

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

| | | |
|-----------------------|-------|-------|
| ADOPTED | _____ | (Y/N) |
| ADOPTED AS AMENDED | _____ | (Y/N) |
| ADOPTED W/O OBJECTION | _____ | (Y/N) |
| FAILED TO ADOPT | _____ | (Y/N) |
| WITHDRAWN | _____ | (Y/N) |
| OTHER | | |

1 Committee/Subcommittee hearing bill: Health & Human Services
 2 Committee

3 Representative Boyd offered the following:

4
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 456.0301, Florida Statutes, is created
 8 to read:

9 456.0301 Requirement for instruction on controlled
 10 substance prescribing.-

11 (1) (a) The appropriate board shall require each person
 12 registered with the United States Drug Enforcement
 13 Administration and authorized to prescribe controlled substances
 14 pursuant to 21 U.S.C. s. 822 to complete a board-approved 2-hour
 15 continuing education course on prescribing controlled substances
 16 offered by a statewide professional association of physicians in

Amendment No.

17 this state which is accredited to provide educational activities
18 designated for the American Medical Association Physician's
19 Recognition Award Category I Credit or the American Osteopathic
20 Category 1-A continuing medical education credit as part of
21 biennial license renewal. The course must include information on
22 the current standards ~~regarding~~ for prescribing controlled
23 substances, particularly opiates, alternatives to these
24 standards, nonpharmacological therapies, prescribing emergency
25 opioid antagonists, and ~~information on~~ the risks of opioid
26 addiction following all stages of treatment in the management of
27 acute pain. The course may be offered in a distance learning
28 format and must be included within the number of continuing
29 education hours required by law. The department may not renew
30 the license of any prescriber registered with the United States
31 Drug Enforcement Administration to prescribe controlled
32 substances that has failed to complete the course. When required
33 by this paragraph, the course shall be completed by January 31,
34 2019, and at each subsequent renewal. This paragraph does not
35 apply to a licensee who is required by the applicable practice
36 act to complete a minimum of 2 hours of continuing education on
37 the safe and effective prescribing of controlled substances.
38 (b) Each such licensee shall submit confirmation of having
39 completed such course when applying for biennial license
40 renewal.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

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

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

48 Section 2. Paragraph (gg) of subsection (1) of section
49 456.072, Florida Statutes, is amended to read:

50 456.072 Grounds for discipline; penalties; enforcement.—

51 (1) The following acts shall constitute grounds for which
52 the disciplinary actions specified in subsection (2) may be
53 taken:

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

64 Section 3. Paragraphs (a) through (g) of subsection (1) of
65 section 456.44, Florida Statutes, are redesignated as paragraphs

Amendment No.

66 (b) through (h), respectively, a new paragraph (a) is added to
67 that subsection, subsection (3) is amended, and subsections (4)
68 and (5) are added to that section, to read:

69 456.44 Controlled substance prescribing.—

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

71 (a) "Acute pain" means the normal, predicted,
72 physiological, and time-limited response to an adverse chemical,
73 thermal, or mechanical stimulus associated with surgery, trauma,
74 or acute illness. The term does not include pain related to:

75 1. Cancer.

76 2. A terminal condition. As used in this subparagraph, the
77 term "terminal conditions means a progressive disease or medical
78 or surgical condition that causes significant functional
79 impairment; is not considered by a treating physician to be
80 reversible without the administration of life-sustaining
81 procedures; and will result in death within 1 year after
82 diagnosis if the condition runs its normal course.

83 3. Palliative care to provide relief of symptoms related to
84 an incurable, progressive illness or injury.

85 4. A traumatic injury with an International Classification
86 Injury Severity Score of 9 or higher.

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

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

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

110 (b) Each registrant must develop a written individualized
111 treatment plan for each patient. The treatment plan shall state
112 objectives that will be used to determine treatment success,
113 such as pain relief and improved physical and psychosocial
114 function, and shall indicate if any further diagnostic
115 evaluations or other treatments are planned. After treatment

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

116 begins, the registrant shall adjust drug therapy to the
117 individual medical needs of each patient. Other treatment
118 modalities, including a rehabilitation program, shall be
119 considered depending on the etiology of the pain and the extent
120 to which the pain is associated with physical and psychosocial
121 impairment. The interdisciplinary nature of the treatment plan
122 shall be documented.

123 (c) The registrant shall discuss the risks and benefits of
124 the use of controlled substances, including the risks of abuse
125 and addiction, as well as physical dependence and its
126 consequences, with the patient, persons designated by the
127 patient, or the patient's surrogate or guardian if the patient
128 is incompetent. The registrant shall use a written controlled
129 substance agreement between the registrant and the patient
130 outlining the patient's responsibilities, including, but not
131 limited to:

132 1. Number and frequency of controlled substance
133 prescriptions and refills.

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

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

Amendment No.

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

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

Amendment No.

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

- 169 1. The complete medical history and a physical
170 examination, including history of drug abuse or dependence.
- 171 2. Diagnostic, therapeutic, and laboratory results.
- 172 3. Evaluations and consultations.
- 173 4. Treatment objectives.
- 174 5. Discussion of risks and benefits.
- 175 6. Treatments.
- 176 7. Medications, including date, type, dosage, and quantity
177 prescribed.
- 178 8. Instructions and agreements.
- 179 9. Periodic reviews.
- 180 10. Results of any drug testing.
- 181 11. A photocopy of the patient's government-issued photo
182 identification.
- 183 12. If a written prescription for a controlled substance
184 is given to the patient, a duplicate of the prescription.
- 185 13. The registrant's full name presented in a legible
186 manner.

187 (g) A registrant shall immediately refer patients with
188 signs or symptoms of substance abuse to a board-certified pain

Amendment No.

189 management physician, an addiction medicine specialist, or a
190 mental health addiction facility as it pertains to drug abuse or
191 addiction unless the registrant is a physician who is board-
192 certified or board-eligible in pain management. Throughout the
193 period of time before receiving the consultant's report, a
194 prescribing registrant shall clearly and completely document
195 medical justification for continued treatment with controlled
196 substances and those steps taken to ensure medically appropriate
197 use of controlled substances by the patient. Upon receipt of the
198 consultant's written report, the prescribing registrant shall
199 incorporate the consultant's recommendations for continuing,
200 modifying, or discontinuing controlled substance therapy. The
201 resulting changes in treatment shall be specifically documented
202 in the patient's medical record. Evidence or behavioral
203 indications of diversion shall be followed by discontinuation of
204 controlled substance therapy, and the patient shall be
205 discharged, and all results of testing and actions taken by the
206 registrant shall be documented in the patient's medical record.

207
208 This subsection does not apply to a board-eligible or board-
209 certified anesthesiologist, physiatrist, rheumatologist, or
210 neurologist, or to a board-certified physician who has surgical
211 privileges at a hospital or ambulatory surgery center and
212 primarily provides surgical services. This subsection does not
213 apply to a board-eligible or board-certified medical specialist

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

214 who has also completed a fellowship in pain medicine approved by
215 the Accreditation Council for Graduate Medical Education or the
216 American Osteopathic Association, or who is board eligible or
217 board certified in pain medicine by the American Board of Pain
218 Medicine, the American Board of Interventional Pain Physicians,
219 the American Association of Physician Specialists, or a board
220 approved by the American Board of Medical Specialties or the
221 American Osteopathic Association and performs interventional
222 pain procedures of the type routinely billed using surgical
223 codes. This subsection does not apply to a registrant who
224 prescribes medically necessary controlled substances for a
225 patient during an inpatient stay in a hospital licensed under
226 chapter 395.

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

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

239 (5) PRESCRIPTION SUPPLY.-

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

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

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

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

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

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

260 (6) EMERGENCY OPIOID ANTAGONIST.-For a prescription for a
261 Schedule II opioid, as defined in s. 893.03 or 21 U.S.C. s. 812,
262 for the treatment of pain related to a traumatic injury with an
263 International Classification Injury Severity Score of 9 or

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

264 higher, the prescriber must concurrently prescribe an emergency
265 opioid antagonist.

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

273 458.3265 Pain-management clinics.—

274 (1) REGISTRATION.—

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

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

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

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

Amendment No.

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

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

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

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

299 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to
300 chapter 395;

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

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

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

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

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

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

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

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

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

334 (2) CERTIFICATE OF EXEMPTION.-

335 (a) A pain management clinic claiming an exemption from
336 the registration requirements of subsection (1), must apply for

Amendment No.

337 a certificate of exemption on a form adopted in rule by the
338 department. The form shall require the applicant to provide:

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

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

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

345 4. Any other information deemed necessary by the
346 department.

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

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

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

357 (e) A new certificate of exemption is required for a
358 change of address and is not transferable. A certificate of
359 exemption is valid only for the applicant, qualifying owners,
360 licenses, registrations, certifications, and services provided

Amendment No.

361 under a specific statutory exemption and is valid only to the
362 specific exemption claimed and granted.

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

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

372 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
373 apply to any physician who provides professional services in a
374 pain-management clinic that is required to be registered in
375 subsection (1).

376 (a) A physician may not practice medicine in a pain-
377 management clinic, as described in subsection (5)-(4), if the
378 pain-management clinic is not registered with the department as
379 required by this section. Any physician who qualifies to
380 practice medicine in a pain-management clinic pursuant to rules
381 adopted by the Board of Medicine as of July 1, 2012, may
382 continue to practice medicine in a pain-management clinic as
383 long as the physician continues to meet the qualifications set
384 forth in the board rules. A physician who violates this

Amendment No.

385 paragraph is subject to disciplinary action by his or her
386 appropriate medical regulatory board.

387 ~~(4)~~~~(3)~~ INSPECTION.—

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

394 ~~(5)~~~~(4)~~ RULEMAKING.—

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

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

406 459.0137 Pain-management clinics.—

407 (1) REGISTRATION.—

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

Amendment No.

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

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

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

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

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

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

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

432 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to
433 chapter 395;

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 434 b. A clinic in which the majority of the physicians who
435 provide services in the clinic primarily provide surgical
436 services;
- 437 c. A ~~The clinic is~~ owned by a publicly held corporation
438 whose shares are traded on a national exchange or on the over-
439 the-counter market and whose total assets at the end of the
440 corporation's most recent fiscal quarter exceeded \$50 million;
- 441 d. A ~~The clinic is~~ affiliated with an accredited medical
442 school at which training is provided for medical students,
443 residents, or fellows;
- 444 e. A ~~The clinic~~ that does not prescribe controlled
445 substances for the treatment of pain;
- 446 f. A ~~The clinic is~~ owned by a corporate entity exempt from
447 federal taxation under 26 U.S.C. s. 501(c) (3);
- 448 g. A ~~The clinic is~~ wholly owned and operated by one or
449 more board-eligible or board-certified anesthesiologists,
450 physiatrists, rheumatologists, or neurologists; or
- 451 h. A ~~The clinic is~~ wholly owned and operated by a
452 physician multispecialty practice where one or more board-
453 eligible or board-certified medical specialists, who have also
454 completed fellowships in pain medicine approved by the
455 Accreditation Council for Graduate Medical Education or the
456 American Osteopathic Association or who are also board-certified
457 in pain medicine by the American Board of Pain Medicine or a
458 board approved by the American Board of Medical Specialties, the

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

459 American Association of Physician Specialists, or the American
460 Osteopathic Association, perform interventional pain procedures
461 of the type routinely billed using surgical codes.

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

467 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

478 4. Any other information deemed necessary by the
479 department.

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

Amendment No.

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

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

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

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

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

505 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
506 apply to any osteopathic physician who provides professional

Amendment No.

507 services in a pain-management clinic that is required to be
508 registered in subsection (1).

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

520 (4)~~(3)~~ INSPECTION.—

521 (a) The department shall inspect the pain-management
522 clinic annually, including a review of the patient records, to
523 ensure that it complies with this section and the rules of the
524 Board of Osteopathic Medicine adopted pursuant to subsection
525 (5)~~(4)~~ unless the clinic is accredited by a nationally
526 recognized accrediting agency approved by the Board of
527 Osteopathic Medicine.

528 (5)~~(4)~~ RULEMAKING.—

529 (a) The department shall adopt rules necessary to
530 administer the registration, exemption, and inspection of pain-

Amendment No.

531 management clinics which establish the specific requirements,
532 procedures, forms, and fees.

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

535 465.0155 Standards of practice.—

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

542 (2) (a) Before dispensing a controlled substance to a
543 person not known to the pharmacist, the pharmacist must require
544 the person purchasing, receiving, or otherwise acquiring the
545 controlled substance to present valid photographic
546 identification or other verification of his or her identity. If
547 the person does not have proper identification, the pharmacist
548 may verify the validity of the prescription and the identity of
549 the patient with the prescriber or his or her authorized agent.
550 Verification of health plan eligibility through a real-time
551 inquiry or adjudication system is considered to be proper
552 identification.

553 (b) This subsection does not apply in an institutional
554 setting or to a long-term care facility, including, but not

Amendment No.

555 limited to, an assisted living facility or a hospital to which
556 patients are admitted.

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

562 Section 7. Paragraph (b) of subsection (1) of section
563 465.0276, Florida Statutes, is amended, and paragraph (d) is
564 added to subsection (2) of that section, to read:

565 465.0276 Dispensing practitioner.—

566 (1)

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

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

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

Amendment No.

579 3. The dispensing of a controlled substance listed in
580 Schedule II or Schedule III in connection with the performance
581 of a surgical procedure.

582 a. For an opioid drug listed as a Schedule II controlled
583 substance in s. 893.03 or 21 U.S.C. s. 812, the amount dispensed
584 pursuant to this subparagraph may not exceed a 3-day supply
585 unless the criteria in s. 456.44(5)(b) are met, in which case
586 the amount dispensed may not exceed a 7-day supply.

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

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

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

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

Amendment No.

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

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

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

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

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

Amendment No.

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

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

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

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

648 Section 8. Subsections (2), (3), (4), and (5) of section
649 893.03, Florida Statutes, are amended to read:

Amendment No.

650 893.03 Standards and schedules.—The substances enumerated
651 in this section are controlled by this chapter. The controlled
652 substances listed or to be listed in Schedules I, II, III, IV,
653 and V are included by whatever official, common, usual,
654 chemical, trade name, or class designated. The provisions of
655 this section shall not be construed to include within any of the
656 schedules contained in this section any excluded drugs listed
657 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
658 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
659 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
660 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
661 Anabolic Steroid Products."

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

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

Amendment No.

- 673 1. Opium and any salt, compound, derivative, or
674 preparation of opium, except nalmefene or isoquinoline alkaloids
675 of opium, including, but not limited to the following:
- 676 a. Raw opium.
 - 677 b. Opium extracts.
 - 678 c. Opium fluid extracts.
 - 679 d. Powdered opium.
 - 680 e. Granulated opium.
 - 681 f. Tincture of opium.
 - 682 g. Codeine.
 - 683 h. Dihydroetorphine.
 - 684 ~~i.h.~~ Ethylmorphine.
 - 685 ~~j.i.~~ Etorphine hydrochloride.
 - 686 ~~k.j.~~ Hydrocodone and hydrocodone combination products.
 - 687 ~~l.k.~~ Hydromorphone.
 - 688 ~~m.l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
689 acetylmethadol, levomethadyl acetate, or LAAM).
 - 690 ~~n.m.~~ Metopon (methyldihydromorphinone).
 - 691 ~~o.n.~~ Morphine.
 - 692 p. Oripavine.
 - 693 ~~q.o.~~ Oxycodone.
 - 694 ~~r.p.~~ Oxymorphone.
 - 695 ~~s.q.~~ Thebaine.
- 696 2. Any salt, compound, derivative, or preparation of a
697 substance which is chemically equivalent to or identical with

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

698 any of the substances referred to in subparagraph 1., except
699 that these substances shall not include the isoquinoline
700 alkaloids of opium.

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

703 4. Cocaine or ecgonine, including any of their
704 stereoisomers, and any salt, compound, derivative, or
705 preparation of cocaine or ecgonine, except that these substances
706 shall not include ioflupane I 123.

707 (b) Unless specifically excepted or unless listed in
708 another schedule, any of the following substances, including
709 their isomers, esters, ethers, salts, and salts of isomers,
710 esters, and ethers, whenever the existence of such isomers,
711 esters, ethers, and salts is possible within the specific
712 chemical designation:

- 713 1. Alfentanil.
- 714 2. Alphaprodine.
- 715 3. Anileridine.
- 716 4. Bezitramide.
- 717 5. Bulk propoxyphene (nondosage forms).
- 718 6. Carfentanil.
- 719 7. Dihydrocodeine.
- 720 8. Diphenoxylate.
- 721 9. Fentanyl.
- 722 10. Isomethadone.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 723 11. Levomethorphan.
724 12. Levorphanol.
725 13. Metazocine.
726 14. Methadone.
727 15. Methadone-Intermediate, 4-cyano-2-
728 dimethylamino-4,4-diphenylbutane.
729 16. Moramide-Intermediate, 2-methyl-
730 3-morpholino-1,1-diphenylpropane-carboxylic acid.
731 17. Nabilone.
732 18. Pethidine (meperidine).
733 19. Pethidine-Intermediate-A, 4-cyano-1-
734 methyl-4-phenylpiperidine.
735 20. Pethidine-Intermediate-B, ethyl-4-
736 phenylpiperidine-4-carboxylate.
737 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
738 4-carboxylic acid.
739 22. Phenazocine.
740 23. Phencyclidine.
741 24. 1-Phenylcyclohexylamine.
742 25. Piminodine.
743 26. 1-Piperidinocyclohexanecarbonitrile.
744 27. Racemethorphan.
745 28. Racemorphan.
746 29. Remifentanil.
747 30.29. Sufentanil.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

748 31. Tapentadol.749 32. Thiafentanil.

750 (c) Unless specifically excepted or unless listed in
751 another schedule, any material, compound, mixture, or
752 preparation which contains any quantity of the following
753 substances, including their salts, isomers, optical isomers,
754 salts of their isomers, and salts of their optical isomers:

755 1. Amobarbital.

756 2. Amphetamine.

757 3. Glutethimide.

758 4. Lisdexamfetamine.759 ~~5.4.~~ Methamphetamine.760 ~~6.5.~~ Methylphenidate.761 ~~7.6.~~ Pentobarbital.762 ~~8.7.~~ Phenmetrazine.763 ~~9.8.~~ Phenylacetone.764 ~~10.9.~~ Secobarbital.

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

768 (3) SCHEDULE III.—A substance in Schedule III has a
769 potential for abuse less than the substances contained in
770 Schedules I and II and has a currently accepted medical use in
771 treatment in the United States, and abuse of the substance may
772 lead to moderate or low physical dependence or high

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

773 psychological dependence or, in the case of anabolic steroids,
774 may lead to physical damage. The following substances are
775 controlled in Schedule III:

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

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

786 2. Benzphetamine.

787 3. Buprenorphine.

788 ~~4.3. Chlorhexadol.~~

789 ~~5.4. Chlorphentermine.~~

790 ~~6.5. Clortermine.~~

791 7. Embutramide.

792 ~~8.6. Lysergic acid.~~

793 ~~9.7. Lysergic acid amide.~~

794 ~~10.8. Methyprylon.~~

795 11. Perampanel.

796 ~~12.9. Phendimetrazine.~~

797 ~~13.10. Sulfondiethylmethane.~~

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 798 ~~14.11.~~ Sulfonethylmethane.
- 799 ~~15.12.~~ Sulfonmethane.
- 800 ~~16.13.~~ Tiletamine and zolazepam or any salt thereof.
- 801 (b) Nalorphine.
- 802 (c) Unless specifically excepted or unless listed in
- 803 another schedule, any material, compound, mixture, or
- 804 preparation containing limited quantities of any of the
- 805 following controlled substances or any salts thereof:
- 806 1. Not more than 1.8 grams of codeine per 100 milliliters
- 807 or not more than 90 milligrams per dosage unit, with an equal or
- 808 greater quantity of an isoquinoline alkaloid of opium.
- 809 2. Not more than 1.8 grams of codeine per 100 milliliters
- 810 or not more than 90 milligrams per dosage unit, with recognized
- 811 therapeutic amounts of one or more active ingredients which are
- 812 not controlled substances.
- 813 3. Not more than 300 milligrams of hydrocodone per 100
- 814 milliliters or not more than 15 milligrams per dosage unit, with
- 815 a fourfold or greater quantity of an isoquinoline alkaloid of
- 816 opium.
- 817 4. Not more than 300 milligrams of hydrocodone per 100
- 818 milliliters or not more than 15 milligrams per dosage unit, with
- 819 recognized therapeutic amounts of one or more active ingredients
- 820 that are not controlled substances.
- 821 5. Not more than 1.8 grams of dihydrocodeine per 100
- 822 milliliters or not more than 90 milligrams per dosage unit, with

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

823 recognized therapeutic amounts of one or more active ingredients
824 which are not controlled substances.

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

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

833

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

842 (d) Anabolic steroids.

843 1. The term "anabolic steroid" means any drug or hormonal
844 substance, chemically and pharmacologically related to
845 testosterone, other than estrogens, progestins, and
846 corticosteroids, that promotes muscle growth and includes:

847 a. Androsterone.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 848 b. Androsterone acetate.
- 849 c. Boldenone.
- 850 d. Boldenone acetate.
- 851 e. Boldenone benzoate.
- 852 f. Boldenone undecylenate.
- 853 g. Chlorotestosterone (Clostebol).
- 854 h. Dehydrochlormethyltestosterone.
- 855 i. Dihydrotestosterone (Stanolone).
- 856 j. Drostanolone.
- 857 k. Ethylestrenol.
- 858 l. Fluoxymesterone.
- 859 m. Formebolone (Formebolone).
- 860 n. Mesterolone.
- 861 o. Methandrostenolone (Methandienone).
- 862 p. Methandranone.
- 863 q. Methandriol.
- 864 r. Methenolone.
- 865 s. Methyltestosterone.
- 866 t. Mibolerone.
- 867 u. Nortestosterone (Nandrolone).
- 868 v. Norethandrolone.
- 869 w. Nortestosterone decanoate.
- 870 x. Nortestosterone phenylpropionate.
- 871 y. Nortestosterone propionate.
- 872 z. Oxandrolone.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 873 aa. Oxymesterone.
874 bb. Oxymetholone.
875 cc. Stanozolol.
876 dd. Testolactone.
877 ee. Testosterone.
878 ff. Testosterone acetate.
879 gg. Testosterone benzoate.
880 hh. Testosterone cypionate.
881 ii. Testosterone decanoate.
882 jj. Testosterone enanthate.
883 kk. Testosterone isocaproate.
884 ll. Testosterone oleate.
885 mm. Testosterone phenylpropionate.
886 nn. Testosterone propionate.
887 oo. Testosterone undecanoate.
888 pp. Trenbolone.
889 qq. Trenbolone acetate.
890 rr. Any salt, ester, or isomer of a drug or substance
891 described or listed in this subparagraph if that salt, ester, or
892 isomer promotes muscle growth.
- 893 2. The term does not include an anabolic steroid that is
894 expressly intended for administration through implants to cattle
895 or other nonhuman species and that has been approved by the
896 United States Secretary of Health and Human Services for such
897 administration. However, any person who prescribes, dispenses,

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

898 or distributes such a steroid for human use is considered to
899 have prescribed, dispensed, or distributed an anabolic steroid
900 within the meaning of this paragraph.

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

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

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

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

918 (b) Unless specifically excepted or unless listed in
919 another schedule, any material, compound, mixture, or
920 preparation which contains any quantity of the following
921 substances, including its salts, isomers, and salts of isomers
922 whenever the existence of such salts, isomers, and salts of

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

923 isomers is possible within the specific chemical designation,
924 are controlled in Schedule IV:

- 925 1. Alfaxalone.
926 2.~~(a)~~ Alprazolam.
927 3.~~(b)~~ Barbital.
928 4.~~(c)~~ Bromazepam.
929 5.~~(iii)~~ Butorphanol tartrate.
930 6.~~(d)~~ Camazepam.
931 7.~~(jjj)~~ Carisoprodol.
932 8.~~(e)~~ Cathine.
933 9.~~(f)~~ Chloral betaine.
934 10.~~(g)~~ Chloral hydrate.
935 11.~~(h)~~ Chlordiazepoxide.
936 12.~~(i)~~ Clobazam.
937 13.~~(j)~~ Clonazepam.
938 14.~~(k)~~ Clorazepate.
939 15.~~(l)~~ Clotiazepam.
940 16.~~(m)~~ Cloxazolam.
941 17. Dexfenfluramine.
942 18.~~(n)~~ Delorazepam.
943 19. Dichloralphenazone.
944 20.~~(p)~~ Diazepam.
945 21.~~(q)~~ Diethylpropion.
946 22. Eluxadoline.
947 23.~~(r)~~ Estazolam.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 948 | 24. Eszopiclone.
- 949 | 25.~~(s)~~ Ethchlorvynol.
- 950 | 26.~~(t)~~ Ethinamate.
- 951 | 27.~~(u)~~ Ethyl loflazepate.
- 952 | 28.~~(v)~~ Fencamfamin.
- 953 | 29.~~(w)~~ Fenfluramine.
- 954 | 30.~~(x)~~ Fenproporex.
- 955 | 31.~~(y)~~ Fludiazepam.
- 956 | 32.~~(z)~~ Flurazepam.
- 957 | 33. Fospropofol.
- 958 | 34.~~(aa)~~ Halazepam.
- 959 | 35.~~(bb)~~ Haloxazolam.
- 960 | 36.~~(cc)~~ Ketazolam.
- 961 | 37.~~(dd)~~ Loprazolam.
- 962 | 38.~~(ee)~~ Lorazepam.
- 963 | 39. Lorcaserin.
- 964 | 40.~~(ff)~~ Lormetazepam.
- 965 | 41.~~(gg)~~ Mazindol.
- 966 | 42.~~(hh)~~ Mebutamate.
- 967 | 43.~~(ii)~~ Medazepam.
- 968 | 44.~~(jj)~~ Mefenorex.
- 969 | 45.~~(kk)~~ Meprobamate.
- 970 | 46.~~(ll)~~ Methohexital.
- 971 | 47.~~(mm)~~ Methylphenobarbital.
- 972 | 48.~~(nn)~~ Midazolam.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 973 | 49. Modafinil.
- 974 | 50.~~(oo)~~ Nimetazepam.
- 975 | 51.~~(pp)~~ Nitrazepam.
- 976 | 52.~~(qq)~~ Nordiazepam.
- 977 | 53.~~(rr)~~ Oxazepam.
- 978 | 54.~~(ss)~~ Oxazolam.
- 979 | 55.~~(tt)~~ Paraldehyde.
- 980 | 56.~~(uu)~~ Pemoline.
- 981 | 57.~~(vv)~~ Pentazocine.
- 982 | 58. Petrichloral.
- 983 | 59.~~(ww)~~ Phenobarbital.
- 984 | 60.~~(xx)~~ Phentermine.
- 985 | 61.~~(yy)~~ Pinazepam.
- 986 | 62.~~(zz)~~ Pipradrol.
- 987 | 63.~~(aaa)~~ Prazepam.
- 988 | 64.~~(e)~~ Propoxyphene (dosage forms).
- 989 | 65.~~(bbb)~~ Propylhexedrine, excluding any patent or
- 990 | proprietary preparation containing propylhexedrine, unless
- 991 | otherwise provided by federal law.
- 992 | 66.~~(eee)~~ Quazepam.
- 993 | 67. Sibutramine.
- 994 | 68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2
- 995 | diphenylethane].
- 996 | 69. Suvorexant.
- 997 | 70.~~(fff)~~ Temazepam.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

- 998 71.~~(ddd)~~ Tetrazepam.
- 999 72. Tramadol.
- 1000 73.~~(ggg)~~ Triazolam.
- 1001 74. Zaleplon.
- 1002 75. Zolpidem.
- 1003 76. Zopiclone.
- 1004 77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not
1005 less than 25 micrograms of atropine sulfate per dosage unit.
- 1006 (5) SCHEDULE V.—A substance, compound, mixture, or
1007 preparation of a substance in Schedule V has a low potential for
1008 abuse relative to the substances in Schedule IV and has a
1009 currently accepted medical use in treatment in the United
1010 States, and abuse of such compound, mixture, or preparation may
1011 lead to limited physical or psychological dependence relative to
1012 the substances in Schedule IV.
- 1013 (a) Substances controlled in Schedule V include any
1014 compound, mixture, or preparation containing any of the
1015 following limited quantities of controlled substances, which
1016 shall include one or more active medicinal ingredients which are
1017 not controlled substances in sufficient proportion to confer
1018 upon the compound, mixture, or preparation valuable medicinal
1019 qualities other than those possessed by the controlled substance
1020 alone:
- 1021 1. Not more than 200 milligrams of codeine per 100
1022 milliliters or per 100 grams.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1023 2. Not more than 100 milligrams of dihydrocodeine per 100
1024 milliliters or per 100 grams.

1025 3. Not more than 100 milligrams of ethylmorphine per 100
1026 milliliters or per 100 grams.

1027 4. Not more than 2.5 milligrams of diphenoxylate and not
1028 less than 25 micrograms of atropine sulfate per dosage unit.

1029 5. Not more than 100 milligrams of opium per 100
1030 milliliters or per 100 grams.

1031 6. Not more than 0.5 milligrams of difenoxin and not less
1032 than 25 micrograms of atropine sulfate per dosage unit.

1033 (b) Any material, compound, mixture, or preparation that
1034 contains any quantity of the following substances is controlled
1035 in Schedule V:

1036 1. Brivaracetam.

1037 2. Ezogabine.

1038 3. Lacosamide.

1039 4. Pregabalin.

1040 ~~(b) Narcotic drugs. Unless specifically excepted or unless~~
1041 ~~listed in another schedule, any material, compound, mixture, or~~
1042 ~~preparation containing any of the following narcotic drugs and~~
1043 ~~their salts: Buprenorphine.~~

1044 (c) Stimulants. Unless specifically excepted or unless
1045 listed in another schedule, any material, compound, mixture, or
1046 preparation which contains any quantity of the following
1047 substances having a stimulant effect on the central nervous

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1048 system, including its salts, isomers, and salts of isomers:
1049 Pyrovalerone.

1050 Section 9. Subsection (1) of section 893.04, Florida
1051 Statutes, is amended to read:

1052 893.04 Pharmacist and practitioner.—

1053 (1) A pharmacist, in good faith and in the course of
1054 professional practice only, may dispense controlled substances
1055 upon a written, ~~or~~ oral, or electronic prescription of a
1056 practitioner, under the following conditions:

1057 (a) Oral prescriptions must be promptly reduced to writing
1058 by the pharmacist or recorded electronically if permitted by
1059 federal law.

1060 (b) The written prescription must be dated and signed by
1061 the prescribing practitioner on the day when issued.

1062 (c) There shall appear on the face of the prescription or
1063 written record thereof for the controlled substance the
1064 following information:

1065 1. The full name and address of the person for whom, or
1066 the owner of the animal for which, the controlled substance is
1067 dispensed.

1068 2. The full name and address of the prescribing
1069 practitioner and the practitioner's federal controlled substance
1070 registry number shall be printed thereon.

1071 3. If the prescription is for an animal, the species of
1072 animal for which the controlled substance is prescribed.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1073 4. The name of the controlled substance prescribed and the
1074 strength, quantity, and directions for use thereof.

1075 5. The number of the prescription, as recorded in the
1076 prescription files of the pharmacy in which it is filled.

1077 6. The initials of the pharmacist filling the prescription
1078 and the date filled.

1079 (d) The prescription shall be retained on file by the
1080 proprietor of the pharmacy in which it is filled for a period of
1081 2 years.

1082 (e) Affixed to the original container in which a
1083 controlled substance is delivered upon a prescription or
1084 authorized refill thereof, as hereinafter provided, there shall
1085 be a label bearing the following information:

1086 1. The name and address of the pharmacy from which such
1087 controlled substance was dispensed.

1088 2. The date on which the prescription for such controlled
1089 substance was filled.

1090 3. The number of such prescription, as recorded in the
1091 prescription files of the pharmacy in which it is filled.

1092 4. The name of the prescribing practitioner.

1093 5. The name of the patient for whom, or of the owner and
1094 species of the animal for which, the controlled substance is
1095 prescribed.

1096 6. The directions for the use of the controlled substance
1097 prescribed in the prescription.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1098 7. A clear, concise warning that it is a crime to transfer
1099 the controlled substance to any person other than the patient
1100 for whom prescribed.

1101 (f) A prescription for a controlled substance listed in
1102 Schedule II may be dispensed only upon a written or electronic
1103 prescription of a practitioner, except that in an emergency
1104 situation, as defined by regulation of the Department of Health,
1105 such controlled substance may be dispensed upon oral
1106 prescription but is limited to a 72-hour supply. A prescription
1107 for a controlled substance listed in Schedule II may not be
1108 refilled.

1109 (g) A prescription for a controlled substance listed in
1110 Schedule III, Schedule IV, or Schedule V may not be filled or
1111 refilled more than five times within a period of 6 months after
1112 the date on which the prescription was written unless the
1113 prescription is renewed by a practitioner.

1114 Section 10. Section 893.055, Florida Statutes, is amended
1115 to read:

1116 (Substantial rewording of section. See
1117 s. 893.055, F.S., for present text.)

1118 893.055 Prescription drug monitoring program.-

1119 (1) As used in this section, the term:

1120 (a) "Administration" means the obtaining and giving of a
1121 single dose of a controlled substance by a legally authorized
1122 person to a patient for her or his consumption.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1123 (b) "Active investigation" means an investigation that is
1124 being conducted with a reasonable, good faith belief that it
1125 could lead to the filing of administrative, civil, or criminal
1126 proceedings, or that is ongoing and continuing and for which
1127 there is a reasonable, good faith anticipation of securing an
1128 arrest or prosecution in the foreseeable future.

1129 (c) "Controlled substance" means a controlled substance
1130 listed in Schedule II, Schedule III, Schedule IV, or Schedule V
1131 of s. 893.03 or 21 U.S.C. s. 812.

1132 (d) "Dispense" means the transfer of possession of one or
1133 more doses of a controlled substance by a dispenser to the
1134 ultimate consumer or to his or her agent.

1135 (e) "Dispenser" means a dispensing health care
1136 practitioner, pharmacy, or pharmacist licensed to dispense
1137 controlled substances in or into this state.

1138 (f) "Health care practitioner" or "practitioner" means any
1139 practitioner licensed under chapter 458, chapter 459, chapter
1140 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1141 (g) "Health care regulatory board" means any board or
1142 commission as defined in s. 456.001(1).

1143 (h) "Law enforcement agency" means the Department of Law
1144 Enforcement, a sheriff's office in this state, a police
1145 department in this state, or a law enforcement agency of the
1146 Federal Government which enforces the laws of this state or the
1147 United States relating to controlled substances, and which its

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1148 agents and officers are empowered by law to conduct criminal
1149 investigations and make arrests.

1150 (i) "Pharmacy" includes a community pharmacy, an
1151 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
1152 or an Internet pharmacy that is licensed by the department under
1153 chapter 465 and that dispenses or delivers medicinal drugs,
1154 including controlled substances to an individual or address in
1155 this state.

1156 (j) "Prescriber" means a prescribing physician,
1157 prescribing practitioner, or other prescribing health care
1158 practitioner authorized by the laws of this state to order
1159 controlled substances.

1160 (k) "Program manager" means an employee of or a person
1161 contracted by the department who is designated to ensure the
1162 integrity of the prescription drug monitoring program in
1163 accordance with the requirements established in this section.

1164 (2) (a) The department shall maintain an electronic system
1165 to collect and store controlled substance dispensing information
1166 and shall release the information as authorized in this section
1167 and s. 893.0551. The electronic system must:

1168 1. Not infringe upon the legitimate prescribing or
1169 dispensing of a controlled substance by a prescriber or
1170 dispenser acting in good faith and in the course of professional
1171 practice.

Amendment No.

1172 2. Be consistent with standards of the American Society
1173 for Automation in Pharmacy.

1174 3. Comply with the Health Insurance Portability and
1175 Accountability Act and all other relevant state and federal
1176 privacy and security laws and regulations.

1177 4. Purge or cause to be purged information in the database
1178 that is more than four years old.

1179 (b) The department may collaborate with professional
1180 health care regulatory boards, appropriate organizations, and
1181 other state agencies to identify indicators of controlled
1182 substance abuse.

1183 (c) The department shall adopt rules necessary to
1184 implement this subsection.

1185 (3) For each controlled substance dispensed to a patient
1186 in the state, the following information must be reported by the
1187 dispenser to the system as soon thereafter as possible but no
1188 later than the close of the next business day after the day the
1189 controlled substance is dispensed unless an extension or
1190 exemption is approved by the department:

1191 (a) The name of the prescribing practitioner, the
1192 practitioner's federal Drug Enforcement Administration
1193 registration number, the practitioner's National Provider
1194 Identification or other appropriate identifier, and the date of
1195 the prescription.

Amendment No.

1196 (b) The date the prescription was filled and the method of
1197 payment, such as cash by an individual, insurance coverage
1198 through a third party, or Medicaid payment. This paragraph does
1199 not authorize the department to include individual credit card
1200 numbers or other account numbers in the system.

1201 (c) The full name, address, telephone number, and date of
1202 birth of the person for whom the prescription was written.

1203 (d) The name, national drug code, quantity, and strength
1204 of the controlled substance dispensed.

1205 (e) The full name, federal Drug Enforcement Administration
1206 registration number, State of Florida Department of Health
1207 issued pharmacy permit number, and address of the pharmacy or
1208 other location from which the controlled substance was
1209 dispensed. If the controlled substance was dispensed by a
1210 practitioner other than a pharmacist, the practitioner's full
1211 name, address, federal Drug Enforcement Administration
1212 registration number, State of Florida Department of Health
1213 issued license number, and National Provider Identification.

1214 (f) Whether the drug was dispensed as an initial
1215 prescription or a refill, and the number of refills ordered.

1216 (g) The name of the individual picking up the controlled
1217 substance prescription and type and issuer of the identification
1218 provided.

1219 (h) Other appropriate identifying information as
1220 determined by department rule.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1221 (4) The following acts of administration or dispensing are
1222 exempt from the reporting under this section:

1223 (a) All acts of administration of a controlled substance.

1224 (b) The dispensing of a controlled substance in the health
1225 care system of the Department of Corrections.

1226 (c) The dispensing of a controlled substance to a person
1227 under the age of 16.

1228 (5) The following shall have direct access to information
1229 in the system:

1230 (a) An authorized prescriber or dispenser or his or her
1231 designee.

1232 (b) An employee of the United States Department of
1233 Veterans Affairs, United States Department of Defense, or the
1234 Indian Health Service who provides health care services pursuant
1235 to such employment and who has the authority to prescribe or
1236 dispense controlled substances shall have access to the
1237 information in the program's system upon verification of
1238 employment.

1239 (c) The program manager or designated program and support
1240 staff may have access to administer the system.

1241 1. The program manager or designated program and support
1242 staff must complete a level II background screening.

1243 2. In order to calculate performance measures pursuant to
1244 subsection (15), the program manager or program and support
1245 staff members who have been directed by the program manager to

Amendment No.

1246 calculate performance measures may have direct access to
1247 information that contains no identifying information of any
1248 patient, physician, health care practitioner, prescriber, or
1249 dispenser.

1250 3. The program manager or designated program and support
1251 staff must provide the department, upon request, data that does
1252 not contain patient, physician, health care practitioner,
1253 prescriber, or dispenser identifying information for public
1254 health care and safety initiatives purposes.

1255 4. The program manager, upon determining a pattern
1256 consistent with the department's rules established under
1257 paragraph (2)(b) may provide relevant information to the
1258 prescriber and dispenser.

1259 5. The program manager, upon determining a pattern
1260 consistent with the rules established under paragraph (2)(b) and
1261 having cause to believe a violation of s. 893.13(7)(a)8.,
1262 (8)(a), or (8)(b) has occurred, may provide relevant information
1263 to the applicable law enforcement agency.

1264 (6) The following entities may not directly access
1265 information in the system, but may request information from the
1266 program manager or designated program and support staff:

1267 (a) The department or the relevant health care regulatory
1268 board for investigations involving licensees authorized to
1269 prescribe or dispense controlled substances.

Amendment No.

1270 (b) The Attorney General for Medicaid fraud cases
1271 involving prescribed controlled substances.

1272 (c) A law enforcement agency during active investigations
1273 of potential criminal activity, fraud, or theft regarding
1274 prescribed controlled substances.

1275 (d) A district medical examiner when conducting an
1276 authorized investigation under s. 406.11, to determine the cause
1277 of death of an individual.

1278 (e) An impaired practitioner consultant who is retained by
1279 the department under s. 456.076 to review the system information
1280 of an impaired practitioner program participant or a referral
1281 who has agreed to be evaluated or monitored through the program
1282 and who has separately agreed in writing to the consultant's
1283 access to and review of such information.

1284 (f) A patient or the legal guardian or designated health
1285 care surrogate of an incapacitated patient who submits a written
1286 and notarized request that includes the patient's full name,
1287 address, phone number, date of birth, and a copy of a
1288 government-issued photo identification. A legal guardian or
1289 health care surrogate must provide the same information if he or
1290 she submits the request.

1291 (7) The department may enter into one or more reciprocal
1292 agreements or contracts to share prescription drug monitoring
1293 information with other states, districts, or territories if the
1294 prescription drug monitoring programs of other states,

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1295 districts, or territories are compatible with the Florida
1296 program.

1297 (a) In determining compatibility, the department shall
1298 consider:

1299 1. The safeguards for privacy of patient records and the
1300 success of the program in protecting patient privacy.

1301 2. The persons authorized to view the data collected by
1302 the program. Comparable entities and licensed health care
1303 practitioners in other states, districts, or territories of the
1304 United States, law enforcement agencies, the Attorney General's
1305 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1306 needed, management staff that have similar duties as management
1307 staff who work with the prescription drug monitoring program as
1308 authorized in s. 893.0551 are authorized access upon approval by
1309 the department.

1310 3. The schedules of the controlled substances that are
1311 monitored by the program.

1312 4. The data reported to or included in the program's
1313 system.

1314 5. Any implementing criteria deemed essential for a
1315 thorough comparison.

1316 6. The costs and benefits to the state of sharing
1317 prescription information.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1318 (b) The department must assess the prescription drug
1319 monitoring program's continued compatibility with the other
1320 state's, district's, or territory's program every 4 years.

1321 (c) Any agreement or contract for sharing of prescription
1322 drug monitoring information between the department and another
1323 state, district, or territory shall contain the same
1324 restrictions and requirements as this section or s. 893.0551,
1325 and the information must be provided according to the
1326 department's determination of compatibility.

1327 (8) The department may enter into agreements or contracts
1328 to establish secure connections between the system and a
1329 prescribing or dispensing health care practitioner's electronic
1330 health record system. The electronic health record system owner
1331 or license holder will be responsible for ensuring that only
1332 authorized individuals have access to prescription drug
1333 monitoring program information.

1334 (9) A prescriber or dispenser or a designee of a
1335 prescriber or dispenser must consult the system to review a
1336 patient's controlled substance dispensing history before
1337 prescribing or dispensing a controlled substance for a patient
1338 age 16 or older. This requirement does not apply when
1339 prescribing or dispensing a nonopioid controlled substance
1340 listed in Schedule V of s. 893.03 or 21 U.S.C. 812. For purposes
1341 of this subsection, a "nonopioid controlled substance" is a

Amendment No.

1342 controlled substance that does not contain any amount of a
1343 substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

1344 (a) The duty to consult the system does not apply to a
1345 prescriber or dispenser or designee of a prescriber or dispenser
1346 if the system is not operational, as determined by the
1347 department, or when it cannot be accessed by a health care
1348 practitioner because of a temporary technological or electrical
1349 failure.

1350 (b) A prescriber or dispenser or designee of a prescriber
1351 or dispenser who does not consult the system under this
1352 subsection shall document the reason he or she did not consult
1353 the system in the patient's medical record or prescription
1354 record, and shall not prescribe or dispense greater than a 3-day
1355 supply of a controlled substance to the patient.

1356 (c) The department shall issue a nondisciplinary citation
1357 to any prescriber or dispenser who fails to consult the system
1358 as required by this subsection for an initial offense. Each
1359 subsequent offense is subject to disciplinary action pursuant to
1360 s. 456.073.

1361 (10) A person who willfully and knowingly fails to report
1362 the dispensing of a controlled substance as required by this
1363 section commits a misdemeanor of the first degree, punishable as
1364 provided in s. 775.082 or s. 775.083.

1365 (11) Information in the prescription drug monitoring
1366 program's system may be released only as provided in this

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1367 section and s. 893.0551. The content of the system is intended
1368 to be informational only and imposes no obligations of any
1369 nature or any legal duty on a prescriber, dispenser, pharmacy,
1370 or patient. Information in the system shall be provided in
1371 accordance with s. 893.13(7)(a)8. and is not subject to
1372 discovery or introduction into evidence in any civil or
1373 administrative action against a prescriber, dispenser, pharmacy,
1374 or patient arising out of matters that are the subject of
1375 information in the system. The program manager and authorized
1376 persons who participate in preparing, reviewing, issuing, or any
1377 other activity related to management of the system may not be
1378 permitted or required to testify in any such civil or
1379 administrative action as to any findings, recommendations,
1380 evaluations, opinions, or other actions taken in connection with
1381 management of the system.

1382 (12) A prescriber or dispenser, or his or her designee,
1383 may have access to the information under this section which
1384 relates to a patient of that prescriber or dispenser as needed
1385 for the purpose of reviewing the patient's controlled drug
1386 prescription history. A prescriber or dispenser acting in good
1387 faith is immune from any civil, criminal, or administrative
1388 liability that might otherwise be incurred or imposed for
1389 receiving or using information from the prescription drug
1390 monitoring program. This subsection does not create a private
1391 cause of action, and a person may not recover damages against a

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1392 prescriber or dispenser authorized to access information under
1393 this subsection for accessing or failing to access such
1394 information.

1395 (13) (a) All costs incurred by the department in
1396 administering the prescription drug monitoring program shall be
1397 funded through federal grants, private funding applied for or
1398 received by the state, or state funds appropriated in the
1399 General Appropriations Act. The department may not:

1400 1. Commit funds for the monitoring program without
1401 ensuring funding is available; or

1402 2. Use funds provided, directly or indirectly by
1403 prescription drug manufacturers to implement the program.

1404 (b) The department shall cooperate with the direct-support
1405 organization established under subsection (16) in seeking
1406 federal grant funds, other nonstate grant funds, gifts,
1407 donations, or other private moneys for the department if the
1408 costs of doing so are immaterial. Immaterial costs include, but
1409 are not limited to, the costs of mailing and personnel assigned
1410 to research or apply for a grant. The department may
1411 competitively procure and contract pursuant to s. 287.057 for
1412 any goods and services required by this section.

1413 (14) The department shall conduct or participate in
1414 studies to examine the feasibility of enhancing the prescription
1415 drug monitoring program for the purposes of public health
1416 initiatives and statistical reporting. Such studies shall

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1417 respect the privacy of the patient, the prescriber, and the
1418 dispenser. Such studies may be conducted by the department or a
1419 contracted vendor in order to:

1420 (a) Improve the quality of health care services and safety
1421 by improving prescribing and dispensing practices for controlled
1422 substances;

1423 (b) Take advantage of advances in technology;

1424 (c) Reduce duplicative prescriptions and the
1425 overprescribing of controlled substances; and

1426 (d) Reduce drug abuse.

1427 (15) The department shall annually report on performance
1428 measures to the Governor, the President of the Senate, and the
1429 Speaker of the House of Representatives by December 1.

1430 Performance measures may include, but are not limited to, the
1431 following outcomes:

1432 (a) Reduction of the rate of inappropriate use of
1433 controlled substances through department education and safety
1434 efforts.

1435 (b) Reduction of the quantity of pharmaceutical controlled
1436 substances obtained by individuals attempting to engage in fraud
1437 and deceit.

1438 (c) Increased coordination among partners participating in
1439 the prescription drug monitoring program.

Amendment No.

1440 (d) Involvement of stakeholders in achieving improved
1441 patient health care and safety and reduction of controlled
1442 substance abuse and controlled substance diversion.

1443 (16) The department may establish a direct-support
1444 organization to provide assistance, funding, and promotional
1445 support for the activities authorized for the prescription drug
1446 monitoring program.

1447 (a) As used in this subsection, the term "direct-support
1448 organization" means an organization that is:

1449 1. A Florida corporation not for profit incorporated under
1450 chapter 617, exempted from filing fees, and approved by the
1451 Department of State.

1452 2. Organized and operated to conduct programs and
1453 activities; raise funds; request and receive grants, gifts, and
1454 bequests of money; acquire, receive, hold, and invest, in its
1455 own name, securities, funds, objects of value, or other
1456 property, either real or personal; and make expenditures or
1457 provide funding to or for the direct or indirect benefit of the
1458 department in the furtherance of the prescription drug
1459 monitoring program.

1460 (b) The State Surgeon General shall appoint a board of
1461 directors for the direct-support organization.

1462 1. The board of directors shall consist of no fewer than
1463 five members who shall serve at the pleasure of the State
1464 Surgeon General.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1465 2. The State Surgeon General shall provide guidance to
1466 members of the board to ensure that moneys received by the
1467 direct-support organization are not received from inappropriate
1468 sources. Inappropriate sources include, but are not limited to,
1469 donors, grantors, persons, prescription drug manufacturers, or
1470 organizations that may monetarily or substantively benefit from
1471 the purchase of goods or services by the department in
1472 furtherance of the prescription drug monitoring program.

1473 (c) The direct-support organization shall operate under
1474 written contract with the department. The contract must, at a
1475 minimum, provide for:

1476 1. Approval of the articles of incorporation and bylaws of
1477 the direct-support organization by the department.

1478 2. Submission of an annual budget for the approval of the
1479 department.

1480 3. The reversion, without penalty, to the department's
1481 grants and donations trust fund for the administration of the
1482 prescription drug monitoring program of all moneys and property
1483 held in trust by the direct-support organization for the benefit
1484 of the prescription drug monitoring program if the direct-
1485 support organization ceases to exist or if the contract is
1486 terminated.

1487 4. The fiscal year of the direct-support organization,
1488 which must begin July 1 of each year and end June 30 of the
1489 following year.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1490 5. The disclosure of the material provisions of the
1491 contract to donors of gifts, contributions, or bequests,
1492 including such disclosure on all promotional and fundraising
1493 publications, and an explanation to such donors of the
1494 distinction between the department and the direct-support
1495 organization.

1496 6. The direct-support organization's collecting,
1497 expending, and providing of funds to the department for the
1498 development, implementation, and operation of the prescription
1499 drug monitoring program as described in this section. The
1500 direct-support organization may collect and expend funds to be
1501 used for the functions of the direct-support organization's
1502 board of directors, as necessary and approved by the department.
1503 In addition, the direct-support organization may collect and
1504 provide funding to the department in furtherance of the
1505 prescription drug monitoring program by:

1506 a. Establishing and administering the prescription drug
1507 monitoring program's electronic system, including hardware and
1508 software.

1509 b. Conducting studies on the efficiency and effectiveness
1510 of the program to include feasibility studies as described in
1511 subsection (14).

1512 c. Providing funds for future enhancements of the program
1513 within the intent of this section.

Amendment No.

1514 d. Providing user training of the prescription drug
1515 monitoring program, including distribution of materials to
1516 promote public awareness and education and conducting workshops
1517 or other meetings, for health care practitioners, pharmacists,
1518 and others as appropriate.

1519 e. Providing funds for travel expenses.

1520 f. Providing funds for administrative costs, including
1521 personnel, audits, facilities, and equipment.

1522 g. Fulfilling all other requirements necessary to
1523 implement and operate the program as outlined in this section.

1524 7. Certification by the department that the direct-support
1525 organization is complying with the terms of the contract in a
1526 manner consistent with and in furtherance of the goals and
1527 purposes of the prescription drug monitoring program and in the
1528 best interests of the state. Such certification must be made
1529 annually and reported in the official minutes of a meeting of
1530 the direct-support organization.

1531 (d) The activities of the direct-support organization must
1532 be consistent with the goals and mission of the department, as
1533 determined by the department, and in the best interests of the
1534 state. The direct-support organization must obtain written
1535 approval from the department for any activities in support of
1536 the prescription drug monitoring program before undertaking
1537 those activities.

Amendment No.

1538 (e) The direct-support organization shall provide for an
1539 independent annual financial audit in accordance with s.
1540 215.981. Copies of the audit shall be provided to the department
1541 and the Office of Policy and Budget in the Executive Office of
1542 the Governor.

1543 (f) The direct-support organization may not exercise any
1544 power under s. 617.0302(12) or (16).

1545 (g) The direct-support organization is not considered a
1546 lobbying firm within the meaning of s.11.045.

1547 (h) The department may permit, without charge, appropriate
1548 use of administrative services, property, and facilities of the
1549 department by the direct-support organization, subject to this
1550 section. The use must be directly in keeping with the approved
1551 purposes of the direct-support organization and may not be made
1552 at times or places that would unreasonably interfere with
1553 opportunities for the public to use such facilities for
1554 established purposes. Any moneys received from rentals of
1555 facilities and properties managed by the department may be held
1556 in a separate depository account in the name of the direct-
1557 support organization and subject to the provisions of the letter
1558 of agreement with the department. The letter of agreement must
1559 provide that any funds held in the separate depository account
1560 in the name of the direct-support organization must revert to
1561 the department if the direct-support organization is no longer

Amendment No.

1562 approved by the department to operate in the best interests of
1563 the state.

1564 (i) The department may adopt rules under s. 120.54 to
1565 govern the use of administrative services, property, or
1566 facilities of the department or office by the direct-support
1567 organization.

1568 (j) The department may not permit the use of any
1569 administrative services, property, or facilities of the state by
1570 a direct-support organization if that organization does not
1571 provide equal membership and employment opportunities to all
1572 persons regardless of race, color, religion, gender, age, or
1573 national origin.

1574 (k) This subsection is repealed October 1, 2027, unless
1575 reviewed and saved from repeal by the Legislature.

1576 Section 11. Section 893.0551, Florida Statutes, is amended
1577 to read:

1578 893.0551 Public records exemption for the prescription
1579 drug monitoring program.—

1580 (1) For purposes of this section, the terms used in this
1581 section have the same meanings as provided in s. 893.055.

1582 (2) The following information of a patient or patient's
1583 agent, a health care practitioner, a dispenser, an employee of
1584 the practitioner who is acting on behalf of and at the direction
1585 of the practitioner, a pharmacist, or a pharmacy that is
1586 contained in records held by the department under s. 893.055 is

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1587 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1588 of the State Constitution:

- 1589 (a) Name.
1590 (b) Address.
1591 (c) Telephone number.
1592 (d) Insurance plan number.
1593 (e) Government-issued identification number.
1594 (f) Provider number.
1595 (g) Drug Enforcement Administration number.
1596 (h) Any other unique identifying information or number.

1597 (3) The department shall disclose such ~~confidential and~~
1598 ~~exempt~~ information to the following persons or entities upon
1599 request and after using a verification process to ensure the
1600 legitimacy of the request as provided in s. 893.055:

1601 (a) A health care practitioner, or his or her designee,
1602 who certifies that the information is necessary to provide
1603 medical treatment to a current patient in accordance with ss.
1604 893.05 and 893.055.

1605 (b) An employee of the United States Department of
1606 Veterans Affairs, United States Department of Defense, or the
1607 Indian Health Service who provides health care services pursuant
1608 to such employment and who has the authority to prescribe or
1609 dispense controlled substances shall have access to the
1610 information in the program's system upon verification of such
1611 employment.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1612 (c) The program manager and designated support staff for
1613 administration of the program, and to provide relevant
1614 information to the prescriber, dispenser, and appropriate law
1615 enforcement agencies, in accordance with s. 893.055.

1616 (d) The department or the relevant health care regulatory
1617 board for investigations involving licensees authorized to
1618 prescribe or dispense controlled substances. The department may
1619 request information from the program but may not have direct
1620 access to its system. The department may provide to a law
1621 enforcement agency pursuant to ss. 456.066 and 456.073 only
1622 information that is relevant to the specific controlled
1623 substances investigation that prompted the request for the
1624 information.

1625 (e)-(a) The Attorney General or his or her designee when
1626 working on Medicaid fraud cases involving prescribed controlled
1627 substances ~~prescription drugs~~ or when the Attorney General has
1628 initiated a review of specific identifiers of Medicaid fraud or
1629 specific identifiers that warrant a Medicaid investigation
1630 regarding prescribed controlled substances ~~prescription drugs~~.
1631 The Attorney General's Medicaid fraud investigators may not have
1632 direct access to the department's system ~~database~~. The Attorney
1633 General or his or her designee may disclose to a criminal
1634 justice agency, as defined in s. 119.011, only the ~~confidential~~
1635 ~~and exempt~~ information received from the department that is

Amendment No.

1636 relevant to an identified active investigation that prompted the
1637 request for the information.

1638 ~~(b) The department's relevant health care regulatory~~
1639 ~~boards responsible for the licensure, regulation, or discipline~~
1640 ~~of a practitioner, pharmacist, or other person who is authorized~~
1641 ~~to prescribe, administer, or dispense controlled substances and~~
1642 ~~who is involved in a specific controlled substances~~
1643 ~~investigation for prescription drugs involving a designated~~
1644 ~~person. The health care regulatory boards may request~~
1645 ~~information from the department but may not have direct access~~
1646 ~~to its database. The health care regulatory boards may provide~~
1647 ~~to a law enforcement agency pursuant to ss. 456.066 and 456.073~~
1648 ~~only information that is relevant to the specific controlled~~
1649 ~~substances investigation that prompted the request for the~~
1650 ~~information.~~

1651 (f) ~~(e)~~ A law enforcement agency that has initiated an
1652 active investigation involving a specific violation of law
1653 regarding prescription drug abuse or diversion of prescribed
1654 controlled substances and that has entered into a user agreement
1655 with the department. A law enforcement agency may request
1656 information from the department but may not have direct access
1657 to its system ~~database~~. The law enforcement agency may disclose
1658 to a criminal justice agency, as defined in s. 119.011, only
1659 ~~confidential and exempt~~ information received from the department

Amendment No.

1660 that is relevant to an identified active investigation that
1661 prompted the request for such information.

1662 (g) A district medical examiner or associate medical
1663 examiner, as defined in s 406.06, pursuant to his or her
1664 official duties, as required by s. 406.11, to determine the
1665 cause of death of an individual. A medical examiner may request
1666 information from the department but may not have direct access
1667 to the system.

1668 ~~(f) A patient or the legal guardian or designated health~~
1669 ~~care surrogate for an incapacitated patient, if applicable,~~
1670 ~~making a request as provided in s. 893.055(7)(c)4.~~

1671 (h) An impaired practitioner consultant who has been
1672 authorized in writing by a participant in, or by a referral to,
1673 the impaired practitioner program to access and review
1674 information as provided in s. 893.055(6)(e) ~~893.055(7)(c)5.~~

1675 (i) ~~(f)~~ A patient or the legal guardian or designated
1676 health care surrogate for an incapacitated patient, if
1677 applicable, making a request as provided in s. 893.055(6)(f)
1678 ~~893.055(7)(c)4.~~

1679 (4) If the department determines consistent with its rules
1680 that a pattern of controlled substance abuse exists, the
1681 department may disclose such confidential and exempt information
1682 to the applicable law enforcement agency in accordance with s.
1683 893.055. The law enforcement agency may disclose to a criminal
1684 justice agency, as defined in s. 119.011, only ~~confidential and~~

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1685 ~~exempt~~ information received from the department that is relevant
1686 to an identified active investigation that is specific to a
1687 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
1688 893.13(8)(b).

1689 (5) Before disclosing ~~confidential and exempt~~ information
1690 to a criminal justice agency or a law enforcement agency
1691 pursuant to this section, the disclosing person or entity must
1692 take steps to ensure the continued confidentiality of all
1693 ~~confidential and exempt~~ information. At a minimum, these steps
1694 must include redacting any nonrelevant information.

1695 (6) An agency or person who obtains any ~~confidential and~~
1696 ~~exempt~~ information pursuant to this section must maintain the
1697 confidential and exempt status of that information and may not
1698 disclose such information unless authorized by law. Information
1699 shared with a state attorney pursuant to paragraph (3)(e) ~~(3)(a)~~
1700 or paragraph (3)(f) ~~(3)(e)~~ may be released only in response to a
1701 discovery demand if such information is directly related to the
1702 criminal case for which the information was requested. Unrelated
1703 information may be released only upon an order of a court of
1704 competent jurisdiction.

1705 (7) A person who willfully and knowingly violates this
1706 section commits a felony of the third degree, punishable as
1707 provided in s. 775.082, s. 775.083, or s. 775.084.

1708 Section 12. Paragraphs (a), (c), (d), (e), (f), and (h) of
1709 subsection (1), subsection (2), paragraphs (a) and (b) of

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1710 subsection (4), and subsection (5), and paragraph (e) of
1711 subsection (7) of section 893.13, Florida Statutes, are amended
1712 to read:

1713 893.13 Prohibited acts; penalties.—

1714 (1) (a) Except as authorized by this chapter and chapter
1715 499, a person may not sell, manufacture, or deliver, or possess
1716 with intent to sell, manufacture, or deliver, a controlled
1717 substance. A person who violates this provision with respect to:

1718 1. A controlled substance named or described in s.
1719 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
1720 ~~(2) (c) 4.~~ commits a felony of the second degree, punishable as
1721 provided in s. 775.082, s. 775.083, or s. 775.084.

1722 2. A controlled substance named or described in s.
1723 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.,~~ (2) (c) 6.,
1724 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a
1725 felony of the third degree, punishable as provided in s.
1726 775.082, s. 775.083, or s. 775.084.

1727 3. A controlled substance named or described in s.
1728 893.03(5) commits a misdemeanor of the first degree, punishable
1729 as provided in s. 775.082 or s. 775.083.

1730 (c) Except as authorized by this chapter, a person may not
1731 sell, manufacture, or deliver, or possess with intent to sell,
1732 manufacture, or deliver, a controlled substance in, on, or
1733 within 1,000 feet of the real property comprising a child care
1734 facility as defined in s. 402.302 or a public or private

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1735 elementary, middle, or secondary school between the hours of 6
1736 a.m. and 12 midnight, or at any time in, on, or within 1,000
1737 feet of real property comprising a state, county, or municipal
1738 park, a community center, or a publicly owned recreational
1739 facility. As used in this paragraph, the term "community center"
1740 means a facility operated by a nonprofit community-based
1741 organization for the provision of recreational, social, or
1742 educational services to the public. A person who violates this
1743 paragraph with respect to:

1744 1. A controlled substance named or described in s.
1745 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1746 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1747 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
1748 must be sentenced to a minimum term of imprisonment of 3
1749 calendar years unless the offense was committed within 1,000
1750 feet of the real property comprising a child care facility as
1751 defined in s. 402.302.

1752 2. A controlled substance named or described in s.
1753 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~ (2)(c)6.,
1754 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1755 felony of the second degree, punishable as provided in s.
1756 775.082, s. 775.083, or s. 775.084.

1757 3. Any other controlled substance, except as lawfully
1758 sold, manufactured, or delivered, must be sentenced to pay a

Amendment No.

1759 \$500 fine and to serve 100 hours of public service in addition
1760 to any other penalty prescribed by law.

1761

1762 This paragraph does not apply to a child care facility unless
1763 the owner or operator of the facility posts a sign that is not
1764 less than 2 square feet in size with a word legend identifying
1765 the facility as a licensed child care facility and that is
1766 posted on the property of the child care facility in a
1767 conspicuous place where the sign is reasonably visible to the
1768 public.

1769 (d) Except as authorized by this chapter, a person may not
1770 sell, manufacture, or deliver, or possess with intent to sell,
1771 manufacture, or deliver, a controlled substance in, on, or
1772 within 1,000 feet of the real property comprising a public or
1773 private college, university, or other postsecondary educational
1774 institution. A person who violates this paragraph with respect
1775 to:

1776 1. A controlled substance named or described in s.
1777 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1778 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1779 provided in s. 775.082, s. 775.083, or s. 775.084.

1780 2. A controlled substance named or described in s.
1781 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
1782 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1783 felony of the second degree, punishable as provided in s.
1784 775.082, s. 775.083, or s. 775.084.

1785 3. Any other controlled substance, except as lawfully
1786 sold, manufactured, or delivered, must be sentenced to pay a
1787 \$500 fine and to serve 100 hours of public service in addition
1788 to any other penalty prescribed by law.

1789 (e) Except as authorized by this chapter, a person may not
1790 sell, manufacture, or deliver, or possess with intent to sell,
1791 manufacture, or deliver, a controlled substance not authorized
1792 by law in, on, or within 1,000 feet of a physical place for
1793 worship at which a church or religious organization regularly
1794 conducts religious services or within 1,000 feet of a
1795 convenience business as defined in s. 812.171. A person who
1796 violates this paragraph with respect to:

1797 1. A controlled substance named or described in s.
1798 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1799 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1800 provided in s. 775.082, s. 775.083, or s. 775.084.

1801 2. A controlled substance named or described in s.
1802 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~ (2)(c)6.,
1803 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1804 felony of the second degree, punishable as provided in s.
1805 775.082, s. 775.083, or s. 775.084.

1806 3. Any other controlled substance, except as lawfully
1807 sold, manufactured, or delivered, must be sentenced to pay a

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1808 \$500 fine and to serve 100 hours of public service in addition
1809 to any other penalty prescribed by law.

1810 (f) Except as authorized by this chapter, a person may not
1811 sell, manufacture, or deliver, or possess with intent to sell,
1812 manufacture, or deliver, a controlled substance in, on, or
1813 within 1,000 feet of the real property comprising a public
1814 housing facility at any time. As used in this section, the term
1815 "real property comprising a public housing facility" means real
1816 property, as defined in s. 421.03(12), of a public corporation
1817 created as a housing authority pursuant to part I of chapter
1818 421. A person who violates this paragraph with respect to:

1819 1. A controlled substance named or described in s.
1820 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1821 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1822 provided in s. 775.082, s. 775.083, or s. 775.084.

1823 2. A controlled substance named or described in s.
1824 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1825 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1826 felony of the second degree, punishable as provided in s.
1827 775.082, s. 775.083, or s. 775.084.

1828 3. Any other controlled substance, except as lawfully
1829 sold, manufactured, or delivered, must be sentenced to pay a
1830 \$500 fine and to serve 100 hours of public service in addition
1831 to any other penalty prescribed by law.

Amendment No.

1832 (h) Except as authorized by this chapter, a person may not
1833 sell, manufacture, or deliver, or possess with intent to sell,
1834 manufacture, or deliver, a controlled substance in, on, or
1835 within 1,000 feet of the real property comprising an assisted
1836 living facility, as that term is used in chapter 429. A person
1837 who violates this paragraph with respect to:

1838 1. A controlled substance named or described in s.
1839 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1840 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1841 provided in s. 775.082, s. 775.083, or s. 775.084.

1842 2. A controlled substance named or described in s.
1843 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1844 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1845 felony of the second degree, punishable as provided in s.
1846 775.082, s. 775.083, or s. 775.084.

1847 3. Any other controlled substance, except as lawfully
1848 sold, manufactured, or delivered, must be sentenced to pay a
1849 \$500 fine and to serve 100 hours of public service in addition
1850 to any other penalty prescribed by law.

1851 (2)(a) Except as authorized by this chapter and chapter
1852 499, a person may not purchase, or possess with intent to
1853 purchase, a controlled substance. A person who violates this
1854 provision with respect to:

1855 1. A controlled substance named or described in s.
1856 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1857 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as
1858 provided in s. 775.082, s. 775.083, or s. 775.084.

1859 2. A controlled substance named or described in s.
1860 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~ (2)(c)6.,
1861 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1862 felony of the third degree, punishable as provided in s.
1863 775.082, s. 775.083, or s. 775.084.

1864 3. A controlled substance named or described in s.
1865 893.03(5) commits a misdemeanor of the first degree, punishable
1866 as provided in s. 775.082 or s. 775.083.

1867 (b) Except as provided in this chapter, a person may not
1868 purchase more than 10 grams of any substance named or described
1869 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
1870 mixture containing any such substance. A person who violates
1871 this paragraph commits a felony of the first degree, punishable
1872 as provided in s. 775.082, s. 775.083, or s. 775.084.

1873 (4) Except as authorized by this chapter, a person 18
1874 years of age or older may not deliver any controlled substance
1875 to a person younger than 18 years of age, use or hire a person
1876 younger than 18 years of age as an agent or employee in the sale
1877 or delivery of such a substance, or use such person to assist in
1878 avoiding detection or apprehension for a violation of this
1879 chapter. A person who violates this subsection with respect to:

1880 (a) A controlled substance named or described in s.
1881 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1882 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1883 provided in s. 775.082, s. 775.083, or s. 775.084.

1884 (b) A controlled substance named or described in s.
1885 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6.,
1886 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1887 felony of the second degree, punishable as provided in s.
1888 775.082, s. 775.083, or s. 775.084.

1889
1890 Imposition of sentence may not be suspended or deferred, and the
1891 person so convicted may not be placed on probation.

1892 (5) A person may not bring into this state any controlled
1893 substance unless the possession of such controlled substance is
1894 authorized by this chapter or unless such person is licensed to
1895 do so by the appropriate federal agency. A person who violates
1896 this provision with respect to:

1897 (a) A controlled substance named or described in s.
1898 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1899 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
1900 provided in s. 775.082, s. 775.083, or s. 775.084.

1901 (b) A controlled substance named or described in s.
1902 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6.,
1903 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1904 felony of the third degree, punishable as provided in s.
1905 775.082, s. 775.083, or s. 775.084.

Amendment No.

1906 (c) A controlled substance named or described in s.
1907 893.03(5) commits a misdemeanor of the first degree, punishable
1908 as provided in s. 775.082 or s. 775.083.

1909 (7)

1910 (e) A person or health care practitioner who violates the
1911 provisions of subparagraph (a)13. or paragraph (b) commits a
1912 felony of the second ~~third~~ degree, punishable as provided in s.
1913 775.082, s. 775.083, or s. 775.084, if any controlled substance
1914 that is the subject of the offense is listed in Schedule II,
1915 Schedule III, or Schedule IV.

1916 Section 13. Subsection (7) is added to section 893.147,
1917 Florida Statutes, to read:

1918 893.147 Use, possession, manufacture, delivery,
1919 transportation, advertisement, or retail sale of drug
1920 paraphernalia, specified machines, and materials.-

1921 (7) TABLETING MACHINES, ENCAPSULATING MACHINES, AND
1922 CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.-

1923 (a) Except as provided in paragraph (b), it is unlawful
1924 for any person to possess, purchase, deliver, sell, or possess
1925 with intent to sell or deliver a tableting machine,
1926 encapsulating machine, or controlled substance counterfeiting
1927 material knowing, intending, or having reasonable cause to
1928 believe that it will be used to manufacture a controlled
1929 substance or counterfeit controlled substance.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1930 (b)1. A regulated person may possess, purchase, deliver,
1931 sell, or possess with intent to deliver or sell a tableting
1932 machine or encapsulating machine as part of a regulated
1933 transaction with a regular customer or regular importer, in
1934 compliance with 21 U.S.C. s. 830. For purposes of this
1935 paragraph, the terms "regulated person," "regulated
1936 transaction," "regular customer," and "regular importer" have
1937 the same meaning as defined in 21 U.S.C. s. 802.

1938 2. A person registered under 21 U.S.C. s. 822 may possess,
1939 purchase, deliver, sell, or possess with intent to deliver or
1940 sell a tableting machine or encapsulating machine to manufacture
1941 a controlled substance pursuant to such registration.

1942 3. A person who holds an active, unencumbered license or
1943 permit under chapter 465 may possess, purchase, deliver, sell,
1944 or possess with intent to sell or deliver a tableting machine or
1945 encapsulating machine to manufacture a controlled substance, if
1946 such person is performing functions in compliance with or under
1947 the authority of that license or permit.

1948 (c) For the purpose of this subsection, the term:

1949 1. "Controlled substance" has the same meaning as provided
1950 in s. 893.02(4).

1951 2. "Controlled substance counterfeiting material" means a
1952 punch, die, plate, stone, or other item designed to print,
1953 imprint, or reproduce the trademark, trade name, or other
1954 identifying mark, imprint, or device of another or any likeness

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1955 of any of the foregoing upon a drug or container or labeling
1956 thereof so as to render such drug a counterfeit controlled
1957 substance.

1958 3. "Counterfeit controlled substance" has the same meaning
1959 as provided in s. 831.31(2).

1960 4. "Encapsulating machine" means manual, semiautomatic, or
1961 fully automatic equipment used to fill shells or capsules with
1962 any powdered or granular solids or semisolid material to produce
1963 coherent solid tablets.

1964 5. "Tableting machine" means manual, semiautomatic, or
1965 fully automatic equipment use to compact or mold powdered or
1966 granular solids or semisold material to produce coherent solid
1967 tablets.

1968 (d)1. Except as provided in subparagraph 2., a person who
1969 violates this subsection commits a felony of the third degree,
1970 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1971 2. Any person who violates this subsection knowing,
1972 intending, or having reasonable cause to believe that such
1973 action will result in the unlawful manufacture of a controlled
1974 substance or counterfeit controlled substance that contains:

1975 a. A controlled substance under s. 893.03(1);

1976 b. Cocaine;

1977 c. Opium or any synthetic or natural salt, compound,
1978 derivative, or preparation of opium;

1979 d. Methadone;

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

1980 e. Alfentanil;
1981 f. Carfentanil;
1982 g. Fentanyl;
1983 h. Sufentanil; or
1984 i. A controlled substance analog, as defined in s.
1985 893.0356, of any substance in sub-subparagraphs a. through h.,
1986 commits a felony of the second degree, punishable as provided in
1987 s. 775.082, s. 775.083, or s. 775.084.

1988 Section 14. Paragraphs (pp) and (qq) of subsection (1) of
1989 section 458.331, Florida Statutes, are amended to read:

1990 458.331 Grounds for disciplinary action; action by the
1991 board and department.—

1992 (1) The following acts constitute grounds for denial of a
1993 license or disciplinary action, as specified in s. 456.072(2):

1994 (pp) Applicable to a licensee who serves as the designated
1995 physician of a pain-management clinic as defined in s. 458.3265
1996 or s. 459.0137:

1997 1. Registering a pain-management clinic through
1998 misrepresentation or fraud;

1999 2. Procuring, or attempting to procure, the registration
2000 of a pain-management clinic for any other person by making or
2001 causing to be made, any false representation;

2002 3. Failing to comply with any requirement of chapter 499,
2003 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
2004 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2005 the Drug Abuse Prevention and Control Act; or chapter 893, the
2006 Florida Comprehensive Drug Abuse Prevention and Control Act;

2007 4. Being convicted or found guilty of, regardless of
2008 adjudication to, a felony or any other crime involving moral
2009 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
2010 the courts of this state, of any other state, or of the United
2011 States;

2012 5. Being convicted of, or disciplined by a regulatory
2013 agency of the Federal Government or a regulatory agency of
2014 another state for, any offense that would constitute a violation
2015 of this chapter;

2016 6. Being convicted of, or entering a plea of guilty or
2017 nolo contendere to, regardless of adjudication, a crime in any
2018 jurisdiction of the courts of this state, of any other state, or
2019 of the United States which relates to the practice of, or the
2020 ability to practice, a licensed health care profession;

2021 7. Being convicted of, or entering a plea of guilty or
2022 nolo contendere to, regardless of adjudication, a crime in any
2023 jurisdiction of the courts of this state, of any other state, or
2024 of the United States which relates to health care fraud;

2025 8. Dispensing any medicinal drug based upon a
2026 communication that purports to be a prescription as defined in
2027 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
2028 or has reason to believe that the purported prescription is not
2029 based upon a valid practitioner-patient relationship; or

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2030 9. Failing to timely notify the board of the date of his
2031 or her termination from a pain-management clinic as required by
2032 s. 458.3265(3) ~~458.3265(2)~~.

2033 (qq) Failing to timely notify the department of the theft
2034 of prescription blanks from a pain-management clinic or a breach
2035 of other methods for prescribing within 24 hours as required by
2036 s. 458.3265(3) ~~458.3265(2)~~.

2037 Section 15. Paragraphs (rr) and (ss) of subsection (1) of
2038 section 459.015, Florida Statutes, are amended to read:

2039 459.015 Grounds for disciplinary action; action by the
2040 board and department.—

2041 (1) The following acts constitute grounds for denial of a
2042 license or disciplinary action, as specified in s. 456.072(2):

2043 (rr) Applicable to a licensee who serves as the designated
2044 physician of a pain-management clinic as defined in s. 458.3265
2045 or s. 459.0137:

2046 1. Registering a pain-management clinic through
2047 misrepresentation or fraud;

2048 2. Procuring, or attempting to procure, the registration
2049 of a pain-management clinic for any other person by making or
2050 causing to be made, any false representation;

2051 3. Failing to comply with any requirement of chapter 499,
2052 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
2053 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2054 the Drug Abuse Prevention and Control Act; or chapter 893, the
2055 Florida Comprehensive Drug Abuse Prevention and Control Act;

2056 4. Being convicted or found guilty of, regardless of
2057 adjudication to, a felony or any other crime involving moral
2058 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
2059 the courts of this state, of any other state, or of the United
2060 States;

2061 5. Being convicted of, or disciplined by a regulatory
2062 agency of the Federal Government or a regulatory agency of
2063 another state for, any offense that would constitute a violation
2064 of this chapter;

2065 6. Being convicted of, or entering a plea of guilty or
2066 nolo contendere to, regardless of adjudication, a crime in any
2067 jurisdiction of the courts of this state, of any other state, or
2068 of the United States which relates to the practice of, or the
2069 ability to practice, a licensed health care profession;

2070 7. Being convicted of, or entering a plea of guilty or
2071 nolo contendere to, regardless of adjudication, a crime in any
2072 jurisdiction of the courts of this state, of any other state, or
2073 of the United States which relates to health care fraud;

2074 8. Dispensing any medicinal drug based upon a
2075 communication that purports to be a prescription as defined in
2076 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
2077 or has reason to believe that the purported prescription is not
2078 based upon a valid practitioner-patient relationship; or

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2079 9. Failing to timely notify the board of the date of his
2080 or her termination from a pain-management clinic as required by
2081 s. 459.0137(3) ~~459.0137(2)~~.

2082 (ss) Failing to timely notify the department of the theft
2083 of prescription blanks from a pain-management clinic or a breach
2084 of other methods for prescribing within 24 hours as required by
2085 s. 459.0137(3) ~~459.0137(2)~~.

2086 Section 16. Paragraph (b) of subsection (4) of section
2087 463.0055, Florida Statutes, is amended to read:

2088 463.0055 Administration and prescription of ocular
2089 pharmaceutical agents.—

2090 (4) A certified optometrist shall be issued a prescriber
2091 number by the board. Any prescription written by a certified
2092 optometrist for an ocular pharmaceutical agent pursuant to this
2093 section shall have the prescriber number printed thereon. A
2094 certified optometrist may not administer or prescribe:

2095 (b) A controlled substance for the treatment of chronic
2096 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

2097 Section 17. Paragraph (a) of subsection (1) of section
2098 782.04, Florida Statutes, is amended to read:

2099 782.04 Murder.—

2100 (1)(a) The unlawful killing of a human being:

2101 1. When perpetrated from a premeditated design to effect
2102 the death of the person killed or any human being;

Amendment No.

- 2103 2. When committed by a person engaged in the perpetration
2104 of, or in the attempt to perpetrate, any:
- 2105 a. Trafficking offense prohibited by s. 893.135(1),
 - 2106 b. Arson,
 - 2107 c. Sexual battery,
 - 2108 d. Robbery,
 - 2109 e. Burglary,
 - 2110 f. Kidnapping,
 - 2111 g. Escape,
 - 2112 h. Aggravated child abuse,
 - 2113 i. Aggravated abuse of an elderly person or disabled
2114 adult,
 - 2115 j. Aircraft piracy,
 - 2116 k. Unlawful throwing, placing, or discharging of a
2117 destructive device or bomb,
 - 2118 l. Carjacking,
 - 2119 m. Home-invasion robbery,
 - 2120 n. Aggravated stalking,
 - 2121 o. Murder of another human being,
 - 2122 p. Resisting an officer with violence to his or her
2123 person,
 - 2124 q. Aggravated fleeing or eluding with serious bodily
2125 injury or death,

Amendment No.

2126 r. Felony that is an act of terrorism or is in furtherance
2127 of an act of terrorism, including a felony under s. 775.30, s.
2128 775.32, s. 775.33, s. 775.34, or s. 775.35, or
2129 s. Human trafficking; or
2130 3. Which resulted from the unlawful distribution by a
2131 person 18 years of age or older of any of the following
2132 substances, or mixture containing any of the following
2133 substances, when such substance or mixture is proven to be the
2134 proximate cause of the death of the user:
2135 a. A substance controlled under s. 893.03(1);
2136 b. Cocaine, as described in s. 893.03(2)(a)4.;
2137 c. Opium or any synthetic or natural salt, compound,
2138 derivative, or preparation of opium;
2139 d. Methadone;
2140 e. Alfentanil, as described in s. 893.03(2)(b)1.;
2141 f. Carfentanil, as described in s. 893.03(2)(b)6.;
2142 g. Fentanyl, as described in s. 893.03(2)(b)9.;
2143 h. Sufentanil, as described in s. 893.03(2)(b)30.
2144 ~~893.03(2)(b)29.~~; or
2145 i. A controlled substance analog, as described in s.
2146 893.0356, of any substance specified in sub-subparagraphs a.-h.,
2147
2148 is murder in the first degree and constitutes a capital felony,
2149 punishable as provided in s. 775.082.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2150 Section 18. Paragraphs (c) and (f) of subsection (1) of
2151 section 893.135, Florida Statutes, are amended to read:

2152 893.135 Trafficking; mandatory sentences; suspension or
2153 reduction of sentences; conspiracy to engage in trafficking.—

2154 (1) Except as authorized in this chapter or in chapter 499
2155 and notwithstanding the provisions of s. 893.13:

2156 (c)1. A person who knowingly sells, purchases,
2157 manufactures, delivers, or brings into this state, or who is
2158 knowingly in actual or constructive possession of, 4 grams or
2159 more of any morphine, opium, hydromorphone, or any salt,
2160 derivative, isomer, or salt of an isomer thereof, including
2161 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
2162 (3)(c)4., or 4 grams or more of any mixture containing any such
2163 substance, but less than 30 kilograms of such substance or
2164 mixture, commits a felony of the first degree, which felony
2165 shall be known as "trafficking in illegal drugs," punishable as
2166 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2167 quantity involved:

2168 a. Is 4 grams or more, but less than 14 grams, such person
2169 shall be sentenced to a mandatory minimum term of imprisonment
2170 of 3 years and shall be ordered to pay a fine of \$50,000.

2171 b. Is 14 grams or more, but less than 28 grams, such
2172 person shall be sentenced to a mandatory minimum term of
2173 imprisonment of 15 years and shall be ordered to pay a fine of
2174 \$100,000.

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2175 c. Is 28 grams or more, but less than 30 kilograms, such
2176 person shall be sentenced to a mandatory minimum term of
2177 imprisonment of 25 years and shall be ordered to pay a fine of
2178 \$500,000.

2179 2. A person who knowingly sells, purchases, manufactures,
2180 delivers, or brings into this state, or who is knowingly in
2181 actual or constructive possession of, 14 grams or more of
2182 hydrocodone, as described in s. 893.03(2)(a)1.k.
2183 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,
2184 or any salt thereof, or 14 grams or more of any mixture
2185 containing any such substance, commits a felony of the first
2186 degree, which felony shall be known as "trafficking in
2187 hydrocodone," punishable as provided in s. 775.082, s. 775.083,
2188 or s. 775.084. If the quantity involved:

2189 a. Is 14 grams or more, but less than 28 grams, such
2190 person shall be sentenced to a mandatory minimum term of
2191 imprisonment of 3 years and shall be ordered to pay a fine of
2192 \$50,000.

2193 b. Is 28 grams or more, but less than 50 grams, such
2194 person shall be sentenced to a mandatory minimum term of
2195 imprisonment of 7 years and shall be ordered to pay a fine of
2196 \$100,000.

2197 c. Is 50 grams or more, but less than 200 grams, such
2198 person shall be sentenced to a mandatory minimum term of

Amendment No.

2199 imprisonment of 15 years and shall be ordered to pay a fine of
2200 \$500,000.

2201 d. Is 200 grams or more, but less than 30 kilograms, such
2202 person shall be sentenced to a mandatory minimum term of
2203 imprisonment of 25 years and shall be ordered to pay a fine of
2204 \$750,000.

2205 3. A person who knowingly sells, purchases, manufactures,
2206 delivers, or brings into this state, or who is knowingly in
2207 actual or constructive possession of, 7 grams or more of
2208 oxycodone, as described in s. 893.03(2)(a)1.g. ~~893.03(2)(a)1.e.~~,
2209 or any salt thereof, or 7 grams or more of any mixture
2210 containing any such substance, commits a felony of the first
2211 degree, which felony shall be known as "trafficking in
2212 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
2213 s. 775.084. If the quantity involved:

2214 a. Is 7 grams or more, but less than 14 grams, such person
2215 shall be sentenced to a mandatory minimum term of imprisonment
2216 of 3 years and shall be ordered to pay a fine of \$50,000.

2217 b. Is 14 grams or more, but less than 25 grams, such
2218 person shall be sentenced to a mandatory minimum term of
2219 imprisonment of 7 years and shall be ordered to pay a fine of
2220 \$100,000.

2221 c. Is 25 grams or more, but less than 100 grams, such
2222 person shall be sentenced to a mandatory minimum term of

Amendment No.

2223 imprisonment of 15 years and shall be ordered to pay a fine of
2224 \$500,000.

2225 d. Is 100 grams or more, but less than 30 kilograms, such
2226 person shall be sentenced to a mandatory minimum term of
2227 imprisonment of 25 years and shall be ordered to pay a fine of
2228 \$750,000.

2229 4.a. A person who knowingly sells, purchases,
2230 manufactures, delivers, or brings into this state, or who is
2231 knowingly in actual or constructive possession of, 4 grams or
2232 more of:

2233 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2234 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2235 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2236 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2237 ~~893.03(2)(b)29.;~~

2238 (V) A fentanyl derivative, as described in s.

2239 893.03(1)(a)62.;

2240 (VI) A controlled substance analog, as described in s.
2241 893.0356, of any substance described in sub-sub-subparagraphs

2242 (I)-(V); or

2243 (VII) A mixture containing any substance described in sub-
2244 sub-subparagraphs (I)-(VI),

2245

Amendment No.

2246 commits a felony of the first degree, which felony shall be
2247 known as "trafficking in fentanyl," punishable as provided in s.
2248 775.082, s. 775.083, or s. 775.084.

2249 b. If the quantity involved under sub-subparagraph a.:

2250 (I) Is 4 grams or more, but less than 14 grams, such
2251 person shall be sentenced to a mandatory minimum term of
2252 imprisonment of 3 years, and shall be ordered to pay a fine of
2253 \$50,000.

2254 (II) Is 14 grams or more, but less than 28 grams, such
2255 person shall be sentenced to a mandatory minimum term of
2256 imprisonment of 15 years, and shall be ordered to pay a fine of
2257 \$100,000.

2258 (III) Is 28 grams or more, such person shall be sentenced
2259 to a mandatory minimum term of imprisonment of 25 years, and
2260 shall be ordered to pay a fine of \$500,000.

2261 5. A person who knowingly sells, purchases, manufactures,
2262 delivers, or brings into this state, or who is knowingly in
2263 actual or constructive possession of, 30 kilograms or more of
2264 any morphine, opium, oxycodone, hydrocodone, codeine,
2265 hydromorphone, or any salt, derivative, isomer, or salt of an
2266 isomer thereof, including heroin, as described in s.
2267 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2268 more of any mixture containing any such substance, commits the
2269 first degree felony of trafficking in illegal drugs. A person
2270 who has been convicted of the first degree felony of trafficking

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2271 in illegal drugs under this subparagraph shall be punished by
2272 life imprisonment and is ineligible for any form of
2273 discretionary early release except pardon or executive clemency
2274 or conditional medical release under s. 947.149. However, if the
2275 court determines that, in addition to committing any act
2276 specified in this paragraph:

2277 a. The person intentionally killed an individual or
2278 counseled, commanded, induced, procured, or caused the
2279 intentional killing of an individual and such killing was the
2280 result; or

2281 b. The person's conduct in committing that act led to a
2282 natural, though not inevitable, lethal result,

2283
2284 such person commits the capital felony of trafficking in illegal
2285 drugs, punishable as provided in ss. 775.082 and 921.142. A
2286 person sentenced for a capital felony under this paragraph shall
2287 also be sentenced to pay the maximum fine provided under
2288 subparagraph 1.

2289 6. A person who knowingly brings into this state 60
2290 kilograms or more of any morphine, opium, oxycodone,
2291 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2292 isomer, or salt of an isomer thereof, including heroin, as
2293 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2294 60 kilograms or more of any mixture containing any such
2295 substance, and who knows that the probable result of such

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2296 importation would be the death of a person, commits capital
2297 importation of illegal drugs, a capital felony punishable as
2298 provided in ss. 775.082 and 921.142. A person sentenced for a
2299 capital felony under this paragraph shall also be sentenced to
2300 pay the maximum fine provided under subparagraph 1.

2301 (f)1. Any person who knowingly sells, purchases,
2302 manufactures, delivers, or brings into this state, or who is
2303 knowingly in actual or constructive possession of, 14 grams or
2304 more of amphetamine, as described in s. 893.03(2)(c)2., or
2305 methamphetamine, as described in s. 893.03(2)(c)5.
2306 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or
2307 methamphetamine, or phenylacetone, phenylacetic acid,
2308 pseudoephedrine, or ephedrine in conjunction with other
2309 chemicals and equipment utilized in the manufacture of
2310 amphetamine or methamphetamine, commits a felony of the first
2311 degree, which felony shall be known as "trafficking in
2312 amphetamine," punishable as provided in s. 775.082, s. 775.083,
2313 or s. 775.084. If the quantity involved:

2314 a. Is 14 grams or more, but less than 28 grams, such
2315 person shall be sentenced to a mandatory minimum term of
2316 imprisonment of 3 years, and the defendant shall be ordered to
2317 pay a fine of \$50,000.

2318 b. Is 28 grams or more, but less than 200 grams, such
2319 person shall be sentenced to a mandatory minimum term of

Amendment No.

2320 imprisonment of 7 years, and the defendant shall be ordered to
2321 pay a fine of \$100,000.

2322 c. Is 200 grams or more, such person shall be sentenced to
2323 a mandatory minimum term of imprisonment of 15 calendar years
2324 and pay a fine of \$250,000.

2325 2. Any person who knowingly manufactures or brings into
2326 this state 400 grams or more of amphetamine, as described in s.
2327 893.03(2)(c)2., or methamphetamine, as described in s.
2328 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing
2329 amphetamine or methamphetamine, or phenylacetone, phenylacetic
2330 acid, pseudoephedrine, or ephedrine in conjunction with other
2331 chemicals and equipment used in the manufacture of amphetamine
2332 or methamphetamine, and who knows that the probable result of
2333 such manufacture or importation would be the death of any person
2334 commits capital manufacture or importation of amphetamine, a
2335 capital felony punishable as provided in ss. 775.082 and
2336 921.142. Any person sentenced for a capital felony under this
2337 paragraph shall also be sentenced to pay the maximum fine
2338 provided under subparagraph 1.

2339 Section 19. Paragraphs (b), (c), (d), (e), and (g) of
2340 subsection (3) of section 921.0022, Florida Statutes, are
2341 amended to read:

2342 921.0022 Criminal Punishment Code; offense severity
2343 ranking chart.—

2344 (3) OFFENSE SEVERITY RANKING CHART

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| 2345 | (b) LEVEL 2 | | |
|------|------------------------|------------------|--|
| 2346 | Florida Statute | Felony Degree | Description |
| 2347 | 379.2431 (1) (e) 3. | 3rd | Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 2348 | 379.2431 (1) (e) 4. | 3rd | Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act. |
| 2349 | 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. |
| 2350 | 517.07 (2) | 3rd | Failure to furnish a prospectus meeting requirements. |
| 2351 | 590.28 (1) | 3rd | Intentional burning of lands. |
| 2352 | | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|---|
| 2353 | 784.05 (3) | 3rd | Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death. |
| 2354 | 787.04 (1) | 3rd | In violation of court order, take, entice, etc., minor beyond state limits. |
| 2355 | 806.13 (1) (b) 3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service. |
| 2356 | 810.061 (2) | 3rd | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary. |
| 2357 | 810.09 (2) (e) | 3rd | Trespassing on posted commercial horticulture property. |
| 2358 | 812.014 (2) (c) 1. | 3rd | Grand theft, 3rd degree; \$300 or more but less than \$5,000. |
| | 812.014 (2) (d) | 3rd | Grand theft, 3rd degree; \$100 or |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|---|
| 2359 | | | more but less than \$300, taken from unenclosed curtilage of dwelling. |
| | 812.015(7) | 3rd | Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure. |
| 2360 | | | |
| | 817.234(1)(a)2. | 3rd | False statement in support of insurance claim. |
| 2361 | | | |
| | 817.481(3)(a) | 3rd | Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300. |
| 2362 | | | |
| | 817.52(3) | 3rd | Failure to redeliver hired vehicle. |
| 2363 | | | |
| | 817.54 | 3rd | With intent to defraud, obtain mortgage note, etc., by false representation. |
| 2364 | | | |
| | 817.60(5) | 3rd | Dealing in credit cards of |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|--|
| 2365 | | | another. |
| 2366 | 817.60 (6) (a) | 3rd | Forgery; purchase goods, services with false card. |
| 2367 | 817.61 | 3rd | Fraudulent use of credit cards over \$100 or more within 6 months. |
| 2368 | 826.04 | 3rd | Knowingly marries or has sexual intercourse with person to whom related. |
| 2369 | 831.01 | 3rd | Forgery. |
| 2370 | 831.02 | 3rd | Uttering forged instrument; utters or publishes alteration with intent to defraud. |
| 2371 | 831.07 | 3rd | Forging bank bills, checks, drafts, or promissory notes. |
| 2372 | 831.08 | 3rd | Possessing 10 or more forged notes, bills, checks, or drafts. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------|-----|--|
| 2373 | 831.09 | 3rd | Uttering forged notes, bills, checks, drafts, or promissory notes. |
| 2374 | 831.11 | 3rd | Bringing into the state forged bank bills, checks, drafts, or notes. |
| 2375 | 832.05 (3) (a) | 3rd | Cashing or depositing item with intent to defraud. |
| 2376 | 843.08 | 3rd | False personation. |
| 2377 | 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., <u>(2) (c) 10.</u> , (3), or (4) drugs other than cannabis. |
| 2378 | 893.147 (2) | 3rd | Manufacture or delivery of drug paraphernalia. |
| 2379 | | | |
| 2380 | (c) LEVEL 3 | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

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|------|--------------------------|--------|---|
| 2381 | | | |
| 2382 | Florida | Felony | Description |
| | Statute | Degree | |
| 2383 | 119.10 (2) (b) | 3rd | Unlawful use of confidential information from police reports. |
| 2384 | 316.066 (3) (b) - (d) | 3rd | Unlawfully obtaining or using confidential crash reports. |
| 2385 | 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction. |
| 2386 | 316.1935 (2) | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated. |
| 2387 | 319.30 (4) | 3rd | Possession by junkyard of motor vehicle with identification number plate removed. |
| 2388 | 319.33 (1) (a) | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------|-----|---|
| 2389 | 319.33(1)(c) | 3rd | Procure or pass title on stolen vehicle. |
| 2390 | 319.33(4) | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |
| 2391 | 327.35(2)(b) | 3rd | Felony BUI. |
| 2392 | 328.05(2) | 3rd | Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels. |
| 2393 | 328.07(4) | 3rd | Manufacture, exchange, or possess vessel with counterfeit or wrong ID number. |
| 2394 | 376.302(5) | 3rd | Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund. |
| 2395 | 379.2431 | 3rd | Taking, disturbing, mutilating, |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2396 (1) (e) 5. 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.

2397 379.2431 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.

(1) (e) 6.

2397 379.2431 3rd Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.

2398 400.9935 (4) (a) 3rd Operating a clinic, or offering or (b) services requiring licensure, without a license.

2399

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|---------------------|-----|--|
| 2400 | 400.9935(4)(e) | 3rd | Filing a false license application or other required information or failing to report information. |
| 2401 | 440.1051(3) | 3rd | False report of workers' compensation fraud or retaliation for making such a report. |
| 2402 | 501.001(2)(b) | 2nd | Tampers with a consumer product or the container using materially false/misleading information. |
| 2403 | 624.401(4)(a) | 3rd | Transacting insurance without a certificate of authority. |
| 2404 | 624.401(4)(b)1. | 3rd | Transacting insurance without a certificate of authority; premium collected less than \$20,000. |
| | 626.902(1)(a) & (b) | 3rd | Representing an unauthorized insurer. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|---|
| 2405 | 697.08 | 3rd | Equity skimming. |
| 2406 | 790.15(3) | 3rd | Person directs another to discharge firearm from a vehicle. |
| 2407 | 806.10(1) | 3rd | Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting. |
| 2408 | 806.10(2) | 3rd | Interferes with or assaults firefighter in performance of duty. |
| 2409 | 810.09(2)(c) | 3rd | Trespass on property other than structure or conveyance armed with firearm or dangerous weapon. |
| 2410 | 812.014(2)(c)2. | 3rd | Grand theft; \$5,000 or more but less than \$10,000. |
| 2411 | 812.0145(2)(c) | 3rd | Theft from person 65 years of age or older; \$300 or more but |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------------|-----|---|
| 2412 | | | less than \$10,000. |
| 2413 | 815.04 (5) (b) | 2nd | Computer offense devised to defraud or obtain property. |
| 2414 | 817.034 (4) (a) 3. | 3rd | Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000. |
| 2415 | 817.233 | 3rd | Burning to defraud insurer. |
| 2416 | 817.234 (8) (b) & (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents. |
| 2417 | 817.234 (11) (a) | 3rd | Insurance fraud; property value less than \$20,000. |
| 2418 | 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. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|---------------|-----|--|
| 2419 | 817.413(2) | 3rd | Sale of used goods as new. |
| 2420 | 828.12(2) | 3rd | Tortures any animal with intent to inflict intense pain, serious physical injury, or death. |
| 2421 | 831.28(2)(a) | 3rd | Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument. |
| 2422 | 831.29 | 2nd | Possession of instruments for counterfeiting driver licenses or identification cards. |
| 2423 | 838.021(3)(b) | 3rd | Threatens unlawful harm to public servant. |
| 2424 | 843.19 | 3rd | Injure, disable, or kill police dog or horse. |
| 2425 | 860.15(3) | 3rd | Overcharging for repairs and parts. |
| 2426 | | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|---|
| 2427 | 870.01(2) | 3rd | Riot; inciting or encouraging. |
| 2428 | 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., <u>(2)(c)10.</u> , (3), or (4) drugs). |
| 2429 | 893.13(1)(d)2. | 2nd | Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u> , (3), or (4) drugs within 1,000 feet of university. |
| 2429 | 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., <u>(2)(c)10.</u> , (3), or (4) drugs within 1,000 feet of public housing facility. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2430 | 893.13(4)(c) | 3rd | Use or hire of minor; deliver to minor other controlled substances. |
| 2431 | 893.13(6)(a) | 3rd | Possession of any controlled substance other than felony possession of cannabis. |
| 2432 | 893.13(7)(a)8. | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| 2433 | 893.13(7)(a)9. | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc. |
| 2434 | 893.13(7)(a)10. | 3rd | Affix false or forged label to package of controlled substance. |
| 2435 | 893.13(7)(a)11. | 3rd | Furnish false or fraudulent material information on any document or record required by chapter 893. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------------|---------------|---|
| 2440 | | | monetary benefit for the practitioner. |
| 2441 | 918.13(1)(a) | 3rd | Alter, destroy, or conceal investigation evidence. |
| 2442 | 944.47 (1)(a)1. & 2. | 3rd | Introduce contraband to correctional facility. |
| 2443 | 944.47(1)(c) | 2nd | Possess contraband while upon the grounds of a correctional institution. |
| 2444 | 985.721 | 3rd | Escapes from a juvenile facility (secure detention or residential commitment facility). |
| 2445 | | | |
| 2446 | (d) LEVEL 4 | | |
| 2447 | Florida Statute | Felony Degree | Description |
| 2448 | 316.1935(3)(a) | 2nd | Driving at high speed or with wanton disregard |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

| | | | |
|------|-------------|-----|--|
| | | | for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 2449 | 499.0051(1) | 3rd | Failure to maintain or deliver transaction history, transaction information, or transaction statements. |
| 2450 | 499.0051(5) | 2nd | Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs. |
| 2451 | 517.07(1) | 3rd | Failure to register securities. |
| 2452 | 517.12(1) | 3rd | Failure of dealer, associated person, or issuer of securities to register. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2453 | 784.07 (2) (b) | 3rd | Battery of law enforcement officer, firefighter, etc. |
| 2454 | 784.074 (1) (c) | 3rd | Battery of sexually violent predators facility staff. |
| 2455 | 784.075 | 3rd | Battery on detention or commitment facility staff. |
| 2456 | 784.078 | 3rd | Battery of facility employee by throwing, tossing, or expelling certain fluids or materials. |
| 2457 | 784.08 (2) (c) | 3rd | Battery on a person 65 years of age or older. |
| 2458 | 784.081 (3) | 3rd | Battery on specified official or employee. |
| 2459 | 784.082 (3) | 3rd | Battery by detained person on visitor or |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------|-----|---|
| | | | other detainee. |
| 2460 | 784.083 (3) | 3rd | Battery on code inspector. |
| 2461 | 784.085 | 3rd | Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials. |
| 2462 | 787.03 (1) | 3rd | Interference with custody; wrongly takes minor from appointed guardian. |
| 2463 | 787.04 (2) | 3rd | Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings. |
| 2464 | 787.04 (3) | 3rd | Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person. |
| 2465 | | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|---|
| 2466 | 787.07 | 3rd | Human smuggling. |
| 2467 | 790.115 (1) | 3rd | Exhibiting firearm or weapon within 1,000 feet of a school. |
| 2468 | 790.115 (2) (b) | 3rd | Possessing electric weapon or device, destructive device, or other weapon on school property. |
| 2469 | 790.115 (2) (c) | 3rd | Possessing firearm on school property. |
| 2470 | 800.04 (7) (c) | 3rd | Lewd or lascivious exhibition; offender less than 18 years. |
| 2471 | 810.02 (4) (a) | 3rd | Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|---------------------------|-----|---|
| 2472 | 810.02 (4) (b) | 3rd | Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery. |
| 2473 | 810.06 | 3rd | Burglary; possession of tools. |
| 2474 | 810.08 (2) (c) | 3rd | Trespass on property, armed with firearm or dangerous weapon. |
| 2475 | 812.014 (2) (c) 3. | 3rd | Grand theft, 3rd degree \$10,000 or more but less than \$20,000. |
| 2476 | 812.014 (2) (c) 4.-10. | 3rd | Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc. |
| | 812.0195 (2) | 3rd | Dealing in stolen property by use of the Internet; property stolen \$300 or more. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2477 | 817.505 (4) (a) | 3rd | Patient brokering. |
| 2478 | 817.563 (1) | 3rd | Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs. |
| 2479 | 817.568 (2) (a) | 3rd | Fraudulent use of personal identification information. |
| 2480 | 817.625 (2) (a) | 3rd | Fraudulent use of scanning device, skimming device, or reencoder. |
| 2481 | 817.625 (2) (c) | 3rd | Possess, sell, or deliver skimming device. |
| 2482 | 828.125 (1) | 2nd | Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|--|
| 2483 | | | cattle. |
| 2484 | 837.02 (1) | 3rd | Perjury in official proceedings. |
| 2485 | 837.021 (1) | 3rd | Make contradictory statements in official proceedings. |
| 2486 | 838.022 | 3rd | Official misconduct. |
| 2487 | 839.13 (2) (a) | 3rd | Falsifying records of an individual in the care and custody of a state agency. |
| 2488 | 839.13 (2) (c) | 3rd | Falsifying records of the Department of Children and Families. |
| 2489 | 843.021 | 3rd | Possession of a concealed handcuff key by a person in custody. |
| | 843.025 | 3rd | Deprive law enforcement, correctional, or correctional |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|--|
| 2490 | | | probation officer of means of protection or communication. |
| 2491 | 843.15(1)(a) | 3rd | Failure to appear while on bail for felony (bond estreature or bond jumping). |
| 2492 | 847.0135(5)(c) | 3rd | Lewd or lascivious exhibition using computer; offender less than 18 years. |
| 2493 | 874.05(1)(a) | 3rd | Encouraging or recruiting another to join a criminal gang. |
| 2494 | 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)(e)4. drugs). |
| | 914.14(2) | 3rd | Witnesses accepting bribes. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|--------|---|
| 2495 | 914.22 (1) | 3rd | Force, threaten, etc., witness, victim, or informant. |
| 2496 | 914.23 (2) | 3rd | Retaliation against a witness, victim, or informant, no bodily injury. |
| 2497 | 918.12 | 3rd | Tampering with jurors. |
| 2498 | 934.215 | 3rd | Use of two-way communications device to facilitate commission of a crime. |
| 2499 | | | |
| 2500 | | | |
| 2501 | | | |
| 2502 | (e) LEVEL 5 | | |
| 2503 | | | |
| 2504 | | | |
| | Florida | Felony | Description |
| | Statute | Degree | |
| 2505 | 316.027 (2) (a) | 3rd | Accidents involving personal injuries other than serious |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|---|
| | | | bodily injury, failure to stop; leaving scene. |
| 2506 | 316.1935(4)(a) | 2nd | Aggravated fleeing or eluding. |
| 2507 | 316.80(2) | 2nd | Unlawful conveyance of fuel; obtaining fuel fraudulently. |
| 2508 | 322.34(6) | 3rd | Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury. |
| 2509 | 327.30(5) | 3rd | Vessel accidents involving personal injury; leaving scene. |
| 2510 | 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 |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|--|
| | | | 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. |
| 2511 | 379.367 (4) | 3rd | Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy. |
| 2512 | 379.407 (5) (b) 3. | 3rd | Possession of 100 or more undersized spiny lobsters. |
| 2513 | 381.0041 (11) (b) | 3rd | Donate blood, plasma, or organs knowing HIV positive. |
| 2514 | 440.10 (1) (g) | 2nd | Failure to obtain workers' compensation coverage. |
| 2515 | 440.105 (5) | 2nd | Unlawful solicitation for the purpose of making workers' |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

| | | | |
|------|--------------------|-----|---|
| | | | compensation claims. |
| 2516 | 440.381 (2) | 2nd | Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums. |
| 2517 | 624.401 (4) (b) 2. | 2nd | Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000. |
| 2518 | 626.902 (1) (c) | 2nd | Representing an unauthorized insurer; repeat offender. |
| 2519 | 790.01 (2) | 3rd | Carrying a concealed firearm. |
| 2520 | 790.162 | 2nd | Threat to throw or discharge destructive device. |
| 2521 | 790.163 (1) | 2nd | False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Page 124 of 161

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|---|
| 2522 | 790.221(1) | 2nd | Possession of short-barreled shotgun or machine gun. |
| 2523 | 790.23 | 2nd | Felons in possession of firearms, ammunition, or electronic weapons or devices. |
| 2524 | 796.05(1) | 2nd | Live on earnings of a prostitute; 1st offense. |
| 2525 | 800.04(6)(c) | 3rd | Lewd or lascivious conduct; offender less than 18 years of age. |
| 2526 | 800.04(7)(b) | 2nd | Lewd or lascivious exhibition; offender 18 years of age or older. |
| 2527 | 806.111(1) | 3rd | Possess, manufacture, or dispense fire bomb with intent to damage any structure or property. |
| 2528 | 812.0145(2)(b) | 2nd | Theft from person 65 years of |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|---------------------------------------|-----|--|
| | | | age or older; \$10,000 or more but less than \$50,000. |
| 2529 | 812.015 (8) | 3rd | Retail theft; property stolen is valued at \$300 or more and one or more specified acts. |
| 2530 | 812.019 (1) | 2nd | Stolen property; dealing in or trafficking in. |
| 2531 | 812.131 (2) (b) | 3rd | Robbery by sudden snatching. |
| 2532 | 812.16 (2) | 3rd | Owning, operating, or conducting a chop shop. |
| 2533 | 817.034 (4) (a) 2. | 2nd | Communications fraud, value \$20,000 to \$50,000. |
| 2534 | 817.234 (11) (b) | 2nd | Insurance fraud; property value \$20,000 or more but less than \$100,000. |
| 2535 | 817.2341 (1), (2) (a) & (3) (a) | 3rd | Filing false financial statements, making false entries of material fact or false |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

| | | | |
|------|-----------------|-----|---|
| 2536 | 817.568 (2) (b) | 2nd | statements regarding property values relating to the solvency of an insuring entity. |
| 2537 | 817.611 (2) (a) | 2nd | Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons. |
| 2538 | 817.625 (2) (b) | 2nd | Traffic in or possess 5 to 14 counterfeit credit cards or related documents. |
| 2539 | 825.1025 (4) | 3rd | Second or subsequent fraudulent use of scanning device, skimming device, or reencoder. Lewd or lascivious exhibition in the presence of an elderly person or disabled adult. |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|------------------|-----|--|
| 2540 | 827.071 (4) | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 2541 | 827.071 (5) | 3rd | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 2542 | 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. |
| 2543 | 843.01 | 3rd | Resist officer with violence to person; resist arrest with violence. |
| 2544 | 847.0135 (5) (b) | 2nd | Lewd or lascivious exhibition using computer; offender 18 |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------------|-----|---|
| | | | years or older. |
| 2545 | 847.0137 (2) & (3) | 3rd | Transmission of pornography by electronic device or equipment. |
| 2546 | 847.0138 (2) & (3) | 3rd | Transmission of material harmful to minors to a minor by electronic device or equipment. |
| 2547 | 874.05(1)(b) | 2nd | Encouraging or recruiting another to join a criminal gang; second or subsequent offense. |
| 2548 | 874.05(2)(a) | 2nd | Encouraging or recruiting person under 13 years of age to join a criminal gang. |
| 2549 | 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 <u>(2)(c)5.</u> (2)(c)4. drugs). |
| 2550 | 893.13(1)(c)2. | 2nd | Sell, manufacture, or deliver cannabis (or other s. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

2551 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.

2552 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.

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

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

| | | | |
|------|----------------|--------|---|
| 2553 | | | 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 <u>(2)(c)</u> 5. (2)(e) 4. drugs) within 1,000 feet of public housing facility. |
| 2554 | | | |
| | 893.13(4)(b) | 2nd | Use or hire of minor; deliver to minor other controlled substance. |
| 2555 | | | |
| | 893.1351(1) | 3rd | Ownership, lease, or rental for trafficking in or manufacturing of controlled substance. |
| 2556 | | | |
| 2557 | | | |
| 2558 | (g) LEVEL 7 | | |
| 2559 | | | |
| | Florida | Felony | |
| | Statute | Degree | Description |
| 2560 | | | |
| | 316.027(2)(c) | 1st | Accident involving |

Amendment No.

| | | | |
|------|--------------------|-----|--|
| 2561 | | | death, failure to stop; leaving scene. |
| | 316.193 (3) (c) 2. | 3rd | DUI resulting in serious bodily injury. |
| 2562 | | | |
| | 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. |
| 2563 | | | |
| | 327.35 (3) (c) 2. | 3rd | Vessel BUI resulting in serious bodily injury. |
| 2564 | | | |
| | 402.319 (2) | 2nd | Misrepresentation and negligence or intentional act resulting in |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------------|-----|---|
| | | | great bodily harm, permanent disfiguration, permanent disability, or death. |
| 2565 | 409.920 (2) (b) 1.a. | 3rd | Medicaid provider fraud; \$10,000 or less. |
| 2566 | 409.920 (2) (b) 1.b. | 2nd | Medicaid provider fraud; more than \$10,000, but less than \$50,000. |
| 2567 | 456.065 (2) | 3rd | Practicing a health care profession without a license. |
| 2568 | 456.065 (2) | 2nd | Practicing a health care profession without a license which results in serious bodily injury. |
| 2569 | 458.327 (1) | 3rd | Practicing medicine without a license. |
| 2570 | 459.013 (1) | 3rd | Practicing osteopathic |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------|-----|---|
| 2571 | | | medicine without a license. |
| 2571 | 460.411 (1) | 3rd | Practicing chiropractic medicine without a license. |
| 2572 | | | |
| 2572 | 461.012 (1) | 3rd | Practicing podiatric medicine without a license. |
| 2573 | | | |
| 2573 | 462.17 | 3rd | Practicing naturopathy without a license. |
| 2574 | | | |
| 2574 | 463.015 (1) | 3rd | Practicing optometry without a license. |
| 2575 | | | |
| 2575 | 464.016 (1) | 3rd | Practicing nursing without a license. |
| 2576 | | | |
| 2576 | 465.015 (2) | 3rd | Practicing pharmacy without a license. |
| 2577 | | | |
| 2577 | 466.026 (1) | 3rd | Practicing dentistry or dental hygiene without a license. |
| 2578 | | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2579 | 467.201 | 3rd | Practicing midwifery without a license. |
| 2580 | 468.366 | 3rd | Delivering respiratory care services without a license. |
| 2581 | 483.828 (1) | 3rd | Practicing as clinical laboratory personnel without a license. |
| 2582 | 483.901 (7) | 3rd | Practicing medical physics without a license. |
| 2583 | 484.013 (1) (c) | 3rd | Preparing or dispensing optical devices without a prescription. |
| 2584 | 484.053 | 3rd | Dispensing hearing aids without a license. |
| | 494.0018 (2) | 1st | Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|---|
| 2585 | | | and there were five or more victims. |
| 2585 | 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. |
| 2586 | 560.125 (5) (a) | 3rd | Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000. |
| 2587 | 655.50 (10) (b) 1. | 3rd | Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution. |
| 2588 | 775.21 (10) (a) | 3rd | Sexual predator; failure to register; failure to renew driver license or |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

| | | | |
|------|---------------|-----|---|
| 2589 | | | identification card; other registration violations. |
| 2590 | 775.21(10)(b) | 3rd | Sexual predator working where children regularly congregate. |
| 2591 | 775.21(10)(g) | 3rd | Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator. |
| 2592 | 782.051(3) | 2nd | Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony. |
| 2593 | 782.07(1) | 2nd | Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter). |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|---|
| 2594 | 782.071 | 2nd | Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide). |
| 2595 | 782.072 | 2nd | Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide). |
| 2596 | 784.045 (1) (a) 1. | 2nd | Aggravated battery; intentionally causing great bodily harm or disfigurement. |
| 2597 | 784.045 (1) (a) 2. | 2nd | Aggravated battery; using deadly weapon. |
| 2598 | 784.045 (1) (b) | 2nd | Aggravated battery; perpetrator aware victim pregnant. |
| | 784.048 (4) | 3rd | Aggravated stalking; violation of injunction or |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|---|
| 2599 | | | court order. |
| 2600 | 784.048 (7) | 3rd | Aggravated stalking; violation of court order. |
| 2601 | 784.07 (2) (d) | 1st | Aggravated battery on law enforcement officer. |
| 2602 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff. |
| 2603 | 784.08 (2) (a) | 1st | Aggravated battery on a person 65 years of age or older. |
| 2604 | 784.081 (1) | 1st | Aggravated battery on specified official or employee. |
| 2605 | 784.082 (1) | 1st | Aggravated battery by detained person on visitor or other detainee. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------|-----|--|
| 2606 | 784.083 (1) | 1st | Aggravated battery on code inspector. |
| 2607 | 787.06 (3) (a) 2. | 1st | Human trafficking using coercion for labor and services of an adult. |
| 2608 | 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. |
| 2609 | 790.07 (4) | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2). |
| 2610 | 790.16 (1) | 1st | Discharge of a machine gun under specified circumstances. |
| 2611 | 790.165 (2) | 2nd | Manufacture, sell, possess, or deliver hoax bomb. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------|----------|--|
| 2612 | 790.165 (3) | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony. |
| 2613 | 790.166 (3) | 2nd | Possessing, selling, using, or attempting to use a hoax weapon of mass destruction. |
| 2614 | 790.166 (4) | 2nd | Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony. |
| 2615 | 790.23 | 1st, PBL | Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04. |
| | 794.08 (4) | 3rd | Female genital mutilation; consent by a parent, guardian, or a person in |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------|-----|--|
| 2616 | | | custodial authority to a victim younger than 18 years of age. |
| 2617 | 796.05 (1) | 1st | Live on earnings of a prostitute; 2nd offense. |
| 2618 | 796.05 (1) | 1st | Live on earnings of a prostitute; 3rd and subsequent offense. |
| 2619 | 800.04 (5) (c) 1. | 2nd | Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age. |
| 2620 | 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. |
| | 800.04 (5) (e) | 1st | Lewd or lascivious |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|---|
| 2621 | | | molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense. |
| 2621 | 806.01 (2) | 2nd | Maliciously damage structure by fire or explosive. |
| 2622 | | | |
| 2622 | 810.02 (3) (a) | 2nd | Burglary of occupied dwelling; unarmed; no assault or battery. |
| 2623 | | | |
| 2623 | 810.02 (3) (b) | 2nd | Burglary of unoccupied dwelling; unarmed; no assault or battery. |
| 2624 | | | |
| 2624 | 810.02 (3) (d) | 2nd | Burglary of occupied conveyance; unarmed; no assault or battery. |
| 2625 | | | |
| 2625 | 810.02 (3) (e) | 2nd | Burglary of authorized emergency vehicle. |
| 2626 | | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|---|
| 2627 | 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. |
| 2628 | 812.014 (2) (b) 2. | 2nd | Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree. |
| 2629 | 812.014 (2) (b) 3. | 2nd | Property stolen, emergency medical equipment; 2nd degree grand theft. |
| 2630 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|--|
| 2631 | 812.0145 (2) (a) | 1st | Theft from person 65 years of age or older; \$50,000 or more. |
| 2632 | 812.019 (2) | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 2633 | 812.131 (2) (a) | 2nd | Robbery by sudden snatching. |
| 2634 | 812.133 (2) (b) | 1st | Carjacking; no firearm, deadly weapon, or other weapon. |
| 2635 | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than \$50,000. |
| | 817.234 (8) (a) | 2nd | Solicitation of motor vehicle accident victims with intent to defraud. |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------------------|-----|--|
| 2636 | 817.234 (9) | 2nd | Organizing, planning, or participating in an intentional motor vehicle collision. |
| 2637 | 817.234 (11) (c) | 1st | Insurance fraud; property value \$100,000 or more. |
| 2638 | 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. |
| 2639 | 817.535 (2) (a) | 3rd | Filing false lien or other unauthorized document. |
| 2640 | 817.611 (2) (b) | 2nd | Traffic in or possess 15 to 49 counterfeit credit cards or related |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2641 | | | documents. |
| 2642 | 825.102 (3) (b) | 2nd | Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement. |
| 2643 | 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. |
| 2644 | 827.03 (2) (b) | 2nd | Neglect of a child causing great bodily harm, disability, or disfigurement. |
| 2645 | 827.04 (3) | 3rd | Impregnation of a child under 16 years of age by person 21 years of age or older. |
| | 837.05 (2) | 3rd | Giving false information about alleged capital felony |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|---|
| | | | to a law enforcement officer. |
| 2646 | 838.015 | 2nd | Bribery. |
| 2647 | 838.016 | 2nd | Unlawful compensation or reward for official behavior. |
| 2648 | 838.021 (3) (a) | 2nd | Unlawful harm to a public servant. |
| 2649 | 838.22 | 2nd | Bid tampering. |
| 2650 | 843.0855 (2) | 3rd | Impersonation of a public officer or employee. |
| 2651 | 843.0855 (3) | 3rd | Unlawful simulation of legal process. |
| 2652 | 843.0855 (4) | 3rd | Intimidation of a public officer or employee. |
| 2653 | 847.0135 (3) | 3rd | Solicitation of a child, via a computer service, to commit an unlawful sex act. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|---------|---|
| 2654 | 847.0135(4) | 2nd | Traveling to meet a minor to commit an unlawful sex act. |
| 2655 | 872.06 | 2nd | Abuse of a dead human body. |
| 2656 | 874.05(2)(b) | 1st | Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense. |
| 2657 | 874.10 | 1st,PBL | Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity. |
| 2658 | 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 |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2659 | 893.13(1)(e)1. | 1st | <p><u>(2)(c)5.</u> (2)(e)4. within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.</p> |
| 2660 | 893.13(4)(a) | 1st | <p>Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or <u>(2)(c)5.</u> (2)(e)4., within 1,000 feet of property used for religious services or a specified business site.</p> |
| 2661 | 893.135(1)(a)1. | 1st | <p>Use or hire of minor; deliver to minor other controlled substance.</p> <p>Trafficking in</p> |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------------|-----|--|
| | | | cannabis, more than 25 lbs., less than 2,000 lbs. |
| 2662 | 893.135 (1) (b) 1.a. | 1st | Trafficking in cocaine, more than 28 grams, less than 200 grams. |
| 2663 | 893.135 (1) (c) 1.a. | 1st | Trafficking in illegal drugs, more than 4 grams, less than 14 grams. |
| 2664 | 893.135 (1) (c) 2.a. | 1st | Trafficking in hydrocodone, 14 grams or more, less than 28 grams. |
| 2665 | 893.135 (1) (c) 2.b. | 1st | Trafficking in hydrocodone, 28 grams or more, less than 50 grams. |
| 2666 | 893.135 (1) (c) 3.a. | 1st | Trafficking in oxycodone, 7 grams or more, less than 14 grams. |
| 2667 | 893.135 | 1st | Trafficking in oxycodone, |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|--------------------|-----|--|
| 2668 | (1) (c) 3.b. | | 14 grams or more, less than 25 grams. |
| | 893.135 | 1st | Trafficking in fentanyl, |
| | (1) (c) 4.b. (I) | | 4 grams or more, less than 14 grams. |
| 2669 | | | |
| | 893.135 | 1st | Trafficking in phencyclidine, |
| | (1) (d) 1.a. | | 28 grams or more, less than 200 grams. |
| 2670 | | | |
| | 893.135 (1) (e) 1. | 1st | Trafficking in methaqualone, 200 grams or more, less than 5 kilograms. |
| 2671 | | | |
| | 893.135 (1) (f) 1. | 1st | Trafficking in amphetamine, 14 grams or more, less than 28 grams. |
| 2672 | | | |
| | 893.135 | 1st | Trafficking in flunitrazepam, 4 grams or more, less than 14 grams. |
| | (1) (g) 1.a. | | |
| 2673 | | | |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-------------------------|-----|--|
| 2674 | 893.135 (1) (h) 1.a. | 1st | Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms. |
| 2675 | 893.135 (1) (j) 1.a. | 1st | Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms. |
| 2676 | 893.135 (1) (k) 2.a. | 1st | Trafficking in Phenethylamines, 10 grams or more, less than 200 grams. |
| 2677 | 893.135 (1) (m) 2.a. | 1st | Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams. |
| 2678 | 893.135 (1) (m) 2.b. | 1st | Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams. |
| | 893.135 (1) (n) 2.a. | 1st | Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams. |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2679 | 893.1351(2) | 2nd | Possession of place for trafficking in or manufacturing of controlled substance. |
| 2680 | 896.101(5)(a) | 3rd | Money laundering, financial transactions exceeding \$300 but less than \$20,000. |
| 2681 | 896.104(4)(a)1. | 3rd | Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000. |
| 2682 | 943.0435(4)(c) | 2nd | Sexual offender vacating permanent residence; failure to comply with reporting requirements. |
| 2683 | 943.0435(8) | 2nd | Sexual offender; remains in |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|----------------|-----|--|
| 2684 | | | state after indicating intent to leave; failure to comply with reporting requirements. |
| 2685 | 943.0435(9)(a) | 3rd | Sexual offender; failure to comply with reporting requirements. |
| 2686 | 943.0435(13) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 2687 | 943.0435(14) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| | 944.607(9) | 3rd | Sexual offender; failure to comply with reporting requirements. |

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

| | | | |
|------|-----------------|-----|--|
| 2688 | 944.607(10) (a) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 2689 | 944.607(12) | 3rd | Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender. |
| 2690 | 944.607(13) | 3rd | Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information. |
| 2691 | 985.4815(10) | 3rd | Sexual offender; failure to submit to the taking of a digitized photograph. |
| 2692 | 985.4815(12) | 3rd | Failure to report or providing false |

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

information about a
sexual offender; harbor
or conceal a sexual
offender.

2693

985.4815(13)

3rd

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

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2695

Section 20. Except as otherwise provided in this act, this
act shall take effect July 1, 2018.

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T I T L E A M E N D M E N T

Remove everything before the enacting clause and insert:
An act relating to controlled substances; creating s. 456.0301,
F.S.; authorizing certain boards to require practitioners to
complete a specified board-approved continuing education course
to obtain authorization to prescribe controlled substances as
part of biennial renewal; providing exceptions; providing course
requirements; prohibiting the department from renewing a license
of a prescriber under specified circumstances; requiring a

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

2708 licensee to submit confirmation of course completion; providing
2709 for each licensing board requiring such continuing education
2710 course to include hours of completion with the total hours of
2711 continuing education required in certain circumstances;
2712 authorizing rulemaking; amending s. 456.072, F.S.; authorizing
2713 disciplinary action against practitioners for violating
2714 specified provisions relating to controlled substances; amending
2715 s. 456.44, F.S.; defining the terms "acute pain" and "terminal
2716 condition"; providing exclusions; providing for the adoption of
2717 standards of practice for the treatment of acute pain; providing
2718 that failure of a practitioner to follow specified guidelines is
2719 grounds for disciplinary action; limiting opioid prescriptions
2720 for the treatment of acute pain to a specified period under
2721 certain circumstances; authorizing prescriptions for such
2722 opioids for an extended period if specified requirements are
2723 met; providing requirements for opioid prescriptions for pain
2724 other than acute pain; amending ss. 458.3265 and 459.0137, F.S.;
2725 requiring certain pain management clinic owners to register
2726 approved exemptions with the department; requiring certain
2727 clinics to obtain certificates of exemption; providing
2728 requirements for such certificates; authorizing rulemaking
2729 relating to specified exemptions; amending s. 465.0155, F.S.;
2730 providing requirements for pharmacists for the dispensing of
2731 controlled substances to persons not known to them; defining the
2732 term "proper identification"; amending s. 465.0276, F.S.;

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Amendment No.

2733 prohibiting the dispensing of certain controlled substances in
2734 an amount that exceeds a 3-day supply or a medically necessary
2735 7-day supply if certain criteria are met; providing an exception
2736 for the dispensing of certain controlled substances by a
2737 practitioner to the practitioner's own patients for the
2738 medication-assisted treatment of opiate addiction; providing
2739 requirements for practitioners for the dispensing of controlled
2740 substances to persons not known to them; defining the term
2741 "proper identification"; amending s. 893.03, F.S.; conforming
2742 the state controlled substances schedule to the federal
2743 controlled substances schedule; amending s. 893.04, F.S.;
2744 authorizing pharmacist to dispense controlled substances upon
2745 receipt of an electronic prescription if certain conditions are
2746 met; amending s. 893.055, F.S.; revising and providing
2747 definitions; revising requirements for the prescription drug
2748 monitoring program; authorizing rulemaking; requiring the
2749 department to maintain an electronic system for certain purposes
2750 to meet specified requirements; requiring certain information to
2751 be reported to the system by a specified time; providing
2752 exceptions; specifying direct access to system information;
2753 authorizing department to enter into one or more reciprocal
2754 agreements or contracts to share prescription drug monitoring
2755 information with certain entities; providing requirements for
2756 such agreements; authorizing the department to enter into
2757 agreements or contracts for secure connections with practitioner

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Page 159 of 161

Amendment No.

2758 | electronic systems; requiring specified persons to consult the
2759 | system for certain purposes within a specified time; providing
2760 | exceptions to the duty of specified persons to consult the
2761 | system under certain circumstances; authorizing the department
2762 | to issue nondisciplinary citations to specified entities for
2763 | failing to meet certain requirement for the initial instance and
2764 | to discipline specified entities for subsequently failing to
2765 | meet certain requirements; providing applicability; prohibiting
2766 | the failure to report the dispensing of a controlled substance
2767 | when required to do so; providing penalties; authorizing the
2768 | department to enter into agreements or contracts for specified
2769 | purposes; providing for the release of information obtained by
2770 | the system; allowing specified persons to have direct access to
2771 | information for the purpose of reviewing the controlled drug
2772 | prescription history of a patient; providing prescriber or
2773 | dispenser immunity from liability for review of patient history
2774 | when acting in good faith; providing construction; prohibiting
2775 | the department from specified uses of funds; authorizing the
2776 | department to conduct or participate in studies for specified
2777 | purposes; requiring an annual report to be submitted to the
2778 | Governor and Legislature by a specified date; providing report
2779 | requirements; providing exemptions; establishing direct-support
2780 | organizations for specified purposes; defining the term "direct-
2781 | support organization"; requiring a direct-support organization
2782 | to operate under written contract with the department; providing

677879 - h0021-strike.docx

Published On: 2/20/2018 7:24:51 PM

Page 160 of 161

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 21 (2018)

Amendment No.

2783 contract requirements; requiring the direct-support organization
2784 to obtain written approval from the department for specified
2785 purposes; authorizing rulemaking; providing for an independent
2786 annual financial audit by the direct-support organization;
2787 providing that copies of such audit be provided to specified
2788 entities; providing for future repeal of provisions relating to
2789 the direct-support organization; amending s. 893.0551, F.S.;
2790 revising provisions concerning release of information held by
2791 the prescription drug monitoring program; amending s. 893.13,
2792 F.S., correcting cross references; conforming provisions to
2793 changes made by the act; increasing the penalty for an offense;
2794 amending s. 893.147, F.S.; prohibiting the use, possession,
2795 manufacture, delivery, transportation, advertisement, or retail
2796 sale of specified paraphernalia, machines, and counterfeiting
2797 materials; providing definitions; providing exceptions to the
2798 prohibition; providing penalties; amending ss. 458.331, 459.015,
2799 463.0055, 782.04, 893.13, 893.135, and 921.0022, F.S.;
2800 correcting cross-references; conforming provisions to changes
2801 made by the act; providing effective dates.

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Page 161 of 161