent to avoid
producing child at
custody hearing or
delivering to designated

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| | | | |
|------|-----------------|-----|---|
| | | | person. |
| 2471 | | | |
| | 787.07 | 3rd | Human smuggling. |
| 2472 | | | |
| | 790.115 (1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |
| 2473 | | | |
| | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |
| 2474 | | | |
| | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 2475 | | | |
| | 800.04 (7) (c) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 2476 | | | |
| | 810.02 (4) (a) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |
| 2477 | | | |
| | 810.02 (4) (b) | 3rd | Burglary, or attempted burglary, of an |

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| | | | unoccupied conveyance; unarmed; no assault or battery. |
| 2478 | 810.06 | 3rd | Burglary; possession of tools. |
| 2479 | 810.08 (2) (c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 2480 | 812.014 (2) (c) 3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 2481 | 812.014 (2) (c) 4.-10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc. |
| 2482 | 812.0195 (2) | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more. |
| 2483 | 817.505 (4) (a) | 3rd | Patient brokering. |
| 2484 | 817.563 (1) | 3rd | Sell or deliver substance other than controlled substance |

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| 2485 | | | agreed upon, excluding s. 893.03(5) drugs. |
| | 817.568 (2) (a) | 3rd | Fraudulent use of personal identification information. |
| 2486 | | | |
| | 817.625 (2) (a) | 3rd | Fraudulent use of scanning device, skimming device, or reencoder. |
| 2487 | | | |
| | 817.625 (2) (c) | 3rd | Possess, sell, or deliver skimming device. |
| 2488 | | | |
| | 828.125 (1) | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle. |
| 2489 | | | |
| | 837.02 (1) | 3rd | Perjury in official proceedings. |
| 2490 | | | |
| | 837.021 (1) | 3rd | Make contradictory statements in official proceedings. |
| 2491 | | | |

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| | 588-02151C-18 | | 20188c1 |
| 2492 | 838.022 | 3rd | Official misconduct. |
| | 839.13 (2) (a) | 3rd | Falsifying records of an individual in the care and custody of a state agency. |
| 2493 | | | |
| | 839.13 (2) (c) | 3rd | Falsifying records of the Department of Children and Families. |
| 2494 | | | |
| | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| 2495 | | | |
| | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication. |
| 2496 | | | |
| | 843.15 (1) (a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 2497 | | | |
| | 847.0135 (5) (c) | 3rd | Lewd or lascivious exhibition using |

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| 2498 | | | computer; offender less than 18 years. |
| | 874.05 (1) (a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 2499 | | | |
| | 893.13 (2) (a) 1. | 2nd | Purchase of cocaine (or other s. 893.03(1) (a), (b), or (d), (2) (a), (2) (b), or <u>(2) (c) 5.</u> (2) (c) 4. drugs). |
| 2500 | | | |
| | 914.14 (2) | 3rd | Witnesses accepting bribes. |
| 2501 | | | |
| | 914.22 (1) | 3rd | Force, threaten, etc., witness, victim, or informant. |
| 2502 | | | |
| | 914.23 (2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| 2503 | | | |
| | 918.12 | 3rd | Tampering with jurors. |
| 2504 | | | |
| | 934.215 | 3rd | Use of two-way communications device to |

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facilitate commission of
a crime.

2505
2506
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(e) LEVEL 5

| Florida Statute | Felony Degree | Description |
|------------------|---------------|--|
| 316.027 (2) (a) | 3rd | Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene. |
| 316.1935 (4) (a) | 2nd | Aggravated fleeing or eluding. |
| 316.80 (2) | 2nd | Unlawful conveyance of fuel; obtaining fuel fraudulently. |
| 322.34 (6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 327.30 (5) | 3rd | Vessel accidents involving personal injury; leaving scene. |

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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.

2517

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

2518

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

2519

381.0041(11)(b) 3rd Donate blood, plasma, or organs
knowing HIV positive.

2520

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2521

440.10 (1) (g) 2nd Failure to obtain workers' compensation coverage.

2522

440.105 (5) 2nd Unlawful solicitation for the purpose of making workers' compensation claims.

2523

440.381 (2) 2nd Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.

2524

624.401 (4) (b) 2. 2nd Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

2525

626.902 (1) (c) 2nd Representing an unauthorized insurer; repeat offender.

2526

790.01 (2) 3rd Carrying a concealed firearm.

2527

790.162 2nd Threat to throw or discharge destructive device.

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

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| | | | |
|------|------------------|-----|---|
| 2528 | | | in violent manner. |
| | 790.221 (1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 2529 | | | |
| | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 2530 | | | |
| | 796.05 (1) | 2nd | Live on earnings of a prostitute; 1st offense. |
| 2531 | | | |
| | 800.04 (6) (c) | 3rd | Lewd or lascivious conduct; offender less than 18 years of age. |
| 2532 | | | |
| | 800.04 (7) (b) | 2nd | Lewd or lascivious exhibition; offender 18 years of age or older. |
| 2533 | | | |
| | 806.111 (1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 2534 | | | |
| | 812.0145 (2) (b) | 2nd | Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000. |
| 2535 | | | |

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| | | | |
|------|---------------------------------|-----|--|
| 2536 | 812.015(8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 2537 | 812.019(1) | 2nd | Stolen property; dealing in or trafficking in. |
| 2538 | 812.131(2)(b) | 3rd | Robbery by sudden snatching. |
| 2539 | 812.16(2) | 3rd | Owning, operating, or conducting a chop shop. |
| 2540 | 817.034(4)(a)2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 2541 | 817.234(11)(b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 2542 | 817.2341(1), (2)(a) & (3)(a) | 3rd | Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity. |
| | 817.568(2)(b) | 2nd | Fraudulent use of personal identification information; value of benefit, services |

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| | | | |
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| | | | received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons. |
| 2543 | 817.611 (2) (a) | 2nd | Traffic in or possess 5 to 14 counterfeit credit cards or related documents. |
| 2544 | 817.625 (2) (b) | 2nd | Second or subsequent fraudulent use of scanning device, skimming device, or reencoder. |
| 2545 | 825.1025 (4) | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |
| 2546 | 827.071 (4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 2547 | 827.071 (5) | 3rd | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes |

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2548

sexual conduct by a child.

839.13(2)(b)

2nd

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

2549

843.01

3rd

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

2550

847.0135(5)(b)

2nd

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

2551

847.0137
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

2552

847.0138
(2) & (3)

3rd

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

2553

874.05(1)(b)

2nd

Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

2554

874.05(2)(a)

2nd

Encouraging or recruiting

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2555

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

893.13(1)(a)1.

2nd

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

2556

893.13(1)(c)2.

2nd

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

2557

893.13(1)(d)1.

1st

Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
~~(2)(c)4.~~ drugs) within 1,000
feet of university.

2558

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2559
2560
2561
2562
2563

893.13(1)(e)2. 2nd Sell, manufacture, or deliver
cannabis or other drug
prohibited under s.
893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3), or
(4) within 1,000 feet of
property used for religious
services or a specified
business site.

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

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

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

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2564 (g) LEVEL 7

2565

Florida
Statute

Felony
Degree

Description

2566

316.027 (2) (c)

1st

Accident involving death,
failure to stop; leaving
scene.

2567

316.193 (3) (c) 2.

3rd

DUI resulting in serious
bodily injury.

2568

316.1935 (3) (b)

1st

Causing serious bodily
injury or death to another
person; 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.

2569

327.35 (3) (c) 2.

3rd

Vessel BUI resulting in
serious bodily injury.

2570

402.319 (2)

2nd

Misrepresentation and
negligence or intentional
act resulting in great

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| | | | |
|------|-------------------------|-----|--|
| 2571 | 409.920 (2) (b) 1.a. | 3rd | bodily harm, permanent disfiguration, permanent disability, or death. Medicaid provider fraud; \$10,000 or less. |
| 2572 | 409.920 (2) (b) 1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000. |
| 2573 | 456.065 (2) | 3rd | Practicing a health care profession without a license. |
| 2574 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 2575 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 2576 | 459.013 (1) | 3rd | Practicing osteopathic medicine without a license. |
| 2577 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a |

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| | | | |
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| | | | license. |
| 2578 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |
| 2579 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 2580 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 2581 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 2582 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 2583 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 2584 | 467.201 | 3rd | Practicing midwifery without a license. |
| 2585 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 2586 | | | |

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| 2587 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 2588 | 483.901 (7) | 3rd | Practicing medical physics without a license. |
| 2589 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 2590 | 484.053 | 3rd | Dispensing hearing aids without a license. |
| 2591 | 494.0018 (2) | 1st | 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. |
| 2592 | 560.123 (8) (b) 1. | 3rd | Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business. |
| | 560.125 (5) (a) | 3rd | Money services business by |

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2593

unauthorized person,
 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.

2594

775.21 (10) (a)

3rd

Sexual predator; failure
 to register; failure to
 renew driver license or
 identification card; other
 registration violations.

2595

775.21 (10) (b)

3rd

Sexual predator working
 where children regularly
 congregate.

2596

775.21 (10) (g)

3rd

Failure to report or
 providing false
 information about a sexual
 predator; harbor or
 conceal a sexual predator.

2597

782.051 (3)

2nd

Attempted felony murder of
 a person by a person other

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| | | | |
|------|-----------------|-----|---|
| 2598 | 782.07(1) | 2nd | than the perpetrator or the perpetrator of an attempted felony. |
| 2599 | 782.071 | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |
| 2600 | 782.072 | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 2601 | 784.045(1)(a)1. | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 2602 | 784.045(1)(a)2. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 2603 | | | Aggravated battery; using deadly weapon. |

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| 2604 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| 2605 | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or court order. |
| 2606 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 2607 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 2608 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 2609 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 2610 | 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. |

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2611

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

2612

787.06(3)(a)2. 1st Human trafficking using
coercion for labor and
services of an adult.

2613

787.06(3)(e)2. 1st Human trafficking using
coercion for labor and
services by the transfer
or transport of an adult
from outside Florida to
within the state.

2614

790.07(4) 1st Specified weapons
violation subsequent to
previous conviction of s.
790.07(1) or (2).

2615

790.16(1) 1st Discharge of a machine gun
under specified
circumstances.

2616

790.165(2) 2nd Manufacture, sell,
possess, or deliver hoax
bomb.

2617

790.165(3) 2nd Possessing, displaying, or

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| | | | |
|------|-------------|---------|---|
| 2618 | 790.166 (3) | 2nd | threatening to use any hoax bomb while committing or attempting to commit a felony. |
| 2619 | 790.166 (4) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 2620 | 790.23 | 1st,PBL | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 2621 | 794.08 (4) | 3rd | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| 2622 | | | Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age. |

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| 2623 | 796.05 (1) | 1st | Live on earnings of a prostitute; 2nd offense. |
| 2624 | 796.05 (1) | 1st | Live on earnings of a prostitute; 3rd and subsequent offense. |
| 2625 | 800.04 (5) (c) 1. | 2nd | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age. |
| 2626 | 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. |
| 2627 | 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. |
| | 806.01 (2) | 2nd | Maliciously damage |

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| | | | structure by fire or explosive. |
| 2628 | 810.02 (3) (a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 2629 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 2630 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 2631 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 2632 | 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. |
| 2633 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than |

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| | | | \$50,000, grand theft in 2nd degree. |
| 2634 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 2635 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |
| 2636 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 2637 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 2638 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 2639 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 2640 | | | |

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| 2641 | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |
| 2642 | 817.234 (8) (a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |
| 2643 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 2644 | 817.234 (11) (c) | 1st | Insurance fraud; property value \$100,000 or more. |
| 2645 | 817.2341 (2) (b) & (3) (b) | 1st | Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity. |
| 2646 | 817.535 (2) (a) | 3rd | Filing false lien or other unauthorized document. |
| | 817.611 (2) (b) | 2nd | Traffic in or possess 15 |

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2647

to 49 counterfeit credit cards or related documents.

825.102 (3) (b)

2nd

Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.

2648

825.103 (3) (b)

2nd

Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.

2649

827.03 (2) (b)

2nd

Neglect of a child causing great bodily harm, disability, or disfigurement.

2650

827.04 (3)

3rd

Impregnation of a child under 16 years of age by person 21 years of age or older.

2651

837.05 (2)

3rd

Giving false information about alleged capital felony to a law

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| | | | enforcement officer. |
| 2652 | 838.015 | 2nd | Bribery. |
| 2653 | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 2654 | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant. |
| 2655 | 838.22 | 2nd | Bid tampering. |
| 2656 | 843.0855 (2) | 3rd | Impersonation of a public officer or employee. |
| 2657 | 843.0855 (3) | 3rd | Unlawful simulation of legal process. |
| 2658 | 843.0855 (4) | 3rd | Intimidation of a public officer or employee. |
| 2659 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |
| 2660 | 847.0135 (4) | 2nd | Traveling to meet a minor to commit an unlawful sex |

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2661

act.

872.06

2nd

Abuse of a dead human body.

2662

874.05 (2) (b)

1st

Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

2663

874.10

1st,PBL

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

2664

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) (c) 4.~~) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community

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center.

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 (1) (b) 1.a. 1st Trafficking in cocaine, more than 28 grams, less than 200 grams.

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

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| 2671 | 893.135 (1) (c) 2.a. | 1st | Trafficking in hydrocodone, 14 grams or more, less than 28 grams. |
| 2672 | 893.135 (1) (c) 2.b. | 1st | Trafficking in hydrocodone, 28 grams or more, less than 50 grams. |
| 2673 | 893.135 (1) (c) 3.a. | 1st | Trafficking in oxycodone, 7 grams or more, less than 14 grams. |
| 2674 | 893.135 (1) (c) 3.b. | 1st | Trafficking in oxycodone, 14 grams or more, less than 25 grams. |
| 2675 | 893.135 (1) (c) 4.b. (I) | 1st | Trafficking in fentanyl, 4 grams or more, less than 14 grams. |
| 2676 | 893.135 (1) (d) 1.a. | 1st | Trafficking in phencyclidine, 28 grams or more, less than 200 grams. |
| 2677 | 893.135 (1) (e) 1. | 1st | Trafficking in methaqualone, 200 grams or more, less than 5 kilograms. |

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| 2678 | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, 14 grams or more, less than 28 grams. |
| 2679 | 893.135 (1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| 2680 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 2681 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 2682 | 893.135 (1) (k) 2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 2683 | 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 |

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| 2684 | | | more, less than 1,000 grams. |
| | 893.135 | 1st | Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams. |
| | (1) (n) 2.a. | | |
| 2685 | | | |
| | 893.1351 (2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 2686 | | | |
| | 896.101 (5) (a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 2687 | | | |
| | 896.104 (4) (a) 1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 2688 | | | |
| | 943.0435 (4) (c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |

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

2690

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

2691

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

2692

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

2693

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

2694

944.607 (10) (a) 3rd Sexual offender; failure

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2695

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.

2696

944.607(13)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to
address verification;
providing false
registration information.

2697

985.4815(10)

3rd

Sexual offender; failure
to submit to the taking of
a digitized photograph.

2698

985.4815(12)

3rd

Failure to report or
providing false
information about a sexual
offender; harbor or
conceal a sexual offender.

2699

985.4815(13)

3rd

Sexual offender; failure
to report and reregister;
failure to respond to

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address verification;
 providing false
 registration information.

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Section 20. For the 2018-2019 fiscal year:

(1) (a) The nonrecurring sum of \$27,035,360 from the Federal Grants Trust Fund, and the recurring sum of \$15,520,000 from the General Revenue Fund are appropriated to the Department of Children and Families. These funds shall be used for the following services to address opioid and other substance abuse disorders: outpatient, case management, and after care services; residential treatment; medication-assisted treatment, including the purchase and medical use of methadone, buprenorphine, and naltrexone extended-release injectable; peer recovery support; hospital and first responder outreach; and outreach targeted to pregnant women.

(b) From a total of \$4,720,000 of the recurring general revenue funds specified in paragraph (a), the Department of Children and Families shall contract with a nonprofit organization for the distribution and associated costs for the following drugs as part of its medication assisted treatment program for substance abuse disorders:

- 1. \$472,000 for methadone;
- 2. \$1,888,000 for buprenorphine; and
- 3. \$2,360,000 for naltrexone extended-release injectable.

(2) The recurring sum of \$6 million from the General Revenue Fund is appropriated to the Office of the State Courts Administrator for treatment of substance abuse disorders in

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2726 individuals involved in the criminal justice system, individuals
2727 who have a high likelihood of criminal justice involvement, or
2728 who are in court-ordered, community-based drug treatment. The
2729 Office of the State Courts Administrator shall use the funds to
2730 contract with a non-profit entity for the purpose of
2731 distributing the medication. The Office of the State Courts
2732 Administrator shall make available the following drugs:
2733 (a) \$600,000 for methadone;
2734 (b) \$2.4 million for buprenorphine; and
2735 (c) \$3 million for naltrexone extended-release injectable.
2736 (3) The recurring sum of \$5 million from the General
2737 Revenue Fund is appropriated to the Department of Health for the
2738 purchase of naloxone to be made available to emergency
2739 responders.

2740 Section 21. Except as otherwise expressly provided in this
2741 act, this act shall take effect July 1, 2018.