

1 A bill to be entitled
2 An act relating to the ordering of medication;
3 amending ss. 458.347 and 459.022, F.S.; revising the
4 authority of a licensed physician assistant to order
5 medication under the direction of a supervisory
6 physician for a specified patient; amending s.
7 464.012, F.S.; authorizing an advanced registered
8 nurse practitioner to order medication for
9 administration to a specified patient; amending s.
10 465.003, F.S.; revising the term "prescription" to
11 exclude an order for drugs or medicinal supplies
12 dispensed for administration; amending s. 893.02,
13 F.S.; revising the term "administer" to include the
14 term "administration"; revising the term
15 "prescription" to exclude an order for drugs or
16 medicinal supplies dispensed for administration;
17 amending s. 893.04, F.S.; conforming provisions to
18 changes made by the act; amending s. 893.05, F.S.;
19 authorizing a licensed practitioner to authorize a
20 licensed physician assistant or advanced registered
21 nurse practitioner to order controlled substances for
22 a specified patient under certain circumstances;
23 reenacting ss. 400.462(26) and 409.906(18), F.S.,
24 relating to the definition of the term "physician
25 assistant" for purposes of the Home Health Services
26 Act and physician assistant services under the

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

53 permit or disciplinary action against a pharmacy
54 permittee, respectively, to incorporate the amendments
55 made by the act to ss. 465.003 and 893.02, F.S., in
56 references thereto; reenacting ss. 112.0455(5)(i),
57 381.986(7)(b), 440.102(1)(1), 499.0121(14),
58 768.36(1)(b), 810.02(3)(f), 812.014(2)(c),
59 856.015(1)(c), 944.47(1)(a), 951.22(1), 985.711(1)(a),
60 1003.57(1)(i), and 1006.09(8), F.S., relating to the
61 Drug-Free Workplace Act, the compassionate use of low-
62 THC cannabis, drug-free workplace program
63 requirements, reporting of prescription drug
64 distribution, the definition of the term "drug" for
65 purposes of defenses from civil actions related to
66 alcohol or drugs, burglary offenses, penalties for
67 grand theft, the definition of the term "drug" for
68 purposes of offenses related to open house parties,
69 unlawful introduction of certain articles into
70 correctional institutions, county detention
71 facilities, or juvenile detention facilities, the
72 definition of the term "controlled substance" for
73 purposes of exceptional student instruction, and
74 duties of school principals related to student
75 discipline, respectively, to incorporate the amendment
76 made by the act to s. 893.02, F.S., in references
77 thereto; reenacting s. 893.0551(3)(d) and (e), F.S.,
78 relating to disclosure by the Department of Health of

79 confidential information in prescription drug
 80 monitoring program records, to incorporate the
 81 amendments made by the act to ss. 893.04 and 893.05,
 82 F.S., in references thereto; providing an effective
 83 date.

84
 85 Be It Enacted by the Legislature of the State of Florida:

86
 87 Section 1. Paragraph (g) of subsection (4) of section
 88 458.347, Florida Statutes, is amended to read:

89 458.347 Physician assistants.—

90 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

91 (g) A supervisory physician may delegate to a licensed
 92 physician assistant the authority to, and the licensed physician
 93 assistant acting under the direction of the supervisory
 94 physician may, order any medication ~~medications~~ for
 95 administration to the supervisory physician's patient ~~during his~~
 96 ~~or her care~~ in a facility licensed under chapter 395 or part II
 97 of chapter 400, ~~notwithstanding any provisions in chapter 465 or~~
 98 ~~chapter 893 which may prohibit this delegation. For the purpose~~
 99 ~~of this paragraph, an order is not considered a prescription. A~~
 100 ~~licensed physician assistant working in a facility that is~~
 101 ~~licensed under chapter 395 may order any medication under the~~
 102 ~~direction of the supervisory physician.~~

103 Section 2. Paragraph (f) of subsection (4) of section
 104 459.022, Florida Statutes, is amended to read:

105 459.022 Physician assistants.—

106 (4) PERFORMANCE OF PHYSICIAN ASSISTANTS.—

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

119 Section 3. Paragraph (e) is added to subsection (3) of
 120 section 464.012, Florida Statutes, to read:

121 464.012 Certification of advanced registered nurse
 122 practitioners; fees.—

123 (3) An advanced registered nurse practitioner shall
 124 perform those functions authorized in this section within the
 125 framework of an established protocol that is filed with the
 126 board upon biennial license renewal and within 30 days after
 127 entering into a supervisory relationship with a physician or
 128 changes to the protocol. The board shall review the protocol to
 129 ensure compliance with applicable regulatory standards for
 130 protocols. The board shall refer to the department licensees

131 submitting protocols that are not compliant with the regulatory
 132 standards for protocols. A practitioner currently licensed under
 133 chapter 458, chapter 459, or chapter 466 shall maintain
 134 supervision for directing the specific course of medical
 135 treatment. Within the established framework, an advanced
 136 registered nurse practitioner may:

137 (e) Order any medication for administration to a patient
 138 in a facility licensed under chapter 395 or part II of chapter
 139 400.

140 Section 4. Subsection (14) of section 465.003, Florida
 141 Statutes, is amended to read:

142 465.003 Definitions.—As used in this chapter, the term:

143 (14) "Prescription" includes any order for drugs or
 144 medicinal supplies written or transmitted by any means of
 145 communication by a ~~duly~~ licensed practitioner authorized by the
 146 laws of this ~~the~~ state to prescribe such drugs or medicinal
 147 supplies and intended to be dispensed by a pharmacist, except
 148 for an order that is dispensed for administration. The term also
 149 includes an orally transmitted order by the lawfully designated
 150 agent of such practitioner; ~~-. The term also includes an order~~
 151 written or transmitted by a practitioner licensed to practice in
 152 a jurisdiction other than this state, but only if the pharmacist
 153 called upon to dispense such order determines, in the exercise
 154 of her or his professional judgment, that the order is valid and
 155 necessary for the treatment of a chronic or recurrent illness;
 156 and. ~~The term "prescription" also includes a pharmacist's order~~

157 for a product selected from the formulary created pursuant to s.
 158 465.186. Prescriptions may be retained in written form or the
 159 pharmacist may cause them to be recorded in a data processing
 160 system, provided that such order can be produced in printed form
 161 upon lawful request.

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

164 893.02 Definitions.—The following words and phrases as
 165 used in this chapter shall have the following meanings, unless
 166 the context otherwise requires:

167 (1) "Administer" or "administration" means the direct
 168 application of a controlled substance, whether by injection,
 169 inhalation, ingestion, or any other means, to the body of a
 170 person or animal.

171 (22) "Prescription" ~~means and~~ includes any ~~an~~ order for
 172 drugs or medicinal supplies which is written, ~~signed,~~ or
 173 transmitted by any ~~word of mouth, telephone, telegram, or other~~
 174 means of communication by a ~~duly~~ licensed practitioner
 175 authorized ~~licensed~~ by the laws of this ~~the~~ state to prescribe
 176 such drugs or medicinal supplies, is issued in good faith and in
 177 the course of professional practice, is intended to be filled,
 178 ~~compounded, or~~ dispensed by a ~~another~~ person authorized ~~licensed~~
 179 by the laws of this ~~the~~ state to do so, and meets ~~meeting~~ the
 180 requirements of s. 893.04.

181 (a) The term also includes an order for drugs or medicinal
 182 supplies ~~so~~ transmitted or written by a physician, dentist,

183 veterinarian, or other practitioner licensed to practice in a
 184 state other than Florida, but only if the pharmacist called upon
 185 to fill such an order determines, in the exercise of his or her
 186 professional judgment, that the order was issued pursuant to a
 187 valid patient-physician relationship, that it is authentic, and
 188 that the drugs or medicinal supplies ~~so~~ ordered are considered
 189 necessary for the continuation of treatment of a chronic or
 190 recurrent illness.

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

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

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

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

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

210 893.04 Pharmacist and practitioner.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

346 766.103 Florida Medical Consent Law.—

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

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

HB 1241

2016

365 consent is obtained; and

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

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

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

388 409.9201 Medicaid fraud.—

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

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

HB 1241

2016

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

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

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

405 465.014 Pharmacy technician.—

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

HB 1241

2016

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

424 | Section 14. For the purpose of incorporating the amendment
425 | made by this act to section 465.003, Florida Statutes, in a
426 | reference thereto, section 465.1901, Florida Statutes, is
427 | reenacted to read:

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

HB 1241

2016

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

520 Section 18. For the purpose of incorporating the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

599 such as photographic or video surveillance of the transaction.

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

605 465.016 Disciplinary actions.—

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

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

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

618 465.022 Pharmacies; general requirements; fees.—

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

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

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

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

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

644 465.023 Pharmacy permittee; disciplinary action.—

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

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

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

665 112.0455 Drug-Free Workplace Act.—

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

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

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

677 381.986, Florida Statutes, is reenacted to read:

678 381.986 Compassionate use of low-THC cannabis.—

679 (7) EXCEPTIONS TO OTHER LAWS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

754 (f) The date of the transaction.

HB 1241

2016

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

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

768 768.36 Alcohol or drug defense.—

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

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

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

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

783 810.02 Burglary.—

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

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

799
 800 However, if the burglary is committed within a county that is
 801 subject to a state of emergency declared by the Governor under
 802 chapter 252 after the declaration of emergency is made and the
 803 perpetration of the burglary is facilitated by conditions
 804 arising from the emergency, the burglary is a felony of the
 805 first degree, punishable as provided in s. 775.082, s. 775.083,
 806 or s. 775.084. As used in this subsection, the term "conditions

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

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

822 812.014 Theft.—

823 (2)

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

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

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

839 8. Any fire extinguisher.

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

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

844 11. Any stop sign.

845 12. Anhydrous ammonia.

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

854
 855 However, if the property is stolen within a county that is
 856 subject to a state of emergency declared by the Governor under
 857 chapter 252, the property is stolen after the declaration of
 858 emergency is made, and the perpetration of the theft is

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

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

877 856.015 Open house parties.—

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

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

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

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

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

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

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

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

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

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

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

HB 1241

2016

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

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

932 951.22 County detention facilities; contraband articles.-

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

HB 1241

2016

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

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

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

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

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

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

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

979 1003.57 Exceptional students instruction.-

980 (1)

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

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

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

HB 1241

2016

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

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

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

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

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

HB 1241

2016

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

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

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

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

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

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