



194134

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2018	.	
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The Committee on Health Policy (Benacquisto) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (2) of section
409.967, Florida Statutes, is amended to read:

409.967 Managed care plan accountability.-

(2) The agency shall establish such contract requirements
as are necessary for the operation of the statewide managed care
program. In addition to any other provisions the agency may deem



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11 necessary, the contract must require:

12 (c) *Access.*—

13 1. The agency shall establish specific standards for the
14 number, type, and regional distribution of providers in managed
15 care plan networks to ensure access to care for both adults and
16 children. Each plan must maintain a regionwide network of
17 providers in sufficient numbers to meet the access standards for
18 specific medical services for all recipients enrolled in the
19 plan. The exclusive use of mail-order pharmacies may not be
20 sufficient to meet network access standards. Consistent with the
21 standards established by the agency, provider networks may
22 include providers located outside the region. A plan may
23 contract with a new hospital facility before the date the
24 hospital becomes operational if the hospital has commenced
25 construction, will be licensed and operational by January 1,
26 2013, and a final order has issued in any civil or
27 administrative challenge. Each plan shall establish and maintain
28 an accurate and complete electronic database of contracted
29 providers, including information about licensure or
30 registration, locations and hours of operation, specialty
31 credentials and other certifications, specific performance
32 indicators, and such other information as the agency deems
33 necessary. The database must be available online to both the
34 agency and the public and have the capability to compare the
35 availability of providers to network adequacy standards and to
36 accept and display feedback from each provider's patients. Each
37 plan shall submit quarterly reports to the agency identifying
38 the number of enrollees assigned to each primary care provider.

39 2. Each managed care plan must publish any prescribed drug



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40 formulary or preferred drug list on the plan's website in a
41 manner that is accessible to and searchable by enrollees and
42 providers. The plan must update the list within 24 hours after
43 making a change. Each plan must ensure that the prior
44 authorization process for prescribed drugs is readily accessible
45 to health care providers, including posting appropriate contact
46 information on its website and providing timely responses to
47 providers. For Medicaid recipients diagnosed with hemophilia who
48 have been prescribed anti-hemophilic-factor replacement
49 products, the agency shall provide for those products and
50 hemophilia overlay services through the agency's hemophilia
51 disease management program.

52 3. Managed care plans, and their fiscal agents or
53 intermediaries, must accept prior authorization requests for any
54 service electronically.

55 4. Managed care plans, and their fiscal agents and
56 intermediaries, may not implement, manage, or require a prior
57 authorization process or step therapy procedures and may not
58 impose any other conditions on recipients as a prerequisite to
59 receiving medication-assisted treatment (MAT) services, as
60 defined in s. 397.311, to treat substance abuse disorders.

61 5. Managed care plans serving children in the care and
62 custody of the Department of Children and Families must maintain
63 complete medical, dental, and behavioral health encounter
64 information and participate in making such information available
65 to the department or the applicable contracted community-based
66 care lead agency for use in providing comprehensive and
67 coordinated case management. The agency and the department shall
68 establish an interagency agreement to provide guidance for the



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69 format, confidentiality, recipient, scope, and method of
70 information to be made available and the deadlines for
71 submission of the data. The scope of information available to
72 the department shall be the data that managed care plans are
73 required to submit to the agency. The agency shall determine the
74 plan's compliance with standards for access to medical, dental,
75 and behavioral health services; the use of medications; and
76 followup on all medically necessary services recommended as a
77 result of early and periodic screening, diagnosis, and
78 treatment.

79 Section 2. Section 456.0301, Florida Statutes, is created
80 to read:

81 456.0301 Requirement for instruction on controlled
82 substance prescribing.-

83 (1) (a) If not already required by the licensee's practice
84 act, the appropriate board shall require each person registered
85 with the United States Drug Enforcement Administration and
86 authorized to prescribe controlled substances pursuant to 21
87 U.S.C. s. 822 to complete a board-approved 2-hour continuing
88 education course on prescribing controlled substances as part of
89 biennial license renewal. The course must include information on
90 the current standards for prescribing controlled substances,
91 particularly opiates; alternatives to these standards; and
92 information on the risks of opioid addiction following all
93 stages of treatment in the management of acute pain. The course
94 may be offered in a distance learning format and must be
95 included within the number of continuing education hours
96 required by law. The department may not renew the license of any
97 prescriber registered with the United States Drug Enforcement



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98 Administration to prescribe controlled substances who has failed
99 to complete the course. When required by this paragraph, the
100 course must be completed by January 31, 2019, and at each
101 subsequent renewal.

102 (b) Each such licensee shall submit confirmation of having
103 completed such course when applying for biennial license
104 renewal.

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

106 Section 3. Paragraph (gg) of subsection (1) of section
107 456.072, Florida Statutes, is amended to read:

108 456.072 Grounds for discipline; penalties; enforcement.—

109 (1) The following acts shall constitute grounds for which
110 the disciplinary actions specified in subsection (2) may be
111 taken:

112 (gg) Engaging in a pattern of practice when prescribing
113 medicinal drugs or controlled substances which demonstrates a
114 lack of reasonable skill or safety to patients, a violation of
115 ~~any provision of this chapter or ss. 893.055 and 893.0551~~, a
116 violation of the applicable practice act, or a violation of any
117 rules adopted under this chapter or the applicable practice act
118 of the prescribing practitioner. Notwithstanding s. 456.073(13),
119 the department may initiate an investigation and establish such
120 a pattern from billing records, data, or any other information
121 obtained by the department.

122 Section 4. Paragraphs (a) through (g) of subsection (1) of
123 section 456.44, Florida Statutes, are redesignated as paragraphs
124 (b) through (h), respectively, a new paragraph (a) is added to
125 that subsection, subsection (3) is amended, and subsections (4)
126 and (5) are added to that section, to read:



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127 456.44 Controlled substance prescribing.-

128 (1) DEFINITIONS.-As used in this section, the term:

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

133 (3) STANDARDS OF PRACTICE FOR TREATMENT OF CHRONIC
134 NONMALIGNANT PAIN.-The standards of practice in this section do
135 not supersede the level of care, skill, and treatment recognized
136 in general law related to health care licensure.

137 (a) A complete medical history and a physical examination
138 must be conducted before beginning any treatment and must be
139 documented in the medical record. The exact components of the
140 physical examination shall be left to the judgment of the
141 registrant who is expected to perform a physical examination
142 proportionate to the diagnosis that justifies a treatment. The
143 medical record must, at a minimum, document the nature and
144 intensity of the pain, current and past treatments for pain,
145 underlying or coexisting diseases or conditions, the effect of
146 the pain on physical and psychological function, a review of
147 previous medical records, previous diagnostic studies, and
148 history of alcohol and substance abuse. The medical record shall
149 also document the presence of one or more recognized medical
150 indications for the use of a controlled substance. Each
151 registrant must develop a written plan for assessing each
152 patient's risk of aberrant drug-related behavior, which may
153 include patient drug testing. Registrants must assess each
154 patient's risk for aberrant drug-related behavior and monitor
155 that risk on an ongoing basis in accordance with the plan.



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156 (b) Each registrant must develop a written individualized
157 treatment plan for each patient. The treatment plan shall state
158 objectives that will be used to determine treatment success,
159 such as pain relief and improved physical and psychosocial
160 function, and shall indicate if any further diagnostic
161 evaluations or other treatments are planned. After treatment
162 begins, the registrant shall adjust drug therapy to the
163 individual medical needs of each patient. Other treatment
164 modalities, including a rehabilitation program, shall be
165 considered depending on the etiology of the pain and the extent
166 to which the pain is associated with physical and psychosocial
167 impairment. The interdisciplinary nature of the treatment plan
168 shall be documented.

169 (c) The registrant shall discuss the risks and benefits of
170 the use of controlled substances, including the risks of abuse
171 and addiction, as well as physical dependence and its
172 consequences, with the patient, persons designated by the
173 patient, or the patient's surrogate or guardian if the patient
174 is incompetent. The registrant shall use a written controlled
175 substance agreement between the registrant and the patient
176 outlining the patient's responsibilities, including, but not
177 limited to:

178 1. Number and frequency of controlled substance
179 prescriptions and refills.

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

182 3. An agreement that controlled substances for the
183 treatment of chronic nonmalignant pain shall be prescribed by a
184 single treating registrant unless otherwise authorized by the



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185 treating registrant and documented in the medical record.

186 (d) The patient shall be seen by the registrant at regular
187 intervals, not to exceed 3 months, to assess the efficacy of
188 treatment, ensure that controlled substance therapy remains
189 indicated, evaluate the patient's progress toward treatment
190 objectives, consider adverse drug effects, and review the
191 etiology of the pain. Continuation or modification of therapy
192 shall depend on the registrant's evaluation of the patient's
193 progress. If treatment goals are not being achieved, despite
194 medication adjustments, the registrant shall reevaluate the
195 appropriateness of continued treatment. The registrant shall
196 monitor patient compliance in medication usage, related
197 treatment plans, controlled substance agreements, and
198 indications of substance abuse or diversion at a minimum of 3-
199 month intervals.

200 (e) The registrant shall refer the patient as necessary for
201 additional evaluation and treatment in order to achieve
202 treatment objectives. Special attention shall be given to those
203 patients who are at risk for misusing their medications and
204 those whose living arrangements pose a risk for medication
205 misuse or diversion. The management of pain in patients with a
206 history of substance abuse or with a comorbid psychiatric
207 disorder requires extra care, monitoring, and documentation and
208 requires consultation with or referral to an addiction medicine
209 specialist or a psychiatrist.

210 (f) A registrant must maintain accurate, current, and
211 complete records that are accessible and readily available for
212 review and comply with the requirements of this section, the
213 applicable practice act, and applicable board rules. The medical



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214 records must include, but are not limited to:

215 1. The complete medical history and a physical examination,
216 including history of drug abuse or dependence.

217 2. Diagnostic, therapeutic, and laboratory results.

218 3. Evaluations and consultations.

219 4. Treatment objectives.

220 5. Discussion of risks and benefits.

221 6. Treatments.

222 7. Medications, including date, type, dosage, and quantity
223 prescribed.

224 8. Instructions and agreements.

225 9. Periodic reviews.

226 10. Results of any drug testing.

227 11. A photocopy of the patient's government-issued photo
228 identification.

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

231 13. The registrant's full name presented in a legible
232 manner.

233 (g) A registrant shall immediately refer patients with
234 signs or symptoms of substance abuse to a board-certified pain
235 management physician, an addiction medicine specialist, or a
236 mental health addiction facility as it pertains to drug abuse or
237 addiction unless the registrant is a physician who is board-
238 certified or board-eligible in pain management. Throughout the
239 period of time before receiving the consultant's report, a
240 prescribing registrant shall clearly and completely document
241 medical justification for continued treatment with controlled
242 substances and those steps taken to ensure medically appropriate



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243 use of controlled substances by the patient. Upon receipt of the
244 consultant's written report, the prescribing registrant shall
245 incorporate the consultant's recommendations for continuing,
246 modifying, or discontinuing controlled substance therapy. The
247 resulting changes in treatment shall be specifically documented
248 in the patient's medical record. Evidence or behavioral
249 indications of diversion shall be followed by discontinuation of
250 controlled substance therapy, and the patient shall be
251 discharged, and all results of testing and actions taken by the
252 registrant shall be documented in the patient's medical record.
253

254 This subsection does not apply to a board-eligible or board-
255 certified anesthesiologist, physiatrist, rheumatologist, or
256 neurologist, or to a board-certified physician who has surgical
257 privileges at a hospital or ambulatory surgery center and
258 primarily provides surgical services. This subsection does not
259 apply to a board-eligible or board-certified medical specialist
260 who has also completed a fellowship in pain medicine approved by
261 the Accreditation Council for Graduate Medical Education or the
262 American Osteopathic Association, or who is board eligible or
263 board certified in pain medicine by the American Board of Pain
264 Medicine, the American Board of Interventional Pain Physicians,
265 the American Association of Physician Specialists, or a board
266 approved by the American Board of Medical Specialties or the
267 American Osteopathic Association and performs interventional
268 pain procedures of the type routinely billed using surgical
269 codes. This subsection does not apply to a registrant who
270 prescribes medically necessary controlled substances for a
271 patient during an inpatient stay in a hospital licensed under



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272 chapter 395.

273 (4) STANDARDS OF PRACTICE FOR TREATMENT OF ACUTE PAIN.—The
274 applicable boards shall adopt rules establishing guidelines for
275 prescribing controlled substances for acute pain, including
276 evaluation of the patient, creation and maintenance of a
277 treatment plan, obtaining informed consent and agreement for
278 treatment, periodic review of the treatment plan, consultation,
279 medical record review, and compliance with controlled substance
280 laws and regulations. Failure of a prescriber to follow such
281 guidelines constitutes grounds for disciplinary action pursuant
282 to s. 456.072(1)(gg), punishable as provided in s. 456.072(2).

283 (5) PRESCRIPTION SUPPLY.—

284 (a) Except as provided in paragraph (b), a prescription for
285 an opioid drug listed as a Schedule II controlled substance in
286 s. 893.03 or 21 U.S.C. s. 812, for the treatment of acute pain
287 may not exceed a 3-day supply.

288 (b) Up to a 7-day supply of an opioid described in
289 paragraph (a) may be prescribed if:

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

294 2. The practitioner indicates "MEDICALLY NECESSARY" on the
295 prescription.

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

300 Section 5. Effective January 1, 2019, subsections (2)



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301 through (5) of section 458.3265, Florida Statutes, are
302 renumbered as subsections (3) through (6), respectively,
303 paragraphs (a) and (g) of subsection (1), paragraph (a) of
304 present subsection (2), paragraph (a) of present subsection (3)
305 and paragraph (a) of present subsection (4) of that section, are
306 amended, and a new subsection (2) is added to that section, to
307 read:

308 458.3265 Pain-management clinics.—

309 (1) REGISTRATION.—

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

311 a. "Board eligible" means successful completion of an
312 anesthesia, physical medicine and rehabilitation, rheumatology,
313 or neurology residency program approved by the Accreditation
314 Council for Graduate Medical Education or the American
315 Osteopathic Association for a period of 6 years from successful
316 completion of such residency program.

317 b. "Chronic nonmalignant pain" means pain unrelated to
318 cancer which persists beyond the usual course of disease or the
319 injury that is the cause of the pain or more than 90 days after
320 surgery.

321 c. "Pain-management clinic" or "clinic" means any publicly
322 or privately owned facility:

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

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

328 2. Each pain-management clinic must register with the
329 department or hold a valid certificate of exemption pursuant to



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

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

334 a. A ~~The~~ clinic ~~is~~ licensed as a facility pursuant to
335 chapter 395;

336 b. A clinic in which the majority of the physicians who
337 provide services in the clinic primarily provide surgical
338 services;

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

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

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

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

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

353 h. A ~~The~~ clinic ~~is~~ wholly owned and operated by a physician
354 multispecialty practice where one or more board-eligible or
355 board-certified medical specialists, who have also completed
356 fellowships in pain medicine approved by the Accreditation
357 Council for Graduate Medical Education or who are also board-
358 certified in pain medicine by the American Board of Pain



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359 Medicine or a board approved by the American Board of Medical
360 Specialties, the American Association of Physician Specialists,
361 or the American Osteopathic Association, perform interventional
362 pain procedures of the type routinely billed using surgical
363 codes.

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

369 (2) CERTIFICATE OF EXEMPTION.-

370 (a) A pain management clinic claiming an exemption from the
371 registration requirements of subsection (1) must apply for a
372 certificate of exemption on a form adopted in rule by the
373 department. The form must require the applicant to provide:

374 1. The name or names under which the applicant does
375 business.

376 2. The address at which the pain management clinic is
377 located.

378 3. The specific exemption the applicant is claiming with
379 supporting documentation.

380 4. Any other information deemed necessary by the
381 department.

382 (b) The department must approve or deny the application
383 within 30 days after the receipt of a complete application.

384 (c) The certificate of exemption must be renewed
385 biennially, except that the department may issue the initial
386 certificates of exemption for up to 3 years in order to stagger
387 renewal dates.



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388 (d) A certificateholder must prominently display the
389 certificate of exemption and make it available to the department
390 or the board upon request.

391 (e) A new certificate of exemption is required for a change
392 of address and is not transferable. A certificate of exemption
393 is valid only for the applicant, qualifying owners, licenses,
394 registrations, certifications, and services provided under a
395 specific statutory exemption and is valid only to the specific
396 exemption claimed and granted.

397 (f) A certificateholder must notify the department at least
398 60 days before any anticipated relocation or name change of the
399 pain management clinic or a change of ownership.

400 (g) If a pain management clinic no longer qualifies for a
401 certificate of exemption, the certificateholder must notify the
402 department within 3 days after becoming aware that the clinic no
403 longer qualifies for a certificate of exemption and register as
404 a pain management clinic under subsection (1) or cease
405 operations.

406 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
407 apply to any physician who provides professional services in a
408 pain-management clinic that is required to be registered in
409 subsection (1).

410 (a) A physician may not practice medicine in a pain-
411 management clinic, as described in subsection (5)-(4), if the
412 pain-management clinic is not registered with the department as
413 required by this section. Any physician who qualifies to
414 practice medicine in a pain-management clinic pursuant to rules
415 adopted by the Board of Medicine as of July 1, 2012, may
416 continue to practice medicine in a pain-management clinic as



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417 long as the physician continues to meet the qualifications set
418 forth in the board rules. A physician who violates this
419 paragraph is subject to disciplinary action by his or her
420 appropriate medical regulatory board.

421 ~~(4)~~ ~~(3)~~ INSPECTION.—

422 (a) The department shall inspect the pain-management clinic
423 annually, including a review of the patient records, to ensure
424 that it complies with this section and the rules of the Board of
425 Medicine adopted pursuant to subsection ~~(5)~~ ~~(4)~~ unless the clinic
426 is accredited by a nationally recognized accrediting agency
427 approved by the Board of Medicine.

428 ~~(5)~~ ~~(4)~~ RULEMAKING.—

429 (a) The department shall adopt rules necessary to
430 administer the registration, exemption, and inspection of pain-
431 management clinics which establish the specific requirements,
432 procedures, forms, and fees.

433 Section 6. Effective January 1, 2019, subsections (2)
434 through (5) of section 459.0137, Florida Statutes, are
435 renumbered as subsections (3) through (6), respectively,
436 paragraphs (a) and (g) of subsection (1), paragraph (a) of
437 present subsection (2), paragraph (a) of present subsection (3)
438 and paragraph (a) of present subsection (4) of that section, are
439 amended, and a new subsection (2) is added to that section, to
440 read:

441 459.0137 Pain-management clinics.—

442 (1) REGISTRATION.—

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

444 a. "Board eligible" means successful completion of an
445 anesthesia, physical medicine and rehabilitation, rheumatology,



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446 or neurology residency program approved by the Accreditation
447 Council for Graduate Medical Education or the American
448 Osteopathic Association for a period of 6 years from successful
449 completion of such residency program.

450 b. "Chronic nonmalignant pain" means pain unrelated to
451 cancer which persists beyond the usual course of disease or the
452 injury that is the cause of the pain or more than 90 days after
453 surgery.

454 c. "Pain-management clinic" or "clinic" means any publicly
455 or privately owned facility:

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

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

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

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

467 a. A ~~That~~ clinic ~~is~~ licensed as a facility pursuant to
468 chapter 395;

469 b. A clinic in which the majority of the physicians who
470 provide services in the clinic primarily provide surgical
471 services;

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



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

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

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

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

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

486 h. A ~~The clinic is~~ wholly owned and operated by a physician
487 multispecialty practice where one or more board-eligible or
488 board-certified medical specialists, who have also completed
489 fellowships in pain medicine approved by the Accreditation
490 Council for Graduate Medical Education or the American
491 Osteopathic Association or who are also board-certified in pain
492 medicine by the American Board of Pain Medicine or a board
493 approved by the American Board of Medical Specialties, the
494 American Association of Physician Specialists, or the American
495 Osteopathic Association, perform interventional pain procedures
496 of the type routinely billed using surgical codes.

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

502 (2) CERTIFICATE OF EXEMPTION.-

503 (a) A pain management clinic claiming an exemption from the



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504 registration requirements of subsection (1) must apply for a
505 certificate of exemption on a form adopted in rule by the
506 department. The form shall require the applicant to provide:

507 1. The name or names under which the applicant does
508 business.

509 2. The address at which the pain management clinic is
510 located.

511 3. The specific exemption the applicant is claiming with
512 supporting documentation.

513 4. Any other information deemed necessary by the
514 department.

515 (b) Within 30 days after the receipt of a complete
516 application, the department must approve or deny the
517 application.

518 (c) The certificate of exemption must be renewed
519 biennially, except that the department may issue the initial
520 certificates of exemption for up to 3 years in order to stagger
521 renewal dates.

522 (d) A certificateholder must prominently display the
523 certificate of exemption and make it available to the department
524 or the board upon request.

525 (e) A new certificate of exemption is required for a change
526 of address and is not transferable. A certificate of exemption
527 is valid only for the applicant, qualifying owners, licenses,
528 registrations, certifications, and services provided under a
529 specific statutory exemption and is valid only to the specific
530 exemption claimed and granted.

531 (f) A certificateholder must notify the department at least
532 60 days before any anticipated relocation or name change of the



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533 pain management clinic or a change of ownership.

534 (g) If a pain management clinic no longer qualifies for a
535 certificate of exemption, the certificateholder must notify the
536 department within 3 days after becoming aware that the clinic no
537 longer qualifies for a certificate of exemption and register as
538 a pain management clinic under subsection (1) or cease
539 operations.

540 (3)-(2) PHYSICIAN RESPONSIBILITIES.—These responsibilities
541 apply to any osteopathic physician who provides professional
542 services in a pain-management clinic that is required to be
543 registered in subsection (1).

544 (a) An osteopathic physician may not practice medicine in a
545 pain-management clinic, as described in subsection (5)-(4), if
546 the pain-management clinic is not registered with the department
547 as required by this section. Any physician who qualifies to
548 practice medicine in a pain-management clinic pursuant to rules
549 adopted by the Board of Osteopathic Medicine as of July 1, 2012,
550 may continue to practice medicine in a pain-management clinic as
551 long as the physician continues to meet the qualifications set
552 forth in the board rules. An osteopathic physician who violates
553 this paragraph is subject to disciplinary action by his or her
554 appropriate medical regulatory board.

555 (4)-(3) INSPECTION.—

556 (a) The department shall inspect the pain-management clinic
557 annually, including a review of the patient records, to ensure
558 that it complies with this section and the rules of the Board of
559 Osteopathic Medicine adopted pursuant to subsection (5)-(4)
560 unless the clinic is accredited by a nationally recognized
561 accrediting agency approved by the Board of Osteopathic



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562 Medicine.

563 (5)~~(4)~~ RULEMAKING.—

564 (a) The department shall adopt rules necessary to
565 administer the registration, exemption, and inspection of pain-
566 management clinics which establish the specific requirements,
567 procedures, forms, and fees.

568 Section 7. Section 465.0155, Florida Statutes, is amended
569 to read:

570 465.0155 Standards of practice.—

571 (1) Consistent with the provisions of this act, the board
572 shall adopt by rule standards of practice relating to the
573 practice of pharmacy which shall be binding on every state
574 agency and shall be applied by such agencies when enforcing or
575 implementing any authority granted by any applicable statute,
576 rule, or regulation, whether federal or state.

577 (2) (a) Before dispensing a controlled substance to a person
578 not known to the pharmacist, the pharmacist must require the
579 person purchasing, receiving, or otherwise acquiring the
580 controlled substance to present valid photographic
581 identification or other verification of his or her identity. If
582 the person does not have proper identification, the pharmacist
583 may verify the validity of the prescription and the identity of
584 the patient with the prescriber or his or her authorized agent.
585 Verification of health plan eligibility through a real-time
586 inquiry or adjudication system is considered to be proper
587 identification.

588 (b) This subsection does not apply in an institutional
589 setting or to a long-term care facility, including, but not
590 limited to, an assisted living facility or a hospital to which



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591 patients are admitted.

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

597 Section 8. Paragraph (b) of subsection (1) of section
598 465.0276, Florida Statutes, is amended, and paragraph (d) is
599 added to subsection (2) of that section, to read:

600 465.0276 Dispensing practitioner.-

601 (1)

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

606 1. The dispensing of complimentary packages of medicinal
607 drugs which are labeled as a drug sample or complimentary drug
608 as defined in s. 499.028 to the practitioner's own patients in
609 the regular course of her or his practice without the payment of
610 a fee or remuneration of any kind, whether direct or indirect,
611 as provided in subsection (4).

612 2. The dispensing of controlled substances in the health
613 care system of the Department of Corrections.

614 3. The dispensing of a controlled substance listed in
615 Schedule II or Schedule III in connection with the performance
616 of a surgical procedure.

617 a. For a controlled substance listed in Schedule II, the
618 amount dispensed pursuant to this subparagraph may not exceed a
619 3-day supply unless the criteria in s. 456.44(5)(b) are met, in



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620 which case the amount dispensed may not exceed a 7-day supply.

621 b. For a controlled substance listed in Schedule III, the
622 amount dispensed pursuant to this ~~the~~ subparagraph may not
623 exceed a 14-day supply.

624 c. The exception in this subparagraph ~~exception~~ does not
625 allow for the dispensing of a controlled substance listed in
626 Schedule II or Schedule III more than 14 days after the
627 performance of the surgical procedure.

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

631 (I) ~~a.~~ Perioperative medication and sedation that allows the
632 patient to tolerate unpleasant procedures while maintaining
633 adequate cardiorespiratory function and the ability to respond
634 purposefully to verbal or tactile stimulation and makes intra-
635 and postoperative monitoring necessary; or

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

638 4. The dispensing of a controlled substance listed in
639 Schedule II or Schedule III pursuant to an approved clinical
640 trial. For purposes of this subparagraph, the term "approved
641 clinical trial" means a clinical research study or clinical
642 investigation that, in whole or in part, is state or federally
643 funded or is conducted under an investigational new drug
644 application that is reviewed by the United States Food and Drug
645 Administration.

646 5. The dispensing of methadone in a facility licensed under
647 s. 397.427 where medication-assisted treatment for opiate
648 addiction is provided.



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649 6. The dispensing of a controlled substance listed in
650 Schedule II or Schedule III to a patient of a facility licensed
651 under part IV of chapter 400.

652 7. The dispensing of controlled substances listed in
653 Schedule II or Schedule III which have been approved by the
654 United States Food and Drug Administration for the purpose of
655 treating opiate addiction including, but not limited to,
656 buprenorphine and buprenorphine combination products, by a
657 practitioner authorized under 21 U.S.C. 823, as amended, to the
658 practitioner's own patients for the medication-assisted
659 treatment of opiate addiction.

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

663 (d)1. Before dispensing a controlled substance to a person
664 not known to the dispenser, require the person purchasing,
665 receiving, or otherwise acquiring the controlled substance to
666 present valid photographic identification or other verification
667 of his or her identity. If the person does not have proper
668 identification, the dispenser may verify the validity of the
669 prescription and the identity of the patient with the prescriber
670 or his or her authorized agent. Verification of health plan
671 eligibility through a real-time inquiry or adjudication system
672 is considered to be proper identification.

673 2. This paragraph does not apply in an institutional
674 setting or to a long-term care facility, including, but not
675 limited to, an assisted living facility or a hospital to which
676 patients are admitted.

677 3. As used in this paragraph, the term "proper



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

682 Section 9. Subsection (5) is added to section 627.42392,
683 Florida Statutes, to read:

684 627.42392 Prior authorization.—

685 (5) A health insurer may not require a prior authorization
686 process or step therapy procedure or impose any other conditions
687 on insureds as a prerequisite to receiving medication-assisted
688 treatment (MAT) services, as defined in s. 397.311, to treat
689 substance abuse disorders.

690 Section 10. Subsections (2), (3), (4), and (5) of section
691 893.03, Florida Statutes, are amended to read:

692 893.03 Standards and schedules.—The substances enumerated
693 in this section are controlled by this chapter. The controlled
694 substances listed or to be listed in Schedules I, II, III, IV,
695 and V are included by whatever official, common, usual,
696 chemical, trade name, or class designated. The provisions of
697 this section shall not be construed to include within any of the
698 schedules contained in this section any excluded drugs listed
699 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded
700 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical
701 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted
702 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt
703 Anabolic Steroid Products."

704 (2) SCHEDULE II.—A substance in Schedule II has a high
705 potential for abuse and has a currently accepted but severely
706 restricted medical use in treatment in the United States, and



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707 abuse of the substance may lead to severe psychological or
708 physical dependence. The following substances are controlled in
709 Schedule II:

710 (a) Unless specifically excepted or unless listed in
711 another schedule, any of the following substances, whether
712 produced directly or indirectly by extraction from substances of
713 vegetable origin or independently by means of chemical
714 synthesis:

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

- 718 a. Raw opium.
- 719 b. Opium extracts.
- 720 c. Opium fluid extracts.
- 721 d. Powdered opium.
- 722 e. Granulated opium.
- 723 f. Tincture of opium.
- 724 g. Codeine.
- 725 h. Dihydroetorphine.
- 726 ~~i. h.~~ Ethylmorphine.
- 727 ~~j. i.~~ Etorphine hydrochloride.
- 728 ~~k. j.~~ Hydrocodone and hydrocodone combination products.
- 729 ~~l. k.~~ Hydromorphone.
- 730 ~~m. l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-
731 acetylmethadol, levomethadyl acetate, or LAAM).
- 732 ~~n. m.~~ Metopon (methyldihydromorphinone).
- 733 ~~o. n.~~ Morphine.
- 734 ~~p.~~ Oripavine.
- 735 ~~q. o.~~ Oxycodone.



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736 ~~r.p.~~ Oxymorphone.

737 ~~s.e.~~ Thebaine.

738 2. Any salt, compound, derivative, or preparation of a
739 substance which is chemically equivalent to or identical with
740 any of the substances referred to in subparagraph 1., except
741 that these substances shall not include the isoquinoline
742 alkaloids of opium.

743 3. Any part of the plant of the species *Papaver somniferum*,
744 *L.*

745 4. Cocaine or ecgonine, including any of their
746 stereoisomers, and any salt, compound, derivative, or
747 preparation of cocaine or ecgonine, except that these substances
748 shall not include ioflupane I 123.

749 (b) Unless specifically excepted or unless listed in
750 another schedule, any of the following substances, including
751 their isomers, esters, ethers, salts, and salts of isomers,
752 esters, and ethers, whenever the existence of such isomers,
753 esters, ethers, and salts is possible within the specific
754 chemical designation:

755 1. Alfentanil.

756 2. Alphaprodine.

757 3. Anileridine.

758 4. Bezitramide.

759 5. Bulk propoxyphene (nondosage forms).

760 6. Carfentanil.

761 7. Dihydrocodeine.

762 8. Diphenoxylate.

763 9. Fentanyl.

764 10. Isomethadone.



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- 765 11. Levomethorphan.
- 766 12. Levorphanol.
- 767 13. Metazocine.
- 768 14. Methadone.
- 769 15. Methadone-Intermediate,4-cyano-2-
- 770 dimethylamino-4,4-diphenylbutane.
- 771 16. Moramide-Intermediate,2-methyl-
- 772 3-morpholino-1,1-diphenylpropane-carboxylic acid.
- 773 17. Nabilone.
- 774 18. Pethidine (meperidine).
- 775 19. Pethidine-Intermediate-A,4-cyano-1-
- 776 methyl-4-phenylpiperidine.
- 777 20. Pethidine-Intermediate-B,ethyl-4-
- 778 phenylpiperidine-4-carboxylate.
- 779 21. Pethidine-Intermediate-C,1-methyl-4- phenylpiperidine-
- 780 4-carboxylic acid.
- 781 22. Phenazocine.
- 782 23. Phencyclidine.
- 783 24. 1-Phenylcyclohexylamine.
- 784 25. Piminodine.
- 785 26. 1-Piperidinocyclohexanecarbonitrile.
- 786 27. Racemethorphan.
- 787 28. Racemorphan.
- 788 29. Remifentanil.
- 789 30.29. Sufentanil.
- 790 31. Tapentadol.
- 791 32. Thiafentanil.

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



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794 preparation which contains any quantity of the following
795 substances, including their salts, isomers, optical isomers,
796 salts of their isomers, and salts of their optical isomers:

- 797 1. Amobarbital.
- 798 2. Amphetamine.
- 799 3. Glutethimide.
- 800 4. Lisdexamfetamine.
- 801 ~~5.4. Methamphetamine.~~
- 802 ~~6.5. Methylphenidate.~~
- 803 ~~7.6. Pentobarbital.~~
- 804 ~~8.7. Phenmetrazine.~~
- 805 ~~9.8. Phenylacetone.~~
- 806 ~~10.9. Secobarbital.~~

807 (d) Dronabinol (synthetic THC) in oral solution in a drug
808 product approved by the United States Food and Drug
809 Administration.

810 (3) SCHEDULE III.—A substance in Schedule III has a
811 potential for abuse less than the substances contained in
812 Schedules I and II and has a currently accepted medical use in
813 treatment in the United States, and abuse of the substance may
814 lead to moderate or low physical dependence or high
815 psychological dependence or, in the case of anabolic steroids,
816 may lead to physical damage. The following substances are
817 controlled in Schedule III:

818 (a) Unless specifically excepted or unless listed in
819 another schedule, any material, compound, mixture, or
820 preparation which contains any quantity of the following
821 substances having a depressant or stimulant effect on the
822 nervous system:



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823 1. Any substance which contains any quantity of a
824 derivative of barbituric acid, including thiobarbituric acid, or
825 any salt of a derivative of barbituric acid or thiobarbituric
826 acid, including, but not limited to, butabarbital and
827 butalbital.

828 2. Benzphetamine.

829 3. Buprenorphine.

830 ~~4.3. Chlorhexadol.~~

831 ~~5.4. Chlorphentermine.~~

832 ~~6.5. Clortermine.~~

833 7. Embutramide.

834 ~~8.6. Lysergic acid.~~

835 ~~9.7. Lysergic acid amide.~~

836 ~~10.8. Methyprylon.~~

837 11. Perampanel.

838 ~~12.9. Phendimetrazine.~~

839 ~~13.10. Sulfondiethylmethane.~~

840 ~~14.11. Sulfonethylmethane.~~

841 ~~15.12. Sulfonmethane.~~

842 ~~16.13. Tiletamine and zolazepam or any salt thereof.~~

843 (b) Nalorphine.

844 (c) Unless specifically excepted or unless listed in
845 another schedule, any material, compound, mixture, or
846 preparation containing limited quantities of any of the
847 following controlled substances or any salts thereof:

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

851 2. Not more than 1.8 grams of codeine per 100 milliliters



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852 or not more than 90 milligrams per dosage unit, with recognized
853 therapeutic amounts of one or more active ingredients which are
854 not controlled substances.

855 3. Not more than 300 milligrams of hydrocodone per 100
856 milliliters or not more than 15 milligrams per dosage unit, with
857 a fourfold or greater quantity of an isoquinoline alkaloid of
858 opium.

859 4. Not more than 300 milligrams of hydrocodone per 100
860 milliliters or not more than 15 milligrams per dosage unit, with
861 recognized therapeutic amounts of one or more active ingredients
862 that are not controlled substances.

863 5. Not more than 1.8 grams of dihydrocodeine per 100
864 milliliters or not more than 90 milligrams per dosage unit, with
865 recognized therapeutic amounts of one or more active ingredients
866 which are not controlled substances.

867 6. Not more than 300 milligrams of ethylmorphine per 100
868 milliliters or not more than 15 milligrams per dosage unit, with
869 one or more active, nonnarcotic ingredients in recognized
870 therapeutic amounts.

871 7. Not more than 50 milligrams of morphine per 100
872 milliliters or per 100 grams, with recognized therapeutic
873 amounts of one or more active ingredients which are not
874 controlled substances.

875

876 For purposes of charging a person with a violation of s. 893.135
877 involving any controlled substance described in subparagraph 3.
878 or subparagraph 4., the controlled substance is a Schedule III
879 controlled substance pursuant to this paragraph but the weight
880 of the controlled substance per milliliters or per dosage unit



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881 is not relevant to the charging of a violation of s. 893.135.
882 The weight of the controlled substance shall be determined
883 pursuant to s. 893.135(6).

884 (d) Anabolic steroids.

885 1. The term "anabolic steroid" means any drug or hormonal
886 substance, chemically and pharmacologically related to
887 testosterone, other than estrogens, progestins, and
888 corticosteroids, that promotes muscle growth and includes:

- 889 a. Androsterone.
- 890 b. Androsterone acetate.
- 891 c. Boldenone.
- 892 d. Boldenone acetate.
- 893 e. Boldenone benzoate.
- 894 f. Boldenone undecylenate.
- 895 g. Chlorotestosterone (Clostebol).
- 896 h. Dehydrochlormethyltestosterone.
- 897 i. Dihydrotestosterone (Stanolone).
- 898 j. Drostanolone.
- 899 k. Ethylestrenol.
- 900 l. Fluoxymesterone.
- 901 m. Formebolone (Formebolone).
- 902 n. Mesterolone.
- 903 o. Methandrostenolone (Methandienone).
- 904 p. Methandranone.
- 905 q. Methandriol.
- 906 r. Methenolone.
- 907 s. Methyltestosterone.
- 908 t. Mibolerone.
- 909 u. Nortestosterone (Nandrolone).



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- 910 v. Norethandrolone.
911 w. Nortestosterone decanoate.
912 x. Nortestosterone phenylpropionate.
913 y. Nortestosterone propionate.
914 z. Oxandrolone.
915 aa. Oxymesterone.
916 bb. Oxymetholone.
917 cc. Stanozolol.
918 dd. Testolactone.
919 ee. Testosterone.
920 ff. Testosterone acetate.
921 gg. Testosterone benzoate.
922 hh. Testosterone cypionate.
923 ii. Testosterone decanoate.
924 jj. Testosterone enanthate.
925 kk. Testosterone isocaproate.
926 ll. Testosterone oleate.
927 mm. Testosterone phenylpropionate.
928 nn. Testosterone propionate.
929 oo. Testosterone undecanoate.
930 pp. Trenbolone.
931 qq. Trenbolone acetate.
932 rr. Any salt, ester, or isomer of a drug or substance
933 described or listed in this subparagraph if that salt, ester, or
934 isomer promotes muscle growth.
935 2. The term does not include an anabolic steroid that is
936 expressly intended for administration through implants to cattle
937 or other nonhuman species and that has been approved by the
938 United States Secretary of Health and Human Services for such



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939 administration. However, any person who prescribes, dispenses,
940 or distributes such a steroid for human use is considered to
941 have prescribed, dispensed, or distributed an anabolic steroid
942 within the meaning of this paragraph.

943 (e) Ketamine, including any isomers, esters, ethers, salts,
944 and salts of isomers, esters, and ethers, whenever the existence
945 of such isomers, esters, ethers, and salts is possible within
946 the specific chemical designation.

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

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

954 (4) (a) SCHEDULE IV.—A substance in Schedule IV has a low
955 potential for abuse relative to the substances in Schedule III
956 and has a currently accepted medical use in treatment in the
957 United States, and abuse of the substance may lead to limited
958 physical or psychological dependence relative to the substances
959 in Schedule III.

960 (b) Unless specifically excepted or unless listed in
961 another schedule, any material, compound, mixture, or
962 preparation which contains any quantity of the following
963 substances, including its salts, isomers, and salts of isomers
964 whenever the existence of such salts, isomers, and salts of
965 isomers is possible within the specific chemical designation,
966 are controlled in Schedule IV:

967 1. Alfaxalone.



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- 968 2.~~(a)~~ Alprazolam.
- 969 3.~~(b)~~ Barbital.
- 970 4.~~(c)~~ Bromazepam.
- 971 5.~~(iii)~~ Butorphanol tartrate.
- 972 6.~~(d)~~ Camazepam.
- 973 7.~~(jjj)~~ Carisoprodol.
- 974 8.~~(e)~~ Cathine.
- 975 9.~~(f)~~ Chloral betaine.
- 976 10.~~(g)~~ Chloral hydrate.
- 977 11.~~(h)~~ Chlordiazepoxide.
- 978 12.~~(i)~~ Clobazam.
- 979 13.~~(j)~~ Clonazepam.
- 980 14.~~(k)~~ Clorazepate.
- 981 15.~~(l)~~ Clotiazepam.
- 982 16.~~(m)~~ Cloxazolam.
- 983 17. Dexfenfluramine.
- 984 18.~~(n)~~ Delorazepam.
- 985 19. Dichloralphenazone.
- 986 20.~~(p)~~ Diazepam.
- 987 21.~~(q)~~ Diethylpropion.
- 988 22. Eluxadoline.
- 989 23.~~(r)~~ Estazolam.
- 990 24. Eszopiclone.
- 991 25.~~(s)~~ Ethchlorvynol.
- 992 26.~~(t)~~ Ethinamate.
- 993 27.~~(u)~~ Ethyl loflazepate.
- 994 28.~~(v)~~ Fencamfamin.
- 995 29.~~(w)~~ Fenfluramine.
- 996 30.~~(x)~~ Fenproporex.



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- 997 31.~~(y)~~ Fludiazepam.
- 998 32.~~(z)~~ Flurazepam.
- 999 33. Fospropofol.
- 1000 34.~~(aa)~~ Halazepam.
- 1001 35.~~(bb)~~ Haloxazolam.
- 1002 36.~~(cc)~~ Ketazolam.
- 1003 37.~~(dd)~~ Loprazolam.
- 1004 38.~~(ee)~~ Lorazepam.
- 1005 39. Lorcaserin.
- 1006 40.~~(ff)~~ Lormetazepam.
- 1007 41.~~(gg)~~ Mazindol.
- 1008 42.~~(hh)~~ Mebutamate.
- 1009 43.~~(ii)~~ Medazepam.
- 1010 44.~~(jj)~~ Mefenorex.
- 1011 45.~~(kk)~~ Meprobamate.
- 1012 46.~~(ll)~~ Methohexital.
- 1013 47.~~(mm)~~ Methylphenobarbital.
- 1014 48.~~(nn)~~ Midazolam.
- 1015 49. Modafinil.
- 1016 50.~~(oo)~~ Nimetazepam.
- 1017 51.~~(pp)~~ Nitrazepam.
- 1018 52.~~(qq)~~ Nordiazepam.
- 1019 53.~~(rr)~~ Oxazepam.
- 1020 54.~~(ss)~~ Oxazolam.
- 1021 55.~~(tt)~~ Paraldehyde.
- 1022 56.~~(uu)~~ Pemoline.
- 1023 57.~~(vv)~~ Pentazocine.
- 1024 58. Petrichloral.
- 1025 59.~~(ww)~~ Phenobarbital.



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- 1026 60.~~(xx)~~ Phentermine.
- 1027 61.~~(yy)~~ Pinazepam.
- 1028 62.~~(zz)~~ Pipradrol.
- 1029 63.~~(aaa)~~ Prazepam.
- 1030 64.~~(e)~~ Propoxyphene (dosage forms).
- 1031 65.~~(bbb)~~ Propylhexedrine, excluding any patent or
1032 proprietary preparation containing propylhexedrine, unless
1033 otherwise provided by federal law.
- 1034 66.~~(eee)~~ Quazepam.
- 1035 67. Sibutramine.
- 1036 68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2
1037 diphenylethane].
- 1038 69. Suvorexant.
- 1039 70.~~(fff)~~ Temazepam.
- 1040 71.~~(ddd)~~ Tetrazepam.
- 1041 72. Tramadol.
- 1042 73.~~(ggg)~~ Triazolam.
- 1043 74. Zaleplon.
- 1044 75. Zolpidem.
- 1045 76. Zopiclone.
- 1046 77.~~(hhh)~~ Not more than 1 milligram of difenoxin and not
1047 less than 25 micrograms of atropine sulfate per dosage unit.
- 1048 (5) SCHEDULE V.—A substance, compound, mixture, or
1049 preparation of a substance in Schedule V has a low potential for
1050 abuse relative to the substances in Schedule IV and has a
1051 currently accepted medical use in treatment in the United
1052 States, and abuse of such compound, mixture, or preparation may
1053 lead to limited physical or psychological dependence relative to
1054 the substances in Schedule IV.



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1055 (a) Substances controlled in Schedule V include any
1056 compound, mixture, or preparation containing any of the
1057 following limited quantities of controlled substances, which
1058 ~~must shall~~ include one or more active medicinal ingredients that
1059 ~~which~~ are not controlled substances in sufficient proportion to
1060 confer upon the compound, mixture, or preparation valuable
1061 medicinal qualities other than those possessed by the controlled
1062 substance alone:

1063 1. Not more than 200 milligrams of codeine per 100
1064 milliliters or per 100 grams.

1065 2. Not more than 100 milligrams of dihydrocodeine per 100
1066 milliliters or per 100 grams.

1067 3. Not more than 100 milligrams of ethylmorphine per 100
1068 milliliters or per 100 grams.

1069 4. Not more than 2.5 milligrams of diphenoxylate and not
1070 less than 25 micrograms of atropine sulfate per dosage unit.

1071 5. Not more than 100 milligrams of opium per 100
1072 milliliters or per 100 grams.

1073 6. Not more than 0.5 milligrams of difenoxin and not less
1074 than 25 micrograms of atropine sulfate per dosage unit.

1075 (b) Unless a specific exception exists or unless listed in
1076 another schedule, any material, compound, mixture, or
1077 preparation that contains any quantity of the following
1078 substances is controlled in Schedule V:

1079 1. Brivaracetam.

1080 2. Ezogabine.

1081 3. Lacosamide.

1082 4. Pregabalin ~~Narcotic drugs. Unless specifically excepted~~
1083 ~~or unless listed in another schedule, any material, compound,~~



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1084 ~~mixture, or preparation containing any of the following narcotic~~
1085 ~~drugs and their salts: Buprenorphine.~~

1086 (c) Stimulants. Unless specifically excepted or unless
1087 listed in another schedule, any material, compound, mixture, or
1088 preparation which contains any quantity of the following
1089 substances having a stimulant effect on the central nervous
1090 system, including its salts, isomers, and salts of isomers:
1091 Pyrovalerone.

1092 Section 11. Section 893.055, Florida Statutes, is amended
1093 to read:

1094 (Substantial rewording of section. See
1095 s. 893.055, F.S., for present text.)
1096 893.055 Prescription drug monitoring program.—

1097 (1) As used in this section, the term:

1098 (a) "Active investigation" means an investigation that is
1099 being conducted with a reasonable, good faith belief that it
1100 could lead to the filing of administrative, civil, or criminal
1101 proceedings, or that is ongoing and continuing and for which
1102 there is a reasonable, good faith anticipation of securing an
1103 arrest or prosecution in the foreseeable future.

1104 (b) "Administration" means the obtaining and giving of a
1105 single dose of a controlled substance by a legally authorized
1106 person to a patient for her or his consumption.

1107 (c) "Controlled substance" means a controlled substance
1108 listed in Schedule II, Schedule III, Schedule IV, or Schedule V
1109 of s. 893.03 or 21 U.S.C. s. 812.

1110 (d) "Dispense" means the transfer of possession of one or
1111 more doses of a controlled substance by a dispenser to the
1112 ultimate consumer or to his or her agent.



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1113 (e) "Dispenser" means a dispensing health care
1114 practitioner, pharmacy, or pharmacist licensed to dispense
1115 controlled substances in or into this state.

1116 (f) "Health care practitioner" or "practitioner" means any
1117 practitioner licensed under chapter 458, chapter 459, chapter
1118 461, chapter 463, chapter 464, chapter 465, or chapter 466.

1119 (g) "Health care regulatory board" has the same meaning as
1120 s. 456.001(1).

1121 (h) "Law enforcement agency" means the Department of Law
1122 Enforcement, a sheriff's office in this state, a police
1123 department in this state, or a law enforcement agency of the
1124 Federal Government which enforces the laws of this state or the
1125 United States relating to controlled substances and whose agents
1126 and officers are empowered by law to conduct criminal
1127 investigations and make arrests.

1128 (i) "Pharmacy" includes a community pharmacy, an
1129 institutional pharmacy, a nuclear pharmacy, a special pharmacy,
1130 or an Internet pharmacy that is licensed by the department under
1131 chapter 465 and that dispenses or delivers controlled substances
1132 to an individual or address in this state.

1133 (j) "Prescriber" means a prescribing physician, prescribing
1134 practitioner, or other prescribing health care practitioner
1135 authorized by the laws of this state to order controlled
1136 substances.

1137 (k) "Program manager" means an employee of or a person
1138 contracted by the department who is designated to ensure the
1139 integrity of the prescription drug monitoring program in
1140 accordance with the requirements established in this section.

1141 (2) (a) The department shall maintain an electronic system



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1142 to collect and store controlled substance dispensing information
1143 and shall release the information as authorized in this section
1144 and s. 893.0551. The electronic system must:

1145 1. Not infringe upon the legitimate prescribing or
1146 dispensing of a controlled substance by a prescriber or
1147 dispenser acting in good faith and in the course of professional
1148 practice.

1149 2. Be consistent with standards of the American Society for
1150 Automation in Pharmacy.

1151 3. Comply with the Health Insurance Portability and
1152 Accountability Act as it pertains to protected health
1153 information, electronic protected health information, and all
1154 other relevant state and federal privacy and security laws and
1155 regulations.

1156 (b) The department may collaborate with professional health
1157 care regulatory boards, appropriate organizations, and other
1158 state agencies to identify indicators of controlled substance
1159 abuse.

1160 (3) For each controlled substance dispensed to a patient in
1161 the state, the following information must be reported by the
1162 dispenser to the system as soon thereafter as possible but no
1163 later than the close of the next business day after the day the
1164 controlled substance is dispensed unless an extension or
1165 exemption is approved by the department:

1166 (a) The name of the prescribing practitioner, the
1167 practitioner's federal Drug Enforcement Administration
1168 registration number, the practitioner's National Provider
1169 Identification (NPI) or other appropriate identifier, and the
1170 date of the prescription.



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1171 (b) The date the prescription was filled and the method of
1172 payment, such as cash by an individual, insurance coverage
1173 through a third party, or Medicaid payment. This paragraph does
1174 not authorize the department to include individual credit card
1175 numbers or other account numbers in the system.

1176 (c) The full name, address, telephone number, and date of
1177 birth of the person for whom the prescription was written.

1178 (d) The name, national drug code, quantity, and strength of
1179 the controlled substance dispensed.

1180 (e) The full name, federal Drug Enforcement Administration
1181 registration number, State of Florida Department of Health
1182 issued pharmacy permit number, and address of the pharmacy or
1183 other location from which the controlled substance was
1184 dispensed. If the controlled substance was dispensed by a
1185 practitioner other than a pharmacist, the practitioner's full
1186 name, address, federal Drug Enforcement Administration
1187 registration number, State of Florida Department of Health
1188 issued license number, and National Provider Identification
1189 (NPI).

1190 (f) Whether the drug was dispensed as an initial
1191 prescription or a refill, and the number of refills ordered.

1192 (g) The name of the individual picking up the controlled
1193 substance prescription and type and issuer of the identification
1194 provided.

1195 (h) Other appropriate identifying information as determined
1196 by department rule.

1197
1198 All acts of administration of controlled substances are exempt
1199 from the reporting requirements of this subsection.



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1200 (4) The following must be provided direct access to
1201 information in the system:

1202 (a) A prescriber or dispenser or his or her designee.

1203 (b) An employee of the United States Department of Veterans
1204 Affairs, United States Department of Defense, or the Indian
1205 Health Service who provides health care services pursuant to
1206 such employment and who has the authority to prescribe
1207 controlled substances shall have access to the information in
1208 the program's system upon verification of employment.

1209 (c) The program manager or designated program and support
1210 staff may have access to administer the system.

1211 1. In order to calculate performance measures pursuant to
1212 subsection (14), the program manager or program and support
1213 staff members who have been directed by the program manager to
1214 calculate performance measures may have direct access to
1215 information that contains no identifying information of any
1216 patient, physician, health care practitioner, prescriber, or
1217 dispenser.

1218 2. The program manager or designated program and support
1219 staff must provide the department, upon request, data that does
1220 not contain patient, physician, health care practitioner,
1221 prescriber, or dispenser identifying information for public
1222 health care and safety initiatives purposes.

1223 3. The program manager, upon determining a pattern
1224 consistent with the department's rules established under
1225 subsection (16), may provide relevant information to the
1226 prescriber and dispenser.

1227 4. The program manager, upon determining a pattern
1228 consistent with the rules established under subsection (16) and



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1229 having cause to believe a violation of s. 893.13(7)(a)8.,
1230 (8)(a), or (8)(b) has occurred, may provide relevant information
1231 to the applicable law enforcement agency.

1232
1233 The program manager and designated program and support staff
1234 must complete a level II background screening.

1235 (5) The following entities may not directly access
1236 information in the system, but may request information from the
1237 program manager or designated program and support staff:

1238 (a) The department and its health care regulatory boards,
1239 as appropriate, for investigations involving licensees
1240 authorized to prescribe or dispense controlled substances.

1241 (b) The Attorney General for Medicaid fraud cases involving
1242 prescribed controlled substances.

1243 (c) A law enforcement agency during active investigations
1244 of potential criminal activity, fraud, or theft regarding
1245 prescribed controlled substances.

1246 (d) A medical examiner when conducting an authorized
1247 investigation under s. 406.11, to determine the cause of death
1248 of an individual.

1249 (e) An impaired practitioner consultant who is retained by
1250 the department under s. 456.076 to review the system information
1251 of an impaired practitioner program participant or a referral
1252 who has agreed to be evaluated or monitored through the program
1253 and who has separately agreed in writing to the consultant's
1254 access to and review of such information.

1255 (f) A patient or the legal guardian or designated health
1256 care surrogate of an incapacitated patient who submits a written
1257 and notarized request that includes the patient's full name,



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1258 address, phone number, date of birth, and a copy of a
1259 government-issued photo identification.

1260 (6) The department may enter into a reciprocal agreement or
1261 contract to share prescription drug monitoring information with
1262 another state, district, or territory if the prescription drug
1263 monitoring programs of other states, districts, or territories
1264 are compatible with the Florida program.

1265 (a) In determining compatibility, the department shall
1266 consider:

1267 1. The safeguards for privacy of patient records and the
1268 success of the program in protecting patient privacy.

1269 2. The persons authorized to view the data collected by the
1270 program. Comparable entities and licensed health care
1271 practitioners in other states, districts, or territories of the
1272 United States, law enforcement agencies, the Attorney General's
1273 Medicaid Fraud Control Unit, medical regulatory boards, and, as
1274 needed, management staff that have similar duties as management
1275 staff who work with the prescription drug monitoring program as
1276 authorized in s. 893.0551 are authorized access upon approval by
1277 the department.

1278 3. The schedules of the controlled substances that are
1279 monitored by the program.

1280 4. The data reported to or included in the program's
1281 system.

1282 5. Any implementing criteria deemed essential for a
1283 thorough comparison.

1284 6. The costs and benefits to the state of sharing
1285 prescription information.

1286 (b) The department shall assess the prescription drug



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1287 monitoring program's continued compatibility with the other
1288 state's, district's, or territory's program every 4 years.

1289 (c) Any agreement or contract for sharing of prescription
1290 drug monitoring information between the department and another
1291 state, district, or territory shall contain the same
1292 restrictions and requirements as this section or s. 893.0551,
1293 and the information must be provided according to the
1294 department's determination of compatibility.

1295 (7) The department may enter into agreements or contracts
1296 to establish secure connections between the system and a
1297 prescribing or dispensing health care practitioner's electronic
1298 health recordkeeping system. The electronic health recordkeeping
1299 system owner or license holder will be responsible for ensuring
1300 that only authorized individuals have access to prescription
1301 drug monitoring program information.

1302 (8) A prescriber or dispenser or a designee of a prescriber
1303 or dispenser must consult the system to review a patient's
1304 controlled substance dispensing history before prescribing or
1305 dispensing a controlled substance.

1306 (a) The duty to consult the system does not apply to a
1307 prescriber or dispenser or designee of a prescriber or dispenser
1308 if the system is not operational, as determined by the
1309 department, or when it cannot be accessed by a health care
1310 practitioner because of a temporary technological or electrical
1311 failure.

1312 (b) A prescriber or dispenser or designee of a prescriber
1313 or dispenser who does not consult the system under this
1314 subsection shall document the reason he or she did not consult
1315 the system in the patient's medical record or prescription



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1316 record, and shall not prescribe or dispense greater than a 3-day
1317 supply of a controlled substance to the patient.

1318 (c) The department shall issue a citation pursuant to the
1319 procedure in s. 456.077 to any prescriber or dispenser who fails
1320 to consult the system as required by this subsection.

1321 (9) A person who willfully and knowingly fails to report
1322 the dispensing of a controlled substance as required by this
1323 section commits a misdemeanor of the first degree, punishable as
1324 provided in s. 775.082 or s. 775.083.

1325 (10) Information in the prescription drug monitoring
1326 program's system may be released only as provided in this
1327 section and s. 893.0551. The content of the system is intended
1328 to be informational only. Information in the system is not
1329 subject to discovery or introduction into evidence in any civil
1330 or administrative action against a prescriber, dispenser,
1331 pharmacy, or patient arising out of matters that are the subject
1332 of information in the system. The program manager and authorized
1333 persons who participate in preparing, reviewing, issuing, or any
1334 other activity related to management of the system may not be
1335 permitted or required to testify in any such civil or
1336 administrative action as to any findings, recommendations,
1337 evaluations, opinions, or other actions taken in connection with
1338 management of the system.

1339 (11) A prescriber or dispenser, or his or her designee, may
1340 have access to the information under this section which relates
1341 to a patient of that prescriber or dispenser as needed for the
1342 purpose of reviewing the patient's controlled drug prescription
1343 history. A prescriber or dispenser acting in good faith is
1344 immune from any civil, criminal, or administrative liability



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1345 that might otherwise be incurred or imposed for receiving or
1346 using information from the prescription drug monitoring program.
1347 This subsection does not create a private cause of action, and a
1348 person may not recover damages against a prescriber or dispenser
1349 authorized to access information under this subsection for
1350 accessing or failing to access such information.

1351 (12) (a) All costs incurred by the department in
1352 administering the prescription drug monitoring program shall be
1353 funded through federal grants, private funding applied for or
1354 received by the state, or state funds appropriated in the
1355 General Appropriations Act. The department may not:

1356 1. Commit funds for the monitoring program without ensuring
1357 funding is available; or

1358 2. Use funds provided, directly or indirectly by
1359 prescription drug manufacturers to implement the program.

1360 (b) The department shall cooperate with the direct-support
1361 organization established under subsection (15) in seeking
1362 federal grant funds, other nonstate grant funds, gifts,
1363 donations, or other private moneys for the department if the
1364 costs of doing so are immaterial. Immaterial costs include, but
1365 are not limited to, the costs of mailing and personnel assigned
1366 to research or apply for a grant. The department may
1367 competitively procure and contract pursuant to s. 287.057 for
1368 any goods and services required by this section.

1369 (13) The department shall conduct or participate in studies
1370 to examine the feasibility of enhancing the prescription drug
1371 monitoring program for the purposes of public health initiatives
1372 and statistical reporting. Such studies shall respect the
1373 privacy of the patient, the prescriber, and the dispenser. Such



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1374 studies may be conducted by the department or a contracted
1375 vendor in order to:
1376 (a) Improve the quality of health care services and safety
1377 by improving prescribing and dispensing practices for controlled
1378 substances;
1379 (b) Take advantage of advances in technology;
1380 (c) Reduce duplicative prescriptions and the
1381 overprescribing of controlled substances; and
1382 (d) Reduce drug abuse.
1383 (14) The department shall annually report on performance
1384 measures to the Governor, the President of the Senate, and the
1385 Speaker of the House of Representatives by December 1.
1386 Performance measures may include, but are not limited to, the
1387 following outcomes:
1388 (a) Reduction of the rate of inappropriate use of
1389 controlled substances through department education and safety
1390 efforts.
1391 (b) Reduction of the quantity of controlled substances
1392 obtained by individuals attempting to engage in fraud and
1393 deceit.
1394 (c) Increased coordination among partners participating in
1395 the prescription drug monitoring program.
1396 (d) Involvement of stakeholders in achieving improved
1397 patient health care and safety and reduction of controlled
1398 substance abuse and controlled substance diversion.
1399 (15) The department may establish a direct-support
1400 organization to provide assistance, funding, and promotional
1401 support for the activities authorized for the prescription drug
1402 monitoring program.



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1403 (a) As used in this subsection, the term "direct-support
1404 organization" means an organization that is:

1405 1. A Florida corporation not for profit incorporated under
1406 chapter 617, exempted from filing fees, and approved by the
1407 Department of State.

1408 2. Organized and operated to conduct programs and
1409 activities; raise funds; request and receive grants, gifts, and
1410 bequests of money; acquire, receive, hold, and invest, in its
1411 own name, securities, funds, objects of value, or other
1412 property, either real or personal; and make expenditures or
1413 provide funding to or for the direct or indirect benefit of the
1414 department in the furtherance of the prescription drug
1415 monitoring program.

1416 (b) The State Surgeon General shall appoint a board of
1417 directors for the direct-support organization.

1418 1. The board of directors shall consist of no fewer than
1419 five members who shall serve at the pleasure of the State
1420 Surgeon General.

1421 2. The State Surgeon General shall provide guidance to
1422 members of the board to ensure that moneys received by the
1423 direct-support organization are not received from inappropriate
1424 sources. Inappropriate sources include, but are not limited to,
1425 donors, grantors, persons, prescription drug manufacturers, or
1426 organizations that may monetarily or substantively benefit from
1427 the purchase of goods or services by the department in
1428 furtherance of the prescription drug monitoring program.

1429 (c) The direct-support organization shall operate under
1430 written contract with the department. The contract must, at a
1431 minimum, provide for:



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- 1432 1. Approval of the articles of incorporation and bylaws of
1433 the direct-support organization by the department.
- 1434 2. Submission of an annual budget for the approval of the
1435 department.
- 1436 3. The reversion, without penalty, to the department's
1437 grants and donations trust fund for the administration of the
1438 prescription drug monitoring program of all moneys and property
1439 held in trust by the direct-support organization for the benefit
1440 of the prescription drug monitoring program if the direct-
1441 support organization ceases to exist or if the contract is
1442 terminated.
- 1443 4. The fiscal year of the direct-support organization,
1444 which must begin July 1 of each year and end June 30 of the
1445 following year.
- 1446 5. The disclosure of the material provisions of the
1447 contract to donors of gifts, contributions, or bequests,
1448 including such disclosure on all promotional and fundraising
1449 publications, and an explanation to such donors of the
1450 distinction between the department and the direct-support
1451 organization.
- 1452 6. The direct-support organization's collecting, expending,
1453 and providing of funds to the department for the development,
1454 implementation, and operation of the prescription drug
1455 monitoring program as described in this section. The direct-
1456 support organization may collect and expend funds to be used for
1457 the functions of the direct-support organization's board of
1458 directors, as necessary and approved by the department. In
1459 addition, the direct-support organization may collect and
1460 provide funding to the department in furtherance of the



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1461 prescription drug monitoring program by:
1462 a. Establishing and administering the prescription drug
1463 monitoring program's electronic system, including hardware and
1464 software.
1465 b. Conducting studies on the efficiency and effectiveness
1466 of the program to include feasibility studies as described in
1467 subsection (13).
1468 c. Providing funds for future enhancements of the program
1469 within the intent of this section.
1470 d. Providing user training of the prescription drug
1471 monitoring program, including distribution of materials to
1472 promote public awareness and education and conducting workshops
1473 or other meetings, for health care practitioners, pharmacists,
1474 and others as appropriate.
1475 e. Providing funds for travel expenses.
1476 f. Providing funds for administrative costs, including
1477 personnel, audits, facilities, and equipment.
1478 g. Fulfilling all other requirements necessary to implement
1479 and operate the program as outlined in this section.
1480 7. Certification by the department that the direct-support
1481 organization is complying with the terms of the contract in a
1482 manner consistent with and in furtherance of the goals and
1483 purposes of the prescription drug monitoring program and in the
1484 best interests of the state. Such certification must be made
1485 annually and reported in the official minutes of a meeting of
1486 the direct-support organization.
1487 (d) The activities of the direct-support organization must
1488 be consistent with the goals and mission of the department, as
1489 determined by the department, and in the best interests of the



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1490 state. The direct-support organization must obtain written
1491 approval from the department for any activities in support of
1492 the prescription drug monitoring program before undertaking
1493 those activities.

1494 (e) The direct-support organization shall provide for an
1495 independent annual financial audit in accordance with s.
1496 215.981. Copies of the audit shall be provided to the department
1497 and the Office of Policy and Budget in the Executive Office of
1498 the Governor.

1499 (f) The direct-support organization may not exercise any
1500 power under s. 617.0302(12) or (16).

1501 (g) The direct-support organization is not considered a
1502 lobbying firm within the meaning of s. 11.045.

1503 (h) The department may permit, without charge, appropriate
1504 use of administrative services, property, and facilities of the
1505 department by the direct-support organization, subject to this
1506 section. The use must be directly in keeping with the approved
1507 purposes of the direct-support organization and may not be made
1508 at times or places that would unreasonably interfere with
1509 opportunities for the public to use such facilities for
1510 established purposes. Any moneys received from rentals of
1511 facilities and properties managed by the department may be held
1512 in a separate depository account in the name of the direct-
1513 support organization and subject to the provisions of the letter
1514 of agreement with the department. The letter of agreement must
1515 provide that any funds held in the separate depository account
1516 in the name of the direct-support organization must revert to
1517 the department if the direct-support organization is no longer
1518 approved by the department to operate in the best interests of



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1519 the state.

1520 (i) The department may adopt rules under s. 120.54 to
1521 govern the use of administrative services, property, or
1522 facilities of the department or office by the direct-support
1523 organization.

1524 (j) The department may not permit the use of any
1525 administrative services, property, or facilities of the state by
1526 a direct-support organization if that organization does not
1527 provide equal membership and employment opportunities to all
1528 persons regardless of race, color, religion, gender, age, or
1529 national origin.

1530 (k) This subsection is repealed October 1, 2027, unless
1531 reviewed and saved from repeal by the Legislature.

1532 (16) The department shall adopt rules necessary to
1533 implement this section.

1534 Section 12. Section 893.0551, Florida Statutes, is amended
1535 to read:

1536 893.0551 Public records exemption for the prescription drug
1537 monitoring program.—

1538 (1) For purposes of this section, the terms used in this
1539 section have the same meanings as provided in s. 893.055.

1540 (2) The following information of a patient or patient's
1541 agent, a health care practitioner, a dispenser, an employee of
1542 the practitioner who is acting on behalf of and at the direction
1543 of the practitioner, a pharmacist, or a pharmacy that is
1544 contained in records held by the department under s. 893.055 is
1545 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
1546 of the State Constitution:

1547 (a) Name.



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- 1548 (b) Address.
- 1549 (c) Telephone number.
- 1550 (d) Insurance plan number.
- 1551 (e) Government-issued identification number.
- 1552 (f) Provider number.
- 1553 (g) Drug Enforcement Administration number.
- 1554 (h) Any other unique identifying information or number.
- 1555 (3) The department shall disclose such ~~confidential and~~
1556 ~~exempt~~ information to the following persons or entities upon
1557 request and after using a verification process to ensure the
1558 legitimacy of the request as provided in s. 893.055:
- 1559 (a) A health care practitioner, or his or her designee, who
1560 certifies that the information is necessary to provide medical
1561 treatment to a current patient in accordance with ss. 893.05 and
1562 893.055.
- 1563 (b) A qualified physician, to review a patient's controlled
1564 drug prescription history before issuing a physician
1565 certification pursuant to s. 381.986.
- 1566 (c) An employee of the United States Department of Veterans
1567 Affairs, United States Department of Defense, or the Indian
1568 Health Service who provides health care services pursuant to
1569 such employment and who has the authority to prescribe
1570 controlled substances shall have access to the information in
1571 the program's system upon verification of such employment.
- 1572 (d) The program manager and designated support staff for
1573 administration of the program, and to provide relevant
1574 information to the prescriber, dispenser, and appropriate law
1575 enforcement agencies, in accordance with s. 893.055.
- 1576 (e) The department for investigations involving licensees



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1577 authorized to prescribe or dispense controlled substances. The
1578 department may request information from the program but may not
1579 have direct access to its system. The department may provide to
1580 a law enforcement agency pursuant to ss. 456.066 and 456.073
1581 only information that is relevant to the specific controlled
1582 substances investigation that prompted the request for the
1583 information.

1584 (f) ~~(a)~~ The Attorney General or his or her designee when
1585 working on Medicaid fraud cases involving prescribed controlled
1586 substances ~~prescription drugs~~ or when the Attorney General has
1587 initiated a review of specific identifiers of Medicaid fraud or
1588 specific identifiers that warrant a Medicaid investigation
1589 regarding prescribed controlled substances ~~prescription drugs~~.
1590 The Attorney General's Medicaid fraud investigators may not have
1591 direct access to the department's system ~~database~~. The Attorney
1592 General or his or her designee may disclose to a criminal
1593 justice agency, as defined in s. 119.011, only the ~~confidential~~
1594 ~~and exempt~~ information received from the department that is
1595 relevant to an identified active investigation that prompted the
1596 request for the information.

1597 (g) ~~(b)~~ The department's relevant health care regulatory
1598 boards responsible for the licensure, regulation, or discipline
1599 of a practitioner, pharmacist, or other person who is authorized
1600 to prescribe, administer, or dispense controlled substances and
1601 who is involved in a specific controlled substances
1602 investigation for prescription drugs involving a designated
1603 person. The health care regulatory boards may request
1604 information from the department but may not have direct access
1605 to its database. The health care regulatory boards may provide



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1606 to a law enforcement agency pursuant to ss. 456.066 and 456.073
1607 only information that is relevant to the specific controlled
1608 substances investigation that prompted the request for the
1609 information.

1610 (h)~~(e)~~ A law enforcement agency that has initiated an
1611 active investigation involving a specific violation of law
1612 regarding prescription drug abuse or diversion of prescribed
1613 controlled substances and that has entered into a user agreement
1614 with the department. A law enforcement agency may request
1615 information from the department but may not have direct access
1616 to its system database. The law enforcement agency may disclose
1617 to a criminal justice agency, as defined in s. 119.011, only
1618 ~~confidential and exempt~~ information received from the department
1619 that is relevant to an identified active investigation that
1620 prompted the request for such information.

1621 (i) A district medical examiner or associate medical
1622 examiner, as described in s. 406.06, pursuant to his or her
1623 official duties, as required by s. 406.11, to determine the
1624 cause of death of an individual. Such medical examiners may
1625 request information from the department but may not have direct
1626 access to the system.

1627 ~~(f) A patient or the legal guardian or designated health~~
1628 ~~care surrogate for an incapacitated patient, if applicable,~~
1629 ~~making a request as provided in s. 893.055(7)(c)4.~~

1630 (j)~~(h)~~ An impaired practitioner consultant who has been
1631 authorized in writing by a participant in, or by a referral to,
1632 the impaired practitioner program to access and review
1633 information as provided in s. 893.055(5)(e) ~~893.055(7)(e)5~~.

1634 (k) A patient or the legal guardian or designated health



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1635 care surrogate for an incapacitated patient, if applicable,
1636 making a request as provided in s. 893.055(5)(f).

1637 (4) If the department determines consistent with its rules
1638 that a pattern of controlled substance abuse exists, the
1639 department may disclose such confidential and exempt information
1640 to the applicable law enforcement agency in accordance with s.
1641 893.055. The law enforcement agency may disclose to a criminal
1642 justice agency, as defined in s. 119.011, only ~~confidential and~~
1643 ~~exempt~~ information received from the department that is relevant
1644 to an identified active investigation that is specific to a
1645 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.
1646 893.13(8)(b).

1647 (5) Before disclosing ~~confidential and exempt~~ information
1648 to a criminal justice agency or a law enforcement agency
1649 pursuant to this section, the disclosing person or entity must
1650 take steps to ensure the continued confidentiality of all
1651 ~~confidential and exempt~~ information. At a minimum, these steps
1652 must include redacting any nonrelevant information.

1653 (6) An agency or person who obtains any ~~confidential and~~
1654 ~~exempt~~ information pursuant to this section must maintain the
1655 confidential and exempt status of that information and may not
1656 disclose such information unless authorized by law. Information
1657 shared with a state attorney pursuant to paragraph (3)(f) ~~(3)(a)~~
1658 or paragraph (3)(h) ~~(3)(e)~~ may be released only in response to a
1659 discovery demand if such information is directly related to the
1660 criminal case for which the information was requested. Unrelated
1661 information may be released only upon an order of a court of
1662 competent jurisdiction.

1663 (7) A person who willfully and knowingly violates this



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1664 section commits a felony of the third degree, punishable as
1665 provided in s. 775.082, s. 775.083, or s. 775.084.

1666 Section 13. Effective January 1, 2019, paragraphs (pp) and
1667 (qq) of subsection (1) of section 458.331, Florida Statutes, are
1668 amended to read:

1669 458.331 Grounds for disciplinary action; action by the
1670 board and department.-

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

1673 (pp) Applicable to a licensee who serves as the designated
1674 physician of a pain-management clinic as defined in s. 458.3265
1675 or s. 459.0137:

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

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

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

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

1691 5. Being convicted of, or disciplined by a regulatory
1692 agency of the Federal Government or a regulatory agency of



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1693 another state for, any offense that would constitute a violation
1694 of this chapter;

1695 6. Being convicted of, or entering a plea of guilty or nolo
1696 contendere to, regardless of adjudication, a crime in any
1697 jurisdiction of the courts of this state, of any other state, or
1698 of the United States which relates to the practice of, or the
1699 ability to practice, a licensed health care profession;

1700 7. Being convicted of, or entering a plea of guilty or nolo
1701 contendere to, regardless of adjudication, a crime in any
1702 jurisdiction of the courts of this state, of any other state, or
1703 of the United States which relates to health care fraud;

1704 8. Dispensing any medicinal drug based upon a communication
1705 that purports to be a prescription as defined in s. 465.003(14)
1706 or s. 893.02 if the dispensing practitioner knows or has reason
1707 to believe that the purported prescription is not based upon a
1708 valid practitioner-patient relationship; or

1709 9. Failing to timely notify the board of the date of his or
1710 her termination from a pain-management clinic as required by s.
1711 458.3265(3) ~~458.3265(2)~~.

1712 (qq) Failing to timely notify the department of the theft
1713 of prescription blanks from a pain-management clinic or a breach
1714 of other methods for prescribing within 24 hours as required by
1715 s. 458.3265(3) ~~458.3265(2)~~.

1716 Section 14. Effective January 1, 2019, Paragraphs (rr) and
1717 (ss) of subsection (1) of section 459.015, Florida Statutes, are
1718 amended to read:

1719 459.015 Grounds for disciplinary action; action by the
1720 board and department.—

1721 (1) The following acts constitute grounds for denial of a



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1722 license or disciplinary action, as specified in s. 456.072(2):
1723 (rr) Applicable to a licensee who serves as the designated
1724 physician of a pain-management clinic as defined in s. 458.3265
1725 or s. 459.0137:
1726 1. Registering a pain-management clinic through
1727 misrepresentation or fraud;
1728 2. Procuring, or attempting to procure, the registration of
1729 a pain-management clinic for any other person by making or
1730 causing to be made, any false representation;
1731 3. Failing to comply with any requirement of chapter 499,
1732 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the
1733 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,
1734 the Drug Abuse Prevention and Control Act; or chapter 893, the
1735 Florida Comprehensive Drug Abuse Prevention and Control Act;
1736 4. Being convicted or found guilty of, regardless of
1737 adjudication to, a felony or any other crime involving moral
1738 turpitude, fraud, dishonesty, or deceit in any jurisdiction of
1739 the courts of this state, of any other state, or of the United
1740 States;
1741 5. Being convicted of, or disciplined by a regulatory
1742 agency of the Federal Government or a regulatory agency of
1743 another state for, any offense that would constitute a violation
1744 of this chapter;
1745 6. Being convicted of, or entering a plea of guilty or nolo
1746 contendere to, regardless of adjudication, a crime in any
1747 jurisdiction of the courts of this state, of any other state, or
1748 of the United States which relates to the practice of, or the
1749 ability to practice, a licensed health care profession;
1750 7. Being convicted of, or entering a plea of guilty or nolo



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1751 contendere to, regardless of adjudication, a crime in any
1752 jurisdiction of the courts of this state, of any other state, or
1753 of the United States which relates to health care fraud;

1754 8. Dispensing any medicinal drug based upon a communication
1755 that purports to be a prescription as defined in s. 465.003(14)
1756 or s. 893.02 if the dispensing practitioner knows or has reason
1757 to believe that the purported prescription is not based upon a
1758 valid practitioner-patient relationship; or

1759 9. Failing to timely notify the board of the date of his or
1760 her termination from a pain-management clinic as required by s.
1761 459.0137(3) ~~459.0137(2)~~.

1762 (ss) Failing to timely notify the department of the theft
1763 of prescription blanks from a pain-management clinic or a breach
1764 of other methods for prescribing within 24 hours as required by
1765 s. 459.0137(3) ~~459.0137(2)~~.

1766 Section 15. Paragraph (b) of subsection (4) of section
1767 463.0055, Florida Statutes, is amended to read:

1768 463.0055 Administration and prescription of ocular
1769 pharmaceutical agents.—

1770 (4) A certified optometrist shall be issued a prescriber
1771 number by the board. Any prescription written by a certified
1772 optometrist for an ocular pharmaceutical agent pursuant to this
1773 section shall have the prescriber number printed thereon. A
1774 certified optometrist may not administer or prescribe:

1775 (b) A controlled substance for the treatment of chronic
1776 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1777 Section 16. Paragraph (a) of subsection (1) of section
1778 782.04, Florida Statutes, is amended to read:

1779 782.04 Murder.—



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1780 (1) (a) The unlawful killing of a human being:
1781 1. When perpetrated from a premeditated design to effect
1782 the death of the person killed or any human being;
1783 2. When committed by a person engaged in the perpetration
1784 of, or in the attempt to perpetrate, any:
1785 a. Trafficking offense prohibited by s. 893.135(1),
1786 b. Arson,
1787 c. Sexual battery,
1788 d. Robbery,
1789 e. Burglary,
1790 f. Kidnapping,
1791 g. Escape,
1792 h. Aggravated child abuse,
1793 i. Aggravated abuse of an elderly person or disabled adult,
1794 j. Aircraft piracy,
1795 k. Unlawful throwing, placing, or discharging of a
1796 destructive device or bomb,
1797 l. Carjacking,
1798 m. Home-invasion robbery,
1799 n. Aggravated stalking,
1800 o. Murder of another human being,
1801 p. Resisting an officer with violence to his or her person,
1802 q. Aggravated fleeing or eluding with serious bodily injury
1803 or death,
1804 r. Felony that is an act of terrorism or is in furtherance
1805 of an act of terrorism, including a felony under s. 775.30, s.
1806 775.32, s. 775.33, s. 775.34, or s. 775.35, or
1807 s. Human trafficking; or
1808 3. Which resulted from the unlawful distribution by a



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1809 person 18 years of age or older of any of the following
1810 substances, or mixture containing any of the following
1811 substances, when such substance or mixture is proven to be the
1812 proximate cause of the death of the user:

1813 a. A substance controlled under s. 893.03(1);

1814 b. Cocaine, as described in s. 893.03(2)(a)4.;

1815 c. Opium or any synthetic or natural salt, compound,
1816 derivative, or preparation of opium;

1817 d. Methadone;

1818 e. Alfentanil, as described in s. 893.03(2)(b)1.;

1819 f. Carfentanil, as described in s. 893.03(2)(b)6.;

1820 g. Fentanyl, as described in s. 893.03(2)(b)9.;

1821 h. Sufentanil, as described in s. 893.03(2)(b)30.

1822 ~~893.03(2)(b)29.~~; or

1823 i. A controlled substance analog, as described in s.
1824 893.0356, of any substance specified in sub-subparagraphs a.-h.,

1825

1826 is murder in the first degree and constitutes a capital felony,
1827 punishable as provided in s. 775.082.

1828 Section 17. Paragraphs (a), (c), (d), (e), (f), and (h) of
1829 subsection (1), subsection (2), paragraphs (a) and (b) of
1830 subsection (4), and subsection (5) of section 893.13, Florida
1831 Statutes, are amended to read:

1832 893.13 Prohibited acts; penalties.—

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

1837 1. A controlled substance named or described in s.



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1838 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1839 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as
1840 provided in s. 775.082, s. 775.083, or s. 775.084.
1841 2. A controlled substance named or described in s.
1842 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~, (2)(c)6.,
1843 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1844 felony of the third degree, punishable as provided in s.
1845 775.082, s. 775.083, or s. 775.084.
1846 3. A controlled substance named or described in s.
1847 893.03(5) commits a misdemeanor of the first degree, punishable
1848 as provided in s. 775.082 or s. 775.083.
1849 (c) Except as authorized by this chapter, a person may not
1850 sell, manufacture, or deliver, or possess with intent to sell,
1851 manufacture, or deliver, a controlled substance in, on, or
1852 within 1,000 feet of the real property comprising a child care
1853 facility as defined in s. 402.302 or a public or private
1854 elementary, middle, or secondary school between the hours of 6
1855 a.m. and 12 midnight, or at any time in, on, or within 1,000
1856 feet of real property comprising a state, county, or municipal
1857 park, a community center, or a publicly owned recreational
1858 facility. As used in this paragraph, the term "community center"
1859 means a facility operated by a nonprofit community-based
1860 organization for the provision of recreational, social, or
1861 educational services to the public. A person who violates this
1862 paragraph with respect to:
1863 1. A controlled substance named or described in s.
1864 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1865 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
1866 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant



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1867 must be sentenced to a minimum term of imprisonment of 3
1868 calendar years unless the offense was committed within 1,000
1869 feet of the real property comprising a child care facility as
1870 defined in s. 402.302.

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

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

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

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

1895 1. A controlled substance named or described in s.



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

1899 2. A controlled substance named or described in s.
1900 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,
1901 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a
1902 felony of the second degree, punishable as provided in s.
1903 775.082, s. 775.083, or s. 775.084.

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

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

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

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



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1925 3. Any other controlled substance, except as lawfully sold,
1926 manufactured, or delivered, must be sentenced to pay a \$500 fine
1927 and to serve 100 hours of public service in addition to any
1928 other penalty prescribed by law.

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

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

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

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

1951 (h) Except as authorized by this chapter, a person may not
1952 sell, manufacture, or deliver, or possess with intent to sell,
1953 manufacture, or deliver, a controlled substance in, on, or



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1954 within 1,000 feet of the real property comprising an assisted
1955 living facility, as that term is used in chapter 429. A person
1956 who violates this paragraph with respect to:

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

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

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

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

1974 1. A controlled substance named or described in s.
1975 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
1976 ~~(2)(c)4.~~ commits a felony of the second degree, punishable as
1977 provided in s. 775.082, s. 775.083, or s. 775.084.

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



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

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

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

1999 (a) A controlled substance named or described in s.
2000 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.
2001 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as
2002 provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

2011 (5) A person may not bring into this state any controlled



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2012 substance unless the possession of such controlled substance is
2013 authorized by this chapter or unless such person is licensed to
2014 do so by the appropriate federal agency. A person who violates
2015 this provision with respect to:

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

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

2025 (c) A controlled substance named or described in s.
2026 893.03(5) commits a misdemeanor of the first degree, punishable
2027 as provided in s. 775.082 or s. 775.083.

2028 Section 18. Paragraphs (c) and (f) of subsection (1) of
2029 section 893.135, Florida Statutes, are amended to read:

2030 893.135 Trafficking; mandatory sentences; suspension or
2031 reduction of sentences; conspiracy to engage in trafficking.—

2032 (1) Except as authorized in this chapter or in chapter 499
2033 and notwithstanding the provisions of s. 893.13:

2034 (c)1. A person who knowingly sells, purchases,
2035 manufactures, delivers, or brings into this state, or who is
2036 knowingly in actual or constructive possession of, 4 grams or
2037 more of any morphine, opium, hydromorphone, or any salt,
2038 derivative, isomer, or salt of an isomer thereof, including
2039 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or
2040 (3)(c)4., or 4 grams or more of any mixture containing any such



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2041 substance, but less than 30 kilograms of such substance or
2042 mixture, commits a felony of the first degree, which felony
2043 shall be known as "trafficking in illegal drugs," punishable as
2044 provided in s. 775.082, s. 775.083, or s. 775.084. If the
2045 quantity involved:

2046 a. Is 4 grams or more, but less than 14 grams, such person
2047 shall be sentenced to a mandatory minimum term of imprisonment
2048 of 3 years and shall be ordered to pay a fine of \$50,000.

2049 b. Is 14 grams or more, but less than 28 grams, such person
2050 shall be sentenced to a mandatory minimum term of imprisonment
2051 of 15 years and shall be ordered to pay a fine of \$100,000.

2052 c. Is 28 grams or more, but less than 30 kilograms, such
2053 person shall be sentenced to a mandatory minimum term of
2054 imprisonment of 25 years and shall be ordered to pay a fine of
2055 \$500,000.

2056 2. A person who knowingly sells, purchases, manufactures,
2057 delivers, or brings into this state, or who is knowingly in
2058 actual or constructive possession of, 14 grams or more of
2059 hydrocodone, as described in s. 893.03(2)(a)1.k.

2060 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,
2061 or any salt thereof, or 14 grams or more of any mixture
2062 containing any such substance, commits a felony of the first
2063 degree, which felony shall be known as "trafficking in
2064 hydrocodone," punishable as provided in s. 775.082, s. 775.083,
2065 or s. 775.084. If the quantity involved:

2066 a. Is 14 grams or more, but less than 28 grams, such person
2067 shall be sentenced to a mandatory minimum term of imprisonment
2068 of 3 years and shall be ordered to pay a fine of \$50,000.

2069 b. Is 28 grams or more, but less than 50 grams, such person



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2070 shall be sentenced to a mandatory minimum term of imprisonment
2071 of 7 years and shall be ordered to pay a fine of \$100,000.

2072 c. Is 50 grams or more, but less than 200 grams, such
2073 person shall be sentenced to a mandatory minimum term of
2074 imprisonment of 15 years and shall be ordered to pay a fine of
2075 \$500,000.

2076 d. Is 200 grams or more, but less than 30 kilograms, such
2077 person shall be sentenced to a mandatory minimum term of
2078 imprisonment of 25 years and shall be ordered to pay a fine of
2079 \$750,000.

2080 3. A person who knowingly sells, purchases, manufactures,
2081 delivers, or brings into this state, or who is knowingly in
2082 actual or constructive possession of, 7 grams or more of
2083 oxycodone, as described in s. 893.03(2)(a)1.q. ~~893.03(2)(a)1.e.~~,
2084 or any salt thereof, or 7 grams or more of any mixture
2085 containing any such substance, commits a felony of the first
2086 degree, which felony shall be known as "trafficking in
2087 oxycodone," punishable as provided in s. 775.082, s. 775.083, or
2088 s. 775.084. If the quantity involved:

2089 a. Is 7 grams or more, but less than 14 grams, such person
2090 shall be sentenced to a mandatory minimum term of imprisonment
2091 of 3 years and shall be ordered to pay a fine of \$50,000.

2092 b. Is 14 grams or more, but less than 25 grams, such person
2093 shall be sentenced to a mandatory minimum term of imprisonment
2094 of 7 years and shall be ordered to pay a fine of \$100,000.

2095 c. Is 25 grams or more, but less than 100 grams, such
2096 person shall be sentenced to a mandatory minimum term of
2097 imprisonment of 15 years and shall be ordered to pay a fine of
2098 \$500,000.



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2099 d. Is 100 grams or more, but less than 30 kilograms, such
2100 person shall be sentenced to a mandatory minimum term of
2101 imprisonment of 25 years and shall be ordered to pay a fine of
2102 \$750,000.

2103 4.a. A person who knowingly sells, purchases, manufactures,
2104 delivers, or brings into this state, or who is knowingly in
2105 actual or constructive possession of, 4 grams or more of:

2106 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2107 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2108 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2109 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2110 ~~893.03(2)(b)29.;~~

2111 (V) A fentanyl derivative, as described in s.

2112 893.03(1)(a)62.;

2113 (VI) A controlled substance analog, as described in s.

2114 893.0356, of any substance described in sub-sub-subparagraphs

2115 (I)-(V); or

2116 (VII) A mixture containing any substance described in sub-
2117 sub-subparagraphs (I)-(VI),

2118
2119 commits a felony of the first degree, which felony shall be
2120 known as "trafficking in fentanyl," punishable as provided in s.
2121 775.082, s. 775.083, or s. 775.084.

2122 b. If the quantity involved under sub-subparagraph a.:

2123 (I) Is 4 grams or more, but less than 14 grams, such person
2124 shall be sentenced to a mandatory minimum term of imprisonment
2125 of 3 years, and shall be ordered to pay a fine of \$50,000.

2126 (II) Is 14 grams or more, but less than 28 grams, such
2127 person shall be sentenced to a mandatory minimum term of



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2128 imprisonment of 15 years, and shall be ordered to pay a fine of
2129 \$100,000.

2130 (III) Is 28 grams or more, such person shall be sentenced
2131 to a mandatory minimum term of imprisonment of 25 years, and
2132 shall be ordered to pay a fine of \$500,000.

2133 5. A person who knowingly sells, purchases, manufactures,
2134 delivers, or brings into this state, or who is knowingly in
2135 actual or constructive possession of, 30 kilograms or more of
2136 any morphine, opium, oxycodone, hydrocodone, codeine,
2137 hydromorphone, or any salt, derivative, isomer, or salt of an
2138 isomer thereof, including heroin, as described in s.
2139 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or
2140 more of any mixture containing any such substance, commits the
2141 first degree felony of trafficking in illegal drugs. A person
2142 who has been convicted of the first degree felony of trafficking
2143 in illegal drugs under this subparagraph shall be punished by
2144 life imprisonment and is ineligible for any form of
2145 discretionary early release except pardon or executive clemency
2146 or conditional medical release under s. 947.149. However, if the
2147 court determines that, in addition to committing any act
2148 specified in this paragraph:

2149 a. The person intentionally killed an individual or
2150 counseled, commanded, induced, procured, or caused the
2151 intentional killing of an individual and such killing was the
2152 result; or

2153 b. The person's conduct in committing that act led to a
2154 natural, though not inevitable, lethal result,
2155
2156 such person commits the capital felony of trafficking in illegal



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2157 drugs, punishable as provided in ss. 775.082 and 921.142. A
2158 person sentenced for a capital felony under this paragraph shall
2159 also be sentenced to pay the maximum fine provided under
2160 subparagraph 1.

2161 6. A person who knowingly brings into this state 60
2162 kilograms or more of any morphine, opium, oxycodone,
2163 hydrocodone, codeine, hydromorphone, or any salt, derivative,
2164 isomer, or salt of an isomer thereof, including heroin, as
2165 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or
2166 60 kilograms or more of any mixture containing any such
2167 substance, and who knows that the probable result of such
2168 importation would be the death of a person, commits capital
2169 importation of illegal drugs, a capital felony punishable as
2170 provided in ss. 775.082 and 921.142. A person sentenced for a
2171 capital felony under this paragraph shall also be sentenced to
2172 pay the maximum fine provided under subparagraph 1.

2173 (f)1. Any person who knowingly sells, purchases,
2174 manufactures, delivers, or brings into this state, or who is
2175 knowingly in actual or constructive possession of, 14 grams or
2176 more of amphetamine, as described in s. 893.03(2)(c)2., or
2177 methamphetamine, as described in s. 893.03(2)(c)5.
2178 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or
2179 methamphetamine, or phenylacetone, phenylacetic acid,
2180 pseudoephedrine, or ephedrine in conjunction with other
2181 chemicals and equipment utilized in the manufacture of
2182 amphetamine or methamphetamine, commits a felony of the first
2183 degree, which felony shall be known as "trafficking in
2184 amphetamine," punishable as provided in s. 775.082, s. 775.083,
2185 or s. 775.084. If the quantity involved:



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2186 a. Is 14 grams or more, but less than 28 grams, such person
2187 shall be sentenced to a mandatory minimum term of imprisonment
2188 of 3 years, and the defendant shall be ordered to pay a fine of
2189 \$50,000.

2190 b. Is 28 grams or more, but less than 200 grams, such
2191 person shall be sentenced to a mandatory minimum term of
2192 imprisonment of 7 years, and the defendant shall be ordered to
2193 pay a fine of \$100,000.

2194 c. Is 200 grams or more, such person shall be sentenced to
2195 a mandatory minimum term of imprisonment of 15 calendar years
2196 and pay a fine of \$250,000.

2197 2. Any person who knowingly manufactures or brings into
2198 this state 400 grams or more of amphetamine, as described in s.
2199 893.03(2)(c)2., or methamphetamine, as described in s.
2200 893.03(2)(c)5. ~~893.03(2)(e)4.~~, or of any mixture containing
2201 amphetamine or methamphetamine, or phenylacetone, phenylacetic
2202 acid, pseudoephedrine, or ephedrine in conjunction with other
2203 chemicals and equipment used in the manufacture of amphetamine
2204 or methamphetamine, and who knows that the probable result of
2205 such manufacture or importation would be the death of any person
2206 commits capital manufacture or importation of amphetamine, a
2207 capital felony punishable as provided in ss. 775.082 and
2208 921.142. Any person sentenced for a capital felony under this
2209 paragraph shall also be sentenced to pay the maximum fine
2210 provided under subparagraph 1.

2211 Section 19. Paragraphs (b) through (e) and (g) of
2212 subsection (3) of section 921.0022, Florida Statutes, are
2213 amended to read:

2214 921.0022 Criminal Punishment Code; offense severity ranking



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2215	chart.-		
2216	(3) OFFENSE SEVERITY RANKING CHART		
2217	(b) LEVEL 2		
2218			
2219			
	Florida	Felony	Description
	Statute	Degree	
2220	379.2431 (1) (e) 3.	3rd	Possession of 11 or fewer marine turtle eggs in violation of the Marine Turtle Protection Act.
2221	379.2431 (1) (e) 4.	3rd	Possession of more than 11 marine turtle eggs in violation of the Marine Turtle Protection Act.
2222	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.
2223	517.07 (2)	3rd	Failure to furnish a prospectus meeting requirements.
2224	590.28 (1)	3rd	Intentional burning of lands.
2225			



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- 2226 784.05(3) 3rd Storing or leaving a loaded
firearm within reach of minor
who uses it to inflict injury
or death.
- 2227 787.04(1) 3rd In violation of court order,
take, entice, etc., minor
beyond state limits.
- 2228 806.13(1)(b)3. 3rd Criminal mischief; damage
\$1,000 or more to public
communication or any other
public service.
- 2229 810.061(2) 3rd Impairing or impeding telephone
or power to a dwelling;
facilitating or furthering
burglary.
- 2230 810.09(2)(e) 3rd Trespassing on posted
commercial horticulture
property.
- 2231 812.014(2)(c)1. 3rd Grand theft, 3rd degree; \$300
or more but less than \$5,000.
- 812.014(2)(d) 3rd Grand theft, 3rd degree; \$100
or more but less than \$300,
taken from unenclosed curtilage



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2232			of dwelling.
	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2233			
	817.234(1)(a)2.	3rd	False statement in support of insurance claim.
2234			
	817.481(3)(a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
2235			
	817.52(3)	3rd	Failure to redeliver hired vehicle.
2236			
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2237			
	817.60(5)	3rd	Dealing in credit cards of another.
2238			
	817.60(6)(a)	3rd	Forgery; purchase goods, services with false card.
2239			
	817.61	3rd	Fraudulent use of credit cards



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2240			over \$100 or more within 6 months.
2241	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2242	831.01	3rd	Forgery.
2243	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2244	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2245	831.08	3rd	Possessing 10 or more forged notes, bills, checks, or drafts.
2246	831.09	3rd	Uttering forged notes, bills, checks, drafts, or promissory notes.
2247	831.11	3rd	Bringing into the state forged bank bills, checks, drafts, or notes.
	832.05(3)(a)	3rd	Cashing or depositing item with



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2248			intent to defraud.
2249	843.08	3rd	False personation.
2250	893.13(2)(a)2.	3rd	Purchase of any 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 other than cannabis.
2251	893.147(2)	3rd	Manufacture or delivery of drug paraphernalia.
2252			
2253	(c) LEVEL 3		
2254			
2255			
2256	Florida Statute	Felony Degree	Description
2257	119.10(2)(b)	3rd	Unlawful use of confidential information from police reports.
2258	316.066 (3)(b)-(d)	3rd	Unlawfully obtaining or using confidential crash reports.
	316.193(2)(b)	3rd	Felony DUI, 3rd conviction.



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2259	316.1935(2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
2260	319.30(4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
2261	319.33(1)(a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
2262	319.33(1)(c)	3rd	Procure or pass title on stolen vehicle.
2263	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2264	327.35(2)(b)	3rd	Felony BUI.
2265	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2266			



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2267	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2268	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2269	379.2431 (1)(e)5.	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.
2270	379.2431 (1)(e)6.	3rd	Possessing any marine turtle species or hatchling, or parts thereof, or the nest of any marine turtle species described in the Marine Turtle Protection Act.
	379.2431 (1)(e)7.	3rd	Soliciting to commit or conspiring to commit a violation of the Marine Turtle Protection Act.



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2271	400.9935 (4) (a) or (b)	3rd	Operating a clinic, or offering services requiring licensure, without a license.
2272	400.9935 (4) (e)	3rd	Filing a false license application or other required information or failing to report information.
2273	440.1051 (3)	3rd	False report of workers' compensation fraud or retaliation for making such a report.
2274	501.001 (2) (b)	2nd	Tampers with a consumer product or the container using materially false/misleading information.
2275	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2276	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2277	626.902 (1) (a) &	3rd	Representing an unauthorized



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2278	(b)		insurer.
	697.08	3rd	Equity skimming.
2279			
	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2280			
	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2281			
	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2282			
	810.09 (2) (c)	3rd	Trespass on property other than structure or conveyance armed with firearm or dangerous weapon.
2283			
	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2284			
	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2285			
	815.04 (5) (b)	2nd	Computer offense devised to



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2286			defraud or obtain property.
	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2287			
	817.233	3rd	Burning to defraud insurer.
2288			
	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2289			
	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2290			
	817.236	3rd	Filing a false motor vehicle insurance application.
2291			
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2292			
	817.413 (2)	3rd	Sale of used goods as new.
2293			
	828.12 (2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or



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			death.
2294	831.28 (2) (a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2295	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2296	838.021 (3) (b)	3rd	Threatens unlawful harm to public servant.
2297	843.19	3rd	Injure, disable, or kill police dog or horse.
2298	860.15 (3)	3rd	Overcharging for repairs and parts.
2299	870.01 (2)	3rd	Riot; inciting or encouraging.
2300	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).



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2301

893.13(1)(d)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3), or
(4) drugs within 1,000 feet of
university.

2302

893.13(1)(f)2. 2nd Sell, manufacture, or deliver
s. 893.03(1)(c), (2)(c)1.,
(2)(c)2., (2)(c)3., ~~(2)(c)5.~~,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3), or
(4) drugs within 1,000 feet of
public housing facility.

2303

893.13(4)(c) 3rd Use or hire of minor; deliver
to minor other controlled
substances.

2304

893.13(6)(a) 3rd Possession of any controlled
substance other than felony
possession of cannabis.

2305

893.13(7)(a)8. 3rd Withhold information from
practitioner regarding previous
receipt of or prescription for
a controlled substance.



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2306

893.13(7)(a)9. 3rd Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.

2307

893.13(7)(a)10. 3rd Affix false or forged label to package of controlled substance.

2308

893.13(7)(a)11. 3rd Furnish false or fraudulent material information on any document or record required by chapter 893.

2309

893.13(8)(a)1. 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.

2310

893.13(8)(a)2. 3rd Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled



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2311			substance.
	893.13(8)(a)3.	3rd	Knowingly write a prescription for a controlled substance for a fictitious person.
2312			
	893.13(8)(a)4.	3rd	Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.
2313			
	918.13(1)(a)	3rd	Alter, destroy, or conceal investigation evidence.
2314			
	944.47 (1)(a)1. & 2.	3rd	Introduce contraband to correctional facility.
2315			
	944.47(1)(c)	2nd	Possess contraband while upon the grounds of a correctional institution.
2316			
	985.721	3rd	Escapes from a juvenile facility (secure detention or residential commitment facility).
2317			



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2318			
2319	(d) LEVEL 4		
2320			
	Florida	Felony	
	Statute	Degree	Description
2321			
	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.
2322			
	499.0051 (1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.
2323			
	499.0051 (5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
2324			
	517.07 (1)	3rd	Failure to register securities.



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2325	517.12 (1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
2326	784.07 (2) (b)	3rd	Battery of law enforcement officer, firefighter, etc.
2327	784.074 (1) (c)	3rd	Battery of sexually violent predators facility staff.
2328	784.075	3rd	Battery on detention or commitment facility staff.
2329	784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
2330	784.08 (2) (c)	3rd	Battery on a person 65 years of age or older.
2331	784.081 (3)	3rd	Battery on specified official or employee.



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2332	784.082 (3)	3rd	Battery by detained person on visitor or other detainee.
2333	784.083 (3)	3rd	Battery on code inspector.
2334	784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
2335	787.03 (1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
2336	787.04 (2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
2337	787.04 (3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at



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2338			custody hearing or delivering to designated person.
2339	787.07	3rd	Human smuggling.
2340	790.115 (1)	3rd	Exhibiting firearm or weapon within 1,000 feet of a school.
2341	790.115 (2) (b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
2342	790.115 (2) (c)	3rd	Possessing firearm on school property.
2343	800.04 (7) (c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
2344	810.02 (4) (a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.



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2345	810.02 (4) (b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
2346	810.06	3rd	Burglary; possession of tools.
2347	810.08 (2) (c)	3rd	Trespass on property, armed with firearm or dangerous weapon.
2348	812.014 (2) (c) 3.	3rd	Grand theft, 3rd degree \$10,000 or more but less than \$20,000.
2349	812.014 (2) (c) 4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
2350	812.0195 (2)	3rd	Dealing in stolen property by use of the Internet; property stolen \$300 or more.
2351	817.505 (4) (a)	3rd	Patient brokering.
	817.563 (1)	3rd	Sell or deliver



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2352	817.568 (2) (a)	3rd	substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs. Fraudulent use of personal identification information.
2353	817.625 (2) (a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
2354	817.625 (2) (c)	3rd	Possess, sell, or deliver skimming device.
2355	828.125 (1)	2nd	Kill, maim, or cause great bodily harm or permanent breeding disability to any registered horse or cattle.
2356	837.02 (1)	3rd	Perjury in official proceedings.
2357	837.021 (1)	3rd	Make contradictory statements in official



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2358			proceedings.
2359	838.022	3rd	Official misconduct.
2360	839.13 (2) (a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
2361	839.13 (2) (c)	3rd	Falsifying records of the Department of Children and Families.
2362	843.021	3rd	Possession of a concealed handcuff key by a person in custody.
2363	843.025	3rd	Deprive law enforcement, correctional, or correctional probation officer of means of protection or communication.
2364	843.15 (1) (a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).



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2365	847.0135 (5) (c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
2366	874.05 (1) (a)	3rd	Encouraging or recruiting another to join a criminal gang.
2367	893.13 (2) (a) 1.	2nd	Purchase of cocaine (or other s. 893.03 (1) (a), (b), or (d), (2) (a), (2) (b), or <u>(2) (c) 5.</u> (2) (e) 4. drugs).
2368	914.14 (2)	3rd	Witnesses accepting bribes.
2369	914.22 (1)	3rd	Force, threaten, etc., witness, victim, or informant.
2370	914.23 (2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.
2371	918.12	3rd	Tampering with jurors.



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934.215 3rd Use of two-way
communications device to
facilitate commission of
a crime.

2372
2373
2374
2375
2376
2377

(e) LEVEL 5

Florida Felony Description
Statute Degree

2378

316.027 (2) (a) 3rd Accidents involving personal
injuries other than serious
bodily injury, failure to stop;
leaving scene.

2379

316.1935 (4) (a) 2nd Aggravated fleeing or eluding.

2380

316.80 (2) 2nd Unlawful conveyance of fuel;
obtaining fuel fraudulently.

2381

322.34 (6) 3rd Careless operation of motor
vehicle with suspended license,
resulting in death or serious
bodily injury.

2382

327.30 (5) 3rd Vessel accidents involving



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2383

379.365(2)(c)1. 3rd personal injury; leaving scene.
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.

2384

379.367(4) 3rd Willful molestation of a
commercial harvester's spiny
lobster trap, line, or buoy.

2385

379.407(5)(b)3. 3rd Possession of 100 or more
undersized spiny lobsters.

2386

381.0041(11)(b) 3rd Donate blood, plasma, or organs



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2387			knowing HIV positive.
	440.10 (1) (g)	2nd	Failure to obtain workers' compensation coverage.
2388			
	440.105 (5)	2nd	Unlawful solicitation for the purpose of making workers' compensation claims.
2389			
	440.381 (2)	2nd	Submission of false, misleading, or incomplete information with the purpose of avoiding or reducing workers' compensation premiums.
2390			
	624.401 (4) (b) 2.	2nd	Transacting insurance without a certificate or authority; premium collected \$20,000 or more but less than \$100,000.
2391			
	626.902 (1) (c)	2nd	Representing an unauthorized insurer; repeat offender.
2392			
	790.01 (2)	3rd	Carrying a concealed firearm.
2393			
	790.162	2nd	Threat to throw or discharge destructive device.
2394			
	790.163 (1)	2nd	False report of bomb,



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2395			explosive, weapon of mass destruction, or use of firearms in violent manner.
2396	790.221 (1)	2nd	Possession of short-barreled shotgun or machine gun.
2397	790.23	2nd	Felons in possession of firearms, ammunition, or electronic weapons or devices.
2398	796.05 (1)	2nd	Live on earnings of a prostitute; 1st offense.
2399	800.04 (6) (c)	3rd	Lewd or lascivious conduct; offender less than 18 years of age.
2400	800.04 (7) (b)	2nd	Lewd or lascivious exhibition; offender 18 years of age or older.
2401	806.111 (1)	3rd	Possess, manufacture, or dispense fire bomb with intent to damage any structure or property.
	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more



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2402			but less than \$50,000.
	812.015(8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2403			
	812.019(1)	2nd	Stolen property; dealing in or trafficking in.
2404			
	812.131(2)(b)	3rd	Robbery by sudden snatching.
2405			
	812.16(2)	3rd	Owning, operating, or conducting a chop shop.
2406			
	817.034(4)(a)2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2407			
	817.234(11)(b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2408			
	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.
2409			
	817.568(2)(b)	2nd	Fraudulent use of personal



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			identification information; value of benefit, services received, payment avoided, or amount of injury or fraud, \$5,000 or more or use of personal identification information of 10 or more persons.
2410	817.611 (2) (a)	2nd	Traffic in or possess 5 to 14 counterfeit credit cards or related documents.
2411	817.625 (2) (b)	2nd	Second or subsequent fraudulent use of scanning device, skimming device, or reencoder.
2412	825.1025 (4)	3rd	Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.
2413	827.071 (4)	2nd	Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.
2414	827.071 (5)	3rd	Possess, control, or intentionally view any



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2415			photographic material, motion picture, etc., which includes sexual conduct by a child.
2416	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.
2417	843.01	3rd	Resist officer with violence to person; resist arrest with violence.
2418	847.0135(5)(b)	2nd	Lewd or lascivious exhibition using computer; offender 18 years or older.
2419	847.0137 (2) & (3)	3rd	Transmission of pornography by electronic device or equipment.
2420	847.0138 (2) & (3)	3rd	Transmission of material harmful to minors to a minor by electronic device or equipment.
	874.05(1)(b)	2nd	Encouraging or recruiting another to join a criminal gang; second or subsequent offense.



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2421

874.05(2)(a) 2nd Encouraging or recruiting
person under 13 years of age to
join a criminal gang.

2422

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

2423

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., (2)(c)10., (3), or
(4) drugs) within 1,000 feet of
a child care facility, school,
or state, county, or municipal
park or publicly owned
recreational facility or
community center.

2424

893.13(1)(d)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
(2)(a), (2)(b), or (2)(c)5.
~~(2)(e)4.~~ drugs) within 1,000



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2425

893.13(1)(e)2. 2nd feet of university.
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)(e)5.~~,
(2)(c)6., (2)(c)7., (2)(c)8.,
(2)(c)9., (2)(c)10., (3), or
(4) within 1,000 feet of
property used for religious
services or a specified
business site.

2426

893.13(1)(f)1. 1st Sell, manufacture, or deliver
cocaine (or other s.
893.03(1)(a), (1)(b), (1)(d),
or (2)(a), (2)(b), or (2)(c)5.
~~(2)(e)4.~~ drugs) within 1,000
feet of public housing
facility.

2427

893.13(4)(b) 2nd Use or hire of minor; deliver
to minor other controlled
substance.

2428

893.1351(1) 3rd Ownership, lease, or rental for
trafficking in or manufacturing
of controlled substance.



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2429

2430

2431 (g) LEVEL 7

2432

Florida
Statute

Felony
Degree

Description

2433

316.027(2)(c)

1st

Accident involving death,
failure to stop; leaving
scene.

2434

316.193(3)(c)2.

3rd

DUI resulting in serious
bodily injury.

2435

316.1935(3)(b)

1st

Causing serious bodily
injury or death to another
person; driving at high
speed or with wanton
disregard for safety while
fleeing or attempting to
elude law enforcement
officer who is in a patrol
vehicle with siren and
lights activated.

2436

327.35(3)(c)2.

3rd

Vessel BUI resulting in
serious bodily injury.

2437

402.319(2)

2nd

Misrepresentation and



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2438			negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.
	409.920 (2) (b) 1.a.	3rd	Medicaid provider fraud; \$10,000 or less.
2439			
	409.920 (2) (b) 1.b.	2nd	Medicaid provider fraud; more than \$10,000, but less than \$50,000.
2440			
	456.065 (2)	3rd	Practicing a health care profession without a license.
2441			
	456.065 (2)	2nd	Practicing a health care profession without a license which results in serious bodily injury.
2442			
	458.327 (1)	3rd	Practicing medicine without a license.
2443			
	459.013 (1)	3rd	Practicing osteopathic medicine without a license.
2444			



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2445	460.411 (1)	3rd	Practicing chiropractic medicine without a license.
2446	461.012 (1)	3rd	Practicing podiatric medicine without a license.
2447	462.17	3rd	Practicing naturopathy without a license.
2448	463.015 (1)	3rd	Practicing optometry without a license.
2449	464.016 (1)	3rd	Practicing nursing without a license.
2450	465.015 (2)	3rd	Practicing pharmacy without a license.
2451	466.026 (1)	3rd	Practicing dentistry or dental hygiene without a license.
2452	467.201	3rd	Practicing midwifery without a license.
	468.366	3rd	Delivering respiratory care services without a



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2453			license.
	483.828 (1)	3rd	Practicing as clinical laboratory personnel without a license.
2454			
	483.901 (7)	3rd	Practicing medical physics without a license.
2455			
	484.013 (1) (c)	3rd	Preparing or dispensing optical devices without a prescription.
2456			
	484.053	3rd	Dispensing hearing aids without a license.
2457			
	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.
2458			
	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.



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2459	560.125 (5) (a)	3rd	Money services business by unauthorized person, currency or payment instruments exceeding \$300 but less than \$20,000.
2460	655.50 (10) (b) 1.	3rd	Failure to report financial transactions exceeding \$300 but less than \$20,000 by financial institution.
2461	775.21 (10) (a)	3rd	Sexual predator; failure to register; failure to renew driver license or identification card; other registration violations.
2462	775.21 (10) (b)	3rd	Sexual predator working where children regularly congregate.
2463	775.21 (10) (g)	3rd	Failure to report or providing false information about a sexual predator; harbor or conceal a sexual predator.
2464			



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2465	782.051 (3)	2nd	Attempted felony murder of a person by a person other than the perpetrator or the perpetrator of an attempted felony.
2466	782.07 (1)	2nd	Killing of a human being by the act, procurement, or culpable negligence of another (manslaughter).
2467	782.071	2nd	Killing of a human being or unborn child by the operation of a motor vehicle in a reckless manner (vehicular homicide).
2468	782.072	2nd	Killing of a human being by the operation of a vessel in a reckless manner (vessel homicide).
2469	784.045 (1) (a) 1.	2nd	Aggravated battery; intentionally causing great bodily harm or disfigurement.
	784.045 (1) (a) 2.	2nd	Aggravated battery; using



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2470			deadly weapon.
	784.045 (1) (b)	2nd	Aggravated battery; perpetrator aware victim pregnant.
2471			
	784.048 (4)	3rd	Aggravated stalking; violation of injunction or court order.
2472			
	784.048 (7)	3rd	Aggravated stalking; violation of court order.
2473			
	784.07 (2) (d)	1st	Aggravated battery on law enforcement officer.
2474			
	784.074 (1) (a)	1st	Aggravated battery on sexually violent predators facility staff.
2475			
	784.08 (2) (a)	1st	Aggravated battery on a person 65 years of age or older.
2476			
	784.081 (1)	1st	Aggravated battery on specified official or employee.
2477			
	784.082 (1)	1st	Aggravated battery by



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2478			detained person on visitor or other detainee.
	784.083(1)	1st	Aggravated battery on code inspector.
2479			
	787.06(3)(a)2.	1st	Human trafficking using coercion for labor and services of an adult.
2480			
	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.
2481			
	790.07(4)	1st	Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).
2482			
	790.16(1)	1st	Discharge of a machine gun under specified circumstances.
2483			
	790.165(2)	2nd	Manufacture, sell, possess, or deliver hoax bomb.



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2484	790.165 (3)	2nd	Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.
2485	790.166 (3)	2nd	Possessing, selling, using, or attempting to use a hoax weapon of mass destruction.
2486	790.166 (4)	2nd	Possessing, displaying, or threatening to use a hoax weapon of mass destruction while committing or attempting to commit a felony.
2487	790.23	1st,PBL	Possession of a firearm by a person who qualifies for the penalty enhancements provided for in s. 874.04.
2488	794.08 (4)	3rd	Female genital mutilation; consent by a parent, guardian, or a person in custodial authority to a victim younger than 18



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2489			years of age.
	796.05 (1)	1st	Live on earnings of a prostitute; 2nd offense.
2490			
	796.05 (1)	1st	Live on earnings of a prostitute; 3rd and subsequent offense.
2491			
	800.04 (5) (c) 1.	2nd	Lewd or lascivious molestation; victim younger than 12 years of age; offender younger than 18 years of age.
2492			
	800.04 (5) (c) 2.	2nd	Lewd or lascivious molestation; victim 12 years of age or older but younger than 16 years of age; offender 18 years of age or older.
2493			
	800.04 (5) (e)	1st	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.



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2494	806.01 (2)	2nd	Maliciously damage structure by fire or explosive.
2495	810.02 (3) (a)	2nd	Burglary of occupied dwelling; unarmed; no assault or battery.
2496	810.02 (3) (b)	2nd	Burglary of unoccupied dwelling; unarmed; no assault or battery.
2497	810.02 (3) (d)	2nd	Burglary of occupied conveyance; unarmed; no assault or battery.
2498	810.02 (3) (e)	2nd	Burglary of authorized emergency vehicle.
2499	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.
2500			



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2501	812.014 (2) (b) 2.	2nd	Property stolen, cargo valued at less than \$50,000, grand theft in 2nd degree.
2502	812.014 (2) (b) 3.	2nd	Property stolen, emergency medical equipment; 2nd degree grand theft.
2503	812.014 (2) (b) 4.	2nd	Property stolen, law enforcement equipment from authorized emergency vehicle.
2504	812.0145 (2) (a)	1st	Theft from person 65 years of age or older; \$50,000 or more.
2505	812.019 (2)	1st	Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property.
2506	812.131 (2) (a)	2nd	Robbery by sudden snatching.
	812.133 (2) (b)	1st	Carjacking; no firearm, deadly weapon, or other



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2507			weapon.
	817.034 (4) (a) 1.	1st	Communications fraud, value greater than \$50,000.
2508			
	817.234 (8) (a)	2nd	Solicitation of motor vehicle accident victims with intent to defraud.
2509			
	817.234 (9)	2nd	Organizing, planning, or participating in an intentional motor vehicle collision.
2510			
	817.234 (11) (c)	1st	Insurance fraud; property value \$100,000 or more.
2511			
	817.2341 (2) (b) & (3) (b)	1st	Making false entries of material fact or false statements regarding property values relating to the solvency of an insuring entity which are a significant cause of the insolvency of that entity.
2512			
	817.535 (2) (a)	3rd	Filing false lien or other unauthorized document.



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2513	817.611 (2) (b)	2nd	Traffic in or possess 15 to 49 counterfeit credit cards or related documents.
2514	825.102 (3) (b)	2nd	Neglecting an elderly person or disabled adult causing great bodily harm, disability, or disfigurement.
2515	825.103 (3) (b)	2nd	Exploiting an elderly person or disabled adult and property is valued at \$10,000 or more, but less than \$50,000.
2516	827.03 (2) (b)	2nd	Neglect of a child causing great bodily harm, disability, or disfigurement.
2517	827.04 (3)	3rd	Impregnation of a child under 16 years of age by person 21 years of age or older.
2518	837.05 (2)	3rd	Giving false information



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2519			about alleged capital felony to a law enforcement officer.
2520	838.015	2nd	Bribery.
2521	838.016	2nd	Unlawful compensation or reward for official behavior.
2522	838.021 (3) (a)	2nd	Unlawful harm to a public servant.
2523	838.22	2nd	Bid tampering.
2524	843.0855 (2)	3rd	Impersonation of a public officer or employee.
2525	843.0855 (3)	3rd	Unlawful simulation of legal process.
2526	843.0855 (4)	3rd	Intimidation of a public officer or employee.
2527	847.0135 (3)	3rd	Solicitation of a child, via a computer service, to commit an unlawful sex act.



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2528	847.0135 (4)	2nd	Traveling to meet a minor to commit an unlawful sex act.
2529	872.06	2nd	Abuse of a dead human body.
2530	874.05 (2) (b)	1st	Encouraging or recruiting person under 13 to join a criminal gang; second or subsequent offense.
2531	874.10	1st,PBL	Knowingly initiates, organizes, plans, finances, directs, manages, or supervises criminal gang-related activity.
	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) (c) 4.) within 1,000 feet of a child care facility, school, or state, county, or municipal park or publicly



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2532	893.13(1)(e)1.	1st	owned recreational facility or community center.
2533	893.13(4)(a)	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 property used for religious services or a specified business site.
2534	893.135(1)(a)1.	1st	Use or hire of minor; deliver to minor other controlled substance.
2535	893.135 (1)(b)1.a.	1st	Trafficking in cannabis, more than 25 lbs., less than 2,000 lbs.
2536	893.135 (1)(c)1.a.	1st	Trafficking in cocaine, more than 28 grams, less than 200 grams.
	893.135 (1)(c)1.a.	1st	Trafficking in illegal drugs, more than 4 grams,



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2537			less than 14 grams.
	893.135 (1) (c) 2.a.	1st	Trafficking in hydrocodone, 14 grams or more, less than 28 grams.
2538			
	893.135 (1) (c) 2.b.	1st	Trafficking in hydrocodone, 28 grams or more, less than 50 grams.
2539			
	893.135 (1) (c) 3.a.	1st	Trafficking in oxycodone, 7 grams or more, less than 14 grams.
2540			
	893.135 (1) (c) 3.b.	1st	Trafficking in oxycodone, 14 grams or more, less than 25 grams.
2541			
	893.135 (1) (c) 4.b. (I)	1st	Trafficking in fentanyl, 4 grams or more, less than 14 grams.
2542			
	893.135 (1) (d) 1.a.	1st	Trafficking in phencyclidine, 28 grams or more, less than 200 grams.
2543			
	893.135 (1) (e) 1.	1st	Trafficking in methaqualone, 200 grams or more, less than 5



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2544			kilograms.
	893.135 (1) (f) 1.	1st	Trafficking in amphetamine, 14 grams or more, less than 28 grams.
2545			
	893.135 (1) (g) 1.a.	1st	Trafficking in flunitrazepam, 4 grams or more, less than 14 grams.
2546			
	893.135 (1) (h) 1.a.	1st	Trafficking in gamma- hydroxybutyric acid (GHB), 1 kilogram or more, less than 5 kilograms.
2547			
	893.135 (1) (j) 1.a.	1st	Trafficking in 1,4- Butanediol, 1 kilogram or more, less than 5 kilograms.
2548			
	893.135 (1) (k) 2.a.	1st	Trafficking in Phenethylamines, 10 grams or more, less than 200 grams.
2549			
	893.135 (1) (m) 2.a.	1st	Trafficking in synthetic cannabinoids, 280 grams or more, less than 500 grams.
2550			



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2551	893.135 (1) (m) 2.b.	1st	Trafficking in synthetic cannabinoids, 500 grams or more, less than 1,000 grams.
2552	893.135 (1) (n) 2.a.	1st	Trafficking in n-benzyl phenethylamines, 14 grams or more, less than 100 grams.
2553	893.1351 (2)	2nd	Possession of place for trafficking in or manufacturing of controlled substance.
2554	896.101 (5) (a)	3rd	Money laundering, financial transactions exceeding \$300 but less than \$20,000.
2555	896.104 (4) (a) 1.	3rd	Structuring transactions to evade reporting or registration requirements, financial transactions exceeding \$300 but less than \$20,000.
	943.0435 (4) (c)	2nd	Sexual offender vacating permanent residence;



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2556	943.0435 (8)	2nd	Sexual offender; remains in state after indicating intent to leave; failure to comply with reporting requirements.
2557	943.0435 (9) (a)	3rd	Sexual offender; failure to comply with reporting requirements.
2558	943.0435 (13)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2559	943.0435 (14)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2560	944.607 (9)	3rd	Sexual offender; failure to comply with reporting requirements.



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2561	944.607(10)(a)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2562	944.607(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2563	944.607(13)	3rd	Sexual offender; failure to report and reregister; failure to respond to address verification; providing false registration information.
2564	985.4815(10)	3rd	Sexual offender; failure to submit to the taking of a digitized photograph.
2565	985.4815(12)	3rd	Failure to report or providing false information about a sexual offender; harbor or conceal a sexual offender.
2566	985.4815(13)	3rd	Sexual offender; failure



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

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Section 20. For the 2018-2019 fiscal year:

(1) (a) The nonrecurring sum of \$27,035,360 from the Federal Grants Trust Fund, and the recurring sum of \$15,520,000 from the General Revenue Fund are appropriated to the Department of Children and Families. These funds shall be used for the following services to address opioid and other substance abuse disorders: outpatient, case management, and after care services; residential treatment; medication-assisted treatment, including the purchase and medical use of methadone, buprenorphine, and naltrexone extended-release injectable; peer recovery support; hospital and first responder outreach; and outreach targeted to pregnant women.

(b) From a total of \$4,720,000 of the recurring general revenue funds specified in paragraph (a), the Department of Children and Families shall contract with a nonprofit organization for the distribution and associated costs for the following drugs as part of its medication assisted treatment program for substance abuse disorders:

1. \$472,000 for methadone;
2. \$1,888,000 for buprenorphine; and
3. \$2,360,000 for naltrexone extended-release injectable.

(2) The recurring sum of \$6 million from the General



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2591 Revenue Fund is appropriated to the Office of the State Courts
2592 Administrator for treatment of substance abuse disorders in
2593 individuals involved in the criminal justice system, individuals
2594 who have a high likelihood of criminal justice involvement, or
2595 who are in court-ordered, community-based drug treatment. The
2596 Office of the State Courts Administrator shall use the funds to
2597 contract with a non-profit entity for the purpose of
2598 distributing the medication. The Office of the State Courts
2599 Administrator shall make available the following drugs:

- 2600 (a) \$600,000 for methadone;
- 2601 (b) \$2.4 million for buprenorphine; and
- 2602 (c) \$3 million for naltrexone extended-release injectable.
- 2603 (3) The recurring sum of \$5 million from the General

2604 Revenue Fund is appropriated to the Department of Health for the
2605 purchase of naloxone to be made available to emergency
2606 responders.

2607 Section 21. Except as otherwise expressly provided in this
2608 act, this act shall take effect July 1, 2018.

2610 ===== T I T L E A M E N D M E N T =====

2611 And the title is amended as follows:

2612 Delete everything before the enacting clause
2613 and insert:

2614 A bill to be entitled
2615 An act relating to controlled substances; amending s.
2616 409.967, F.S.; prohibiting managed care plans and
2617 their fiscal agents or intermediaries from imposing
2618 certain requirements or conditions on recipients as a
2619 prerequisite to receiving medication-assisted



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2620 treatment (MAT) services to treat substance abuse
2621 disorders; creating s. 456.0301, F.S.; authorizing
2622 certain boards to require practitioners to complete a
2623 specified board-approved continuing education course
2624 to obtain authorization to prescribe controlled
2625 substances as part of biennial license renewal;
2626 providing exceptions; providing course requirements;
2627 prohibiting the Department of Health from renewing a
2628 license of a prescriber under specified circumstances;
2629 requiring a licensee to submit confirmation of course
2630 completion; providing for each licensing board
2631 requiring such continuing education course to include
2632 hours of completion with the total hours of continuing
2633 education required in certain circumstances;
2634 authorizing rulemaking; amending s. 456.072, F.S.;
2635 authorizing disciplinary action against practitioners
2636 for violating specified provisions relating to
2637 controlled substances; amending s. 456.44, F.S.;
2638 defining the term "acute pain"; requiring the
2639 applicable boards to adopt rules establishing certain
2640 guidelines for prescribing controlled substances for
2641 acute pain; providing that failure of a practitioner
2642 to follow specified guidelines is grounds for
2643 disciplinary action; limiting opioid drug
2644 prescriptions for the treatment of acute pain to a
2645 specified period under certain circumstances;
2646 authorizing prescriptions for such opioids for an
2647 extended period if specified requirements are met;
2648 amending ss. 458.3265 and 459.0137, F.S.; requiring



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2649 certain pain management clinic owners to register
2650 approved exemptions with the department; requiring
2651 certain clinics to obtain certificates of exemption;
2652 providing requirements for such certificates;
2653 requiring the department to adopt rules necessary to
2654 administer such exemptions; amending ss. 465.0155 and
2655 465.0276, F.S.; providing requirements for pharmacists
2656 and practitioners for the dispensing of controlled
2657 substances to persons not known to them; defining the
2658 term "proper identification"; amending s. 627.42392,
2659 F.S.; prohibiting a health insurer from imposing
2660 certain requirements or conditions on insureds as a
2661 prerequisite to receiving medication-assisted
2662 treatment (MAT) services to treat substance abuse
2663 disorders; amending s. 893.03, F.S.; conforming the
2664 state controlled substances schedule to the federal
2665 controlled substances schedule; amending s. 893.055,
2666 F.S.; revising and providing definitions; revising
2667 requirements for the prescription drug monitoring
2668 program; authorizing rulemaking; requiring the
2669 department to maintain an electronic system for
2670 certain purposes which meets specified requirements;
2671 requiring certain information to be reported to the
2672 system by a specified time; specifying direct access
2673 to system information; authorizing the department to
2674 enter into reciprocal agreements or contracts to share
2675 prescription drug monitoring information with certain
2676 entities; providing requirements for such agreements;
2677 authorizing the department to enter into agreements or



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2678 contracts for secure connections with practitioner
2679 electronic systems; requiring specified persons to
2680 consult the system for certain purposes within a
2681 specified time; providing exceptions to the duty of
2682 specified persons to consult the system under certain
2683 circumstances; authorizing the department to issue
2684 citations to specified entities for failing to meet
2685 certain requirements; prohibiting the failure to
2686 report the dispensing of a controlled substance when
2687 required to do so; providing penalties; authorizing
2688 the department to enter into agreements or contracts
2689 for specified purposes; providing for the release of
2690 information obtained by the system; allowing specified
2691 persons to have direct access to information for the
2692 purpose of reviewing the controlled drug prescription
2693 history of a patient; providing prescriber or
2694 dispenser immunity from liability for review of
2695 patient history when acting in good faith; providing
2696 construction; prohibiting the department from
2697 specified uses of funds; requiring the department to
2698 conduct or participate in studies for specified
2699 purposes; requiring an annual report to be submitted
2700 to the Governor and Legislature by a specified date;
2701 providing report requirements; authorizing the
2702 department to establish a certain direct-support
2703 organization for specified purposes; defining the term
2704 "direct-support organization"; requiring a direct-
2705 support organization to operate under written contract
2706 with the department; providing contract requirements;



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2707 requiring the direct-support organization to obtain
2708 written approval from the department for specified
2709 purposes; authorizing the department to adopt certain
2710 rules relating to resources used by the direct-support
2711 organization; providing for an independent annual
2712 financial audit by the direct-support organization;
2713 providing that copies of such audit be provided to
2714 specified entities; providing for future repeal of
2715 provisions relating to the direct-support
2716 organization; requiring the department to adopt rules
2717 to implement the system; amending s. 893.0551, F.S.;
2718 revising provisions concerning the release of
2719 information held by the prescription drug monitoring
2720 program; amending ss. 458.331, 459.015, 463.0055,
2721 782.04, 893.13, 893.135, and 921.0022, F.S.;
2722 correcting cross-references; conforming provisions to
2723 changes made by the act; providing appropriations;
2724 providing effective dates.