

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.; providing definitions; providing exclusions;
20 providing for the adoption of standards of practice
21 for the treatment of acute pain; providing that
22 failure of a practitioner to follow specified
23 guidelines is grounds for disciplinary action;
24 limiting opioid prescriptions for the treatment of
25 acute pain to a specified period under certain

26 | circumstances; authorizing prescriptions for such
27 | opioids for an extended period if specified
28 | requirements are met; providing requirements for
29 | opioid prescriptions for pain other than acute pain;
30 | amending ss. 458.3265 and 459.0137, F.S.; requiring
31 | certain pain management clinic owners to register
32 | approved exemptions with the department; requiring
33 | certain clinics to obtain certificates of exemption;
34 | providing requirements for such certificates;
35 | authorizing rulemaking relating to specified
36 | exemptions; amending s. 465.0155, F.S.; providing
37 | requirements for pharmacists for the dispensing of
38 | controlled substances to persons not known to them;
39 | defining the term "proper identification"; amending s.
40 | 465.0276, F.S.; prohibiting the dispensing of certain
41 | controlled substances in an amount that exceeds a 3-
42 | day supply or a medically necessary 7-day supply if
43 | certain criteria are met; providing an exception for
44 | the dispensing of certain controlled substances by a
45 | practitioner to the practitioner's own patients for
46 | the medication-assisted treatment of opiate addiction;
47 | providing requirements for practitioners for the
48 | dispensing of controlled substances to persons not
49 | known to them; defining the term "proper
50 | identification"; amending s. 893.03, F.S.; conforming

51 the state controlled substances schedule to the
52 federal controlled substances schedule; amending s.
53 893.04, F.S.; authorizing pharmacist to dispense
54 controlled substances upon receipt of an electronic
55 prescription if certain conditions are met; amending
56 s. 893.055, F.S.; revising and providing definitions;
57 revising requirements for the prescription drug
58 monitoring program; authorizing rulemaking; requiring
59 the department to maintain an electronic system for
60 certain purposes to meet specified requirements;
61 requiring certain information to be reported to the
62 system by a specified time; providing exceptions;
63 specifying direct access to system information;
64 authorizing department to enter into one or more
65 reciprocal agreements or contracts to share
66 prescription drug monitoring information with certain
67 entities; providing requirements for such agreements;
68 authorizing the department to enter into agreements or
69 contracts for secure connections with practitioner
70 electronic systems; requiring specified persons to
71 consult the system for certain purposes within a
72 specified time; providing exceptions to the duty of
73 specified persons to consult the system under certain
74 circumstances; authorizing the department to issue
75 nondisciplinary citations to specified entities for

76 failing to meet certain requirements for the initial
77 instance and to discipline specified entities for
78 subsequently failing to meet such requirements;
79 providing applicability; prohibiting the failure to
80 report the dispensing of a controlled substance as
81 required; providing penalties; authorizing the
82 department to enter into agreements or contracts for
83 specified purposes; providing for the release of
84 information obtained by the system; allowing specified
85 persons to have direct access to information for the
86 purpose of reviewing the controlled drug prescription
87 history of a patient; providing prescriber or
88 dispenser immunity from liability for review of
89 patient history when acting in good faith; providing
90 construction; prohibiting the department from
91 specified uses of funds; authorizing the department to
92 conduct or participate in studies for specified
93 purposes; requiring an annual report to be submitted
94 to the Governor and Legislature by a specified date;
95 providing report requirements; providing exemptions;
96 establishing direct-support organizations for
97 specified purposes; defining the term "direct-support
98 organization"; requiring a direct-support organization
99 to operate under written contract with the department;
100 providing contract requirements; requiring the direct-

101 support organization to obtain written approval from
102 the department for specified purposes; authorizing
103 rulemaking; providing for an independent annual
104 financial audit by the direct-support organization;
105 providing that copies of such audit be provided to
106 specified entities; providing for future repeal of
107 provisions relating to the direct-support
108 organization; amending s. 893.0551, F.S.; revising
109 provisions concerning release of information held by
110 the prescription drug monitoring program; amending s.
111 893.13, F.S.; correcting cross-references; conforming
112 provisions to changes made by the act; increasing the
113 penalty for an offense; amending s. 893.147, F.S.;
114 prohibiting the use, possession, manufacture,
115 delivery, transportation, advertisement, or retail
116 sale of specified paraphernalia, machines, and
117 counterfeiting materials; providing definitions;
118 providing exceptions to the prohibition; providing
119 penalties; amending ss. 458.331, 459.015, 463.0055,
120 782.04, 893.135, and 921.0022, F.S.; correcting cross-
121 references; conforming provisions to changes made by
122 the act; providing effective dates.

123

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

125

126 Section 1. Section 456.0301, Florida Statutes, is created
127 to read:

128 456.0301 Requirement for instruction on controlled
129 substance prescribing.-

130 (1) (a) The appropriate board shall require each person
131 registered with the United States Drug Enforcement
132 Administration and authorized to prescribe controlled substances
133 pursuant to 21 U.S.C. s. 822 to complete a board-approved 2-hour
134 continuing education course on prescribing controlled substances
135 offered by a statewide professional association of physicians in
136 this state that is accredited to provide educational activities
137 designated for the American Medical Association Physician's
138 Recognition Award Category I Credit or the American Osteopathic
139 Category 1-A continuing medical education credit as part of
140 biennial license renewal. The course must include information on
141 the current standards for prescribing controlled substances,
142 particularly opiates, alternatives to these standards,
143 nonpharmacological therapies, prescribing emergency opioid
144 antagonists, and the risks of opioid addiction following all
145 stages of treatment in the management of acute pain. The course
146 may be offered in a distance learning format and must be
147 included within the number of continuing education hours
148 required by law. The department may not renew the license of any
149 prescriber registered with the United States Drug Enforcement
150 Administration to prescribe controlled substances that has

151 failed to complete the course. When required by this paragraph,
152 the course shall be completed by January 31, 2019, and at each
153 subsequent renewal. This paragraph does not apply to a licensee
154 who is required by the applicable practice act to complete a
155 minimum of 2 hours of continuing education on the safe and
156 effective prescribing of controlled substances.

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

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

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

167 Section 2. Paragraph (gg) of subsection (1) of section
168 456.072, Florida Statutes, is amended to read:

169 456.072 Grounds for discipline; penalties; enforcement.—

170 (1) The following acts shall constitute grounds for which
171 the disciplinary actions specified in subsection (2) may be
172 taken:

173 (gg) Engaging in a pattern of practice when prescribing
174 medicinal drugs or controlled substances which demonstrates a
175 lack of reasonable skill or safety to patients, a violation of

176 any provision of this chapter or ss. 893.055 and 893.0551, a
177 violation of the applicable practice act, or a violation of any
178 rules adopted under this chapter or the applicable practice act
179 of the prescribing practitioner. Notwithstanding s. 456.073(13),
180 the department may initiate an investigation and establish such
181 a pattern from billing records, data, or any other information
182 obtained by the department.

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

188 456.44 Controlled substance prescribing.—

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

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

194 1. Cancer.

195 2. A terminal condition. As used in this subparagraph, the
196 term "terminal condition" means a progressive disease or medical
197 or surgical condition that causes significant functional
198 impairment; is not considered by a treating physician to be
199 reversible without the administration of life-sustaining
200 procedures; and will result in death within 1 year after

201 diagnosis if the condition runs its normal course.

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

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

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

210 (a) A complete medical history and a physical examination
 211 must be conducted before beginning any treatment and must be
 212 documented in the medical record. The exact components of the
 213 physical examination shall be left to the judgment of the
 214 registrant who is expected to perform a physical examination
 215 proportionate to the diagnosis that justifies a treatment. The
 216 medical record must, at a minimum, document the nature and
 217 intensity of the pain, current and past treatments for pain,
 218 underlying or coexisting diseases or conditions, the effect of
 219 the pain on physical and psychological function, a review of
 220 previous medical records, previous diagnostic studies, and
 221 history of alcohol and substance abuse. The medical record shall
 222 also document the presence of one or more recognized medical
 223 indications for the use of a controlled substance. Each
 224 registrant must develop a written plan for assessing each
 225 patient's risk of aberrant drug-related behavior, which may

226 include patient drug testing. Registrants must assess each
227 patient's risk for aberrant drug-related behavior and monitor
228 that risk on an ongoing basis in accordance with the plan.

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

242 (c) The registrant shall discuss the risks and benefits of
243 the use of controlled substances, including the risks of abuse
244 and addiction, as well as physical dependence and its
245 consequences, with the patient, persons designated by the
246 patient, or the patient's surrogate or guardian if the patient
247 is incompetent. The registrant shall use a written controlled
248 substance agreement between the registrant and the patient
249 outlining the patient's responsibilities, including, but not
250 limited to:

251 1. Number and frequency of controlled substance
252 prescriptions and refills.

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

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

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

273 (e) The registrant shall refer the patient as necessary
274 for additional evaluation and treatment in order to achieve
275 treatment objectives. Special attention shall be given to those

276 patients who are at risk for misusing their medications and
277 those whose living arrangements pose a risk for medication
278 misuse or diversion. The management of pain in patients with a
279 history of substance abuse or with a comorbid psychiatric
280 disorder requires extra care, monitoring, and documentation and
281 requires consultation with or referral to an addiction medicine
282 specialist or a psychiatrist.

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

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

301 identification.

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

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

306 (g) A registrant shall immediately refer patients with
307 signs or symptoms of substance abuse to a board-certified pain
308 management physician, an addiction medicine specialist, or a
309 mental health addiction facility as it pertains to drug abuse or
310 addiction unless the registrant is a physician who is board-
311 certified or board-eligible in pain management. Throughout the
312 period of time before receiving the consultant's report, a
313 prescribing registrant shall clearly and completely document
314 medical justification for continued treatment with controlled
315 substances and those steps taken to ensure medically appropriate
316 use of controlled substances by the patient. Upon receipt of the
317 consultant's written report, the prescribing registrant shall
318 incorporate the consultant's recommendations for continuing,
319 modifying, or discontinuing controlled substance therapy. The
320 resulting changes in treatment shall be specifically documented
321 in the patient's medical record. Evidence or behavioral
322 indications of diversion shall be followed by discontinuation of
323 controlled substance therapy, and the patient shall be
324 discharged, and all results of testing and actions taken by the
325 registrant shall be documented in the patient's medical record.

326
327 This subsection does not apply to a board-eligible or board-
328 certified anesthesiologist, physiatrist, rheumatologist, or
329 neurologist, or to a board-certified physician who has surgical
330 privileges at a hospital or ambulatory surgery center and
331 primarily provides surgical services. This subsection does not
332 apply to a board-eligible or board-certified medical specialist
333 who has also completed a fellowship in pain medicine approved by
334 the Accreditation Council for Graduate Medical Education or the
335 American Osteopathic Association, or who is board eligible or
336 board certified in pain medicine by the American Board of Pain
337 Medicine, the American Board of Interventional Pain Physicians,
338 the American Association of Physician Specialists, or a board
339 approved by the American Board of Medical Specialties or the
340 American Osteopathic Association and performs interventional
341 pain procedures of the type routinely billed using surgical
342 codes. This subsection does not apply to a registrant who
343 prescribes medically necessary controlled substances for a
344 patient during an inpatient stay in a hospital licensed under
345 chapter 395.

346 (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The
347 department shall adopt rules establishing guidelines for
348 prescribing controlled substances for acute pain, which may
349 include evaluation of the patient, creation and maintenance of a
350 treatment plan, obtaining informed consent and agreement for

351 treatment, periodic review of the treatment plan, consultation,
352 medical record review, and compliance with controlled substance
353 laws and regulations. The rules shall take into account the
354 applicability of the guidelines in different practice settings.
355 Failure of a prescriber to follow such guidelines constitutes
356 grounds for disciplinary action pursuant to s. 456.072(1)(gg),
357 punishable as provided in s. 456.072(2).

358 (5) PRESCRIPTION SUPPLY.-

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

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

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

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

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

375 (c) For a prescription for a Schedule II opioid, as

376 defined in s. 893.03 or 21 U.S.C. s. 812, for the treatment of
377 pain, other than acute pain, the practitioner must indicate
378 "NONACUTE PAIN" on the prescription.

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

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

392 458.3265 Pain-management clinics.-

393 (1) REGISTRATION.-

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

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

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

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

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

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

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

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

418 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to
419 chapter 395;

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

423 c. A ~~The~~ clinic ~~is~~ owned by a publicly held corporation
424 whose shares are traded on a national exchange or on the over-
425 the-counter market and whose total assets at the end of the

426 corporation's most recent fiscal quarter exceeded \$50 million;

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

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

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

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

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

448 (g) The department may revoke the clinic's certificate of
449 registration and prohibit all physicians associated with that
450 pain-management clinic from practicing at that clinic location

451 based upon an annual inspection and evaluation of the factors
452 described in subsection ~~(4)~~(3).

453 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

464 4. Any other information deemed necessary by the
465 department.

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

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

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

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

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

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

491 (3)~~(2)~~ PHYSICIAN RESPONSIBILITIES.—These responsibilities
492 apply to any physician who provides professional services in a
493 pain-management clinic that is required to be registered in
494 subsection (1).

495 (a) A physician may not practice medicine in a pain-
496 management clinic, as described in subsection (5)~~(4)~~, if the
497 pain-management clinic is not registered with the department as
498 required by this section. Any physician who qualifies to
499 practice medicine in a pain-management clinic pursuant to rules
500 adopted by the Board of Medicine as of July 1, 2012, may

501 continue to practice medicine in a pain-management clinic as
502 long as the physician continues to meet the qualifications set
503 forth in the board rules. A physician who violates this
504 paragraph is subject to disciplinary action by his or her
505 appropriate medical regulatory board.

506 (4)~~(3)~~ INSPECTION.—

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

513 (5)~~(4)~~ RULEMAKING.—

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

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

525 459.0137 Pain-management clinics.—

526 (1) REGISTRATION.—
 527 (a)1. As used in this section, the term:
 528 a. "Board eligible" means successful completion of an
 529 anesthesia, physical medicine and rehabilitation, rheumatology,
 530 or neurology residency program approved by the Accreditation
 531 Council for Graduate Medical Education or the American
 532 Osteopathic Association for a period of 6 years from successful
 533 completion of such residency program.
 534 b. "Chronic nonmalignant pain" means pain unrelated to
 535 cancer which persists beyond the usual course of disease or the
 536 injury that is the cause of the pain or more than 90 days after
 537 surgery.
 538 c. "Pain-management clinic" or "clinic" means any publicly
 539 or privately owned facility:
 540 (I) That advertises in any medium for any type of pain-
 541 management services; or
 542 (II) Where in any month a majority of patients are
 543 prescribed opioids, benzodiazepines, barbiturates, or
 544 carisoprodol for the treatment of chronic nonmalignant pain.
 545 2. Each pain-management clinic must register with the
 546 department or hold a valid certificate of exemption pursuant to
 547 subsection (2). ~~unless:~~
 548 3. The following clinics are exempt from the registration
 549 requirement of paragraphs (c)-(m), and must apply to the
 550 department for a certificate of exemption:

- 551 a. A ~~The~~ clinic ~~is~~ licensed as a facility pursuant to
552 chapter 395;
- 553 b. A clinic in which the majority of the physicians who
554 provide services in the clinic primarily provide surgical
555 services;
- 556 c. A ~~The~~ clinic ~~is~~ owned by a publicly held corporation
557 whose shares are traded on a national exchange or on the over-
558 the-counter market and whose total assets at the end of the
559 corporation's most recent fiscal quarter exceeded \$50 million;
- 560 d. A ~~The~~ clinic ~~is~~ affiliated with an accredited medical
561 school at which training is provided for medical students,
562 residents, or fellows;
- 563 e. A ~~The~~ clinic that does not prescribe controlled
564 substances for the treatment of pain;
- 565 f. A ~~The~~ clinic ~~is~~ owned by a corporate entity exempt from
566 federal taxation under 26 U.S.C. s. 501(c)(3);
- 567 g. A ~~The~~ clinic ~~is~~ wholly owned and operated by one or
568 more board-eligible or board-certified anesthesiologists,
569 physiatrists, rheumatologists, or neurologists; or
- 570 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a
571 physician multispecialty practice where one or more board-
572 eligible or board-certified medical specialists, who have also
573 completed fellowships in pain medicine approved by the
574 Accreditation Council for Graduate Medical Education or the
575 American Osteopathic Association or who are also board-certified

576 in pain medicine by the American Board of Pain Medicine or a
577 board approved by the American Board of Medical Specialties, the
578 American Association of Physician Specialists, or the American
579 Osteopathic Association, perform interventional pain procedures
580 of the type routinely billed using surgical codes.

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

586 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

597 4. Any other information deemed necessary by the
598 department.

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

601 application.

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

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

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

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

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

624 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
625 apply to any osteopathic physician who provides professional

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

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

639 (4)~~(3)~~ INSPECTION.—

640 (a) The department shall inspect the pain-management
641 clinic annually, including a review of the patient records, to
642 ensure that it complies with this section and the rules of the
643 Board of Osteopathic Medicine adopted pursuant to subsection
644 (5)~~(4)~~ unless the clinic is accredited by a nationally
645 recognized accrediting agency approved by the Board of
646 Osteopathic Medicine.

647 (5)~~(4)~~ RULEMAKING.—

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

651 | procedures, forms, and fees.

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

654 | 465.0155 Standards of practice.—

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

661 | (2) (a) Before dispensing a controlled substance to a
662 | person not known to the pharmacist, the pharmacist must require
663 | the person purchasing, receiving, or otherwise acquiring the
664 | controlled substance to present valid photographic
665 | identification or other verification of his or her identity. If
666 | the person does not have proper identification, the pharmacist
667 | may verify the validity of the prescription and the identity of
668 | the patient with the prescriber or his or her authorized agent.
669 | Verification of health plan eligibility through a real-time
670 | inquiry or adjudication system is considered to be proper
671 | identification.

672 | (b) This subsection does not apply in an institutional
673 | setting or to a long-term care facility, including, but not
674 | limited to, an assisted living facility or a hospital to which
675 | patients are admitted.

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

681 Section 7. Paragraph (b) of subsection (1) of section
682 465.0276, Florida Statutes, is amended, and paragraph (d) is
683 added to subsection (2) of that section, to read:

684 465.0276 Dispensing practitioner.—

685 (1)

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

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

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

698 3. The dispensing of a controlled substance listed in
699 Schedule II or Schedule III in connection with the performance
700 of a surgical procedure.

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

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

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

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

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

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

724 4. The dispensing of a controlled substance listed in
725 Schedule II or Schedule III pursuant to an approved clinical

726 trial. For purposes of this subparagraph, the term "approved
727 clinical trial" means a clinical research study or clinical
728 investigation that, in whole or in part, is state or federally
729 funded or is conducted under an investigational new drug
730 application that is reviewed by the United States Food and Drug
731 Administration.

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

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

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

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

748 (d)1. Before dispensing a controlled substance to a person
749 not known to the dispenser, require the person purchasing,
750 receiving, or otherwise acquiring the controlled substance to

751 present valid photographic identification or other verification
752 of his or her identity. If the person does not have proper
753 identification, the dispenser may verify the validity of the
754 prescription and the identity of the patient with the prescriber
755 or his or her authorized agent. Verification of health plan
756 eligibility through a real-time inquiry or adjudication system
757 is considered to be proper identification.

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

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

767 Section 8. Subsections (2), (3), (4), and (5) of section
768 893.03, Florida Statutes, are amended to read:

769 893.03 Standards and schedules.—The substances enumerated
770 in this section are controlled by this chapter. The controlled
771 substances listed or to be listed in Schedules I, II, III, IV,
772 and V are included by whatever official, common, usual,
773 chemical, trade name, or class designated. The provisions of
774 this section shall not be construed to include within any of the
775 schedules contained in this section any excluded drugs listed

776 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
777 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
778 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
779 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
780 Anabolic Steroid Products."

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

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

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

- 795 a. Raw opium.
796 b. Opium extracts.
797 c. Opium fluid extracts.
798 d. Powdered opium.
799 e. Granulated opium.
800 f. Tincture of opium.

- 801 g. Codeine.
- 802 h. Dihydroetorphine.
- 803 ~~i.h.~~ Ethylmorphine.
- 804 ~~j.i.~~ Etorphine hydrochloride.
- 805 ~~k.j.~~ Hydrocodone and hydrocodone combination products.
- 806 ~~l.k.~~ Hydromorphone.
- 807 ~~m.l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
- 808 acetylmethadol, levomethadyl acetate, or LAAM).
- 809 ~~n.m.~~ Metopon (methyldihydromorphinone).
- 810 ~~o.n.~~ Morphine.
- 811 p. Oripavine.
- 812 ~~q.o.~~ Oxycodone.
- 813 ~~r.p.~~ Oxymorphone.
- 814 ~~s.q.~~ Thebaine.
- 815 2. Any salt, compound, derivative, or preparation of a
- 816 substance which is chemically equivalent to or identical with
- 817 any of the substances referred to in subparagraph 1., except
- 818 that these substances shall not include the isoquinoline
- 819 alkaloids of opium.
- 820 3. Any part of the plant of the species Papaver
- 821 somniferum, L.
- 822 4. Cocaine or ecgonine, including any of their
- 823 stereoisomers, and any salt, compound, derivative, or
- 824 preparation of cocaine or ecgonine, except that these substances
- 825 shall not include ioflupane I 123.

826 (b) Unless specifically excepted or unless listed in
 827 another schedule, any of the following substances, including
 828 their isomers, esters, ethers, salts, and salts of isomers,
 829 esters, and ethers, whenever the existence of such isomers,
 830 esters, ethers, and salts is possible within the specific
 831 chemical designation:

- 832 1. Alfentanil.
- 833 2. Alphaprodine.
- 834 3. Anileridine.
- 835 4. Bezitramide.
- 836 5. Bulk propoxyphene (nondosage forms).
- 837 6. Carfentanil.
- 838 7. Dihydrocodeine.
- 839 8. Diphenoxylate.
- 840 9. Fentanyl.
- 841 10. Isomethadone.
- 842 11. Levomethorphan.
- 843 12. Levorphanol.
- 844 13. Metazocine.
- 845 14. Methadone.
- 846 15. Methadone-Intermediate, 4-cyano-2-
 847 dimethylamino-4,4-diphenylbutane.
- 848 16. Moramide-Intermediate, 2-methyl-
 849 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 850 17. Nabilone.

- 851 18. Pethidine (meperidine).
- 852 19. Pethidine-Intermediate-A, 4-cyano-1-
- 853 methyl-4-phenylpiperidine.
- 854 20. Pethidine-Intermediate-B, ethyl-4-
- 855 phenylpiperidine-4-carboxylate.
- 856 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
- 857 4-carboxylic acid.
- 858 22. Phenazocine.
- 859 23. Phencyclidine.
- 860 24. 1-Phenylcyclohexylamine.
- 861 25. Piminodine.
- 862 26. 1-Piperidinocyclohexanecarbonitrile.
- 863 27. Racemethorphan.
- 864 28. Racemorphan.
- 865 29. Remifentanil.
- 866 30.~~29.~~ Sufentanil.
- 867 31. Tapentadol.
- 868 32. Thiafentanil.
- 869 (c) Unless specifically excepted or unless listed in
- 870 another schedule, any material, compound, mixture, or
- 871 preparation which contains any quantity of the following
- 872 substances, including their salts, isomers, optical isomers,
- 873 salts of their isomers, and salts of their optical isomers:
- 874 1. Amobarbital.
- 875 2. Amphetamine.

- 876 3. Glutethimide.
- 877 4. Lisdexamfetamine.
- 878 ~~5.4.~~ Methamphetamine.
- 879 ~~6.5.~~ Methylphenidate.
- 880 ~~7.6.~~ Pentobarbital.
- 881 ~~8.7.~~ Phenmetrazine.
- 882 ~~9.8.~~ Phenylacetone.
- 883 ~~10.9.~~ Secobarbital.
- 884 (d) Dronabinol (synthetic THC) in oral solution in a drug
- 885 product approved by the United States Food and Drug
- 886 Administration.
- 887 (3) SCHEDULE III.—A substance in Schedule III has a
- 888 potential for abuse less than the substances contained in
- 889 Schedules I and II and has a currently accepted medical use in
- 890 treatment in the United States, and abuse of the substance may
- 891 lead to moderate or low physical dependence or high
- 892 psychological dependence or, in the case of anabolic steroids,
- 893 may lead to physical damage. The following substances are
- 894 controlled in Schedule III:
- 895 (a) Unless specifically excepted or unless listed in
- 896 another schedule, any material, compound, mixture, or
- 897 preparation which contains any quantity of the following
- 898 substances having a depressant or stimulant effect on the
- 899 nervous system:
- 900 1. Any substance which contains any quantity of a

901 derivative of barbituric acid, including thiobarbituric acid, or
 902 any salt of a derivative of barbituric acid or thiobarbituric
 903 acid, including, but not limited to, butabarbital and
 904 butalbital.

905 2. Benzphetamine.

906 3. Buprenorphine.

907 ~~4.3.~~ Chlorhexadol.

908 ~~5.4.~~ Chlorphentermine.

909 ~~6.5.~~ Clortermine.

910 7. Embutramide.

911 ~~8.6.~~ Lysergic acid.

912 ~~9.7.~~ Lysergic acid amide.

913 ~~10.8.~~ Methyprylon.

914 11. Perampanel.

915 ~~12.9.~~ Phendimetrazine.

916 ~~13.10.~~ Sulfondiethylmethane.

917 ~~14.11.~~ Sulfonethylmethane.

918 ~~15.12.~~ Sulfonmethane.

919 ~~16.13.~~ Tiletamine and zolazepam or any salt thereof.

920 (b) Nalorphine.

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

925 1. Not more than 1.8 grams of codeine per 100 milliliters

926 or not more than 90 milligrams per dosage unit, with an equal or
927 greater quantity of an isoquinoline alkaloid of opium.

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

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

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

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

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

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

951 controlled substances.

952

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

961 (d) Anabolic steroids.

962 1. The term "anabolic steroid" means any drug or hormonal
963 substance, chemically and pharmacologically related to
964 testosterone, other than estrogens, progestins, and
965 corticosteroids, that promotes muscle growth and includes:

966 a. Androsterone.

967 b. Androsterone acetate.

968 c. Boldenone.

969 d. Boldenone acetate.

970 e. Boldenone benzoate.

971 f. Boldenone undecylenate.

972 g. Chlorotestosterone (Clostebol).

973 h. Dehydrochlormethyltestosterone.

974 i. Dihydrotestosterone (Stanolone).

975 j. Drostanolone.

- 976 | k. Ethylestrenol.
- 977 | l. Fluoxymesterone.
- 978 | m. Formebolone (Formebolone).
- 979 | n. Mesterolone.
- 980 | o. Methandrostenolone (Methandienone).
- 981 | p. Methandranone.
- 982 | q. Methandriol.
- 983 | r. Methenolone.
- 984 | s. Methyltestosterone.
- 985 | t. Mibolerone.
- 986 | u. Nortestosterone (Nandrolone).
- 987 | v. Norethandrolone.
- 988 | w. Nortestosterone decanoate.
- 989 | x. Nortestosterone phenylpropionate.
- 990 | y. Nortestosterone propionate.
- 991 | z. Oxandrolone.
- 992 | aa. Oxymesterone.
- 993 | bb. Oxymetholone.
- 994 | cc. Stanozolol.
- 995 | dd. Testolactone.
- 996 | ee. Testosterone.
- 997 | ff. Testosterone acetate.
- 998 | gg. Testosterone benzoate.
- 999 | hh. Testosterone cypionate.
- 1000 | ii. Testosterone decanoate.

1001 jj. Testosterone enanthate.
 1002 kk. Testosterone isocaproate.
 1003 ll. Testosterone oleate.
 1004 mm. Testosterone phenylpropionate.
 1005 nn. Testosterone propionate.
 1006 oo. Testosterone undecanoate.
 1007 pp. Trenbolone.
 1008 qq. Trenbolone acetate.
 1009 rr. Any salt, ester, or isomer of a drug or substance
 1010 described or listed in this subparagraph if that salt, ester, or
 1011 isomer promotes muscle growth.

1012 2. The term does not include an anabolic steroid that is
 1013 expressly intended for administration through implants to cattle
 1014 or other nonhuman species and that has been approved by the
 1015 United States Secretary of Health and Human Services for such
 1016 administration. However, any person who prescribes, dispenses,
 1017 or distributes such a steroid for human use is considered to
 1018 have prescribed, dispensed, or distributed an anabolic steroid
 1019 within the meaning of this paragraph.

1020 (e) Ketamine, including any isomers, esters, ethers,
 1021 salts, and salts of isomers, esters, and ethers, whenever the
 1022 existence of such isomers, esters, ethers, and salts is possible
 1023 within the specific chemical designation.

1024 (f) Dronabinol (synthetic THC) in sesame oil and
 1025 encapsulated in a soft gelatin capsule in a drug product

1026 approved by the United States Food and Drug Administration.

1027 (g) Any drug product containing gamma-hydroxybutyric acid,
 1028 including its salts, isomers, and salts of isomers, for which an
 1029 application is approved under s. 505 of the Federal Food, Drug,
 1030 and Cosmetic Act.

1031 (4) (a) SCHEDULE IV.—A substance in Schedule IV has a low
 1032 potential for abuse relative to the substances in Schedule III
 1033 and has a currently accepted medical use in treatment in the
 1034 United States, and abuse of the substance may lead to limited
 1035 physical or psychological dependence relative to the substances
 1036 in Schedule III.

1037 (b) Unless specifically excepted or unless listed in
 1038 another schedule, any material, compound, mixture, or
 1039 preparation which contains any quantity of the following
 1040 substances, including its salts, isomers, and salts of isomers
 1041 whenever the existence of such salts, isomers, and salts of
 1042 isomers is possible within the specific chemical designation,
 1043 are controlled in Schedule IV:

- 1044 1. Alfaxalone.
- 1045 2.~~(a)~~ Alprazolam.
- 1046 3.~~(b)~~ Barbital.
- 1047 4.~~(c)~~ Bromazepam.
- 1048 5.~~(iii)~~ Butorphanol tartrate.
- 1049 6.~~(d)~~ Camazepam.
- 1050 7.~~(jjj)~~ Carisoprodol.

- 1051 | 8.~~(e)~~ Cathine.
- 1052 | 9.~~(f)~~ Chloral betaine.
- 1053 | 10.~~(g)~~ Chloral hydrate.
- 1054 | 11.~~(h)~~ Chlordiazepoxide.
- 1055 | 12.~~(i)~~ Clobazam.
- 1056 | 13.~~(j)~~ Clonazepam.
- 1057 | 14.~~(k)~~ Clorazepate.
- 1058 | 15.~~(l)~~ Clotiazepam.
- 1059 | 16.~~(m)~~ Cloxazolam.
- 1060 | 17. Dexfenfluramine.
- 1061 | 18.~~(n)~~ Delorazepam.
- 1062 | 19. Dichloralphenazone.
- 1063 | 20.~~(p)~~ Diazepam.
- 1064 | 21.~~(q)~~ Diethylpropion.
- 1065 | 22. Eluxadoline.
- 1066 | 23.~~(r)~~ Estazolam.
- 1067 | 24. Eszopiclone.
- 1068 | 25.~~(s)~~ Ethchlorvynol.
- 1069 | 26.~~(t)~~ Ethinamate.
- 1070 | 27.~~(u)~~ Ethyl loflazepate.
- 1071 | 28.~~(v)~~ Fencamfamin.
- 1072 | 29.~~(w)~~ Fenfluramine.
- 1073 | 30.~~(x)~~ Fenproporex.
- 1074 | 31.~~(y)~~ Fludiazepam.
- 1075 | 32.~~(z)~~ Flurazepam.

- 1076 | 33. Fospropofol.
- 1077 | 34.~~(aa)~~ Halazepam.
- 1078 | 35.~~(bb)~~ Haloxazolam.
- 1079 | 36.~~(cc)~~ Ketazolam.
- 1080 | 37.~~(dd)~~ Loprazolam.
- 1081 | 38.~~(ee)~~ Lorazepam.
- 1082 | 39. Lorcaserin.
- 1083 | 40.~~(ff)~~ Lormetazepam.
- 1084 | 41.~~(gg)~~ Mazindol.
- 1085 | 42.~~(hh)~~ Mebutamate.
- 1086 | 43.~~(ii)~~ Medazepam.
- 1087 | 44.~~(jj)~~ Mefenorex.
- 1088 | 45.~~(kk)~~ Meprobamate.
- 1089 | 46.~~(ll)~~ Methohexital.
- 1090 | 47.~~(mm)~~ Methylphenobarbital.
- 1091 | 48.~~(nn)~~ Midazolam.
- 1092 | 49. Modafinil.
- 1093 | 50.~~(oo)~~ Nimetazepam.
- 1094 | 51.~~(pp)~~ Nitrazepam.
- 1095 | 52.~~(qq)~~ Nordiazepam.
- 1096 | 53.~~(rr)~~ Oxazepam.
- 1097 | 54.~~(ss)~~ Oxazolam.
- 1098 | 55.~~(tt)~~ Paraldehyde.
- 1099 | 56.~~(uu)~~ Pemoline.
- 1100 | 57.~~(vv)~~ Pentazocine.

- 1101 58. Petrichloral.
- 1102 59.~~(ww)~~ Phenobarbital.
- 1103 60.~~(xx)~~ Phentermine.
- 1104 61.~~(yy)~~ Pinazepam.
- 1105 62.~~(zz)~~ Pipradrol.
- 1106 63.~~(aaa)~~ Prazepam.
- 1107 64.~~(o)~~ Propoxyphene (dosage forms).
- 1108 65.~~(bbb)~~ Propylhexedrine, excluding any patent or
- 1109 proprietary preparation containing propylhexedrine, unless
- 1110 otherwise provided by federal law.
- 1111 66.~~(eee)~~ Quazepam.
- 1112 67. Sibutramine.
- 1113 68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2
- 1114 diphenylethane].
- 1115 69. Suvorexant.
- 1116 70.~~(fff)~~ Temazepam.
- 1117 71.~~(ddd)~~ Tetrazepam.
- 1118 72. Tramadol.
- 1119 73.~~(ggg)~~ Triazolam.
- 1120 74. Zaleplon.
- 1121 75. Zolpidem.
- 1122 76. Zopiclone.
- 1123 77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not
- 1124 less than 25 micrograms of atropine sulfate per dosage unit.
- 1125 (5) SCHEDULE V.—A substance, compound, mixture, or

1126 preparation of a substance in Schedule V has a low potential for
1127 abuse relative to the substances in Schedule IV and has a
1128 currently accepted medical use in treatment in the United
1129 States, and abuse of such compound, mixture, or preparation may
1130 lead to limited physical or psychological dependence relative to
1131 the substances in Schedule IV.

1132 (a) Substances controlled in Schedule V include any
1133 compound, mixture, or preparation containing any of the
1134 following limited quantities of controlled substances, which
1135 shall include one or more active medicinal ingredients which are
1136 not controlled substances in sufficient proportion to confer
1137 upon the compound, mixture, or preparation valuable medicinal
1138 qualities other than those possessed by the controlled substance
1139 alone:

1140 1. Not more than 200 milligrams of codeine per 100
1141 milliliters or per 100 grams.

1142 2. Not more than 100 milligrams of dihydrocodeine per 100
1143 milliliters or per 100 grams.

1144 3. Not more than 100 milligrams of ethylmorphine per 100
1145 milliliters or per 100 grams.

1146 4. Not more than 2.5 milligrams of diphenoxylate and not
1147 less than 25 micrograms of atropine sulfate per dosage unit.

1148 5. Not more than 100 milligrams of opium per 100
1149 milliliters or per 100 grams.

1150 6. Not more than 0.5 milligrams of difenoxin and not less

1151 than 25 micrograms of atropine sulfate per dosage unit.

1152 (b) Any material, compound, mixture, or preparation that
 1153 contains any quantity of the following substances is controlled
 1154 in Schedule V:

1155 1. Brivaracetam.

1156 2. Ezogabine.

1157 3. Lacosamide.

1158 4. Pregabalin.

1159 ~~(b) Narcotic drugs. Unless specifically excepted or unless~~
 1160 ~~listed in another schedule, any material, compound, mixture, or~~
 1161 ~~preparation containing any of the following narcotic drugs and~~
 1162 ~~their salts: Buprenorphine.~~

1163 (c) Stimulants. Unless specifically excepted or unless
 1164 listed in another schedule, any material, compound, mixture, or
 1165 preparation which contains any quantity of the following
 1166 substances having a stimulant effect on the central nervous
 1167 system, including its salts, isomers, and salts of isomers:
 1168 Pyrovalerone.

1169 Section 9. Subsection (1) of section 893.04, Florida
 1170 Statutes, is amended to read:

1171 893.04 Pharmacist and practitioner.—

1172 (1) A pharmacist, in good faith and in the course of
 1173 professional practice only, may dispense controlled substances
 1174 upon a written, ~~or~~ oral, or electronic prescription of a
 1175 practitioner, under the following conditions:

1176 (a) Oral prescriptions must be promptly reduced to writing
 1177 by the pharmacist or recorded electronically if permitted by
 1178 federal law.

1179 (b) The written prescription must be dated and signed by
 1180 the prescribing practitioner on the day when issued.

1181 (c) There shall appear on the face of the prescription or
 1182 written record thereof for the controlled substance the
 1183 following information:

1184 1. The full name and address of the person for whom, or
 1185 the owner of the animal for which, the controlled substance is
 1186 dispensed.

1187 2. The full name and address of the prescribing
 1188 practitioner and the practitioner's federal controlled substance
 1189 registry number shall be printed thereon.

1190 3. If the prescription is for an animal, the species of
 1191 animal for which the controlled substance is prescribed.

1192 4. The name of the controlled substance prescribed and the
 1193 strength, quantity, and directions for use thereof.

1194 5. The number of the prescription, as recorded in the
 1195 prescription files of the pharmacy in which it is filled.

1196 6. The initials of the pharmacist filling the prescription
 1197 and the date filled.

1198 (d) The prescription shall be retained on file by the
 1199 proprietor of the pharmacy in which it is filled for a period of
 1200 2 years.

1201 (e) Affixed to the original container in which a
1202 controlled substance is delivered upon a prescription or
1203 authorized refill thereof, as hereinafter provided, there shall
1204 be a label bearing the following information:

1205 1. The name and address of the pharmacy from which such
1206 controlled substance was dispensed.

1207 2. The date on which the prescription for such controlled
1208 substance was filled.

1209 3. The number of such prescription, as recorded in the
1210 prescription files of the pharmacy in which it is filled.

1211 4. The name of the prescribing practitioner.

1212 5. The name of the patient for whom, or of the owner and
1213 species of the animal for which, the controlled substance is
1214 prescribed.

1215 6. The directions for the use of the controlled substance
1216 prescribed in the prescription.

1217 7. A clear, concise warning that it is a crime to transfer
1218 the controlled substance to any person other than the patient
1219 for whom prescribed.

1220 (f) A prescription for a controlled substance listed in
1221 Schedule II may be dispensed only upon a written or electronic
1222 prescription of a practitioner, except that in an emergency
1223 situation, as defined by regulation of the Department of Health,
1224 such controlled substance may be dispensed upon oral
1225 prescription but is limited to a 72-hour supply. A prescription

1226 | for a controlled substance listed in Schedule II may not be
 1227 | refilled.

1228 | (g) A prescription for a controlled substance listed in
 1229 | Schedule III, Schedule IV, or Schedule V may not be filled or
 1230 | refilled more than five times within a period of 6 months after
 1231 | the date on which the prescription was written unless the
 1232 | prescription is renewed by a practitioner.

1233 | Section 10. Section 893.055, Florida Statutes, is amended
 1234 | to read:

1235 | (Substantial rewording of section. See
 1236 | s. 893.055, F.S., for present text.)

1237 | 893.055 Prescription drug monitoring program.—

1238 | (1) As used in this section, the term:

1239 | (a) "Administration" means the obtaining and giving of a
 1240 | single dose of a controlled substance by a legally authorized
 1241 | person to a patient for her or his consumption.

1242 | (b) "Active investigation" means an investigation that is
 1243 | being conducted with a reasonable, good faith belief that it
 1244 | could lead to the filing of administrative, civil, or criminal
 1245 | proceedings, or that is ongoing and continuing and for which
 1246 | there is a reasonable, good faith anticipation of securing an
 1247 | arrest or prosecution in the foreseeable future.

1248 | (c) "Controlled substance" means a controlled substance
 1249 | listed in Schedule II, Schedule III, Schedule IV, or Schedule V
 1250 | of s. 893.03 or 21 U.S.C. s. 812.

1251 (d) "Dispense" means the transfer of possession of one or
1252 more doses of a controlled substance by a dispenser to the
1253 ultimate consumer or to his or her agent.

1254 (e) "Dispenser" means a dispensing health care
1255 practitioner, pharmacy, or pharmacist licensed to dispense
1256 controlled substances in or into this state.

1257 (f) "Health care practitioner" or "practitioner" means any
1258 practitioner licensed under chapter 458, chapter 459, chapter
1259 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1260 (g) "Health care regulatory board" means any board or
1261 commission as defined in s. 456.001(1).

1262 (h) "Law enforcement agency" means the Department of Law
1263 Enforcement, a sheriff's office in this state, a police
1264 department in this state, or a law enforcement agency of the
1265 Federal Government which enforces the laws of this state or the
1266 United States relating to controlled substances, and which its
1267 agents and officers are empowered by law to conduct criminal
1268 investigations and make arrests.

1269 (i) "Pharmacy" includes a community pharmacy, an
1270 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
1271 or an Internet pharmacy that is licensed by the department under
1272 chapter 465 and that dispenses or delivers medicinal drugs,
1273 including controlled substances to an individual or address in
1274 this state.

1275 (j) "Prescriber" means a prescribing physician,

1276 prescribing practitioner, or other prescribing health care
1277 practitioner authorized by the laws of this state to order
1278 controlled substances.

1279 (k) "Program manager" means an employee of or a person
1280 contracted by the department who is designated to ensure the
1281 integrity of the prescription drug monitoring program in
1282 accordance with the requirements established in this section.

1283 (2) (a) The department shall maintain an electronic system
1284 to collect and store controlled substance dispensing information
1285 and shall release the information as authorized in this section
1286 and s. 893.0551. The electronic system must:

1287 1. Not infringe upon the legitimate prescribing or
1288 dispensing of a controlled substance by a prescriber or
1289 dispenser acting in good faith and in the course of professional
1290 practice.

1291 2. Be consistent with standards of the American Society
1292 for Automation in Pharmacy.

1293 3. Comply with the Health Insurance Portability and
1294 Accountability Act and all other relevant state and federal
1295 privacy and security laws and regulations.

1296 4. Purge or cause to be purged information in the database
1297 that is more than 4 years old.

1298 (b) The department may collaborate with professional
1299 health care regulatory boards, appropriate organizations, and
1300 other state agencies to identify indicators of controlled

1301 substance abuse.

1302 (c) The department shall adopt rules necessary to
1303 implement this subsection.

1304 (3) For each controlled substance dispensed to a patient
1305 in the state, the following information must be reported by the
1306 dispenser to the system as soon thereafter as possible but no
1307 later than the close of the next business day after the day the
1308 controlled substance is dispensed unless an extension or
1309 exemption is approved by the department:

1310 (a) The name of the prescribing practitioner, the
1311 practitioner's federal Drug Enforcement Administration
1312 registration number, the practitioner's National Provider
1313 Identification or other appropriate identifier, and the date of
1314 the prescription.

1315 (b) The date the prescription was filled and the method of
1316 payment, such as cash by an individual, insurance coverage
1317 through a third party, or Medicaid payment. This paragraph does
1318 not authorize the department to include individual credit card
1319 numbers or other account numbers in the system.

1320 (c) The full name, address, telephone number, and date of
1321 birth of the person for whom the prescription was written.

1322 (d) The name, national drug code, quantity, and strength
1323 of the controlled substance dispensed.

1324 (e) The full name, federal Drug Enforcement Administration
1325 registration number, State of Florida Department of Health

1326 issued pharmacy permit number, and address of the pharmacy or
1327 other location from which the controlled substance was
1328 dispensed. If the controlled substance was dispensed by a
1329 practitioner other than a pharmacist, the practitioner's full
1330 name, address, federal Drug Enforcement Administration
1331 registration number, State of Florida Department of Health
1332 issued license number, and National Provider Identification.

1333 (f) Whether the drug was dispensed as an initial
1334 prescription or a refill, and the number of refills ordered.

1335 (g) The name of the individual picking up the controlled
1336 substance prescription and type and issuer of the identification
1337 provided.

1338 (h) Other appropriate identifying information as
1339 determined by department rule.

1340 (4) The following acts of administration or dispensing are
1341 exempt from the reporting under this section:

1342 (a) All acts of administration of a controlled substance.

1343 (b) The dispensing of a controlled substance in the health
1344 care system of the Department of Corrections.

1345 (c) The dispensing of a controlled substance to a person
1346 under the age of 16.

1347 (5) The following shall have direct access to information
1348 in the system:

1349 (a) An authorized prescriber or dispenser or his or her
1350 designee.

1351 (b) An employee of the United States Department of
1352 Veterans Affairs, United States Department of Defense, or the
1353 Indian Health Service who provides health care services pursuant
1354 to such employment and who has the authority to prescribe or
1355 dispense controlled substances shall have access to the
1356 information in the program's system upon verification of
1357 employment.

1358 (c) The program manager or designated program and support
1359 staff may have access to administer the system.

1360 1. The program manager or designated program and support
1361 staff must complete a level II background screening.

1362 2. In order to calculate performance measures pursuant to
1363 subsection (15), the program manager or program and support
1364 staff members who have been directed by the program manager to
1365 calculate performance measures may have direct access to
1366 information that contains no identifying information of any
1367 patient, physician, health care practitioner, prescriber, or
1368 dispenser.

1369 3. The program manager or designated program and support
1370 staff must provide the department, upon request, data that does
1371 not contain patient, physician, health care practitioner,
1372 prescriber, or dispenser identifying information for public
1373 health care and safety initiatives purposes.

1374 4. The program manager, upon determining a pattern
1375 consistent with the department's rules established under

1376 paragraph (2) (b) may provide relevant information to the
1377 prescriber and dispenser.

1378 5. The program manager, upon determining a pattern
1379 consistent with the rules established under paragraph (2) (b) and
1380 having cause to believe a violation of s. 893.13(7) (a) 8.,
1381 (8) (a), or (8) (b) has occurred, may provide relevant information
1382 to the applicable law enforcement agency.

1383 (6) The following entities may not directly access
1384 information in the system, but may request information from the
1385 program manager or designated program and support staff:

1386 (a) The department or the relevant health care regulatory
1387 board for investigations involving licensees authorized to
1388 prescribe or dispense controlled substances.

1389 (b) The Attorney General for Medicaid fraud cases
1390 involving prescribed controlled substances.

1391 (c) A law enforcement agency during active investigations
1392 of potential criminal activity, fraud, or theft regarding
1393 prescribed controlled substances.

1394 (d) A district medical examiner when conducting an
1395 authorized investigation under s. 406.11, to determine the cause
1396 of death of an individual.

1397 (e) An impaired practitioner consultant who is retained by
1398 the department under s. 456.076 to review the system information
1399 of an impaired practitioner program participant or a referral
1400 who has agreed to be evaluated or monitored through the program

1401 and who has separately agreed in writing to the consultant's
1402 access to and review of such information.

1403 (f) A patient or the legal guardian or designated health
1404 care surrogate of an incapacitated patient who submits a written
1405 and notarized request that includes the patient's full name,
1406 address, phone number, date of birth, and a copy of a
1407 government-issued photo identification. A legal guardian or
1408 health care surrogate must provide the same information if he or
1409 she submits the request.

1410 (7) The department may enter into one or more reciprocal
1411 agreements or contracts to share prescription drug monitoring
1412 information with other states, districts, or territories if the
1413 prescription drug monitoring programs of other states,
1414 districts, or territories are compatible with the Florida
1415 program.

1416 (a) In determining compatibility, the department shall
1417 consider:

1418 1. The safeguards for privacy of patient records and the
1419 success of the program in protecting patient privacy.

1420 2. The persons authorized to view the data collected by
1421 the program. Comparable entities and licensed health care
1422 practitioners in other states, districts, or territories of the
1423 United States, law enforcement agencies, the Attorney General's
1424 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1425 needed, management staff that have similar duties as management

1426 staff who work with the prescription drug monitoring program as
1427 authorized in s. 893.0551 are authorized access upon approval by
1428 the department.

1429 3. The schedules of the controlled substances that are
1430 monitored by the program.

1431 4. The data reported to or included in the program's
1432 system.

1433 5. Any implementing criteria deemed essential for a
1434 thorough comparison.

1435 6. The costs and benefits to the state of sharing
1436 prescription information.

1437 (b) The department must assess the prescription drug
1438 monitoring program's continued compatibility with the other
1439 state's, district's, or territory's program every 4 years.

1440 (c) Any agreement or contract for sharing of prescription
1441 drug monitoring information between the department and another
1442 state, district, or territory shall contain the same
1443 restrictions and requirements as this section or s. 893.0551,
1444 and the information must be provided according to the
1445 department's determination of compatibility.

1446 (8) The department may enter into agreements or contracts
1447 to establish secure connections between the system and a
1448 prescribing or dispensing health care practitioner's electronic
1449 health record system. The electronic health record system owner
1450 or license holder will be responsible for ensuring that only

1451 authorized individuals have access to prescription drug
1452 monitoring program information.

1453 (9) A prescriber or dispenser or a designee of a
1454 prescriber or dispenser must consult the system to review a
1455 patient's controlled substance dispensing history before
1456 prescribing or dispensing a controlled substance for a patient
1457 age 16 or older. This requirement does not apply when
1458 prescribing or dispensing a nonopioid controlled substance
1459 listed in Schedule V of s. 893.03 or 21 U.S.C. 812. For purposes
1460 of this subsection, a "nonopioid controlled substance" is a
1461 controlled substance that does not contain any amount of a
1462 substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

1463 (a) The duty to consult the system does not apply to a
1464 prescriber or dispenser or designee of a prescriber or dispenser
1465 if the system is not operational, as determined by the
1466 department, or when it cannot be accessed by a health care
1467 practitioner because of a temporary technological or electrical
1468 failure.

1469 (b) A prescriber or dispenser or designee of a prescriber
1470 or dispenser who does not consult the system under this
1471 subsection shall document the reason he or she did not consult
1472 the system in the patient's medical record or prescription
1473 record, and shall not prescribe or dispense greater than a 3-day
1474 supply of a controlled substance to the patient.

1475 (c) The department shall issue a nondisciplinary citation

1476 to any prescriber or dispenser who fails to consult the system
1477 as required by this subsection for an initial offense. Each
1478 subsequent offense is subject to disciplinary action pursuant to
1479 s. 456.073.

1480 (10) A person who willfully and knowingly fails to report
1481 the dispensing of a controlled substance as required by this
1482 section commits a misdemeanor of the first degree, punishable as
1483 provided in s. 775.082 or s. 775.083.

1484 (11) Information in the prescription drug monitoring
1485 program's system may be released only as provided in this
1486 section and s. 893.0551. The content of the system is intended
1487 to be informational only and imposes no obligations of any
1488 nature or any legal duty on a prescriber, dispenser, pharmacy,
1489 or patient. Information in the system shall be provided in
1490 accordance with s. 893.13(7)(a)8. and is not subject to
1491 discovery or introduction into evidence in any civil or
1492 administrative action against a prescriber, dispenser, pharmacy,
1493 or patient arising out of matters that are the subject of
1494 information in the system. The program manager and authorized
1495 persons who participate in preparing, reviewing, issuing, or any
1496 other activity related to management of the system may not be
1497 permitted or required to testify in any such civil or
1498 administrative action as to any findings, recommendations,
1499 evaluations, opinions, or other actions taken in connection with
1500 management of the system.

1501 (12) A prescriber or dispenser, or his or her designee,
1502 may have access to the information under this section which
1503 relates to a patient of that prescriber or dispenser as needed
1504 for the purpose of reviewing the patient's controlled drug
1505 prescription history. A prescriber or dispenser acting in good
1506 faith is immune from any civil, criminal, or administrative
1507 liability that might otherwise be incurred or imposed for
1508 receiving or using information from the prescription drug
1509 monitoring program. This subsection does not create a private
1510 cause of action, and a person may not recover damages against a
1511 prescriber or dispenser authorized to access information under
1512 this subsection for accessing or failing to access such
1513 information.

1514 (13) (a) All costs incurred by the department in
1515 administering the prescription drug monitoring program shall be
1516 funded through federal grants, private funding applied for or
1517 received by the state, or state funds appropriated in the
1518 General Appropriations Act. The department may not:

1519 1. Commit funds for the monitoring program without
1520 ensuring funding is available; or

1521 2. Use funds provided, directly or indirectly by
1522 prescription drug manufacturers to implement the program.

1523 (b) The department shall cooperate with the direct-support
1524 organization established under subsection (16) in seeking
1525 federal grant funds, other nonstate grant funds, gifts,

1526 donations, or other private moneys for the department if the
1527 costs of doing so are immaterial. Immaterial costs include, but
1528 are not limited to, the costs of mailing and personnel assigned
1529 to research or apply for a grant. The department may
1530 competitively procure and contract pursuant to s. 287.057 for
1531 any goods and services required by this section.

1532 (14) The department shall conduct or participate in
1533 studies to examine the feasibility of enhancing the prescription
1534 drug monitoring program for the purposes of public health
1535 initiatives and statistical reporting. Such studies shall
1536 respect the privacy of the patient, the prescriber, and the
1537 dispenser. Such studies may be conducted by the department or a
1538 contracted vendor in order to:

1539 (a) Improve the quality of health care services and safety
1540 by improving prescribing and dispensing practices for controlled
1541 substances;

1542 (b) Take advantage of advances in technology;

1543 (c) Reduce duplicative prescriptions and the
1544 overprescribing of controlled substances; and

1545 (d) Reduce drug abuse.

1546 (15) The department shall annually report on performance
1547 measures to the Governor, the President of the Senate, and the
1548 Speaker of the House of Representatives by December 1.

1549 Performance measures may include, but are not limited to, the
1550 following outcomes:

1551 (a) Reduction of the rate of inappropriate use of
1552 controlled substances through department education and safety
1553 efforts.

1554 (b) Reduction of the quantity of pharmaceutical controlled
1555 substances obtained by individuals attempting to engage in fraud
1556 and deceit.

1557 (c) Increased coordination among partners participating in
1558 the prescription drug monitoring program.

1559 (d) Involvement of stakeholders in achieving improved
1560 patient health care and safety and reduction of controlled
1561 substance abuse and controlled substance diversion.

1562 (16) The department may establish a direct-support
1563 organization to provide assistance, funding, and promotional
1564 support for the activities authorized for the prescription drug
1565 monitoring program.

1566 (a) As used in this subsection, the term "direct-support
1567 organization" means an organization that is:

1568 1. A Florida corporation not for profit incorporated under
1569 chapter 617, exempted from filing fees, and approved by the
1570 Department of State.

1571 2. Organized and operated to conduct programs and
1572 activities; raise funds; request and receive grants, gifts, and
1573 bequests of money; acquire, receive, hold, and invest, in its
1574 own name, securities, funds, objects of value, or other
1575 property, either real or personal; and make expenditures or

1576 provide funding to or for the direct or indirect benefit of the
1577 department in the furtherance of the prescription drug
1578 monitoring program.

1579 (b) The State Surgeon General shall appoint a board of
1580 directors for the direct-support organization.

1581 1. The board of directors shall consist of no fewer than
1582 five members who shall serve at the pleasure of the State
1583 Surgeon General.

1584 2. The State Surgeon General shall provide guidance to
1585 members of the board to ensure that moneys received by the
1586 direct-support organization are not received from inappropriate
1587 sources. Inappropriate sources include, but are not limited to,
1588 donors, grantors, persons, prescription drug manufacturers, or
1589 organizations that may monetarily or substantively benefit from
1590 the purchase of goods or services by the department in
1591 furtherance of the prescription drug monitoring program.

1592 (c) The direct-support organization shall operate under
1593 written contract with the department. The contract must, at a
1594 minimum, provide for:

1595 1. Approval of the articles of incorporation and bylaws of
1596 the direct-support organization by the department.

1597 2. Submission of an annual budget for the approval of the
1598 department.

1599 3. The reversion, without penalty, to the department's
1600 grants and donations trust fund for the administration of the

1601 prescription drug monitoring program of all moneys and property
1602 held in trust by the direct-support organization for the benefit
1603 of the prescription drug monitoring program if the direct-
1604 support organization ceases to exist or if the contract is
1605 terminated.

1606 4. The fiscal year of the direct-support organization,
1607 which must begin July 1 of each year and end June 30 of the
1608 following year.

1609 5. The disclosure of the material provisions of the
1610 contract to donors of gifts, contributions, or bequests,
1611 including such disclosure on all promotional and fundraising
1612 publications, and an explanation to such donors of the
1613 distinction between the department and the direct-support
1614 organization.

1615 6. The direct-support organization's collecting,
1616 expending, and providing of funds to the department for the
1617 development, implementation, and operation of the prescription
1618 drug monitoring program as described in this section. The
1619 direct-support organization may collect and expend funds to be
1620 used for the functions of the direct-support organization's
1621 board of directors, as necessary and approved by the department.

1622 In addition, the direct-support organization may collect and
1623 provide funding to the department in furtherance of the
1624 prescription drug monitoring program by:

1625 a. Establishing and administering the prescription drug

1626 monitoring program's electronic system, including hardware and
1627 software.

1628 b. Conducting studies on the efficiency and effectiveness
1629 of the program to include feasibility studies as described in
1630 subsection (14).

1631 c. Providing funds for future enhancements of the program
1632 within the intent of this section.

1633 d. Providing user training of the prescription drug
1634 monitoring program, including distribution of materials to
1635 promote public awareness and education and conducting workshops
1636 or other meetings, for health care practitioners, pharmacists,
1637 and others as appropriate.

1638 e. Providing funds for travel expenses.

1639 f. Providing funds for administrative costs, including
1640 personnel, audits, facilities, and equipment.

1641 g. Fulfilling all other requirements necessary to
1642 implement and operate the program as outlined in this section.

1643 7. Certification by the department that the direct-support
1644 organization is complying with the terms of the contract in a
1645 manner consistent with and in furtherance of the goals and
1646 purposes of the prescription drug monitoring program and in the
1647 best interests of the state. Such certification must be made
1648 annually and reported in the official minutes of a meeting of
1649 the direct-support organization.

1650 (d) The activities of the direct-support organization must

1651 be consistent with the goals and mission of the department, as
1652 determined by the department, and in the best interests of the
1653 state. The direct-support organization must obtain written
1654 approval from the department for any activities in support of
1655 the prescription drug monitoring program before undertaking
1656 those activities.

1657 (e) The direct-support organization shall provide for an
1658 independent annual financial audit in accordance with s.
1659 215.981. Copies of the audit shall be provided to the department
1660 and the Office of Policy and Budget in the Executive Office of
1661 the Governor.

1662 (f) The direct-support organization may not exercise any
1663 power under s. 617.0302(12) or (16).

1664 (g) The direct-support organization is not considered a
1665 lobbying firm within the meaning of s. 11.045.

1666 (h) The department may permit, without charge, appropriate
1667 use of administrative services, property, and facilities of the
1668 department by the direct-support organization, subject to this
1669 section. The use must be directly in keeping with the approved
1670 purposes of the direct-support organization and may not be made
1671 at times or places that would unreasonably interfere with
1672 opportunities for the public to use such facilities for
1673 established purposes. Any moneys received from rentals of
1674 facilities and properties managed by the department may be held
1675 in a separate depository account in the name of the direct-

1676 support organization and subject to the provisions of the letter
1677 of agreement with the department. The letter of agreement must
1678 provide that any funds held in the separate depository account
1679 in the name of the direct-support organization must revert to
1680 the department if the direct-support organization is no longer
1681 approved by the department to operate in the best interests of
1682 the state.

1683 (i) The department may adopt rules under s. 120.54 to
1684 govern the use of administrative services, property, or
1685 facilities of the department or office by the direct-support
1686 organization.

1687 (j) The department may not permit the use of any
1688 administrative services, property, or facilities of the state by
1689 a direct-support organization if that organization does not
1690 provide equal membership and employment opportunities to all
1691 persons regardless of race, color, religion, gender, age, or
1692 national origin.

1693 (k) This subsection is repealed October 1, 2027, unless
1694 reviewed and saved from repeal by the Legislature.

1695 Section 11. Section 893.0551, Florida Statutes, is amended
1696 to read:

1697 893.0551 Public records exemption for the prescription
1698 drug monitoring program.—

1699 (1) For purposes of this section, the terms used in this
1700 section have the same meanings as provided in s. 893.055.

1701 (2) The following information of a patient or patient's
1702 agent, a health care practitioner, a dispenser, an employee of
1703 the practitioner who is acting on behalf of and at the direction
1704 of the practitioner, a pharmacist, or a pharmacy that is
1705 contained in records held by the department under s. 893.055 is
1706 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1707 of the State Constitution:

1708 (a) Name.

1709 (b) Address.

1710 (c) Telephone number.

1711 (d) Insurance plan number.

1712 (e) Government-issued identification number.

1713 (f) Provider number.

1714 (g) Drug Enforcement Administration number.

1715 (h) Any other unique identifying information or number.

1716 (3) The department shall disclose such ~~confidential and~~
1717 ~~exempt~~ information to the following persons or entities upon
1718 request and after using a verification process to ensure the
1719 legitimacy of the request as provided in s. 893.055:

1720 (a) A health care practitioner, or his or her designee,
1721 who certifies that the information is necessary to provide
1722 medical treatment to a current patient in accordance with ss.
1723 893.05 and 893.055.

1724 (b) An employee of the United States Department of
1725 Veterans Affairs, United States Department of Defense, or the

1726 Indian Health Service who provides health care services pursuant
1727 to such employment and who has the authority to prescribe or
1728 dispense controlled substances shall have access to the
1729 information in the program's system upon verification of such
1730 employment.

1731 (c) The program manager and designated support staff for
1732 administration of the program, and to provide relevant
1733 information to the prescriber, dispenser, and appropriate law
1734 enforcement agencies, in accordance with s. 893.055.

1735 (d) The department or the relevant health care regulatory
1736 board for investigations involving licensees authorized to
1737 prescribe or dispense controlled substances. The department may
1738 request information from the program but may not have direct
1739 access to its system. The department may provide to a law
1740 enforcement agency pursuant to ss. 456.066 and 456.073 only
1741 information that is relevant to the specific controlled
1742 substances investigation that prompted the request for the
1743 information.

1744 (e) ~~(a)~~ The Attorney General or his or her designee when
1745 working on Medicaid fraud cases involving prescribed controlled
1746 substances ~~prescription drugs~~ or when the Attorney General has
1747 initiated a review of specific identifiers of Medicaid fraud or
1748 specific identifiers that warrant a Medicaid investigation
1749 regarding prescribed controlled substances ~~prescription drugs~~.
1750 The Attorney General's Medicaid fraud investigators may not have

1751 direct access to the department's system ~~database~~. The Attorney
1752 General or his or her designee may disclose to a criminal
1753 justice agency, as defined in s. 119.011, only the ~~confidential~~
1754 ~~and exempt~~ information received from the department that is
1755 relevant to an identified active investigation that prompted the
1756 request for the information.

1757 ~~(b) The department's relevant health care regulatory~~
1758 ~~boards responsible for the licensure, regulation, or discipline~~
1759 ~~of a practitioner, pharmacist, or other person who is authorized~~
1760 ~~to prescribe, administer, or dispense controlled substances and~~
1761 ~~who is involved in a specific controlled substances~~
1762 ~~investigation for prescription drugs involving a designated~~
1763 ~~person. The health care regulatory boards may request~~
1764 ~~information from the department but may not have direct access~~
1765 ~~to its database. The health care regulatory boards may provide~~
1766 ~~to a law enforcement agency pursuant to ss. 456.066 and 456.073~~
1767 ~~only information that is relevant to the specific controlled~~
1768 ~~substances investigation that prompted the request for the~~
1769 ~~information.~~

1770 (f) ~~(e)~~ A law enforcement agency that has initiated an
1771 active investigation involving a specific violation of law
1772 regarding prescription drug abuse or diversion of prescribed
1773 controlled substances and that has entered into a user agreement
1774 with the department. A law enforcement agency may request
1775 information from the department but may not have direct access

1776 to its system ~~database~~. The law enforcement agency may disclose
1777 to a criminal justice agency, as defined in s. 119.011, only
1778 ~~confidential and exempt~~ information received from the department
1779 that is relevant to an identified active investigation that
1780 prompted the request for such information.

1781 (g) A district medical examiner or associate medical
1782 examiner, as defined in s. 406.06, pursuant to his or her
1783 official duties, as required by s. 406.11, to determine the
1784 cause of death of an individual. A medical examiner may request
1785 information from the department but may not have direct access
1786 to the system.

1787 ~~(f) A patient or the legal guardian or designated health~~
1788 ~~care surrogate for an incapacitated patient, if applicable,~~
1789 ~~making a request as provided in s. 893.055(7)(c)4.~~

1790 (h) An impaired practitioner consultant who has been
1791 authorized in writing by a participant in, or by a referral to,
1792 the impaired practitioner program to access and review
1793 information as provided in s. 893.055(6)(e) ~~s. 893.055(7)(e)5.~~

1794 (i) ~~(f)~~ A patient or the legal guardian or designated
1795 health care surrogate for an incapacitated patient, if
1796 applicable, making a request as provided in s. 893.055(6)(f) ~~s.~~
1797 ~~893.055(7)(c)4.~~

1798 (4) If the department determines consistent with its rules
1799 that a pattern of controlled substance abuse exists, the
1800 department may disclose such confidential and exempt information

1801 to the applicable law enforcement agency in accordance with s.
1802 893.055. The law enforcement agency may disclose to a criminal
1803 justice agency, as defined in s. 119.011, only ~~confidential and~~
1804 ~~exempt~~ information received from the department that is relevant
1805 to an identified active investigation that is specific to a
1806 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
1807 893.13(8)(b).

1808 (5) Before disclosing ~~confidential and exempt~~ information
1809 to a criminal justice agency or a law enforcement agency
1810 pursuant to this section, the disclosing person or entity must
1811 take steps to ensure the continued confidentiality of all
1812 ~~confidential and exempt~~ information. At a minimum, these steps
1813 must include redacting any nonrelevant information.

1814 (6) An agency or person who obtains any ~~confidential and~~
1815 ~~exempt~~ information pursuant to this section must maintain the
1816 confidential and exempt status of that information and may not
1817 disclose such information unless authorized by law. Information
1818 shared with a state attorney pursuant to paragraph (3)(e) ~~(3)(a)~~
1819 or paragraph (3)(f) ~~(3)(e)~~ may be released only in response to a
1820 discovery demand if such information is directly related to the
1821 criminal case for which the information was requested. Unrelated
1822 information may be released only upon an order of a court of
1823 competent jurisdiction.

1824 (7) A person who willfully and knowingly violates this
1825 section commits a felony of the third degree, punishable as

1826 provided in s. 775.082, s. 775.083, or s. 775.084.

1827 Section 12. Paragraphs (a), (c), (d), (e), (f), and (h) of
 1828 subsection (1), subsection (2), paragraphs (a) and (b) of
 1829 subsection (4), and subsection (5), and paragraph (e) of
 1830 subsection (7) of section 893.13, Florida Statutes, are amended
 1831 to read:

1832 893.13 Prohibited acts; penalties.—

1833 (1) (a) Except as authorized by this chapter and chapter
 1834 499, a person may not sell, manufacture, or deliver, or possess
 1835 with intent to sell, manufacture, or deliver, a controlled
 1836 substance. A person who violates this provision with respect to:

1837 1. A controlled substance named or described in s.
 1838 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
 1839 ~~(2) (c) 4.~~ commits a felony of the second degree, punishable as
 1840 provided in s. 775.082, s. 775.083, or s. 775.084.

1841 2. A controlled substance named or described in s.
 1842 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.,~~ (2) (c) 6.,
 1843 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a
 1844 felony of the third degree, punishable as provided in s.
 1845 775.082, s. 775.083, or s. 775.084.

1846 3. A controlled substance named or described in s.
 1847 893.03(5) commits a misdemeanor of the first degree, punishable
 1848 as provided in s. 775.082 or s. 775.083.

1849 (c) Except as authorized by this chapter, a person may not
 1850 sell, manufacture, or deliver, or possess with intent to sell,

1851 manufacture, or deliver, a controlled substance in, on, or
1852 within 1,000 feet of the real property comprising a child care
1853 facility as defined in s. 402.302 or a public or private
1854 elementary, middle, or secondary school between the hours of 6
1855 a.m. and 12 midnight, or at any time in, on, or within 1,000
1856 feet of real property comprising a state, county, or municipal
1857 park, a community center, or a publicly owned recreational
1858 facility. As used in this paragraph, the term "community center"
1859 means a facility operated by a nonprofit community-based
1860 organization for the provision of recreational, social, or
1861 educational services to the public. A person who violates this
1862 paragraph with respect to:

1863 1. A controlled substance named or described in s.
1864 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1865 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1866 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
1867 must be sentenced to a minimum term of imprisonment of 3
1868 calendar years unless the offense was committed within 1,000
1869 feet of the real property comprising a child care facility as
1870 defined in s. 402.302.

1871 2. A controlled substance named or described in s.
1872 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
1873 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1874 felony of the second degree, punishable as provided in s.
1875 775.082, s. 775.083, or s. 775.084.

1876 3. Any other controlled substance, except as lawfully
 1877 sold, manufactured, or delivered, must be sentenced to pay a
 1878 \$500 fine and to serve 100 hours of public service in addition
 1879 to any other penalty prescribed by law.

1880
 1881 This paragraph does not apply to a child care facility unless
 1882 the owner or operator of the facility posts a sign that is not
 1883 less than 2 square feet in size with a word legend identifying
 1884 the facility as a licensed child care facility and that is
 1885 posted on the property of the child care facility in a
 1886 conspicuous place where the sign is reasonably visible to the
 1887 public.

1888 (d) Except as authorized by this chapter, a person may not
 1889 sell, manufacture, or deliver, or possess with intent to sell,
 1890 manufacture, or deliver, a controlled substance in, on, or
 1891 within 1,000 feet of the real property comprising a public or
 1892 private college, university, or other postsecondary educational
 1893 institution. A person who violates this paragraph with respect
 1894 to:

1895 1. A controlled substance named or described in s.
 1896 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.
 1897 ~~(2) (c) 4.~~ commits a felony of the first degree, punishable as
 1898 provided in s. 775.082, s. 775.083, or s. 775.084.

1899 2. A controlled substance named or described in s.
 1900 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.,~~ (2) (c) 6.,

1901 (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) commits a
 1902 felony of the second degree, punishable as provided in s.
 1903 775.082, s. 775.083, or s. 775.084.

1904 3. Any other controlled substance, except as lawfully
 1905 sold, manufactured, or delivered, must be sentenced to pay a
 1906 \$500 fine and to serve 100 hours of public service in addition
 1907 to any other penalty prescribed by law.

1908 (e) Except as authorized by this chapter, a person may not
 1909 sell, manufacture, or deliver, or possess with intent to sell,
 1910 manufacture, or deliver, a controlled substance not authorized
 1911 by law in, on, or within 1,000 feet of a physical place for
 1912 worship at which a church or religious organization regularly
 1913 conducts religious services or within 1,000 feet of a
 1914 convenience business as defined in s. 812.171. A person who
 1915 violates this paragraph with respect to:

1916 1. A controlled substance named or described in s.
 1917 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c)5.
 1918 ~~(2) (c)4.~~ commits a felony of the first degree, punishable as
 1919 provided in s. 775.082, s. 775.083, or s. 775.084.

1920 2. A controlled substance named or described in s.
 1921 893.03(1) (c), (2) (c)1., (2) (c)2., (2) (c)3., ~~(2) (c)5.~~, (2) (c)6.,
 1922 (2) (c)7., (2) (c)8., (2) (c)9., (2) (c)10., (3), or (4) commits a
 1923 felony of the second degree, punishable as provided in s.
 1924 775.082, s. 775.083, or s. 775.084.

1925 3. Any other controlled substance, except as lawfully

1926 sold, manufactured, or delivered, must be sentenced to pay a
 1927 \$500 fine and to serve 100 hours of public service in addition
 1928 to any other penalty prescribed by law.

1929 (f) Except as authorized by this chapter, a person may not
 1930 sell, manufacture, or deliver, or possess with intent to sell,
 1931 manufacture, or deliver, a controlled substance in, on, or
 1932 within 1,000 feet of the real property comprising a public
 1933 housing facility at any time. As used in this section, the term
 1934 "real property comprising a public housing facility" means real
 1935 property, as defined in s. 421.03(12), of a public corporation
 1936 created as a housing authority pursuant to part I of chapter
 1937 421. A person who violates this paragraph with respect to:

1938 1. A controlled substance named or described in s.
 1939 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1940 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
 1941 provided in s. 775.082, s. 775.083, or s. 775.084.

1942 2. A controlled substance named or described in s.
 1943 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
 1944 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1945 felony of the second degree, punishable as provided in s.
 1946 775.082, s. 775.083, or s. 775.084.

1947 3. Any other controlled substance, except as lawfully
 1948 sold, manufactured, or delivered, must be sentenced to pay a
 1949 \$500 fine and to serve 100 hours of public service in addition
 1950 to any other penalty prescribed by law.

1951 (h) Except as authorized by this chapter, a person may not
 1952 sell, manufacture, or deliver, or possess with intent to sell,
 1953 manufacture, or deliver, a controlled substance in, on, or
 1954 within 1,000 feet of the real property comprising an assisted
 1955 living facility, as that term is used in chapter 429. A person
 1956 who violates this paragraph with respect to:

1957 1. A controlled substance named or described in s.
 1958 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 1959 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
 1960 provided in s. 775.082, s. 775.083, or s. 775.084.

1961 2. A controlled substance named or described in s.
 1962 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
 1963 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1964 felony of the second degree, punishable as provided in s.
 1965 775.082, s. 775.083, or s. 775.084.

1966 3. Any other controlled substance, except as lawfully
 1967 sold, manufactured, or delivered, must be sentenced to pay a
 1968 \$500 fine and to serve 100 hours of public service in addition
 1969 to any other penalty prescribed by law.

1970 (2)(a) Except as authorized by this chapter and chapter
 1971 499, a person may not purchase, or possess with intent to
 1972 purchase, a controlled substance. A person who violates this
 1973 provision with respect to:

1974 1. A controlled substance named or described in s.
 1975 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1976 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as
 1977 provided in s. 775.082, s. 775.083, or s. 775.084.

1978 2. A controlled substance named or described in s.
 1979 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~ (2)(c)6.,
 1980 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 1981 felony of the third degree, punishable as provided in s.
 1982 775.082, s. 775.083, or s. 775.084.

1983 3. A controlled substance named or described in s.
 1984 893.03(5) commits a misdemeanor of the first degree, punishable
 1985 as provided in s. 775.082 or s. 775.083.

1986 (b) Except as provided in this chapter, a person may not
 1987 purchase more than 10 grams of any substance named or described
 1988 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
 1989 mixture containing any such substance. A person who violates
 1990 this paragraph commits a felony of the first degree, punishable
 1991 as provided in s. 775.082, s. 775.083, or s. 775.084.

1992 (4) Except as authorized by this chapter, a person 18
 1993 years of age or older may not deliver any controlled substance
 1994 to a person younger than 18 years of age, use or hire a person
 1995 younger than 18 years of age as an agent or employee in the sale
 1996 or delivery of such a substance, or use such person to assist in
 1997 avoiding detection or apprehension for a violation of this
 1998 chapter. A person who violates this subsection with respect to:

1999 (a) A controlled substance named or described in s.
 2000 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

2001 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
 2002 provided in s. 775.082, s. 775.083, or s. 775.084.

2003 (b) A controlled substance named or described in s.
 2004 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6.,
 2005 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 2006 felony of the second degree, punishable as provided in s.
 2007 775.082, s. 775.083, or s. 775.084.

2008
 2009 Imposition of sentence may not be suspended or deferred, and the
 2010 person so convicted may not be placed on probation.

2011 (5) A person may not bring into this state any controlled
 2012 substance unless the possession of such controlled substance is
 2013 authorized by this chapter or unless such person is licensed to
 2014 do so by the appropriate federal agency. A person who violates
 2015 this provision with respect to:

2016 (a) A controlled substance named or described in s.
 2017 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
 2018 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
 2019 provided in s. 775.082, s. 775.083, or s. 775.084.

2020 (b) A controlled substance named or described in s.
 2021 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~ (2)(c)6.,
 2022 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
 2023 felony of the third degree, punishable as provided in s.
 2024 775.082, s. 775.083, or s. 775.084.

2025 (c) A controlled substance named or described in s.

2026 893.03(5) commits a misdemeanor of the first degree, punishable
 2027 as provided in s. 775.082 or s. 775.083.

2028 (7)

2029 (e) A person or health care practitioner who violates the
 2030 provisions of subparagraph (a)13. or paragraph (b) commits a
 2031 felony of the second ~~third~~ degree, punishable as provided in s.
 2032 775.082, s. 775.083, or s. 775.084, if any controlled substance
 2033 that is the subject of the offense is listed in Schedule II,
 2034 Schedule III, or Schedule IV.

2035 Section 13. Subsection (7) is added to section 893.147,
 2036 Florida Statutes, to read:

2037 893.147 Use, possession, manufacture, delivery,
 2038 transportation, advertisement, or retail sale of drug
 2039 paraphernalia, specified machines, and materials.—

2040 (7) TABLETING MACHINES, ENCAPSULATING MACHINES, AND
 2041 CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.—

2042 (a) Except as provided in paragraph (b), it is unlawful
 2043 for any person to possess, purchase, deliver, sell, or possess
 2044 with intent to sell or deliver a tableting machine,
 2045 encapsulating machine or controlled substance counterfeiting
 2046 material knowing, intending, or having reasonable cause to
 2047 believe that it will be used to manufacture a controlled
 2048 substance or counterfeit controlled substance.

2049 (b)1. A regulated person may possess, purchase, deliver,
 2050 sell, or possess with intent to deliver or sell a tableting

2051 machine or encapsulating machine as part of a regulated
2052 transaction with a regular customer or regular importer, in
2053 compliance with 21 U.S.C. s. 830. For purposes of this
2054 paragraph, the terms "regulated person," "regulated
2055 transaction," "regular customer," and "regular importer" have
2056 the same meaning as defined in 21 U.S.C. s. 802.

2057 2. A person registered under 21 U.S.C. s. 822 may possess,
2058 purchase, deliver, sell, or possess with intent to deliver or
2059 sell a tableting machine or encapsulating machine to manufacture
2060 a controlled substance pursuant to such registration.

2061 3. A person who holds an active, unencumbered license or
2062 permit under chapter 465 may possess, purchase, deliver, sell,
2063 or possess with intent to sell or deliver a tableting machine or
2064 encapsulating machine to manufacture a controlled substance, if
2065 such person is performing functions in compliance with or under
2066 the authority of that license or permit.

2067 (c) For the purpose of this subsection, the term:

2068 1. "Controlled substance" has the same meaning as provided
2069 in s. 893.02(4).

2070 2. "Controlled substance counterfeiting material" means a
2071 punch, die, plate, stone, or other item designed to print,
2072 imprint, or reproduce the trademark, trade name, or other
2073 identifying mark, imprint, or device of another or any likeness
2074 of any of the foregoing upon a drug or container or labeling
2075 thereof so as to render such drug a counterfeit controlled

2076 substance.

2077 3. "Counterfeit controlled substance" has the same meaning
 2078 as provided in s. 831.31(2).

2079 4. "Encapsulating machine" means manual, semiautomatic, or
 2080 fully automatic equipment used to fill shells or capsules with
 2081 any powdered or granular solids or semisolid material to produce
 2082 coherent solid tablets.

2083 5. "Tableting machine" means manual, semiautomatic, or
 2084 fully automatic equipment use to compact or mold powdered or
 2085 granular solids or semisold material to produce coherent solid
 2086 tablets.

2087 (d)1. Except as provided in subparagraph 2., a person who
 2088 violates this subsection commits a felony of the third degree,
 2089 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2090 2. Any person who violates this subsection knowing,
 2091 intending, or having reasonable cause to believe that such
 2092 action will result in the unlawful manufacture of a controlled
 2093 substance or counterfeit controlled substance that contains:

2094 a. A controlled substance under s. 893.03(1);

2095 b. Cocaine;

2096 c. Opium or any synthetic or natural salt, compound,
 2097 derivative, or preparation of opium;

2098 d. Methadone;

2099 e. Alfentanil;

2100 f. Carfentanil;

2101 g. Fentanyl;
 2102 h. Sufentanil; or
 2103 i. A controlled substance analog, as defined in s.
 2104 893.0356, of any substance in sub-subparagraphs a. through h.,
 2105 commits a felony of the second degree, punishable as provided in
 2106 s. 775.082, s. 775.083, or s. 775.084.

2107 Section 14. Paragraphs (pp) and (qq) of subsection (1) of
 2108 section 458.331, Florida Statutes, are amended to read:

2109 458.331 Grounds for disciplinary action; action by the
 2110 board and department.—

2111 (1) The following acts constitute grounds for denial of a
 2112 license or disciplinary action, as specified in s. 456.072(2):

2113 (pp) Applicable to a licensee who serves as the designated
 2114 physician of a pain-management clinic as defined in s. 458.3265
 2115 or s. 459.0137:

2116 1. Registering a pain-management clinic through
 2117 misrepresentation or fraud;

2118 2. Procuring, or attempting to procure, the registration
 2119 of a pain-management clinic for any other person by making or
 2120 causing to be made, any false representation;

2121 3. Failing to comply with any requirement of chapter 499,
 2122 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 2123 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 2124 the Drug Abuse Prevention and Control Act; or chapter 893, the
 2125 Florida Comprehensive Drug Abuse Prevention and Control Act;

2126 4. Being convicted or found guilty of, regardless of
 2127 adjudication to, a felony or any other crime involving moral
 2128 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
 2129 the courts of this state, of any other state, or of the United
 2130 States;

2131 5. Being convicted of, or disciplined by a regulatory
 2132 agency of the Federal Government or a regulatory agency of
 2133 another state for, any offense that would constitute a violation
 2134 of this chapter;

2135 6. Being convicted of, or entering a plea of guilty or
 2136 nolo contendere to, regardless of adjudication, a crime in any
 2137 jurisdiction of the courts of this state, of any other state, or
 2138 of the United States which relates to the practice of, or the
 2139 ability to practice, a licensed health care profession;

2140 7. Being convicted of, or entering a plea of guilty or
 2141 nolo contendere to, regardless of adjudication, a crime in any
 2142 jurisdiction of the courts of this state, of any other state, or
 2143 of the United States which relates to health care fraud;

2144 8. Dispensing any medicinal drug based upon a
 2145 communication that purports to be a prescription as defined in
 2146 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
 2147 or has reason to believe that the purported prescription is not
 2148 based upon a valid practitioner-patient relationship; or

2149 9. Failing to timely notify the board of the date of his
 2150 or her termination from a pain-management clinic as required by

2151 s. 458.3265(3) ~~s. 458.3265(2)~~.

2152 (qq) Failing to timely notify the department of the theft
 2153 of prescription blanks from a pain-management clinic or a breach
 2154 of other methods for prescribing within 24 hours as required by
 2155 s. 458.3265(3) ~~s. 458.3265(2)~~.

2156 Section 15. Paragraphs (rr) and (ss) of subsection (1) of
 2157 section 459.015, Florida Statutes, are amended to read:

2158 459.015 Grounds for disciplinary action; action by the
 2159 board and department.—

2160 (1) The following acts constitute grounds for denial of a
 2161 license or disciplinary action, as specified in s. 456.072(2):

2162 (rr) Applicable to a licensee who serves as the designated
 2163 physician of a pain-management clinic as defined in s. 458.3265
 2164 or s. 459.0137:

2165 1. Registering a pain-management clinic through
 2166 misrepresentation or fraud;

2167 2. Procuring, or attempting to procure, the registration
 2168 of a pain-management clinic for any other person by making or
 2169 causing to be made, any false representation;

2170 3. Failing to comply with any requirement of chapter 499,
 2171 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
 2172 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
 2173 the Drug Abuse Prevention and Control Act; or chapter 893, the
 2174 Florida Comprehensive Drug Abuse Prevention and Control Act;

2175 4. Being convicted or found guilty of, regardless of

2176 adjudication to, a felony or any other crime involving moral
2177 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
2178 the courts of this state, of any other state, or of the United
2179 States;

2180 5. Being convicted of, or disciplined by a regulatory
2181 agency of the Federal Government or a regulatory agency of
2182 another state for, any offense that would constitute a violation
2183 of this chapter;

2184 6. Being convicted of, or entering a plea of guilty or
2185 nolo contendere to, regardless of adjudication, a crime in any
2186 jurisdiction of the courts of this state, of any other state, or
2187 of the United States which relates to the practice of, or the
2188 ability to practice, a licensed health care profession;

2189 7. Being convicted of, or entering a plea of guilty or
2190 nolo contendere to, regardless of adjudication, a crime in any
2191 jurisdiction of the courts of this state, of any other state, or
2192 of the United States which relates to health care fraud;

2193 8. Dispensing any medicinal drug based upon a
2194 communication that purports to be a prescription as defined in
2195 s. 465.003(14) or s. 893.02 if the dispensing practitioner knows
2196 or has reason to believe that the purported prescription is not
2197 based upon a valid practitioner-patient relationship; or

2198 9. Failing to timely notify the board of the date of his
2199 or her termination from a pain-management clinic as required by
2200 s. 459.0137(3) ~~s. 459.0137(2)~~.

2201 (ss) Failing to timely notify the department of the theft
 2202 of prescription blanks from a pain-management clinic or a breach
 2203 of other methods for prescribing within 24 hours as required by
 2204 s. 459.0137(3) ~~s. 459.0137(2)~~.

2205 Section 16. Paragraph (b) of subsection (4) of section
 2206 463.0055, Florida Statutes, is amended to read:

2207 463.0055 Administration and prescription of ocular
 2208 pharmaceutical agents.—

2209 (4) A certified optometrist shall be issued a prescriber
 2210 number by the board. Any prescription written by a certified
 2211 optometrist for an ocular pharmaceutical agent pursuant to this
 2212 section shall have the prescriber number printed thereon. A
 2213 certified optometrist may not administer or prescribe:

2214 (b) A controlled substance for the treatment of chronic
 2215 nonmalignant pain as defined in s. 456.44(1)(f) ~~s. 456.44(1)(e)~~.

2216 Section 17. Paragraph (a) of subsection (1) of section
 2217 782.04, Florida Statutes, is amended to read:

2218 782.04 Murder.—

2219 (1)(a) The unlawful killing of a human being:

2220 1. When perpetrated from a premeditated design to effect
 2221 the death of the person killed or any human being;

2222 2. When committed by a person engaged in the perpetration
 2223 of, or in the attempt to perpetrate, any:

2224 a. Trafficking offense prohibited by s. 893.135(1),

2225 b. Arson,

- 2226 c. Sexual battery,
- 2227 d. Robbery,
- 2228 e. Burglary,
- 2229 f. Kidnapping,
- 2230 g. Escape,
- 2231 h. Aggravated child abuse,
- 2232 i. Aggravated abuse of an elderly person or disabled
- 2233 adult,
- 2234 j. Aircraft piracy,
- 2235 k. Unlawful throwing, placing, or discharging of a
- 2236 destructive device or bomb,
- 2237 l. Carjacking,
- 2238 m. Home-invasion robbery,
- 2239 n. Aggravated stalking,
- 2240 o. Murder of another human being,
- 2241 p. Resisting an officer with violence to his or her
- 2242 person,
- 2243 q. Aggravated fleeing or eluding with serious bodily
- 2244 injury or death,
- 2245 r. Felony that is an act of terrorism or is in furtherance
- 2246 of an act of terrorism, including a felony under s. 775.30, s.
- 2247 775.32, s. 775.33, s. 775.34, or s. 775.35, or
- 2248 s. Human trafficking; or
- 2249 3. Which resulted from the unlawful distribution by a
- 2250 person 18 years of age or older of any of the following

2251 substances, or mixture containing any of the following
 2252 substances, when such substance or mixture is proven to be the
 2253 proximate cause of the death of the user:

- 2254 a. A substance controlled under s. 893.03(1);
- 2255 b. Cocaine, as described in s. 893.03(2)(a)4.;
- 2256 c. Opium or any synthetic or natural salt, compound,
 2257 derivative, or preparation of opium;
- 2258 d. Methadone;
- 2259 e. Alfentanil, as described in s. 893.03(2)(b)1.;
- 2260 f. Carfentanil, as described in s. 893.03(2)(b)6.;
- 2261 g. Fentanyl, as described in s. 893.03(2)(b)9.;
- 2262 h. Sufentanil, as described in s. 893.03(2)(b)30. ~~s.~~
 2263 ~~893.03(2)(b)29.~~; or
- 2264 i. A controlled substance analog, as described in s.
 2265 893.0356, of any substance specified in sub-subparagraphs a.-h.,
 2266
 2267 is murder in the first degree and constitutes a capital felony,
 2268 punishable as provided in s. 775.082.

2269 Section 18. Paragraphs (c) and (f) of subsection (1) of
 2270 section 893.135, Florida Statutes, are amended to read:

2271 893.135 Trafficking; mandatory sentences; suspension or
 2272 reduction of sentences; conspiracy to engage in trafficking.—

2273 (1) Except as authorized in this chapter or in chapter 499
 2274 and notwithstanding the provisions of s. 893.13:

2275 (c)1. A person who knowingly sells, purchases,

2276 manufactures, delivers, or brings into this state, or who is
2277 knowingly in actual or constructive possession of, 4 grams or
2278 more of any morphine, opium, hydromorphone, or any salt,
2279 derivative, isomer, or salt of an isomer thereof, including
2280 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
2281 (3)(c)4., or 4 grams or more of any mixture containing any such
2282 substance, but less than 30 kilograms of such substance or
2283 mixture, commits a felony of the first degree, which felony
2284 shall be known as "trafficking in illegal drugs," punishable as
2285 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2286 quantity involved:

2287 a. Is 4 grams or more, but less than 14 grams, such person
2288 shall be sentenced to a mandatory minimum term of imprisonment
2289 of 3 years and shall be ordered to pay a fine of \$50,000.

2290 b. Is 14 grams or more, but less than 28 grams, such
2291 person shall be sentenced to a mandatory minimum term of
2292 imprisonment of 15 years and shall be ordered to pay a fine of
2293 \$100,000.

2294 c. Is 28 grams or more, but less than 30 kilograms, such
2295 person shall be sentenced to a mandatory minimum term of
2296 imprisonment of 25 years and shall be ordered to pay a fine of
2297 \$500,000.

2298 2. A person who knowingly sells, purchases, manufactures,
2299 delivers, or brings into this state, or who is knowingly in
2300 actual or constructive possession of, 14 grams or more of

2301 hydrocodone, as described in s. 893.03(2)(a)1.k. ~~s.~~
2302 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,
2303 or any salt thereof, or 14 grams or more of any mixture
2304 containing any such substance, commits a felony of the first
2305 degree, which felony shall be known as "trafficking in
2306 hydrocodone," punishable as provided in s. 775.082, s. 775.083,
2307 or s. 775.084. If the quantity involved:

2308 a. Is 14 grams or more, but less than 28 grams, such
2309 person shall be sentenced to a mandatory minimum term of
2310 imprisonment of 3 years and shall be ordered to pay a fine of
2311 \$50,000.

2312 b. Is 28 grams or more, but less than 50 grams, such
2313 person shall be sentenced to a mandatory minimum term of
2314 imprisonment of 7 years and shall be ordered to pay a fine of
2315 \$100,000.

2316 c. Is 50 grams or more, but less than 200 grams, such
2317 person shall be sentenced to a mandatory minimum term of
2318 imprisonment of 15 years and shall be ordered to pay a fine of
2319 \$500,000.

2320 d. Is 200 grams or more, but less than 30 kilograms, such
2321 person shall be sentenced to a mandatory minimum term of
2322 imprisonment of 25 years and shall be ordered to pay a fine of
2323 \$750,000.

2324 3. A person who knowingly sells, purchases, manufactures,
2325 delivers, or brings into this state, or who is knowingly in

2326 actual or constructive possession of, 7 grams or more of
 2327 oxycodone, as described in s. 893.03(2)(a)1.g. ~~s.~~
 2328 ~~893.03(2)(a)1.e.~~, or any salt thereof, or 7 grams or more of any
 2329 mixture containing any such substance, commits a felony of the
 2330 first degree, which felony shall be known as "trafficking in
 2331 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
 2332 s. 775.084. If the quantity involved:

2333 a. Is 7 grams or more, but less than 14 grams, such person
 2334 shall be sentenced to a mandatory minimum term of imprisonment
 2335 of 3 years and shall be ordered to pay a fine of \$50,000.

2336 b. Is 14 grams or more, but less than 25 grams, such
 2337 person shall be sentenced to a mandatory minimum term of
 2338 imprisonment of 7 years and shall be ordered to pay a fine of
 2339 \$100,000.

2340 c. Is 25 grams or more, but less than 100 grams, such
 2341 person shall be sentenced to a mandatory minimum term of
 2342 imprisonment of 15 years and shall be ordered to pay a fine of
 2343 \$500,000.

2344 d. Is 100 grams or more, but less than 30 kilograms, such
 2345 person shall be sentenced to a mandatory minimum term of
 2346 imprisonment of 25 years and shall be ordered to pay a fine of
 2347 \$750,000.

2348 4.a. A person who knowingly sells, purchases,
 2349 manufactures, delivers, or brings into this state, or who is
 2350 knowingly in actual or constructive possession of, 4 grams or

2351 more of:

2352 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2353 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2354 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2355 (IV) Sufentanil, as described in s. 893.03(2)(b)30. ~~s.~~

2356 ~~893.03(2)(b)29.~~;

2357 (V) A fentanyl derivative, as described in s.

2358 893.03(1)(a)62.;

2359 (VI) A controlled substance analog, as described in s.

2360 893.0356, of any substance described in sub-sub-subparagraphs

2361 (I)-(V); or

2362 (VII) A mixture containing any substance described in sub-

2363 sub-subparagraphs (I)-(VI),

2364

2365 commits a felony of the first degree, which felony shall be

2366 known as "trafficking in fentanyl," punishable as provided in s.

2367 775.082, s. 775.083, or s. 775.084.

2368 b. If the quantity involved under sub-subparagraph a.:

2369 (I) Is 4 grams or more, but less than 14 grams, such

2370 person shall be sentenced to a mandatory minimum term of

2371 imprisonment of 3 years, and shall be ordered to pay a fine of

2372 \$50,000.

2373 (II) Is 14 grams or more, but less than 28 grams, such

2374 person shall be sentenced to a mandatory minimum term of

2375 imprisonment of 15 years, and shall be ordered to pay a fine of

2376 | \$100,000.

2377 | (III) Is 28 grams or more, such person shall be sentenced
 2378 | to a mandatory minimum term of imprisonment of 25 years, and
 2379 | shall be ordered to pay a fine of \$500,000.

2380 | 5. A person who knowingly sells, purchases, manufactures,
 2381 | delivers, or brings into this state, or who is knowingly in
 2382 | actual or constructive possession of, 30 kilograms or more of
 2383 | any morphine, opium, oxycodone, hydrocodone, codeine,
 2384 | hydromorphone, or any salt, derivative, isomer, or salt of an
 2385 | isomer thereof, including heroin, as described in s.
 2386 | 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
 2387 | more of any mixture containing any such substance, commits the
 2388 | first degree felony of trafficking in illegal drugs. A person
 2389 | who has been convicted of the first degree felony of trafficking
 2390 | in illegal drugs under this subparagraph shall be punished by
 2391 | life imprisonment and is ineligible for any form of
 2392 | discretionary early release except pardon or executive clemency
 2393 | or conditional medical release under s. 947.149. However, if the
 2394 | court determines that, in addition to committing any act
 2395 | specified in this paragraph:

2396 | a. The person intentionally killed an individual or
 2397 | counseled, commanded, induced, procured, or caused the
 2398 | intentional killing of an individual and such killing was the
 2399 | result; or

2400 | b. The person's conduct in committing that act led to a

2401 natural, though not inevitable, lethal result,
2402
2403 such person commits the capital felony of trafficking in illegal
2404 drugs, punishable as provided in ss. 775.082 and 921.142. A
2405 person sentenced for a capital felony under this paragraph shall
2406 also be sentenced to pay the maximum fine provided under
2407 subparagraph 1.

2408 6. A person who knowingly brings into this state 60
2409 kilograms or more of any morphine, opium, oxycodone,
2410 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2411 isomer, or salt of an isomer thereof, including heroin, as
2412 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2413 60 kilograms or more of any mixture containing any such
2414 substance, and who knows that the probable result of such
2415 importation would be the death of a person, commits capital
2416 importation of illegal drugs, a capital felony punishable as
2417 provided in ss. 775.082 and 921.142. A person sentenced for a
2418 capital felony under this paragraph shall also be sentenced to
2419 pay the maximum fine provided under subparagraph 1.

2420 (f)1. Any person who knowingly sells, purchases,
2421 manufactures, delivers, or brings into this state, or who is
2422 knowingly in actual or constructive possession of, 14 grams or
2423 more of amphetamine, as described in s. 893.03(2)(c)2., or
2424 methamphetamine, as described in s. 893.03(2)(c)5. ~~s.~~
2425 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or

2426 | methamphetamine, or phenylacetone, phenylacetic acid,
 2427 | pseudoephedrine, or ephedrine in conjunction with other
 2428 | chemicals and equipment utilized in the manufacture of
 2429 | amphetamine or methamphetamine, commits a felony of the first
 2430 | degree, which felony shall be known as "trafficking in
 2431 | amphetamine," punishable as provided in s. 775.082, s. 775.083,
 2432 | or s. 775.084. If the quantity involved:
 2433 | a. Is 14 grams or more, but less than 28 grams, such
 2434 | person shall be sentenced to a mandatory minimum term of
 2435 | imprisonment of 3 years, and the defendant shall be ordered to
 2436 | pay a fine of \$50,000.
 2437 | b. Is 28 grams or more, but less than 200 grams, such
 2438 | person shall be sentenced to a mandatory minimum term of
 2439 | imprisonment of 7 years, and the defendant shall be ordered to
 2440 | pay a fine of \$100,000.
 2441 | c. Is 200 grams or more, such person shall be sentenced to
 2442 | a mandatory minimum term of imprisonment of 15 calendar years
 2443 | and pay a fine of \$250,000.
 2444 | 2. Any person who knowingly manufactures or brings into
 2445 | this state 400 grams or more of amphetamine, as described in s.
 2446 | 893.03(2)(c)2., or methamphetamine, as described in s.
 2447 | 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing
 2448 | amphetamine or methamphetamine, or phenylacetone, phenylacetic
 2449 | acid, pseudoephedrine, or ephedrine in conjunction with other
 2450 | chemicals and equipment used in the manufacture of amphetamine

2451 or methamphetamine, and who knows that the probable result of
 2452 such manufacture or importation would be the death of any person
 2453 commits capital manufacture or importation of amphetamine, a
 2454 capital felony punishable as provided in ss. 775.082 and
 2455 921.142. Any person sentenced for a capital felony under this
 2456 paragraph shall also be sentenced to pay the maximum fine
 2457 provided under subparagraph 1.

2458 Section 19. Paragraphs (b), (c), (d), (e), and (g) of
 2459 subsection (3) of section 921.0022, Florida Statutes, are
 2460 amended to read:

2461 921.0022 Criminal Punishment Code; offense severity
 2462 ranking chart.—

2463 (3) OFFENSE SEVERITY RANKING CHART

2464 (b) LEVEL 2

2465

Florida Statute	Felony Degree	Description
379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection

2466

2467

			Act.
2468	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.
2469	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
2470	590.28 (1)	3rd	Intentional burning of lands.
2471	784.05 (3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2472	787.04 (1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2473	806.13 (1) (b) 3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.

2474	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.
2475	810.09(2)(e)	3rd	Trespassing on posted commercial horticulture property.
2476	812.014(2)(c)1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2477	812.014(2)(d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2478	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2479	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
2480			

2481	817.481 (3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2482	817.52 (3)	3rd	Failure to redeliver hired vehicle.
2483	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2484	817.60 (5)	3rd	Dealing in credit cards of another.
2485	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2486	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.

2487	831.01	3rd	Forgery.
2488	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2489	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2490	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2491	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2492	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
2493	832.05 (3) (a)	3rd	Cashing or depositing item with intent to defraud.
2494	843.08	3rd	False personation.

2495	893.13 (2) (a) 2.	3rd	Purchase of any s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5. , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs other than cannabis.
2496	893.147 (2)	3rd	Manufacture or delivery of drug paraphernalia.
2497			
2498			
2499	(c) LEVEL 3		
2500			
2501	Florida	Felony	Description
	Statute	Degree	
2502	119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
2503	316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
2504	316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.

2505	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2506	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2507	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2508	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2509	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2510	327.35(2)(b)	3rd	Felony BUI.
2511	328.05(2)	3rd	Possess, sell, or counterfeit

2512	328.07 (4)	3rd	fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2513	376.302 (5)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2514	379.2431 (1) (e) 5.	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2515	379.2431 (1) (e) 6.	3rd	Taking, disturbing, mutilating, destroying, causing to be destroyed, transferring, selling, offering to sell, molesting, or harassing marine turtles, marine turtle eggs, or marine turtle nests in violation of the Marine Turtle Protection Act.
			Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any

2516	379.2431 (1) (e) 7.	3rd	marine turtle species described in the Marine Turtle Protection Act. Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.
2517	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2518	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2519	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2520	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using

			materially false/misleading information.
2521	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2522	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2523	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2524	697.08	3rd	Equity skimming.
2525	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2526	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2527	806.10 (2)	3rd	Interferes with or assaults

			firefighter in performance of duty.
2528	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2529	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2530	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2531	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2532	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2533	817.233	3rd	Burning to defraud insurer.
2534			

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2535	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2536	817.234(11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2537	817.236	3rd	Filing a false motor vehicle insurance application.
2538	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2539	817.413(2)	3rd	Sale of used goods as new.
2540	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2541	831.28(2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.

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2542	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2543	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2544	843.19	3rd	Injure, disable, or kill police dog or horse.
2545	860.15 (3)	3rd	Overcharging for repairs and parts.
2546	870.01 (2)	3rd	Riot; inciting or encouraging.
2547	893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., (2) (c) 5. (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs).
	893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1.,

2548	893.13(1)(f)2.	2nd	(2)(c)2., (2)(c)3., (2)(c)5. (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u> , (3), or (4) drugs within 1,000 feet of university.
2549	893.13(4)(c)	3rd	Sell, manufacture, or deliver s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., (2)(c)5. (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., <u>(2)(c)10.</u> , (3), or (4) drugs within 1,000 feet of public housing facility.
2550	893.13(6)(a)	3rd	Use or hire of minor; deliver to minor other controlled substances.
2551	893.13(7)(a)8.	3rd	Withhold information from practitioner regarding previous receipt of or prescription for a

2552	893.13(7)(a)9.	3rd	controlled substance.
2553	893.13(7)(a)10.	3rd	Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.
2554	893.13(7)(a)11.	3rd	Affix false or forged label to package of controlled substance.
2555	893.13(8)(a)1.	3rd	Furnish false or fraudulent material information on any document or record required by chapter 893.
2556	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.
			Employ a trick or scheme in the practitioner's practice to assist a patient, other person,

			or owner of an animal in obtaining a controlled substance.
2557	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2558	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2559	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2560	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
2561	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.

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2562	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2563			
2564			
2565	(d) LEVEL 4		
2566	Florida	Felony	
	Statute	Degree	Description
2567	316.1935 (3) (a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2568	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.

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2569	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2570	517.07 (1)	3rd	Failure to register securities.
2571	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
2572	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
2573	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
2574	784.075	3rd	Battery on detention or commitment facility staff.
2575	784.078	3rd	Battery of facility employee

2576	784.08 (2) (c)	3rd	by throwing, tossing, or expelling certain fluids or materials.
2577	784.081 (3)	3rd	Battery on a person 65 years of age or older.
2578	784.082 (3)	3rd	Battery on specified official or employee.
2579	784.083 (3)	3rd	Battery by detained person on visitor or other detainee.
2580	784.085	3rd	Battery on code inspector.
2581	787.03 (1)	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.

2582	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2583	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
2584	787.07	3rd	Human smuggling.
2585	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2586	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
2587			

2588	790.115 (2) (c)	3rd	Possessing firearm on school property.
2589	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2590	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
2591	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2592	810.06	3rd	Burglary; possession of tools.
2593	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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2594	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
2595	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2596	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2597	817.505 (4) (a)	3rd	Patient brokering.
2598	817.563 (1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
2599	817.568 (2) (a)	3rd	Fraudulent use of personal identification information.

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2600	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
2601	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
2602	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2603	837.02 (1)	3rd	Perjury in official proceedings.
2604	837.021 (1)	3rd	Make contradictory statements in official proceedings.
2605	838.022	3rd	Official misconduct.
	839.13 (2) (a)	3rd	Falsifying records of an individual in the care

2606	839.13 (2) (c)	3rd	and custody of a state agency. Falsifying records of the Department of Children and Families.
2607	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2608	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
2609	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
2610	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.

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2611	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
2612	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or <u>(2) (c) 5.</u> (2) (c) 4. drugs).
2613	914.14 (2)	3rd	Witnesses accepting bribes.
2614	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
2615	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2616	918.12	3rd	Tampering with jurors.
2617	934.215	3rd	Use of two-way communications

device to facilitate commission of
a crime.

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(e) LEVEL 5

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

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2628

327.30 (5) 3rd Vessel accidents involving personal injury; leaving scene.

2629

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

2630

379.367 (4) 3rd Willful molestation of a commercial harvester's spiny

			lobster trap, line, or buoy.
2631	379.407 (5) (b) 3.	3rd	Possession of 100 or more undersized spiny lobsters.
2632	381.0041 (11) (b)	3rd	Donate blood, plasma, or organs knowing HIV positive.
2633	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2634	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2635	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2636	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.

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2637	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2638	790.01 (2)	3rd	Carrying a concealed firearm.
2639	790.162	2nd	Threat to throw or discharge destructive device.
2640	790.163 (1)	2nd	False report of bomb, explosive, weapon of mass destruction, or use of firearms in violent manner.
2641	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2642	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2643	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2644	800.04 (6) (c)	3rd	Lewd or lascivious conduct;

2645			offender less than 18 years of age.
	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2646			
	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
2647			
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2648			
	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2649			
	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2650			
	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2651			

2652	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2653	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2654	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2655	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity.
	817.568 (2) (b)	2nd	Fraudulent use of personal identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more

			persons.
2656	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
2657	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2658	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2659	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2660	827.071 (5)	3rd	Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

2661	839.13 (2) (b)	2nd	Falsifying records of an individual in the care and custody of a state agency involving great bodily harm or death.
2662	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2663	847.0135 (5) (b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2664	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2665	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
2666	874.05 (1) (b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

2667	874.05 (2) (a)	2nd	Encouraging or recruiting person under 13 years of age to join a criminal gang.
2668	893.13 (1) (a) 1.	2nd	Sell, manufacture, or deliver cocaine (or other s. 893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or <u>(2) (c) 5.</u> (2) (e) 4. drugs).
2669	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) (e) 5., (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.,</u> (3), or (4) drugs) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2670	893.13 (1) (d) 1.	1st	Sell, manufacture, or deliver cocaine (or other s.

2671	893.13(1)(e)2.	2nd	<p>893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or <u>(2)(c)5.</u> (2)(c)4. drugs) within 1,000 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., (2)(c)5., (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>
2672	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> (2)(c)4. drugs) within 1,000 feet of public housing facility.</p>
2673	893.13(4)(b)	2nd	<p>Use or hire of minor; deliver to minor other controlled</p>

2674				substance.
	893.1351 (1)	3rd		Ownership, lease, or rental for trafficking in or manufacturing of controlled substance.
2675				
2676				
2677	(g)	LEVEL 7		
2678				
	Florida	Felony		
	Statute	Degree		Description
2679				
	316.027 (2) (c)		1st	Accident involving death, failure to stop; leaving scene.
2680				
	316.193 (3) (c) 2.		3rd	DUI resulting in serious bodily injury.
2681				
	316.1935 (3) (b)		1st	Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for

2682	327.35 (3) (c) 2.	3rd	safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
2683	402.319 (2)	2nd	Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
2684	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2685	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2686			

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2687	456.065 (2)	3rd	Practicing a health care profession without a license.
2688	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2689	458.327 (1)	3rd	Practicing medicine without a license.
2690	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2691	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2692	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2693	462.17	3rd	Practicing naturopathy without a license.

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2694	463.015 (1)	3rd	Practicing optometry without a license.
2695	464.016 (1)	3rd	Practicing nursing without a license.
2696	465.015 (2)	3rd	Practicing pharmacy without a license.
2697	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2698	467.201	3rd	Practicing midwifery without a license.
2699	468.366	3rd	Delivering respiratory care services without a license.
2700	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
	483.901 (7)	3rd	Practicing medical physics without a license.

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2701	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2702	484.053	3rd	Dispensing hearing aids without a license.
2703	494.0018 (2)	1st	Conviction of any violation of chapter 494 in which the total money and property unlawfully obtained exceeded \$50,000 and there were five or more victims.
2704	560.123 (8) (b) 1.	3rd	Failure to report currency or payment instruments exceeding \$300 but less than \$20,000 by a money services business.
2705	560.125 (5) (a)	3rd	Money services business by unauthorized person,

2706	655.50 (10) (b) 1.	3rd	<p>currency or payment instruments exceeding \$300 but less than \$20,000.</p> <p>Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.</p>
2707	775.21 (10) (a)	3rd	<p>Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.</p>
2708	775.21 (10) (b)	3rd	<p>Sexual predator working where children regularly congregate.</p>
2709	775.21 (10) (g)	3rd	<p>Failure to report or providing false information about a sexual predator; harbor or conceal a sexual</p>

2710	782.051 (3)	2nd	<p>predator.</p> <p>Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.</p>
2711	782.07 (1)	2nd	<p>Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).</p>
2712	782.071	2nd	<p>Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).</p>
2713	782.072	2nd	<p>Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).</p>
2714	784.045 (1) (a) 1.	2nd	<p>Aggravated battery;</p>

			intentionally causing great bodily harm or disfigurement.
2715	784.045 (1) (a) 2.	2nd	Aggravated battery; using deadly weapon.
2716	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2717	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2718	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2719	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2720	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.

2721	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2722	784.081 (1)	1st	Aggravated battery on specified official or employee.
2723	784.082 (1)	1st	Aggravated battery by detained person on visitor or other detainee.
2724	784.083 (1)	1st	Aggravated battery on code inspector.
2725	787.06 (3) (a) 2.	1st	Human trafficking using coercion for labor and services of an adult.
2726	787.06 (3) (e) 2.	1st	Human trafficking using coercion for labor and services by the transfer or transport of an adult from outside Florida to

2727			within the state.
	790.07 (4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2728			
	790.16 (1)	1st	Discharge of a machine gun under specified circumstances.
2729			
	790.165 (2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.
2730			
	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2731			
	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2732			
	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax

2733	790.23	1st, PBL	<p>weapon of mass destruction while committing or attempting to commit a felony.</p> <p>Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.</p>
2734	794.08 (4)	3rd	<p>Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18 years of age.</p>
2735	796.05 (1)	1st	<p>Live on earnings of a prostitute; 2nd offense.</p>
2736	796.05 (1)	1st	<p>Live on earnings of a prostitute; 3rd and subsequent offense.</p>
2737	800.04 (5) (c) 1.	2nd	Lewd or lascivious

2738	800.04 (5) (c) 2.	2nd	molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2739	800.04 (5) (e)	1st	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2740	806.01 (2)	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years; offender 18 years or older; prior conviction for specified sex offense.
2741	810.02 (3) (a)	2nd	Maliciously damage structure by fire or explosive.
			Burglary of occupied dwelling; unarmed; no

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2742			assault or battery.
	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2743			
	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2744			
	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2745			
	812.014 (2) (a) 1.	1st	Property stolen, valued at \$100,000 or more or a semitrailer deployed by a law enforcement officer; property stolen while causing other property damage; 1st degree grand theft.
2746			
	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000,

2747	812.014 (2) (b) 3.	2nd	<p>grand theft in 2nd degree.</p> <p>Property stolen, emergency medical equipment; 2nd degree grand theft.</p>
2748	812.014 (2) (b) 4.	2nd	<p>Property stolen, law enforcement equipment from authorized emergency vehicle.</p>
2749	812.0145 (2) (a)	1st	<p>Theft from person 65 years of age or older; \$50,000 or more.</p>
2750	812.019 (2)	1st	<p>Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.</p>
2751	812.131 (2) (a)	2nd	<p>Robbery by sudden</p>

2752			snatching.
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other weapon.
2753			
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2754			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2755			
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2756			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2757			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false

2758	817.535 (2) (a)	3rd	<p>statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.</p> <p>Filing false lien or other unauthorized document.</p>
2759	817.611 (2) (b)	2nd	<p>Traffic in or possess 15 to 49 counterfeit credit cards or related documents.</p>
2760	825.102 (3) (b)	2nd	<p>Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.</p>
2761	825.103 (3) (b)	2nd	<p>Exploiting an elderly person or disabled adult and property is valued at \$10,000 or</p>

			more, but less than \$50,000.
2762	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2763	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2764	837.05 (2)	3rd	Giving false information about alleged capital felony to a law enforcement officer.
2765	838.015	2nd	Bribery.
2766	838.016	2nd	Unlawful compensation or reward for official behavior.
2767	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2768	838.22	2nd	Bid tampering.

2769	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2770	843.0855 (3)	3rd	Unlawful simulation of legal process.
2771	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2772	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.
2773	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2774	872.06	2nd	Abuse of a dead human body.
2775	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.

2776	874.10	1st, PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
2777	893.13(1)(c)1.	1st	Sell, manufacture, or deliver cocaine (or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or <u>(2)(c)5.</u> (2)(e)4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.
2778	893.13(1)(e)1.	1st	Sell, manufacture, or deliver cocaine or other drug prohibited under s.

2779	893.13 (4) (a)	1st	893.03 (1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or <u>(2) (c) 5.</u> (2) (c) 4. , within 1,000 feet of property used for religious services or a specified business site.
2780	893.135 (1) (a) 1.	1st	Use or hire of minor; deliver to minor other controlled substance.
2781	893.135 (1) (b) 1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2782	893.135 (1) (c) 1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
2783	893.135 (1) (c) 1.a.	1st	Trafficking in illegal drugs, more than 4 grams, less than 14 grams.

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2784	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2785	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2786	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2787	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2788	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
2789	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
	893.135 (1) (e) 1.	1st	Trafficking in

2790	893.135 (1) (f) 1.	1st	methaqualone, 200 grams or more, less than 5 kilograms.
2791	893.135 (1) (g) 1.a.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
2792	893.135 (1) (h) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2793	893.135 (1) (j) 1.a.	1st	Trafficking in gamma-hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2794	893.135 (1) (k) 2.a.	1st	Trafficking in 1,4-Butanediol, 1 kilogram or more, less than 5 kilograms.
			Trafficking in Phenethylamines, 10 grams or more, less than 200

			grams.
2795	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
2796	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
2797	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
2798	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2799	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2800	896.104 (4) (a) 1.	3rd	Structuring transactions

2801	943.0435 (4) (c)	2nd	to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
2802	943.0435 (8)	2nd	Sexual offender vacating permanent residence; failure to comply with reporting requirements.
2803	943.0435 (9) (a)	3rd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2804	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor

2805	943.0435 (14)	3rd	<p>or conceal a sexual offender.</p> <p>Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.</p>
2806	944.607 (9)	3rd	<p>Sexual offender; failure to comply with reporting requirements.</p>
2807	944.607 (10) (a)	3rd	<p>Sexual offender; failure to submit to the taking of a digitized photograph.</p>
2808	944.607 (12)	3rd	<p>Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.</p>
2809			

2810	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2811	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2812	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2813	985.4815(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.

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2814 | Section 20. Except as otherwise provided in this act, this
2815 | act shall take effect July 1, 2018.