

By Senator Benacquisto

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1                                   A bill to be entitled  
2       An act relating to controlled substances; creating s.  
3       456.0301, F.S.; authorizing certain boards to require  
4       practitioners to complete a specified board-approved  
5       continuing education course to obtain authorization to  
6       prescribe controlled substances as part of biennial  
7       renewal; providing exceptions; providing course  
8       requirements; prohibiting the department from renewing  
9       a license of a prescriber under specified  
10      circumstances; requiring a licensee to submit  
11      confirmation of course completion; providing for each  
12      licensing board requiring such continuing education  
13      course to include hours of completion with the total  
14      hours of continuing education required in certain  
15      circumstances; authorizing rulemaking; amending s.  
16      456.072, F.S.; authorizing disciplinary action against  
17      practitioners for violating specified provisions  
18      relating to controlled substances; amending s. 456.44,  
19      F.S.; defining the term "acute pain"; providing for  
20      the adoption of standards of practice for the  
21      treatment of acute pain; providing that failure of a  
22      practitioner to follow specified guidelines is grounds  
23      for disciplinary action; limiting opioid prescriptions  
24      for the treatment of acute pain to a specified period  
25      under certain circumstances; authorizing prescriptions  
26      for such opioids for an extended period if specified  
27      requirements are met; amending ss. 458.3265 and  
28      459.0137, F.S.; requiring certain pain management  
29      clinic owners to register approved exemptions with the

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30 department; requiring certain clinics to obtain  
31 certificates of exemption; providing requirements for  
32 such certificates; authorizing rulemaking relating to  
33 specified exemptions; amending ss. 465.0155 and  
34 465.0276, F.S.; providing requirements for pharmacists  
35 and practitioners for the dispensing of controlled  
36 substances to persons not known to them; defining the  
37 term "proper identification"; amending s. 893.03,  
38 F.S.; conforming the state controlled substances  
39 schedule to the federal controlled substances  
40 schedule; amending s. 893.055, F.S.; revising and  
41 providing definitions; revising requirements for the  
42 prescription drug monitoring program; authorizing  
43 rulemaking; requiring the department to maintain an  
44 electronic system for certain purposes to meet  
45 specified requirements; requiring certain information  
46 to be reported to the system by a specified time;  
47 specifying direct access to system information;  
48 authorizing the department to enter into reciprocal  
49 agreements or contracts to share prescription drug  
50 monitoring information with certain entities;  
51 providing requirements for such agreements;  
52 authorizing the department to enter into agreements or  
53 contracts for secure connections with practitioner  
54 electronic systems; requiring specified persons to  
55 consult the system for certain purposes within a  
56 specified time; providing exceptions to the duty of  
57 specified persons to consult the system under certain  
58 circumstances; authorizing the department to issue

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59 nondisciplinary citations to specified entities for  
60 failing to meet certain requirements; prohibiting the  
61 failure to report the dispensing of a controlled  
62 substance when required to do so; providing penalties;  
63 authorizing the department to enter into agreements or  
64 contracts for specified purposes; providing for the  
65 release of information obtained by the system;  
66 allowing specified persons to have direct access to  
67 information for the purpose of reviewing the  
68 controlled drug prescription history of a patient;  
69 providing prescriber or dispenser immunity from  
70 liability for review of patient history when acting in  
71 good faith; providing construction; prohibiting the  
72 department from specified uses of funds; authorizing  
73 the department to conduct or participate in studies  
74 for specified purposes; requiring an annual report to  
75 be submitted to the Governor and Legislature by a  
76 specified date; providing report requirements;  
77 providing exemptions; establishing direct-support  
78 organizations for specified purposes; defining the  
79 term "direct-support organization"; requiring a  
80 direct-support organization to operate under written  
81 contract with the department; providing contract  
82 requirements; requiring the direct-support  
83 organization to obtain written approval from the  
84 department for specified purposes; authorizing  
85 rulemaking; providing for an independent annual  
86 financial audit by the direct-support organization;  
87 providing that copies of such audit be provided to

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88 specified entities; providing for future repeal of  
89 provisions relating to the direct-support  
90 organization; amending s. 893.0551, F.S.; revising  
91 provisions concerning release of information held by  
92 the prescription drug monitoring program; amending ss.  
93 458.331, 459.015, 463.0055, 782.04, 893.13, 893.135,  
94 and 921.0022, F.S.; correcting cross-references;  
95 conforming provisions to changes made by the act;  
96 providing effective dates.

97

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

99

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

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

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

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117 hours required by law. The department may not renew the license  
118 of any prescriber registered with the United States Drug  
119 Enforcement Administration to prescribe controlled substances  
120 that has failed to complete the course. When required by this  
121 paragraph, the course shall be completed by January 31, 2019,  
122 and at each subsequent renewal.

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

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

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

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

134 456.072 Grounds for discipline; penalties; enforcement.—

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

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

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146 a pattern from billing records, data, or any other information  
147 obtained by the department.

148 Section 3. Paragraphs (a) through (g) of subsection (1) of  
149 section 456.44, Florida Statutes, are redesignated as paragraphs  
150 (b) through (h), respectively, a new paragraph (a) is added to  
151 that subsection, subsection (3) is amended, and subsections (4)  
152 and (5) are added to that section, to read:

153 456.44 Controlled substance prescribing.—

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

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

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

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

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

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

195 (c) The registrant shall discuss the risks and benefits of  
196 the use of controlled substances, including the risks of abuse  
197 and addiction, as well as physical dependence and its  
198 consequences, with the patient, persons designated by the  
199 patient, or the patient's surrogate or guardian if the patient  
200 is incompetent. The registrant shall use a written controlled  
201 substance agreement between the registrant and the patient  
202 outlining the patient's responsibilities, including, but not  
203 limited to:

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

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

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

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

226 (e) The registrant shall refer the patient as necessary for  
227 additional evaluation and treatment in order to achieve  
228 treatment objectives. Special attention shall be given to those  
229 patients who are at risk for misusing their medications and  
230 those whose living arrangements pose a risk for medication  
231 misuse or diversion. The management of pain in patients with a  
232 history of substance abuse or with a comorbid psychiatric

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233 disorder requires extra care, monitoring, and documentation and  
234 requires consultation with or referral to an addiction medicine  
235 specialist or a psychiatrist.

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

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

243 2. Diagnostic, therapeutic, and laboratory results.

244 3. Evaluations and consultations.

245 4. Treatment objectives.

246 5. Discussion of risks and benefits.

247 6. Treatments.

248 7. Medications, including date, type, dosage, and quantity  
249 prescribed.

250 8. Instructions and agreements.

251 9. Periodic reviews.

252 10. Results of any drug testing.

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

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

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

259 (g) A registrant shall immediately refer patients with  
260 signs or symptoms of substance abuse to a board-certified pain  
261 management physician, an addiction medicine specialist, or a

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262 mental health addiction facility as it pertains to drug abuse or  
263 addiction unless the registrant is a physician who is board-  
264 certified or board-eligible in pain management. Throughout the  
265 period of time before receiving the consultant's report, a  
266 prescribing registrant shall clearly and completely document  
267 medical justification for continued treatment with controlled  
268 substances and those steps taken to ensure medically appropriate  
269 use of controlled substances by the patient. Upon receipt of the  
270 consultant's written report, the prescribing registrant shall  
271 incorporate the consultant's recommendations for continuing,  
272 modifying, or discontinuing controlled substance therapy. The  
273 resulting changes in treatment shall be specifically documented  
274 in the patient's medical record. Evidence or behavioral  
275 indications of diversion shall be followed by discontinuation of  
276 controlled substance therapy, and the patient shall be  
277 discharged, and all results of testing and actions taken by the  
278 registrant shall be documented in the patient's medical record.

279  
280 This subsection does not apply to a board-eligible or board-  
281 certified anesthesiologist, psychiatrist, rheumatologist, or  
282 neurologist, or to a board-certified physician who has surgical  
283 privileges at a hospital or ambulatory surgery center and  
284 primarily provides surgical services. This subsection does not  
285 apply to a board-eligible or board-certified medical specialist  
286 who has also completed a fellowship in pain medicine approved by  
287 the Accreditation Council for Graduate Medical Education or the  
288 American Osteopathic Association, or who is board eligible or  
289 board certified in pain medicine by the American Board of Pain  
290 Medicine, the American Board of Interventional Pain Physicians,

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291 the American Association of Physician Specialists, or a board  
292 approved by the American Board of Medical Specialties or the  
293 American Osteopathic Association and performs interventional  
294 pain procedures of the type routinely billed using surgical  
295 codes. This subsection does not apply to a registrant who  
296 prescribes medically necessary controlled substances for a  
297 patient during an inpatient stay in a hospital licensed under  
298 chapter 395.

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

309 (5) PRESCRIPTION SUPPLY.—

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

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

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

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

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

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

333           458.3265 Pain-management clinics.-

334           (1) REGISTRATION.-

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

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

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

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

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

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349 management services; or

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

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

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

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

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

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

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

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

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

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

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

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

394 (2) CERTIFICATE OF EXEMPTION.-

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

399 1. The name or names under which the applicant does  
400 business.

401 2. The address at which the pain management clinic is  
402 located.

403 3. The specific exemption the applicant is claiming with  
404 supporting documentation.

405 4. Any other information deemed necessary by the  
406 department.

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407 (b) Within 30 days after the receipt of a complete  
408 application, the department must approve or deny the  
409 application.

410 (c) The certificate of exemption must be renewed  
411 biennially, except that the department may issue the initial  
412 certificates of exemption for up to 3 years in order to stagger  
413 renewal dates.

414 (d) A certificateholder must prominently display the  
415 certificate of exemption and make it available to the department  
416 or the board upon request.

417 (e) A certificate of exemption is not movable or  
418 transferable. A certificate of exemption is valid only for the  
419 applicant, qualifying owners, licenses, registrations,  
420 certifications, and services provided under a specific statutory  
421 exemption and is valid only to the specific exemption claimed  
422 and granted.

423 (f) A certificateholder must notify the department at least  
424 60 days before any anticipated relocation or name change of the  
425 pain management clinic or a change of ownership.

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

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

434 (a) A physician may not practice medicine in a pain-  
435 management clinic, as described in subsection (5)-(4), if the

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

445 (4)~~(3)~~ INSPECTION.—

446 (a) The department shall inspect the pain-management clinic  
 447 annually, including a review of the patient records, to ensure  
 448 that it complies with this section and the rules of the Board of  
 449 Medicine adopted pursuant to subsection (5)~~(4)~~ unless the clinic  
 450 is accredited by a nationally recognized accrediting agency  
 451 approved by the Board of Medicine.

452 (5)~~(4)~~ RULEMAKING.—

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

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

464 459.0137 Pain-management clinics.—

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465 (1) REGISTRATION.—

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

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

473 b. "Chronic nonmalignant pain" means pain unrelated to  
474 cancer which persists beyond the usual course of disease or the  
475 injury that is the cause of the pain or more than 90 days after  
476 surgery.

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

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

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

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

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

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

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

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494 services;

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

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

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

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

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

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

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

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

525 (2) CERTIFICATE OF EXEMPTION.-

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

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

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

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

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

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

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

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

548 (e) A certificate of exemption is not movable or  
549 transferable. A certificate of exemption is valid only for the  
550 applicant, qualifying owners, licenses, registrations,  
551 certifications, and services provided under a specific statutory

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552 exemption and is valid only to the specific exemption claimed  
553 and granted.

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

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

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

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

576 (4)-(3) INSPECTION.—

577 (a) The department shall inspect the pain-management clinic  
578 annually, including a review of the patient records, to ensure  
579 that it complies with this section and the rules of the Board of  
580 Osteopathic Medicine adopted pursuant to subsection (5)-(4)

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581 unless the clinic is accredited by a nationally recognized  
582 accrediting agency approved by the Board of Osteopathic  
583 Medicine.

584 (5)~~(4)~~ RULEMAKING.—

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

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

591 465.0155 Standards of practice.—

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

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

609 (b) This subsection does not apply in an institutional

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610 setting or to a long-term care facility, including, but not  
611 limited to, an assisted living facility or a hospital to which  
612 patients are admitted.

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

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

620 465.0276 Dispensing practitioner.—

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

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

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

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

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

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

645 893.03 Standards and schedules.—The substances enumerated  
646 in this section are controlled by this chapter. The controlled  
647 substances listed or to be listed in Schedules I, II, III, IV,  
648 and V are included by whatever official, common, usual,  
649 chemical, trade name, or class designated. The provisions of  
650 this section shall not be construed to include within any of the  
651 schedules contained in this section any excluded drugs listed  
652 within the purview of 21 C.F.R. s. 1308.22, styled "Excluded  
653 Substances"; 21 C.F.R. s. 1308.24, styled "Exempt Chemical  
654 Preparations"; 21 C.F.R. s. 1308.32, styled "Exempted  
655 Prescription Products"; or 21 C.F.R. s. 1308.34, styled "Exempt  
656 Anabolic Steroid Products."

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

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

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

671 a. Raw opium.

672 b. Opium extracts.

673 c. Opium fluid extracts.

674 d. Powdered opium.

675 e. Granulated opium.

676 f. Tincture of opium.

677 g. Codeine.

678 h. Dihydroetorphine.

679 i.~~h.~~ Ethylmorphine.

680 j.~~i.~~ Etorphine hydrochloride.

681 k.~~j.~~ Hydrocodone and hydrocodone combination products.

682 l.~~k.~~ Hydromorphone.

683 m.~~l.~~ Levo-alphaacetylmethadol (also known as levo-alpha-  
684 acetylmethadol, levomethadyl acetate, or LAAM).

685 n.~~m.~~ Metopon (methyldihydromorphinone).

686 o.~~n.~~ Morphine.

687 p. Oripavine.

688 q.~~o.~~ Oxycodone.

689 r.~~p.~~ Oxymorphone.

690 s.~~q.~~ Thebaine.

691 2. Any salt, compound, derivative, or preparation of a  
692 substance which is chemically equivalent to or identical with  
693 any of the substances referred to in subparagraph 1., except  
694 that these substances shall not include the isoquinoline  
695 alkaloids of opium.

696 3. Any part of the plant of the species *Papaver somniferum*,

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697 L.

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

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

- 708 1. Alfentanil.
- 709 2. Alphaprodine.
- 710 3. Anileridine.
- 711 4. Bezitramide.
- 712 5. Bulk propoxyphene (nondosage forms).
- 713 6. Carfentanil.
- 714 7. Dihydrocodeine.
- 715 8. Diphenoxylate.
- 716 9. Fentanyl.
- 717 10. Isomethadone.
- 718 11. Levomethorphan.
- 719 12. Levorphanol.
- 720 13. Metazocine.
- 721 14. Methadone.
- 722 15. Methadone-Intermediate, 4-cyano-2-  
723 dimethylamino-4,4-diphenylbutane.
- 724 16. Moramide-Intermediate, 2-methyl-  
725 3-morpholino-1,1-diphenylpropane-carboxylic acid.

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- 726 17. Nabilone.
- 727 18. Pethidine (meperidine).
- 728 19. Pethidine-Intermediate-A,4-cyano-1-
- 729 methyl-4-phenylpiperidine.
- 730 20. Pethidine-Intermediate-B,ethyl-4-
- 731 phenylpiperidine-4-carboxylate.
- 732 21. Pethidine-Intermediate-C,1-methyl-4- phenylpiperidine-
- 733 4-carboxylic acid.
- 734 22. Phenazocine.
- 735 23. Phencyclidine.
- 736 24. 1-Phenylcyclohexylamine.
- 737 25. Piminodine.
- 738 26. 1-Piperidinocyclohexanecarbonitrile.
- 739 27. Racemethorphan.
- 740 28. Racemorphan.
- 741 29. Remifentanil.
- 742 30.29. Sufentanil.
- 743 31. Tapentadol.
- 744 32. Thiafentanil.

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

- 750 1. Amobarbital.
- 751 2. Amphetamine.
- 752 3. Glutethimide.
- 753 4. Lisdexamfetamine.
- 754 5.4. Methamphetamine.

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755 ~~6.5.~~ Methylphenidate.

756 ~~7.6.~~ Pentobarbital.

757 ~~8.7.~~ Phenmetrazine.

758 ~~9.8.~~ Phenylacetone.

759 ~~10.9.~~ Secobarbital.

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

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

771 (a) Unless specifically excepted or unless listed in  
772 another schedule, any material, compound, mixture, or  
773 preparation which contains any quantity of the following  
774 substances having a depressant or stimulant effect on the  
775 nervous system:

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

781 2. Benzphetamine.

782 3. Buprenorphine.

783 ~~4.3.~~ Chlorhexadol.

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- 784        5.4~~.~~ Chlorphentermine.
- 785        6.5~~.~~ Clortermine.
- 786        7. Embutramide.
- 787        8.6~~.~~ Lysergic acid.
- 788        9.7~~.~~ Lysergic acid amide.
- 789        10.8~~.~~ Methyprylon.
- 790        11. Perampanel.
- 791        12.9~~.~~ Phendimetrazine.
- 792        13.10~~.~~ Sulfondiethylmethane.
- 793        14.11~~.~~ Sulfonethylmethane.
- 794        15.12~~.~~ Sulfonmethane.
- 795        16.13~~.~~ Tiletamine and zolazepam or any salt thereof.
- 796        (b) Nalorphine.
- 797        (c) Unless specifically excepted or unless listed in
- 798        another schedule, any material, compound, mixture, or
- 799        preparation containing limited quantities of any of the
- 800        following controlled substances or any salts thereof:
- 801            1. Not more than 1.8 grams of codeine per 100 milliliters
- 802            or not more than 90 milligrams per dosage unit, with an equal or
- 803            greater quantity of an isoquinoline alkaloid of opium.
- 804            2. Not more than 1.8 grams of codeine per 100 milliliters
- 805            or not more than 90 milligrams per dosage unit, with recognized
- 806            therapeutic amounts of one or more active ingredients which are
- 807            not controlled substances.
- 808            3. Not more than 300 milligrams of hydrocodone per 100
- 809            milliliters or not more than 15 milligrams per dosage unit, with
- 810            a fourfold or greater quantity of an isoquinoline alkaloid of
- 811            opium.
- 812            4. Not more than 300 milligrams of hydrocodone per 100

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

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

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

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

828

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

837 (d) Anabolic steroids.

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

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- 842 a. Androsterone.  
843 b. Androsterone acetate.  
844 c. Boldenone.  
845 d. Boldenone acetate.  
846 e. Boldenone benzoate.  
847 f. Boldenone undecylenate.  
848 g. Chlorotestosterone (Clostebol).  
849 h. Dehydrochlormethyltestosterone.  
850 i. Dihydrotestosterone (Stanolone).  
851 j. Drostanolone.  
852 k. Ethylestrenol.  
853 l. Fluoxymesterone.  
854 m. Formebolone (Formebolone).  
855 n. Mesterolone.  
856 o. Methandrostenolone (Methandienone).  
857 p. Methandranone.  
858 q. Methandriol.  
859 r. Methenolone.  
860 s. Methyltestosterone.  
861 t. Mibolerone.  
862 u. Nortestosterone (Nandrolone).  
863 v. Norethandrolone.  
864 w. Nortestosterone decanoate.  
865 x. Nortestosterone phenylpropionate.  
866 y. Nortestosterone propionate.  
867 z. Oxandrolone.  
868 aa. Oxymesterone.  
869 bb. Oxymetholone.  
870 cc. Stanozolol.

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

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

896 (e) Ketamine, including any isomers, esters, ethers, salts,  
897 and salts of isomers, esters, and ethers, whenever the existence  
898 of such isomers, esters, ethers, and salts is possible within  
899 the specific chemical designation.

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

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

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

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

- 920 1. Alfaxalone.  
921 2.~~(a)~~ Alprazolam.  
922 3.~~(b)~~ Barbital.  
923 4.~~(e)~~ Bromazepam.  
924 5.~~(iii)~~ Butorphanol tartrate.  
925 6.~~(d)~~ Camazepam.  
926 7.~~(jjj)~~ Carisoprodol.  
927 8.~~(e)~~ Cathine.  
928 9.~~(f)~~ Chloral betaine.

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929        10.~~(g)~~ Chloral hydrate.  
930        11.~~(h)~~ Chlordiazepoxide.  
931        12.~~(i)~~ Clobazam.  
932        13.~~(j)~~ Clonazepam.  
933        14.~~(k)~~ Clorazepate.  
934        15.~~(l)~~ Clotiazepam.  
935        16.~~(m)~~ Cloxazolam.  
936        17. Dexfenfluramine.  
937        18.~~(n)~~ Delorazepam.  
938        19. Dichloralphenazone.  
939        20.~~(p)~~ Diazepam.  
940        21.~~(q)~~ Diethylpropion.  
941        22. Eluxadoline.  
942        23.~~(r)~~ Estazolam.  
943        24. Eszopiclone.  
944        25.~~(s)~~ Ethchlorvynol.  
945        26.~~(t)~~ Ethinamate.  
946        27.~~(u)~~ Ethyl loflazepate.  
947        28.~~(v)~~ Fencamfamin.  
948        29.~~(w)~~ Fenfluramine.  
949        30.~~(x)~~ Fenproporex.  
950        31.~~(y)~~ Fludiazepam.  
951        32.~~(z)~~ Flurazepam.  
952        33. Fospropofol.  
953        34.~~(aa)~~ Halazepam.  
954        35.~~(bb)~~ Haloxazolam.  
955        36.~~(cc)~~ Ketazolam.  
956        37.~~(dd)~~ Loprazolam.  
957        38.~~(ee)~~ Lorazepam.

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958        39. Lorcaserin.  
 959        40.~~(ff)~~ Lormetazepam.  
 960        41.~~(gg)~~ Mazindol.  
 961        42.~~(hh)~~ Mebutamate.  
 962        43.~~(ii)~~ Medazepam.  
 963        44.~~(jj)~~ Mefenorex.  
 964        45.~~(kk)~~ Meprobamate.  
 965        46.~~(ll)~~ Methohexital.  
 966        47.~~(mm)~~ Methylphenobarbital.  
 967        48.~~(nn)~~ Midazolam.  
 968        49. Modafinil.  
 969        50.~~(oo)~~ Nimetazepam.  
 970        51.~~(pp)~~ Nitrazepam.  
 971        52.~~(qq)~~ Nordiazepam.  
 972        53.~~(rr)~~ Oxazepam.  
 973        54.~~(ss)~~ Oxazolam.  
 974        55.~~(tt)~~ Paraldehyde.  
 975        56.~~(uu)~~ Pemoline.  
 976        57.~~(vv)~~ Pentazocine.  
 977        58. Petrichloral.  
 978        59.~~(ww)~~ Phenobarbital.  
 979        60.~~(xx)~~ Phentermine.  
 980        61.~~(yy)~~ Pinazepam.  
 981        62.~~(zz)~~ Pipradrol.  
 982        63.~~(aaa)~~ Prazepam.  
 983        64.~~(o)~~ Propoxyphene (dosage forms).  
 984        65.~~(bbb)~~ Propylhexedrine, excluding any patent or  
 985        proprietary preparation containing propylhexedrine, unless  
 986        otherwise provided by federal law.

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987        66.~~(eee)~~ Quazepam.

988        67. Sibutramine.

989        68.~~(eee)~~ SPA[(-)-1 dimethylamino-1, 2  
990 diphenylethane].

991        69. Suvorexant.

992        70.~~(fff)~~ Temazepam.

993        71.~~(ddd)~~ Tetrazepam.

994        72. Tramadol.

995        73.~~(ggg)~~ Triazolam.

996        74. Zaleplon.

997        75. Zolpidem.

998        76. Zopiclone.

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

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

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

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- 1016 1. Not more than 200 milligrams of codeine per 100  
 1017 milliliters or per 100 grams.
- 1018 2. Not more than 100 milligrams of dihydrocodeine per 100  
 1019 milliliters or per 100 grams.
- 1020 3. Not more than 100 milligrams of ethylmorphine per 100  
 1021 milliliters or per 100 grams.
- 1022 4. Not more than 2.5 milligrams of diphenoxylate and not  
 1023 less than 25 micrograms of atropine sulfate per dosage unit.
- 1024 5. Not more than 100 milligrams of opium per 100  
 1025 milliliters or per 100 grams.
- 1026 6. Not more than 0.5 milligrams of difenoxin and not less  
 1027 than 25 micrograms of atropine sulfate per dosage unit.
- 1028 7. Brivaracetam.
- 1029 8. Ezogabine.
- 1030 9. Lacosamide.
- 1031 10. Pregabalin.
- 1032 ~~(b) Narcotic drugs. Unless specifically excepted or unless~~  
 1033 ~~listed in another schedule, any material, compound, mixture, or~~  
 1034 ~~preparation containing any of the following narcotic drugs and~~  
 1035 ~~their salts: Buprenorphine.~~
- 1036 (b)(e) Stimulants. Unless specifically excepted or unless  
 1037 listed in another schedule, any material, compound, mixture, or  
 1038 preparation which contains any quantity of the following  
 1039 substances having a stimulant effect on the central nervous  
 1040 system, including its salts, isomers, and salts of isomers:  
 1041 Pyrovalerone.
- 1042 Section 9. Section 893.055, Florida Statutes, is amended to  
 1043 read:  
 1044 (Substantial rewording of section. See

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- 1045 s. 893.055, F.S., for present text.)  
1046 893.055 Prescription drug monitoring program.—  
1047 (1) As used in this section, the term:  
1048 (a) "Administration" means the obtaining and giving of a  
1049 single dose of medicinal drugs by a legally authorized person to  
1050 a patient for her or his consumption.  
1051 (b) "Active investigation" means an investigation that is  
1052 being conducted with a reasonable, good faith belief that it  
1053 could lead to the filing of administrative, civil, or criminal  
1054 proceedings, or that is ongoing and continuing and for which  
1055 there is a reasonable, good faith anticipation of securing an  
1056 arrest or prosecution in the foreseeable future.  
1057 (c) "Controlled substance" means a controlled substance  
1058 listed in Schedule II, Schedule III, Schedule IV, or Schedule V  
1059 of s. 893.03 or 21 U.S.C. s. 812.  
1060 (d) "Dispense" means the transfer of possession of one or  
1061 more doses of a medicinal drug by a health care practitioner to  
1062 the ultimate consumer or to his or her agent.  
1063 (e) "Dispenser" means a dispensing health care practitioner  
1064 or pharmacist licensed to dispense medicinal drugs in this  
1065 state.  
1066 (f) "Health care practitioner" or "practitioner" means any  
1067 practitioner licensed under chapter 458, chapter 459, chapter  
1068 461, chapter 463, chapter 464, chapter 465, or chapter 466.  
1069 (g) "Health care regulatory board" means any board or  
1070 commission as defined in s. 456.001(1).  
1071 (h) "Law enforcement agency" means the Department of Law  
1072 Enforcement, a sheriff's office in this state, a police  
1073 department in this state, or a law enforcement agency of the

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

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

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

1087 (k) "Program manager" means an employee of or a person  
1088 contracted by the department who is designated to ensure the  
1089 integrity of the prescription drug monitoring program in  
1090 accordance with the requirements established in this section.

1091 (2) (a) The department shall maintain an electronic system  
1092 to collect and store controlled substance dispensing information  
1093 and shall release the information as authorized in s. 893.0551.  
1094 The electronic system must:

1095 1. Not infringe upon the legitimate prescribing or  
1096 dispensing of a controlled substance by a prescriber or  
1097 dispenser acting in good faith and in the course of professional  
1098 practice.

1099 2. Be consistent with standards of the American Society for  
1100 Automation in Pharmacy (ASAP).

1101 3. Comply with the Health Insurance Portability and  
1102 Accountability Act (HIPAA) as it pertains to protected health

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1103 information (PHI), electronic protected health information  
1104 (EPHI), and all other relevant state and federal privacy and  
1105 security laws and regulations.

1106 (b) The department may collaborate with professional health  
1107 care regulatory boards, appropriate organizations, and other  
1108 state agencies to identify indicators of controlled substance  
1109 abuse.

1110 (c) The department shall adopt rules necessary to implement  
1111 this subsection.

1112 (3) For each controlled substance dispensed to a patient in  
1113 the state, the following information must be reported by the  
1114 dispenser to the system as soon thereafter as possible but no  
1115 later than the close of the next business day after the day the  
1116 controlled substance is dispensed unless an extension or  
1117 exemption is approved by the department:

1118 (a) The name of the prescribing practitioner, the  
1119 practitioner's federal Drug Enforcement Administration  
1120 registration number, the practitioner's National Provider  
1121 Identification (NPI) or other appropriate identifier, and the  
1122 date of the prescription.

1123 (b) The date the prescription was filled and the method of  
1124 payment, such as cash by an individual, insurance coverage  
1125 through a third party, or Medicaid payment. This paragraph does  
1126 not authorize the department to include individual credit card  
1127 numbers or other account numbers in the system.

1128 (c) The full name, address, telephone number, and date of  
1129 birth of the person for whom the prescription was written.

1130 (d) The name, national drug code, quantity, and strength of  
1131 the controlled substance dispensed.

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1132       (e) The full name, federal Drug Enforcement Administration  
1133 registration number, State of Florida Department of Health  
1134 issued pharmacy permit number, and address of the pharmacy or  
1135 other location from which the controlled substance was  
1136 dispensed. If the controlled substance was dispensed by a  
1137 practitioner other than a pharmacist, the practitioner's full  
1138 name, address, federal Drug Enforcement Administration  
1139 registration number, State of Florida Department of Health  
1140 issued license number, and National Provider Identification  
1141 (NPI).

1142       (f) Whether the drug was dispensed as an initial  
1143 prescription or a refill, and the number of refills ordered.

1144       (g) The name of the individual picking up the controlled  
1145 substance prescription and type and issuer of the identification  
1146 provided.

1147       (h) Other appropriate identifying information as determined  
1148 by department rule.

1149       (i) All acts of administration of controlled substances are  
1150 exempt from the reporting requirements of this section.

1151       (4) The following shall have direct access to information  
1152 in the system:

1153       (a) An authorized prescriber or dispenser or his or her  
1154 designee.

1155       (b) An employee of the United States Department of Veterans  
1156 Affairs, United States Department of Defense, or the Indian  
1157 Health Service who provides health care services pursuant to  
1158 such employment and who has the authority to prescribe  
1159 controlled substances shall have access to the information in  
1160 the program's system upon verification of employment.

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1161 (c) The program manager or designated program and support  
1162 staff may have access to administer the system.

1163 1. The program manager or designated program and support  
1164 staff must complete a level II background screening.

1165 2. In order to calculate performance measures pursuant to  
1166 subsection (14), the program manager or program and support  
1167 staff members who have been directed by the program manager to  
1168 calculate performance measures may have direct access to  
1169 information that contains no identifying information of any  
1170 patient, physician, health care practitioner, prescriber, or  
1171 dispenser.

1172 3. The program manager or designated program and support  
1173 staff must provide the department, upon request, data that does  
1174 not contain patient, physician, health care practitioner,  
1175 prescriber, or dispenser identifying information for public  
1176 health care and safety initiatives purposes.

1177 4. The program manager, upon determining a pattern  
1178 consistent with the department's rules established under  
1179 paragraph (2) (b), may provide relevant information to the  
1180 prescriber and dispenser.

1181 5. The program manager, upon determining a pattern  
1182 consistent with the rules established under paragraph (2) (b) and  
1183 having cause to believe a violation of s. 893.13(7) (a) 8.,  
1184 (8) (a), or (8) (b) has occurred, may provide relevant information  
1185 to the applicable law enforcement agency.

1186 (5) The following entities may not directly access  
1187 information in the system, but may request information from the  
1188 program manager or designated program and support staff:

1189 (a) The department for investigations involving licensees

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1190 authorized to prescribe or dispense controlled substances.

1191 (b) The Attorney General for Medicaid fraud cases involving  
1192 prescribed controlled substances.

1193 (c) A law enforcement agency during active investigations  
1194 of potential criminal activity, fraud, or theft regarding  
1195 prescribed controlled substances.

1196 (d) A medical examiner when conducting an authorized  
1197 investigation under s. 406.11, to determine the cause of death  
1198 of an individual.

1199 (e) An impaired practitioner consultant who is retained by  
1200 the department under s. 456.076 to review the system information  
1201 of an impaired practitioner program participant or a referral  
1202 who has agreed to be evaluated or monitored through the program  
1203 and who has separately agreed in writing to the consultant's  
1204 access to and review of such information.

1205 (f) A patient or the legal guardian or designated health  
1206 care surrogate of an incapacitated patient who submits a written  
1207 and notarized request that includes the patient's full name,  
1208 address, phone number, date of birth, and a copy of a  
1209 government-issued photo identification. A legal guardian or  
1210 health care surrogate must provide the same information if he or  
1211 she submits the request.

1212 (6) The department may enter into a reciprocal agreement or  
1213 contract to share prescription drug monitoring information with  
1214 another state, district, or territory if the prescription drug  
1215 monitoring programs of other states, districts, or territories  
1216 are compatible with the Florida program.

1217 (a) In determining compatibility, the department shall  
1218 consider:

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1219 1. The safeguards for privacy of patient records and the  
1220 success of the program in protecting patient privacy.

1221 2. The persons authorized to view the data collected by the  
1222 program. Comparable entities and licensed health care  
1223 practitioners in other states, districts, or territories of the  
1224 United States, law enforcement agencies, the Attorney General's  
1225 Medicaid Fraud Control Unit, medical regulatory boards, and, as  
1226 needed, management staff that have similar duties as management  
1227 staff who work with the prescription drug monitoring program as  
1228 authorized in s. 893.0551 are authorized access upon approval by  
1229 the department.

1230 3. The schedules of the controlled substances that are  
1231 monitored by the program.

1232 4. The data reported to or included in the program's  
1233 system.

1234 5. Any implementing criteria deemed essential for a  
1235 thorough comparison.

1236 6. The costs and benefits to the state of sharing  
1237 prescription information.

1238 (b) The department must assess the prescription drug  
1239 monitoring program's continued compatibility with the other  
1240 state's, district's, or territory's program periodically.

1241 (c) Any agreement or contract for sharing of prescription  
1242 drug monitoring information between the department and another  
1243 state, district, or territory shall contain the same  
1244 restrictions and requirements as this section or s. 893.0551,  
1245 and the information must be provided according to the  
1246 department's determination of compatibility.

1247 (7) The department may enter into agreements or contracts

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1248 to establish secure connections between the system and a  
1249 prescribing or dispensing health care practitioner's electronic  
1250 health recordkeeping system. The electronic health recordkeeping  
1251 system owner or license holder will be responsible for ensuring  
1252 that only authorized individuals have access to prescription  
1253 drug monitoring program information.

1254 (8) A prescriber or dispenser or a designee of a prescriber  
1255 or dispenser must consult the system to review a patient's  
1256 controlled substance dispensing history before prescribing or  
1257 dispensing a controlled substance.

1258 (a) The duty to consult the system does not apply to a  
1259 prescriber or dispenser or designee of a prescriber or dispenser  
1260 if the system is not operational, as determined by the  
1261 department, or when it cannot be accessed by a health care  
1262 practitioner because of a temporary technological or electrical  
1263 failure.

1264 (b) A prescriber or dispenser or designee of a prescriber  
1265 or dispenser who does not consult the system under this  
1266 subsection shall document the reason he or she did not consult  
1267 the system in the patient's medical record or prescription  
1268 record, and shall not prescribe or dispense greater than a 3-day  
1269 supply of a controlled substance to the patient.

1270 (c) The department shall issue a nondisciplinary citation  
1271 to any prescriber or dispenser who fails to consult the system  
1272 as required by this subsection.

1273 (9) A person who willfully and knowingly fails to report  
1274 the dispensing of a controlled substance as required by this  
1275 section commits a misdemeanor of the first degree, punishable as  
1276 provided in s. 775.082 or s. 775.083.

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1277       (10) Information in the prescription drug monitoring  
1278 program's system may be released only as provided in this  
1279 subsection and s. 893.0551. The content of the system is  
1280 intended to be informational only and imposes no obligations of  
1281 any nature or any legal duty on a prescriber, dispenser,  
1282 pharmacy, or patient. Information in the system shall be  
1283 provided in accordance with s. 893.13(7)(a)8. and is not subject  
1284 to discovery or introduction into evidence in any civil or  
1285 administrative action against a prescriber, dispenser, pharmacy,  
1286 or patient arising out of matters that are the subject of  
1287 information in the system. The program manager and authorized  
1288 persons who participate in preparing, reviewing, issuing, or any  
1289 other activity related to management of the system may not be  
1290 permitted or required to testify in any such civil or  
1291 administrative action as to any findings, recommendations,  
1292 evaluations, opinions, or other actions taken in connection with  
1293 management of the system.

1294       (11) A prescriber or dispenser, or his or her designee, may  
1295 have access to the information under this section which relates  
1296 to a patient of that prescriber or dispenser as needed for the  
1297 purpose of reviewing the patient's controlled drug prescription  
1298 history. A prescriber or dispenser acting in good faith is  
1299 immune from any civil, criminal, or administrative liability  
1300 that might otherwise be incurred or imposed for receiving or  
1301 using information from the prescription drug monitoring program.  
1302 This subsection does not create a private cause of action, and a  
1303 person may not recover damages against a prescriber or dispenser  
1304 authorized to access information under this subsection for  
1305 accessing or failing to access such information.

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1306 (12) (a) All costs incurred by the department in  
1307 administering the prescription drug monitoring program shall be  
1308 funded through federal grants, private funding applied for or  
1309 received by the state, or state funds appropriated in the  
1310 General Appropriations Act. The department may not:

1311 1. Commit funds for the monitoring program without ensuring  
1312 funding is available; or

1313 2. Use funds provided, directly or indirectly by  
1314 prescription drug manufacturers to implement the program.

1315 (b) The department shall cooperate with the direct-support  
1316 organization established under subsection (15) in seeking  
1317 federal grant funds, other nonstate grant funds, gifts,  
1318 donations, or other private moneys for the department if the  
1319 costs of doing so are immaterial. Immaterial costs include, but  
1320 are not limited to, the costs of mailing and personnel assigned  
1321 to research or apply for a grant. The department may  
1322 competitively procure and contract pursuant to s. 287.057 for  
1323 any goods and services required be this section.

1324 (13) The department shall conduct or participate in studies  
1325 to examine the feasibility of enhancing the prescription drug  
1326 monitoring program for the purposes of public health initiatives  
1327 and statistical reporting. Such studies shall respect the  
1328 privacy of the patient, the prescriber, and the dispenser. Such  
1329 studies may be conducted by the department or a contracted  
1330 vendor in order to:

1331 (a) Improve the quality of health care services and safety  
1332 by improving the prescribing and dispensing practices for  
1333 prescription drugs;

1334 (b) Take advantage of advances in technology;

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1335 (c) Reduce duplicative prescriptions and the  
1336 overprescribing of prescription drugs; and

1337 (d) Reduce drug abuse.

1338 (14) The department shall annually report on performance  
1339 measures to the Governor, the President of the Senate, and the  
1340 Speaker of the House of Representatives by the department each  
1341 December 1. Performance measures may include, but are not  
1342 limited to, the following outcomes:

1343 (a) Reduction of the rate of inappropriate use of  
1344 prescription drugs through department education and safety  
1345 efforts.

1346 (b) Reduction of the quantity of pharmaceutical controlled  
1347 substances obtained by individuals attempting to engage in fraud  
1348 and deceit.

1349 (c) Increased coordination among partners participating in  
1350 the prescription drug monitoring program.

1351 (d) Involvement of stakeholders in achieving improved  
1352 patient health care and safety and reduction of prescription  
1353 drug abuse and prescription drug diversion.

1354 (15) The department may establish a direct-support  
1355 organization to provide assistance, funding, and promotional  
1356 support for the activities authorized for the prescription drug  
1357 monitoring program.

1358 (a) As used in this subsection, the term "direct-support  
1359 organization" means an organization that is:

1360 1. A Florida corporation not for profit incorporated under  
1361 chapter 617, exempted from filing fees, and approved by the  
1362 Department of State.

1363 2. Organized and operated to conduct programs and

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1364 activities; raise funds; request and receive grants, gifts, and  
1365 bequests of money; acquire, receive, hold, and invest, in its  
1366 own name, securities, funds, objects of value, or other  
1367 property, either real or personal; and make expenditures or  
1368 provide funding to or for the direct or indirect benefit of the  
1369 department in the furtherance of the prescription drug  
1370 monitoring program.

1371 (b) The State Surgeon General shall appoint a board of  
1372 directors for the direct-support organization.

1373 1. The board of directors shall consist of no fewer than  
1374 five members who shall serve at the pleasure of the State  
1375 Surgeon General.

1376 2. The State Surgeon General shall provide guidance to  
1377 members of the board to ensure that moneys received by the  
1378 direct-support organization are not received from inappropriate  
1379 sources. Inappropriate sources include, but are not limited to,  
1380 donors, grantors, persons, or organizations that may monetarily  
1381 or substantively benefit from the purchase of goods or services  
1382 by the department in furtherance of the prescription drug  
1383 monitoring program.

1384 (c) The direct-support organization shall operate under  
1385 written contract with the department. The contract must, at a  
1386 minimum, provide for:

1387 1. Approval of the articles of incorporation and bylaws of  
1388 the direct-support organization by the department.

1389 2. Submission of an annual budget for the approval of the  
1390 department.

1391 3. The reversion, without penalty, to the department's  
1392 grants and donations trust fund for the administration of the

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1393 prescription drug monitoring program of all moneys and property  
1394 held in trust by the direct-support organization for the benefit  
1395 of the prescription drug monitoring program if the direct-  
1396 support organization ceases to exist or if the contract is  
1397 terminated.

1398 4. The fiscal year of the direct-support organization,  
1399 which must begin July 1 of each year and end June 30 of the  
1400 following year.

1401 5. The disclosure of the material provisions of the  
1402 contract to donors of gifts, contributions, or bequests,  
1403 including such disclosure on all promotional and fundraising  
1404 publications, and an explanation to such donors of the  
1405 distinction between the department and the direct-support  
1406 organization.

1407 6. The direct-support organization's collecting, expending,  
1408 and providing of funds to the department for the development,  
1409 implementation, and operation of the prescription drug  
1410 monitoring program as described in this section. The direct-  
1411 support organization may collect and expend funds to be used for  
1412 the functions of the direct-support organization's board of  
1413 directors, as necessary and approved by the department. In  
1414 addition, the direct-support organization may collect and  
1415 provide funding to the department in furtherance of the  
1416 prescription drug monitoring program by:

1417 a. Establishing and administering the prescription drug  
1418 monitoring program's electronic system, including hardware and  
1419 software.

1420 b. Conducting studies on the efficiency and effectiveness  
1421 of the program to include feasibility studies as described in

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1422 subsection (13).

1423 c. Providing funds for future enhancements of the program  
1424 within the intent of this section.

1425 d. Providing user training of the prescription drug  
1426 monitoring program, including distribution of materials to  
1427 promote public awareness and education and conducting workshops  
1428 or other meetings, for health care practitioners, pharmacists,  
1429 and others as appropriate.

1430 e. Providing funds for travel expenses.

1431 f. Providing funds for administrative costs, including  
1432 personnel, audits, facilities, and equipment.

1433 g. Fulfilling all other requirements necessary to implement  
1434 and operate the program as outlined in this section.

1435 7. Certification by the department that the direct-support  
1436 organization is complying with the terms of the contract in a  
1437 manner consistent with and in furtherance of the goals and  
1438 purposes of the prescription drug monitoring program and in the  
1439 best interests of the state. Such certification must be made  
1440 annually and reported in the official minutes of a meeting of  
1441 the direct-support organization.

1442 (d) The activities of the direct-support organization must  
1443 be consistent with the goals and mission of the department, as  
1444 determined by the department, and in the best interests of the  
1445 state. The direct-support organization must obtain written  
1446 approval from the department for any activities in support of  
1447 the prescription drug monitoring program before undertaking  
1448 those activities.

1449 (e) The direct-support organization shall provide for an  
1450 independent annual financial audit in accordance with s.

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1451 215.981. Copies of the audit shall be provided to the department  
1452 and the Office of Policy and Budget in the Executive Office of  
1453 the Governor.

1454 (f) The direct-support organization may not exercise any  
1455 power under s. 617.0302(12) or (16).

1456 (g) The direct-support organization is not considered a  
1457 lobbying firm within the meaning of s. 11.045.

1458 (h) The department may permit, without charge, appropriate  
1459 use of administrative services, property, and facilities of the  
1460 department by the direct-support organization, subject to this  
1461 section. The use must be directly in keeping with the approved  
1462 purposes of the direct-support organization and may not be made  
1463 at times or places that would unreasonably interfere with  
1464 opportunities for the public to use such facilities for  
1465 established purposes. Any moneys received from rentals of  
1466 facilities and properties managed by the department may be held  
1467 in a separate depository account in the name of the direct-  
1468 support organization and subject to the provisions of the letter  
1469 of agreement with the department. The letter of agreement must  
1470 provide that any funds held in the separate depository account  
1471 in the name of the direct-support organization must revert to  
1472 the department if the direct-support organization is no longer  
1473 approved by the department to operate in the best interests of  
1474 the state.

1475 (i) The department may adopt rules under s. 120.54 to  
1476 govern the use of administrative services, property, or  
1477 facilities of the department or office by the direct-support  
1478 organization.

1479 (j) The department may not permit the use of any

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1480 administrative services, property, or facilities of the state by  
1481 a direct-support organization if that organization does not  
1482 provide equal membership and employment opportunities to all  
1483 persons regardless of race, color, religion, gender, age, or  
1484 national origin.

1485 (k) This subsection is repealed October 1, 2027, unless  
1486 reviewed and saved from repeal by the Legislature.

1487 Section 10. Section 893.0551, Florida Statutes, is amended  
1488 to read:

1489 893.0551 Public records exemption for the prescription drug  
1490 monitoring program.—

1491 (1) For purposes of this section, the terms used in this  
1492 section have the same meanings as provided in s. 893.055.

1493 (2) The following information of a patient or patient's  
1494 agent, a health care practitioner, a dispenser, an employee of  
1495 the practitioner who is acting on behalf of and at the direction  
1496 of the practitioner, a pharmacist, or a pharmacy that is  
1497 contained in records held by the department under s. 893.055 is  
1498 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I  
1499 of the State Constitution:

1500 (a) Name.

1501 (b) Address.

1502 (c) Telephone number.

1503 (d) Insurance plan number.

1504 (e) Government-issued identification number.

1505 (f) Provider number.

1506 (g) Drug Enforcement Administration number.

1507 (h) Any other unique identifying information or number.

1508 (3) The department shall disclose such ~~confidential and~~

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1509 ~~exempt~~ information to the following persons or entities upon  
1510 request and after using a verification process to ensure the  
1511 legitimacy of the request as provided in s. 893.055:

1512 (a) A health care practitioner, or his or her designee, who  
1513 certifies that the information is necessary to provide medical  
1514 treatment to a current patient in accordance with ss. 893.05 and  
1515 893.055.

1516 (b) An employee of the United States Department of Veterans  
1517 Affairs, United States Department of Defense, or the Indian  
1518 Health Service who provides health care services pursuant to  
1519 such employment and who has the authority to prescribe  
1520 controlled substances shall have access to the information in  
1521 the program's system upon verification of such employment.

1522 (c) The program manager and designated support staff for  
1523 administration of the program, and to provide relevant  
1524 information to the prescriber, dispenser, and appropriate law  
1525 enforcement agencies, in accordance with s. 893.055.

1526 (d) The department for investigations involving licensees  
1527 authorized to prescribe or dispense controlled substances. The  
1528 department may request information from the program but may not  
1529 have direct access to its system. The department may provide to  
1530 a law enforcement agency pursuant to ss. 456.066 and 456.073  
1531 only information that is relevant to the specific controlled  
1532 substances investigation that prompted the request for the  
1533 information.

1534 (e) ~~(a)~~ The Attorney General or his or her designee when  
1535 working on Medicaid fraud cases involving prescribed controlled  
1536 substances ~~prescription drugs~~ or when the Attorney General has  
1537 initiated a review of specific identifiers of Medicaid fraud or

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

1547 ~~(b) The department's relevant health care regulatory boards~~  
1548 ~~responsible for the licensure, regulation, or discipline of a~~  
1549 ~~practitioner, pharmacist, or other person who is authorized to~~  
1550 ~~prescribe, administer, or dispense controlled substances and who~~  
1551 ~~is involved in a specific controlled substances investigation~~  
1552 ~~for prescription drugs involving a designated person. The health~~  
1553 ~~care regulatory boards may request information from the~~  
1554 ~~department but may not have direct access to its database. The~~  
1555 ~~health care regulatory boards may provide to a law enforcement~~  
1556 ~~agency pursuant to ss. 456.066 and 456.073 only information that~~  
1557 ~~is relevant to the specific controlled substances investigation~~  
1558 ~~that prompted the request for the information.~~

1559 (f) ~~(e)~~ A law enforcement agency that has initiated an  
1560 active investigation involving a specific violation of law  
1561 regarding prescription drug abuse or diversion of prescribed  
1562 controlled substances and that has entered into a user agreement  
1563 with the department. A law enforcement agency may request  
1564 information from the department but may not have direct access  
1565 to its system ~~database~~. The law enforcement agency may disclose  
1566 to a criminal justice agency, as defined in s. 119.011, only

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1567 ~~confidential and exempt~~ information received from the department  
1568 that is relevant to an identified active investigation that  
1569 prompted the request for such information.

1570 (g) A medical examiner or associate medical examiner, as  
1571 defined in s 406.06, pursuant to his or her official duties, as  
1572 required by s. 406.11, to determine the cause of death of an  
1573 individual. A medical examiner may request information from the  
1574 department but may not have direct access to the system.

1575 ~~(f) A patient or the legal guardian or designated health~~  
1576 ~~care surrogate for an incapacitated patient, if applicable,~~  
1577 ~~making a request as provided in s. 893.055(7)(e)4.~~

1578 (h) An impaired practitioner consultant who has been  
1579 authorized in writing by a participant in, or by a referral to,  
1580 the impaired practitioner program to access and review  
1581 information as provided in s. 893.055(6)(e) ~~893.055(7)(e)5.~~

1582 (i) A patient or the legal guardian or designated health  
1583 care surrogate for an incapacitated patient, if applicable,  
1584 making a request as provided in s. 893.055(6)(f).

1585 (4) If the department determines consistent with its rules  
1586 that a pattern of controlled substance abuse exists, the  
1587 department may disclose such confidential and exempt information  
1588 to the applicable law enforcement agency in accordance with s.  
1589 893.055. The law enforcement agency may disclose to a criminal  
1590 justice agency, as defined in s. 119.011, only ~~confidential and~~  
1591 ~~exempt~~ information received from the department that is relevant  
1592 to an identified active investigation that is specific to a  
1593 violation of s. 893.13(7)(a)8., s. 893.13(8)(a), or s.  
1594 893.13(8)(b).

1595 (5) Before disclosing ~~confidential and exempt~~ information

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1596 to a criminal justice agency or a law enforcement agency  
1597 pursuant to this section, the disclosing person or entity must  
1598 take steps to ensure the continued confidentiality of all  
1599 ~~confidential and exempt~~ information. At a minimum, these steps  
1600 must include redacting any nonrelevant information.

1601 (6) An agency or person who obtains any ~~confidential and~~  
1602 ~~exempt~~ information pursuant to this section must maintain the  
1603 confidential and exempt status of that information and may not  
1604 disclose such information unless authorized by law. Information  
1605 shared with a state attorney pursuant to paragraph (3) (e) ~~(3) (a)~~  
1606 or paragraph (3) (f) ~~(3) (e)~~ may be released only in response to a  
1607 discovery demand if such information is directly related to the  
1608 criminal case for which the information was requested. Unrelated  
1609 information may be released only upon an order of a court of  
1610 competent jurisdiction.

1611 (7) A person who willfully and knowingly violates this  
1612 section commits a felony of the third degree, punishable as  
1613 provided in s. 775.082, s. 775.083, or s. 775.084.

1614 Section 11. Paragraphs (pp) and (qq) of subsection (1) of  
1615 section 458.331, Florida Statutes, are amended to read:

1616 458.331 Grounds for disciplinary action; action by the  
1617 board and department.—

1618 (1) The following acts constitute grounds for denial of a  
1619 license or disciplinary action, as specified in s. 456.072(2):

1620 (pp) Applicable to a licensee who serves as the designated  
1621 physician of a pain-management clinic as defined in s. 458.3265  
1622 or s. 459.0137:

1623 1. Registering a pain-management clinic through  
1624 misrepresentation or fraud;

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1625           2. Procuring, or attempting to procure, the registration of  
1626 a pain-management clinic for any other person by making or  
1627 causing to be made, any false representation;

1628           3. Failing to comply with any requirement of chapter 499,  
1629 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
1630 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
1631 the Drug Abuse Prevention and Control Act; or chapter 893, the  
1632 Florida Comprehensive Drug Abuse Prevention and Control Act;

1633           4. Being convicted or found guilty of, regardless of  
1634 adjudication to, a felony or any other crime involving moral  
1635 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
1636 the courts of this state, of any other state, or of the United  
1637 States;

1638           5. Being convicted of, or disciplined by a regulatory  
1639 agency of the Federal Government or a regulatory agency of  
1640 another state for, any offense that would constitute a violation  
1641 of this chapter;

1642           6. Being convicted of, or entering a plea of guilty or nolo  
1643 contendere to, regardless of adjudication, a crime in any  
1644 jurisdiction of the courts of this state, of any other state, or  
1645 of the United States which relates to the practice of, or the  
1646 ability to practice, a licensed health care profession;

1647           7. Being convicted of, or entering a plea of guilty or nolo  
1648 contendere to, regardless of adjudication, a crime in any  
1649 jurisdiction of the courts of this state, of any other state, or  
1650 of the United States which relates to health care fraud;

1651           8. Dispensing any medicinal drug based upon a communication  
1652 that purports to be a prescription as defined in s. 465.003(14)  
1653 or s. 893.02 if the dispensing practitioner knows or has reason

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1654 to believe that the purported prescription is not based upon a  
 1655 valid practitioner-patient relationship; or

1656 9. Failing to timely notify the board of the date of his or  
 1657 her termination from a pain-management clinic as required by s.  
 1658 458.3265(3) ~~458.3265(2)~~.

1659 (qq) Failing to timely notify the department of the theft  
 1660 of prescription blanks from a pain-management clinic or a breach  
 1661 of other methods for prescribing within 24 hours as required by  
 1662 s. 458.3265(3) ~~458.3265(2)~~.

1663 Section 12. Paragraphs (rr) and (ss) of subsection (1) of  
 1664 section 459.015, Florida Statutes, are amended to read:

1665 459.015 Grounds for disciplinary action; action by the  
 1666 board and department.—

1667 (1) The following acts constitute grounds for denial of a  
 1668 license or disciplinary action, as specified in s. 456.072(2):

1669 (rr) Applicable to a licensee who serves as the designated  
 1670 physician of a pain-management clinic as defined in s. 458.3265  
 1671 or s. 459.0137:

1672 1. Registering a pain-management clinic through  
 1673 misrepresentation or fraud;

1674 2. Procuring, or attempting to procure, the registration of  
 1675 a pain-management clinic for any other person by making or  
 1676 causing to be made, any false representation;

1677 3. Failing to comply with any requirement of chapter 499,  
 1678 the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the  
 1679 Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,  
 1680 the Drug Abuse Prevention and Control Act; or chapter 893, the  
 1681 Florida Comprehensive Drug Abuse Prevention and Control Act;

1682 4. Being convicted or found guilty of, regardless of

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1683 adjudication to, a felony or any other crime involving moral  
1684 turpitude, fraud, dishonesty, or deceit in any jurisdiction of  
1685 the courts of this state, of any other state, or of the United  
1686 States;

1687 5. Being convicted of, or disciplined by a regulatory  
1688 agency of the Federal Government or a regulatory agency of  
1689 another state for, any offense that would constitute a violation  
1690 of this chapter;

1691 6. Being convicted of, or entering a plea of guilty or nolo  
1692 contendere to, regardless of adjudication, a crime in any  
1693 jurisdiction of the courts of this state, of any other state, or  
1694 of the United States which relates to the practice of, or the  
1695 ability to practice, a licensed health care profession;

1696 7. Being convicted of, or entering a plea of guilty or nolo  
1697 contendere to, regardless of adjudication, a crime in any  
1698 jurisdiction of the courts of this state, of any other state, or  
1699 of the United States which relates to health care fraud;

1700 8. Dispensing any medicinal drug based upon a communication  
1701 that purports to be a prescription as defined in s. 465.003(14)  
1702 or s. 893.02 if the dispensing practitioner knows or has reason  
1703 to believe that the purported prescription is not based upon a  
1704 valid practitioner-patient relationship; or

1705 9. Failing to timely notify the board of the date of his or  
1706 her termination from a pain-management clinic as required by s.  
1707 459.0137(3) ~~459.0137(2)~~.

1708 (ss) Failing to timely notify the department of the theft  
1709 of prescription blanks from a pain-management clinic or a breach  
1710 of other methods for prescribing within 24 hours as required by  
1711 s. 459.0137(3) ~~459.0137(2)~~.

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1712 Section 13. Paragraph (b) of subsection (4) of section  
 1713 463.0055, Florida Statutes, is amended to read:

1714 463.0055 Administration and prescription of ocular  
 1715 pharmaceutical agents.—

1716 (4) A certified optometrist shall be issued a prescriber  
 1717 number by the board. Any prescription written by a certified  
 1718 optometrist for an ocular pharmaceutical agent pursuant to this  
 1719 section shall have the prescriber number printed thereon. A  
 1720 certified optometrist may not administer or prescribe:

1721 (b) A controlled substance for the treatment of chronic  
 1722 nonmalignant pain as defined in s. 456.44(1)(f) ~~456.44(1)(e)~~.

1723 Section 14. Paragraph (a) of subsection (1) of section  
 1724 782.04, Florida Statutes, is amended to read:

1725 782.04 Murder.—

1726 (1) (a) The unlawful killing of a human being:

1727 1. When perpetrated from a premeditated design to effect  
 1728 the death of the person killed or any human being;

1729 2. When committed by a person engaged in the perpetration  
 1730 of, or in the attempt to perpetrate, any:

1731 a. Trafficking offense prohibited by s. 893.135(1),

1732 b. Arson,

1733 c. Sexual battery,

1734 d. Robbery,

1735 e. Burglary,

1736 f. Kidnapping,

1737 g. Escape,

1738 h. Aggravated child abuse,

1739 i. Aggravated abuse of an elderly person or disabled adult,

1740 j. Aircraft piracy,

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- 1741 k. Unlawful throwing, placing, or discharging of a  
1742 destructive device or bomb,
- 1743 l. Carjacking,  
1744 m. Home-invasion robbery,  
1745 n. Aggravated stalking,  
1746 o. Murder of another human being,  
1747 p. Resisting an officer with violence to his or her person,  
1748 q. Aggravated fleeing or eluding with serious bodily injury  
1749 or death,
- 1750 r. Felony that is an act of terrorism or is in furtherance  
1751 of an act of terrorism, including a felony under s. 775.30, s.  
1752 775.32, s. 775.33, s. 775.34, or s. 775.35, or  
1753 s. Human trafficking; or
- 1754 3. Which resulted from the unlawful distribution by a  
1755 person 18 years of age or older of any of the following  
1756 substances, or mixture containing any of the following  
1757 substances, when such substance or mixture is proven to be the  
1758 proximate cause of the death of the user:
- 1759 a. A substance controlled under s. 893.03(1);  
1760 b. Cocaine, as described in s. 893.03(2)(a)4.;  
1761 c. Opium or any synthetic or natural salt, compound,  
1762 derivative, or preparation of opium;  
1763 d. Methadone;  
1764 e. Alfentanil, as described in s. 893.03(2)(b)1.;  
1765 f. Carfentanil, as described in s. 893.03(2)(b)6.;  
1766 g. Fentanyl, as described in s. 893.03(2)(b)9.;  
1767 h. Sufentanil, as described in s. 893.03(2)(b)30.  
1768 ~~893.03(2)(b)29.~~; or  
1769 i. A controlled substance analog, as described in s.

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1770 893.0356, of any substance specified in sub-subparagraphs a.-h.,  
 1771  
 1772 is murder in the first degree and constitutes a capital felony,  
 1773 punishable as provided in s. 775.082.

1774 Section 15. Paragraphs (a), (c), (d), (e), (f), and (h) of  
 1775 subsection (1), subsection (2), paragraphs (a) and (b) of  
 1776 subsection (4), and subsection (5) of section 893.13, Florida  
 1777 Statutes, are amended to read:

1778 893.13 Prohibited acts; penalties.—

1779 (1) (a) Except as authorized by this chapter and chapter  
 1780 499, a person may not sell, manufacture, or deliver, or possess  
 1781 with intent to sell, manufacture, or deliver, a controlled  
 1782 substance. A person who violates this provision with respect to:

1783 1. A controlled substance named or described in s.  
 1784 893.03(1) (a), (1) (b), (1) (d), (2) (a), (2) (b), or (2) (c) 5.  
 1785 ~~(2) (c) 4.~~ commits a felony of the second degree, punishable as  
 1786 provided in s. 775.082, s. 775.083, or s. 775.084.

1787 2. A controlled substance named or described in s.  
 1788 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (c) 5.,~~ (2) (c) 6.,  
 1789 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a  
 1790 felony of the third degree, punishable as provided in s.  
 1791 775.082, s. 775.083, or s. 775.084.

1792 3. A controlled substance named or described in s.  
 1793 893.03(5) commits a misdemeanor of the first degree, punishable  
 1794 as provided in s. 775.082 or s. 775.083.

1795 (c) Except as authorized by this chapter, a person may not  
 1796 sell, manufacture, or deliver, or possess with intent to sell,  
 1797 manufacture, or deliver, a controlled substance in, on, or  
 1798 within 1,000 feet of the real property comprising a child care

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1799 facility as defined in s. 402.302 or a public or private  
1800 elementary, middle, or secondary school between the hours of 6  
1801 a.m. and 12 midnight, or at any time in, on, or within 1,000  
1802 feet of real property comprising a state, county, or municipal  
1803 park, a community center, or a publicly owned recreational  
1804 facility. As used in this paragraph, the term "community center"  
1805 means a facility operated by a nonprofit community-based  
1806 organization for the provision of recreational, social, or  
1807 educational services to the public. A person who violates this  
1808 paragraph with respect to:

1809 1. A controlled substance named or described in s.  
1810 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
1811 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as  
1812 provided in s. 775.082, s. 775.083, or s. 775.084. The defendant  
1813 must be sentenced to a minimum term of imprisonment of 3  
1814 calendar years unless the offense was committed within 1,000  
1815 feet of the real property comprising a child care facility as  
1816 defined in s. 402.302.

1817 2. A controlled substance named or described in s.  
1818 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,  
1819 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
1820 felony of the second degree, punishable as provided in s.  
1821 775.082, s. 775.083, or s. 775.084.

1822 3. Any other controlled substance, except as lawfully sold,  
1823 manufactured, or delivered, must be sentenced to pay a \$500 fine  
1824 and to serve 100 hours of public service in addition to any  
1825 other penalty prescribed by law.

1826  
1827 This paragraph does not apply to a child care facility unless

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1828 the owner or operator of the facility posts a sign that is not  
 1829 less than 2 square feet in size with a word legend identifying  
 1830 the facility as a licensed child care facility and that is  
 1831 posted on the property of the child care facility in a  
 1832 conspicuous place where the sign is reasonably visible to the  
 1833 public.

1834 (d) Except as authorized by this chapter, a person may not  
 1835 sell, manufacture, or deliver, or possess with intent to sell,  
 1836 manufacture, or deliver, a controlled substance in, on, or  
 1837 within 1,000 feet of the real property comprising a public or  
 1838 private college, university, or other postsecondary educational  
 1839 institution. A person who violates this paragraph with respect  
 1840 to:

1841 1. A controlled substance named or described in s.  
 1842 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1843 ~~(2)(c)4.~~ commits a felony of the first degree, punishable as  
 1844 provided in s. 775.082, s. 775.083, or s. 775.084.

1845 2. A controlled substance named or described in s.  
 1846 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6.,  
 1847 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1848 felony of the second degree, punishable as provided in s.  
 1849 775.082, s. 775.083, or s. 775.084.

1850 3. Any other controlled substance, except as lawfully sold,  
 1851 manufactured, or delivered, must be sentenced to pay a \$500 fine  
 1852 and to serve 100 hours of public service in addition to any  
 1853 other penalty prescribed by law.

1854 (e) Except as authorized by this chapter, a person may not  
 1855 sell, manufacture, or deliver, or possess with intent to sell,  
 1856 manufacture, or deliver, a controlled substance not authorized

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1857 by law in, on, or within 1,000 feet of a physical place for  
 1858 worship at which a church or religious organization regularly  
 1859 conducts religious services or within 1,000 feet of a  
 1860 convenience business as defined in s. 812.171. A person who  
 1861 violates this paragraph with respect to:

1862 1. A controlled substance named or described in s.  
 1863 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
 1864 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as  
 1865 provided in s. 775.082, s. 775.083, or s. 775.084.

1866 2. A controlled substance named or described in s.  
 1867 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,  
 1868 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
 1869 felony of the second degree, punishable as provided in s.  
 1870 775.082, s. 775.083, or s. 775.084.

1871 3. Any other controlled substance, except as lawfully sold,  
 1872 manufactured, or delivered, must be sentenced to pay a \$500 fine  
 1873 and to serve 100 hours of public service in addition to any  
 1874 other penalty prescribed by law.

1875 (f) Except as authorized by this chapter, a person may not  
 1876 sell, manufacture, or deliver, or possess with intent to sell,  
 1877 manufacture, or deliver, a controlled substance in, on, or  
 1878 within 1,000 feet of the real property comprising a public  
 1879 housing facility at any time. As used in this section, the term  
 1880 "real property comprising a public housing facility" means real  
 1881 property, as defined in s. 421.03(12), of a public corporation  
 1882 created as a housing authority pursuant to part I of chapter  
 1883 421. A person who violates this paragraph with respect to:

1884 1. A controlled substance named or described in s.  
 1885 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

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1886 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as  
1887 provided in s. 775.082, s. 775.083, or s. 775.084.

1888 2. A controlled substance named or described in s.  
1889 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~, (2)(c)6.,  
1890 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
1891 felony of the second degree, punishable as provided in s.  
1892 775.082, s. 775.083, or s. 775.084.

1893 3. Any other controlled substance, except as lawfully sold,  
1894 manufactured, or delivered, must be sentenced to pay a \$500 fine  
1895 and to serve 100 hours of public service in addition to any  
1896 other penalty prescribed by law.

1897 (h) Except as authorized by this chapter, a person may not  
1898 sell, manufacture, or deliver, or possess with intent to sell,  
1899 manufacture, or deliver, a controlled substance in, on, or  
1900 within 1,000 feet of the real property comprising an assisted  
1901 living facility, as that term is used in chapter 429. A person  
1902 who violates this paragraph with respect to:

1903 1. A controlled substance named or described in s.  
1904 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.  
1905 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as  
1906 provided in s. 775.082, s. 775.083, or s. 775.084.

1907 2. A controlled substance named or described in s.  
1908 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.~~, (2)(c)6.,  
1909 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a  
1910 felony of the second degree, punishable as provided in s.  
1911 775.082, s. 775.083, or s. 775.084.

1912 3. Any other controlled substance, except as lawfully sold,  
1913 manufactured, or delivered, must be sentenced to pay a \$500 fine  
1914 and to serve 100 hours of public service in addition to any

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1915 other penalty prescribed by law.

1916 (2) (a) Except as authorized by this chapter and chapter  
1917 499, a person may not purchase, or possess with intent to  
1918 purchase, a controlled substance. A person who violates this  
1919 provision with respect to:

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

1924 2. A controlled substance named or described in s.  
1925 893.03(1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., ~~(2) (e) 5.~~ (2) (c) 6.,  
1926 (2) (c) 7., (2) (c) 8., (2) (c) 9., (2) (c) 10., (3), or (4) commits a  
1927 felony of the third degree, punishable as provided in s.  
1928 775.082, s. 775.083, or s. 775.084.

1929 3. A controlled substance named or described in s.  
1930 893.03(5) commits a misdemeanor of the first degree, punishable  
1931 as provided in s. 775.082 or s. 775.083.

1932 (b) Except as provided in this chapter, a person may not  
1933 purchase more than 10 grams of any substance named or described  
1934 in s. 893.03(1) (a) or (1) (b), or any combination thereof, or any  
1935 mixture containing any such substance. A person who violates  
1936 this paragraph commits a felony of the first degree, punishable  
1937 as provided in s. 775.082, s. 775.083, or s. 775.084.

1938 (4) Except as authorized by this chapter, a person 18 years  
1939 of age or older may not deliver any controlled substance to a  
1940 person younger than 18 years of age, use or hire a person  
1941 younger than 18 years of age as an agent or employee in the sale  
1942 or delivery of such a substance, or use such person to assist in  
1943 avoiding detection or apprehension for a violation of this

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1944 chapter. A person who violates this subsection with respect to:

1945 (a) A controlled substance named or described in s.

1946 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1947 ~~(2)(e)4.~~ commits a felony of the first degree, punishable as

1948 provided in s. 775.082, s. 775.083, or s. 775.084.

1949 (b) A controlled substance named or described in s.

1950 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,

1951 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

1952 felony of the second degree, punishable as provided in s.

1953 775.082, s. 775.083, or s. 775.084.

1954

1955 Imposition of sentence may not be suspended or deferred, and the

1956 person so convicted may not be placed on probation.

1957 (5) A person may not bring into this state any controlled

1958 substance unless the possession of such controlled substance is

1959 authorized by this chapter or unless such person is licensed to

1960 do so by the appropriate federal agency. A person who violates

1961 this provision with respect to:

1962 (a) A controlled substance named or described in s.

1963 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)5.

1964 ~~(2)(e)4.~~ commits a felony of the second degree, punishable as

1965 provided in s. 775.082, s. 775.083, or s. 775.084.

1966 (b) A controlled substance named or described in s.

1967 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(e)5.,~~ (2)(c)6.,

1968 (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) commits a

1969 felony of the third degree, punishable as provided in s.

1970 775.082, s. 775.083, or s. 775.084.

1971 (c) A controlled substance named or described in s.

1972 893.03(5) commits a misdemeanor of the first degree, punishable

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1973 as provided in s. 775.082 or s. 775.083.

1974 Section 16. Paragraphs (c) and (f) of subsection (1) of  
1975 section 893.135, Florida Statutes, are amended to read:

1976 893.135 Trafficking; mandatory sentences; suspension or  
1977 reduction of sentences; conspiracy to engage in trafficking.—

1978 (1) Except as authorized in this chapter or in chapter 499  
1979 and notwithstanding the provisions of s. 893.13:

1980 (c)1. A person who knowingly sells, purchases,  
1981 manufactures, delivers, or brings into this state, or who is  
1982 knowingly in actual or constructive possession of, 4 grams or  
1983 more of any morphine, opium, hydromorphone, or any salt,  
1984 derivative, isomer, or salt of an isomer thereof, including  
1985 heroin, as described in s. 893.03(1)(b), (2)(a), (3)(c)3., or  
1986 (3)(c)4., or 4 grams or more of any mixture containing any such  
1987 substance, but less than 30 kilograms of such substance or  
1988 mixture, commits a felony of the first degree, which felony  
1989 shall be known as "trafficking in illegal drugs," punishable as  
1990 provided in s. 775.082, s. 775.083, or s. 775.084. If the  
1991 quantity involved:

1992 a. Is 4 grams or more, but less than 14 grams, such person  
1993 shall be sentenced to a mandatory minimum term of imprisonment  
1994 of 3 years and shall be ordered to pay a fine of \$50,000.

1995 b. Is 14 grams or more, but less than 28 grams, such person  
1996 shall be sentenced to a mandatory minimum term of imprisonment  
1997 of 15 years and shall be ordered to pay a fine of \$100,000.

1998 c. Is 28 grams or more, but less than 30 kilograms, such  
1999 person shall be sentenced to a mandatory minimum term of  
2000 imprisonment of 25 years and shall be ordered to pay a fine of  
2001 \$500,000.

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2002           2. A person who knowingly sells, purchases, manufactures,  
2003 delivers, or brings into this state, or who is knowingly in  
2004 actual or constructive possession of, 14 grams or more of  
2005 hydrocodone, as described in s. 893.03(2)(a)1.k.  
2006 ~~893.03(2)(a)1.j.~~, codeine, as described in s. 893.03(2)(a)1.g.,  
2007 or any salt thereof, or 14 grams or more of any mixture  
2008 containing any such substance, commits a felony of the first  
2009 degree, which felony shall be known as "trafficking in  
2010 hydrocodone," punishable as provided in s. 775.082, s. 775.083,  
2011 or s. 775.084. If the quantity involved:

2012           a. Is 14 grams or more, but less than 28 grams, such person  
2013 shall be sentenced to a mandatory minimum term of imprisonment  
2014 of 3 years and shall be ordered to pay a fine of \$50,000.

2015           b. Is 28 grams or more, but less than 50 grams, such person  
2016 shall be sentenced to a mandatory minimum term of imprisonment  
2017 of 7 years and shall be ordered to pay a fine of \$100,000.

2018           c. Is 50 grams or more, but less than 200 grams, such  
2019 person shall be sentenced to a mandatory minimum term of  
2020 imprisonment of 15 years and shall be ordered to pay a fine of  
2021 \$500,000.

2022           d. Is 200 grams or more, but less than 30 kilograms, such  
2023 person shall be sentenced to a mandatory minimum term of  
2024 imprisonment of 25 years and shall be ordered to pay a fine of  
2025 \$750,000.

2026           3. A person who knowingly sells, purchases, manufactures,  
2027 delivers, or brings into this state, or who is knowingly in  
2028 actual or constructive possession of, 7 grams or more of  
2029 oxycodone, as described in s. 893.03(2)(a)1.q. ~~893.03(2)(a)1.o.~~,  
2030 or any salt thereof, or 7 grams or more of any mixture

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2031 containing any such substance, commits a felony of the first  
2032 degree, which felony shall be known as "trafficking in  
2033 oxycodone," punishable as provided in s. 775.082, s. 775.083, or  
2034 s. 775.084. If the quantity involved:

2035 a. Is 7 grams or more, but less than 14 grams, such person  
2036 shall be sentenced to a mandatory minimum term of imprisonment  
2037 of 3 years and shall be ordered to pay a fine of \$50,000.

2038 b. Is 14 grams or more, but less than 25 grams, such person  
2039 shall be sentenced to a mandatory minimum term of imprisonment  
2040 of 7 years and shall be ordered to pay a fine of \$100,000.

2041 c. Is 25 grams or more, but less than 100 grams, such  
2042 person shall be sentenced to a mandatory minimum term of  
2043 imprisonment of 15 years and shall be ordered to pay a fine of  
2044 \$500,000.

2045 d. Is 100 grams or more, but less than 30 kilograms, such  
2046 person shall be sentenced to a mandatory minimum term of  
2047 imprisonment of 25 years and shall be ordered to pay a fine of  
2048 \$750,000.

2049 4.a. A person who knowingly sells, purchases, manufactures,  
2050 delivers, or brings into this state, or who is knowingly in  
2051 actual or constructive possession of, 4 grams or more of:

2052 (I) Alfentanil, as described in s. 893.03(2)(b)1.;

2053 (II) Carfentanil, as described in s. 893.03(2)(b)6.;

2054 (III) Fentanyl, as described in s. 893.03(2)(b)9.;

2055 (IV) Sufentanil, as described in s. 893.03(2)(b)30.

2056 ~~893.03(2)(b)29.;~~

2057 (V) A fentanyl derivative, as described in s.

2058 893.03(1)(a)62.;

2059 (VI) A controlled substance analog, as described in s.

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2060 893.0356, of any substance described in sub-sub-subparagraphs  
2061 (I)-(V); or  
2062 (VII) A mixture containing any substance described in sub-  
2063 sub-subparagraphs (I)-(VI),  
2064  
2065 commits a felony of the first degree, which felony shall be  
2066 known as "trafficking in fentanyl," punishable as provided in s.  
2067 775.082, s. 775.083, or s. 775.084.

2068 b. If the quantity involved under sub-subparagraph a.:

2069 (I) Is 4 grams or more, but less than 14 grams, such person  
2070 shall be sentenced to a mandatory minimum term of imprisonment  
2071 of 3 years, and shall be ordered to pay a fine of \$50,000.

2072 (II) Is 14 grams or more, but less than 28 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 \$100,000.

2076 (III) Is 28 grams or more, such person shall be sentenced  
2077 to a mandatory minimum term of imprisonment of 25 years, and  
2078 shall be ordered to pay a fine of \$500,000.

2079 5. A person who knowingly sells, purchases, manufactures,  
2080 delivers, or brings into this state, or who is knowingly in  
2081 actual or constructive possession of, 30 kilograms or more of  
2082 any morphine, opium, oxycodone, hydrocodone, codeine,  
2083 hydromorphone, or any salt, derivative, isomer, or salt of an  
2084 isomer thereof, including heroin, as described in s.  
2085 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or 30 kilograms or  
2086 more of any mixture containing any such substance, commits the  
2087 first degree felony of trafficking in illegal drugs. A person  
2088 who has been convicted of the first degree felony of trafficking

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2089 in illegal drugs under this subparagraph shall be punished by  
2090 life imprisonment and is ineligible for any form of  
2091 discretionary early release except pardon or executive clemency  
2092 or conditional medical release under s. 947.149. However, if the  
2093 court determines that, in addition to committing any act  
2094 specified in this paragraph:

2095 a. The person intentionally killed an individual or  
2096 counseled, commanded, induced, procured, or caused the  
2097 intentional killing of an individual and such killing was the  
2098 result; or

2099 b. The person's conduct in committing that act led to a  
2100 natural, though not inevitable, lethal result,

2101  
2102 such person commits the capital felony of trafficking in illegal  
2103 drugs, punishable as provided in ss. 775.082 and 921.142. A  
2104 person sentenced for a capital felony under this paragraph shall  
2105 also be sentenced to pay the maximum fine provided under  
2106 subparagraph 1.

2107 6. A person who knowingly brings into this state 60  
2108 kilograms or more of any morphine, opium, oxycodone,  
2109 hydrocodone, codeine, hydromorphone, or any salt, derivative,  
2110 isomer, or salt of an isomer thereof, including heroin, as  
2111 described in s. 893.03(1)(b), (2)(a), (3)(c)3., or (3)(c)4., or  
2112 60 kilograms or more of any mixture containing any such  
2113 substance, and who knows that the probable result of such  
2114 importation would be the death of a person, commits capital  
2115 importation of illegal drugs, a capital felony punishable as  
2116 provided in ss. 775.082 and 921.142. A person sentenced for a  
2117 capital felony under this paragraph shall also be sentenced to

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2118 pay the maximum fine provided under subparagraph 1.

2119 (f)1. Any person who knowingly sells, purchases,  
2120 manufactures, delivers, or brings into this state, or who is  
2121 knowingly in actual or constructive possession of, 14 grams or  
2122 more of amphetamine, as described in s. 893.03(2)(c)2., or  
2123 methamphetamine, as described in s. 893.03(2)(c)5.

2124 ~~893.03(2)(c)4.~~, or of any mixture containing amphetamine or  
2125 methamphetamine, or phenylacetone, phenylacetic acid,  
2126 pseudoephedrine, or ephedrine in conjunction with other  
2127 chemicals and equipment utilized in the manufacture of  
2128 amphetamine or methamphetamine, commits a felony of the first  
2129 degree, which felony shall be known as "trafficking in  
2130 amphetamine," punishable as provided in s. 775.082, s. 775.083,  
2131 or s. 775.084. If the quantity involved:

2132 a. Is 14 grams or more, but less than 28 grams, such person  
2133 shall be sentenced to a mandatory minimum term of imprisonment  
2134 of 3 years, and the defendant shall be ordered to pay a fine of  
2135 \$50,000.

2136 b. Is 28 grams or more, but less than 200 grams, such  
2137 person shall be sentenced to a mandatory minimum term of  
2138 imprisonment of 7 years, and the defendant shall be ordered to  
2139 pay a fine of \$100,000.

2140 c. Is 200 grams or more, such person shall be sentenced to  
2141 a mandatory minimum term of imprisonment of 15 calendar years  
2142 and pay a fine of \$250,000.

2143 2. Any person who knowingly manufactures or brings into  
2144 this state 400 grams or more of amphetamine, as described in s.  
2145 893.03(2)(c)2., or methamphetamine, as described in s.  
2146 893.03(2)(c)5. ~~893.03(2)(c)4.~~, or of any mixture containing

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2147 amphetamine or methamphetamine, or phenylacetone, phenylacetic  
 2148 acid, pseudoephedrine, or ephedrine in conjunction with other  
 2149 chemicals and equipment used in the manufacture of amphetamine  
 2150 or methamphetamine, and who knows that the probable result of  
 2151 such manufacture or importation would be the death of any person  
 2152 commits capital manufacture or importation of amphetamine, a  
 2153 capital felony punishable as provided in ss. 775.082 and  
 2154 921.142. Any person sentenced for a capital felony under this  
 2155 paragraph shall also be sentenced to pay the maximum fine  
 2156 provided under subparagraph 1.

2157 Section 17. Paragraphs (b), (c), and (e) of subsection (3)  
 2158 of section 921.0022, Florida Statutes, are amended to read:

2159 921.0022 Criminal Punishment Code; offense severity ranking  
 2160 chart.—

2161 (3) OFFENSE SEVERITY RANKING CHART

2162 (b) LEVEL 2

2163  
 2164

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

2166

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			Act.
2167	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.
2168	517.07(2)	3rd	Failure to furnish a prospectus meeting requirements.
2169	590.28(1)	3rd	Intentional burning of lands.
2170	784.05(3)	3rd	Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death.
2171	787.04(1)	3rd	In violation of court order, take, entice, etc., minor beyond state limits.
2172	806.13(1)(b)3.	3rd	Criminal mischief; damage \$1,000 or more to public communication or any other public service.
2173	810.061(2)	3rd	Impairing or impeding telephone or power to a dwelling;

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2174	810.09(2) (e)	3rd	facilitating or furthering burglary.
2175	812.014(2) (c) 1.	3rd	Trespassing on posted commercial horticulture property.
2176	812.014(2) (c) 1.	3rd	Grand theft, 3rd degree; \$300 or more but less than \$5,000.
2177	812.014(2) (d)	3rd	Grand theft, 3rd degree; \$100 or more but less than \$300, taken from unenclosed curtilage of dwelling.
2178	812.015(7)	3rd	Possession, use, or attempted use of an antishoplifting or inventory control device countermeasure.
2179	817.234(1) (a) 2.	3rd	False statement in support of insurance claim.
2180	817.481(3) (a)	3rd	Obtain credit or purchase with false, expired, counterfeit, etc., credit card, value over \$300.
	817.52(3)	3rd	Failure to redeliver hired

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2181			vehicle.
	817.54	3rd	With intent to defraud, obtain mortgage note, etc., by false representation.
2182			
	817.60 (5)	3rd	Dealing in credit cards of another.
2183			
	817.60 (6) (a)	3rd	Forgery; purchase goods, services with false card.
2184			
	817.61	3rd	Fraudulent use of credit cards over \$100 or more within 6 months.
2185			
	826.04	3rd	Knowingly marries or has sexual intercourse with person to whom related.
2186			
	831.01	3rd	Forgery.
2187			
	831.02	3rd	Uttering forged instrument; utters or publishes alteration with intent to defraud.
2188			
	831.07	3rd	Forging bank bills, checks, drafts, or promissory notes.
2189			

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

(c) LEVEL 3

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Florida Statute	Felony Degree	Description
119.10 (2) (b)	3rd	Unlawful use of confidential information from police reports.
316.066 (3) (b) - (d)	3rd	Unlawfully obtaining or using confidential crash reports.
316.193 (2) (b)	3rd	Felony DUI, 3rd conviction.
316.1935 (2)	3rd	Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.
319.30 (4)	3rd	Possession by junkyard of motor vehicle with identification number plate removed.
319.33 (1) (a)	3rd	Alter or forge any certificate of title to a motor vehicle or mobile home.
319.33 (1) (c)	3rd	Procure or pass title on stolen vehicle.

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	319.33(4)	3rd	With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration.
2208	327.35(2)(b)	3rd	Felony BUI.
2209	328.05(2)	3rd	Possess, sell, or counterfeit fictitious, stolen, or fraudulent titles or bills of sale of vessels.
2210	328.07(4)	3rd	Manufacture, exchange, or possess vessel with counterfeit or wrong ID number.
2211	376.302(5)	3rd	Fraud related to reimbursement for cleanup expenses under the Inland Protection Trust Fund.
2212	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.

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2213

379.2431 3rd Possessing any marine turtle  
(1) (e) 6. species or hatchling, or parts  
thereof, or the nest of any  
marine turtle species described  
in the Marine Turtle Protection  
Act.

2214

379.2431 3rd Soliciting to commit or  
(1) (e) 7. conspiring to commit a  
violation of the Marine Turtle  
Protection Act.

2215

400.9935 (4) (a) 3rd Operating a clinic, or offering  
or (b) services requiring licensure,  
without a license.

2216

400.9935 (4) (e) 3rd Filing a false license  
application or other required  
information or failing to  
report information.

2217

440.1051 (3) 3rd False report of workers'  
compensation fraud or  
retaliation for making such a  
report.

2218

501.001 (2) (b) 2nd Tampers with a consumer product  
or the container using

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			materially false/misleading information.
2219	624.401 (4) (a)	3rd	Transacting insurance without a certificate of authority.
2220	624.401 (4) (b) 1.	3rd	Transacting insurance without a certificate of authority; premium collected less than \$20,000.
2221	626.902 (1) (a) & (b)	3rd	Representing an unauthorized insurer.
2222	697.08	3rd	Equity skimming.
2223	790.15 (3)	3rd	Person directs another to discharge firearm from a vehicle.
2224	806.10 (1)	3rd	Maliciously injure, destroy, or interfere with vehicles or equipment used in firefighting.
2225	806.10 (2)	3rd	Interferes with or assaults firefighter in performance of duty.
2226	810.09 (2) (c)	3rd	Trespass on property other than

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			structure or conveyance armed with firearm or dangerous weapon.
2227	812.014 (2) (c) 2.	3rd	Grand theft; \$5,000 or more but less than \$10,000.
2228	812.0145 (2) (c)	3rd	Theft from person 65 years of age or older; \$300 or more but less than \$10,000.
2229	815.04 (5) (b)	2nd	Computer offense devised to defraud or obtain property.
2230	817.034 (4) (a) 3.	3rd	Engages in scheme to defraud (Florida Communications Fraud Act), property valued at less than \$20,000.
2231	817.233	3rd	Burning to defraud insurer.
2232	817.234 (8) (b) & (c)	3rd	Unlawful solicitation of persons involved in motor vehicle accidents.
2233	817.234 (11) (a)	3rd	Insurance fraud; property value less than \$20,000.
2234	817.236	3rd	Filing a false motor vehicle

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2235			insurance application.
	817.2361	3rd	Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card.
2236			
	817.413(2)	3rd	Sale of used goods as new.
2237			
	828.12(2)	3rd	Tortures any animal with intent to inflict intense pain, serious physical injury, or death.
2238			
	831.28(2)(a)	3rd	Counterfeiting a payment instrument with intent to defraud or possessing a counterfeit payment instrument.
2239			
	831.29	2nd	Possession of instruments for counterfeiting driver licenses or identification cards.
2240			
	838.021(3)(b)	3rd	Threatens unlawful harm to public servant.
2241			
	843.19	3rd	Injure, disable, or kill police dog or horse.
2242			

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2243  
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860.15 (3)	3rd	Overcharging for repairs and parts.
870.01 (2)	3rd	Riot; inciting or encouraging.
893.13 (1) (a) 2.	3rd	Sell, manufacture, or deliver cannabis (or other s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., <del>(2) (c) 5.</del> , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs).
893.13 (1) (d) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., <del>(2) (c) 5.</del> , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs within 1,000 feet of university.
893.13 (1) (f) 2.	2nd	Sell, manufacture, or deliver s. 893.03 (1) (c), (2) (c) 1., (2) (c) 2., (2) (c) 3., <del>(2) (c) 5.</del> , (2) (c) 6., (2) (c) 7., (2) (c) 8., (2) (c) 9., <u>(2) (c) 10.</u> , (3), or (4) drugs within 1,000 feet of public housing facility.

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2248

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

2249

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

2250

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

2251

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

2252

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

2253

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

893.13(8)(a)1. 3rd Knowingly assist a patient, other person, or owner of an

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2254	893.13(8)(a)2.	3rd	<p>animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice.</p>
2255	893.13(8)(a)3.	3rd	<p>Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.</p>
2256	893.13(8)(a)4.	3rd	<p>Knowingly write a prescription for a controlled substance for a fictitious person.</p>
2257	918.13(1)(a)	3rd	<p>Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the prescription is a monetary benefit for the practitioner.</p>
2258			<p>Alter, destroy, or conceal investigation evidence.</p>

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2259

944.47 (1) (a) 1. & 2. 3rd Introduce contraband to correctional facility.

2260

944.47 (1) (c) 2nd Possess contraband while upon the grounds of a correctional institution.

2261

985.721 3rd Escapes from a juvenile facility (secure detention or residential commitment facility).

2262

(e) LEVEL 5

2263

2264

Florida Statute Felony Degree Description

2265

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

2266

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

2267

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

2268

322.34 (6) 3rd Careless operation of motor

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2269

vehicle with suspended license,  
resulting in death or serious  
bodily injury.

327.30(5)

3rd

Vessel accidents involving  
personal injury; leaving scene.

2270

379.365(2)(c)1.

3rd

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

2271

379.367(4)

3rd

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

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2272

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

2273

381.0041(11)(b)            3rd    Donate blood, plasma, or organs  
knowing HIV positive.

2274

440.10(1)(g)                2nd    Failure to obtain workers'  
compensation coverage.

2275

440.105(5)                 2nd    Unlawful solicitation for the  
purpose of making workers'  
compensation claims.

2276

440.381(2)                 2nd    Submission of false,  
misleading, or incomplete  
information with the purpose of  
avoiding or reducing workers'  
compensation premiums.

2277

624.401(4)(b)2.            2nd    Transacting insurance without a  
certificate or authority;  
premium collected \$20,000 or  
more but less than \$100,000.

2278

626.902(1)(c)             2nd    Representing an unauthorized  
insurer; repeat offender.

2279

790.01(2)                  3rd    Carrying a concealed firearm.

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2280

790.162                    2nd      Threat to throw or discharge  
destructive device.

2281

790.163 (1)                2nd      False report of bomb,  
explosive, weapon of mass  
destruction, or use of firearms  
in violent manner.

2282

790.221 (1)                2nd      Possession of short-barreled  
shotgun or machine gun.

2283

790.23                    2nd      Felons in possession of  
firearms, ammunition, or  
electronic weapons or devices.

2284

796.05 (1)                2nd      Live on earnings of a  
prostitute; 1st offense.

2285

800.04 (6) (c)             3rd      Lewd or lascivious conduct;  
offender less than 18 years of  
age.

2286

800.04 (7) (b)             2nd      Lewd or lascivious exhibition;  
offender 18 years of age or  
older.

2287

806.111 (1)                3rd      Possess, manufacture, or  
dispense fire bomb with intent

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			to damage any structure or property.
2288	812.0145 (2) (b)	2nd	Theft from person 65 years of age or older; \$10,000 or more but less than \$50,000.
2289	812.015 (8)	3rd	Retail theft; property stolen is valued at \$300 or more and one or more specified acts.
2290	812.019 (1)	2nd	Stolen property; dealing in or trafficking in.
2291	812.131 (2) (b)	3rd	Robbery by sudden snatching.
2292	812.16 (2)	3rd	Owning, operating, or conducting a chop shop.
2293	817.034 (4) (a) 2.	2nd	Communications fraud, value \$20,000 to \$50,000.
2294	817.234 (11) (b)	2nd	Insurance fraud; property value \$20,000 or more but less than \$100,000.
2295	817.2341 (1), (2) (a) & (3) (a)	3rd	Filing false financial statements, making false entries of material fact or

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2296

false statements regarding  
property values relating to the  
solvency of an insuring entity.

817.568 (2) (b)

2nd

Fraudulent use of personal  
identification information;  
value of benefit, services  
received, payment avoided, or  
amount of injury or fraud,  
\$5,000 or more or use of  
personal identification  
information of 10 or more  
persons.

2297

817.611 (2) (a)

2nd

Traffic in or possess 5 to 14  
counterfeit credit cards or  
related documents.

2298

817.625 (2) (b)

2nd

Second or subsequent fraudulent  
use of scanning device,  
skimming device, or reencoder.

2299

825.1025 (4)

3rd

Lewd or lascivious exhibition  
in the presence of an elderly  
person or disabled adult.

2300

827.071 (4)

2nd

Possess with intent to promote  
any photographic material,  
motion picture, etc., which

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2301

includes sexual conduct by a child.

827.071 (5)

3rd

Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child.

2302

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.

2303

843.01

3rd

Resist officer with violence to person; resist arrest with violence.

2304

847.0135 (5) (b)

2nd

Lewd or lascivious exhibition using computer; offender 18 years or older.

2305

847.0137  
(2) & (3)

3rd

Transmission of pornography by electronic device or equipment.

2306

847.0138  
(2) & (3)

3rd

Transmission of material harmful to minors to a minor by electronic device or equipment.

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2307

874.05 (1) (b)                    2nd      Encouraging or recruiting another to join a criminal gang; second or subsequent offense.

2308

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

2309

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).

2310

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.

2311

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2312

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

2313

893.13(1)(e)2.            2nd    Sell, manufacture, or deliver cannabis or other drug prohibited under s. 893.03(1)(c), (2)(c)1., (2)(c)2., (2)(c)3., ~~(2)(c)5.,~~ (2)(c)6., (2)(c)7., (2)(c)8., (2)(c)9., (2)(c)10., (3), or (4) within 1,000 feet of property used for religious services or a specified business site.

2314

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)(c)4.~~ drugs) within 1,000 feet of public housing facility.

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

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substance.

2315

893.1351(1)

3rd

Ownership, lease, or rental for  
trafficking in or manufacturing  
of controlled substance.

2316

2317

2318

Section 18. Except as otherwise provided in this act, this  
act shall take effect July 1, 2018.