



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 Injury Severity Score of 9 or higher, the prescriber must
383 concurrently prescribe an emergency opioid antagonist.

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

391 458.3265 Pain-management clinics.-

392 (1) REGISTRATION.-

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

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

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



401 cancer which persists beyond the usual course of disease or the
402 injury that is the cause of the pain or more than 90 days after
403 surgery.

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

452 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

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

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

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

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

475 (e) A new certificate of exemption is required for a



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

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

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

490 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
491 apply to any physician who provides professional services in a
492 pain-management clinic that is required to be registered in
493 subsection (1).

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



501 long as the physician continues to meet the qualifications set
502 forth in the board rules. A physician who violates this
503 paragraph is subject to disciplinary action by his or her
504 appropriate medical regulatory board.

505 (4)~~(3)~~ INSPECTION.—

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

512 (5)~~(4)~~ RULEMAKING.—

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

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

524 459.0137 Pain-management clinics.—

525 (1) REGISTRATION.—



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

527 a. "Board eligible" means successful completion of an

528 anesthesia, physical medicine and rehabilitation, rheumatology,

529 or neurology residency program approved by the Accreditation

530 Council for Graduate Medical Education or the American

531 Osteopathic Association for a period of 6 years from successful

532 completion of such residency program.

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

534 cancer which persists beyond the usual course of disease or the

535 injury that is the cause of the pain or more than 90 days after

536 surgery.

537 c. "Pain-management clinic" or "clinic" means any publicly

538 or privately owned facility:

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

540 management services; or

541 (II) Where in any month a majority of patients are

542 prescribed opioids, benzodiazepines, barbiturates, or

543 carisoprodol for the treatment of chronic nonmalignant pain.

544 2. Each pain-management clinic must register with the

545 department or hold a valid certificate of exemption pursuant to

546 subsection (2). ~~unless:~~

547 3. The following clinics are exempt from the registration

548 requirement of paragraphs (c)-(m), and must apply to the

549 department for a certificate of exemption:

550 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to



551 chapter 395;

552 b. A clinic in which the majority of the physicians who
553 provide services in the clinic primarily provide surgical
554 services;

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

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

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

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

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

569 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a
570 physician multispecialty practice where one or more board-
571 eligible or board-certified medical specialists, who have also
572 completed fellowships in pain medicine approved by the
573 Accreditation Council for Graduate Medical Education or the
574 American Osteopathic Association or who are also board-certified
575 in pain medicine by the American Board of Pain Medicine or a



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

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

585 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

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

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



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

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

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

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

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

623 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
624 apply to any osteopathic physician who provides professional
625 services in a pain-management clinic that is required to be



626 registered in subsection (1).

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

638 (4)~~(3)~~ INSPECTION.—

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

646 (5)~~(4)~~ RULEMAKING.—

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



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

653 465.0155 Standards of practice.—

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

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

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

675 (c) As used in this subsection, the term "proper



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

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

683 465.0276 Dispensing practitioner.—

684 (1)

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

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

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

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

700 a. For an opioid drug listed as a Schedule II controlled



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

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

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

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

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

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

723 4. The dispensing of a controlled substance listed in
724 Schedule II or Schedule III pursuant to an approved clinical
725 trial. For purposes of this subparagraph, the term "approved



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

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

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

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

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

747 (d)1. Before dispensing a controlled substance to a person
748 not known to the dispenser, require the person purchasing,
749 receiving, or otherwise acquiring the controlled substance to
750 present valid photographic identification or other verification



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

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

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

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

768 893.03 Standards and schedules.—The substances enumerated
769 in this section are controlled by this chapter. The controlled
770 substances listed or to be listed in Schedules I, II, III, IV,
771 and V are included by whatever official, common, usual,
772 chemical, trade name, or class designated. The provisions of
773 this section shall not be construed to include within any of the
774 schedules contained in this section any excluded drugs listed
775 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded



776 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
777 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
778 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
779 Anabolic Steroid Products."

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

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

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

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



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



826 | another schedule, any of the following substances, including
827 | their isomers, esters, ethers, salts, and salts of isomers,
828 | esters, and ethers, whenever the existence of such isomers,
829 | esters, ethers, and salts is possible within the specific
830 | chemical designation:

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



- 851 19. Pethidine-Intermediate-A, 4-cyano-1-
852 methyl-4-phenylpiperidine.
- 853 20. Pethidine-Intermediate-B, ethyl-4-
854 phenylpiperidine-4-carboxylate.
- 855 21. Pethidine-Intermediate-C, 1-methyl-4- phenylpiperidine-
856 4-carboxylic acid.
- 857 22. Phenazocine.
- 858 23. Phencyclidine.
- 859 24. 1-Phenylcyclohexylamine.
- 860 25. Piminodine.
- 861 26. 1-Piperidinocyclohexanecarbonitrile.
- 862 27. Racemethorphan.
- 863 28. Racemorphan.
- 864 29. Remifentanil.
- 865 ~~30.29.~~ Sufentanil.
- 866 31. Tapentadol.
- 867 32. Thiafentanil.
- 868 (c) Unless specifically excepted or unless listed in
869 another schedule, any material, compound, mixture, or
870 preparation which contains any quantity of the following
871 substances, including their salts, isomers, optical isomers,
872 salts of their isomers, and salts of their optical isomers:
- 873 1. Amobarbital.
- 874 2. Amphetamine.
- 875 3. Glutethimide.



- 876 | 4. Lisdexamfetamine.
- 877 | ~~5.4.~~ Methamphetamine.
- 878 | ~~6.5.~~ Methylphenidate.
- 879 | ~~7.6.~~ Pentobarbital.
- 880 | ~~8.7.~~ Phenmetrazine.
- 881 | ~~9.8.~~ Phenylacetone.
- 882 | ~~10.9.~~ Secobarbital.

883 | (d) Dronabinol (synthetic THC) in oral solution in a drug
 884 | product approved by the United States Food and Drug
 885 | Administration.

886 | (3) SCHEDULE III.—A substance in Schedule III has a
 887 | potential for abuse less than the substances contained in
 888 | Schedules I and II and has a currently accepted medical use in
 889 | treatment in the United States, and abuse of the substance may
 890 | lead to moderate or low physical dependence or high
 891 | psychological dependence or, in the case of anabolic steroids,
 892 | may lead to physical damage. The following substances are
 893 | controlled in Schedule III:

894 | (a) Unless specifically excepted or unless listed in
 895 | another schedule, any material, compound, mixture, or
 896 | preparation which contains any quantity of the following
 897 | substances having a depressant or stimulant effect on the
 898 | nervous system:

- 899 | 1. Any substance which contains any quantity of a
 900 | derivative of barbituric acid, including thiobarbituric acid, or



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

904 2. Benzphetamine.

905 3. Buprenorphine.

906 ~~4.3.~~ Chlorhexadol.

907 ~~5.4.~~ Chlorphentermine.

908 ~~6.5.~~ Clortermine.

909 7. Embutramide.

910 ~~8.6.~~ Lysergic acid.

911 ~~9.7.~~ Lysergic acid amide.

912 ~~10.8.~~ Methyprylon.

913 11. Perampanel.

914 ~~12.9.~~ Phendimetrazine.

915 ~~13.10.~~ Sulfondiethylmethane.

916 ~~14.11.~~ Sulfonethylmethane.

917 ~~15.12.~~ Sulfonmethane.

918 ~~16.13.~~ Tiletamine and zolazepam or any salt thereof.

919 (b) Nalorphine.

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

924 1. Not more than 1.8 grams of codeine per 100 milliliters
925 or not more than 90 milligrams per dosage unit, with an equal or



926 | greater quantity of an isoquinoline alkaloid of opium.

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

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

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

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

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

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



951
952 For purposes of charging a person with a violation of s. 893.135
953 involving any controlled substance described in subparagraph 3.
954 or subparagraph 4., the controlled substance is a Schedule III
955 controlled substance pursuant to this paragraph but the weight
956 of the controlled substance per milliliters or per dosage unit
957 is not relevant to the charging of a violation of s. 893.135.
958 The weight of the controlled substance shall be determined
959 pursuant to s. 893.135(6).

960 (d) Anabolic steroids.

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

965 a. Androsterone.

966 b. Androsterone acetate.

967 c. Boldenone.

968 d. Boldenone acetate.

969 e. Boldenone benzoate.

970 f. Boldenone undecylenate.

971 g. Chlorotestosterone (Clostebol).

972 h. Dehydrochlormethyltestosterone.

973 i. Dihydrotestosterone (Stanolone).

974 j. Drostanolone.

975 k. Ethylestrenol.



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



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

1011 2. The term does not include an anabolic steroid that is
 1012 expressly intended for administration through implants to cattle
 1013 or other nonhuman species and that has been approved by the
 1014 United States Secretary of Health and Human Services for such
 1015 administration. However, any person who prescribes, dispenses,
 1016 or distributes such a steroid for human use is considered to
 1017 have prescribed, dispensed, or distributed an anabolic steroid
 1018 within the meaning of this paragraph.

1019 (e) Ketamine, including any isomers, esters, ethers,
 1020 salts, and salts of isomers, esters, and ethers, whenever the
 1021 existence of such isomers, esters, ethers, and salts is possible
 1022 within the specific chemical designation.

1023 (f) Dronabinol (synthetic THC) in sesame oil and
 1024 encapsulated in a soft gelatin capsule in a drug product
 1025 approved by the United States Food and Drug Administration.



1026 (g) Any drug product containing gamma-hydroxybutyric acid,
 1027 including its salts, isomers, and salts of isomers, for which an
 1028 application is approved under s. 505 of the Federal Food, Drug,
 1029 and Cosmetic Act.

1030 (4) (a) SCHEDULE IV.—A substance in Schedule IV has a low
 1031 potential for abuse relative to the substances in Schedule III
 1032 and has a currently accepted medical use in treatment in the
 1033 United States, and abuse of the substance may lead to limited
 1034 physical or psychological dependence relative to the substances
 1035 in Schedule III.

1036 (b) Unless specifically excepted or unless listed in
 1037 another schedule, any material, compound, mixture, or
 1038 preparation which contains any quantity of the following
 1039 substances, including its salts, isomers, and salts of isomers
 1040 whenever the existence of such salts, isomers, and salts of
 1041 isomers is possible within the specific chemical designation,
 1042 are controlled in Schedule IV:

- 1043 1. Alfaxalone.
- 1044 2. ~~(a)~~ Alprazolam.
- 1045 3. ~~(b)~~ Barbital.
- 1046 4. ~~(e)~~ Bromazepam.
- 1047 5. ~~(iii)~~ Butorphanol tartrate.
- 1048 6. ~~(d)~~ Camazepam.
- 1049 7. ~~(jjj)~~ Carisoprodol.
- 1050 8. ~~(e)~~ Cathine.



- 1051 | 9.~~(f)~~ Chloral betaine.
- 1052 | 10.~~(g)~~ Chloral hydrate.
- 1053 | 11.~~(h)~~ Chlordiazepoxide.
- 1054 | 12.~~(i)~~ Clobazam.
- 1055 | 13.~~(j)~~ Clonazepam.
- 1056 | 14.~~(k)~~ Clorazepate.
- 1057 | 15.~~(l)~~ Clotiazepam.
- 1058 | 16.~~(m)~~ Cloxazolam.
- 1059 | 17. Dexfenfluramine.
- 1060 | 18.~~(n)~~ Delorazepam.
- 1061 | 19. Dichloralphenazone.
- 1062 | 20.~~(p)~~ Diazepam.
- 1063 | 21.~~(q)~~ Diethylpropion.
- 1064 | 22. Eluxadoline.
- 1065 | 23.~~(r)~~ Estazolam.
- 1066 | 24. Eszopiclone.
- 1067 | 25.~~(s)~~ Ethchlorvynol.
- 1068 | 26.~~(t)~~ Ethinamate.
- 1069 | 27.~~(u)~~ Ethyl loflazepate.
- 1070 | 28.~~(v)~~ Fencamfamin.
- 1071 | 29.~~(w)~~ Fenfluramine.
- 1072 | 30.~~(x)~~ Fenproporex.
- 1073 | 31.~~(y)~~ Fludiazepam.
- 1074 | 32.~~(z)~~ Flurazepam.
- 1075 | 33. Fospropofol.



- 1076 | 34.~~(aa)~~ Halazepam.
- 1077 | 35.~~(bb)~~ Haloxazolam.
- 1078 | 36.~~(cc)~~ Ketazolam.
- 1079 | 37.~~(dd)~~ Loprazolam.
- 1080 | 38.~~(ee)~~ Lorazepam.
- 1081 | 39. Lorcaserin.
- 1082 | 40.~~(ff)~~ Lormetazepam.
- 1083 | 41.~~(gg)~~ Mazindol.
- 1084 | 42.~~(hh)~~ Mebutamate.
- 1085 | 43.~~(ii)~~ Medazepam.
- 1086 | 44.~~(jj)~~ Mefenorex.
- 1087 | 45.~~(kk)~~ Meprobamate.
- 1088 | 46.~~(ll)~~ Methohexital.
- 1089 | 47.~~(mm)~~ Methylphenobarbital.
- 1090 | 48.~~(nn)~~ Midazolam.
- 1091 | 49. Modafinil.
- 1092 | 50.~~(oo)~~ Nimetazepam.
- 1093 | 51.~~(pp)~~ Nitrazepam.
- 1094 | 52.~~(qq)~~ Nordiazepam.
- 1095 | 53.~~(rr)~~ Oxazepam.
- 1096 | 54.~~(ss)~~ Oxazolam.
- 1097 | 55.~~(tt)~~ Paraldehyde.
- 1098 | 56.~~(uu)~~ Pemoline.
- 1099 | 57.~~(vv)~~ Pentazocine.
- 1100 | 58. Petrichloral.



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



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

1131 | (a) Substances controlled in Schedule V include any
1132 | compound, mixture, or preparation containing any of the
1133 | following limited quantities of controlled substances, which
1134 | shall include one or more active medicinal ingredients which are
1135 | not controlled substances in sufficient proportion to confer
1136 | upon the compound, mixture, or preparation valuable medicinal
1137 | qualities other than those possessed by the controlled substance
1138 | alone:

1139 | 1. Not more than 200 milligrams of codeine per 100
1140 | milliliters or per 100 grams.

1141 | 2. Not more than 100 milligrams of dihydrocodeine per 100
1142 | milliliters or per 100 grams.

1143 | 3. Not more than 100 milligrams of ethylmorphine per 100
1144 | milliliters or per 100 grams.

1145 | 4. Not more than 2.5 milligrams of diphenoxylate and not
1146 | less than 25 micrograms of atropine sulfate per dosage unit.

1147 | 5. Not more than 100 milligrams of opium per 100
1148 | milliliters or per 100 grams.

1149 | 6. Not more than 0.5 milligrams of difenoxin and not less
1150 | than 25 micrograms of atropine sulfate per dosage unit.



1151 (b) Any material, compound, mixture, or preparation that
1152 contains any quantity of the following substances is controlled
1153 in Schedule V:

1154 1. Brivaracetam.

1155 2. Ezogabine.

1156 3. Lacosamide.

1157 4. Pregabalin.

1158 ~~(b) Narcotic drugs. Unless specifically excepted or unless~~
1159 ~~listed in another schedule, any material, compound, mixture, or~~
1160 ~~preparation containing any of the following narcotic drugs and~~
1161 ~~their salts: Buprenorphine.~~

1162 (c) Stimulants. Unless specifically excepted or unless
1163 listed in another schedule, any material, compound, mixture, or
1164 preparation which contains any quantity of the following
1165 substances having a stimulant effect on the central nervous
1166 system, including its salts, isomers, and salts of isomers:
1167 Pyrovalerone.

1168 Section 9. Subsection (1) of section 893.04, Florida
1169 Statutes, is amended to read:

1170 893.04 Pharmacist and practitioner.—

1171 (1) A pharmacist, in good faith and in the course of
1172 professional practice only, may dispense controlled substances
1173 upon a written, ~~or~~ oral, or electronic prescription of a
1174 practitioner, under the following conditions:

1175 (a) Oral prescriptions must be promptly reduced to writing



1176 | by the pharmacist or recorded electronically if permitted by
 1177 | federal law.

1178 | (b) The written prescription must be dated and signed by
 1179 | the prescribing practitioner on the day when issued.

1180 | (c) There shall appear on the face of the prescription or
 1181 | written record thereof for the controlled substance the
 1182 | following information:

1183 | 1. The full name and address of the person for whom, or
 1184 | the owner of the animal for which, the controlled substance is
 1185 | dispensed.

1186 | 2. The full name and address of the prescribing
 1187 | practitioner and the practitioner's federal controlled substance
 1188 | registry number shall be printed thereon.

1189 | 3. If the prescription is for an animal, the species of
 1190 | animal for which the controlled substance is prescribed.

1191 | 4. The name of the controlled substance prescribed and the
 1192 | strength, quantity, and directions for use thereof.

1193 | 5. The number of the prescription, as recorded in the
 1194 | prescription files of the pharmacy in which it is filled.

1195 | 6. The initials of the pharmacist filling the prescription
 1196 | and the date filled.

1197 | (d) The prescription shall be retained on file by the
 1198 | proprietor of the pharmacy in which it is filled for a period of
 1199 | 2 years.

1200 | (e) Affixed to the original container in which a



1201 controlled substance is delivered upon a prescription or
1202 authorized refill thereof, as hereinafter provided, there shall
1203 be a label bearing the following information:

1204 1. The name and address of the pharmacy from which such
1205 controlled substance was dispensed.

1206 2. The date on which the prescription for such controlled
1207 substance was filled.

1208 3. The number of such prescription, as recorded in the
1209 prescription files of the pharmacy in which it is filled.

1210 4. The name of the prescribing practitioner.

1211 5. The name of the patient for whom, or of the owner and
1212 species of the animal for which, the controlled substance is
1213 prescribed.

1214 6. The directions for the use of the controlled substance
1215 prescribed in the prescription.

1216 7. A clear, concise warning that it is a crime to transfer
1217 the controlled substance to any person other than the patient
1218 for whom prescribed.

1219 (f) A prescription for a controlled substance listed in
1220 Schedule II may be dispensed only upon a written or electronic
1221 prescription of a practitioner, except that in an emergency
1222 situation, as defined by regulation of the Department of Health,
1223 such controlled substance may be dispensed upon oral
1224 prescription but is limited to a 72-hour supply. A prescription
1225 for a controlled substance listed in Schedule II may not be



1226 | refilled.

1227 | (g) A prescription for a controlled substance listed in
1228 | Schedule III, Schedule IV, or Schedule V may not be filled or
1229 | refilled more than five times within a period of 6 months after
1230 | the date on which the prescription was written unless the
1231 | prescription is renewed by a practitioner.

1232 | Section 10. Section 893.055, Florida Statutes, is amended
1233 | to read:

1234 | (Substantial rewording of section. See

1235 | s. 893.055, F.S., for present text.)

1236 | 893.055 Prescription drug monitoring program.-

1237 | (1) As used in this section, the term:

1238 | (a) "Administration" means the obtaining and giving of a
1239 | single dose of a controlled substance by a legally authorized
1240 | person to a patient for her or his consumption.

1241 | (b) "Active investigation" means an investigation that is
1242 | being conducted with a reasonable, good faith belief that it
1243 | could lead to the filing of administrative, civil, or criminal
1244 | proceedings, or that is ongoing and continuing and for which
1245 | there is a reasonable, good faith anticipation of securing an
1246 | arrest or prosecution in the foreseeable future.

1247 | (c) "Controlled substance" means a controlled substance
1248 | listed in Schedule II, Schedule III, Schedule IV, or Schedule V
1249 | of s. 893.03 or 21 U.S.C. s. 812.

1250 | (d) "Dispense" means the transfer of possession of one or



1251 more doses of a controlled substance by a dispenser to the
1252 ultimate consumer or to his or her agent.

1253 (e) "Dispenser" means a dispensing health care
1254 practitioner, pharmacy, or pharmacist licensed to dispense
1255 controlled substances in or into this state.

1256 (f) "Health care practitioner" or "practitioner" means any
1257 practitioner licensed under chapter 458, chapter 459, chapter
1258 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1259 (g) "Health care regulatory board" means any board or
1260 commission as defined in s. 456.001(1).

1261 (h) "Law enforcement agency" means the Department of Law
1262 Enforcement, a sheriff's office in this state, a police
1263 department in this state, or a law enforcement agency of the
1264 Federal Government which enforces the laws of this state or the
1265 United States relating to controlled substances, and which its
1266 agents and officers are empowered by law to conduct criminal
1267 investigations and make arrests.

1268 (i) "Pharmacy" includes a community pharmacy, an
1269 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
1270 or an Internet pharmacy that is licensed by the department under
1271 chapter 465 and that dispenses or delivers medicinal drugs,
1272 including controlled substances to an individual or address in
1273 this state.

1274 (j) "Prescriber" means a prescribing physician,
1275 prescribing practitioner, or other prescribing health care



1276 practitioner authorized by the laws of this state to order
1277 controlled substances.

1278 (k) "Program manager" means an employee of or a person
1279 contracted by the department who is designated to ensure the
1280 integrity of the prescription drug monitoring program in
1281 accordance with the requirements established in this section.

1282 (2) (a) The department shall maintain an electronic system
1283 to collect and store controlled substance dispensing information
1284 and shall release the information as authorized in this section
1285 and s. 893.0551. The electronic system must:

1286 1. Not infringe upon the legitimate prescribing or
1287 dispensing of a controlled substance by a prescriber or
1288 dispenser acting in good faith and in the course of professional
1289 practice.

1290 2. Be consistent with standards of the American Society
1291 for Automation in Pharmacy.

1292 3. Comply with the Health Insurance Portability and
1293 Accountability Act and all other relevant state and federal
1294 privacy and security laws and regulations.

1295 4. Purge or cause to be purged information in the database
1296 that is more than 4 years old.

1297 (b) The department may collaborate with professional
1298 health care regulatory boards, appropriate organizations, and
1299 other state agencies to identify indicators of controlled
1300 substance abuse.



1301 (c) The department shall adopt rules necessary to
1302 implement this subsection.

1303 (3) For each controlled substance dispensed to a patient
1304 in the state, the following information must be reported by the
1305 dispenser to the system as soon thereafter as possible but no
1306 later than the close of the next business day after the day the
1307 controlled substance is dispensed unless an extension or
1308 exemption is approved by the department:

1309 (a) The name of the prescribing practitioner, the
1310 practitioner's federal Drug Enforcement Administration
1311 registration number, the practitioner's National Provider
1312 Identification or other appropriate identifier, and the date of
1313 the prescription.

1314 (b) The date the prescription was filled and the method of
1315 payment, such as cash by an individual, insurance coverage
1316 through a third party, or Medicaid payment. This paragraph does
1317 not authorize the department to include individual credit card
1318 numbers or other account numbers in the system.

1319 (c) The full name, address, telephone number, and date of
1320 birth of the person for whom the prescription was written.

1321 (d) The name, national drug code, quantity, and strength
1322 of the controlled substance dispensed.

1323 (e) The full name, federal Drug Enforcement Administration
1324 registration number, State of Florida Department of Health
1325 issued pharmacy permit number, and address of the pharmacy or



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

1332 (f) Whether the drug was dispensed as an initial
1333 prescription or a refill, and the number of refills ordered.

1334 (g) The name of the individual picking up the controlled
1335 substance prescription and type and issuer of the identification
1336 provided.

1337 (h) Other appropriate identifying information as
1338 determined by department rule.

1339 (4) The following acts of administration or dispensing are
1340 exempt from the reporting under this section:

1341 (a) All acts of administration of a controlled substance.

1342 (b) The dispensing of a controlled substance in the health
1343 care system of the Department of Corrections.

1344 (c) The dispensing of a controlled substance to a person
1345 under the age of 16.

1346 (5) The following shall have direct access to information
1347 in the system:

1348 (a) An authorized prescriber or dispenser or his or her
1349 designee.

1350 (b) An employee of the United States Department of



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

1357 (c) The program manager or designated program and support
1358 staff may have access to administer the system.

1359 1. The program manager or designated program and support
1360 staff must complete a level II background screening.

1361 2. In order to calculate performance measures pursuant to
1362 subsection (15), the program manager or program and support
1363 staff members who have been directed by the program manager to
1364 calculate performance measures may have direct access to
1365 information that contains no identifying information of any
1366 patient, physician, health care practitioner, prescriber, or
1367 dispenser.

1368 3. The program manager or designated program and support
1369 staff must provide the department, upon request, data that does
1370 not contain patient, physician, health care practitioner,
1371 prescriber, or dispenser identifying information for public
1372 health care and safety initiatives purposes.

1373 4. The program manager, upon determining a pattern
1374 consistent with the department's rules established under
1375 paragraph (2) (b) may provide relevant information to the



1376 prescriber and dispenser.

1377 5. The program manager, upon determining a pattern
1378 consistent with the rules established under paragraph (2) (b) and
1379 having cause to believe a violation of s. 893.13(7) (a) 8.,
1380 (8) (a), or (8) (b) has occurred, may provide relevant information
1381 to the applicable law enforcement agency.

1382 (6) The following entities may not directly access
1383 information in the system, but may request information from the
1384 program manager or designated program and support staff:

1385 (a) The department or the relevant health care regulatory
1386 board for investigations involving licensees authorized to
1387 prescribe or dispense controlled substances.

1388 (b) The Attorney General for Medicaid fraud cases
1389 involving prescribed controlled substances.

1390 (c) A law enforcement agency during active investigations
1391 of potential criminal activity, fraud, or theft regarding
1392 prescribed controlled substances.

1393 (d) A district medical examiner when conducting an
1394 authorized investigation under s. 406.11, to determine the cause
1395 of death of an individual.

1396 (e) An impaired practitioner consultant who is retained by
1397 the department under s. 456.076 to review the system information
1398 of an impaired practitioner program participant or a referral
1399 who has agreed to be evaluated or monitored through the program
1400 and who has separately agreed in writing to the consultant's



1401 access to and review of such information.

1402 (f) A patient or the legal guardian or designated health
1403 care surrogate of an incapacitated patient who submits a written
1404 and notarized request that includes the patient's full name,
1405 address, phone number, date of birth, and a copy of a
1406 government-issued photo identification. A legal guardian or
1407 health care surrogate must provide the same information if he or
1408 she submits the request.

1409 (7) The department may enter into one or more reciprocal
1410 agreements or contracts to share prescription drug monitoring
1411 information with other states, districts, or territories if the
1412 prescription drug monitoring programs of other states,
1413 districts, or territories are compatible with the Florida
1414 program.

1415 (a) In determining compatibility, the department shall
1416 consider:

1417 1. The safeguards for privacy of patient records and the
1418 success of the program in protecting patient privacy.

1419 2. The persons authorized to view the data collected by
1420 the program. Comparable entities and licensed health care
1421 practitioners in other states, districts, or territories of the
1422 United States, law enforcement agencies, the Attorney General's
1423 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1424 needed, management staff that have similar duties as management
1425 staff who work with the prescription drug monitoring program as



1426 authorized in s. 893.0551 are authorized access upon approval by
1427 the department.

1428 3. The schedules of the controlled substances that are
1429 monitored by the program.

1430 4. The data reported to or included in the program's
1431 system.

1432 5. Any implementing criteria deemed essential for a
1433 thorough comparison.

1434 6. The costs and benefits to the state of sharing
1435 prescription information.

1436 (b) The department must assess the prescription drug
1437 monitoring program's continued compatibility with the other
1438 state's, district's, or territory's program every 4 years.

1439 (c) Any agreement or contract for sharing of prescription
1440 drug monitoring information between the department and another
1441 state, district, or territory shall contain the same
1442 restrictions and requirements as this section or s. 893.0551,
1443 and the information must be provided according to the
1444 department's determination of compatibility.

1445 (8) The department may enter into agreements or contracts
1446 to establish secure connections between the system and a
1447 prescribing or dispensing health care practitioner's electronic
1448 health record system. The electronic health record system owner
1449 or license holder will be responsible for ensuring that only
1450 authorized individuals have access to prescription drug



1451 monitoring program information.

1452 (9) A prescriber or dispenser or a designee of a
1453 prescriber or dispenser must consult the system to review a
1454 patient's controlled substance dispensing history before
1455 prescribing or dispensing a controlled substance for a patient
1456 age 16 or older. This requirement does not apply when
1457 prescribing or dispensing a nonopioid controlled substance
1458 listed in Schedule V of s. 893.03 or 21 U.S.C. 812. For purposes
1459 of this subsection, a "nonopioid controlled substance" is a
1460 controlled substance that does not contain any amount of a
1461 substance listed as an opioid in s. 893.03 or 21 U.S.C. 812.

1462 (a) The duty to consult the system does not apply to a
1463 prescriber or dispenser or designee of a prescriber or dispenser
1464 if the system is not operational, as determined by the
1465 department, or when it cannot be accessed by a health care
1466 practitioner because of a temporary technological or electrical
1467 failure.

1468 (b) A prescriber or dispenser or designee of a prescriber
1469 or dispenser who does not consult the system under this
1470 subsection shall document the reason he or she did not consult
1471 the system in the patient's medical record or prescription
1472 record, and shall not prescribe or dispense greater than a 3-day
1473 supply of a controlled substance to the patient.

1474 (c) The department shall issue a nondisciplinary citation
1475 to any prescriber or dispenser who fails to consult the system



1476 as required by this subsection for an initial offense. Each
1477 subsequent offense is subject to disciplinary action pursuant to
1478 s. 456.073.

1479 (10) A person who willfully and knowingly fails to report
1480 the dispensing of a controlled substance as required by this
1481 section commits a misdemeanor of the first degree, punishable as
1482 provided in s. 775.082 or s. 775.083.

1483 (11) Information in the prescription drug monitoring
1484 program's system may be released only as provided in this
1485 section and s. 893.0551. The content of the system is intended
1486 to be informational only and imposes no obligations of any
1487 nature or any legal duty on a prescriber, dispenser, pharmacy,
1488 or patient. Information in the system shall be provided in
1489 accordance with s. 893.13(7)(a)8. and is not subject to
1490 discovery or introduction into evidence in any civil or
1491 administrative action against a prescriber, dispenser, pharmacy,
1492 or patient arising out of matters that are the subject of
1493 information in the system. The program manager and authorized
1494 persons who participate in preparing, reviewing, issuing, or any
1495 other activity related to management of the system may not be
1496 permitted or required to testify in any such civil or
1497 administrative action as to any findings, recommendations,
1498 evaluations, opinions, or other actions taken in connection with
1499 management of the system.

1500 (12) A prescriber or dispenser, or his or her designee,



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

1513 (13) (a) All costs incurred by the department in
1514 administering the prescription drug monitoring program shall be
1515 funded through federal grants, private funding applied for or
1516 received by the state, or state funds appropriated in the
1517 General Appropriations Act. The department may not:

1518 1. Commit funds for the monitoring program without
1519 ensuring funding is available; or

1520 2. Use funds provided, directly or indirectly by
1521 prescription drug manufacturers to implement the program.

1522 (b) The department shall cooperate with the direct-support
1523 organization established under subsection (16) in seeking
1524 federal grant funds, other nonstate grant funds, gifts,
1525 donations, or other private moneys for the department if the



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

1531 (14) The department shall conduct or participate in
1532 studies to examine the feasibility of enhancing the prescription
1533 drug monitoring program for the purposes of public health
1534 initiatives and statistical reporting. Such studies shall
1535 respect the privacy of the patient, the prescriber, and the
1536 dispenser. Such studies may be conducted by the department or a
1537 contracted vendor in order to:

1538 (a) Improve the quality of health care services and safety
1539 by improving prescribing and dispensing practices for controlled
1540 substances;

1541 (b) Take advantage of advances in technology;

1542 (c) Reduce duplicative prescriptions and the
1543 overprescribing of controlled substances; and

1544 (d) Reduce drug abuse.

1545 (15) The department shall annually report on performance
1546 measures to the Governor, the President of the Senate, and the
1547 Speaker of the House of Representatives by December 1.

1548 Performance measures may include, but are not limited to, the
1549 following outcomes:

1550 (a) Reduction of the rate of inappropriate use of



1551 controlled substances through department education and safety
1552 efforts.

1553 (b) Reduction of the quantity of pharmaceutical controlled
1554 substances obtained by individuals attempting to engage in fraud
1555 and deceit.

1556 (c) Increased coordination among partners participating in
1557 the prescription drug monitoring program.

1558 (d) Involvement of stakeholders in achieving improved
1559 patient health care and safety and reduction of controlled
1560 substance abuse and controlled substance diversion.

1561 (16) The department may establish a direct-support
1562 organization to provide assistance, funding, and promotional
1563 support for the activities authorized for the prescription drug
1564 monitoring program.

1565 (a) As used in this subsection, the term "direct-support
1566 organization" means an organization that is:

1567 1. A Florida corporation not for profit incorporated under
1568 chapter 617, exempted from filing fees, and approved by the
1569 Department of State.

1570 2. Organized and operated to conduct programs and
1571 activities; raise funds; request and receive grants, gifts, and
1572 bequests of money; acquire, receive, hold, and invest, in its
1573 own name, securities, funds, objects of value, or other
1574 property, either real or personal; and make expenditures or
1575 provide funding to or for the direct or indirect benefit of the



1576 department in the furtherance of the prescription drug
1577 monitoring program.

1578 (b) The State Surgeon General shall appoint a board of
1579 directors for the direct-support organization.

1580 1. The board of directors shall consist of no fewer than
1581 five members who shall serve at the pleasure of the State
1582 Surgeon General.

1583 2. The State Surgeon General shall provide guidance to
1584 members of the board to ensure that moneys received by the
1585 direct-support organization are not received from inappropriate
1586 sources. Inappropriate sources include, but are not limited to,
1587 donors, grantors, persons, prescription drug manufacturers, or
1588 organizations that may monetarily or substantively benefit from
1589 the purchase of goods or services by the department in
1590 furtherance of the prescription drug monitoring program.

1591 (c) The direct-support organization shall operate under
1592 written contract with the department. The contract must, at a
1593 minimum, provide for:

1594 1. Approval of the articles of incorporation and bylaws of
1595 the direct-support organization by the department.

1596 2. Submission of an annual budget for the approval of the
1597 department.

1598 3. The reversion, without penalty, to the department's
1599 grants and donations trust fund for the administration of the
1600 prescription drug monitoring program of all moneys and property



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

1605 4. The fiscal year of the direct-support organization,
1606 which must begin July 1 of each year and end June 30 of the
1607 following year.

1608 5. The disclosure of the material provisions of the
1609 contract to donors of gifts, contributions, or bequests,
1610 including such disclosure on all promotional and fundraising
1611 publications, and an explanation to such donors of the
1612 distinction between the department and the direct-support
1613 organization.

1614 6. The direct-support organization's collecting,
1615 expending, and providing of funds to the department for the
1616 development, implementation, and operation of the prescription
1617 drug monitoring program as described in this section. The
1618 direct-support organization may collect and expend funds to be
1619 used for the functions of the direct-support organization's
1620 board of directors, as necessary and approved by the department.
1621 In addition, the direct-support organization may collect and
1622 provide funding to the department in furtherance of the
1623 prescription drug monitoring program by:

1624 a. Establishing and administering the prescription drug
1625 monitoring program's electronic system, including hardware and



1626 software.

1627 b. Conducting studies on the efficiency and effectiveness
1628 of the program to include feasibility studies as described in
1629 subsection (14).

1630 c. Providing funds for future enhancements of the program
1631 within the intent of this section.

1632 d. Providing user training of the prescription drug
1633 monitoring program, including distribution of materials to
1634 promote public awareness and education and conducting workshops
1635 or other meetings, for health care practitioners, pharmacists,
1636 and others as appropriate.

1637 e. Providing funds for travel expenses.

1638 f. Providing funds for administrative costs, including
1639 personnel, audits, facilities, and equipment.

1640 g. Fulfilling all other requirements necessary to
1641 implement and operate the program as outlined in this section.

1642 7. Certification by the department that the direct-support
1643 organization is complying with the terms of the contract in a
1644 manner consistent with and in furtherance of the goals and
1645 purposes of the prescription drug monitoring program and in the
1646 best interests of the state. Such certification must be made
1647 annually and reported in the official minutes of a meeting of
1648 the direct-support organization.

1649 (d) The activities of the direct-support organization must
1650 be consistent with the goals and mission of the department, as



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

1656 (e) The direct-support organization shall provide for an
1657 independent annual financial audit in accordance with s.
1658 215.981. Copies of the audit shall be provided to the department
1659 and the Office of Policy and Budget in the Executive Office of
1660 the Governor.

1661 (f) The direct-support organization may not exercise any
1662 power under s. 617.0302(12) or (16).

1663 (g) The direct-support organization is not considered a
1664 lobbying firm within the meaning of s. 11.045.

1665 (h) The department may permit, without charge, appropriate
1666 use of administrative services, property, and facilities of the
1667 department by the direct-support organization, subject to this
1668 section. The use must be directly in keeping with the approved
1669 purposes of the direct-support organization and may not be made
1670 at times or places that would unreasonably interfere with
1671 opportunities for the public to use such facilities for
1672 established purposes. Any moneys received from rentals of
1673 facilities and properties managed by the department may be held
1674 in a separate depository account in the name of the direct-
1675 support organization and subject to the provisions of the letter



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

1682 (i) The department may adopt rules under s. 120.54 to
1683 govern the use of administrative services, property, or
1684 facilities of the department or office by the direct-support
1685 organization.

1686 (j) The department may not permit the use of any
1687 administrative services, property, or facilities of the state by
1688 a direct-support organization if that organization does not
1689 provide equal membership and employment opportunities to all
1690 persons regardless of race, color, religion, gender, age, or
1691 national origin.

1692 (k) This subsection is repealed October 1, 2027, unless
1693 reviewed and saved from repeal by the Legislature.

1694 Section 11. Section 893.0551, Florida Statutes, is amended
1695 to read:

1696 893.0551 Public records exemption for the prescription
1697 drug monitoring program.—

1698 (1) For purposes of this section, the terms used in this
1699 section have the same meanings as provided in s. 893.055.

1700 (2) The following information of a patient or patient's



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

- 1707 (a) Name.
1708 (b) Address.
1709 (c) Telephone number.
1710 (d) Insurance plan number.
1711 (e) Government-issued identification number.
1712 (f) Provider number.
1713 (g) Drug Enforcement Administration number.
1714 (h) Any other unique identifying information or number.

1715 (3) The department shall disclose such ~~confidential and~~
1716 ~~exempt~~ information to the following persons or entities upon
1717 request and after using a verification process to ensure the
1718 legitimacy of the request as provided in s. 893.055:

1719 (a) A health care practitioner, or his or her designee,
1720 who certifies that the information is necessary to provide
1721 medical treatment to a current patient in accordance with ss.
1722 893.05 and 893.055.

1723 (b) An employee of the United States Department of
1724 Veterans Affairs, United States Department of Defense, or the
1725 Indian Health Service who provides health care services pursuant



1726 to such employment and who has the authority to prescribe or
1727 dispense controlled substances shall have access to the
1728 information in the program's system upon verification of such
1729 employment.

1730 (c) The program manager and designated support staff for
1731 administration of the program, and to provide relevant
1732 information to the prescriber, dispenser, and appropriate law
1733 enforcement agencies, in accordance with s. 893.055.

1734 (d) The department or the relevant health care regulatory
1735 board for investigations involving licensees authorized to
1736 prescribe or dispense controlled substances. The department may
1737 request information from the program but may not have direct
1738 access to its system. The department may provide to a law
1739 enforcement agency pursuant to ss. 456.066 and 456.073 only
1740 information that is relevant to the specific controlled
1741 substances investigation that prompted the request for the
1742 information.

1743 (e)-(a) The Attorney General or his or her designee when
1744 working on Medicaid fraud cases involving prescribed controlled
1745 substances ~~prescription drugs~~ or when the Attorney General has
1746 initiated a review of specific identifiers of Medicaid fraud or
1747 specific identifiers that warrant a Medicaid investigation
1748 regarding prescribed controlled substances ~~prescription drugs~~.
1749 The Attorney General's Medicaid fraud investigators may not have
1750 direct access to the department's system ~~database~~. The Attorney



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

1756 ~~(b) The department's relevant health care regulatory~~
1757 ~~boards responsible for the licensure, regulation, or discipline~~
1758 ~~of a practitioner, pharmacist, or other person who is authorized~~
1759 ~~to prescribe, administer, or dispense controlled substances and~~
1760 ~~who is involved in a specific controlled substances~~
1761 ~~investigation for prescription drugs involving a designated~~
1762 ~~person. The health care regulatory boards may request~~
1763 ~~information from the department but may not have direct access~~
1764 ~~to its database. The health care regulatory boards may provide~~
1765 ~~to a law enforcement agency pursuant to ss. 456.066 and 456.073~~
1766 ~~only information that is relevant to the specific controlled~~
1767 ~~substances investigation that prompted the request for the~~
1768 ~~information.~~

1769 ~~(f)(e)~~ A law enforcement agency that has initiated an
1770 active investigation involving a specific violation of law
1771 regarding prescription drug abuse or diversion of prescribed
1772 controlled substances and that has entered into a user agreement
1773 with the department. A law enforcement agency may request
1774 information from the department but may not have direct access
1775 to its system database. The law enforcement agency may disclose



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

1780 (g) A district medical examiner or associate medical
1781 examiner, as defined in s. 406.06, pursuant to his or her
1782 official duties, as required by s. 406.11, to determine the
1783 cause of death of an individual. A medical examiner may request
1784 information from the department but may not have direct access
1785 to the system.

1786 ~~(f) A patient or the legal guardian or designated health~~
1787 ~~care surrogate for an incapacitated patient, if applicable,~~
1788 ~~making a request as provided in s. 893.055(7)(c)4.~~

1789 (h) An impaired practitioner consultant who has been
1790 authorized in writing by a participant in, or by a referral to,
1791 the impaired practitioner program to access and review
1792 information as provided in s. 893.055(6)(e) ~~s. 893.055(7)(c)5.~~

1793 ~~(i)(f)~~ (i) A patient or the legal guardian or designated
1794 health care surrogate for an incapacitated patient, if
1795 applicable, making a request as provided in s. 893.055(6)(f) ~~s.~~
1796 ~~893.055(7)(c)4.~~

1797 (4) If the department determines consistent with its rules
1798 that a pattern of controlled substance abuse exists, the
1799 department may disclose such confidential and exempt information
1800 to the applicable law enforcement agency in accordance with s.



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

1807 (5) Before disclosing ~~confidential and exempt~~ information
1808 to a criminal justice agency or a law enforcement agency
1809 pursuant to this section, the disclosing person or entity must
1810 take steps to ensure the continued confidentiality of all
1811 ~~confidential and exempt~~ information. At a minimum, these steps
1812 must include redacting any nonrelevant information.

1813 (6) An agency or person who obtains any ~~confidential and~~
1814 ~~exempt~~ information pursuant to this section must maintain the
1815 confidential and exempt status of that information and may not
1816 disclose such information unless authorized by law. Information
1817 shared with a state attorney pursuant to paragraph (3)(e) ~~(3)(a)~~
1818 or paragraph (3)(f) ~~(3)(e)~~ may be released only in response to a
1819 discovery demand if such information is directly related to the
1820 criminal case for which the information was requested. Unrelated
1821 information may be released only upon an order of a court of
1822 competent jurisdiction.

1823 (7) A person who willfully and knowingly violates this
1824 section commits a felony of the third degree, punishable as
1825 provided in s. 775.082, s. 775.083, or s. 775.084.



1826 Section 12. Paragraphs (a), (c), (d), (e), (f), and (h) of
1827 subsection (1), subsection (2), paragraphs (a) and (b) of
1828 subsection (4), and subsection (5), and paragraph (e) of
1829 subsection (7) of section 893.13, Florida Statutes, are amended
1830 to read:

1831 893.13 Prohibited acts; penalties.—

1832 (1)(a) Except as authorized by this chapter and chapter
1833 499, a person may not sell, manufacture, or deliver, or possess
1834 with intent to sell, manufacture, or deliver, a controlled
1835 substance. A person who violates this provision with respect to:

1836 1. A controlled substance named or described in s.
1837 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1838 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as
1839 provided in s. 775.082, s. 775.083, or s. 775.084.

1840 2. A controlled substance named or described in s.
1841 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1842 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1843 felony of the third degree, punishable as provided in s.
1844 775.082, s. 775.083, or s. 775.084.

1845 3. A controlled substance named or described in s.
1846 893.03(5) commits a misdemeanor of the first degree, punishable
1847 as provided in s. 775.082 or s. 775.083.

1848 (c) Except as authorized by this chapter, a person may not
1849 sell, manufacture, or deliver, or possess with intent to sell,
1850 manufacture, or deliver, a controlled substance in, on, or



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

1862 1. A controlled substance named or described in s.
1863 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1864 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1865 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant
1866 must be sentenced to a minimum term of imprisonment of 3
1867 calendar years unless the offense was committed within 1,000
1868 feet of the real property comprising a child care facility as
1869 defined in s. 402.302.

1870 2. A controlled substance named or described in s.
1871 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1872 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1873 felony of the second degree, punishable as provided in s.
1874 775.082, s. 775.083, or s. 775.084.

1875 3. Any other controlled substance, except as lawfully



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

1879

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

1887 (d) Except as authorized by this chapter, a person may not
1888 sell, manufacture, or deliver, or possess with intent to sell,
1889 manufacture, or deliver, a controlled substance in, on, or
1890 within 1,000 feet of the real property comprising a public or
1891 private college, university, or other postsecondary educational
1892 institution. A person who violates this paragraph with respect
1893 to:

1894 1. A controlled substance named or described in s.
1895 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1896 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1897 provided in s. 775.082, s. 775.083, or s. 775.084.

1898 2. A controlled substance named or described in s.
1899 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1900 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a



1901 felony of the second degree, punishable as provided in s.
1902 775.082, s. 775.083, or s. 775.084.

1903 3. Any other controlled substance, except as lawfully
1904 sold, manufactured, or delivered, must be sentenced to pay a
1905 \$500 fine and to serve 100 hours of public service in addition
1906 to any other penalty prescribed by law.

1907 (e) Except as authorized by this chapter, a person may not
1908 sell, manufacture, or deliver, or possess with intent to sell,
1909 manufacture, or deliver, a controlled substance not authorized
1910 by law in, on, or within 1,000 feet of a physical place for
1911 worship at which a church or religious organization regularly
1912 conducts religious services or within 1,000 feet of a
1913 convenience business as defined in s. 812.171. A person who
1914 violates this paragraph with respect to:

1915 1. A controlled substance named or described in s.
1916 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1917 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1918 provided in s. 775.082, s. 775.083, or s. 775.084.

1919 2. A controlled substance named or described in s.
1920 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~, (2)(c)6.,
1921 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1922 felony of the second degree, punishable as provided in s.
1923 775.082, s. 775.083, or s. 775.084.

1924 3. Any other controlled substance, except as lawfully
1925 sold, manufactured, or delivered, must be sentenced to pay a



1926 | \$500 fine and to serve 100 hours of public service in addition
1927 | to any other penalty prescribed by law.

1928 | (f) Except as authorized by this chapter, a person may not
1929 | sell, manufacture, or deliver, or possess with intent to sell,
1930 | manufacture, or deliver, a controlled substance in, on, or
1931 | within 1,000 feet of the real property comprising a public
1932 | housing facility at any time. As used in this section, the term
1933 | "real property comprising a public housing facility" means real
1934 | property, as defined in s. 421.03(12), of a public corporation
1935 | created as a housing authority pursuant to part I of chapter
1936 | 421. A person who violates this paragraph with respect to:

1937 | 1. A controlled substance named or described in s.
1938 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1939 | ~~(2)(c)4.~~ commits a felony of the first degree, punishable as
1940 | provided in s. 775.082, s. 775.083, or s. 775.084.

1941 | 2. A controlled substance named or described in s.
1942 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
1943 | (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1944 | felony of the second degree, punishable as provided in s.
1945 | 775.082, s. 775.083, or s. 775.084.

1946 | 3. Any other controlled substance, except as lawfully
1947 | sold, manufactured, or delivered, must be sentenced to pay a
1948 | \$500 fine and to serve 100 hours of public service in addition
1949 | to any other penalty prescribed by law.

1950 | (h) Except as authorized by this chapter, a person may not



1951 | sell, manufacture, or deliver, or possess with intent to sell,
1952 | manufacture, or deliver, a controlled substance in, on, or
1953 | within 1,000 feet of the real property comprising an assisted
1954 | living facility, as that term is used in chapter 429. A person
1955 | who violates this paragraph with respect to:

1956 | 1. A controlled substance named or described in s.
1957 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1958 | ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1959 | provided in s. 775.082, s. 775.083, or s. 775.084.

1960 | 2. A controlled substance named or described in s.
1961 | 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,
1962 | (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1963 | felony of the second degree, punishable as provided in s.
1964 | 775.082, s. 775.083, or s. 775.084.

1965 | 3. Any other controlled substance, except as lawfully
1966 | sold, manufactured, or delivered, must be sentenced to pay a
1967 | \$500 fine and to serve 100 hours of public service in addition
1968 | to any other penalty prescribed by law.

1969 | (2)(a) Except as authorized by this chapter and chapter
1970 | 499, a person may not purchase, or possess with intent to
1971 | purchase, a controlled substance. A person who violates this
1972 | provision with respect to:

1973 | 1. A controlled substance named or described in s.
1974 | 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1975 | ~~(2)(e)4.~~ commits a felony of the second degree, punishable as



1976 provided in s. 775.082, s. 775.083, or s. 775.084.

1977 2. A controlled substance named or described in s.
1978 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,
1979 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1980 felony of the third degree, punishable as provided in s.
1981 775.082, s. 775.083, or s. 775.084.

1982 3. A controlled substance named or described in s.
1983 893.03(5) commits a misdemeanor of the first degree, punishable
1984 as provided in s. 775.082 or s. 775.083.

1985 (b) Except as provided in this chapter, a person may not
1986 purchase more than 10 grams of any substance named or described
1987 in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any
1988 mixture containing any such substance. A person who violates
1989 this paragraph commits a felony of the first degree, punishable
1990 as provided in s. 775.082, s. 775.083, or s. 775.084.

1991 (4) Except as authorized by this chapter, a person 18
1992 years of age or older may not deliver any controlled substance
1993 to a person younger than 18 years of age, use or hire a person
1994 younger than 18 years of age as an agent or employee in the sale
1995 or delivery of such a substance, or use such person to assist in
1996 avoiding detection or apprehension for a violation of this
1997 chapter. A person who violates this subsection with respect to:

1998 (a) A controlled substance named or described in s.
1999 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2000 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as



2001 provided in s. 775.082, s. 775.083, or s. 775.084.

2002 (b) A controlled substance named or described in s.

2003 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,

2004 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

2005 felony of the second degree, punishable as provided in s.

2006 775.082, s. 775.083, or s. 775.084.

2007

2008 Imposition of sentence may not be suspended or deferred, and the

2009 person so convicted may not be placed on probation.

2010 (5) A person may not bring into this state any controlled

2011 substance unless the possession of such controlled substance is

2012 authorized by this chapter or unless such person is licensed to

2013 do so by the appropriate federal agency. A person who violates

2014 this provision with respect to:

2015 (a) A controlled substance named or described in s.

2016 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

2017 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as

2018 provided in s. 775.082, s. 775.083, or s. 775.084.

2019 (b) A controlled substance named or described in s.

2020 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.~~, (2)(c)6.,

2021 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

2022 felony of the third degree, punishable as provided in s.

2023 775.082, s. 775.083, or s. 775.084.

2024 (c) A controlled substance named or described in s.

2025 893.03(5) commits a misdemeanor of the first degree, punishable



2026 as provided in s. 775.082 or s. 775.083.

2027 (7)

2028 (e) A person or health care practitioner who violates the
2029 provisions of subparagraph (a)13. or paragraph (b) commits a
2030 felony of the second ~~third~~ degree, punishable as provided in s.
2031 775.082, s. 775.083, or s. 775.084, if any controlled substance
2032 that is the subject of the offense is listed in Schedule II,
2033 Schedule III, or Schedule IV.

2034 Section 13. Subsection (7) is added to section 893.147,
2035 Florida Statutes, to read:

2036 893.147 Use, possession, manufacture, delivery,
2037 transportation, advertisement, or retail sale of drug
2038 paraphernalia, specified machines, and materials.—

2039 (7) TABLETING MACHINES, ENCAPSULATING MACHINES, AND
2040 CONTROLLED SUBSTANCE COUNTERFEITING MATERIALS.—

2041 (a) Except as provided in paragraph (b), it is unlawful
2042 for any person to possess, purchase, deliver, sell, or possess
2043 with intent to sell or deliver a tableting machine,
2044 encapsulating machine or controlled substance counterfeiting
2045 material knowing, intending, or having reasonable cause to
2046 believe that it will be used to manufacture a controlled
2047 substance or counterfeit controlled substance.

2048 (b)1. A regulated person may possess, purchase, deliver,
2049 sell, or possess with intent to deliver or sell a tableting
2050 machine or encapsulating machine as part of a regulated



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

2056 2. A person registered under 21 U.S.C. s. 822 may possess,
2057 purchase, deliver, sell, or possess with intent to deliver or
2058 sell a tableting machine or encapsulating machine to manufacture
2059 a controlled substance pursuant to such registration.

2060 3. A person who holds an active, unencumbered license or
2061 permit under s. 381.986 or chapter 465 may possess, purchase,
2062 deliver, sell, or possess with intent to sell or deliver a
2063 tableting machine or encapsulating machine to manufacture a
2064 controlled substance, if such person is performing functions in
2065 compliance with or under the authority of that license or
2066 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



2468			Act.
	403.413 (6) (c)	3rd	Dumps waste litter exceeding 500 lbs. in weight or 100 cubic feet in volume or any quantity for commercial purposes, or hazardous waste.
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			



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.



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	<p>(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.</p>
2549	893.13(4)(c)	3rd	<p>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.</p>
2550	893.13(6)(a)	3rd	<p>Use or hire of minor; deliver to minor other controlled substances.</p>
2551	893.13(7)(a)8.	3rd	<p>Possession of any controlled substance other than felony possession of cannabis.</p> <p>Withhold information from practitioner regarding previous receipt of or prescription for a</p>



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,



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



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.



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)	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 of child by throwing, tossing, projecting, or expelling certain fluids or materials.
2581	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.



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.



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.



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



2631			lobster trap, line, or buoy.
	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.



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



2656	817.611 (2) (a)	2nd	persons. 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			



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.



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.



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>



2715			intentionally causing great bodily harm or disfigurement.
	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



			within the state.
2727	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	<p>Lewd or lascivious</p>



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



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



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



			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) (e) 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.



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	Sexual offender; failure to comply with reporting requirements. 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.