



874244

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/07/2022	.	
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The Committee on Judiciary (Bean) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present subsections (1) through (22) of section  
401.23, Florida Statutes, are redesignated as subsections (2)  
through (23), respectively, a new subsection (1) is added to  
that section, and present subsection (19) of that section is  
amended, to read:

401.23 Definitions.—As used in this part, the term:

(1) "Acute hospital care at home" means acute and post-



874244

12 acute health care services provided in a clinically qualified  
13 patient's permanent residence, as defined in s. 196.012(17),  
14 through a program approved by the Centers for Medicare and  
15 Medicaid Services and the Agency for Health Care Administration.

16 ~~(20)-(19)~~ "Physician" means a practitioner who is licensed  
17 under ~~the provisions of~~ chapter 458 or chapter 459. For the  
18 purpose of providing medical direction ~~"medical direction" as~~  
19 ~~defined in subsection (14)~~ for the treatment of patients  
20 immediately before ~~prior to~~ or during transportation to a United  
21 States Department of Veterans Affairs medical facility,  
22 "physician" also means a practitioner employed by the United  
23 States Department of Veterans Affairs.

24 Section 2. Paragraph (c) is added to subsection (2) of  
25 section 401.272, Florida Statutes, to read:

26 401.272 Emergency medical services community health care.—

27 (2) Notwithstanding any other provision of law to the  
28 contrary:

29 (c) Paramedics may provide basic life support services and  
30 advanced life support services to patients receiving acute  
31 hospital care at home as specified in the paramedic's  
32 supervisory relationship with a physician or standing orders as  
33 described in s. 401.265, s. 458.348, or s. 459.025. A physician  
34 who supervises or provides medical direction to a paramedic who  
35 provides basic life support services or advanced life support  
36 services to patients receiving acute hospital care at home  
37 pursuant to a formal supervisory relationship or standing orders  
38 is liable for any act or omission of the paramedic acting under  
39 the physician's supervision or medical direction when providing  
40 such services. The department may adopt and enforce rules



874244

41 necessary to implement this paragraph.

42 Section 3. Section 465.003, Florida Statutes, is reordered  
43 and amended to read:

44 465.003 Definitions.—As used in this chapter, the term:

45 (1) "Acute hospital care at home" means acute and post-  
46 acute health care services provided in a clinically qualified  
47 patient's permanent residence, as defined in s. 196.012(17),  
48 through a program approved by the Centers for Medicare and  
49 Medicaid Services and the Agency for Health Care Administration.

50 (2)~~(1)~~ "Administration" means the obtaining and giving of a  
51 single dose of medicinal drugs by a legally authorized person to  
52 a patient for her or his consumption.

53 (4)~~(2)~~ "Board" means the Board of Pharmacy.

54 (10)~~(3)~~ "Consultant pharmacist" means a pharmacist licensed  
55 by the department and certified as a consultant pharmacist  
56 pursuant to s. 465.0125.

57 (11)~~(4)~~ "Data communication device" means an electronic  
58 device that receives electronic information from one source and  
59 transmits or routes it to another, including, but not limited  
60 to, any such bridge, router, switch, or gateway.

61 (12)~~(5)~~ "Department" means the Department of Health.

62 (13)~~(6)~~ "Dispense" means the transfer of possession of one  
63 or more doses of a medicinal drug by a pharmacist to the  
64 ultimate consumer or her or his agent. As an element of  
65 dispensing, the pharmacist shall, prior to the actual physical  
66 transfer, interpret and assess the prescription order for  
67 potential adverse reactions, interactions, and dosage regimen  
68 she or he deems appropriate in the exercise of her or his  
69 professional judgment, and the pharmacist shall certify that the



874244

70 medicinal drug called for by the prescription is ready for  
71 transfer. The pharmacist shall also provide counseling on proper  
72 drug usage, either orally or in writing, if in the exercise of  
73 her or his professional judgment counseling is necessary. The  
74 actual sales transaction and delivery of such drug shall not be  
75 considered dispensing. The administration shall not be  
76 considered dispensing.

77 ~~(14)(7)~~ "Institutional formulary system" means a method  
78 whereby the medical staff evaluates, appraises, and selects  
79 those medicinal drugs or proprietary preparations which in the  
80 medical staff's clinical judgment are most useful in patient  
81 care, and which are available for dispensing by a practicing  
82 pharmacist in a Class II or Class III institutional pharmacy.

83 ~~(15)(8)~~ "Medicinal drugs" or "drugs" means those substances  
84 or preparations commonly known as "prescription" or "legend"  
85 drugs which are required by federal or state law to be dispensed  
86 only on a prescription, but shall not include patents or  
87 proprietary preparations as hereafter defined.

88 ~~(18)(9)~~ "Patent or proprietary preparation" means a  
89 medicine in its unbroken, original package which is sold to the  
90 public by, or under the authority of, the manufacturer or  
91 primary distributor thereof and which is not misbranded under  
92 the provisions of the Florida Drug and Cosmetic Act.

93 ~~(19)(10)~~ "Pharmacist" means any person licensed pursuant to  
94 this chapter to practice the profession of pharmacy.

95 ~~(20)(a)(11)(a)~~ "Pharmacy" includes a community pharmacy, an  
96 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
97 and an Internet pharmacy.

98 1. The term "community pharmacy" includes every location



874244

99 where medicinal drugs are compounded, dispensed, stored, or sold  
100 or where prescriptions are filled or dispensed on an outpatient  
101 basis.

102 2. The term "institutional pharmacy" includes every  
103 location in a hospital, clinic, nursing home, dispensary,  
104 sanitarium, extended care facility, or other facility,  
105 hereinafter referred to as "health care institutions," where  
106 medicinal drugs are compounded, dispensed, stored, or sold.

107 3. The term "nuclear pharmacy" includes every location  
108 where radioactive drugs and chemicals within the classification  
109 of medicinal drugs are compounded, dispensed, stored, or sold.  
110 The term "nuclear pharmacy" does not include hospitals licensed  
111 under chapter 395 or the nuclear medicine facilities of such  
112 hospitals.

113 4. The term "special pharmacy" includes every location  
114 where medicinal drugs are compounded, dispensed, stored, or sold  
115 if such locations are not otherwise defined in this subsection.

116 5. The term "Internet pharmacy" includes locations not  
117 otherwise licensed or issued a permit under this chapter, within  
118 or outside this state, which use the Internet to communicate  
119 with or obtain information from consumers in this state and use  
120 such communication or information to fill or refill  
121 prescriptions or to dispense, distribute, or otherwise engage in  
122 the practice of pharmacy in this state. Any act described in  
123 this definition constitutes the practice of the profession of  
124 pharmacy ~~as defined in subsection (13)~~.

125 (b) The pharmacy department of any permittee shall be  
126 considered closed whenever a Florida licensed pharmacist is not  
127 present and on duty. The term "not present and on duty" shall



874244

128 not be construed to prevent a pharmacist from exiting the  
129 prescription department for the purposes of consulting or  
130 responding to inquiries or providing assistance to patients or  
131 customers, attending to personal hygiene needs, or performing  
132 any other function for which the pharmacist is responsible,  
133 provided that such activities are conducted in a manner  
134 consistent with the pharmacist's responsibility to provide  
135 pharmacy services.

136 ~~(21)~~ ~~(12)~~ "Pharmacy intern" means a person who is currently  
137 registered in, and attending, a duly accredited college or  
138 school of pharmacy, or who is a graduate of such a school or  
139 college of pharmacy, and who is duly and properly registered  
140 with the department as provided for under its rules.

141 ~~(22)~~ ~~(13)~~ "Practice of the profession of pharmacy" includes  
142 compounding, dispensing, and consulting concerning contents,  
143 therapeutic values, and uses of any medicinal drug; consulting  
144 concerning therapeutic values and interactions of patent or  
145 proprietary preparations, whether pursuant to prescriptions or  
146 in the absence and entirely independent of such prescriptions or  
147 orders; and conducting other pharmaceutical services. For  
148 purposes of this subsection, the term "other pharmaceutical  
149 services" means monitoring the patient's drug therapy and  
150 assisting the patient in the management of his or her drug  
151 therapy, and includes reviewing, and making recommendations  
152 regarding, the patient's drug therapy and health care status in  
153 communication with the patient's prescribing health care  
154 provider as licensed under chapter 458, chapter 459, chapter  
155 461, or chapter 466, or a similar statutory provision in another  
156 jurisdiction, or such provider's agent or such other persons as



874244

157 specifically authorized by the patient; and initiating,  
158 modifying, or discontinuing drug therapy for a chronic health  
159 condition under a collaborative pharmacy practice agreement.  
160 This subsection may not be interpreted to permit an alteration  
161 of a prescriber's directions, the diagnosis or treatment of any  
162 disease, the initiation of any drug therapy, the practice of  
163 medicine, or the practice of osteopathic medicine, unless  
164 otherwise permitted by law or specifically authorized by s.  
165 465.1865 or s. 465.1895. The term "practice of the profession of  
166 pharmacy" also includes any other act, service, operation,  
167 research, or transaction incidental to, or forming a part of,  
168 any of the foregoing acts, requiring, involving, or employing  
169 the science or art of any branch of the pharmaceutical  
170 profession, study, or training, and shall expressly permit a  
171 pharmacist to transmit information from persons authorized to  
172 prescribe medicinal drugs to their patients. The practice of the  
173 profession of pharmacy also includes the administration of  
174 vaccines to adults pursuant to s. 465.189, the testing or  
175 screening for and treatment of minor, nonchronic health  
176 conditions pursuant to s. 465.1895, and the preparation of  
177 prepackaged drug products in facilities holding Class III  
178 institutional pharmacy permits. The term also includes the  
179 ordering and evaluating of any laboratory or clinical testing;  
180 conducting patient assessments; and modifying, discontinuing, or  
181 administering medicinal drugs pursuant to s. 465.0125 by a  
182 consultant pharmacist.

183 ~~(23)-(14)~~ "Prescription" includes any order for drugs or  
184 medicinal supplies written or transmitted by any means of  
185 communication by a duly licensed practitioner authorized by the



874244

186 laws of the state to prescribe such drugs or medicinal supplies  
187 and intended to be dispensed by a pharmacist. The term also  
188 includes an orally transmitted order by the lawfully designated  
189 agent of such practitioner. The term also includes an order  
190 written or transmitted by a practitioner licensed to practice in  
191 a jurisdiction other than this state, but only if the pharmacist  
192 called upon to dispense such order determines, in the exercise  
193 of her or his professional judgment, that the order is valid and  
194 necessary for the treatment of a chronic or recurrent illness.  
195 The term "prescription" also includes a pharmacist's order for a  
196 product selected from the formulary created pursuant to s.  
197 465.186. Prescriptions may be retained in written form or the  
198 pharmacist may cause them to be recorded in a data processing  
199 system, provided that such order can be produced in printed form  
200 upon lawful request.

201 (16)~~(15)~~ "Nuclear pharmacist" means a pharmacist licensed  
202 by the department and certified as a nuclear pharmacist pursuant  
203 to s. 465.0126.

204 (6)~~(16)~~ "Centralized prescription filling" means the  
205 filling of a prescription by one pharmacy upon request by  
206 another pharmacy to fill or refill the prescription. The term  
207 includes the performance by one pharmacy for another pharmacy of  
208 other pharmacy duties such as drug utilization review,  
209 therapeutic drug utilization review, claims adjudication, and  
210 the obtaining of refill authorizations.

211 (3)~~(17)~~ "Automated pharmacy system" means a mechanical  
212 system that delivers prescription drugs received from a Florida  
213 licensed pharmacy and maintains related transaction information.

214 (9)~~(18)~~ "Compounding" means combining, mixing, or altering





874244

215 the ingredients of one or more drugs or products to create  
216 another drug or product.

217 ~~(17)-(19)~~ "Outsourcing facility" means a single physical  
218 location registered as an outsourcing facility under the federal  
219 Drug Quality and Security Act, Pub. L. No. 113-54, at which  
220 sterile compounding of a drug or product is conducted.

221 ~~(8)-(20)~~ "Compounded sterile product" means a drug that is  
222 intended for parenteral administration, an ophthalmic or oral  
223 inhalation drug in aqueous format, or a drug or product that is  
224 required to be sterile under federal or state law or rule, which  
225 is produced through compounding, but is not approved by the  
226 United States Food and Drug Administration.

227 ~~(5)-(21)~~ "Central distribution facility" means a facility  
228 under common control with a hospital holding a Class III  
229 institutional pharmacy permit that may dispense, distribute,  
230 compound, or fill prescriptions for medicinal drugs; prepare  
231 prepackaged drug products; and conduct other pharmaceutical  
232 services.

233 ~~(7)-(22)~~ "Common control" means the power to direct or cause  
234 the direction of the management and policies of a person or an  
235 organization, whether by ownership of stock, voting rights,  
236 contract, or otherwise.

237 Section 4. Paragraph (d) of subsection (2) and paragraph  
238 (a) of subsection (4) of section 465.019, Florida Statutes, are  
239 amended to read:

240 465.019 Institutional pharmacies; permits.—

241 (2) The following classes of institutional pharmacies are  
242 established:

243 (d)1. "Class III institutional pharmacies" are those



874244

244 institutional pharmacies, including central distribution  
245 facilities, affiliated with a hospital which ~~that~~ provide the  
246 same services that are authorized by a Class II institutional  
247 pharmacy permit. Class III institutional pharmacies may also:  
248       a. Dispense, distribute, compound, and fill prescriptions  
249 for medicinal drugs for inpatient treatment or for patients  
250 receiving acute hospital care at home.  
251       b. Prepare prepackaged drug products.  
252       c. Conduct other pharmaceutical services for the affiliated  
253 hospital and for entities under common control that are each  
254 permitted under this chapter to possess medicinal drugs.  
255       d. Provide the services in sub-subparagraphs a.-c. to an  
256 entity under common control which holds an active health care  
257 clinic establishment permit as required under s. 499.01(2)(r).  
258       2. A Class III institutional pharmacy shall maintain  
259 policies and procedures addressing:  
260       a. The consultant pharmacist responsible for pharmaceutical  
261 services.  
262       b. Safe practices for the preparation, dispensing,  
263 prepackaging, distribution, and transportation of medicinal  
264 drugs and prepackaged drug products.  
265       c. Recordkeeping to monitor the movement, distribution, and  
266 transportation of medicinal drugs and prepackaged drug products.  
267       d. Recordkeeping of pharmacy staff responsible for each  
268 step in the preparation, dispensing, prepackaging,  
269 transportation, and distribution of medicinal drugs and  
270 prepackaged drug products.  
271       e. Medicinal drugs and prepackaged drug products that may  
272 not be safely distributed among Class III institutional



874244

273 pharmacies.

274 (4) (a) Medicinal drugs shall be dispensed by ~~in~~ an  
275 institutional pharmacy to outpatients only when that institution  
276 has secured a community pharmacy permit from the department.  
277 However, medicinal drugs may be dispensed by a hospital that  
278 operates a Class II or Class III institutional pharmacy to a  
279 patient of the hospital's emergency department or a hospital  
280 inpatient upon discharge if a prescriber, as defined in s.  
281 465.025(1), treating the patient in such hospital determines  
282 that the medicinal drug is warranted and that community pharmacy  
283 services are not readily accessible, geographically or  
284 otherwise, to the patient. Such prescribing and dispensing must  
285 be for a supply of the drug that will last for the greater of  
286 the following:

- 287 1. Up to 48 hours; or  
288 2. Through the end of the next business day.

289 Section 5. Subsection (1) of section 14.33, Florida  
290 Statutes, is amended to read:

291 14.33 Medal of Heroism.—

292 (1) The Governor may award a Medal of Heroism of  
293 appropriate design, with ribbons and appurtenances, to a law  
294 enforcement, correctional, or correctional probation officer, as  
295 defined in s. 943.10(14); a firefighter, as defined in s.  
296 112.191(1) (b); an emergency medical technician, as defined in s.  
297 401.23 ~~s. 401.23(11)~~; or a paramedic, as defined in s. 401.23 ~~s.~~  
298 ~~401.23(17)~~. A recipient must have distinguished himself or  
299 herself conspicuously by gallantry and intrepidity, must have  
300 risked his or her life deliberately above and beyond the call of  
301 duty while performing duty in his or her respective position,



874244

302 and must have engaged in hazardous or perilous activities to  
303 preserve lives with the knowledge that such activities might  
304 result in great personal harm.

305 Section 6. Subsection (1) of section 125.01045, Florida  
306 Statutes, is amended to read:

307 125.01045 Prohibition of fees for first responder  
308 services.—

309 (1) A county may not impose a fee or seek reimbursement for  
310 any costs or expenses that may be incurred for services provided  
311 by a first responder, including costs or expenses related to  
312 personnel, supplies, motor vehicles, or equipment in response to  
313 a motor vehicle accident, except for costs to contain or clean  
314 up hazardous materials in quantities reportable to the Florida  
315 State Warning Point at the Division of Emergency Management, and  
316 costs for transportation and treatment provided by ambulance  
317 services licensed pursuant to part III of chapter 401 ~~s-~~  
318 ~~401.23(4) and (5)~~.

319 Section 7. Subsection (1) of section 166.0446, Florida  
320 Statutes, is amended to read:

321 166.0446 Prohibition of fees for first responder services.—

322 (1) A municipality may not impose a fee or seek  
323 reimbursement for any costs or expenses that may be incurred for  
324 services provided by a first responder, including costs or  
325 expenses related to personnel, supplies, motor vehicles, or  
326 equipment in response to a motor vehicle accident, except for  
327 costs to contain or clean up hazardous materials in quantities  
328 reportable to the Florida State Warning Point at the Division of  
329 Emergency Management, and costs for transportation and treatment  
330 provided by ambulance services licensed pursuant to part III of



874244

331 chapter 401 ~~s. 401.23(4) and (5)~~.

332 Section 8. Paragraph (a) of subsection (3) of section  
333 252.515, Florida Statutes, is amended to read:

334 252.515 Postdisaster Relief Assistance Act; immunity from  
335 civil liability.—

336 (3) As used in this section, the term:

337 (a) "Emergency first responder" means:

338 1. A physician licensed under chapter 458.

339 2. An osteopathic physician licensed under chapter 459.

340 3. A chiropractic physician licensed under chapter 460.

341 4. A podiatric physician licensed under chapter 461.

342 5. A dentist licensed under chapter 466.

343 6. An advanced practice registered nurse licensed under s.  
344 464.012.

345 7. A physician assistant licensed under s. 458.347 or s.  
346 459.022.

347 8. A worker employed by a public or private hospital in the  
348 state.

349 9. A paramedic as defined in s. 401.23 ~~s. 401.23(17)~~.

350 10. An emergency medical technician as defined in s. 401.23  
351 ~~s. 401.23(11)~~.

352 11. A firefighter as defined in s. 633.102.

353 12. A law enforcement officer as defined in s. 943.10.

354 13. A member of the Florida National Guard.

355 14. Any other personnel designated as emergency personnel  
356 by the Governor pursuant to a declared emergency.

357 Section 9. Subsection (5) of section 395.1027, Florida  
358 Statutes, is amended to read:

359 395.1027 Regional poison control centers.—



360 (5) By October 1, 1999, each regional poison control center  
361 shall develop a prehospital emergency dispatch protocol with  
362 each licensee as defined in s. 401.23 ~~by s. 401.23(13)~~ in the  
363 geographic area covered by the regional poison control center.  
364 The prehospital emergency dispatch protocol shall be developed  
365 by each licensee's medical director in conjunction with the  
366 designated regional poison control center responsible for the  
367 geographic area in which the licensee operates. The protocol  
368 shall define toxic substances and describe the procedure by  
369 which the designated regional poison control center may be  
370 consulted by the licensee. If a call is transferred to the  
371 designated regional poison control center in accordance with the  
372 protocol established under this section and s. 401.268, the  
373 designated regional poison control center shall assume  
374 responsibility and liability for the call.

375 Section 10. Paragraph (b) of subsection (1) of section  
376 400.143, Florida Statutes, is amended to read:

377 400.143 Institutional formularies established by nursing  
378 home facilities.-

379 (1) For purposes of this section, the term:

380 (b) "Medicinal drug" has the same meaning as provided in s.  
381 465.003 ~~s. 465.003(8)~~.

382 Section 11. Paragraph (b) of subsection (2) of section  
383 401.245, Florida Statutes, is amended to read:

384 401.245 Emergency Medical Services Advisory Council.-

385 (2) (b) Representation on the Emergency Medical Services  
386 Advisory Council shall include: two licensed physicians who are  
387 medical directors ~~"medical directors"~~ as defined in s. 401.23 ~~s.~~  
388 ~~401.23(15)~~ or whose medical practice is closely related to



874244

389 emergency medical services; two emergency medical service  
390 administrators, one of whom is employed by a fire service; two  
391 certified paramedics, one of whom is employed by a fire service;  
392 two certified emergency medical technicians, one of whom is  
393 employed by a fire service; one emergency medical services  
394 educator; one emergency nurse; one hospital administrator; one  
395 representative of air ambulance services; one representative of  
396 a commercial ambulance operator; and two laypersons who are in  
397 no way connected with emergency medical services, one of whom is  
398 a representative of the elderly. Ex officio members of the  
399 advisory council from state agencies shall include, but are  
400 ~~shall~~ not be limited to, representatives from the Department of  
401 Education, the Department of Management Services, the State Fire  
402 Marshal, the Department of Highway Safety and Motor Vehicles,  
403 the Department of Transportation, and the Division of Emergency  
404 Management.

405 Section 12. Subsection (2) of section 401.27, Florida  
406 Statutes, is amended to read:

407 401.27 Personnel; standards and certification.—

408 (2) The department shall establish by rule educational and  
409 training criteria and examinations for the certification and  
410 recertification of emergency medical technicians and paramedics.  
411 Such rules must require, but need not be limited to:

412 (a) For emergency medical technicians, proficiency in basic  
413 life support as defined techniques identified in s. 401.23 s.  
414 401.23(7) and in rules of the department.

415 (b) For paramedics, proficiency in advanced life support as  
416 defined techniques identified in s. 401.23 s. 401.23(1) and in  
417 rules of the department.



874244

418 Section 13. Paragraph (a) of subsection (1) of section  
419 409.9201, Florida Statutes, is amended to read:

420 409.9201 Medicaid fraud.—

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

422 (a) "Prescription drug" means any drug, including, but not  
423 limited to, finished dosage forms or active ingredients that are  
424 subject to, defined in, or described in s. 503(b) of the Federal  
425 Food, Drug, and Cosmetic Act or in s. 465.003 ~~s. 465.003(8)~~, s.  
426 499.003(17), s. 499.007(13), or s. 499.82(10).

427

428 The value of individual items of the legend drugs or goods or  
429 services involved in distinct transactions committed during a  
430 single scheme or course of conduct, whether involving a single  
431 person or several persons, may be aggregated when determining  
432 the punishment for the offense.

433 Section 14. Paragraph (pp) of subsection (1) of section  
434 458.331, Florida Statutes, is amended to read:

435 458.331 Grounds for disciplinary action; action by the  
436 board and department.—

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

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

442 1. Registering a pain-management clinic through  
443 misrepresentation or fraud;

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





874244

447           3. Failing to comply with any requirement of chapter 499,  
448 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
449 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
450 the Drug Abuse Prevention and Control Act; or chapter 893, the  
451 Florida Comprehensive Drug Abuse Prevention and Control Act;

452           4. Being convicted or found guilty of, regardless of  
453 adjudication to, a felony or any other crime involving moral  
454 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
455 the courts of this state, of any other state, or of the United  
456 States;

457           5. Being convicted of, or disciplined by a regulatory  
458 agency of the Federal Government or a regulatory agency of  
459 another state for, any offense that would constitute a violation  
460 of this chapter;

461           6. Being convicted of, or entering a plea of guilty or nolo  
462 contendere to, regardless of adjudication, a crime in any  
463 jurisdiction of the courts of this state, of any other state, or  
464 of the United States which relates to the practice of, or the  
465 ability to practice, a licensed health care profession;

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

470           8. Dispensing any medicinal drug based upon a communication  
471 that purports to be a prescription as defined in s. 465.003 ~~or~~  
472 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or  
473 has reason to believe that the purported prescription is not  
474 based upon a valid practitioner-patient relationship; or

475           9. Failing to timely notify the board of the date of his or



874244

476 her termination from a pain-management clinic as required by s.  
477 458.3265(3).

478 Section 15. Paragraph (rr) of subsection (1) of section  
479 459.015, Florida Statutes, is amended to read:

480 459.015 Grounds for disciplinary action; action by the  
481 board and department.—

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

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

487 1. Registering a pain-management clinic through  
488 misrepresentation or fraud;

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

492 3. Failing to comply with any requirement of chapter 499,  
493 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
494 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
495 the Drug Abuse Prevention and Control Act; or chapter 893, the  
496 Florida Comprehensive Drug Abuse Prevention and Control Act;

497 4. Being convicted or found guilty of, regardless of  
498 adjudication to, a felony or any other crime involving moral  
499 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
500 the courts of this state, of any other state, or of the United  
501 States;

502 5. Being convicted of, or disciplined by a regulatory  
503 agency of the Federal Government or a regulatory agency of  
504 another state for, any offense that would constitute a violation



874244

505 of this chapter;

506         6. Being convicted of, or entering a plea of guilty or nolo  
507 contendere to, regardless of adjudication, a crime in any  
508 jurisdiction of the courts of this state, of any other state, or  
509 of the United States which relates to the practice of, or the  
510 ability to practice, a licensed health care profession;

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

515         8. Dispensing any medicinal drug based upon a communication  
516 that purports to be a prescription as defined in s. 465.003 ~~s.~~  
517 ~~465.003(14)~~ or s. 893.02 if the dispensing practitioner knows or  
518 has reason to believe that the purported prescription is not  
519 based upon a valid practitioner-patient relationship; or

520         9. Failing to timely notify the board of the date of his or  
521 her termination from a pain-management clinic as required by s.  
522 459.0137(3).

523         Section 16. Subsection (1) of section 465.014, Florida  
524 Statutes, is amended to read:

525         465.014 Pharmacy technician.—

526         (1) A person other than a licensed pharmacist or pharmacy  
527 intern may not engage in the practice of the profession of  
528 pharmacy, except that a licensed pharmacist may delegate to  
529 pharmacy technicians who are registered pursuant to this section  
530 those duties, tasks, and functions that do not fall within the  
531 purview of s. 465.003 ~~s. 465.003(13)~~. All such delegated acts  
532 must be performed under the direct supervision of a licensed  
533 pharmacist who is responsible for all such acts performed by



874244

534 persons under his or her supervision. A registered pharmacy  
535 technician, under the supervision of a pharmacist, may initiate  
536 or receive communications with a practitioner or his or her  
537 agent, on behalf of a patient, regarding refill authorization  
538 requests. A licensed pharmacist may not supervise more than one  
539 registered pharmacy technician unless otherwise permitted by the  
540 guidelines adopted by the board. The board shall establish  
541 guidelines to be followed by licensees or permittees in  
542 determining the circumstances under which a licensed pharmacist  
543 may supervise more than one pharmacy technician.

544 Section 17. Paragraph (c) of subsection (2) of section  
545 465.015, Florida Statutes, is amended to read:

546 465.015 Violations and penalties.—

547 (2) It is unlawful for any person:

548 (c) To sell or dispense drugs as defined in s. 465.003 ~~s.~~  
549 ~~465.003(8)~~ without first being furnished with a prescription.

550 Section 18. Subsection (9) of section 465.0156, Florida  
551 Statutes, is amended to read:

552 465.0156 Registration of nonresident pharmacies.—

553 (9) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for purposes  
554 of this section, the registered pharmacy and the pharmacist  
555 designated by the registered pharmacy as the prescription  
556 department manager or the equivalent must be licensed in the  
557 state of location in order to dispense into this state.

558 Section 19. Paragraph (s) of subsection (1) of section  
559 465.016, Florida Statutes, is amended to read:

560 465.016 Disciplinary actions.—

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



874244

563 (s) Dispensing any medicinal drug based upon a  
564 communication that purports to be a prescription as defined in  
565 s. 465.003 by ~~s. 465.003(14)~~ or s. 893.02 when the pharmacist  
566 knows or has reason to believe that the purported prescription  
567 is not based upon a valid practitioner-patient relationship.

568 Section 20. Subsection (4) of section 465.0197, Florida  
569 Statutes, is amended to read:

570 465.0197 Internet pharmacy permits.—

571 (4) Notwithstanding s. 465.003 ~~s. 465.003(10)~~, for purposes  
572 of this section, the Internet pharmacy and the pharmacist  
573 designated by the Internet pharmacy as the prescription  
574 department manager or the equivalent must be licensed in the  
575 state of location in order to dispense into this state.

576 Section 21. Paragraph (j) of subsection (5) of section  
577 465.022, Florida Statutes, is amended to read:

578 465.022 Pharmacies; general requirements; fees.—

579 (5) The department or board shall deny an application for a  
580 pharmacy permit if the applicant or an affiliated person,  
581 partner, officer, director, or prescription department manager  
582 or consultant pharmacist of record of the applicant:

583 (j) Has dispensed any medicinal drug based upon a  
584 communication that purports to be a prescription as defined in  
585 s. 465.003 by ~~s. 465.003(14)~~ or s. 893.02 when the pharmacist  
586 knows or has reason to believe that the purported prescription  
587 is not based upon a valid practitioner-patient relationship that  
588 includes a documented patient evaluation, including history and  
589 a physical examination adequate to establish the diagnosis for  
590 which any drug is prescribed and any other requirement  
591 established by board rule under chapter 458, chapter 459,



874244

592 chapter 461, chapter 463, chapter 464, or chapter 466.

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594 For felonies in which the defendant entered a plea of guilty or  
595 nolo contendere in an agreement with the court to enter a  
596 pretrial intervention or drug diversion program, the department  
597 shall deny the application if upon final resolution of the case  
598 the licensee has failed to successfully complete the program.

599 Section 22. Paragraph (h) of subsection (1) of section  
600 465.023, Florida Statutes, is amended to read:

601 465.023 Pharmacy permittee; disciplinary action.—

602 (1) The department or the board may revoke or suspend the  
603 permit of any pharmacy permittee, and may fine, place on  
604 probation, or otherwise discipline any pharmacy permittee if the  
605 permittee, or any affiliated person, partner, officer, director,  
606 or agent of the permittee, including a person fingerprinted  
607 under s. 465.022(3), has:

608 (h) Dispensed any medicinal drug based upon a communication  
609 that purports to be a prescription as defined in s. 465.003 ~~by~~  
610 ~~s. 465.003(14)~~ or s. 893.02 when the pharmacist knows or has  
611 reason to believe that the purported prescription is not based  
612 upon a valid practitioner-patient relationship that includes a  
613 documented patient evaluation, including history and a physical  
614 examination adequate to establish the diagnosis for which any  
615 drug is prescribed and any other requirement established by  
616 board rule under chapter 458, chapter 459, chapter 461, chapter  
617 463, chapter 464, or chapter 466.

618 Section 23. Section 465.1901, Florida Statutes, is amended  
619 to read:

620 465.1901 Practice of orthotics and pedorthics.—The



874244

621 provisions of chapter 468 relating to orthotics or pedorthics do  
622 not apply to any licensed pharmacist or to any person acting  
623 under the supervision of a licensed pharmacist. The practice of  
624 orthotics or pedorthics by a pharmacist or any of the  
625 pharmacist's employees acting under the supervision of a  
626 pharmacist shall be construed to be within the meaning of the  
627 term "practice of the profession of pharmacy" as defined ~~set~~  
628 ~~forth~~ in s. 465.003 ~~s. 465.003(13)~~, and shall be subject to  
629 regulation in the same manner as any other pharmacy practice.  
630 The Board of Pharmacy shall develop rules regarding the practice  
631 of orthotics and pedorthics by a pharmacist. Any pharmacist or  
632 person under the supervision of a pharmacist engaged in the  
633 practice of orthotics or pedorthics is not precluded from  
634 continuing that practice pending adoption of these rules.

635 Section 24. Paragraph (j) of subsection (2) of section  
636 465.1902, Florida Statutes, is amended to read:

637 465.1902 Prescription Drug Donation Repository Program.—

638 (2) DEFINITIONS.—As used in this section, the term:

639 (j) "Prescription drug" has the same meaning as the term  
640 "medicinal drugs" or "drugs," as those terms are defined in s.  
641 465.003 ~~s. 465.003(8)~~, but does not include controlled  
642 substances, cancer drugs donated under s. 499.029, or drugs with  
643 an approved United States Food and Drug Administration risk  
644 evaluation and mitigation strategy that includes elements to  
645 assure safe use.

646 Section 25. Subsection (40) of section 499.003, Florida  
647 Statutes, is amended to read:

648 499.003 Definitions of terms used in this part.—As used in  
649 this part, the term:



874244

650 (40) "Prescription drug" means a prescription, medicinal,  
651 or legend drug, including, but not limited to, finished dosage  
652 forms or active pharmaceutical ingredients subject to, defined  
653 by, or described by s. 503(b) of the federal act or s. 465.003  
654 ~~s. 465.003(8)~~, s. 499.007(13), subsection (31), or subsection  
655 (47), except that an active pharmaceutical ingredient is a  
656 prescription drug only if substantially all finished dosage  
657 forms in which it may be lawfully dispensed or administered in  
658 this state are also prescription drugs.

659 Section 26. Paragraph (c) of subsection (24) of section  
660 893.02, Florida Statutes, is amended to read:

661 893.02 Definitions.—The following words and phrases as used  
662 in this chapter shall have the following meanings, unless the  
663 context otherwise requires:

664 (24) "Prescription" includes any order for drugs or  
665 medicinal supplies which is written or transmitted by any means  
666 of communication by a licensed practitioner authorized by the  
667 laws of this state to prescribe such drugs or medicinal  
668 supplies, is issued in good faith and in the course of  
669 professional practice, is intended to be dispensed by a person  
670 authorized by the laws of this state to do so, and meets the  
671 requirements of s. 893.04.

672 (c) A prescription for a controlled substance may not be  
673 issued on the same prescription blank with another prescription  
674 for a controlled substance that is named or described in a  
675 different schedule or with another prescription for a medicinal  
676 drug, as defined in s. 465.003 ~~s. 465.003(8)~~, that is not a  
677 controlled substance.

678 Section 27. This act shall take effect July 1, 2022.





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

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to acute hospital care at home;  
amending s. 401.23, F.S.; defining the term "acute  
hospital care at home"; amending s. 401.272, F.S.;  
authorizing paramedics to perform certain life support  
services to patients receiving acute hospital care at  
home under certain circumstances; providing that a  
physician or medical director who supervises or  
directs the provision of such services by a paramedic  
is liable for any act or omission during the provision  
of such services; authorizing the Department of Health  
to adopt and enforce rules; amending s. 465.003, F.S.;  
defining the term "acute hospital care at home";  
amending s. 465.019, F.S.; specifying that Class III  
institutional pharmacies may dispense, distribute,  
compound, and fill prescriptions for medicinal drugs  
for inpatient treatment and patients receiving acute  
hospital care at home; amending ss. 14.33, 125.01045,  
166.0446, 252.515, 395.1027, 400.143, 401.245, 401.27,  
409.9201, 458.331, 459.015, 465.014, 465.015,  
465.0156, 465.016, 465.0197, 465.022, 465.023,  
465.1901, 465.1902, 499.003, and 893.02, F.S.;  
conforming cross-references; providing an effective  
date.