

1                                   A bill to be entitled  
2           An act relating to controlled substances; creating s.  
3           456.0301, F.S.; authorizing certain boards to require  
4           practitioners to complete a specified board-approved  
5           continuing education course to obtain authorization to  
6           prescribe controlled substances as part of biennial  
7           renewal; providing exceptions; providing course  
8           requirements; prohibiting the department from renewing  
9           a license of a prescriber under specified  
10          circumstances; requiring a licensee to submit  
11          confirmation of course completion; providing for each  
12          licensing board requiring such continuing education  
13          course to include hours of completion with the total  
14          hours of continuing education required in certain  
15          circumstances; authorizing rulemaking; amending s.  
16          456.072, F.S.; authorizing disciplinary action against  
17          practitioners for violating specified provisions  
18          relating to controlled substances; amending s. 456.44,  
19          F.S.; defining the term "acute pain"; providing for  
20          the adoption of standards of practice for the  
21          treatment of acute pain; providing that failure of a  
22          practitioner to follow specified guidelines is grounds  
23          for disciplinary action; limiting opioid prescriptions  
24          for the treatment of acute pain to a specified period  
25          under certain circumstances; authorizing prescriptions

26 | for such opioids for an extended period if specified  
27 | requirements are met; amending ss. 458.3265 and  
28 | 459.0137, F.S.; requiring certain pain management  
29 | clinic owners to register approved exemptions with the  
30 | department; requiring certain clinics to obtain  
31 | certificates of exemption; providing requirements for  
32 | such certificates; authorizing rulemaking relating to  
33 | specified exemptions; amending ss. 465.0155 and  
34 | 465.0276, F.S.; providing requirements for pharmacists  
35 | and practitioners for the dispensing of controlled  
36 | substances to persons not known to them; defining the  
37 | term "proper identification"; amending s. 893.03,  
38 | F.S.; conforming the state controlled substances  
39 | schedule to the federal controlled substances  
40 | schedule; amending s. 893.055, F.S.; revising and  
41 | providing definitions; revising requirements for the  
42 | prescription drug monitoring program; authorizing  
43 | rulemaking; requiring the department to maintain an  
44 | electronic system for certain purposes to meet  
45 | specified requirements; requiring certain information  
46 | to be reported to the system by a specified time;  
47 | specifying direct access to system information;  
48 | authorizing department to enter into reciprocal  
49 | agreements or contracts to share prescription drug  
50 | monitoring information with certain entities;

51 providing requirements for such agreements;  
52 authorizing the department to enter into agreements or  
53 contracts for secure connections with practitioner  
54 electronic systems; requiring specified persons to  
55 consult the system for certain purposes within a  
56 specified time; providing exceptions to the duty of  
57 specified persons to consult the system under certain  
58 circumstances; authorizing the department to issue  
59 nondisciplinary citations to specified entities for  
60 failing to meet certain requirements; prohibiting the  
61 failure to report the dispensing of a controlled  
62 substance when required to do so; providing penalties;  
63 authorizing the department to enter into agreements or  
64 contracts for specified purposes; providing for the  
65 release of information obtained by the system;  
66 allowing specified persons to have direct access to  
67 information for the purpose of reviewing the  
68 controlled drug prescription history of a patient;  
69 providing prescriber or dispenser immunity from  
70 liability for review of patient history when acting in  
71 good faith; providing construction; prohibiting the  
72 department from specified uses of funds; authorizing  
73 the department to conduct or participate in studies  
74 for specified purposes; requiring an annual report to  
75 be submitted to the Governor and Legislature by a

76 specified date; providing report requirements;  
77 providing exemptions; establishing direct-support  
78 organizations for specified purposes; defining the  
79 term "direct-support organization"; requiring a  
80 direct-support organization to operate under written  
81 contract with the department; providing contract  
82 requirements; requiring the direct-support  
83 organization to obtain written approval from the  
84 department for specified purposes; authorizing  
85 rulemaking; providing for an independent annual  
86 financial audit by the direct-support organization;  
87 providing that copies of such audit be provided to  
88 specified entities; providing for future repeal of  
89 provisions relating to the direct-support  
90 organization; amending s. 893.0551, F.S.; revising  
91 provisions concerning release of information held by  
92 the prescription drug monitoring program; amending ss.  
93 458.331, 459.015, 463.0055, 782.04, 893.13, 893.135,  
94 and 921.0022, F.S.; correcting cross-references;  
95 conforming provisions to changes made by the act;  
96 providing effective dates.

97  
98 Be It Enacted by the Legislature of the State of Florida:  
99

100 Section 1. Section 456.0301, Florida Statutes, is created  
101 to read:

102 456.0301 Requirement for instruction on controlled  
103 substance prescribing.-

104 (1) (a) If not already required by the licensee's practice  
105 act, the appropriate board shall require each person registered  
106 with the United States Drug Enforcement Administration and  
107 authorized to prescribe controlled substances pursuant to 21  
108 U.S.C. s. 822 to complete a board-approved 2-hour continuing  
109 education course on prescribing controlled substances as part of  
110 biennial renewal. The course must include information on the  
111 current standards regarding for prescribing controlled  
112 substances, particularly opiates, alternatives to these  
113 standards, and information on the risks of opioid addiction  
114 following all stages of treatment in the management of acute  
115 pain. The course may be offered in a distance learning format  
116 and must be included within the number of continuing education  
117 hours required by law. The department may not renew the license  
118 of any prescriber registered with the United States Drug  
119 Enforcement Administration to prescribe controlled substances  
120 that has failed to complete the course. When required by this  
121 paragraph, the course shall be completed by January 31, 2019,  
122 and at each subsequent renewal.

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

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

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

132        Section 2. Paragraph (gg) of subsection (1) of section  
133        456.072, Florida Statutes, is amended to read:

134        456.072 Grounds for discipline; penalties; enforcement.—

135        (1) The following acts shall constitute grounds for which  
136        the disciplinary actions specified in subsection (2) may be  
137        taken:

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

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

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

153 456.44 Controlled substance prescribing.—

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

155 (a) "Acute pain" means the normal, predicted,  
156 physiological, and time-limited response to an adverse chemical,  
157 thermal, or mechanical stimulus associated with surgery, trauma,  
158 or acute illness.

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

163 (a) A complete medical history and a physical examination  
164 must be conducted before beginning any treatment and must be  
165 documented in the medical record. The exact components of the  
166 physical examination shall be left to the judgment of the  
167 registrant who is expected to perform a physical examination  
168 proportionate to the diagnosis that justifies a treatment. The  
169 medical record must, at a minimum, document the nature and  
170 intensity of the pain, current and past treatments for pain,  
171 underlying or coexisting diseases or conditions, the effect of  
172 the pain on physical and psychological function, a review of  
173 previous medical records, previous diagnostic studies, and  
174 history of alcohol and substance abuse. The medical record shall

175 | also document the presence of one or more recognized medical  
176 | indications for the use of a controlled substance. Each  
177 | registrant must develop a written plan for assessing each  
178 | patient's risk of aberrant drug-related behavior, which may  
179 | include patient drug testing. Registrants must assess each  
180 | patient's risk for aberrant drug-related behavior and monitor  
181 | that risk on an ongoing basis in accordance with the plan.

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

195 |       (c) The registrant shall discuss the risks and benefits of  
196 | the use of controlled substances, including the risks of abuse  
197 | and addiction, as well as physical dependence and its  
198 | consequences, with the patient, persons designated by the  
199 | patient, or the patient's surrogate or guardian if the patient

200 is incompetent. The registrant shall use a written controlled  
201 substance agreement between the registrant and the patient  
202 outlining the patient's responsibilities, including, but not  
203 limited to:

204 1. Number and frequency of controlled substance  
205 prescriptions and refills.

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

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

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

225 month intervals.

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

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

- 241 1. The complete medical history and a physical  
242 examination, including history of drug abuse or dependence.
- 243 2. Diagnostic, therapeutic, and laboratory results.
- 244 3. Evaluations and consultations.
- 245 4. Treatment objectives.
- 246 5. Discussion of risks and benefits.
- 247 6. Treatments.
- 248 7. Medications, including date, type, dosage, and quantity  
249 prescribed.

250           8. Instructions and agreements.

251           9. Periodic reviews.

252           10. Results of any drug testing.

253           11. A photocopy of the patient's government-issued photo  
254 identification.

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

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

259           (g) A registrant shall immediately refer patients with  
260 signs or symptoms of substance abuse to a board-certified pain  
261 management physician, an addiction medicine specialist, or a  
262 mental health addiction facility as it pertains to drug abuse or  
263 addiction unless the registrant is a physician who is board-  
264 certified or board-eligible in pain management. Throughout the  
265 period of time before receiving the consultant's report, a  
266 prescribing registrant shall clearly and completely document  
267 medical justification for continued treatment with controlled  
268 substances and those steps taken to ensure medically appropriate  
269 use of controlled substances by the patient. Upon receipt of the  
270 consultant's written report, the prescribing registrant shall  
271 incorporate the consultant's recommendations for continuing,  
272 modifying, or discontinuing controlled substance therapy. The  
273 resulting changes in treatment shall be specifically documented  
274 in the patient's medical record. Evidence or behavioral

275 | indications of diversion shall be followed by discontinuation of  
276 | controlled substance therapy, and the patient shall be  
277 | discharged, and all results of testing and actions taken by the  
278 | registrant shall be documented in the patient's medical record.  
279 |

280 | This subsection does not apply to a board-eligible or board-  
281 | certified anesthesiologist, physiatrist, rheumatologist, or  
282 | neurologist, or to a board-certified physician who has surgical  
283 | privileges at a hospital or ambulatory surgery center and  
284 | primarily provides surgical services. This subsection does not  
285 | apply to a board-eligible or board-certified medical specialist  
286 | who has also completed a fellowship in pain medicine approved by  
287 | the Accreditation Council for Graduate Medical Education or the  
288 | American Osteopathic Association, or who is board eligible or  
289 | board certified in pain medicine by the American Board of Pain  
290 | Medicine, the American Board of Interventional Pain Physicians,  
291 | the American Association of Physician Specialists, or a board  
292 | approved by the American Board of Medical Specialties or the  
293 | American Osteopathic Association and performs interventional  
294 | pain procedures of the type routinely billed using surgical  
295 | codes. This subsection does not apply to a registrant who  
296 | prescribes medically necessary controlled substances for a  
297 | patient during an inpatient stay in a hospital licensed under  
298 | chapter 395.

299        (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The  
300 department shall adopt rules establishing guidelines for  
301 prescribing controlled substances for acute pain, including  
302 evaluation of the patient, creation of a treatment plan,  
303 obtaining informed consent and agreement for treatment, periodic  
304 review of the treatment plan, consultation, medical record  
305 review, and compliance with controlled substance laws and  
306 regulations. Failure of a prescriber to follow such guidelines  
307 constitutes grounds for disciplinary action pursuant to s.  
308 456.072(1)(gg), punishable as provided in s. 456.072(2).

309        (5) PRESCRIPTION SUPPLY.—

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

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

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

320        2. The practitioner indicates "MEDICALLY NECESSARY" on the  
321 prescription.

322        3. The prescriber adequately documents in the patient's  
323 medical records the acute medical condition and lack of

324 alternative treatment options that justify deviation from the 3-  
325 day supply limit established in this subsection.

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

333 458.3265 Pain-management clinics.—

334 (1) REGISTRATION.—

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

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

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

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

348 (I) That advertises in any medium for any type of pain-

349 management services; or

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

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

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

359 a. A ~~The~~ clinic ~~is~~ licensed as a facility pursuant to  
360 chapter 395;

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

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

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

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

373 f. A ~~The~~ clinic ~~is~~ owned by a corporate entity exempt from

374 federal taxation under 26 U.S.C. s. 501(c) (3);

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

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

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

394 (2) CERTIFICATE OF EXEMPTION.-

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

- 399        1. The name or names under which the applicant does  
400 business.
- 401        2. The address at which the pain management clinic is  
402 located.
- 403        3. The specific exemption the applicant is claiming with  
404 supporting documentation.
- 405        4. Any other information deemed necessary by the  
406 department.
- 407        (b) Within 30 days after the receipt of a complete  
408 application, the department must approve or deny the  
409 application.
- 410        (c) The certificate of exemption must be renewed  
411 biennially, except that the department may issue the initial  
412 certificates of exemption for up to 3 years in order to stagger  
413 renewal dates.
- 414        (d) A certificateholder must prominently display the  
415 certificate of exemption and make it available to the department  
416 or the board upon request.
- 417        (e) A certificate of exemption is not movable or  
418 transferable. A certificate of exemption is valid only for the  
419 applicant, qualifying owners, licenses, registrations,  
420 certifications, and services provided under a specific statutory  
421 exemption and is valid only to the specific exemption claimed  
422 and granted.
- 423        (f) A certificateholder must notify the department at

424 least 60 days before any anticipated relocation or name change  
425 of the pain management clinic or a change of ownership.

426 (g) If a pain management clinic no longer qualifies for a  
427 certificate of exemption, the certificateholder must immediately  
428 notify the department and register as a pain management clinic  
429 under subsection (1).

430 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
431 apply to any physician who provides professional services in a  
432 pain-management clinic that is required to be registered in  
433 subsection (1).

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

445 (4)-(3) INSPECTION.—

446 (a) The department shall inspect the pain-management  
447 clinic annually, including a review of the patient records, to  
448 ensure that it complies with this section and the rules of the

449 Board of Medicine adopted pursuant to subsection (5)~~(4)~~ unless  
450 the clinic is accredited by a nationally recognized accrediting  
451 agency approved by the Board of Medicine.

452 (5)~~(4)~~ RULEMAKING.—

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

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

464 459.0137 Pain-management clinics.—

465 (1) REGISTRATION.—

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

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

473 b. "Chronic nonmalignant pain" means pain unrelated to

474 cancer which persists beyond the usual course of disease or the  
 475 injury that is the cause of the pain or more than 90 days after  
 476 surgery.

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

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

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

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

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

490 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to  
 491 chapter 395;

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

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

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

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

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

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

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

520           (g) The department may revoke the clinic's certificate of  
521 registration and prohibit all physicians associated with that  
522 pain-management clinic from practicing at that clinic location  
523 based upon an annual inspection and evaluation of the factors

524 described in subsection (4)~~(3)~~.

525 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

536 4. Any other information deemed necessary by the  
537 department.

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

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

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

548 (e) A certificate of exemption is not movable or

549 transferable. A certificate of exemption is valid only for the  
550 applicant, qualifying owners, licenses, registrations,  
551 certifications, and services provided under a specific statutory  
552 exemption and is valid only to the specific exemption claimed  
553 and granted.

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

557 (g) If a pain management clinic no longer qualifies for a  
558 certificate of exemption, the certificateholder must immediately  
559 notify the department and register as a pain management clinic  
560 under subsection (1).

561 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities  
562 apply to any osteopathic physician who provides professional  
563 services in a pain-management clinic that is required to be  
564 registered in subsection (1).

565 (a) An osteopathic physician may not practice medicine in  
566 a pain-management clinic, as described in subsection (5)-(4), if  
567 the pain-management clinic is not registered with the department  
568 as required by this section. Any physician who qualifies to  
569 practice medicine in a pain-management clinic pursuant to rules  
570 adopted by the Board of Osteopathic Medicine as of July 1, 2012,  
571 may continue to practice medicine in a pain-management clinic as  
572 long as the physician continues to meet the qualifications set  
573 forth in the board rules. An osteopathic physician who violates

574 | this paragraph is subject to disciplinary action by his or her  
575 | appropriate medical regulatory board.

576 |       ~~(4)~~~~(3)~~ INSPECTION.—

577 |       (a) The department shall inspect the pain-management  
578 | clinic annually, including a review of the patient records, to  
579 | ensure that it complies with this section and the rules of the  
580 | Board of Osteopathic Medicine adopted pursuant to subsection  
581 | ~~(5)~~~~(4)~~ unless the clinic is accredited by a nationally  
582 | recognized accrediting agency approved by the Board of  
583 | Osteopathic Medicine.

584 |       ~~(5)~~~~(4)~~ RULEMAKING.—

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

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

591 |       465.0155 Standards of practice.—

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

598 |       (2) (a) Before dispensing a controlled substance to a

599 person not known to the pharmacist, the pharmacist must require  
600 the person purchasing, receiving, or otherwise acquiring the  
601 controlled substance to present valid photographic  
602 identification or other verification of his or her identity. If  
603 the person does not have proper identification, the pharmacist  
604 may verify the validity of the prescription and the identity of  
605 the patient with the prescriber or his or her authorized agent.  
606 Verification of health plan eligibility through a real-time  
607 inquiry or adjudication system is considered to be proper  
608 identification.

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

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

618 Section 7. Paragraph (d) is added to subsection (2) of  
619 section 465.0276, Florida Statutes, to read:

620 465.0276 Dispensing practitioner.—

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

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

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

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

643 Section 8. Subsections (2), (3), (4), and (5) of section  
644 893.03, Florida Statutes, are amended to read:

645 893.03 Standards and schedules.—The substances enumerated  
646 in this section are controlled by this chapter. The controlled  
647 substances listed or to be listed in Schedules I, II, III, IV,  
648 and V are included by whatever official, common, usual,

649 chemical, trade name, or class designated. The provisions of  
650 this section shall not be construed to include within any of the  
651 schedules contained in this section any excluded drugs listed  
652 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
653 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
654 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
655 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
656 Anabolic Steroid Products."

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

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

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

- 671 a. Raw opium.  
672 b. Opium extracts.  
673 c. Opium fluid extracts.

- 674 d. Powdered opium.
- 675 e. Granulated opium.
- 676 f. Tincture of opium.
- 677 g. Codeine.
- 678 h. Dihydroetorphine.
- 679 ~~i.h.~~ Ethylmorphine.
- 680 ~~j.i.~~ Etorphine hydrochloride.
- 681 ~~k.j.~~ Hydrocodone and hydrocodone combination products.
- 682 ~~l.k.~~ Hydromorphone.
- 683 ~~m.l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
- 684 acetylmethadol, levomethadyl acetate, or LAAM).
- 685 ~~n.m.~~ Metopon (methyldihydromorphinone).
- 686 ~~o.n.~~ Morphine.
- 687 p. Oripavine.
- 688 ~~q.o.~~ Oxycodone.
- 689 ~~r.p.~~ Oxymorphone.
- 690 ~~s.q.~~ Thebaine.
- 691 2. Any salt, compound, derivative, or preparation of a
- 692 substance which is chemically equivalent to or identical with
- 693 any of the substances referred to in subparagraph 1., except
- 694 that these substances shall not include the isoquinoline
- 695 alkaloids of opium.
- 696 3. Any part of the plant of the species *Papaver*
- 697 *somniferum*, L.
- 698 4. Cocaine or ecgonine, including any of their

699 stereoisomers, and any salt, compound, derivative, or  
 700 preparation of cocaine or ecgonine, except that these substances  
 701 shall not include ioflupane I 123.

702 (b) Unless specifically excepted or unless listed in  
 703 another schedule, any of the following substances, including  
 704 their isomers, esters, ethers, salts, and salts of isomers,  
 705 esters, and ethers, whenever the existence of such isomers,  
 706 esters, ethers, and salts is possible within the specific  
 707 chemical designation:

- 708 1. Alfentanil.
- 709 2. Alphaprodine.
- 710 3. Anileridine.
- 711 4. Bezitramide.
- 712 5. Bulk propoxyphene (nondosage forms).
- 713 6. Carfentanil.
- 714 7. Dihydrocodeine.
- 715 8. Diphenoxylate.
- 716 9. Fentanyl.
- 717 10. Isomethadone.
- 718 11. Levomethorphan.
- 719 12. Levorphanol.
- 720 13. Metazocine.
- 721 14. Methadone.
- 722 15. Methadone-Intermediate, 4-cyano-2-
- 723 dimethylamino-4,4-diphenylbutane.

- 724 16. Moramide-Intermediate, 2-methyl-
- 725 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 726 17. Nabilone.
- 727 18. Pethidine (meperidine).
- 728 19. Pethidine-Intermediate-A, 4-cyano-1-
- 729 methyl-4-phenylpiperidine.
- 730 20. Pethidine-Intermediate-B, ethyl-4-
- 731 phenylpiperidine-4-carboxylate.
- 732 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
- 733 4-carboxylic acid.
- 734 22. Phenazocine.
- 735 23. Phencyclidine.
- 736 24. 1-Phenylcyclohexylamine.
- 737 25. Piminodine.
- 738 26. 1-Piperidinocyclohexanecarbonitrile.
- 739 27. Racemethorphan.
- 740 28. Racemorphan.
- 741 29. Remifentanil.
- 742 30.~~29.~~ Sufentanil.
- 743 31. Tapentadol.
- 744 32. Thiafentanil.

745 (c) Unless specifically excepted or unless listed in  
 746 another schedule, any material, compound, mixture, or  
 747 preparation which contains any quantity of the following  
 748 substances, including their salts, isomers, optical isomers,

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

- 750 1. Amobarbital.
- 751 2. Amphetamine.
- 752 3. Glutethimide.
- 753 4. Lisdexamfetamine.
- 754 ~~5.4.~~ Methamphetamine.
- 755 ~~6.5.~~ Methylphenidate.
- 756 ~~7.6.~~ Pentobarbital.
- 757 ~~8.7.~~ Phenmetrazine.
- 758 ~~9.8.~~ Phenylacetone.
- 759 ~~10.9.~~ Secobarbital.

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

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

771 (a) Unless specifically excepted or unless listed in  
 772 another schedule, any material, compound, mixture, or  
 773 preparation which contains any quantity of the following

774 substances having a depressant or stimulant effect on the  
 775 nervous system:

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

781 2. Benzphetamine.

782 3. Buprenorphine.

783 ~~4.3.~~ Chlorhexadol.

784 ~~5.4.~~ Chlorphentermine.

785 ~~6.5.~~ Clortermine.

786 7. Embutramide.

787 ~~8.6.~~ Lysergic acid.

788 ~~9.7.~~ Lysergic acid amide.

789 ~~10.8.~~ Methyprylon.

790 11. Perampanel.

791 ~~12.9.~~ Phendimetrazine.

792 ~~13.10.~~ Sulfondiethylmethane.

793 ~~14.11.~~ Sulfonethylmethane.

794 ~~15.12.~~ Sulfonmethane.

795 ~~16.13.~~ Tiletamine and zolazepam or any salt thereof.

796 (b) Nalorphine.

797 (c) Unless specifically excepted or unless listed in  
 798 another schedule, any material, compound, mixture, or

799 preparation containing limited quantities of any of the  
800 following controlled substances or any salts thereof:

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

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

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

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

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

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

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

828  
 829 For purposes of charging a person with a violation of s. 893.135  
 830 involving any controlled substance described in subparagraph 3.  
 831 or subparagraph 4., the controlled substance is a Schedule III  
 832 controlled substance pursuant to this paragraph but the weight  
 833 of the controlled substance per milliliters or per dosage unit  
 834 is not relevant to the charging of a violation of s. 893.135.  
 835 The weight of the controlled substance shall be determined  
 836 pursuant to s. 893.135(6).

837 (d) Anabolic steroids.

838 1. The term "anabolic steroid" means any drug or hormonal  
 839 substance, chemically and pharmacologically related to  
 840 testosterone, other than estrogens, progestins, and  
 841 corticosteroids, that promotes muscle growth and includes:

- 842 a. Androsterone.
- 843 b. Androsterone acetate.
- 844 c. Boldenone.
- 845 d. Boldenone acetate.
- 846 e. Boldenone benzoate.
- 847 f. Boldenone undecylenate.
- 848 g. Chlorotestosterone (Clostebol).

- 849 | h. Dehydrochlormethyltestosterone.
- 850 | i. Dihydrotestosterone (Stanolone).
- 851 | j. Drostanolone.
- 852 | k. Ethylestrenol.
- 853 | l. Fluoxymesterone.
- 854 | m. Formebolone (Formebolone).
- 855 | n. Mesterolone.
- 856 | o. Methandrostenolone (Methandienone).
- 857 | p. Methandranone.
- 858 | q. Methandriol.
- 859 | r. Methenolone.
- 860 | s. Methyltestosterone.
- 861 | t. Mibolerone.
- 862 | u. Nortestosterone (Nandrolone).
- 863 | v. Norethandrolone.
- 864 | w. Nortestosterone decanoate.
- 865 | x. Nortestosterone phenylpropionate.
- 866 | y. Nortestosterone propionate.
- 867 | z. Oxandrolone.
- 868 | aa. Oxymesterone.
- 869 | bb. Oxymetholone.
- 870 | cc. Stanozolol.
- 871 | dd. Testolactone.
- 872 | ee. Testosterone.
- 873 | ff. Testosterone acetate.

874 gg. Testosterone benzoate.  
 875 hh. Testosterone cypionate.  
 876 ii. Testosterone decanoate.  
 877 jj. Testosterone enanthate.  
 878 kk. Testosterone isocaproate.  
 879 ll. Testosterone oleate.  
 880 mm. Testosterone phenylpropionate.  
 881 nn. Testosterone propionate.  
 882 oo. Testosterone undecanoate.  
 883 pp. Trenbolone.  
 884 qq. Trenbolone acetate.  
 885 rr. Any salt, ester, or isomer of a drug or substance  
 886 described or listed in this subparagraph if that salt, ester, or  
 887 isomer promotes muscle growth.

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

896 (e) Ketamine, including any isomers, esters, ethers,  
 897 salts, and salts of isomers, esters, and ethers, whenever the  
 898 existence of such isomers, esters, ethers, and salts is possible

899 | within the specific chemical designation.

900 |       (f) Dronabinol (synthetic THC) in sesame oil and  
 901 | encapsulated in a soft gelatin capsule in a drug product  
 902 | approved by the United States Food and Drug Administration.

903 |       (g) Any drug product containing gamma-hydroxybutyric acid,  
 904 | including its salts, isomers, and salts of isomers, for which an  
 905 | application is approved under s. 505 of the Federal Food, Drug,  
 906 | and Cosmetic Act.

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

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

- 920 |       1. Alfaxalone.
- 921 |       2.~~(a)~~ Alprazolam.
- 922 |       3.~~(b)~~ Barbital.
- 923 |       4.~~(c)~~ Bromazepam.

- 924 | 5.~~(iii)~~ Butorphanol tartrate.
- 925 | 6.~~(d)~~ Camazepam.
- 926 | 7.~~(jjj)~~ Carisoprodol.
- 927 | 8.~~(e)~~ Cathine.
- 928 | 9.~~(f)~~ Chloral betaine.
- 929 | 10.~~(g)~~ Chloral hydrate.
- 930 | 11.~~(h)~~ Chlordiazepoxide.
- 931 | 12.~~(i)~~ Clobazam.
- 932 | 13.~~(j)~~ Clonazepam.
- 933 | 14.~~(k)~~ Clorazepate.
- 934 | 15.~~(l)~~ Clotiazepam.
- 935 | 16.~~(m)~~ Cloxazolam.
- 936 | 17. Dexfenfluramine.
- 937 | 18.~~(n)~~ Delorazepam.
- 938 | 19. Dichloralphenazone.
- 939 | 20.~~(p)~~ Diazepam.
- 940 | 21.~~(q)~~ Diethylpropion.
- 941 | 22. Eluxadoline.
- 942 | 23.~~(r)~~ Estazolam.
- 943 | 24. Eszopiclone.
- 944 | 25.~~(s)~~ Ethchlorvynol.
- 945 | 26.~~(t)~~ Ethinamate.
- 946 | 27.~~(u)~~ Ethyl loflazepate.
- 947 | 28.~~(v)~~ Fencamfamin.
- 948 | 29.~~(w)~~ Fenfluramine.

- 949 |        30.~~(x)~~ Fenproporex.
- 950 |        31.~~(y)~~ Fludiazepam.
- 951 |        32.~~(z)~~ Flurazepam.
- 952 |        33. Fospropofol.
- 953 |        34.~~(aa)~~ Halazepam.
- 954 |        35.~~(bb)~~ Haloxazolam.
- 955 |        36.~~(cc)~~ Ketazolam.
- 956 |        37.~~(dd)~~ Loprazolam.
- 957 |        38.~~(ee)~~ Lorazepam.
- 958 |        39. Lorcaserin.
- 959 |        40.~~(ff)~~ Lormetazepam.
- 960 |        41.~~(gg)~~ Mazindol.
- 961 |        42.~~(hh)~~ Mebutamate.
- 962 |        43.~~(ii)~~ Medazepam.
- 963 |        44.~~(jj)~~ Mefenorex.
- 964 |        45.~~(kk)~~ Meprobamate.
- 965 |        46.~~(ll)~~ Methohexital.
- 966 |        47.~~(mm)~~ Methylphenobarbital.
- 967 |        48.~~(nn)~~ Midazolam.
- 968 |        49. Modafinil.
- 969 |        50.~~(oo)~~ Nimetazepam.
- 970 |        51.~~(pp)~~ Nitrazepam.
- 971 |        52.~~(qq)~~ Nordiazepam.
- 972 |        53.~~(rr)~~ Oxazepam.
- 973 |        54.~~(ss)~~ Oxazolam.

- 974 |        55.~~(tt)~~ Paraldehyde.
- 975 |        56.~~(uu)~~ Pemoline.
- 976 |        57.~~(vv)~~ Pentazocine.
- 977 |        58. Petrichloral.
- 978 |        59.~~(ww)~~ Phenobarbital.
- 979 |        60.~~(xx)~~ Phentermine.
- 980 |        61.~~(yy)~~ Pinazepam.
- 981 |        62.~~(zz)~~ Pipradrol.
- 982 |        63.~~(aaa)~~ Prazepam.
- 983 |        64.~~(o)~~ Propoxyphene (dosage forms).
- 984 |        65.~~(bbb)~~ Propylhexedrine, excluding any patent or
- 985 |        proprietary preparation containing propylhexedrine, unless
- 986 |        otherwise provided by federal law.
- 987 |        66.~~(eee)~~ Quazepam.
- 988 |        67. Sibutramine.
- 989 |        68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2
- 990 |        diphenylethane].
- 991 |        69. Suvorexant.
- 992 |        70.~~(fff)~~ Temazepam.
- 993 |        71.~~(ddd)~~ Tetrazepam.
- 994 |        72. Tramadol.
- 995 |        73.~~(ggg)~~ Triazolam.
- 996 |        74. Zaleplon.
- 997 |        75. Zolpidem.
- 998 |        76. Zopiclone.

999 |        77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not  
 1000 | less than 25 micrograms of atropine sulfate per dosage unit.

1001 |        (5) SCHEDULE V.—A substance, compound, mixture, or  
 1002 | preparation of a substance in Schedule V has a low potential for  
 1003 | abuse relative to the substances in Schedule IV and has a  
 1004 | currently accepted medical use in treatment in the United  
 1005 | States, and abuse of such compound, mixture, or preparation may  
 1006 | lead to limited physical or psychological dependence relative to  
 1007 | the substances in Schedule IV.

1008 |        (a) Substances controlled in Schedule V include any  
 1009 | compound, mixture, or preparation containing any of the  
 1010 | following limited quantities of controlled substances, which  
 1011 | shall include one or more active medicinal ingredients which are  
 1012 | not controlled substances in sufficient proportion to confer  
 1013 | upon the compound, mixture, or preparation valuable medicinal  
 1014 | qualities other than those possessed by the controlled substance  
 1015 | alone:

1016 |            1. Not more than 200 milligrams of codeine per 100  
 1017 | milliliters or per 100 grams.

1018 |            2. Not more than 100 milligrams of dihydrocodeine per 100  
 1019 | milliliters or per 100 grams.

1020 |            3. Not more than 100 milligrams of ethylmorphine per 100  
 1021 | milliliters or per 100 grams.

1022 |            4. Not more than 2.5 milligrams of diphenoxylate and not  
 1023 | less than 25 micrograms of atropine sulfate per dosage unit.

HB 21

2018

1024 5. Not more than 100 milligrams of opium per 100  
1025 milliliters or per 100 grams.

1026 6. Not more than 0.5 milligrams of difenoxin and not less  
1027 than 25 micrograms of atropine sulfate per dosage unit.

1028 7. Brivaracetam.

1029 8. Ezogabine.

1030 9. Lacosamide.

1031 10. Pregabalin.

1032 ~~(b) Narcotic drugs. Unless specifically excepted or unless~~  
1033 ~~listed in another schedule, any material, compound, mixture, or~~  
1034 ~~preparation containing any of the following narcotic drugs and~~  
1035 ~~their salts: Buprenorphine.~~

1036 (b)(e) Stimulants. Unless specifically excepted or unless  
1037 listed in another schedule, any material, compound, mixture, or  
1038 preparation which contains any quantity of the following  
1039 substances having a stimulant effect on the central nervous  
1040 system, including its salts, isomers, and salts of isomers:  
1041 Pyrovalerone.

1042 Section 9. Section 893.055, Florida Statutes, is amended to  
1043 read:

1044 (Substantial rewording of section. See  
1045 s. 893.055, F.S., for present text.)

1046 893.055 Prescription drug monitoring program.-

1047 (1) As used in this section, the term:

1048 (a) "Administration" means the obtaining and giving of a

1049 single dose of medicinal drugs by a legally authorized person to  
1050 a patient for her or his consumption.

1051 (b) "Active investigation" means an investigation that is  
1052 being conducted with a reasonable, good faith belief that it  
1053 could lead to the filing of administrative, civil, or criminal  
1054 proceedings, or that is ongoing and continuing and for which  
1055 there is a reasonable, good faith anticipation of securing an  
1056 arrest or prosecution in the foreseeable future.

1057 (c) "Controlled substance" means a controlled substance  
1058 listed in Schedule II, Schedule III, Schedule IV, or Schedule V  
1059 of s. 893.03 or 21 U.S.C. s. 812.

1060 (d) "Dispense" means the transfer of possession of one or  
1061 more doses of a medicinal drug by a health care practitioner to  
1062 the ultimate consumer or to his or her agent.

1063 (e) "Dispenser" means a dispensing health care  
1064 practitioner or pharmacist licensed to dispense medicinal drugs  
1065 in this state.

1066 (f) "Health care practitioner" or "practitioner" means any  
1067 practitioner licensed under chapter 458, chapter 459, chapter  
1068 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1069 (g) "Health care regulatory board" means any board or  
1070 commission as defined in s. 456.001(1).

1071 (h) "Law enforcement agency" means the Department of Law  
1072 Enforcement, a sheriff's office in this state, a police  
1073 department in this state, or a law enforcement agency of the

1074 Federal Government which enforces the laws of this state or the  
 1075 United States relating to controlled substances, and which its  
 1076 agents and officers are empowered by law to conduct criminal  
 1077 investigations and make arrests.

1078 (i) "Pharmacy" includes a community pharmacy, an  
 1079 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
 1080 or an Internet pharmacy that is licensed by the department under  
 1081 chapter 465 and that dispenses or delivers medicinal drugs,  
 1082 including controlled substances to an individual or address in  
 1083 this state.

1084 (j) "Prescriber" means a prescribing physician,  
 1085 prescribing practitioner, or other prescribing health care  
 1086 practitioner authorized by the laws of this state to order  
 1087 medicinal drugs.

1088 (k) "Program manager" means an employee of or a person  
 1089 contracted by the department who is designated to ensure the  
 1090 integrity of the prescription drug monitoring program in  
 1091 accordance with the requirements established in this section.

1092 (2) (a) The department shall maintain an electronic system  
 1093 to collect and store controlled substance dispensing information  
 1094 and shall release the information as authorized in s. 893.0551.  
 1095 The electronic system must:

1096 1. Not infringe upon the legitimate prescribing or  
 1097 dispensing of a controlled substance by a prescriber or  
 1098 dispenser acting in good faith and in the course of professional

1099 | practice.

1100 |       2. Be consistent with standards of the American Society  
 1101 | for Automation in Pharmacy (ASAP).

1102 |       3. Comply with the Health Insurance Portability and  
 1103 | Accountability Act (HIPAA) as it pertains to protected health  
 1104 | information (PHI), electronic protected health information  
 1105 | (EPHI), and all other relevant state and federal privacy and  
 1106 | security laws and regulations.

1107 |       (b) The department may collaborate with professional  
 1108 | health care regulatory boards, appropriate organizations, and  
 1109 | other state agencies to identify indicators of controlled  
 1110 | substance abuse.

1111 |       (c) The department shall adopt rules necessary to  
 1112 | implement this subsection.

1113 |       (3) For each controlled substance dispensed to a patient  
 1114 | in the state, the following information must be reported by the  
 1115 | dispenser to the system as soon thereafter as possible but no  
 1116 | later than the close of the next business day after the day the  
 1117 | controlled substance is dispensed unless an extension or  
 1118 | exemption is approved by the department:

1119 |       (a) The name of the prescribing practitioner, the  
 1120 | practitioner's federal Drug Enforcement Administration  
 1121 | registration number, the practitioner's National Provider  
 1122 | Identification (NPI) or other appropriate identifier, and the  
 1123 | date of the prescription.

1124        (b) The date the prescription was filled and the method of  
1125 payment, such as cash by an individual, insurance coverage  
1126 through a third party, or Medicaid payment. This paragraph does  
1127 not authorize the department to include individual credit card  
1128 numbers or other account numbers in the system.

1129        (c) The full name, address, telephone number, and date of  
1130 birth of the person for whom the prescription was written.

1131        (d) The name, national drug code, quantity, and strength  
1132 of the controlled substance dispensed.

1133        (e) The full name, federal Drug Enforcement Administration  
1134 registration number, State of Florida Department of Health  
1135 issued pharmacy permit number, and address of the pharmacy or  
1136 other location from which the controlled substance was  
1137 dispensed. If the controlled substance was dispensed by a  
1138 practitioner other than a pharmacist, the practitioner's full  
1139 name, address, federal Drug Enforcement Administration  
1140 registration number, State of Florida Department of Health  
1141 issued license number, and National Provider Identification  
1142 (NPI).

1143        (f) Whether the drug was dispensed as an initial  
1144 prescription or a refill, and the number of refills ordered.

1145        (g) The name of the individual picking up the controlled  
1146 substance prescription and type and issuer of the identification  
1147 provided.

1148        (h) Other appropriate identifying information as

1149 determined by department rule.

1150 (i) All acts of administration of controlled substances  
1151 are exempt from the reporting requirements of this section.

1152 (4) The following shall have direct access to information  
1153 in the system:

1154 (a) An authorized prescriber or dispenser or his or her  
1155 designee.

1156 (b) An employee of the United States Department of  
1157 Veterans Affairs, United States Department of Defense, or the  
1158 Indian Health Service who provides health care services pursuant  
1159 to such employment and who has the authority to prescribe  
1160 controlled substances shall have access to the information in  
1161 the program's system upon verification of employment.

1162 (c) The program manager or designated program and support  
1163 staff may have access to administer the system.

1164 1. The program manager or designated program and support  
1165 staff must complete a level II background screening.

1166 2. In order to calculate performance measures pursuant to  
1167 subsection (14), the program manager or program and support  
1168 staff members who have been directed by the program manager to  
1169 calculate performance measures may have direct access to  
1170 information that contains no identifying information of any  
1171 patient, physician, health care practitioner, prescriber, or  
1172 dispenser.

1173 3. The program manager or designated program and support

1174 staff must provide the department, upon request, data that does  
1175 not contain patient, physician, health care practitioner,  
1176 prescriber, or dispenser identifying information for public  
1177 health care and safety initiatives purposes.

1178 4. The program manager, upon determining a pattern  
1179 consistent with the department's rules established under  
1180 paragraph (2)(b) may provide relevant information to the  
1181 prescriber and dispenser.

1182 5. The program manager, upon determining a pattern  
1183 consistent with the rules established under paragraph (2)(b) and  
1184 having cause to believe a violation of s. 893.13(7)(a)8.,  
1185 (8)(a), or (8)(b) has occurred, may provide relevant information  
1186 to the applicable law enforcement agency.

1187 (5) The following entities may not directly access  
1188 information in the system, but may request information from the  
1189 program manager or designated program and support staff:

1190 (a) The department for investigations involving licensees  
1191 authorized to prescribe or dispense controlled substances.

1192 (b) The Attorney General for Medicaid fraud cases  
1193 involving prescribed controlled substances.

1194 (c) A law enforcement agency during active investigations  
1195 of potential criminal activity, fraud, or theft regarding  
1196 prescribed controlled substances.

1197 (d) A medical examiner when conducting an authorized  
1198 investigation under s. 406.11, to determine the cause of death

1199 of an individual.

1200 (e) An impaired practitioner consultant who is retained by  
1201 the department under s. 456.076 to review the system information  
1202 of an impaired practitioner program participant or a referral  
1203 who has agreed to be evaluated or monitored through the program  
1204 and who has separately agreed in writing to the consultant's  
1205 access to and review of such information.

1206 (f) A patient or the legal guardian or designated health  
1207 care surrogate of an incapacitated patient who submits a written  
1208 and notarized request that includes the patient's full name,  
1209 address, phone number, date of birth, and a copy of a  
1210 government-issued photo identification. A legal guardian or  
1211 health care surrogate must provide the same information if he or  
1212 she submits the request.

1213 (6) The department may enter into a reciprocal agreement  
1214 or contract to share prescription drug monitoring information  
1215 with another state, district, or territory if the prescription  
1216 drug monitoring programs of other states, districts, or  
1217 territories are compatible with the Florida program.

1218 (a) In determining compatibility, the department shall  
1219 consider:

1220 1. The safeguards for privacy of patient records and the  
1221 success of the program in protecting patient privacy.

1222 2. The persons authorized to view the data collected by  
1223 the program. Comparable entities and licensed health care

1224 practitioners in other states, districts, or territories of the  
1225 United States, law enforcement agencies, the Attorney General's  
1226 Medicaid Fraud Control Unit, medical regulatory boards, and, as  
1227 needed, management staff that have similar duties as management  
1228 staff who work with the prescription drug monitoring program as  
1229 authorized in s. 893.0551 are authorized access upon approval by  
1230 the department.

1231 3. The schedules of the controlled substances that are  
1232 monitored by the program.

1233 4. The data reported to or included in the program's  
1234 system.

1235 5. Any implementing criteria deemed essential for a  
1236 thorough comparison.

1237 6. The costs and benefits to the state of sharing  
1238 prescription information.

1239 (b) The department must assess the prescription drug  
1240 monitoring program's continued compatibility with the other  
1241 state's, district's, or territory's program periodically.

1242 (c) Any agreement or contract for sharing of prescription  
1243 drug monitoring information between the department and another  
1244 state, district, or territory shall contain the same  
1245 restrictions and requirements as this section or s. 893.0551,  
1246 and the information must be provided according to the  
1247 department's determination of compatibility.

1248 (7) The department may enter into agreements or contracts

1249 to establish secure connections between the system and a  
1250 prescribing or dispensing health care practitioner's electronic  
1251 health recordkeeping system. The electronic health recordkeeping  
1252 system owner or license holder will be responsible for ensuring  
1253 that only authorized individuals have access to prescription  
1254 drug monitoring program information.

1255 (8) A prescriber or dispenser or a designee of a  
1256 prescriber or dispenser must consult the system to review a  
1257 patient's controlled substance dispensing history before  
1258 prescribing or dispensing a controlled substance.

1259 (a) The duty to consult the system does not apply to a  
1260 prescriber or dispenser or designee of a prescriber or dispenser  
1261 if the system is not operational, as determined by the  
1262 department, or when it cannot be accessed by a health care  
1263 practitioner because of a temporary technological or electrical  
1264 failure.

1265 (b) A prescriber or dispenser or designee of a prescriber  
1266 or dispenser who does not consult the system under this  
1267 subsection shall document the reason he or she did not consult  
1268 the system in the patient's medical record or prescription  
1269 record, and shall not prescribe or dispense greater than a 3-day  
1270 supply of a controlled substance to the patient.

1271 (c) The department shall issue a nondisciplinary citation  
1272 to any prescriber or dispenser who fails to consult the system  
1273 as required by this subsection.

1274 (9) A person who willfully and knowingly fails to report  
1275 the dispensing of a controlled substance as required by this  
1276 section commits a misdemeanor of the first degree, punishable as  
1277 provided in s. 775.082 or s. 775.083.

1278 (10) Information in the prescription drug monitoring  
1279 program's system may be released only as provided in this  
1280 subsection and s. 893.0551. The content of the system is  
1281 intended to be informational only and imposes no obligations of  
1282 any nature or any legal duty on a prescriber, dispenser,  
1283 pharmacy, or patient. Information in the system shall be  
1284 provided in accordance with s. 893.13(7)(a)8. and is not subject  
1285 to discovery or introduction into evidence in any civil or  
1286 administrative action against a prescriber, dispenser, pharmacy,  
1287 or patient arising out of matters that are the subject of  
1288 information in the system. The program manager and authorized  
1289 persons who participate in preparing, reviewing, issuing, or any  
1290 other activity related to management of the system may not be  
1291 permitted or required to testify in any such civil or  
1292 administrative action as to any findings, recommendations,  
1293 evaluations, opinions, or other actions taken in connection with  
1294 management of the system.

1295 (11) A prescriber or dispenser, or his or her designee,  
1296 may have access to the information under this section which  
1297 relates to a patient of that prescriber or dispenser as needed  
1298 for the purpose of reviewing the patient's controlled drug

1299 prescription history. A prescriber or dispenser acting in good  
1300 faith is immune from any civil, criminal, or administrative  
1301 liability that might otherwise be incurred or imposed for  
1302 receiving or using information from the prescription drug  
1303 monitoring program. This subsection does not create a private  
1304 cause of action, and a person may not recover damages against a  
1305 prescriber or dispenser authorized to access information under  
1306 this subsection for accessing or failing to access such  
1307 information.

1308 (12) (a) All costs incurred by the department in  
1309 administering the prescription drug monitoring program shall be  
1310 funded through federal grants, private funding applied for or  
1311 received by the state, or state funds appropriated in the  
1312 General Appropriations Act. The department may not:

1313 1. Commit funds for the monitoring program without  
1314 ensuring funding is available; or

1315 2. Use funds provided, directly or indirectly by  
1316 prescription drug manufacturers to implement the program.

1317 (b) The department shall cooperate with the direct-support  
1318 organization established under subsection (15) in seeking  
1319 federal grant funds, other nonstate grant funds, gifts,  
1320 donations, or other private moneys for the department if the  
1321 costs of doing so are immaterial. Immaterial costs include, but  
1322 are not limited to, the costs of mailing and personnel assigned  
1323 to research or apply for a grant. The department may

1324 competitively procure and contract pursuant to s. 287.057 for  
1325 any goods and services required be this section.

1326 (13) The department shall conduct or participate in  
1327 studies to examine the feasibility of enhancing the prescription  
1328 drug monitoring program for the purposes of public health  
1329 initiatives and statistical reporting. Such studies shall  
1330 respect the privacy of the patient, the prescriber, and the  
1331 dispenser. Such studies may be conducted by the department or a  
1332 contracted vendor in order to:

1333 (a) Improve the quality of health care services and safety  
1334 by improving the prescribing and dispensing practices for  
1335 prescription drugs;

1336 (b) Take advantage of advances in technology;

1337 (c) Reduce duplicative prescriptions and the  
1338 overprescribing of prescription drugs; and

1339 (d) Reduce drug abuse.

1340 (14) The department shall annually report on performance  
1341 measures to the Governor, the President of the Senate, and the  
1342 Speaker of the House of Representatives by the department each  
1343 December 1. Performance measures may include, but are not  
1344 limited to, the following outcomes:

1345 (a) Reduction of the rate of inappropriate use of  
1346 prescription drugs through department education and safety  
1347 efforts.

1348 (b) Reduction of the quantity of pharmaceutical controlled

1349 substances obtained by individuals attempting to engage in fraud  
1350 and deceit.

1351 (c) Increased coordination among partners participating in  
1352 the prescription drug monitoring program.

1353 (d) Involvement of stakeholders in achieving improved  
1354 patient health care and safety and reduction of prescription  
1355 drug abuse and prescription drug diversion.

1356 (15) The department may establish a direct-support  
1357 organization to provide assistance, funding, and promotional  
1358 support for the activities authorized for the prescription drug  
1359 monitoring program.

1360 (a) As used in this subsection, the term "direct-support  
1361 organization" means an organization that is:

1362 1. A Florida corporation not for profit incorporated under  
1363 chapter 617, exempted from filing fees, and approved by the  
1364 Department of State.

1365 2. Organized and operated to conduct programs and  
1366 activities; raise funds; request and receive grants, gifts, and  
1367 bequests of money; acquire, receive, hold, and invest, in its  
1368 own name, securities, funds, objects of value, or other  
1369 property, either real or personal; and make expenditures or  
1370 provide funding to or for the direct or indirect benefit of the  
1371 department in the furtherance of the prescription drug  
1372 monitoring program.

1373 (b) The State Surgeon General shall appoint a board of

1374 directors for the direct-support organization.

1375 1. The board of directors shall consist of no fewer than  
1376 five members who shall serve at the pleasure of the State  
1377 Surgeon General.

1378 2. The State Surgeon General shall provide guidance to  
1379 members of the board to ensure that moneys received by the  
1380 direct-support organization are not received from inappropriate  
1381 sources. Inappropriate sources include, but are not limited to,  
1382 donors, grantors, persons, or organizations that may monetarily  
1383 or substantively benefit from the purchase of goods or services  
1384 by the department in furtherance of the prescription drug  
1385 monitoring program.

1386 (c) The direct-support organization shall operate under  
1387 written contract with the department. The contract must, at a  
1388 minimum, provide for:

1389 1. Approval of the articles of incorporation and bylaws of  
1390 the direct-support organization by the department.

1391 2. Submission of an annual budget for the approval of the  
1392 department.

1393 3. The reversion, without penalty, to the department's  
1394 grants and donations trust fund for the administration of the  
1395 prescription drug monitoring program of all moneys and property  
1396 held in trust by the direct-support organization for the benefit  
1397 of the prescription drug monitoring program if the direct-  
1398 support organization ceases to exist or if the contract is

1399 terminated.

1400 4. The fiscal year of the direct-support organization,  
1401 which must begin July 1 of each year and end June 30 of the  
1402 following year.

1403 5. The disclosure of the material provisions of the  
1404 contract to donors of gifts, contributions, or bequests,  
1405 including such disclosure on all promotional and fundraising  
1406 publications, and an explanation to such donors of the  
1407 distinction between the department and the direct-support  
1408 organization.

1409 6. The direct-support organization's collecting,  
1410 expending, and providing of funds to the department for the  
1411 development, implementation, and operation of the prescription  
1412 drug monitoring program as described in this section. The  
1413 direct-support organization may collect and expend funds to be  
1414 used for the functions of the direct-support organization's  
1415 board of directors, as necessary and approved by the department.  
1416 In addition, the direct-support organization may collect and  
1417 provide funding to the department in furtherance of the  
1418 prescription drug monitoring program by:

1419 a. Establishing and administering the prescription drug  
1420 monitoring program's electronic system, including hardware and  
1421 software.

1422 b. Conducting studies on the efficiency and effectiveness  
1423 of the program to include feasibility studies as described in

1424 subsection (13).

1425 c. Providing funds for future enhancements of the program  
1426 within the intent of this section.

1427 d. Providing user training of the prescription drug  
1428 monitoring program, including distribution of materials to  
1429 promote public awareness and education and conducting workshops  
1430 or other meetings, for health care practitioners, pharmacists,  
1431 and others as appropriate.

1432 e. Providing funds for travel expenses.

1433 f. Providing funds for administrative costs, including  
1434 personnel, audits, facilities, and equipment.

1435 g. Fulfilling all other requirements necessary to  
1436 implement and operate the program as outlined in this section.

1437 7. Certification by the department that the direct-support  
1438 organization is complying with the terms of the contract in a  
1439 manner consistent with and in furtherance of the goals and  
1440 purposes of the prescription drug monitoring program and in the  
1441 best interests of the state. Such certification must be made  
1442 annually and reported in the official minutes of a meeting of  
1443 the direct-support organization.

1444 (d) The activities of the direct-support organization must  
1445 be consistent with the goals and mission of the department, as  
1446 determined by the department, and in the best interests of the  
1447 state. The direct-support organization must obtain written  
1448 approval from the department for any activities in support of

1449 the prescription drug monitoring program before undertaking  
1450 those activities.

1451 (e) The direct-support organization shall provide for an  
1452 independent annual financial audit in accordance with s.  
1453 215.981. Copies of the audit shall be provided to the department  
1454 and the Office of Policy and Budget in the Executive Office of  
1455 the Governor.

1456 (f) The direct-support organization may not exercise any  
1457 power under s. 617.0302(12) or (16).

1458 (g) The direct-support organization is not considered a  
1459 lobbying firm within the meaning of s.11.045.

1460 (h) The department may permit, without charge, appropriate  
1461 use of administrative services, property, and facilities of the  
1462 department by the direct-support organization, subject to this  
1463 section. The use must be directly in keeping with the approved  
1464 purposes of the direct-support organization and may not be made  
1465 at times or places that would unreasonably interfere with  
1466 opportunities for the public to use such facilities for  
1467 established purposes. Any moneys received from rentals of  
1468 facilities and properties managed by the department may be held  
1469 in a separate depository account in the name of the direct-  
1470 support organization and subject to the provisions of the letter  
1471 of agreement with the department. The letter of agreement must  
1472 provide that any funds held in the separate depository account  
1473 in the name of the direct-support organization must revert to

1474 the department if the direct-support organization is no longer  
1475 approved by the department to operate in the best interests of  
1476 the state.

1477 (i) The department may adopt rules under s. 120.54 to  
1478 govern the use of administrative services, property, or  
1479 facilities of the department or office by the direct-support  
1480 organization.

1481 (j) The department may not permit the use of any  
1482 administrative services, property, or facilities of the state by  
1483 a direct-support organization if that organization does not  
1484 provide equal membership and employment opportunities to all  
1485 persons regardless of race, color, religion, gender, age, or  
1486 national origin.

1487 (k) This subsection is repealed October 1, 2027, unless  
1488 reviewed and saved from repeal by the Legislature.

1489 Section 10. Section 893.0551, Florida Statutes, is amended  
1490 to read:

1491 893.0551 Public records exemption for the prescription  
1492 drug monitoring program.—

1493 (1) For purposes of this section, the terms used in this  
1494 section have the same meanings as provided in s. 893.055.

1495 (2) The following information of a patient or patient's  
1496 agent, a health care practitioner, a dispenser, an employee of  
1497 the practitioner who is acting on behalf of and at the direction  
1498 of the practitioner, a pharmacist, or a pharmacy that is

1499 contained in records held by the department under s. 893.055 is  
 1500 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
 1501 of the State Constitution:

- 1502 (a) Name.
- 1503 (b) Address.
- 1504 (c) Telephone number.
- 1505 (d) Insurance plan number.
- 1506 (e) Government-issued identification number.
- 1507 (f) Provider number.
- 1508 (g) Drug Enforcement Administration number.
- 1509 (h) Any other unique identifying information or number.

1510 (3) The department shall disclose such ~~confidential and~~  
 1511 ~~exempt~~ information to the following persons or entities upon  
 1512 request and after using a verification process to ensure the  
 1513 legitimacy of the request as provided in s. 893.055:

1514 (a) A health care practitioner, or his or her designee,  
 1515 who certifies that the information is necessary to provide  
 1516 medical treatment to a current patient in accordance with ss.  
 1517 893.05 and 893.055.

1518 (b) An employee of the United States Department of  
 1519 Veterans Affairs, United States Department of Defense, or the  
 1520 Indian Health Service who provides health care services pursuant  
 1521 to such employment and who has the authority to prescribe  
 1522 controlled substances shall have access to the information in  
 1523 the program's system upon verification of such employment.

1524        (c) The program manager and designated support staff for  
1525 administration of the program, and to provide relevant  
1526 information to the prescriber, dispenser, and appropriate law  
1527 enforcement agencies, in accordance with s. 893.055.

1528        (d) The department for investigations involving licensees  
1529 authorized to prescribe or dispense controlled substances. The  
1530 department may request information from the program but may not  
1531 have direct access to its system. The department may provide to  
1532 a law enforcement agency pursuant to ss. 456.066 and 456.073  
1533 only information that is relevant to the specific controlled  
1534 substances investigation that prompted the request for the  
1535 information.

1536        (e) ~~(a)~~ The Attorney General or his or her designee when  
1537 working on Medicaid fraud cases involving prescribed controlled  
1538 substances ~~prescription drugs~~ or when the Attorney General has  
1539 initiated a review of specific identifiers of Medicaid fraud or  
1540 specific identifiers that warrant a Medicaid investigation  
1541 regarding prescribed controlled substances ~~prescription drugs~~.  
1542 The Attorney General's Medicaid fraud investigators may not have  
1543 direct access to the department's system ~~database~~. The Attorney  
1544 General or his or her designee may disclose to a criminal  
1545 justice agency, as defined in s. 119.011, only the ~~confidential~~  
1546 ~~and exempt~~ information received from the department that is  
1547 relevant to an identified active investigation that prompted the  
1548 request for the information.

1549 ~~(b) The department's relevant health care regulatory~~  
1550 ~~boards responsible for the licensure, regulation, or discipline~~  
1551 ~~of a practitioner, pharmacist, or other person who is authorized~~  
1552 ~~to prescribe, administer, or dispense controlled substances and~~  
1553 ~~who is involved in a specific controlled substances~~  
1554 ~~investigation for prescription drugs involving a designated~~  
1555 ~~person. The health care regulatory boards may request~~  
1556 ~~information from the department but may not have direct access~~  
1557 ~~to its database. The health care regulatory boards may provide~~  
1558 ~~to a law enforcement agency pursuant to ss. 456.066 and 456.073~~  
1559 ~~only information that is relevant to the specific controlled~~  
1560 ~~substances investigation that prompted the request for the~~  
1561 ~~information.~~

1562 (f)~~(e)~~ A law enforcement agency that has initiated an  
1563 active investigation involving a specific violation of law  
1564 regarding prescription drug abuse or diversion of prescribed  
1565 controlled substances and that has entered into a user agreement  
1566 with the department. A law enforcement agency may request  
1567 information from the department but may not have direct access  
1568 to its system ~~database~~. The law enforcement agency may disclose  
1569 to a criminal justice agency, as defined in s. 119.011, only  
1570 ~~confidential and exempt~~ information received from the department  
1571 that is relevant to an identified active investigation that  
1572 prompted the request for such information.

1573 (g) A medical examiner or associate medical examiner, as

1574 defined in s 406.06, pursuant to his or her official duties, as  
1575 required by s. 406.11, to determine the cause of death of an  
1576 individual. A medical examiner may request information from the  
1577 department but may not have direct access to the system.

1578 ~~(f) A patient or the legal guardian or designated health~~  
1579 ~~care surrogate for an incapacitated patient, if applicable,~~  
1580 ~~making a request as provided in s. 893.055(7)(c)4.~~

1581 (h) An impaired practitioner consultant who has been  
1582 authorized in writing by a participant in, or by a referral to,  
1583 the impaired practitioner program to access and review  
1584 information as provided in s. 893.055(6)(e) ~~893.055(7)(c)5.~~

1585 (i)~~(f)~~ A patient or the legal guardian or designated  
1586 health care surrogate for an incapacitated patient, if  
1587 applicable, making a request as provided in s. 893.055(6)(f)  
1588 ~~893.055(7)(c)4.~~

1589 (4) If the department determines consistent with its rules  
1590 that a pattern of controlled substance abuse exists, the  
1591 department may disclose such confidential and exempt information  
1592 to the applicable law enforcement agency in accordance with s.  
1593 893.055. The law enforcement agency may disclose to a criminal  
1594 justice agency, as defined in s. 119.011, only ~~confidential and~~  
1595 ~~exempt~~ information received from the department that is relevant  
1596 to an identified active investigation that is specific to a  
1597 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.  
1598 893.13(8)(b).

1599 (5) Before disclosing ~~confidential and exempt~~ information  
1600 to a criminal justice agency or a law enforcement agency  
1601 pursuant to this section, the disclosing person or entity must  
1602 take steps to ensure the continued confidentiality of all  
1603 ~~confidential and exempt~~ information. At a minimum, these steps  
1604 must include redacting any nonrelevant information.

1605 (6) An agency or person who obtains any ~~confidential and~~  
1606 ~~exempt~~ information pursuant to this section must maintain the  
1607 confidential and exempt status of that information and may not  
1608 disclose such information unless authorized by law. Information  
1609 shared with a state attorney pursuant to paragraph (3) (e) ~~(3) (a)~~  
1610 or paragraph (3) (f) ~~(3) (e)~~ may be released only in response to a  
1611 discovery demand if such information is directly related to the  
1612 criminal case for which the information was requested. Unrelated  
1613 information may be released only upon an order of a court of  
1614 competent jurisdiction.

1615 (7) A person who willfully and knowingly violates this  
1616 section commits a felony of the third degree, punishable as  
1617 provided in s. 775.082, s. 775.083, or s. 775.084.

1618 Section 11. Paragraphs (pp) and (qq) of subsection (1) of  
1619 section 458.331, Florida Statutes, are amended to read:

1620 458.331 Grounds for disciplinary action; action by the  
1621 board and department.—

1622 (1) The following acts constitute grounds for denial of a  
1623 license or disciplinary action, as specified in s. 456.072(2):

1624 (pp) Applicable to a licensee who serves as the designated  
 1625 physician of a pain-management clinic as defined in s. 458.3265  
 1626 or s. 459.0137:

1627 1. Registering a pain-management clinic through  
 1628 misrepresentation or fraud;

1629 2. Procuring, or attempting to procure, the registration  
 1630 of a pain-management clinic for any other person by making or  
 1631 causing to be made, any false representation;

1632 3. Failing to comply with any requirement of chapter 499,  
 1633 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
 1634 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
 1635 the Drug Abuse Prevention and Control Act; or chapter 893, the  
 1636 Florida Comprehensive Drug Abuse Prevention and Control Act;

1637 4. Being convicted or found guilty of, regardless of  
 1638 adjudication to, a felony or any other crime involving moral  
 1639 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
 1640 the courts of this state, of any other state, or of the United  
 1641 States;

1642 5. Being convicted of, or disciplined by a regulatory  
 1643 agency of the Federal Government or a regulatory agency of  
 1644 another state for, any offense that would constitute a violation  
 1645 of this chapter;

1646 6. Being convicted of, or entering a plea of guilty or  
 1647 nolo contendere to, regardless of adjudication, a crime in any  
 1648 jurisdiction of the courts of this state, of any other state, or

1649 of the United States which relates to the practice of, or the  
 1650 ability to practice, a licensed health care profession;

1651 7. Being convicted of, or entering a plea of guilty or  
 1652 nolo contendere to, regardless of adjudication, a crime in any  
 1653 jurisdiction of the courts of this state, of any other state, or  
 1654 of the United States which relates to health care fraud;

1655 8. Dispensing any medicinal drug based upon a  
 1656 communication that purports to be a prescription as defined in  
 1657 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows  
 1658 or has reason to believe that the purported prescription is not  
 1659 based upon a valid practitioner-patient relationship; or

1660 9. Failing to timely notify the board of the date of his  
 1661 or her termination from a pain-management clinic as required by  
 1662 s. 458.3265(3) ~~458.3265(2)~~.

1663 (qq) Failing to timely notify the department of the theft  
 1664 of prescription blanks from a pain-management clinic or a breach  
 1665 of other methods for prescribing within 24 hours as required by  
 1666 s. 458.3265(3) ~~458.3265(2)~~.

1667 Section 12. Paragraphs (rr) and (ss) of subsection (1) of  
 1668 section 459.015, Florida Statutes, are amended to read:

1669 459.015 Grounds for disciplinary action; action by the  
 1670 board and department.—

1671 (1) The following acts constitute grounds for denial of a  
 1672 license or disciplinary action, as specified in s. 456.072(2):

1673 (rr) Applicable to a licensee who serves as the designated

1674 | physician of a pain-management clinic as defined in s. 458.3265  
 1675 | or s. 459.0137:

1676 |       1. Registering a pain-management clinic through  
 1677 | misrepresentation or fraud;

1678 |       2. Procuring, or attempting to procure, the registration  
 1679 | of a pain-management clinic for any other person by making or  
 1680 | causing to be made, any false representation;

1681 |       3. Failing to comply with any requirement of chapter 499,  
 1682 | the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
 1683 | Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
 1684 | the Drug Abuse Prevention and Control Act; or chapter 893, the  
 1685 | Florida Comprehensive Drug Abuse Prevention and Control Act;

1686 |       4. Being convicted or found guilty of, regardless of  
 1687 | adjudication to, a felony or any other crime involving moral  
 1688 | turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
 1689 | the courts of this state, of any other state, or of the United  
 1690 | States;

1691 |       5. Being convicted of, or disciplined by a regulatory  
 1692 | agency of the Federal Government or a regulatory agency of  
 1693 | another state for, any offense that would constitute a violation  
 1694 | of this chapter;

1695 |       6. Being convicted of, or entering a plea of guilty or  
 1696 | nolo contendere to, regardless of adjudication, a crime in any  
 1697 | jurisdiction of the courts of this state, of any other state, or  
 1698 | of the United States which relates to the practice of, or the

1699 ability to practice, a licensed health care profession;  
 1700 7. Being convicted of, or entering a plea of guilty or  
 1701 nolo contendere to, regardless of adjudication, a crime in any  
 1702 jurisdiction of the courts of this state, of any other state, or  
 1703 of the United States which relates to health care fraud;  
 1704 8. Dispensing any medicinal drug based upon a  
 1705 communication that purports to be a prescription as defined in  
 1706 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows  
 1707 or has reason to believe that the purported prescription is not  
 1708 based upon a valid practitioner-patient relationship; or  
 1709 9. Failing to timely notify the board of the date of his  
 1710 or her termination from a pain-management clinic as required by  
 1711 s. 459.0137(3) ~~459.0137(2)~~.  
 1712 (ss) Failing to timely notify the department of the theft  
 1713 of prescription blanks from a pain-management clinic or a breach  
 1714 of other methods for prescribing within 24 hours as required by  
 1715 s. 459.0137(3) ~~459.0137(2)~~.  
 1716 Section 13. Paragraph (b) of subsection (4) of section  
 1717 463.0055, Florida Statutes, is amended to read:  
 1718 463.0055 Administration and prescription of ocular  
 1719 pharmaceutical agents.—  
 1720 (4) A certified optometrist shall be issued a prescriber  
 1721 number by the board. Any prescription written by a certified  
 1722 optometrist for an ocular pharmaceutical agent pursuant to this  
 1723 section shall have the prescriber number printed thereon. A

1724 certified optometrist may not administer or prescribe:

1725 (b) A controlled substance for the treatment of chronic  
 1726 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1727 Section 14. Paragraph (a) of subsection (1) of section  
 1728 782.04, Florida Statutes, is amended to read:

1729 782.04 Murder.—

1730 (1)(a) The unlawful killing of a human being:

1731 1. When perpetrated from a premeditated design to effect  
 1732 the death of the person killed or any human being;

1733 2. When committed by a person engaged in the perpetration  
 1734 of, or in the attempt to perpetrate, any:

1735 a. Trafficking offense prohibited by s. 893.135(1),

1736 b. Arson,

1737 c. Sexual battery,

1738 d. Robbery,

1739 e. Burglary,

1740 f. Kidnapping,

1741 g. Escape,

1742 h. Aggravated child abuse,

1743 i. Aggravated abuse of an elderly person or disabled  
 1744 adult,

1745 j. Aircraft piracy,

1746 k. Unlawful throwing, placing, or discharging of a  
 1747 destructive device or bomb,

1748 l. Carjacking,

- 1749 m. Home-invasion robbery,
- 1750 n. Aggravated stalking,
- 1751 o. Murder of another human being,
- 1752 p. Resisting an officer with violence to his or her
- 1753 person,
- 1754 q. Aggravated fleeing or eluding with serious bodily
- 1755 injury or death,
- 1756 r. Felony that is an act of terrorism or is in furtherance
- 1757 of an act of terrorism, including a felony under s. 775.30, s.
- 1758 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 1759 s. Human trafficking; or
- 1760 3. Which resulted from the unlawful distribution by a
- 1761 person 18 years of age or older of any of the following
- 1762 substances, or mixture containing any of the following
- 1763 substances, when such substance or mixture is proven to be the
- 1764 proximate cause of the death of the user:
  - 1765 a. A substance controlled under s. 893.03(1);
  - 1766 b. Cocaine, as described in s. 893.03(2)(a)4.;
  - 1767 c. Opium or any synthetic or natural salt, compound,
  - 1768 derivative, or preparation of opium;
  - 1769 d. Methadone;
  - 1770 e. Alfentanil, as described in s. 893.03(2)(b)1.;
  - 1771 f. Carfentanil, as described in s. 893.03(2)(b)6.;
  - 1772 g. Fentanyl, as described in s. 893.03(2)(b)9.;
  - 1773 h. Sufentanil, as described in s. 893.03(2)(b)30.

HB 21

2018

1774 ~~893.03(2)(b)29.~~; or

1775 i. A controlled substance analog, as described in s.  
 1776 893.0356, of any substance specified in sub-subparagraphs a.-h.,  
 1777  
 1778 is murder in the first degree and constitutes a capital felony,  
 1779 punishable as provided in s. 775.082.

1780 Section 15. Paragraphs (a), (c), (d), (e), (f), and (h) of  
 1781 subsection (1), subsection (2), paragraphs (a) and (b) of  
 1782 subsection (4), and subsection (5) of section 893.13, Florida  
 1783 Statutes, are amended to read:

1784 893.13 Prohibited acts; penalties.—

1785 (1)(a) Except as authorized by this chapter and chapter  
 1786 499, a person may not sell, manufacture, or deliver, or possess  
 1787 with intent to sell, manufacture, or deliver, a controlled  
 1788 substance. A person who violates this provision with respect to:

1789 1. A controlled substance named or described in s.  
 1790 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1791 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as  
 1792 provided in s. 775.082, s. 775.083, or s. 775.084.

1793 2. A controlled substance named or described in s.  
 1794 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,  
 1795 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1796 felony of the third degree, punishable as provided in s.  
 1797 775.082, s. 775.083, or s. 775.084.

1798 3. A controlled substance named or described in s.

1799 893.03(5) commits a misdemeanor of the first degree, punishable  
 1800 as provided in s. 775.082 or s. 775.083.

1801 (c) Except as authorized by this chapter, a person may not  
 1802 sell, manufacture, or deliver, or possess with intent to sell,  
 1803 manufacture, or deliver, a controlled substance in, on, or  
 1804 within 1,000 feet of the real property comprising a child care  
 1805 facility as defined in s. 402.302 or a public or private  
 1806 elementary, middle, or secondary school between the hours of 6  
 1807 a.m. and 12 midnight, or at any time in, on, or within 1,000  
 1808 feet of real property comprising a state, county, or municipal  
 1809 park, a community center, or a publicly owned recreational  
 1810 facility. As used in this paragraph, the term "community center"  
 1811 means a facility operated by a nonprofit community-based  
 1812 organization for the provision of recreational, social, or  
 1813 educational services to the public. A person who violates this  
 1814 paragraph with respect to:

1815 1. A controlled substance named or described in s.  
 1816 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1817 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as  
 1818 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant  
 1819 must be sentenced to a minimum term of imprisonment of 3  
 1820 calendar years unless the offense was committed within 1,000  
 1821 feet of the real property comprising a child care facility as  
 1822 defined in s. 402.302.

1823 2. A controlled substance named or described in s.

HB 21

2018

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.

1832  
 1833 This paragraph does not apply to a child care facility unless  
 1834 the owner or operator of the facility posts a sign that is not  
 1835 less than 2 square feet in size with a word legend identifying  
 1836 the facility as a licensed child care facility and that is  
 1837 posted on the property of the child care facility in a  
 1838 conspicuous place where the sign is reasonably visible to the  
 1839 public.

1840 (d) Except as authorized by this chapter, a person may not  
 1841 sell, manufacture, or deliver, or possess with intent to sell,  
 1842 manufacture, or deliver, a controlled substance in, on, or  
 1843 within 1,000 feet of the real property comprising a public or  
 1844 private college, university, or other postsecondary educational  
 1845 institution. A person who violates this paragraph with respect  
 1846 to:

1847 1. A controlled substance named or described in s.  
 1848 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1849 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as  
 1850 provided in s. 775.082, s. 775.083, or s. 775.084.

1851 2. A controlled substance named or described in s.  
 1852 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6.,  
 1853 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1854 felony of the second degree, punishable as provided in s.  
 1855 775.082, s. 775.083, or s. 775.084.

1856 3. Any other controlled substance, except as lawfully  
 1857 sold, manufactured, or delivered, must be sentenced to pay a  
 1858 \$500 fine and to serve 100 hours of public service in addition  
 1859 to any other penalty prescribed by law.

1860 (e) Except as authorized by this chapter, a person may not  
 1861 sell, manufacture, or deliver, or possess with intent to sell,  
 1862 manufacture, or deliver, a controlled substance not authorized  
 1863 by law in, on, or within 1,000 feet of a physical place for  
 1864 worship at which a church or religious organization regularly  
 1865 conducts religious services or within 1,000 feet of a  
 1866 convenience business as defined in s. 812.171. A person who  
 1867 violates this paragraph with respect to:

1868 1. A controlled substance named or described in s.  
 1869 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1870 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as  
 1871 provided in s. 775.082, s. 775.083, or s. 775.084.

1872 2. A controlled substance named or described in s.  
 1873 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6.,

HB 21

2018

1874 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a  
1875 felony of the second degree, punishable as provided in s.  
1876 775.082, s. 775.083, or s. 775.084.

1877 3. Any other controlled substance, except as lawfully  
1878 sold, manufactured, or delivered, must be sentenced to pay a  
1879 \$500 fine and to serve 100 hours of public service in addition  
1880 to any other penalty prescribed by law.

1881 (f) Except as authorized by this chapter, a person may not  
1882 sell, manufacture, or deliver, or possess with intent to sell,  
1883 manufacture, or deliver, a controlled substance in, on, or  
1884 within 1,000 feet of the real property comprising a public  
1885 housing facility at any time. As used in this section, the term  
1886 "real property comprising a public housing facility" means real  
1887 property, as defined in s. 421.03(12), of a public corporation  
1888 created as a housing authority pursuant to part I of chapter  
1889 421. A person who violates this paragraph with respect to:

1890 1. A controlled substance named or described in s.  
1891 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.  
1892 ~~(2) (c) 4.~~ commits a felony of the first degree, punishable as  
1893 provided in s. 775.082, s. 775.083, or s. 775.084.

1894 2. A controlled substance named or described in s.  
1895 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.~~, (2) (c) 6.,  
1896 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a  
1897 felony of the second degree, punishable as provided in s.  
1898 775.082, s. 775.083, or s. 775.084.

1899           3. Any other controlled substance, except as lawfully  
 1900 sold, manufactured, or delivered, must be sentenced to pay a  
 1901 \$500 fine and to serve 100 hours of public service in addition  
 1902 to any other penalty prescribed by law.

1903           (h) Except as authorized by this chapter, a person may not  
 1904 sell, manufacture, or deliver, or possess with intent to sell,  
 1905 manufacture, or deliver, a controlled substance in, on, or  
 1906 within 1,000 feet of the real property comprising an assisted  
 1907 living facility, as that term is used in chapter 429. A person  
 1908 who violates this paragraph with respect to:

1909           1. A controlled substance named or described in s.  
 1910 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1911 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as  
 1912 provided in s. 775.082, s. 775.083, or s. 775.084.

1913           2. A controlled substance named or described in s.  
 1914 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,  
 1915 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1916 felony of the second degree, punishable as provided in s.  
 1917 775.082, s. 775.083, or s. 775.084.

1918           3. Any other controlled substance, except as lawfully  
 1919 sold, manufactured, or delivered, must be sentenced to pay a  
 1920 \$500 fine and to serve 100 hours of public service in addition  
 1921 to any other penalty prescribed by law.

1922           (2)(a) Except as authorized by this chapter and chapter  
 1923 499, a person may not purchase, or possess with intent to

1924 purchase, a controlled substance. A person who violates this  
 1925 provision with respect to:

1926 1. A controlled substance named or described in s.  
 1927 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1928 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as  
 1929 provided in s. 775.082, s. 775.083, or s. 775.084.

1930 2. A controlled substance named or described in s.  
 1931 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,  
 1932 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1933 felony of the third degree, punishable as provided in s.  
 1934 775.082, s. 775.083, or s. 775.084.

1935 3. A controlled substance named or described in s.  
 1936 893.03(5) commits a misdemeanor of the first degree, punishable  
 1937 as provided in s. 775.082 or s. 775.083.

1938 (b) Except as provided in this chapter, a person may not  
 1939 purchase more than 10 grams of any substance named or described  
 1940 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any  
 1941 mixture containing any such substance. A person who violates  
 1942 this paragraph commits a felony of the first degree, punishable  
 1943 as provided in s. 775.082, s. 775.083, or s. 775.084.

1944 (4) Except as authorized by this chapter, a person 18  
 1945 years of age or older may not deliver any controlled substance  
 1946 to a person younger than 18 years of age, use or hire a person  
 1947 younger than 18 years of age as an agent or employee in the sale  
 1948 or delivery of such a substance, or use such person to assist in

1949 | avoiding detection or apprehension for a violation of this  
 1950 | chapter. A person who violates this subsection with respect to:

1951 |       (a) A controlled substance named or described in s.  
 1952 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1953 | ~~(2)(e)4.~~ commits a felony of the first degree, punishable as  
 1954 | provided in s. 775.082, s. 775.083, or s. 775.084.

1955 |       (b) A controlled substance named or described in s.  
 1956 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,  
 1957 | (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1958 | felony of the second degree, punishable as provided in s.  
 1959 | 775.082, s. 775.083, or s. 775.084.

1960 |  
 1961 | Imposition of sentence may not be suspended or deferred, and the  
 1962 | person so convicted may not be placed on probation.

1963 |       (5) A person may not bring into this state any controlled  
 1964 | substance unless the possession of such controlled substance is  
 1965 | authorized by this chapter or unless such person is licensed to  
 1966 | do so by the appropriate federal agency. A person who violates  
 1967 | this provision with respect to:

1968 |       (a) A controlled substance named or described in s.  
 1969 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1970 | ~~(2)(e)4.~~ commits a felony of the second degree, punishable as  
 1971 | provided in s. 775.082, s. 775.083, or s. 775.084.

1972 |       (b) A controlled substance named or described in s.  
 1973 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,

1974 (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) commits a  
 1975 felony of the third degree, punishable as provided in s.  
 1976 775.082, s. 775.083, or s. 775.084.

1977 (c) A controlled substance named or described in s.  
 1978 893.03(5) commits a misdemeanor of the first degree, punishable  
 1979 as provided in s. 775.082 or s. 775.083.

1980 Section 16. Paragraphs (c) and (f) of subsection (1) of  
 1981 section 893.135, Florida Statutes, are amended to read:

1982 893.135 Trafficking; mandatory sentences; suspension or  
 1983 reduction of sentences; conspiracy to engage in trafficking.—

1984 (1) Except as authorized in this chapter or in chapter 499  
 1985 and notwithstanding the provisions of s. 893.13:

1986 (c)1. A person who knowingly sells, purchases,  
 1987 manufactures, delivers, or brings into this state, or who is  
 1988 knowingly in actual or constructive possession of, 4 grams or  
 1989 more of any morphine, opium, hydromorphone, or any salt,  
 1990 derivative, isomer, or salt of an isomer thereof, including  
 1991 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
 1992 (3)(c)4., or 4 grams or more of any mixture containing any such  
 1993 substance, but less than 30 kilograms of such substance or  
 1994 mixture, commits a felony of the first degree, which felony  
 1995 shall be known as "trafficking in illegal drugs," punishable as  
 1996 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
 1997 quantity involved:

1998 a. Is 4 grams or more, but less than 14 grams, such person

1999 | shall be sentenced to a mandatory minimum term of imprisonment  
 2000 | of 3 years and shall be ordered to pay a fine of \$50,000.

2001 |       b. Is 14 grams or more, but less than 28 grams, such  
 2002 | person shall be sentenced to a mandatory minimum term of  
 2003 | imprisonment of 15 years and shall be ordered to pay a fine of  
 2004 | \$100,000.

2005 |       c. Is 28 grams or more, but less than 30 kilograms, such  
 2006 | person shall be sentenced to a mandatory minimum term of  
 2007 | imprisonment of 25 years and shall be ordered to pay a fine of  
 2008 | \$500,000.

2009 |       2. A person who knowingly sells, purchases, manufactures,  
 2010 | delivers, or brings into this state, or who is knowingly in  
 2011 | actual or constructive possession of, 14 grams or more of  
 2012 | hydrocodone, as described in s. 893.03(2)(a)1.k.  
 2013 | ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,  
 2014 | or any salt thereof, or 14 grams or more of any mixture  
 2015 | containing any such substance, commits a felony of the first  
 2016 | degree, which felony shall be known as "trafficking in  
 2017 | hydrocodone," punishable as provided in s. 775.082, s. 775.083,  
 2018 | or s. 775.084. If the quantity involved:

2019 |       a. Is 14 grams or more, but less than 28 grams, such  
 2020 | person shall be sentenced to a mandatory minimum term of  
 2021 | imprisonment of 3 years and shall be ordered to pay a fine of  
 2022 | \$50,000.

2023 |       b. Is 28 grams or more, but less than 50 grams, such

2024 person shall be sentenced to a mandatory minimum term of  
2025 imprisonment of 7 years and shall be ordered to pay a fine of  
2026 \$100,000.

2027 c. Is 50 grams or more, but less than 200 grams, such  
2028 person shall be sentenced to a mandatory minimum term of  
2029 imprisonment of 15 years and shall be ordered to pay a fine of  
2030 \$500,000.

2031 d. Is 200 grams or more, but less than 30 kilograms, such  
2032 person shall be sentenced to a mandatory minimum term of  
2033 imprisonment of 25 years and shall be ordered to pay a fine of  
2034 \$750,000.

2035 3. A person who knowingly sells, purchases, manufactures,  
2036 delivers, or brings into this state, or who is knowingly in  
2037 actual or constructive possession of, 7 grams or more of  
2038 oxycodone, as described in s. 893.03(2)(a)~~1.g. 893.03(2)(a)1.e.~~,  
2039 or any salt thereof, or 7 grams or more of any mixture  
2040 containing any such substance, commits a felony of the first  
2041 degree, which felony shall be known as "trafficking in  
2042 oxycodone," punishable as provided in s. 775.082, s. 775.083, or  
2043 s. 775.084. If the quantity involved:

2044 a. Is 7 grams or more, but less than 14 grams, such person  
2045 shall be sentenced to a mandatory minimum term of imprisonment  
2046 of 3 years and shall be ordered to pay a fine of \$50,000.

2047 b. Is 14 grams or more, but less than 25 grams, such  
2048 person shall be sentenced to a mandatory minimum term of

2049 imprisonment of 7 years and shall be ordered to pay a fine of  
 2050 \$100,000.

2051 c. Is 25 grams or more, but less than 100 grams, such  
 2052 person shall be sentenced to a mandatory minimum term of  
 2053 imprisonment of 15 years and shall be ordered to pay a fine of  
 2054 \$500,000.

2055 d. Is 100 grams or more, but less than 30 kilograms, such  
 2056 person shall be sentenced to a mandatory minimum term of  
 2057 imprisonment of 25 years and shall be ordered to pay a fine of  
 2058 \$750,000.

2059 4.a. A person who knowingly sells, purchases,  
 2060 manufactures, delivers, or brings into this state, or who is  
 2061 knowingly in actual or constructive possession of, 4 grams or  
 2062 more of:

2063 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2064 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2065 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2066 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2067 ~~893.03(2)(b)29.;~~

2068 (V) A fentanyl derivative, as described in s.

2069 893.03(1)(a)62.;

2070 (VI) A controlled substance analog, as described in s.

2071 893.0356, of any substance described in sub-sub-subparagraphs

2072 (I)-(V); or

2073 (VII) A mixture containing any substance described in sub-

HB 21

2018

2074 sub-subparagraphs (I)-(VI),  
2075  
2076 commits a felony of the first degree, which felony shall be  
2077 known as "trafficking in fentanyl," punishable as provided in s.  
2078 775.082, s. 775.083, or s. 775.084.

2079 b. If the quantity involved under sub-subparagraph a.:

2080 (I) Is 4 grams or more, but less than 14 grams, such  
2081 person shall be sentenced to a mandatory minimum term of  
2082 imprisonment of 3 years, and shall be ordered to pay a fine of  
2083 \$50,000.

2084 (II) Is 14 grams or more, but less than 28 grams, such  
2085 person shall be sentenced to a mandatory minimum term of  
2086 imprisonment of 15 years, and shall be ordered to pay a fine of  
2087 \$100,000.

2088 (III) Is 28 grams or more, such person shall be sentenced  
2089 to a mandatory minimum term of imprisonment of 25 years, and  
2090 shall be ordered to pay a fine of \$500,000.

2091 5. A person who knowingly sells, purchases, manufactures,  
2092 delivers, or brings into this state, or who is knowingly in  
2093 actual or constructive possession of, 30 kilograms or more of  
2094 any morphine, opium, oxycodone, hydrocodone, codeine,  
2095 hydromorphone, or any salt, derivative, isomer, or salt of an  
2096 isomer thereof, including heroin, as described in s.  
2097 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
2098 more of any mixture containing any such substance, commits the

2099 first degree felony of trafficking in illegal drugs. A person  
 2100 who has been convicted of the first degree felony of trafficking  
 2101 in illegal drugs under this subparagraph shall be punished by  
 2102 life imprisonment and is ineligible for any form of  
 2103 discretionary early release except pardon or executive clemency  
 2104 or conditional medical release under s. 947.149. However, if the  
 2105 court determines that, in addition to committing any act  
 2106 specified in this paragraph:

2107       a. The person intentionally killed an individual or  
 2108 counseled, commanded, induced, procured, or caused the  
 2109 intentional killing of an individual and such killing was the  
 2110 result; or

2111       b. The person's conduct in committing that act led to a  
 2112 natural, though not inevitable, lethal result,

2113  
 2114 such person commits the capital felony of trafficking in illegal  
 2115 drugs, punishable as provided in ss. 775.082 and 921.142. A  
 2116 person sentenced for a capital felony under this paragraph shall  
 2117 also be sentenced to pay the maximum fine provided under  
 2118 subparagraph 1.

2119       6. A person who knowingly brings into this state 60  
 2120 kilograms or more of any morphine, opium, oxycodone,  
 2121 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
 2122 isomer, or salt of an isomer thereof, including heroin, as  
 2123 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or

HB 21

2018

2124 60 kilograms or more of any mixture containing any such  
2125 substance, and who knows that the probable result of such  
2126 importation would be the death of a person, commits capital  
2127 importation of illegal drugs, a capital felony punishable as  
2128 provided in ss. 775.082 and 921.142. A person sentenced for a  
2129 capital felony under this paragraph shall also be sentenced to  
2130 pay the maximum fine provided under subparagraph 1.

2131 (f)1. Any person who knowingly sells, purchases,  
2132 manufactures, delivers, or brings into this state, or who is  
2133 knowingly in actual or constructive possession of, 14 grams or  
2134 more of amphetamine, as described in s. 893.03(2)(c)2., or  
2135 methamphetamine, as described in s. 893.03(2)(c)5.  
2136 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or  
2137 methamphetamine, or phenylacetone, phenylacetic acid,  
2138 pseudoephedrine, or ephedrine in conjunction with other  
2139 chemicals and equipment utilized in the manufacture of  
2140 amphetamine or methamphetamine, commits a felony of the first  
2141 degree, which felony shall be known as "trafficking in  
2142 amphetamine," punishable as provided in s. 775.082, s. 775.083,  
2143 or s. 775.084. If the quantity involved:

2144 a. Is 14 grams or more, but less than 28 grams, such  
2145 person shall be sentenced to a mandatory minimum term of  
2146 imprisonment of 3 years, and the defendant shall be ordered to  
2147 pay a fine of \$50,000.

2148 b. Is 28 grams or more, but less than 200 grams, such

2149 person shall be sentenced to a mandatory minimum term of  
 2150 imprisonment of 7 years, and the defendant shall be ordered to  
 2151 pay a fine of \$100,000.

2152 c. Is 200 grams or more, such person shall be sentenced to  
 2153 a mandatory minimum term of imprisonment of 15 calendar years  
 2154 and pay a fine of \$250,000.

2155 2. Any person who knowingly manufactures or brings into  
 2156 this state 400 grams or more of amphetamine, as described in s.  
 2157 893.03(2)(c)2., or methamphetamine, as described in s.  
 2158 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing  
 2159 amphetamine or methamphetamine, or phenylacetone, phenylacetic  
 2160 acid, pseudoephedrine, or ephedrine in conjunction with other  
 2161 chemicals and equipment used in the manufacture of amphetamine  
 2162 or methamphetamine, and who knows that the probable result of  
 2163 such manufacture or importation would be the death of any person  
 2164 commits capital manufacture or importation of amphetamine, a  
 2165 capital felony punishable as provided in ss. 775.082 and  
 2166 921.142. Any person sentenced for a capital felony under this  
 2167 paragraph shall also be sentenced to pay the maximum fine  
 2168 provided under subparagraph 1.

2169 Section 17. Paragraphs (b), (c), and (e) of subsection (3)  
 2170 of section 921.0022, Florida Statutes, are amended to read:

2171 921.0022 Criminal Punishment Code; offense severity  
 2172 ranking chart.—

2173 (3) OFFENSE SEVERITY RANKING CHART

HB 21

2018

2174	(b)	LEVEL 2	
2175			
	Florida	Felony	
	Statute	Degree	Description
2176			
	379.2431	3rd	Possession of 11 or fewer
	(1) (e) 3.		marine turtle eggs in violation
			of the Marine Turtle Protection
			Act.
2177			
	379.2431	3rd	Possession of more than 11
	(1) (e) 4.		marine turtle eggs in violation
			of the Marine Turtle Protection
			Act.
2178			
	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.
2179			
	517.07 (2)	3rd	Failure to furnish a prospectus
			meeting requirements.
2180			
	590.28 (1)	3rd	Intentional burning of lands.

HB 21

2018

2181	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2182	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2183	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2184	810.061 (2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2185	810.09 (2) (e)	3rd	Trespassing on posted commercial horticulture property.
2186	812.014 (2) (c) 1.	3rd	Grand theft, 3rd degree; \$300

HB 21

2018

2187			or more but less than \$5,000.
	812.014 (2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2188			
	812.015 (7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2189			
	817.234 (1) (a) 2.	3rd	False statement in support of insurance claim.
2190			
	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2191			
	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2192			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false

HB 21

2018

			representation.
2193	817.60 (5)	3rd	Dealing in credit cards of another.
2194	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2195	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2196	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2197	831.01	3rd	Forgery.
2198	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2199	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2200			

HB 21

2018

2201	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2202	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2203	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2204	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
2205	843.08	3rd	False personation.
2206	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., <del>(2) (c) 5.,</del> (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.,</u> (3), or (4) drugs other than cannabis.
	893.147 (2)	3rd	Manufacture or delivery of drug

HB 21

2018

2207			paraphernalia.
2208	(c)	LEVEL 3	
2209			
	Florida	Felony	
	Statute	Degree	Description
2210	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2211	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2212	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
2213	316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2214	319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2215			

HB 21

2018

2216	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2217	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2218	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2219	327.35(2)(b)	3rd	Felony BUI.
2220	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2221	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the

HB 21

2018

2222	379.2431 (1) (e) 5.	3rd	<p>Inland Protection Trust Fund.</p> <p>Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.</p>
2223	379.2431 (1) (e) 6.	3rd	<p>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.</p>
2224	379.2431 (1) (e) 7.	3rd	<p>Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.</p>
2225	400.9935 (4) (a)	3rd	<p>Operating a clinic, or offering</p>

HB 21

2018

	or (b)		services requiring licensure, without a license.
2226	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2227	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2228	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2229	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2230	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.

HB 21

2018

2231	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2232	697.08	3rd	Equity skimming.
2233	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2234	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2235	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2236	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2237	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.

HB 21

2018

2238	812.0145(2)(c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2239	815.04(5)(b)	2nd	Computer offense devised to defraud or obtain property.
2240	817.034(4)(a)3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2241	817.233	3rd	Burning to defraud insurer.
2242	817.234 (8)(b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2243	817.234(11)(a)	3rd	Insurance fraud; property value less than \$20,000.
2244	817.236	3rd	Filing a false motor vehicle insurance application.
2245			

HB 21

2018

2246	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2247	817.413 (2)	3rd	Sale of used goods as new.
2248	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2249	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2250	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2251	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
	843.19	3rd	Injure, disable, or kill police

HB 21

2018

			dog or horse.
2252	860.15 (3)	3rd	Overcharging for repairs and parts.
2253	870.01 (2)	3rd	Riot; inciting or encouraging.
2254	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., <del>(2) (c) 5.</del> , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs).
2255	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., <del>(2) (c) 5.</del> , (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.
2256	893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1.,

HB 21

2018

2257	893.13(4)(c)	3rd	<p>(2)(c)2., (2)(c)3., <del>(2)(c)5.</del>                  (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.</p>
2258	893.13(6)(a)	3rd	<p>Use or hire of minor; deliver                  to minor other controlled                  substances.</p>
2259	893.13(7)(a)8.	3rd	<p>Possession of any controlled                  substance other than felony                  possession of cannabis.</p>
2260	893.13(7)(a)9.	3rd	<p>Withhold information from                  practitioner regarding previous                  receipt of or prescription for                  a controlled substance.</p>
2261	893.13(7)(a)10.	3rd	<p>Obtain or attempt to obtain                  controlled substance by fraud,                  forgery, misrepresentation,                  etc.</p>
			<p>Affix false or forged label to</p>

2262	893.13(7)(a)11.	3rd	package of controlled substance.
2263	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
2264	893.13(8)(a)2.	3rd	Knowingly assist a patient, other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.
2265	893.13(8)(a)3.	3rd	Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.
			Knowingly write a prescription

2266	893.13(8)(a)4.	3rd	<p>for a controlled substance for a fictitious person.</p> <p>Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.</p>
2267	918.13(1)(a)	3rd	<p>Alter, destroy, or conceal investigation evidence.</p>
2268	944.47 (1)(a)1. & 2.	3rd	<p>Introduce contraband to correctional facility.</p>
2269	944.47(1)(c)	2nd	<p>Possess contraband while upon the grounds of a correctional institution.</p>
2270	985.721	3rd	<p>Escapes from a juvenile facility (secure detention or residential commitment facility).</p>

HB 21

2018

2271			
2272	(e)	LEVEL 5	
2273			
	Florida	Felony	
	Statute	Degree	Description
2274	316.027 (2) (a)	3rd	Accidents involving personal injuries other than serious bodily injury, failure to stop; leaving scene.
2275	316.1935 (4) (a)	2nd	Aggravated fleeing or eluding.
2276	316.80 (2)	2nd	Unlawful conveyance of fuel; obtaining fuel fraudulently.
2277	322.34 (6)	3rd	Careless operation of motor vehicle with suspended license, resulting in death or serious bodily injury.
2278	327.30 (5)	3rd	Vessel accidents involving personal injury; leaving scene.
2279	379.365 (2) (c) 1.	3rd	Violation of rules relating to:

willful molestation of stone crab traps, lines, or buoys; illegal bartering, trading, or sale, conspiring or aiding in such barter, trade, or sale, or supplying, agreeing to supply, aiding in supplying, or giving away stone crab trap tags or certificates; making, altering, forging, counterfeiting, or reproducing stone crab trap tags; possession of forged, counterfeit, or imitation stone crab trap tags; and engaging in the commercial harvest of stone crabs while license is suspended or revoked.

2280

379.367 (4)

3rd

Willful molestation of a commercial harvester's spiny lobster trap, line, or buoy.

2281

379.407 (5) (b) 3.

3rd

Possession of 100 or more undersized spiny lobsters.

2282

HB 21

2018

2283	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2284	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2285	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2286	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2287	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2288	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
	790.01 (2)	3rd	Carrying a concealed firearm.

HB 21

2018

2289	790.162	2nd	Threat to throw or discharge destructive device.
2290	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
2291	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2292	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2293	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2294	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2295	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or

HB 21

2018

			older.
2296	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2297	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2298	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2299	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2300	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2301	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2302	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.

HB 21

2018

2303	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2304	817.2341 (1) , (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
2305	817.568 (2) (b)	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.
2306	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.

HB 21

2018

2307	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2308	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2309	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2310	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.
2311	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or

HB 21

2018

2312			death.
	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2313			
	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2314			
	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2315			
	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2316			
	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.
2317			
	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.

2318

893.13(1)(a)1.            2nd    Sell, manufacture, or deliver cocaine (or other s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5. ~~(2)(c)4.~~ drugs).

2319

893.13(1)(c)2.            2nd    Sell, manufacture, or deliver cannabis (or other s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.

2320

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

HB 21

2018

2321	893.13(1)(e)2.	2nd	<p>feet of university.</p> <p>Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., <del>(2)(c)5.</del>, (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u>, (3), or (4) within 1,000 feet of property used for religious services or a specified business site.</p>
2322	893.13(1)(f)1.	1st	<p>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)5.</u> <del>(2)(c)4.</del> drugs) within 1,000 feet of public housing facility.</p>
2323	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled substance.</p>

