



# LEGISLATIVE PROPOSALS FLORIDA BOARD OF PHARMACY 2014



| Bill Number                                    | Title                                   | Sponsor                                  | Statute                                    | Summary/ Impact  | Notes   |
|--|---|--|--|--|---|
| CS/SB 662<br><br>Related Bills:<br><br>HB 7077 | Nonresident Sterile Compounding Permits | Regulated Industries and Health Policy   | 465.0156<br>465.0158<br>465.017<br>465.003 | <b>Nonresident Sterile Compounding Permits:</b> Expanding penalties to apply to injury to a nonhuman animal; deleting a requirement that the Board of Pharmacy refer regulatory issues affecting a nonresident pharmacy to the state where the pharmacy is located; requiring registered nonresident pharmacies and outsourcing facilities to obtain a permit in order to ship, mail, deliver, or dispense compounded sterile products into this state; authorizing the department to inspect nonresident pharmacies and nonresident sterile compounding permittees, etc.<br><br><b>Effective Date:</b> 10/01/2014 | <b>Thursday, January 16, 2014 12:14 PM,</b> SPB 7008 submitted as a committee bill (SB 662) by Health Policy; Filed<br><b>Tuesday, January 28, 2014 4:49 PM,</b> Referred to Regulated Industries; Appropriations Subcommittee on Health and Human Services; Appropriations -SJ 55<br><b>Tuesday, March 04, 2014 8:13 AM,</b> Introduced -SJ 54<br><b>Monday, March 10, 2014 3:34 PM,</b> On Committee agenda-- Regulated Industries, 03/13/14, 9:00 am, 301 Senate Office Building<br><b>Thursday, March 13, 2014 10:39 AM,</b> CS by Regulated Industries; YEAS 9 NAYS 0 -SJ 242<br><b>Monday, March 17, 2014 2:50 PM,</b> Pending reference review under Rule 4.7(2) - (Committee Substitute); 4:40 PM CS by Regulated Industries read 1st time -SJ 248<br><b>Tuesday, March 18, 2014 3:49 PM,</b> S Now in Appropriations Subcommittee on Health and Human Services -SJ 242 |
| HB 7077<br><br>Related Bills:<br><br>CS/SB 662 | Sterile Compounding                     | Health Quality Subcommittee and Patronis | 465.003<br>465.0156<br>465.0158<br>465.017 | <b>Sterile Compounding:</b> Provides grounds for administrative discipline of nonresident pharmacy; requires nonresident pharmacy & outsourcing facility to hold nonresident sterile compounding permit to ship, mail, deliver, or dispense compounded sterile product into Florida; authorizes DOH to conduct certain onsite inspections, contract with third party to conduct such inspection, & accept inspection reports from specified entities; provides restrictions on shipment, mailing, delivery, or   | <b>Friday, February 28, 2014 6:11 PM,</b> Filed<br><b>Tuesday, March 04, 2014 11:50 PM,</b> 1st Reading<br><b>Tuesday, March 11, 2014 7:36 PM,</b> Referred to Health Care Appropriations Subcommittee; Referred to Health & Human Services Committee; Now in Health Care Appropriations Subcommittee   |

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|  |                      |   |  | dispensation of compounded sterile product for permittees, nonresident pharmacies, & applicants for registration as nonresident pharmacy; authorizes Board of Pharmacy to administratively discipline permittees & inspect registered nonresident pharmacy or permittee at cost to pharmacy or permittee.<br><b>Effective Date:</b> October 1, 2014 | <b>Thursday, March 20, 2014 4:11 PM,</b><br>Added to Health Care Appropriations Subcommittee agenda  |
| CS/CS/SB 278<br><br>Related Bills:<br><br>HB 323 | Pharmacy             | Regulated Industries and Health Policy and Grimsley | 465.014<br>465.004<br>456.42<br>893.04 | <b>Pharmacy:</b> Increasing the number of registered pharmacy technicians which a licensed pharmacist may supervise; revising the composition of the Board of Pharmacy; requiring written prescriptions for specified controlled substances to be legibly dated in a specified format, etc.<br><b>Effective Date:</b> 07/01/2014                    | <b>Tuesday, October 15, 2013 2:04 PM,</b><br>Filed<br><b>Monday, November 04, 2013 11:56 AM,</b> Referred to Health Policy; Regulated Industries; Rules -SJ 30<br><b>Tuesday, March 04, 2014 8:13 AM,</b> S Introduced -SJ 30<br><b>Thursday, March 06, 2014 3:44 PM,</b> On Committee agenda-- Health Policy, 03/11/14, 4:00 pm, 412 Knott Building<br><b>Tuesday, March 11, 2014 6:32 PM,</b> CS by Health Policy; YEAS 9 NAYS 0 -SJ 243<br><b>Wednesday, March 12, 2014 2:36 PM,</b> Pending reference review under Rule 4.7(2) - (Committee Substitute)<br><b>Monday, March 17, 2014 10:49 AM,</b> Now in Regulated Industries -SJ 243; 4:03 PM On Committee agenda-- Regulated Industries, 03/20/14, 8:30 am, 301 Senate Office Building; 4:40 PM CS by Health Policy read 1st time -SJ 247<br><b>Thursday, March 20, 2014 9:57 AM,</b> CS/CS by Regulated Industries; YEAS 10 NAYS 0<br><b>Friday, March 21, 2014 2:28 PM,</b> Pending reference review under Rule 4.7(2) - (Committee Substitute); 2:33 PM Now in Rules; 2:34 PM On Committee agenda-- Rules, 03/26/14, 4:00 pm, 110 Senate Office Building |
| HB 323<br><br>Related Bills:<br><br>CS/CS/SB 278 | Pharmacy Technicians | La Rosa and Campbell (Co-Sponsors) Coley            | 465.014<br>456.42<br>893.04            | <b>Pharmacy Technicians:</b> Revises number of registered pharmacy technicians that pharmacist may supervise; requires written prescriptions for specified controlled substances to be legibly dated in specified format.<br><b>Effective Date:</b> July 1, 2014  | <b>Monday, November 18, 2013 8:26 AM,</b> Filed<br><b>Monday, December 16, 2013 4:34 PM,</b> Referred to Health Quality Subcommittee; Referred to Health & Human Services Committee; Now in Health Quality Subcommittee<br><b>Wednesday, January 29, 2014 2:20 PM,</b> Added to Health Quality   |

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|   |                                      |               |                    |  | Subcommittee agenda<br><b>Wednesday, February 05, 2014 11:30 AM</b> , Favorable by Health Quality Subcommittee; 12:26 PM Reported out of Health Quality Subcommittee; Now in Health & Human Services Committee<br><b>Tuesday, March 04, 2014 11:50 PM</b> , 1st Reading<br><b>Tuesday, March 18, 2014 4:06 PM</b> , Added to Health & Human Services Committee agenda |
| SB 862<br><br>Related Bills:<br>HB 1381 | Prescription Drug Monitoring         | Health Policy | 893.055            | <p><b>Prescription Drug Monitoring:</b> Revising provisions relating to the comprehensive electronic database system and prescription drug monitoring program maintained by the Department of Health; requiring a law enforcement agency to submit a subpoena as a condition of direct access to information in the program; authorizing the department to provide relevant information that does not contain personal identifying information if the program manager determines a specified pattern exists, etc.</p> <p><b>AMENDMENT:</b> Notwithstanding s. 456.025 and subject to the General Appropriations Act, up to \$500,000 of all costs incurred by the department in administering the prescription drug monitoring program may be funded through funds available in the Medical Quality Assurance Trust Fund that are related to the regulation of the practice of pharmacy under ch. 465. The department may also apply for and receive federal grants or private funding to fund the prescription drug monitoring program except that the department may not receive funds provided, directly or indirectly, by prescription drug manufacturers applied for or received by the state. The department may not commit state funds for the monitoring program if such funds are necessary for the department's regulation of the practice of pharmacy under ch. 465.</p> <p><b>Effective Date:</b> 07/01/2014</p> | <b>Wednesday, February 05, 2014 12:05 PM</b> , SPB 7016 submitted as a committee bill (SB 862) by Health Policy; Filed<br><b>Monday, February 10, 2014 6:11 PM</b> , Referred to Judiciary; Rules -SJ 70<br><b>Tuesday, March 04, 2014 8:13 AM</b> , Introduced -SJ 69  |
| HB 1381<br><br>Related Bills: SB 862    | Prescription Drug Monitoring Program | Davis         | 456.072<br>893.055 | <p><b>Prescription Drug Monitoring Program:</b> Provides additional grounds for discipline of licensee of DOH by regulatory board; revises provisions relating to database of controlled substance dispensing information; revises program funding requirements; requires prescriber to access &amp; view certain patient information in database before initially prescribing</p>   | <b>Monday, March 03, 2014 6:32 PM</b> , Filed<br><b>Tuesday, March 04, 2014 11:50 PM</b> , 1st Reading<br><b>Tuesday, March 11, 2014 7:37 PM</b> , Referred to Health Quality Subcommittee; Referred to Health Care   |

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|   |                 |  |          | <p>controlled substance; provides requirements related to release of identifying information; revises information retention requirements; revises provisions required in contract with direct-support organization; requires state to use certain properties &amp; funds to support program; provides for adoption of specific rules by department.</p> <p><b>Effective Date:</b> July 1, 2014</p>   | <p>Appropriations Subcommittee; Referred to Health &amp; Human Services Committee; Now in Health Quality Subcommittee<br/> <b>Friday, March 14, 2014 3:45 PM</b>, Added to Health Quality Subcommittee agenda<br/> <b>Tuesday, March 18, 2014 5:00 PM</b>, Favorable by Health Quality Subcommittee<br/> <b>Wednesday, March 19, 2014 10:05 AM</b>, Reported out of Health Quality Subcommittee; Now in Health Care Appropriations Subcommittee</p>  |
| <p>CS/SB 702</p> <p>Related Bills:<br/>HB 745</p> | Pharmacy Audits | Regulated Industries and Bean (Co-Sponsors)<br>Sobel | 465.1885 | <p><b>Pharmacy Audits:</b> Enumerating the rights of pharmacies relating to audits of pharmaceutical services which are conducted by certain entities; requiring the Office of Insurance Regulation to investigate complaints alleging a violation of pharmacy rights; providing that a willful violation of such rights is an unfair claim settlement practice; exempting audits in which fraudulent activity is suspected or which are related to Medicaid claims, etc.</p> <p><b>Effective Date:</b> 07/01/2014</p> | <p><b>Wednesday, January 22, 2014 1:19 PM</b>, Filed<br/> <b>Tuesday, January 28, 2014 4:49 PM</b>, Referred to Health Policy; Regulated Industries; Judiciary -SJ 58<br/> <b>Monday, February 03, 2014 11:48 AM</b>, On Committee agenda-- Health Policy, 02/11/14, 2:00 pm, 412 Knott Building<br/> <b>Tuesday, February 11, 2014 3:47 PM</b>, Favorable by Health Policy; YEAS 7 NAYS 0 -SJ 137<br/> <b>Wednesday, February 12, 2014 8:34 AM</b>, Now in Regulated Industries -SJ 137<br/> <b>Monday, March 03, 2014 3:16 PM</b>, On Committee agenda-- Regulated Industries, 03/06/14, 9:30 am, 301 Senate Office Building --Temporarily Postponed<br/> <b>Tuesday, March 04, 2014 8:13 AM</b>, Introduced -SJ 58<br/> <b>Monday, March 10, 2014 3:34 PM</b>, On Committee agenda-- Regulated Industries, 03/13/14, 9:00 am, 301 Senate Office Building<br/> <b>Thursday, March 13, 2014 10:39 AM</b>, CS by Regulated Industries; YEAS 9 NAYS 0 -SJ 262<br/> <b>Monday, March 17, 2014 4:07 PM</b>, Pending reference review under Rule 4.7(2) - (Committee Substitute)<br/> <b>Tuesday, March 18, 2014 3:49 PM</b>, Remaining references corrected to Judiciary; Appropriations -SJ 266; Now in Judiciary -SJ 262; 7:01 PM CS by</p> |

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|   |                               |                                 |          |   | Regulated Industries read 1st time -SJ 264   |
| HB 745<br><br>Related Bills: CS/SB 702  | Pharmacy Audit Bill of Rights | Cummings (Co-Sponsors) Diaz, M. | 465.1885 | <b>Pharmacy Audit Bill of Rights:</b> Provides rights to which licensed pharmacy is entitled during certain audits of its records; provides for civil damages; provides for applicability.<br><br><b>Effective Date:</b> July 1, 2014   | <b>Monday, January 27, 2014 4:38 PM,</b> Filed<br><b>Thursday, February 06, 2014 2:10 PM,</b> Referred to Health Innovation Subcommittee; Referred to Appropriations Committee; Referred to Health & Human Services Committee; Now in Health Innovation Subcommittee<br><b>Tuesday, March 04, 2014 11:50 PM,</b> 1st Reading<br><b>Friday, March 21, 2014 4:07 PM,</b> Added to Health Innovation Subcommittee agenda  |
| CS/SB 1014<br><br>Related Bills: HB 765 | Pharmacy Benefit Managers     | Health Policy and Garcia        | 465.1862 | <b>Pharmacy Benefit Managers:</b> Specifying contract terms that must be included in a contract between a pharmacy benefit manager and a pharmacy; providing restrictions on the inclusion of prescription drugs on a list that specifies the maximum allowable cost for such drugs; requiring a contract between a pharmacy benefit manager and a pharmacy to include an appeal process, etc.<br><br><b>Effective Date:</b> 07/01/2014 | <b>Wednesday, February 12, 2014 9:05 AM,</b> Filed<br><b>Wednesday, February 19, 2014 2:31 PM,</b> Referred to Health Policy; Banking and Insurance; Appropriations Subcommittee on General Government; Appropriations -SJ 82<br><b>Tuesday, March 04, 2014 8:13 AM,</b> Introduced -SJ 82<br><b>Friday, March 14, 2014 1:54 PM,</b> On Committee agenda-- Health Policy, 03/19/14, 11:00 am, 412 Knott Building<br><b>Wednesday, March 19, 2014 1:05 PM,</b> CS by Health Policy; YEAS 8 NAYS 0 -SJ 304<br><b>Thursday, March 20, 2014 10:36 AM,</b> Pending reference review under Rule 4.7(2) - (Committee Substitute); 8:00 PM CS by Health Policy read 1st time -SJ 308<br><b>Monday, March 24, 2014 8:31 AM,</b> Now in Banking and Insurance -SJ 304; 11:57 AM On Committee agenda-- Banking and Insurance, 03/25/14, 2:00 pm, 110 Senate Office Building |
| HB 765<br><br>Related Bills: CS/SB 1014 | Pharmacy Benefit Managers     | Diaz, M.                        | 465.1862 | <b>Pharmacy Benefit Managers:</b> Specifies contract terms that must be included in contract between pharmacy benefit manager & pharmacy; provides restrictions on inclusion of prescriptions drugs on list that specifies maximum allowable cost for such drugs; requires pharmacy benefit manager to disclose certain information to plan sponsor; requires contract between pharmacy benefit   | <b>Thursday, January 30, 2014 10:26 AM,</b> Filed<br><b>Thursday, February 06, 2014 2:10 PM,</b> Referred to Health Innovation Subcommittee; Referred to Appropriations Committee; Referred to Health & Human Services Committee; Now in Health Innovation Subcommittee  |

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|  |              |   |  | <p>manager &amp; pharmacy to include appeal process; requires pharmacy benefit manager to contractually commit to providing certain reimbursement rate for generic drugs.</p> <p><b>Effective Date:</b> July 1, 2014</p>  | <p><b>Tuesday, March 04, 2014 11:50 PM,</b><br/>1st Reading</p>   |
| <p>SB 1646</p> <p>Related Bills:<br/>CS/HB 751</p> | Telemedicine | Health Policy   | <p>456.4501<br/>456.4502<br/>456.4503<br/>456.4504<br/>456.4505<br/>456.4506</p> | <p><b>Telemedicine:</b> Creating the "Florida Telemedicine Act"; requiring physicians providing telemedicine services to patients in this state to be licensed in this state or to meet alternative requirements; providing standards and prohibitions for the provision of telemedicine services; authorizing the use of telemedicine services in the diagnosis and treatment of the human eye; providing requirements for reimbursement of telemedicine services under the Medicaid program, etc.</p> <p><b>Effective Date:</b> 10/01/2014</p>  | <p><b>Thursday, March 06, 2014 2:26 PM,</b><br/>SPB 7028 submitted as a committee bill (SB 1646) by Health Policy; Filed<br/><b>Monday, March 10, 2014 2:48 PM,</b><br/>Referred to Communications, Energy, and Public Utilities; Appropriations Subcommittee on Health and Human Services; Appropriations -SJ 238<br/><b>Tuesday, March 11, 2014 5:42 PM,</b><br/>Introduced -SJ 238</p>   |
| <p>CS/HB 751</p> <p>Related Bills:<br/>SB 1646</p> | Telehealth   | Select Committee on Health Care Workforce Innovation and Cummings and Jones, M. (Co-Sponsors) Albritton | <p>456.47</p>  | <p><b>Telehealth:</b> Provides practice standards for telehealth providers; requires registration of health care professionals before they may use telehealth to deliver health care services; prohibits registrants from opening an office or providing in-person health care services in this state; requires registrant to notify appropriate board or DOH of certain actions against registrant's professional license; prohibits health care professional with revoked license from being registered as telehealth provider; provides exemptions.</p> <p><b>Effective Date:</b> July 1, 2014</p> | <p><b>Tuesday, January 28, 2014 2:08 PM,</b><br/>Filed<br/><b>Thursday, February 06, 2014 2:10 PM,</b><br/>Referred to Select Committee on Health Care Workforce Innovation; Referred to Health Care Appropriations Subcommittee; Referred to Health &amp; Human Services Committee; Now in Select Committee on Health Care Workforce Innovation<br/><b>Monday, February 24, 2014 3:48 PM,</b><br/>Added to Select Committee on Health Care Workforce Innovation agenda<br/><b>Monday, March 03, 2014 6:00 PM,</b><br/>Favorable with CS by Select Committee on Health Care Workforce Innovation<br/><b>Tuesday, March 04, 2014 11:50 PM,</b><br/>1st Reading<br/><b>Monday, March 10, 2014 12:53 PM,</b><br/>Reported out of Select Committee on Health Care Workforce Innovation; 1:01 PM Laid on Table under Rule 7.19(a); CS Filed; 7:30 PM 1st Reading<br/><b>Thursday, March 13, 2014 4:14 PM,</b><br/>Referred to Health Care Appropriations Subcommittee; Referred to Health &amp; Human Services Committee; Now in Health Care Appropriations Subcommittee;<br/><b>Thursday, March 20, 2014 4:11 PM,</b></p> |

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|  |                                |  |   |   | Added to Health Care Appropriations Subcommittee agenda<br><b>Monday, March 24, 2014 6:00 PM</b> , Favorable by Health Care Appropriations Subcommittee; 9:14 PM Reported out of Health Care Appropriations Subcommittee; Now in Health & Human Services Committee   |
| CS/SB 1030<br><br>Related Bills:<br>BH 859 | Low-THC Marijuana and Cannabis | Health Policy and Bradley and Bean and Brandes (Co-Sponsors)<br>Galvano; Sobel; Soto; Gardiner; Stargel; Simpson | 456.60<br>893.02  | <b>Low-THC Marijuana and Cannabis:</b> Authorizing specified physicians to order low-THC marijuana for use by specified patients; requiring the department to create a compassionate use registry; requiring the department to authorize a specified number of dispensing organizations; revising the definition of the term "cannabis" for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act and as applicable to certain criminal offenses proscribing the sale, manufacture, delivery, possession, or purchase of cannabis, to which penalties apply, etc.<br><br><b>Effective Date:</b> 07/01/2014                      | <b>Wednesday, February 12, 2014 12:11 PM</b> , Filed<br><b>Wednesday, February 19, 2014 2:31 PM</b> , Referred to Health Policy; Criminal Justice; Appropriations -SJ 83<br><b>Tuesday, March 04, 2014 8:13 AM</b> , Introduced -SJ 83<br><b>Thursday, March 06, 2014 3:44 PM</b> , On Committee agenda-- Health Policy, 03/11/14, 4:00 pm, 412 Knott Building<br><b>Tuesday, March 11, 2014 6:32 PM</b> , CS by Health Policy; YEAS 8 NAYS 0 -SJ 242<br><b>Wednesday, March 12, 2014 10:56 AM</b> , Pending reference review under Rule 4.7(2) - (Committee Substitute)<br><b>Monday, March 17, 2014 10:49 AM</b> , Now in Criminal Justice -SJ 242; 4:40 PM CS by Health Policy read 1st time -SJ 252<br><b>Wednesday, March 19, 2014 4:08 PM</b> , On Committee agenda-- Criminal Justice, 03/24/14, 4:00 pm, 37 Senate Office Building<br><b>Monday, March 24, 2014 6:02 PM</b> , Favorable by Criminal Justice; YEAS 5 NAYS 1<br><b>Tuesday, March 25, 2014 8:31 AM</b> , Now in Appropriations |
| HB 859<br><br>Related Bills:<br>CS/SB 1030 | Medical Use of Cannabis        | Saunders (Co-Sponsors)<br>Rehwinkel<br>Vasilinda   | 468.901<br>468.902<br>468.903<br>468.904<br>468.905<br>468.906<br>468.907<br>468.908<br>468.909<br>468.910<br>468.911<br>468.912<br>468.913 | <b>Medical Use Of Cannabis:</b> Authorizes qualifying patient to possess & administer medical cannabis, & possess & use paraphernalia for specified purpose; authorizes patient's caregiver to possess & administer medical cannabis to qualifying patient & to possess & use paraphernalia for specified purpose; provides procedures & requirements thereto; provides that act does not allow person to undertake task under influence of medical cannabis when doing so constitutes negligence or malpractice; provides that use of medical cannabis does not create defense to certain offenses; authorizes physician to recommend use of medical | <b>Monday, February 10, 2014 10:32 AM</b> , Filed<br><b>Thursday, February 20, 2014 9:55 AM</b> , Referred to Criminal Justice Subcommittee; Referred to Health Quality Subcommittee; Referred to Appropriations Committee; Referred to Judiciary Committee; Now in Criminal Justice Subcommittee<br><b>Tuesday, March 04, 2014 11:50 PM</b> , 1st Reading   |

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|               |                              |   | 468.914<br>468.915<br>468.916<br>468.917<br>468.918<br>499.802<br>499.803<br>499.804<br>499.805<br>499.806<br>893.13<br>893.03<br>499.807<br>499.808<br>499.810<br>812.14<br>893.1351<br>893.145<br>893.147<br>921.0022                              | cannabis; provides procedures & requirements thereto; requires DBPR to regulate licensure of cultivation centers & dispensaries; provides procedures & requirements thereto; prohibits school, employer, or property owner from refusing to enroll, employ, or lease to or penalize person who is cardholder; requires DOH, DBPR, & DOR to adopt rules by specified date; establishing medical cannabis section within DBPR; provides procedures & requirements; authorizes medical cannabis farm to possess, cultivate, & manufacture medical cannabis, medical cannabis-based products, & marijuana plants for wholesale in this state; requires agricultural classification for land used as medical cannabis farm; prohibits medical cannabis farm from conducting retail sales or transactions; provides certain protections to medical cannabis farms; provides permitting procedures and fees; provides licensing procedures and fees; requires reporting of loss, theft, or unexplained shortage of medical cannabis product to local law enforcement agency & department; authorizes administrative fines, license suspension, injunctive relief.<br><br><b>Effective Date:</b> October 1, 2014 |  |
| CS/CS/HB 7015 | Military and Veteran Support | Economic Affairs Committee and Appropriations Committee and Veteran & Military Affairs Subcommittee and Smith (CO-SPONSORS)<br>Adkins; Ahern;<br>Albritton;<br>Artiles; Baxley;<br>Brodeur;<br>Broxson;<br>Caldwell;<br>Campbell;<br>Coley;<br>Corcoran; Cruz;<br>Cummings;<br>Diaz, J.;<br>Dudley;<br>Edwards; | 250.10<br>250.35<br>265.0031<br>288.0001<br>295.065<br>295.07<br>295.08<br>295.085<br>295.188<br>295.21<br>295.22<br>295.23<br>296.06<br>296.36<br>322.031<br>322.121<br>455.213<br>456.013<br>468.304<br>456.024<br>458.315<br>459.0076<br>458.3151 | <b>Military and Veteran Support:</b> Revises & creates provisions to benefit veterans & servicemembers with regard to Educational Dollars for Duty program; Florida Veterans' Walk of Honor & Florida Veterans' Memorial Garden; governmental & private employment preference; employment & training services; waiver of fees by DPBR & DOH; residency in Florida State Veterans' Domiciliary Home & admittance to state veterans' nursing home; drivers license & learner's permit exemptions & extensions; physician certificate for practice in areas of critical need; establishing certain charter schools; & waiver of certain state university, Florida College System institution, & career center fees; establishes Florida Is For Veterans, Inc. & Veterans Employment & Training Services Program in DVA; assigns various duties to Florida Is For Veterans, Inc., and VISIT Florida for marketing; provides appropriations.<br><br><b>Effective Date:</b> July 1, 2014   | <b>Wednesday, January 22, 2014 2:49 PM,</b> Filed<br><b>Monday, January 27, 2014 5:35 PM,</b> Referred to Appropriations Committee; Referred to Economic Affairs Committee; Now in Appropriations Committee<br><b>Tuesday, January 28, 2014 4:07 PM,</b> Added to Appropriations Committee agenda<br><b>Tuesday, February 04, 2014 12:00 PM,</b> Favorable with CS by Appropriations Committee<br><b>Friday, February 07, 2014 4:12 PM,</b> Reported out of Appropriations Committee; 4:47 PM Laid on Table under Rule 7.19(a); CS Filed<br><b>Monday, February 10, 2014 1:42 PM,</b> Referred to Economic Affairs Committee; Now in Economic Affairs Committee<br><b>Thursday, February 13, 2014 3:06 PM,</b> Added to Economic Affairs Committee agenda<br><b>Thursday, February 20, 2014 2:32</b> |



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|  |  | Fitzenhagen;<br>Gaetz; Hager;<br>Harrell;<br>Hooper;<br>Mayfield;<br>McBurney;<br>McGhee; Metz;<br>Murphy;<br>Nelson; Nuñez;<br>Peters; Pigman;<br>Porter; Rangel;<br>Raschein; Ray;<br>Rehwinkel<br>Vasilinda;<br>Roberson, K.;<br>Rogers;<br>Rooney;<br>Santiago;<br>Spano; Steube;<br>Van Zant;<br>Williams, A. | 459.00761<br>499.012<br>1002.33<br>1009.26 |  | <b>PM</b> , Favorable with CS by Economic Affairs Committee<br><b>Thursday, February 27, 2014 11:30 AM</b> , Reported out of Economic Affairs Committee; 11:40 AM Laid on Table under Rule 7.19(a), CS Filed; 5:14 PM Bill referred to House Calendar<br><b>Tuesday, March 04, 2014 4:07 PM</b> , Read 1st time; Read 2nd time; 4:09 PM Added to Second Reading Calendar; 4:10 PM Placed on 3rd reading; Read 3rd time; 4:13 PM Added to Third Reading Calendar; 4:24 PM CS passed; YEAS 116, NAYS 0; 4:25 PM Immediately certified; 5:26 PM In Messages<br><b>Wednesday, March 05, 2014 1:53 PM</b> , Referred to Military and Veterans Affairs, Space, and Domestic Security; Appropriations -SJ 229<br><b>Monday, March 10, 2014 3:37 PM</b> , Received -SJ 228<br><b>Tuesday, March 11, 2014 10:06 AM</b> , Withdrawn from Military and Veterans Affairs, Space, and Domestic Security; Appropriations -SJ 234; Placed on Calendar, on 2nd reading -SJ 234; Substituted for CS/SB 860 -SJ 235; Read 2nd time -SJ 234; 10:25 AM Read 3rd time -SJ 235; CS passed; YEAS 38 NAYS 0 -SJ 235; 10:33 PM Immediately certified -SJ 235; 10:53 AM In Messages;<br><b>Ordered enrolled</b> |
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By the Committees on Regulated Industries; and Health Policy

580-02555-14

2014662c1

A bill to be entitled

An act relating to nonresident sterile compounding permits; amending s. 465.003, F.S.; defining the terms "compounding" and "outsourcing facility"; amending s. 465.0156, F.S.; conforming provisions to changes made by the act; expanding penalties to apply to injury to a nonhuman animal; deleting a requirement that the Board of Pharmacy refer regulatory issues affecting a nonresident pharmacy to the state where the pharmacy is located; creating s. 465.0158, F.S.; requiring registered nonresident pharmacies and outsourcing facilities to obtain a permit in order to ship, mail, deliver, or dispense compounded sterile products into this state; requiring submission of an application and a nonrefundable fee; specifying requirements; authorizing the board to deny, revoke, or suspend a permit, or impose a fine or reprimand for certain actions; providing dates by which certain nonresident pharmacies must obtain a permit; authorizing the board to adopt rules; amending s. 465.017, F.S.; authorizing the department to inspect nonresident pharmacies and nonresident sterile compounding permittees; requiring such pharmacies and permittees to pay for the costs of such inspections; providing an effective date.

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

Section 1. Subsections (18) and (19) are added to section 465.003, Florida Statutes, to read:

580-02555-14

2014662c1

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

(18) "Compounding" means a practice in which a licensed pharmacist or, in the case of an outsourcing facility, a person acting under the supervision of a licensed pharmacist, combines, mixes, or alters ingredients of a drug or product to create another drug or product.

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

Section 2. Subsections (4) and (5) of section 465.0156, Florida Statutes, are amended, present subsections (6) through (8) of that section are redesignated as subsections (7) through (9), respectively, and a new subsection (6) is added to that section, to read:

465.0156 Registration of nonresident pharmacies.—

(4) The board may deny, revoke, or suspend registration of, or fine or reprimand, a nonresident pharmacy for failure to comply with s. 465.0158, s. 465.017(2), or s. 465.025, or with any requirement of this section in accordance with ~~the provisions of~~ this chapter.

(5) In addition to the prohibitions of subsection (4) the board may deny, revoke, or suspend registration of, or fine or reprimand, a nonresident pharmacy in accordance with ~~the provisions of~~ this chapter for conduct which causes or could cause serious bodily injury or ~~serious~~ psychological injury to a human or serious bodily injury to a nonhuman animal in ~~resident of this state if the board has referred the matter to the regulatory or licensing agency in the state in which the~~

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~~pharmacy is located and the regulatory or licensing agency fails to investigate within 180 days of the referral.~~

(6) A nonresident pharmacy is subject to s. 456.0635.

Section 3. Section 465.0158, Florida Statutes, is created to read:

465.0158 Nonresident sterile compounding permit.—

(1) In order to ship, mail, deliver, or dispense, in any manner, a compounded sterile product into this state, a nonresident pharmacy registered under s. 465.0156, or an outsourcing facility, must hold a nonresident sterile compounding permit.

(2) An application for a nonresident sterile compounding permit shall be submitted on a form furnished by the board. The board may require such information as it deems reasonably necessary to carry out the purposes of this section. The fee for an initial permit and biennial renewal of the permit shall be set by the board pursuant to s. 465.022(14).

(3) An applicant must submit the following to the board to obtain an initial permit, or to the department to renew a permit:

(a) Proof of registration as an outsourcing facility with the Secretary of the United States Department of Health and Human Services if the applicant is eligible for such registration pursuant to the federal Drug Quality and Security Act, Pub. L. No. 113-54.

(b) Proof of registration as a nonresident pharmacy, pursuant to s. 465.0156, unless the applicant is an outsourcing facility and not a pharmacy, in which case the application must include proof of an active and unencumbered license, permit, or

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88 registration issued by the state, territory, or district in  
89 which the outsourcing facility is physically located which  
90 allows the outsourcing facility to engage in compounding and to  
91 ship, mail, deliver, or dispense a compounded sterile product  
92 into this state if required by the state, territory, or district  
93 in which the outsourcing facility is physically located.

94 (c) Written attestation by an owner or officer of the  
95 applicant, and by the applicant's prescription department  
96 manager or pharmacist in charge, that:

97 1. The applicant has read and understands the laws and  
98 rules governing sterile compounding in this state.

99 2. A compounded sterile product shipped, mailed, delivered,  
100 or dispensed into this state meets or exceeds this state's  
101 standards for sterile compounding.

102 3. A compounded sterile product shipped, mailed, delivered,  
103 or dispensed into this state must not have been, and may not be,  
104 compounded in violation of the laws and rules of the state in  
105 which the applicant is located.

106 (d) The applicant's existing policies and procedures for  
107 sterile compounding, which must comply with pharmaceutical  
108 standards in chapter 797 of the United States Pharmacopoeia and  
109 any standards for sterile compounding required by board rule or  
110 current good manufacturing practices for an outsourcing  
111 facility.

112 (e) A current inspection report from an inspection  
113 conducted by the regulatory or licensing agency of the state,  
114 territory, or district in which the applicant is located. The  
115 inspection report must reflect compliance with this section. An  
116 inspection report is current if the inspection was conducted

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117 within 6 months before the date of submitting the application  
118 for the initial permit or within 1 year before the date of  
119 submitting an application for permit renewal. If the applicant  
120 is unable to submit a current inspection report conducted by the  
121 regulatory or licensing agency of the state, territory, or  
122 district in which the applicant is located due to acceptable  
123 circumstances, as established by rule, the department shall:

124 1. Conduct, or contract with an entity approved by the  
125 board to conduct, an onsite inspection for which all costs shall  
126 be borne by the applicant;

127 2. Accept a current and satisfactory inspection report, as  
128 determined by rule, from an entity approved by the board; or

129 3. Accept a current inspection report from the United  
130 States Food and Drug Administration conducted pursuant to the  
131 federal Drug Quality and Security Act, Pub. L. No. 113-54.

132 (4) A permittee may not ship, mail, deliver, or dispense a  
133 compounded sterile product into this state if the product was  
134 compounded in violation of the laws or rules of the state in  
135 which the permittee is located or does not meet or exceed this  
136 state's sterile compounding standards.

137 (5) In accordance with this chapter, the board may deny,  
138 revoke, or suspend the permit of, fine, or reprimand a permittee  
139 for:

140 (a) Failure to comply with this section;

141 (b) A violation listed under s. 456.0635, s. 456.065, or s.  
142 456.072, except s. 456.072(1)(s) or (1)(u);

143 (c) A violation under s. 465.0156(5); or

144 (d) A violation listed under s. 465.016.

145 (6) A nonresident pharmacy registered under s. 465.0156

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146 which ships, mails, delivers, or dispenses a compounded sterile  
147 product into this state may continue to do so if the product  
148 meets or exceeds the standards for sterile compounding in this  
149 state, the product is not compounded in violation of any law or  
150 rule of the state where the pharmacy is located, and the  
151 pharmacy applies for and is issued a permit under this section  
152 on or before February 28, 2015.

153 (7) An applicant registering on or after October 1, 2014,  
154 as a nonresident pharmacy under s. 465.0156 may not ship, mail,  
155 deliver, or dispense a compounded sterile product into this  
156 state until the applicant is registered as a nonresident  
157 pharmacy and is issued a permit under this section.

158 (8) The board shall adopt rules as necessary to administer  
159 this section, including rules for:

160 (a) Submitting an application for the permit required by  
161 this section.

162 (b) Determining how, when, and under what circumstances an  
163 inspection of a nonresident sterile compounding permittee must  
164 be conducted.

165 (c) Evaluating and approving entities from which a  
166 satisfactory inspection report will be accepted in lieu of an  
167 onsite inspection by the department or an inspection by the  
168 licensing or regulatory agency of the state, territory, or  
169 district where the applicant is located.

170 Section 4. Section 465.017, Florida Statutes, is amended to  
171 read:

172 465.017 Authority to inspect; disposal.—

173 (1) Duly authorized agents and employees of the department  
174 may ~~shall have the power to~~ inspect in a lawful manner at all

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reasonable hours any pharmacy, hospital, clinic, wholesale establishment, manufacturer, physician's office, or any other place in the state in which drugs and medical supplies are compounded, manufactured, packed, packaged, made, stored, sold, offered for sale, exposed for sale, or kept for sale for the purpose of:

(a) Determining if any provision ~~of the provisions~~ of this chapter or any rule adopted ~~promulgated~~ under its authority is being violated;

(b) Securing samples or specimens of any drug or medical supply after paying or offering to pay for such sample or specimen; or

(c) Securing such other evidence as may be needed for prosecution under this chapter.

(2) Duly authorized agents and employees of the department may inspect a nonresident pharmacy registered under s. 465.0156 or a nonresident sterile compounding permittee under s. 465.0158 pursuant to this section. The costs of such inspections shall be borne by such pharmacy or permittee.

(3) ~~(2)(a)~~ Except as permitted by this chapter, and chapters 406, 409, 456, 499, and 893, records maintained in a pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs may ~~shall not~~ be furnished only to ~~any person other than~~ the patient for whom the drugs were dispensed, or her or his legal representative, or to the department pursuant to existing law, or, ~~if in the event that~~ the patient is incapacitated or unable to request such ~~said~~ records, her or his spouse except upon the written authorization of such patient.

(a) Such records may be furnished in any civil or criminal



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proceeding, upon the issuance of a subpoena from a court of competent jurisdiction and proper notice to the patient or her or his legal representative by the party seeking such records.

(b) The board shall adopt rules establishing ~~to establish~~ practice guidelines for pharmacies to dispose of records maintained in a pharmacy relating to the filling of prescriptions and the dispensing of medicinal drugs. Such rules must ~~shall~~ be consistent with the duty to preserve the confidentiality of such records in accordance with applicable state and federal law.

Section 5. This act shall take effect October 1, 2014.

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1                                   A bill to be entitled

2       An act relating to sterile compounding; amending s.  
3       465.003, F.S.; defining the terms "compounding" and  
4       "outsourcing facility" as used in the Florida Pharmacy  
5       Act; amending s. 465.0156, F.S.; providing additional  
6       grounds for administrative discipline of a nonresident  
7       pharmacy, to which penalties apply; authorizing the  
8       Board of Pharmacy to administratively discipline a  
9       nonresident pharmacy for certain conduct; deleting a  
10      requirement that the board first refer such conduct to  
11      a certain regulatory or licensing agency; providing  
12      that a nonresident pharmacy is subject to certain  
13      health care fraud provisions; creating s. 465.0158,  
14      F.S.; requiring a nonresident pharmacy and an  
15      outsourcing facility to hold a nonresident sterile  
16      compounding permit to ship, mail, deliver, or dispense  
17      a compounded sterile product into this state;  
18      providing permit application requirements; requiring  
19      the Department of Health to conduct an onsite  
20      inspection of a nonresident pharmacy or contract with  
21      a third party to conduct such inspection; requiring  
22      the department to accept a satisfactory inspection  
23      report from specified entities; providing restrictions  
24      on the shipment, mailing, delivery, or dispensation of  
25      a compounded sterile product by permittees,  
26      nonresident pharmacies, and applicants for

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 registration as a nonresident pharmacy; authorizing  
28 the board to administratively discipline a permittee  
29 for failing to comply with or violating certain  
30 provisions; providing rulemaking authority; amending  
31 s. 465.017, F.S.; authorizing the department to  
32 inspect a registered nonresident pharmacy or  
33 permittee; requiring such pharmacy or permittee to  
34 bear the cost of the inspection; providing an  
35 effective date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Subsections (18) and (19) are added to section  
40 465.003, Florida Statutes, to read:

41 465.003 Definitions.—As used in this chapter, the term:  
42 (18) "Compounding" means a practice in which a licensed  
43 pharmacist or, in the case of an outsourcing facility, a person  
44 acting under the supervision of a licensed pharmacist, combines,  
45 mixes, or alters ingredients of a drug or product to create  
46 another drug or product.

47 (19) "Outsourcing facility" means a single physical  
48 location registered as an outsourcing facility under the federal  
49 Drug Quality and Security Act, Pub. L. No. 113-54, at which  
50 sterile compounding of a product is conducted.

51 Section 2. Subsections (4) and (5) of section 465.0156,  
52 Florida Statutes, are amended, and subsection (6) is added to

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53 that section, to read:

54 465.0156 Registration of nonresident pharmacies.—

55 (4) The board may deny, revoke, or suspend registration  
56 of, or fine or reprimand, a nonresident pharmacy for failure to  
57 comply with s. 465.025, s. 465.017(2), s. 465.0158, or ~~with~~ any  
58 requirement of this section in accordance with the provisions of  
59 this chapter.

60 (5) In addition to the prohibitions of subsection (4) the  
61 board may deny, revoke, or suspend registration of, or fine or  
62 reprimand, a nonresident pharmacy in accordance with ~~the~~  
63 ~~provisions of this chapter for conduct which causes~~ or could  
64 cause serious bodily injury or ~~serious~~ psychological injury to a  
65 human or serious bodily injury to a nonhuman animal in resident  
66 ~~of this state if the board has referred the matter to the~~  
67 ~~regulatory or licensing agency in the state in which the~~  
68 ~~pharmacy is located and the regulatory or licensing agency fails~~  
69 ~~to investigate within 180 days of the referral.~~

70 (6) A nonresident pharmacy is subject to the provisions of  
71 s. 456.0635.

72 Section 3. Section 465.0158, Florida Statutes, is created  
73 to read:

74 465.0158 Nonresident sterile compounding permit.—

75 (1) In order to ship, mail, deliver, or dispense, in any  
76 manner, a compounded sterile product into this state, a  
77 nonresident pharmacy registered under s. 465.0156, or an  
78 outsourcing facility as defined in s. 465.003, must hold a

79 nonresident sterile compounding permit. For purposes of this  
80 section, an outsourcing facility is a nonresident facility that  
81 is not a pharmacy.

82 (2) An application for a nonresident sterile compounding  
83 permit shall be submitted on a form furnished by the board. The  
84 board may require such information as it deems reasonably  
85 necessary to carry out the purposes of this section. The fee for  
86 an initial permit and biennial renewal of the permit shall be  
87 set by the board pursuant to s. 465.022(14).

88 (3) An applicant must submit to the board to obtain an  
89 initial permit, or to the department to renew a permit, the  
90 following:

91 (a) Proof of registration as an outsourcing facility with  
92 the Secretary of the United States Department of Health and  
93 Human Services if the applicant is eligible for such  
94 registration pursuant to the federal Drug Quality and Security  
95 Act, Pub. L. No. 113-54.

96 (b) Proof of registration as a nonresident pharmacy,  
97 pursuant to s. 465.0156, unless the applicant is an outsourcing  
98 facility, in which case the application must include proof of  
99 the active and unencumbered license, permit, or registration  
100 issued by the state, territory, or district in which the  
101 outsourcing facility is physically located which allows the  
102 outsourcing facility to engage in compounding and ship, mail,  
103 deliver, or dispense a compounded sterile product into this  
104 state.

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105       (c) Written attestation by an owner or officer of the  
106 applicant, and by the applicant's prescription department  
107 manager or pharmacist in charge, that:

108       1. The applicant has read and understands the laws and  
109 rules governing sterile compounding in this state.

110       2. A compounded sterile product shipped, mailed,  
111 delivered, or dispensed into this state will meet or exceed this  
112 state's standards for sterile compounding.

113       3. A compounded sterile product shipped, mailed,  
114 delivered, or dispensed into this state must not have been, and  
115 may not be, compounded in violation of the laws and rules of the  
116 state in which the applicant is located.

117       (d) The applicant's existing policies and procedures for  
118 sterile compounding, which must comply with pharmacy standards  
119 in United States Pharmacopoeia chapter 797, to the extent  
120 required by board rule, or current good manufacturing practices  
121 for an outsourcing facility.

122       (e) A current inspection report from an inspection  
123 conducted by the regulatory or licensing agency of the state,  
124 territory, or district in which the applicant is located. The  
125 inspection report must reflect compliance with the requirements  
126 of this chapter. An inspection report is current if the  
127 inspection was conducted no more than 6 months before the date  
128 of submission of the application for the initial permit or no  
129 more than 1 year before the date of submission of the  
130 application for renewal of the permit. If an applicant is unable

131 to submit a current inspection report due to unforeseeable or  
132 other acceptable circumstances, as established by rule, or if an  
133 inspection has not been performed, the department shall:

134 1. Conduct, or contract with an entity approved by the  
135 board to conduct, an onsite inspection, for which all costs  
136 shall be borne by the applicant;

137 2. Accept a satisfactory inspection report in lieu of an  
138 onsite inspection, as determined by rule, from an entity  
139 approved by the board; or

140 3. Accept an inspection report from the United States Food  
141 and Drug Administration conducted pursuant to the federal Drug  
142 Quality and Security Act, Pub. L. No. 113-54, in lieu of an  
143 onsite inspection.

144 (4) A permittee may not ship, mail, deliver, or dispense a  
145 compounded sterile product into this state if the product was  
146 compounded in violation of the laws or rules of the state in  
147 which the permittee is located or does not meet or exceed this  
148 state's sterile compounding standards.

149 (5) In accordance with this chapter, the board may deny,  
150 revoke, or suspend the permit of, fine, or reprimand a permittee  
151 for:

152 (a) Failure to comply with the requirements of this  
153 section;

154 (b) A violation listed under s. 456.0635, s. 456.065, or  
155 s. 456.072;

156 (c) A violation under s. 465.0156(5); or

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157        (d) A violation listed under s. 465.016.

158        (6) A nonresident pharmacy registered under s. 465.0156  
159 which ships, mails, delivers, or dispenses a compounded sterile  
160 product into this state may continue to do so if the product  
161 meets or exceeds the standards for sterile compounding in this  
162 state, the product is not compounded in violation of any law or  
163 rule of the state where the pharmacy is located, and the  
164 pharmacy applies for and is issued a permit under this section  
165 on or before February 28, 2015.

166        (7) An applicant registering on or after October 1, 2014,  
167 as a nonresident pharmacy under s. 465.0156 may not ship, mail,  
168 deliver, or dispense a compounded sterile product into this  
169 state until the applicant is registered as a nonresident  
170 pharmacy and is issued a permit under this section.

171        (8) The board shall adopt rules as necessary to administer  
172 this section, including rules for:

173        (a) Developing an application for the permit required by  
174 this section.

175        (b) Determining how, when, and under what circumstances an  
176 inspection of a nonresident sterile compounding permittee shall  
177 be conducted.

178        (c) Evaluating and approving entities from which a  
179 satisfactory inspection report will be accepted in lieu of an  
180 onsite inspection by the department or an inspection by the  
181 licensing or regulatory agency of the state, territory, or  
182 district where the applicant is located.



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183 Section 4. Section 465.017, Florida Statutes, is amended  
184 to read:

185 465.017 Authority to inspect; disposal.—

186 (1) Duly authorized agents and employees of the department  
187 shall have the power to inspect in a lawful manner at all  
188 reasonable hours any pharmacy, hospital, clinic, wholesale  
189 establishment, manufacturer, physician's office, or any other  
190 place in the state in which drugs and medical supplies are  
191 compounded, manufactured, packed, packaged, made, stored, sold,  
192 offered for sale, exposed for sale, or kept for sale for the  
193 purpose of:

194 (a) Determining if any ~~of the provisions~~ of this chapter  
195 or any rule adopted ~~promulgated~~ under its authority is being  
196 violated;

197 (b) Securing samples or specimens of any drug or medical  
198 supply after paying or offering to pay for such sample or  
199 specimen; or

200 (c) Securing such other evidence as may be needed for  
201 prosecution under this chapter.

202 (2) Duly authorized agents and employees of the department  
203 may inspect a nonresident pharmacy registered under s. 465.0156  
204 or a nonresident sterile compounding permittee under s. 465.0158  
205 pursuant to this section. The costs of such inspections shall be  
206 borne by such pharmacy or permittee.

207 (3)-(2)(a) Except as permitted by this chapter, and  
208 chapters 406, 409, 456, 499, and 893, records maintained in a

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209 pharmacy relating to the filling of prescriptions and the  
210 dispensing of medicinal drugs shall not be furnished to any  
211 person other than to the patient for whom the drugs were  
212 dispensed, or her or his legal representative, or to the  
213 department pursuant to existing law, or, in the event that the  
214 patient is incapacitated or unable to request said records, her  
215 or his spouse except upon the written authorization of such  
216 patient. Such records may be furnished in any civil or criminal  
217 proceeding, upon the issuance of a subpoena from a court of  
218 competent jurisdiction and proper notice to the patient or her  
219 or his legal representative by the party seeking such records.

220       (b) The board shall adopt rules establishing ~~to establish~~  
221 practice guidelines for pharmacies to dispose of records  
222 maintained in a pharmacy relating to the filling of  
223 prescriptions and the dispensing of medicinal drugs. Such rules  
224 shall be consistent with the duty to preserve the  
225 confidentiality of such records in accordance with applicable  
226 state and federal law.

227       Section 5. This act shall take effect October 1, 2014.

**By** the Committees on Regulated Industries; and Health Policy;  
and Senator Grimsley

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A bill to be entitled  
An act relating to pharmacy; amending s. 465.014,  
F.S.; increasing the number of registered pharmacy  
technicians which a licensed pharmacist may supervise;  
amending s. 465.004, F.S.; revising the composition of  
the Board of Pharmacy; amending ss. 456.42 and 893.04,  
F.S.; requiring written prescriptions for specified  
controlled substances to be legibly dated in a  
specified format; providing an effective date.

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

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

465.014 Pharmacy technician.—

(1) A person other than a licensed pharmacist or pharmacy  
intern may not engage in the practice of the profession of  
pharmacy, except that a licensed pharmacist may delegate to  
pharmacy technicians who are registered pursuant to this section  
those duties, tasks, and functions that do not fall within the  
purview of s. 465.003(13). All such delegated acts must ~~shall~~ be  
performed under the direct supervision of a licensed pharmacist  
who is ~~shall be~~ responsible for all such acts performed by  
persons under his or her supervision. A ~~pharmacy~~ registered  
pharmacy technician, under the supervision of a pharmacist, may  
initiate or receive communications with a practitioner or his or  
her agent, on behalf of a patient, regarding refill  
authorization requests. A licensed pharmacist may not supervise  
more than one registered pharmacy technician unless otherwise

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permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one ~~but not more than three~~ pharmacy technician technicians.

Section 2. Subsection (2) of section 465.004, Florida Statutes, is amended to read:

465.004 Board of Pharmacy.—

(2) Seven members of the board must be licensed pharmacists who are residents of this state and who have been engaged in the practice of the profession of pharmacy in this state for at least 4 years and, to the extent practicable, represent the various pharmacy practice settings. Of the pharmacist members, three ~~one~~ must be currently engaged in the practice of pharmacy in a community pharmacy, three ~~one~~ must be currently engaged in the practice of pharmacy in a Class II institutional pharmacy or a Modified Class II institutional pharmacy, and one ~~five~~ shall be a pharmacist ~~pharmacists~~ licensed in this state irrespective of practice setting. The remaining two members must be residents of the state who have never been licensed as pharmacists and who are in no way connected with the practice of the profession of pharmacy. No person may be appointed as a consumer member who is in any way connected with a drug manufacturer or wholesaler. At least one member of the board must be 60 years of age or older.

Section 3. Subsection (2) of section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(2) A written prescription for a controlled substance listed in chapter 893 must have the quantity of the drug

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59 prescribed in both textual and numerical formats, must be dated  
60 in numeric month/day/year format, or with the abbreviated month  
61 written out, or the month written out in whole ~~on the face of~~  
62 ~~the prescription~~, and must be either written on a standardized  
63 counterfeit-proof prescription pad produced by a vendor approved  
64 by the department or electronically prescribed as that term is  
65 used in s. 408.0611. As a condition of being an approved vendor,  
66 a prescription pad vendor must submit a monthly report to the  
67 department that ~~which~~, at a minimum, documents the number of  
68 prescription pads sold and identifies the purchasers. The  
69 department may, by rule, require the reporting of additional  
70 information.

71 Section 4. Paragraph (d) of subsection (2) of section  
72 893.04, Florida Statutes, is amended to read:

73 893.04 Pharmacist and practitioner.—

74 (2)

75 (d) Each written prescription prescribed by a practitioner  
76 in this state for a controlled substance listed in Schedule II,  
77 Schedule III, or Schedule IV must include both a written and a  
78 numerical notation of the quantity of the controlled substance  
79 prescribed ~~on the face of the prescription~~ and a legible  
80 notation of the date in numeric month/day/year format, or ~~with~~  
81 the abbreviated month written out, or the month written out in  
82 whole ~~on the face of the prescription~~. A pharmacist may, upon  
83 verification by the prescriber, document any information  
84 required by this paragraph. If the prescriber is not available  
85 to verify a prescription, the pharmacist may dispense the  
86 controlled substance but may insist that the person to whom the  
87 controlled substance is dispensed provide valid photographic

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88 identification. If a prescription includes a numerical notation  
89 of the quantity of the controlled substance or date, but does  
90 not include the quantity or date written out in textual format,  
91 the pharmacist may dispense the controlled substance without  
92 verification by the prescriber of the quantity or date if the  
93 pharmacy previously dispensed another prescription for the  
94 person to whom the prescription was written.

95 Section 5. This act shall take effect July 1, 2014.

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1                                   A bill to be entitled

2       An act relating to pharmacy technicians; amending s.  
3       465.014, F.S.; revising the number of registered  
4       pharmacy technicians that a pharmacist may supervise;  
5       amending ss. 456.42 and 893.04, F.S.; requiring  
6       written prescriptions for specified controlled  
7       substances to be legibly dated in a specified format;  
8       providing an effective date.  
9

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

11  
12       Section 1. Subsection (1) of section 465.014, Florida  
13   Statutes, is amended to read:

14       465.014 Pharmacy technician.—

15       (1) A person other than a licensed pharmacist or pharmacy  
16   intern may not engage in the practice of the profession of  
17   pharmacy, except that a licensed pharmacist may delegate to  
18   pharmacy technicians who are registered pursuant to this section  
19   those duties, tasks, and functions that do not fall within the  
20   purview of s. 465.003(13). All such delegated acts shall be  
21   performed under the direct supervision of a licensed pharmacist  
22   who shall be responsible for all such acts performed by persons  
23   under his or her supervision. A registered pharmacy ~~registered~~  
24   technician, under the supervision of a pharmacist, may initiate  
25   or receive communications with a practitioner or his or her  
26   agent, on behalf of a patient, regarding refill authorization

27 requests. A licensed pharmacist may not supervise more than six  
28 ~~one~~ registered pharmacy technicians ~~technician~~ unless otherwise  
29 permitted by the guidelines adopted by the board. ~~The board~~  
30 ~~shall establish guidelines to be followed by licensees or~~  
31 ~~permittees in determining the circumstances under which a~~  
32 ~~licensed pharmacist may supervise more than one but not more~~  
33 ~~than three pharmacy technicians.~~

34 Section 2. Subsection (2) of section 456.42, Florida  
35 Statutes, is amended to read:

36 456.42 Written prescriptions for medicinal drugs.—

37 (2) A written prescription for a controlled substance  
38 listed in chapter 893 must have the quantity of the drug  
39 prescribed in both textual and numerical formats, must be  
40 legibly dated on the face of the prescription in numeric  
41 month/day/year format or with the abbreviated month written out  
42 ~~on the face of the prescription~~, and must be either written on a  
43 standardized counterfeit-proof prescription pad produced by a  
44 vendor approved by the department or electronically prescribed  
45 as that term is used in s. 408.0611. As a condition of being an  
46 approved vendor, a prescription pad vendor must submit a monthly  
47 report to the department that ~~which~~, at a minimum, documents the  
48 number of prescription pads sold and identifies the purchasers.  
49 The department may, by rule, require the reporting of additional  
50 information.

51 Section 3. Paragraph (d) of subsection (2) of section  
52 893.04, Florida Statutes, is amended to read:



53           893.04 Pharmacist and practitioner.—

54           (2)

55           (d) Each written prescription prescribed by a practitioner  
56 in this state for a controlled substance listed in Schedule II,  
57 Schedule III, or Schedule IV must include on the face of the  
58 prescription both a written and a numerical notation of the  
59 quantity of the controlled substance prescribed ~~on the face of~~  
60 ~~the prescription~~ and a legible notation of the date in numeric  
61 month/day/year format or, with the abbreviated month written out  
62 ~~on the face of the prescription~~. A pharmacist may, upon  
63 verification by the prescriber, document any information  
64 required by this paragraph. If the prescriber is not available  
65 to verify a prescription, the pharmacist may dispense the  
66 controlled substance but may insist that the person to whom the  
67 controlled substance is dispensed provide valid photographic  
68 identification. If a prescription includes a numerical notation  
69 of the quantity of the controlled substance or date, but does  
70 not include the quantity or date written out in textual format,  
71 the pharmacist may dispense the controlled substance without  
72 verification by the prescriber of the quantity or date if the  
73 pharmacy previously dispensed another prescription for the  
74 person to whom the prescription was written.

75           Section 4. This act shall take effect July 1, 2014.

By the Committee on Health Policy

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1 A bill to be entitled  
2 An act relating to prescription drug monitoring;  
3 amending s. 893.055, F.S.; defining and redefining  
4 terms; revising provisions relating to the  
5 comprehensive electronic database system and  
6 prescription drug monitoring program maintained by the  
7 Department of Health; requiring a law enforcement  
8 agency to submit a court order as a condition of  
9 direct access to information in the program; requiring  
10 that the court order be predicated upon a showing of  
11 reasonable suspicion of criminal activity, fraud, or  
12 theft regarding prescribed controlled substances;  
13 providing that the court order may be issued without  
14 notice to the affected patients, subscribers, or  
15 dispensers; authorizing the department to provide  
16 relevant information that does not contain personal  
17 identifying information if the program manager  
18 determines a specified pattern exists; authorizing the  
19 department to provide a patient advisory report to any  
20 appropriate health care practitioner if the program  
21 manager determines a specified pattern exists;  
22 authorizing the law enforcement agency to use such  
23 information to support a court order; authorizing the  
24 department to fund the program with up to \$500,000 of  
25 funds generated under ch. 465, F.S.; authorizing the  
26 department to seek federal or private funds to support  
27 the program; repealing language creating a direct-  
28 support organization to fund the program; deleting  
29 obsolete provisions; providing an effective date.

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

Section 1. Section 893.055, Florida Statutes, is amended to read:

893.055 Prescription drug monitoring program.—

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

(a) "Patient advisory report" or "advisory report" means information provided by the department ~~in writing, or as determined by the department,~~ to a prescriber, dispenser, pharmacy, or patient concerning the dispensing of controlled substances. ~~All~~ Advisory reports are for informational purposes only and do not impose any obligation ~~no obligations of any nature or any~~ legal duty on a prescriber, dispenser, pharmacy, or patient. An advisory report ~~The patient advisory report shall be provided in accordance with s. 893.13(7)(a)8. The advisory reports~~ issued by the department is ~~are~~ not subject to discovery or introduction into evidence in a ~~any~~ civil or administrative action against a prescriber, dispenser, pharmacy, or patient arising out of matters that are the subject of the report. A department employee; ~~and a person~~ who participates in preparing, reviewing, issuing, or any other activity related to an advisory report is ~~may~~ not allowed ~~be permitted~~ or required to testify in any such civil action as to any findings, recommendations, evaluations, opinions, or other actions taken in connection with preparing, reviewing, or issuing such a report.

(b) "Controlled substance" means a controlled substance listed in Schedule II, Schedule III, or Schedule IV in s. 893.03.

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(c) "Dispenser" means a pharmacy, dispensing pharmacist, or dispensing health care practitioner, and includes a pharmacy, dispensing pharmacist, or health care practitioner that is not located in this state but is otherwise subject to the jurisdiction of this state as to a particular dispensing transaction.

(d) "Health care practitioner" or "practitioner" means a ~~any~~ practitioner who is subject to licensure or regulation by the department under chapter 458, chapter 459, chapter 461, chapter 462, chapter 463, chapter 464, chapter 465, or chapter 466.

(e) "Health care regulatory board" means a ~~any~~ board for a practitioner or health care practitioner who is licensed or regulated by the department.

(f) "Pharmacy" means a ~~any~~ pharmacy that is subject to licensure or regulation by the department under chapter 465 and that dispenses or delivers a controlled substance to an individual or address in this state.

(g) "Prescriber" means a prescribing physician, prescribing practitioner, or other prescribing health care practitioner.

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

(i) "Law enforcement agency" means the Department of Law Enforcement, a Florida sheriff's department, a Florida police

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department, or a law enforcement agency of the Federal Government which enforces the laws of this state or the United States relating to controlled substances, and whose ~~which its~~ agents and officers are empowered by law to conduct criminal investigations and make arrests.

(j) "Program manager" means an employee of or a person contracted by the Department of Health who is designated to ensure the integrity of the prescription drug monitoring program in accordance with the requirements established in paragraphs (2) (a) and (b) .

(k) "Dispense" or "dispensing" means the transfer of possession of one or more doses of a medicinal drug by a health care practitioner to the ultimate consumer or to the ultimate consumer's agent, including, but not limited to, a transaction with a dispenser pursuant to chapter 465 and a dispensing transaction to an individual or address in this state with a dispenser that is located outside this state but is otherwise subject to the jurisdiction of this state as to that dispensing transaction.

(2) (a) The department shall maintain ~~design and establish~~ a comprehensive electronic database system in order to collect and store specified information from dispensed ~~that has~~ controlled substance prescriptions and shall release information to authorized recipients in accordance with subsection (6) and s. 893.0551 ~~provided to it and that provides prescription information to a patient's health care practitioner and pharmacist who inform the department that they wish the patient advisory report provided to them. Otherwise, the patient advisory report will not be sent to the practitioner, pharmacy,~~

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117 ~~or pharmacist.~~ The system must ~~shall be designed to provide~~  
118 ~~information regarding dispensed prescriptions of controlled~~  
119 ~~substances and shall not infringe upon the legitimate~~  
120 ~~prescribing or dispensing of a controlled substance by a~~  
121 ~~prescriber or dispenser acting in good faith and in the course~~  
122 ~~of professional practice and must.~~ The system ~~shall~~ be  
123 consistent with standards of the American Society for Automation  
124 in Pharmacy (ASAP). The ~~electronic~~ system must ~~shall~~ also comply  
125 with the Health Insurance Portability and Accountability Act  
126 (HIPAA) as it pertains to protected health information (PHI),  
127 electronic protected health information (EPHI), and ~~all~~ other  
128 relevant state and federal privacy and security laws and  
129 regulations. ~~The department shall establish policies and~~  
130 ~~procedures as appropriate regarding the reporting, accessing the~~  
131 ~~database, evaluation, management, development, implementation,~~  
132 ~~operation, storage, and security of information within the~~  
133 ~~system. The reporting of prescribed controlled substances shall~~  
134 ~~include a dispensing transaction with a dispenser pursuant to~~  
135 ~~chapter 465 or through a dispensing transaction to an individual~~  
136 ~~or address in this state with a pharmacy that is not located in~~  
137 ~~this state but that is otherwise subject to the jurisdiction of~~  
138 ~~this state as to that dispensing transaction. The reporting of~~  
139 ~~patient advisory reports refers only to reports to patients,~~  
140 ~~pharmacies, and practitioners. Separate reports that contain~~  
141 ~~patient prescription history information and that are not~~  
142 ~~patient advisory reports are provided to persons and entities as~~  
143 ~~authorized in paragraphs (7)(b) and (c) and s. 893.0551.~~

144 (b) The department shall maintain the electronic system so  
145 that a patient's health care practitioner or pharmacist is able

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146 ~~to receive a patient advisory report upon request, when the~~  
147 ~~direct support organization receives at least \$20,000 in~~  
148 ~~nonstate moneys or the state receives at least \$20,000 in~~  
149 ~~federal grants for the prescription drug monitoring program,~~  
150 ~~shall adopt rules as necessary concerning the reporting,~~  
151 ~~accessing the database, evaluation, management, development,~~  
152 ~~implementation, operation, security, and storage of information~~  
153 ~~within the system, including rules for when patient advisory~~  
154 ~~reports are provided to pharmacies and prescribers. The patient~~  
155 ~~advisory report shall be provided in accordance with s.~~  
156 ~~893.13(7)(a)8. The department shall work with the professional~~  
157 ~~health care licensure boards, such as the Board of Medicine, the~~  
158 ~~Board of Osteopathic Medicine, and the Board of Pharmacy; other~~  
159 ~~appropriate organizations, such as the Florida Pharmacy~~  
160 ~~Association, the Florida Medical Association, the Florida Retail~~  
161 ~~Federation, and the Florida Osteopathic Medical Association,~~  
162 ~~including those relating to pain management; and the Attorney~~  
163 ~~General, the Department of Law Enforcement, and the Agency for~~  
164 ~~Health Care Administration to develop rules appropriate for the~~  
165 ~~prescription drug monitoring program.~~

166 (c) The department shall:

167 1. Establish policies and procedures and adopt rules  
168 necessary to provide for access to and evaluation, management,  
169 and operation of the electronic system.

170 2. Establish policies and procedures and adopt rules  
171 necessary to provide for the reporting, storage, and security of  
172 information within the electronic system, including:

173 a. Any additional information, other than the information  
174 listed in subsection (3), which must be reported to the system.

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175       b. The process by which dispensers must provide the  
176 required information concerning each controlled substance that  
177 it has dispensed in a secure methodology and format. Such  
178 approved formats may include, but are not limited to, submission  
179 via the Internet, on a disc, or by use of regular mail.

180       c. The process by which the department may approve an  
181 extended period of time for a dispenser to report a dispensed  
182 prescription to the system.

183       d. Procedures providing for reporting during a state-  
184 declared or nationally declared disaster.

185       e. Procedures for determining when a patient advisory  
186 report is required to be provided to a pharmacy or prescriber.

187       f. Procedures for determining whether a request for  
188 information under paragraph (6) (b) is authentic and authorized  
189 by the requesting agency.

190       3. Cooperate with professional health care licensure  
191 boards, such as the Board of Medicine, the Board of Osteopathic  
192 Medicine, and the Board of Pharmacy; other appropriate  
193 organizations, such as the Florida Pharmacy Association, the  
194 Florida Medical Association, the Florida Retail Federation, the  
195 Florida Osteopathic Medical Association, and those relating to  
196 pain management; and the Attorney General, the Department of Law  
197 Enforcement, and the Agency for Health Care Administration to  
198 develop rules appropriate for the prescription drug monitoring  
199 program ~~All dispensers and prescribers subject to these~~  
200 ~~reporting requirements shall be notified by the department of~~  
201 ~~the implementation date for such reporting requirements.~~

202       4. (d) Cooperate ~~The program manager shall work~~ with  
203 professional health care licensure boards and the stakeholders



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204 listed in subparagraph 3. ~~paragraph (b)~~ to develop rules  
205 appropriate for identifying indicators of controlled substance  
206 abuse.

207 (3) The dispenser of ~~The pharmacy dispensing the controlled~~  
208 ~~substance and each prescriber who directly dispenses a~~  
209 controlled substance shall submit to the electronic system, by a  
210 procedure and in a format established by the department and  
211 consistent with an ASAP-approved format, the following  
212 information for each prescription dispensed ~~inclusion in the~~  
213 ~~database:~~

214 (a) The name of the prescribing practitioner, the  
215 practitioner's federal Drug Enforcement Administration  
216 registration number, the practitioner's National Provider  
217 Identification (NPI) or other appropriate identifier, and the  
218 date of the prescription.

219 (b) The date the prescription was filled and the method of  
220 payment, such as cash by an individual, insurance coverage  
221 through a third party, or Medicaid payment. This paragraph does  
222 not authorize the department to include individual credit card  
223 numbers or other account numbers in the database.

224 (c) The full name, address, and date of birth of the person  
225 for whom the prescription was written.

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

228 (e) The full name, federal Drug Enforcement Administration  
229 registration number, and address of the pharmacy or other  
230 location from which the controlled substance was dispensed. If  
231 the controlled substance was dispensed by a practitioner other  
232 than a pharmacist, the practitioner's full name, federal Drug

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Enforcement Administration registration number, and address.

(f) The name of the pharmacy or practitioner, other than a pharmacist, dispensing the controlled substance and the practitioner's National Provider Identification (NPI).

(g) Other appropriate identifying information as determined by department rule.

(4) Each time a controlled substance is dispensed to an individual, the information specified in subsection (3) ~~controlled substance~~ shall be reported by the dispenser to the department through the system using a department-approved process as soon thereafter as possible, but not more than 7 days after the date the controlled substance is dispensed unless an extension is approved by the department. Costs to the dispenser for submitting the information required by this section may not be material or extraordinary. Costs not considered to be material or extraordinary include, but are not limited to, regular postage, electronic media, regular electronic mail, and facsimile charges. A person who willfully and knowingly fails to report the dispensing of a controlled substance as required by this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 ~~for cause as determined by rule. A dispenser must meet the reporting requirements of this section by providing the required information concerning each controlled substance that it dispensed in a department-approved, secure methodology and format. Such approved formats may include, but are not limited to, submission via the Internet, on a disc, or by use of regular mail.~~

(5) ~~When the following acts of dispensing or administering~~

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262 ~~occur,~~ The following acts are exempt from the reporting ~~under~~  
263 requirements of this section for that specific act of dispensing  
264 or administration:

265 (a) The administration of ~~A health care practitioner when~~  
266 ~~administering~~ a controlled substance directly to a patient by a  
267 health care practitioner if the amount of the controlled  
268 substance is adequate to treat the patient during that  
269 particular treatment session.

270 (b) The administration of ~~A pharmacist or health care~~  
271 ~~practitioner when administering~~ a controlled substance by a  
272 health care practitioner to a patient or resident receiving care  
273 as a patient at a hospital, nursing home, ambulatory surgical  
274 center, hospice, or intermediate care facility for the  
275 developmentally disabled which is licensed in this state.

276 (c) The administration or dispensing of ~~A practitioner when~~  
277 ~~administering or dispensing~~ a controlled substance by a health  
278 care practitioner within ~~in~~ the health care system of the  
279 Department of Corrections.

280 (d) The administration of ~~A practitioner when administering~~  
281 a controlled substance by a health care practitioner in the  
282 emergency room of a licensed hospital.

283 (e) The administration or dispensing of ~~A health care~~  
284 ~~practitioner when administering or dispensing~~ a controlled  
285 substance by a health care practitioner to a person under the  
286 age of 16.

287 (f) The ~~A pharmacist or a dispensing practitioner when~~  
288 dispensing of a one-time, 72-hour emergency resupply of a  
289 controlled substance by a dispenser to a patient.

290 (6) Confidential and exempt information in the prescription

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291 drug monitoring program's database may be released only as  
292 provided in this subsection and s. 893.0551 ~~The department may~~  
293 ~~establish when to suspend and when to resume reporting~~  
294 ~~information during a state-declared or nationally declared~~  
295 ~~disaster.~~

296 ~~(7)(a) A practitioner or pharmacist who dispenses a~~  
297 ~~controlled substance must submit the information required by~~  
298 ~~this section in an electronic or other method in an ASAP format~~  
299 ~~approved by rule of the department unless otherwise provided in~~  
300 ~~this section. The cost to the dispenser in submitting the~~  
301 ~~information required by this section may not be material or~~  
302 ~~extraordinary. Costs not considered to be material or~~  
303 ~~extraordinary include, but are not limited to, regular postage,~~  
304 ~~electronic media, regular electronic mail, and facsimile~~  
305 ~~charges.~~

306 (a)(b) A pharmacy, prescriber, or dispenser shall have  
307 access to information in the prescription drug monitoring  
308 program's database which relates to a patient of that pharmacy,  
309 prescriber, or dispenser in a manner established by the  
310 department as needed for the purpose of reviewing the patient's  
311 controlled substance prescription history. A prescriber or  
312 dispenser acting in good faith is immune from any civil,  
313 criminal, or administrative liability that might otherwise be  
314 incurred or imposed for receiving or using information from the  
315 prescription drug monitoring program. This subsection does not  
316 create a private cause of action, and a person may not recover  
317 damages against a prescriber or dispenser authorized to access  
318 information under this subsection for accessing or failing to  
319 access such information ~~Other access to the program's database~~

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shall be limited to the program's manager and to the designated program and support staff, who may act only at the direction of the program manager or, in the absence of the program manager, as authorized. Access by the program manager or such designated staff is for prescription drug program management only or for management of the program's database and its system in support of the requirements of this section and in furtherance of the prescription drug monitoring program. Confidential and exempt information in the database shall be released only as provided in paragraph (c) and s. 893.0551. The program manager, designated program and support staff who act at the direction of or in the absence of the program manager, and any individual who has similar access regarding the management of the database from the prescription drug monitoring program shall submit fingerprints to the department for background screening. The department shall follow the procedure established by the Department of Law Enforcement to request a statewide criminal history record check and to request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(b)(e) The following entities are shall not be allowed direct access to information in the prescription drug monitoring program database but may request from the program manager and, when authorized by the program manager, the program manager's program and support staff, information that is confidential and exempt under s. 893.0551. Before ~~Prior to~~ release, the request by the following entities shall be verified as authentic and authorized with the requesting organization by the program manager or, the program manager's program and support staff, ~~or~~

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~~as determined in rules by the department as being authentic and  
as having been authorized by the requesting entity:~~

1. The department or its relevant health care regulatory boards responsible for the licensure, regulation, or discipline of practitioners, pharmacists, or other persons who are authorized to prescribe, administer, or dispense controlled substances and who are involved in a specific controlled substance investigation involving a designated person for one or more prescribed controlled substances.

2. The Attorney General for Medicaid fraud cases involving prescribed controlled substances.

3. A law enforcement agency during active investigations and pursuant to the submission of a court order issued by a court of competent jurisdiction upon a showing of reasonable suspicion of ~~regarding~~ potential criminal activity, fraud, or theft regarding prescribed controlled substances. The court order may be issued without notice to the affected patients, prescribers, or dispensers.

4. A patient or the legal guardian or designated health care surrogate of an incapacitated patient as described in s. 893.0551 who, for the purpose of verifying the accuracy of the database information, submits a written and notarized request that includes the patient's full name, address, and date of birth, ~~and includes the same information if the legal guardian or health care surrogate submits the request.~~ If the patient's legal guardian or health care surrogate is the requestor, the request shall be validated by the department to verify the identity of the patient and the legal guardian or health care surrogate, ~~if the patient's legal guardian or health care~~

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378 ~~surrogate is the requestor.~~ Such verification is also required  
379 for any request to change a patient's prescription history or  
380 other information related to his or her information in the  
381 electronic database.

382  
383 Information in or released from the prescription drug monitoring  
384 program database ~~for the electronic prescription drug monitoring~~  
385 ~~system~~ is not discoverable or admissible in any civil or  
386 administrative action, except in an investigation and  
387 disciplinary proceeding by the department or the appropriate  
388 regulatory board.

389 (c) ~~(d)~~ Other than the program manager and his or her  
390 program or support staff as authorized in paragraph (d),  
391 department staff are, ~~for the purpose of calculating performance~~  
392 ~~measures pursuant to subsection (8), shall not be~~ allowed direct  
393 access to information in the prescription drug monitoring  
394 program database but may request from the program manager and,  
395 when authorized by the program manager, the program manager's  
396 program and support staff, information that does not contain  
397 ~~contains no~~ identifying information of any patient, physician,  
398 health care practitioner, prescriber, or dispenser and that is  
399 not confidential and exempt for the purpose of calculating  
400 performance measures pursuant to subsection (7).

401 (d) The program manager and designated support staff, upon  
402 the direction of the program manager or as otherwise authorized  
403 during the program manager's absence, may access the  
404 prescription drug monitoring program database only to manage the  
405 program or to manage the program database and systems in support  
406 of the requirements of this section or as established by the

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department in rule pursuant to subparagraph (2)(c)4. The program manager, designated program and support staff who act at the direction of or in the absence of the program manager, and any individual who has similar access regarding the management of the database from the prescription drug monitoring program shall submit fingerprints to the department for background screening. The department shall follow the procedure established by the Department of Law Enforcement to request a statewide criminal history record check and to request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for a national criminal history record check.

(e) If the program manager determines a pattern consistent with the rules established under subparagraph (2)(c)4., the department may provide:

1. A patient advisory report to an appropriate health care practitioner; and

2. Relevant information that does not contain personal identifying information to the applicable law enforcement agency. A law enforcement agency may use such information to support a court order pursuant to subparagraph (b)3.

~~(f)~~(e) All transmissions of data required by this section must comply with relevant state and federal privacy and security laws and regulations. However, an ~~any~~ authorized agency or person under s. 893.0551 receiving such information as allowed by s. 893.0551 may maintain the information received for up to 24 months before purging it from his or her records or maintain it for longer than 24 months if the information is pertinent to ongoing health care or an active law enforcement investigation or prosecution.



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

(7)~~(8)~~ To assist in fulfilling program responsibilities, performance measures shall be reported annually to the Governor, the President of the Senate, and the Speaker of the House of Representatives by the department each December 1, ~~beginning in 2011~~. Data that does not contain patient, physician, health care practitioner, prescriber, or dispenser identifying information may be requested during the year by department employees so that the department may undertake public health care and safety initiatives that take advantage of observed trends. Performance measures may include, but are not limited to, efforts to achieve the following outcomes:

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

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

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

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

~~(9) Any person who willfully and knowingly fails to report the dispensing of a controlled substance as required by this~~

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~~section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

(8)(10) Notwithstanding s. 456.025 and subject to the General Appropriations Act, up to \$500,000 of all costs incurred by the department in administering the prescription drug monitoring program may shall be funded through funds available in the Medical Quality Assurance Trust Fund that are related to the regulation of the practice of pharmacy under chapter 465.

The department also may apply for and receive federal grants or private funding to fund the prescription drug monitoring program except that the department may not receive funds provided, directly or indirectly, by prescription drug manufacturers applied for or received by the state. The department may not commit state funds for the monitoring program if such funds are necessary for the department's regulation of the practice of pharmacy under chapter 465 without ensuring funding is available. The prescription drug monitoring program and the implementation thereof are contingent upon receipt of the nonstate funding. The department and state government shall cooperate with the direct support organization established pursuant to subsection (11) in seeking federal grant funds, other nonstate grant funds, gifts, donations, or other private moneys for the department if the costs of doing so are not considered material. Nonmaterial costs for this purpose include, but are not limited to, the costs of mailing and personnel assigned to research or apply for a grant. Notwithstanding the exemptions to competitive-solicitation requirements under s. 287.057(3)(e), the department shall comply with the competitive-solicitation requirements under s. 287.057 for the procurement

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of any goods or services required by this section. Funds provided, directly or indirectly, by prescription drug manufacturers may not be used to implement the program.

~~(11) The department may establish a direct support organization that has a board consisting of at least five members to provide assistance, funding, and promotional support for the activities authorized for the prescription drug monitoring program.~~

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

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

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

~~(b) The direct support organization is not considered a lobbying firm within the meaning of s. 11.045.~~

~~(c) The State Surgeon General shall appoint a board of directors for the direct support organization. Members of the board shall serve at the pleasure of the State Surgeon General. The State Surgeon General shall provide guidance to members of the board to ensure that moneys received by the direct support organization are not received from inappropriate sources.~~

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~~Inappropriate sources include, but are not limited to, donors, grantors, persons, or organizations that may monetarily or substantively benefit from the purchase of goods or services by the department in furtherance of the prescription drug monitoring program.~~

~~(d) The direct support organization shall operate under written contract with the department. The contract must, at a minimum, provide for:~~

~~1. Approval of the articles of incorporation and bylaws of the direct support organization by the department.~~

~~2. Submission of an annual budget for the approval of the department.~~

~~3. Certification by the department that the direct support organization is complying with the terms of the contract in a manner consistent with and in furtherance of the goals and purposes of the prescription drug monitoring program and in the best interests of the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct support organization.~~

~~4. The reversion, without penalty, to the state of all moneys and property held in trust by the direct support organization for the benefit of the prescription drug monitoring program if the direct support organization ceases to exist or if the contract is terminated.~~

~~5. The fiscal year of the direct support organization, which must begin July 1 of each year and end June 30 of the following year.~~

~~6. The disclosure of the material provisions of the contract to donors of gifts, contributions, or bequests,~~

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552 ~~including such disclosure on all promotional and fundraising~~  
553 ~~publications, and an explanation to such donors of the~~  
554 ~~distinction between the department and the direct-support~~  
555 ~~organization.~~

556 ~~7. The direct-support organization's collecting, expending,~~  
557 ~~and providing of funds to the department for the development,~~  
558 ~~implementation, and operation of the prescription drug~~  
559 ~~monitoring program as described in this section and s. 2,~~  
560 ~~chapter 2009-198, Laws of Florida, as long as the task force is~~  
561 ~~authorized. The direct-support organization may collect and~~  
562 ~~expend funds to be used for the functions of the direct-support~~  
563 ~~organization's board of directors, as necessary and approved by~~  
564 ~~the department. In addition, the direct-support organization may~~  
565 ~~collect and provide funding to the department in furtherance of~~  
566 ~~the prescription drug monitoring program by:~~

567 ~~a. Establishing and administering the prescription drug~~  
568 ~~monitoring program's electronic database, including hardware and~~  
569 ~~software.~~

570 ~~b. Conducting studies on the efficiency and effectiveness~~  
571 ~~of the program to include feasibility studies as described in~~  
572 ~~subsection (13).~~

573 ~~c. Providing funds for future enhancements of the program~~  
574 ~~within the intent of this section.~~

575 ~~d. Providing user training of the prescription drug~~  
576 ~~monitoring program, including distribution of materials to~~  
577 ~~promote public awareness and education and conducting workshops~~  
578 ~~or other meetings, for health care practitioners, pharmacists,~~  
579 ~~and others as appropriate.~~

580 ~~e. Providing funds for travel expenses.~~

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581 ~~f. Providing funds for administrative costs, including~~  
582 ~~personnel, audits, facilities, and equipment.~~

583 ~~g. Fulfilling all other requirements necessary to implement~~  
584 ~~and operate the program as outlined in this section.~~

585 ~~(e) The activities of the direct-support organization must~~  
586 ~~be consistent with the goals and mission of the department, as~~  
587 ~~determined by the department, and in the best interests of the~~  
588 ~~state. The direct-support organization must obtain a written~~  
589 ~~approval from the department for any activities in support of~~  
590 ~~the prescription drug monitoring program before undertaking~~  
591 ~~those activities.~~

592 ~~(f) The department may permit, without charge, appropriate~~  
593 ~~use of administrative services, property, and facilities of the~~  
594 ~~department by the direct-support organization, subject to this~~  
595 ~~section. The use must be directly in keeping with the approved~~  
596 ~~purposes of the direct-support organization and may not be made~~  
597 ~~at times or places that would unreasonably interfere with~~  
598 ~~opportunities for the public to use such facilities for~~  
599 ~~established purposes. Any moneys received from rentals of~~  
600 ~~facilities and properties managed by the department may be held~~  
601 ~~in a separate depository account in the name of the direct-~~  
602 ~~support organization and subject to the provisions of the letter~~  
603 ~~of agreement with the department. The letter of agreement must~~  
604 ~~provide that any funds held in the separate depository account~~  
605 ~~in the name of the direct-support organization must revert to~~  
606 ~~the department if the direct-support organization is no longer~~  
607 ~~approved by the department to operate in the best interests of~~  
608 ~~the state.~~

609 ~~(g) The department may adopt rules under s. 120.54 to~~

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610 ~~govern the use of administrative services, property, or~~  
611 ~~facilities of the department or office by the direct support~~  
612 ~~organization.~~

613 ~~(h) The department may not permit the use of any~~  
614 ~~administrative services, property, or facilities of the state by~~  
615 ~~a direct support organization if that organization does not~~  
616 ~~provide equal membership and employment opportunities to all~~  
617 ~~persons regardless of race, color, religion, gender, age, or~~  
618 ~~national origin.~~

619 ~~(i) The direct support organization shall provide for an~~  
620 ~~independent annual financial audit in accordance with s.~~  
621 ~~215.981. Copies of the audit shall be provided to the department~~  
622 ~~and the Office of Policy and Budget in the Executive Office of~~  
623 ~~the Governor.~~

624 ~~(j) The direct support organization may not exercise any~~  
625 ~~power under s. 617.0302(12) or (16).~~

626 ~~(12) A prescriber or dispenser may have access to the~~  
627 ~~information under this section which relates to a patient of~~  
628 ~~that prescriber or dispenser as needed for the purpose of~~  
629 ~~reviewing the patient's controlled drug prescription history. A~~  
630 ~~prescriber or dispenser acting in good faith is immune from any~~  
631 ~~civil, criminal, or administrative liability that might~~  
632 ~~otherwise be incurred or imposed for receiving or using~~  
633 ~~information from the prescription drug monitoring program. This~~  
634 ~~subsection does not create a private cause of action, and a~~  
635 ~~person may not recover damages against a prescriber or dispenser~~  
636 ~~authorized to access information under this subsection for~~  
637 ~~accessing or failing to access such information.~~

638 ~~(9) (13)~~ To the extent that funding is provided for such

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639 purpose through federal or private grants or gifts and other  
640 types of available moneys, the department shall study the  
641 feasibility of enhancing the prescription drug monitoring  
642 program for the purposes of public health initiatives and  
643 statistical reporting that respects the privacy of the patient,  
644 the prescriber, and the dispenser. Such a study shall be  
645 conducted in order to further improve the quality of health care  
646 services and safety by improving the prescribing and dispensing  
647 practices for prescription drugs, taking advantage of advances  
648 in technology, reducing duplicative prescriptions and the  
649 overprescribing of prescription drugs, and reducing drug abuse.  
650 The requirements of the National All Schedules Prescription  
651 Electronic Reporting (NASPER) Act are authorized in order to  
652 apply for federal NASPER funding. ~~In addition, the direct-~~  
653 ~~support organization shall provide funding for the department to~~  
654 ~~conduct training for health care practitioners and other~~  
655 ~~appropriate persons in using the monitoring program to support~~  
656 ~~the program enhancements.~~

657 ~~(10) (14) A pharmacist, pharmacy, or dispensing health care~~  
658 ~~practitioner or his or her agent, Before releasing a controlled~~  
659 ~~substance to any person not known to him or her such dispenser,~~  
660 ~~the dispenser~~ shall require the person purchasing, receiving, or  
661 otherwise acquiring the controlled substance to present valid  
662 photographic identification or other verification of his or her  
663 identity ~~to the dispenser~~. If the person does not have proper  
664 identification, the dispenser may verify the validity of the  
665 prescription and the identity of the patient with the prescriber  
666 or his or her authorized agent. Verification of health plan  
667 eligibility through a real-time inquiry or adjudication system



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668 is ~~will be~~ considered to be proper identification. This  
669 subsection does not apply in an institutional setting or to a  
670 long-term care facility, including, but not limited to, an  
671 assisted living facility or a hospital to which patients are  
672 admitted. As used in this subsection, the term "proper  
673 identification" means an identification that is issued by a  
674 state or the Federal Government containing the person's  
675 photograph, printed name, and signature or a document considered  
676 acceptable under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

677 ~~(15) The Agency for Health Care Administration shall~~  
678 ~~continue the promotion of electronic prescribing by health care~~  
679 ~~practitioners, health care facilities, and pharmacies under s.~~  
680 ~~408.0611.~~

681 ~~(16) The department shall adopt rules pursuant to ss.~~  
682 ~~120.536(1) and 120.54 to administer the provisions of this~~  
683 ~~section, which shall include as necessary the reporting,~~  
684 ~~accessing, evaluation, management, development, implementation,~~  
685 ~~operation, and storage of information within the monitoring~~  
686 ~~program's system.~~

687 Section 2. This act shall take effect July 1, 2014.

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1                   A bill to be entitled

2       An act relating to the prescription drug monitoring  
3       program; amending s. 456.072, F.S.; providing  
4       additional grounds for discipline of a licensee of the  
5       Department of Health by a regulatory board; amending  
6       s. 893.055, F.S.; revising definitions; revising  
7       provisions relating to the database of controlled  
8       substance dispensing information; revising program  
9       funding requirements; requiring a prescriber to access  
10      and view certain patient information in the database  
11      before initially prescribing a controlled substance;  
12      providing requirements related to the release of  
13      identifying information; revising information  
14      retention requirements; revising provisions required  
15      in a contract with a direct-support organization;  
16      requiring the state to use certain properties and  
17      funds to support the program; providing for the  
18      adoption of specific rules by the department;  
19      providing an effective date.

20  
21   Be It Enacted by the Legislature of the State of Florida:

22  
23       Section 1. Paragraph (oo) is added to subsection (1) of  
24      section 456.072, Florida Statutes, to read:

25       456.072 Grounds for discipline; penalties; enforcement.—

26       (1) The following acts shall constitute grounds for which

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the disciplinary actions specified in subsection (2) may be taken:

(oo) Failing to comply with the requirements of s. 893.055(8) by failing to access the prescription drug monitoring program database upon each initial visit and view the patient's prescription drug history before issuing a prescription for a controlled substance listed in s. 893.03(2), (3), or (4) to the patient.

Section 2. Section 893.055, Florida Statutes, is amended to read:

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

893.055 Prescription drug monitoring program.—

(1) As used in this section and s. 893.0551, the term:

(a) "Active investigation" means an open investigation conducted by a law enforcement agency with a reasonable, good faith belief that it will lead to the filing of criminal charges or that is ongoing and for which there is a reasonable, good faith anticipation of obtaining an arrest or prosecution in the foreseeable future.

(b) "Administer" means to obtain and give a single dose of a medicinal drug to a patient for her or his consumption.

(c) "Controlled substance" means a substance named or described in s. 893.03(2), (3), or (4).

(d) "Dispense" means to transfer possession of one or more doses of a medicinal drug to the ultimate consumer or her or his

53 agent.

54 (e) "Dispenser" means a pharmacist or dispensing health  
55 care practitioner.

56 (f) "Health care practitioner" means a person licensed as  
57 a physician or physician assistant under chapter 458, as an  
58 osteopathic physician or physician assistant under chapter 459,  
59 as a podiatric physician under chapter 461, as an optometrist  
60 under chapter 463, as an advanced registered nurse practitioner  
61 under chapter 464, as a pharmacist under chapter 465, or as a  
62 dentist under chapter 466.

63 (g) "Law enforcement agency" means the Department of Law  
64 Enforcement, a Florida sheriff's department, a Florida police  
65 department, or a law enforcement agency of the Federal  
66 Government which enforces the laws of this state or the United  
67 States relating to controlled substances, and the agents and  
68 officers of which are empowered by law to conduct criminal  
69 investigations and make arrests.

70 (h) "Patient advisory report" means information provided  
71 by the program to a health care practitioner, dispenser, or  
72 patient concerning the dispensing of a controlled substance to a  
73 patient.

74 (i) "Pharmacy" means an entity permitted under chapter 465  
75 as a pharmacy, as defined in s. 465.003(11), and a nonresident  
76 pharmacy registered under s. 465.0156.

77 (j) "Program" means the prescription drug monitoring  
78 program created under this section.

79        (2) (a) The department shall establish and maintain a  
80        database of controlled substance dispensing information. The  
81        database shall be used to provide information regarding  
82        dispensed prescriptions of controlled substances to persons with  
83        direct and indirect access to such information pursuant to this  
84        section. The database must meet the standards of the American  
85        Society for Automation in Pharmacy and must comply with the  
86        Health Insurance Portability and Accountability Act and all  
87        other relevant state and federal privacy and security laws and  
88        regulations. A transmission of information required by this  
89        section must comply with relevant state and federal privacy and  
90        security laws and regulations.

91        (b) The department shall designate a program manager to  
92        administer the program and ensure the program's integrity and  
93        compliance with this section. The program manager and each  
94        member of the authorized program and support staff must undergo  
95        a level 2 background screening pursuant to s. 435.04 as a  
96        condition of employment.

97        (c) The program shall be funded only by federal grants or  
98        private funding received by the state. The department may not  
99        commit funds for the program without ensuring that funding is  
100       available. The department shall cooperate with the direct-  
101       support organization established in subsection (16) in seeking  
102       federal grant funds, other nonstate grant funds, gifts,  
103       donations, or other private funds for the program if the costs  
104       of doing so are nonmaterial. For purposes of this paragraph,

105 nonmaterial costs include, but are not limited to, costs for  
106 postage and department personnel assigned to research or apply  
107 for a grant. Funds provided by prescription drug manufacturers  
108 may not be used to establish or administer the program.

109 (d) To the extent that funding is provided for the program  
110 through federal grant funds, other nonstate grant funds, gifts,  
111 donations, or other private funds, the department shall study  
112 the feasibility of enhancing the program for the purposes of  
113 supporting public health initiatives and improving statistical  
114 reporting. The study shall be conducted to reduce drug abuse and  
115 further the safety and quality of health care services by  
116 improving prescribing and dispensing practices related to  
117 controlled substances and incorporating advances in technology.

118 (e) The department shall comply with s. 287.057 for the  
119 procurement of any goods or services required by this section.

120 (3) Within 7 days after the date that a prescription  
121 substance is dispensed, a dispenser shall submit to the database  
122 the following information. The department shall establish a  
123 reporting procedure and format by rule and may authorize an  
124 extension of time to report such information for cause as  
125 defined by rule:

126 (a) The prescribing health care practitioner's full name,  
127 federal Drug Enforcement Administration registration number, and  
128 National Provider Identifier or other appropriate identifier.

129 (b) The full name, address, and date of birth of the  
130 person for whom the prescription was written.

131        (c) The date that the prescription was written.

132        (d) The date that the prescription was filled and the  
133 method of payment. The department may not include credit card  
134 numbers or other account numbers in the database.

135        (e) The name, national drug code, quantity, and strength  
136 of the controlled substance dispensed.

137        (f) The full name, federal Drug Enforcement Administration  
138 number, and address of the pharmacy or other location from which  
139 the controlled substance was dispensed or, if the controlled  
140 substance was dispensed by a health care practitioner other than  
141 a pharmacist, the health care practitioner's full name, federal  
142 Drug Enforcement Administration registration number, National  
143 Provider Identifier or other appropriate identifier, and  
144 address.

145        (g) Other appropriate identifying information as  
146 determined by rule.

147        (4) A dispenser shall submit the information required by  
148 this section electronically, or by another method established by  
149 rule, in a format approved by the department. The cost to the  
150 dispenser to submit the information required by this section may  
151 not be material or extraordinary.

152        (5) The following acts of a health care practitioner or  
153 dispenser are exempt from reporting under this section:

154        (a) Administering or dispensing a controlled substance to  
155 a patient in a hospital, nursing home, ambulatory surgical  
156 center, hospice, or intermediate care facility for the

157 developmentally disabled.

158 (b) Administering or dispensing a controlled substance  
159 within the Department of Corrections health care system.

160 (c) Administering or dispensing a controlled substance to  
161 a person under the age of 16.

162 (d) Dispensing a one-time, 72-hour emergency supply of a  
163 controlled substance to a patient.

164 (6) A person who knowingly and willfully fails to report  
165 the dispensing of a controlled substance as required by this  
166 section commits a misdemeanor of the first degree, punishable as  
167 provided in s. 775.082 or s. 775.083.

168 (7) A dispenser or her or his agent, before dispensing a  
169 controlled substance to a person not known to the dispenser,  
170 shall require the person purchasing or receiving the controlled  
171 substance to present identification issued by the state or the  
172 Federal Government that contains the person's photograph,  
173 printed name, and signature, or a document considered acceptable  
174 identification under 8 C.F.R. s. 274a.2(b)(1)(v)(A) and (B).

175 (a) If the person does not have such identification, the  
176 dispenser may verify the validity of the prescription and the  
177 identity of the patient with the prescribing health care  
178 practitioner or her or his agent. Verification of health plan  
179 eligibility of the person purchasing or receiving the controlled  
180 substance satisfies the requirement of this subsection.

181 (b) This subsection does not apply in an institutional  
182 setting or in a long-term care facility, including, but not



183 limited to, an assisted living facility or a hospital to which  
184 patients are admitted.

185 (8) (a) The program manager, and program and support staff  
186 only as directed or authorized by the program manager, shall  
187 have direct access to the database for program management in  
188 support of the requirements of this section.

189 (b) A health care practitioner or dispenser shall have  
190 direct access to information in the database which relates to a  
191 patient of that health care practitioner or dispenser for the  
192 purpose of reviewing the patient's controlled substance  
193 prescription history. A prescribing health care practitioner  
194 must access the database and view a patient's prescription drug  
195 history before issuing a prescription for a controlled substance  
196 to the patient upon each initial visit. A health care  
197 practitioner or dispenser acting in good faith is immune from  
198 any civil, criminal, or administrative liability for receiving  
199 or using information from the database. This section does not  
200 create a private cause of action and a person may not recover  
201 damages against a health care practitioner or dispenser who is  
202 authorized to access information from the database for accessing  
203 or failing to access such information.

204 (9) The following entities may not have direct access to  
205 information in the database but may request information from the  
206 program:

207 (a) The department for the purpose of an active  
208 investigation of a health care practitioner or dispenser who is

209 authorized to prescribe, administer, or dispense controlled  
210 substances.

211 (b) The Attorney General for the purpose of an active  
212 investigation of Medicaid fraud involving prescriptions of  
213 controlled substances.

214 (c) A law enforcement agency for the purpose of an active  
215 investigation regarding potential criminal activity, fraud, or  
216 theft involving prescriptions of controlled substances.

217 (d) A patient or the legal guardian or health care  
218 surrogate, as defined in s. 765.101(16), of an incapacitated  
219 patient. The department shall verify the identity of the  
220 incapacitated patient or the legal guardian or health care  
221 surrogate. Verification is also required for a request to change  
222 an incapacitated patient's prescription drug history or other  
223 information in the database.

224 (10) Upon receipt of a request from a law enforcement  
225 agency for information from the database, the program manager  
226 shall verify that the request is authentic and authorized. The  
227 program manager may release confidential and exempt information  
228 to the law enforcement agency only after the request is verified  
229 and is accompanied by an order of a court of competent  
230 jurisdiction compelling release of the information.

231 (11) The program manager, upon determining a pattern  
232 consistent with the rules established under subsection (17)  
233 evidencing controlled substance abuse or diversion and having  
234 cause to believe a violation of s. 893.13(7)(a)8., (8)(a), or

235 (8)(b) has occurred, may provide relevant information to the  
236 appropriate law enforcement agency.

237 (12) An authorized person or entity receiving information  
238 from the database under subsection (9) may maintain the  
239 information for no more than 24 months before purging the  
240 information from official records. Information may be maintained  
241 for more than 24 months if it is pertinent to an active  
242 investigation or criminal prosecution.

243 (13) Information contained in the database is not  
244 discoverable or admissible in any civil or administrative  
245 action, except in an investigation or disciplinary proceeding  
246 conducted by the department.

247 (14) A person who participates in preparing, reviewing,  
248 issuing, or any other activity related to a patient advisory  
249 report may not be permitted or required to testify in any civil  
250 action as to any finding, recommendation, evaluation, opinion,  
251 or other action taken in connection with preparing, reviewing,  
252 or issuing such a report.

253 (15) The department shall report performance measures  
254 annually to the Governor, the President of the Senate, and the  
255 Speaker of the House of Representatives by December 1.  
256 Department staff may not have direct access to information in  
257 the database for the purpose of reporting performance measures.  
258 To measure performance and undertake public health care and  
259 safety initiatives, department staff may request data from the  
260 database that does not contain patient, health care

261 practitioner, or dispenser identifying information. Performance  
262 measures may include, but are not limited to:

263 (a) Reduction of the rate of inappropriate use of  
264 prescription drugs through department education and safety  
265 efforts.

266 (b) Reduction of the quantity of controlled substances  
267 obtained by individuals attempting to engage in fraud and  
268 deceit.

269 (c) Increased coordination among partners participating in  
270 the program.

271 (d) Involvement of stakeholders in achieving improved  
272 patient health care and safety and reduction of prescription  
273 drug abuse and prescription drug diversion.

274 (16) The department may establish a direct-support  
275 organization to provide assistance, funding, and promotional  
276 support for the activities authorized for the program.

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

279 1. A Florida not-for-profit corporation incorporated under  
280 chapter 617, exempted from filing fees, and approved by the  
281 Department of State.

282 2. Organized and operated to conduct programs and  
283 activities; raise funds; request and receive grants, gifts, and  
284 bequests of money; acquire, receive, hold, and invest, in its  
285 own name, securities, funds, objects of value, or other  
286 property, either real or personal; and make expenditures or

287 provide funding to or for the benefit of the program.

288 (b) The State Surgeon General shall appoint a board of  
289 directors for the direct-support organization consisting of at  
290 least five members. Members of the board shall serve at the  
291 pleasure of the State Surgeon General. The State Surgeon General  
292 shall provide guidance to members of the board to ensure that  
293 funds received by the direct-support organization are not from  
294 inappropriate sources. An inappropriate source includes, but is  
295 not limited to, a donor, grantor, person, or organization that  
296 may benefit from the purchase of goods or services by the  
297 department for the program.

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

301 1. Department approval of the articles of incorporation,  
302 bylaws, and annual budgets.

303 2. Department certification that the direct-support  
304 organization is complying with the terms of the contract in a  
305 manner consistent with and in furtherance of the program. Such  
306 certification must be made annually and reported in the official  
307 minutes of a direct-support organization board meeting.

308 3. The reversion, without penalty, to the state of all  
309 funds and property held in trust by the direct-support  
310 organization for the benefit of the program if the direct-  
311 support organization ceases to exist or if the contract is  
312 terminated. The state shall use all funds and property reverted

313 to it to support the program.

314 4. The fiscal year of the direct-support organization,  
315 which must begin July 1 of each year and end June 30 of the  
316 following year.

317 5. The disclosure of the material provisions of the  
318 contract to a donor of a gift, contribution, or bequest,  
319 including such disclosure on all promotional and fundraising  
320 publications, and an explanation to the donor of the distinction  
321 between the department and the direct-support organization.

322 6. The direct-support organization's collecting,  
323 expending, and providing of funds to the department for the  
324 operation of the program.

325 7. The reversion to the department of any funds of the  
326 direct-support organization held by the department in a separate  
327 depository account received from rentals of facilities and  
328 properties managed by the department for use by the direct-  
329 support organization.

330 (d) The direct-support organization may collect and expend  
331 funds for the function of its board of directors, as approved by  
332 the department, and provide funds to the department for:

333 1. Establishing and administering the database, including  
334 hardware and software.

335 2. Conducting studies on the efficiency and effectiveness  
336 of the program, including the feasibility study described in  
337 paragraph (2) (d).

338 3. Future enhancements of the program.

339       4. User training for the program, including the  
340 distribution of materials to promote public awareness and  
341 education and conducting workshops or other meetings for health  
342 care practitioners, pharmacists, and others.

343       5. Travel expenses incurred by the board.

344       6. Administrative costs.

345       7. Fulfilling all other requirements necessary to operate  
346 the program.

347       (e) The department may authorize, without charge,  
348 appropriate use of its administrative services, property, and  
349 facilities by the direct-support organization.

350       (f) The department may not authorize the use of any of its  
351 administrative services, property, or facilities by a direct-  
352 support organization if the organization does not provide equal  
353 membership and employment opportunities to all persons  
354 regardless of race, color, religion, gender, age, or national  
355 origin.

356       (g) The direct-support organization shall provide for an  
357 independent annual financial audit in accordance with s.  
358 215.981. A copy of the audit shall be provided to the department  
359 and the Office of Policy and Budget in the Executive Office of  
360 the Governor.

361       (h) The direct-support organization is not a lobbying firm  
362 for purposes of s. 11.045.

363       (17) The department shall adopt rules to administer this  
364 section. Such rules shall include procedures for reporting

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information to the database and accessing information in the  
database. The department shall also adopt rules identifying the  
indicators of controlled substance abuse or diversion. The  
department may adopt rules to govern the use of its  
administrative services, property, or facilities by the direct-  
support organization established under subsection (16).

Section 3. This act shall take effect July 1, 2014.



By the Committee on Regulated Industries; and Senators Bean and Sobel

580-02547-14

2014702c1

A bill to be entitled  
An act relating to pharmacy audits; creating s.  
465.1885, F.S.; enumerating the rights of pharmacies  
relating to audits of pharmaceutical services which  
are conducted by certain entities; requiring the  
Office of Insurance Regulation to investigate  
complaints alleging a violation of pharmacy rights;  
providing that a willful violation of such rights is  
an unfair claim settlement practice; exempting audits  
in which fraudulent activity is suspected or which are  
related to Medicaid claims; providing an effective  
date.

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

Section 1. Section 465.1885, Florida Statutes, is created  
to read:

465.1885 Pharmacy audits; rights.—

(1) If an audit of the records of a pharmacy licensed under  
this chapter is conducted directly or indirectly by a managed  
care company, an insurance company, a third-party payor, a  
pharmacy benefit manager, or an entity that represents  
responsible parties such as companies or groups, referred to as  
an "entity" in this section, the pharmacy has the following  
rights:

(a) To be notified at least 7 calendar days before the  
initial on-site audit for each audit cycle.

(b) To have the on-site audit scheduled after the first 5  
calendar days of a month unless the pharmacist consents

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otherwise.

(c) To have the audit period limited to 24 months after the date a claim is submitted to or adjudicated by the entity.

(d) To have an audit that requires clinical or professional judgment conducted by or in consultation with a pharmacist.

(e) To use the records of a hospital, physician, or other authorized practitioner, which are transmitted by any means of communication, to validate the pharmacy records in accordance with state and federal law.

(f) To be reimbursed for a claim that was retroactively denied for a clerical error, typographical error, scrivener's error, or computer error if the prescription was properly and correctly dispensed, unless a pattern of such errors exists, fraudulent billing is alleged, or the error results in actual financial loss to the entity. For the purposes of this section, a prescription is properly and correctly dispensed if the pharmacy dispenses the correct drug to the correct patient with the correct issuing directions.

(g) To receive the preliminary audit report within 120 days after the conclusion of the audit.

(h) To produce documentation to address a discrepancy or audit finding within 10 business days after the preliminary audit report is delivered to the pharmacy.

(i) To receive the final audit report within 6 months after receiving the preliminary audit report.

(j) To have recoupment or penalties based on actual overpayments and not according to the accounting practice of extrapolation.

(2) The Office of Insurance Regulation shall investigate a

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59 complaint received from a pharmacy which alleges a willful  
60 violation of this section by an entity conducting an audit of  
61 the pharmacy on behalf of a managed care company or insurance  
62 company regulated by the office. Such complaint must be in  
63 writing, signed by an authorized representative of the affected  
64 pharmacy, and contain ultimate facts that demonstrate a  
65 violation of this section. A violation of this section is an  
66 unfair claim settlement practice as described in s.  
67 641.3903(5)(c)1. and 4., enforceable against the entity as  
68 provided in part I of chapter 641 and s. 626.9521.

69 (3) The rights contained in this section do not apply to  
70 audits in which fraudulent activity is suspected or to audits  
71 related to fee-for-service claims under the Medicaid program.

72 Section 2. This act shall take effect July 1, 2014.

1 A bill to be entitled

2 An act relating to pharmacy audits; creating s.  
3 465.1885, F.S.; providing rights to which a licensed  
4 pharmacy is entitled during certain audits of its  
5 records; providing for civil damages; providing for  
6 applicability; providing an effective date.

7  
8 Be It Enacted by the Legislature of the State of Florida:  
9

10 Section 1. Section 465.1885, Florida Statutes, is created  
11 to read:

12 465.1885 Pharmacy audit bill of rights.—

13 (1) When an audit of the records of a pharmacy licensed  
14 under this chapter is conducted either directly or indirectly by  
15 a managed care company, an insurance company, a third-party  
16 payor, a pharmacy benefit manager, or any entity that represents  
17 responsible parties such as companies or groups, the pharmacy  
18 has the following rights:

19 (a) To be notified at least 7 calendar days before the  
20 initial onsite audit for each audit cycle.

21 (b) To have the onsite audit scheduled after the first 5  
22 calendar days of a month, unless the pharmacist otherwise  
23 consents.

24 (c) To have the audit period limited to 24 months from the  
25 date that a claim was submitted to or adjudicated by the entity  
26 conducting the audit.

27        (d) To have an audit that requires clinical or  
28 professional judgment conducted by or in consultation with a  
29 pharmacist.

30        (e) To use records of a hospital, physician, or other  
31 authorized practitioner, which are transmitted by any means of  
32 communication, to validate the pharmacy record.

33        (f) To be reimbursed for a claim that is retroactively  
34 denied for a clerical error, typographical error, scrivener's  
35 error, or computer error if the prescription was properly and  
36 correctly dispensed, unless a pattern of such errors exists or  
37 fraudulent billing is alleged.

38        (g) To receive the preliminary audit report within 90 days  
39 after the audit is completed.

40        (h) To produce documentation to address a discrepancy or  
41 finding in an audit within 10 business days after the  
42 preliminary audit report is delivered to the pharmacy.

43        (i) To receive the final audit report within 6 months  
44 after receiving the preliminary audit report.

45        (j) To have recoupment or penalties based on actual  
46 overpayments.

47        (2) A pharmacy injured as a result of a willful violation  
48 of subsection (1) shall have a civil cause of action for treble  
49 damages, reasonable attorney fees, and costs.

50        (3) The rights contained in this section do not apply to  
51 audits in which fraudulent activity is suspected or to audits  
52 related to Medicaid fee-for-service claims.

HB 745

2014

53 |       Section 2.   This act shall take effect July 1, 2014. |

By the Committee on Health Policy; and Senator Garcia

588-02829-14

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A bill to be entitled

An act relating to pharmacy benefit managers; creating s. 465.1862, F.S.; defining terms; specifying contract terms that must be included in a contract between a pharmacy benefit manager and a pharmacy; providing restrictions on the inclusion of prescription drugs on a list that specifies the maximum allowable cost for such drugs; requiring the pharmacy benefit manager to disclose certain information to a plan sponsor; requiring a contract between a pharmacy benefit manager and a pharmacy to include an appeal process; providing an effective date.

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

Section 1. Section 465.1862, Florida Statutes, is created to read:

465.1862 Pharmacy benefit managers.—

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

(a) "Maximum allowable cost" (MAC) means the upper limit or maximum amount that an insurance or managed care plan will pay for generic, or brand-name drugs that have generic versions available, which are included on a PBM-generated list of products.

(b) "Plan sponsor" means an employer, insurer, managed care organization, prepaid limited health service organization, third-party administrator, or other entity contracting for pharmacy benefit manager services.

(c) "Pharmacy benefit manager" (PBM) means a person,

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business, or other entity that provides administrative services related to processing and paying prescription claims for pharmacy benefit and coverage programs. Such services may include contracting with a pharmacy or network of pharmacies; establishing payment levels for provider pharmacies; negotiating discounts and rebate arrangements with drug manufacturers; developing and managing prescription formularies, preferred drug lists, and prior authorization programs; assuring audit compliance; and providing management reports.

(2) A contract between a pharmacy benefit manager and a pharmacy which includes MAC pricing must require the pharmacy benefit manager to:

(a) Update the MAC pricing information at least every 7 calendar days and establish a reasonable process for the prompt notification of such pricing updates to network pharmacies; and

(b) Maintain a procedure to eliminate products from the list or modify the MAC pricing in a timely fashion in order to remain consistent with pricing changes in the marketplace.

(3) In order to place a particular prescription drug on a MAC list, the pharmacy benefit manager must, at a minimum, ensure that the drug has at least three or more nationally available, therapeutically equivalent, multiple-source generic drugs which:

(a) Have a significant cost difference;

(b) Are listed as therapeutically and pharmaceutically equivalent or "A" rated in the United States Food and Drug Administration's most recent version of the Orange Book;

(c) Are available for purchase without limitations by all pharmacies in the state from national or regional wholesalers;



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59 and

60 (d) Are not obsolete or temporarily unavailable.

61 (4) The pharmacy benefit manager must disclose the  
62 following to the plan sponsor:

63 (a) The basis of the methodology and sources used to  
64 establish applicable MAC pricing in the contract between the  
65 pharmacy benefit manager and the plan sponsor. Applicable MAC  
66 lists must be updated and provided to the plan sponsor whenever  
67 there is a change.

68 (b) Whether the pharmacy benefit manager uses a MAC list  
69 for drugs dispensed at retail but does not use a MAC list for  
70 drugs dispensed by mail order in the contract between the  
71 pharmacy benefit manager and the plan sponsor or within 21  
72 business days after implementation of the practice.

73 (c) Whether the pharmacy benefit manager is using the  
74 identical MAC list with respect to billing the plan sponsor as  
75 it does when reimbursing all network pharmacies. If multiple MAC  
76 lists are used, the pharmacy benefit manager must disclose any  
77 difference between the amount paid to a pharmacy and the amount  
78 charged to the plan sponsor.

79 (5) All contracts between a pharmacy benefit manager and a  
80 contracted pharmacy must include:

81 (a) A process for appealing, investigating, and resolving  
82 disputes regarding MAC pricing. The process must:

83 1. Limit the right to appeal to 90 calendar days following  
84 the initial claim;

85 2. Investigate and resolve the dispute within 7 days; and

86 3. Provide the telephone number at which a network pharmacy  
87 may contact the pharmacy benefit manager and speak with an

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88 individual who is responsible for processing appeals.

89 (b) If the appeal is denied, the pharmacy benefit manager  
90 shall provide the reason for the denial and identify the  
91 national drug code of a drug product that may be purchased by a  
92 contracted pharmacy at a price at or below the MAC.

93 (c) If an appeal is upheld, the pharmacy benefit manager  
94 shall make an adjustment retroactive to the date the claim was  
95 adjudicated. The pharmacy benefit manager shall make the  
96 adjustment effective for all similarly situated pharmacies in  
97 this state which are within the network.

98 Section 2. This act shall take effect July 1, 2014.

1 A bill to be entitled

2 An act relating to pharmacy benefit managers; creating  
3 s. 465.1862, F.S.; defining terms; specifying contract  
4 terms that must be included in a contract between a  
5 pharmacy benefit manager and a pharmacy; providing  
6 restrictions on the inclusion of prescriptions drugs  
7 on a list that specifies the maximum allowable cost  
8 for such drugs; requiring the pharmacy benefit manager  
9 to disclose certain information to a plan sponsor;  
10 requiring a contract between a pharmacy benefit  
11 manager and a pharmacy to include an appeal process;  
12 requiring a pharmacy benefit manager to contractually  
13 commit to providing a certain reimbursement rate for  
14 generic drugs; providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Section 465.1862, Florida Statutes, is created  
19 to read:

20 465.1862 Pharmacy benefit managers.—

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

22 (a) "Average wholesale price" (AWP) means the published or  
23 suggested cost of pharmaceuticals charged to a pharmacy by a  
24 large group of pharmaceutical wholesalers.

25 (b) "AWP discount," also known as the generic effective  
26 rate, means the negotiated amount a plan sponsor pays to

27 pharmacies for the ingredient cost of a prescription and is  
28 commonly expressed as a percentage of AWP.

29 (c) "Maximum allowable cost" (MAC) means the upper limit  
30 or maximum amount that an insurance or managed care plan will  
31 pay for generic or brand-name drugs that have generic versions  
32 available, which are included on a PBM-generated list of  
33 products.

34 (d) "Pharmacy benefit manager" (PBM) means a person,  
35 business, or other entity that provides administrative services  
36 related to processing and paying prescription claims for  
37 pharmacy benefit and coverage programs. Such services may  
38 include contracting with a pharmacy or network of pharmacies;  
39 establishing payment levels for provider pharmacies; negotiating  
40 discounts and rebate arrangements with drug manufacturers;  
41 developing and managing prescription formularies, preferred drug  
42 lists, and prior authorization programs; ensuring audit  
43 compliance; and providing management reports.

44 (e) "Plan sponsor" means an employer, insurer, managed  
45 care organization, prepaid limited health service organization,  
46 third-party administration, or other entity contracting for  
47 pharmacy benefit manager services.

48 (2) A pharmacy benefit manager who contracts with a  
49 pharmacy in this state shall annually contract with the pharmacy  
50 on or before January 1 of the contract year. Such contract must:

51 (a) Include the basis of the methodology and sources used  
52 to determine the MAC pricing administered by the pharmacy

53 benefit manager, update the pricing information on such a list  
54 at least every 7 calendar days, and establish a reasonable  
55 process for the prompt notification of such pricing updates to  
56 network pharmacies.

57 (b) Maintain a procedure to eliminate products from the  
58 list or modify the MAC pricing in a timely fashion in order to  
59 remain consistent with pricing changes in the marketplace.

60 (3) In order to place a particular prescription drug on a  
61 MAC list, the pharmacy benefit manager must, at a minimum,  
62 ensure that:

63 (a) The drug has at least three or more nationally  
64 available, therapeutically equivalent, multiple-source generic  
65 drugs that have a significant cost difference.

66 (b) The products are listed as therapeutically and  
67 pharmaceutically equivalent or "A" rated in the United States  
68 Food and Drug Administration's most recent version of the Orange  
69 Book.

70 (c) The product is available for purchase, without  
71 limitation, by all pharmacies in the state from national or  
72 regional wholesalers and may not be obsolete or temporarily  
73 unavailable.

74 (4) The pharmacy benefit manager must disclose the  
75 following to the plan sponsor:

76 (a) The basis of the methodology and sources used to  
77 establish applicable MAC pricing in the contract between the  
78 pharmacy benefit manager and the plan sponsor. Applicable MAC

79 lists must be updated and provided to the plan sponsor when  
80 there is a change.

81 (b) Whether the pharmacy benefit manager uses a MAC list  
82 for drugs dispensed at retail but does not use a MAC list for  
83 drugs dispensed by mail order in the contract between the  
84 pharmacy benefit manager and the plan sponsor or within 21  
85 business days after implementation of the practice.

86 (c) Whether the pharmacy benefit manager is using the  
87 identical MAC list with respect to billing the plan sponsor as  
88 it does when reimbursing all network pharmacies. If multiple MAC  
89 lists are used, the pharmacy benefit manager must disclose any  
90 difference between the amount paid to a pharmacy and the amount  
91 charged to the plan sponsor.

92 (5) All contracts between a pharmacy benefit manager and a  
93 contracted pharmacy must include:

94 (a) A process for appealing, investigating, and resolving  
95 disputes regarding MAC pricing. The process must:

96 1. Limit the right to appeal to 90 calendar days after the  
97 initial claim.

98 2. Investigate and resolve the dispute within 7 days.

99 3. Provide a telephone number at which a network pharmacy  
100 may contact the pharmacy benefit manager and speak with an  
101 individual who is responsible for processing appeals.

102 (b) If the appeal is denied, the pharmacy benefit manager  
103 shall provide the reason for the denial and identify the  
104 national drug code of a drug product that may be purchased by a

105 contracted pharmacy at a price at or below the MAC.

106 (c) If an appeal is upheld, the pharmacy benefit manager  
107 shall make an adjustment retroactive to the date of  
108 adjudication. The pharmacy benefit manager shall make the  
109 adjustment effective for all similarly situated pharmacies in  
110 this state which are within the network.

111 (6) A pharmacy benefit manager shall contractually commit  
112 to providing a particular aggregate average reimbursement rate  
113 for generics or a maximum average AWP discount on multisource  
114 generics as a whole. For purposes of the AWP discount amount, a  
115 pharmacy benefit manager must use an AWP published by a  
116 nationally available compendia. The aggregate average rate for  
117 reimbursement shall be calculated using the actual amount paid  
118 to the pharmacy, excluding the dispensing fee. The reimbursement  
119 rate may not be calculated solely according to the amount  
120 allowed by the plan and must include all generics dispensed,  
121 regardless of whether they are subject to MAC pricing.

122 Section 2. This act shall take effect July 1, 2014.

By the Committee on Health Policy

588-02190A-14

20141646\_\_

A bill to be entitled

An act relating to telemedicine; creating s. 456.4501, F.S.; providing a short title; creating s. 456.4502, F.S.; defining terms applicable to the act; creating s. 456.4503, F.S.; requiring physicians providing telemedicine services to patients in this state to be licensed in this state or to meet alternative requirements; requiring pertinent records to be made available upon request; providing certain exceptions for emergency services and consultations; requiring other health care providers to be supervised by a physician; providing continuing education requirements for telemedicine providers; establishing venue; providing applicability; authorizing the licensing boards to adopt rules; creating s. 456.4504, F.S.; providing standards and prohibitions for the provision of telemedicine services; prohibiting nonemergency prescribing of a legend drug without a physical examination; prohibiting the prescription of a controlled substance for chronic nonmalignant pain using telemedicine; creating s. 456.4505, F.S.; authorizing the use of telemedicine services in the diagnosis and treatment of the human eye; providing requirements for the use of automated equipment; requiring the owner or lessee of the automated equipment to maintain specified liability insurance under certain circumstances; prohibiting prescriptions for spectacles or contact lens based solely on the use of an autorefractor; creating s. 456.4506, F.S.;



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30 providing requirements for reimbursement of  
31 telemedicine services under the Medicaid program;  
32 requiring a report to the Legislature on the usage and  
33 costs of telemedicine in Medicaid by a certain date;  
34 providing for future repeal; providing an effective  
35 date.

36  
37 Be It Enacted by the Legislature of the State of Florida:

38  
39 Section 1. Section 456.4501, Florida Statutes, is created  
40 to read:

41 456.4501 Short title.—Sections 456.4501-456.4506 may be  
42 cited as the "Florida Telemedicine Act."

43 Section 2. Section 456.4502, Florida Statutes, is created  
44 to read:

45 456.4502 Definitions.—As used in this act, the term:

46 (1) "Act" means the Florida Telemedicine Act.

47 (2) "Advanced communications technology" means:

48 (a) Compressed digital interactive video, audio, or data  
49 transmissions;

50 (b) Real-time synchronous video- or web-conferencing  
51 communications;

52 (c) Secure web-based communications;

53 (d) Still-image capture or asynchronous store and forward;

54 (e) Health care service transmissions supported by mobile  
55 devices (mHealth); or

56 (f) Other technology that facilitates access to health care  
57 services or medical specialty expertise.

58 (3) "Distant site" means the location at which the

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telemedicine provider delivering the health care service is located at the time the service is provided via telemedicine.

(4) "Encounter" means an examination, consultation, monitoring, or other health care service.

(5) "Health care provider" means a health care practitioner or out-of-state licensed individual who provides health care services within the scope of his or her professional license.

(6) "In person" means that a patient is in the physical presence of the health care provider without regard to whether portions of the encounter are conducted by other providers.

(7) "Originating site" means the location of the patient receiving telemedicine services, which site meets the standards of this act as verified by the telemedicine provider.

(8) "Patient presenter" means an individual who has clinical background training in the use of advanced communications technology equipment and who is available at the originating site to present the patient, manage the cameras or equipment, and perform any hands-on activity necessary to successfully complete the telemedicine encounter under the direction and supervision of a telemedicine provider.

(9) "Store and forward" means the type of telemedicine encounter that uses still images of patient data for rendering a medical opinion or diagnosis. The term includes the asynchronous transmission of clinical data from one site to another.

(10) "Telehealth" means the use of advanced communications technology to provide access to health assessment, diagnosis, intervention, consultation, supervision, and information across distances. The term includes the use of remote patient-monitoring devices that are used to collect and transmit data

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for telemonitoring and interpretation.

(11) "Telemedicine" means the practice of medicine through the use of advanced communications technology by a telemedicine provider at a distant site in compliance with federal and state privacy and confidentiality requirements and encryption standards. Services provided through telemedicine may include patient assessment, diagnosis, consultation, treatment, prescription of medicine, transfer of medical data, or other medical-related services. The term does not include audio-only calls, e-mail messages, or facsimile transmissions. Telemedicine includes telehealth and telemonitoring.

(12) "Telemedicine provider" means a physician licensed under chapter 458 or chapter 459 who provides telemedicine services.

Section 3. Section 456.4503, Florida Statutes, is created to read:

456.4503 Telemedicine requirements.—

(1) An out-of-state physician who provides telemedicine across state lines to a patient physically located in this state must:

(a) Have a Florida license to practice medicine as provided under chapter 458 or chapter 459, except as provided under subsection (2); or

(b) If not licensed in this state:

1. Hold an unrestricted active license to practice allopathic or osteopathic medicine in the state of the distant site and that state's licensure requirements must meet or exceed those of this state under chapter 458 or chapter 459, as determined by the appropriate board;

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117       2. Maintain professional liability coverage that includes  
118 coverage for telemedicine services, in an amount and manner  
119 consistent with s. 458.320 and appropriate to the physician's  
120 scope of practice and location;

121       3. Have one of the following:

122       a. Privileges at or be on the medical staff of an out-of-  
123 state hospital affiliated with a Florida hospital licensed under  
124 chapter 395; or

125       b. Affiliation with an out-of-state health insurer or  
126 health plan that is also authorized to conduct business in this  
127 state pursuant to chapter 627 or chapter 641; and

128       4. Practice in a state that authorizes Florida-licensed  
129 physicians to provide telemedicine services to patients located  
130 in that state without having to be licensed to practice medicine  
131 in that state.

132       (2) An out-of-state physician authorized under paragraph  
133 (1)(b) to provide telemedicine services to patients in this  
134 state is subject to appropriate disciplinary action by the Board  
135 of Medicine, the Board of Osteopathic Medicine, or a regulatory  
136 entity in this state which has regulatory jurisdiction over the  
137 hospital, insurer, or health plan affiliated with the physician  
138 as described in subparagraph (1)(b)3.

139       (3) A telemedicine provider and a hospital, insurer, or  
140 health plan operating in this state which is affiliated with an  
141 out-of-state provider as described in subparagraph (1)(b)3.  
142 shall make any pertinent records available upon request of the  
143 board, the department, or other regulatory authority as  
144 applicable. Failure to comply with such request may result in  
145 the revocation of the provider's license or imposition of a fine

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146 by the applicable board; or, in the case of an affiliated  
147 hospital, insurer, or health plan, a fine, license restriction,  
148 or revocation of an affiliated entity's authorization to conduct  
149 business in this state.

150 (4) An out-of-state physician is not required to meet the  
151 requirements of subsection (1) if:

152 (a) The out-of-state physician is consulting with a  
153 physician licensed to practice medicine in this state; and

154 (b) The physician licensed in this state retains ultimate  
155 authority and responsibility for the diagnosis, treatment, and  
156 care of the patient located within this state.

157 (5) Physician consultations that occur on an emergency  
158 basis and that are conducted via telemedicine are exempt from  
159 subsection (1). "Emergency services and care" provided to  
160 relieve an "emergency medical condition" have the same meaning  
161 as provided in s. 395.002.

162 (6) A health care provider or patient presenter acting  
163 under the direction and supervision of a physician through the  
164 use of telemedicine may not be interpreted as practicing  
165 medicine without a license. However, the health care provider  
166 must be trained in, educated on, and knowledgeable about the  
167 procedure and technology and may not perform duties for which  
168 the provider does not have sufficient training, education, and  
169 knowledge. Failure to have adequate training, education, and  
170 knowledge is grounds for disciplinary action by the appropriate  
171 board, or the department if there is no board, or the affiliated  
172 regulatory entity for affiliated providers.

173 (7) Upon license renewal, a physician practicing  
174 telemedicine shall:

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175 (a) Designate himself or herself as a telemedicine provider  
176 on the physician's practitioner profile; and

177 (b) Submit proof of successful completion of a course and  
178 subsequent examination, approved by the board, on the standards  
179 of practice in telemedicine. The course must consist of 2 web-  
180 based contact hours. The first course and examination must be  
181 offered by July 1, 2014, and shall be conducted at least  
182 annually thereafter. The course and examination shall be  
183 developed and offered by a statewide professional association of  
184 physicians in this state accredited to provide educational  
185 activities designated for an American Medical Association  
186 Physician's Recognition Award (AMA PRA) Category 1 credit. The  
187 board shall review and approve the content of the initial course  
188 and examination if the board determines that the course and  
189 examination adequately and reliably satisfy the criteria set  
190 forth in this section. The board shall annually thereafter  
191 review and approve the course and examination if the board  
192 determines that the content continues to adequately and reliably  
193 satisfy the criteria set forth in this section. Successful  
194 completion of the board-approved course and examination may be  
195 used by a certified physician to satisfy 2 hours of continuing  
196 education requirements for the biennial period during which the  
197 board-approved course and examination are taken. A physician who  
198 does not complete a board-approved course and examination under  
199 this section may not provide telemedicine services.

200 (8) Venue for a civil or administrative action initiated by  
201 the telemedicine recipient, the department, or the appropriate  
202 board shall be based on the location of the patient or shall be  
203 in Leon County.

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(9) The boards may adopt rules to administer the requirements of this act and must repeal rules that are inconsistent with this act, including rules that prohibit the use of telemedicine in this state. The appropriate board may also develop standards and adopt rules relating to requirements for patient presenters. Such rules may not require the use of patient presenters in telemedicine services if special skills or training is not needed for a patient to participate in the encounter.

Section 4. Section 456.4504, Florida Statutes, is created to read:

456.4504 Telemedicine standards.—

(1) The standard of care as provided in s. 766.102 is the same regardless of whether the physician provides health care services in person or by telemedicine. The applicable board may adopt rules specifically related to the standard of care for telemedicine.

(2) A telemedicine provider providing telemedicine services under this act is responsible for the quality of the equipment and technology employed and for its safe use. Telemedicine equipment and advanced communications technology must, at a minimum, be able to provide the same information to the telemedicine provider as the information that would be obtained in an in-person encounter with a health care provider and must enable the telemedicine provider to meet or exceed the prevailing standard of care for the practice of the profession.

(3) The telemedicine provider is not required to conduct a patient history or physical examination of the patient before engaging in a telemedicine encounter if the telemedicine

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provider conducts a patient evaluation sufficient to meet the  
prevailing standard of care for the services provided.

(4) Before each telemedicine encounter, the identification  
and location of the telemedicine provider and all other  
individuals present via advanced communications technology who  
will view the patient or the patient's information must be  
identified to the patient.

(5) For the purposes of this act, the nonemergency  
prescribing of a legend drug based solely on an electronic  
questionnaire without a visual examination is considered a  
failure to practice medicine with the level of care, skill, and  
treatment which is recognized by a reasonably prudent physician  
or other authorized practitioner and is not authorized under  
this act.

(6) A controlled substance may not be prescribed through  
the use of telemedicine for chronic, nonmalignant pain.

(7) Medical records must be kept by each telemedicine  
provider that participates in a patient telemedicine encounter  
to the same extent as required for an in-person encounter under  
state and federal law. Telemedicine providers are encouraged to  
create electronic health records to document the encounter and  
to transmit information in the most efficient manner possible.

(8) Any medical records generated, including records  
maintained via video, audio, electronic, or other means, due to  
a telemedicine encounter must conform to the confidentiality and  
recordkeeping requirements of federal law and nationally  
recognized health care accreditation organizations and the laws  
and rules of this state, regardless of where the medical records  
of a patient in this state are maintained.



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(9) Telemedicine technology used by a telemedicine provider must be encrypted and must use a recordkeeping program to verify each interaction.

(10) In those situations in which a telemedicine provider uses telemedicine technology provided by a third-party vendor, the telemedicine provider must:

(a) Require a business associate agreement with the third-party vendor; and

(b) Ensure that the third-party vendor complies with the administrative, physical, and technical safeguards and standards set forth by the Health Information Technology for Economic and Clinical Health (HITECH) Act and by federal regulations implemented pursuant to HITECH.

Section 5. Section 456.4505, Florida Statutes, is created to read:

456.4505 Telemedicine services to diagnose or treat the human eye.—

(1) The use of automated equipment, including computer-controlled devices, in the provision of telemedicine services to diagnose or treat the human eye and its appendages, is permissible if the following requirements are met at the time the automated equipment is used:

(a) The automated equipment is approved by the United States Food and Drug Administration for the intended use;

(b) The automated equipment is designed and operated in a manner that provides any accommodation required by the federal ADA Amendments Act of 2008;

(c) The automated equipment and accompanying technology used for the collection and transmission of information and

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291 data, including photographs and scans, gathers and transmits  
292 protected health information in compliance with the federal  
293 Health Insurance Portability and Accountability Act;

294 (d) The procedure for which the automated equipment is used  
295 has a recognized Current Procedural Terminology (CPT) code  
296 approved by the Centers for Medicare and Medicaid Services;

297 (e) The physical location of the automated equipment  
298 prominently displays the name and Florida license number of the  
299 individual who will read and interpret the diagnostic  
300 information and data, including photographs and scans;

301 (f) Diagnostic information and data, including photographs  
302 and scans, gathered by the automated equipment is read and  
303 interpreted by an optometrist licensed under chapter 463 or a  
304 physician skilled in diseases of the human eye and licensed  
305 under chapter 458 or chapter 459; and

306 (g) The owner or lessee of the automated equipment  
307 maintains liability insurance in an amount adequate to cover  
308 claims made by individuals diagnosed or treated based on  
309 information and data, including photographs and scans, generated  
310 by the automated equipment.

311 (2) A prescription for spectacles or contact lens may not  
312 be made based on telemedicine services or based solely on the  
313 refractive error of the human eye generated by a computer-  
314 controlled device such as an autorefractor.

315 Section 6. Section 456.4506, Florida Statutes, is created  
316 to read:

317 456.4506 Telemedicine services under Medicaid.—

318 (1) The Agency for Health Care Administration shall  
319 reimburse for Medicaid services provided through telemedicine in

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the same manner and equivalent to Medicaid services provided in person under parts III and IV of chapter 409, except as provided in subsection (7).

(2) Telemedicine services reimbursed under Medicaid must meet the standards and requirements of this act.

(3) Except as provided in subsection (7), the agency may not require in-person contact between a telemedicine provider and Medicaid recipient as a prerequisite for payment for services appropriately provided through telemedicine in accordance with generally accepted health care practices and standards prevailing in the applicable health care community at the time the services are provided.

(4) Before receipt of telemedicine services, a Medicaid recipient or the legal representative of a Medicaid recipient must provide informed consent for telemedicine services. A Medicaid recipient shall also be provided the opportunity to receive the same service through an in-person encounter.

(5) A Medicaid service that is provided through a fee-for-service or managed care program may not be denied as a creditable Medicaid service solely because that service is provided through telemedicine.

(6) Reimbursement of telemedicine services under Medicaid shall be the amount negotiated between the parties involved to the extent permitted under state and federal law. Regardless of the reimbursement methodology or amount, telemedicine providers located at the originating site and the distant site should both receive reimbursement based on the services rendered, if any, during the telemedicine encounter.

(7) If, after implementation, the agency determines that

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the delivery of a particular service through telemedicine is not cost-effective or does not adequately meet the clinical needs of recipients and the determination has been documented, the agency may discontinue Medicaid reimbursement for that telemedicine service.

(8) The agency shall submit a report on the usage and costs, including savings, if any, associated with the provision of health care services through telemedicine under the Medicaid program by January 1, 2017, to the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of the Senate and the House of Representatives.

(9) This section is repealed June 30, 2017.

Section 7. This act shall take effect October 1, 2014.

1                                   A bill to be entitled

2       An act relating to telehealth; creating s. 456.47,  
3       F.S.; defining terms; providing for certain practice  
4       standards for telehealth providers; providing for the  
5       maintenance and confidentiality of medical records;  
6       requiring the registration of health care  
7       professionals not licensed in this state in order to  
8       use telehealth to deliver health care services;  
9       providing registration requirements; prohibiting  
10      registrants from opening an office or providing in-  
11      person health care services in this state; requiring a  
12      registrant to notify the appropriate board or the  
13      Department of Health of certain actions against the  
14      registrant's professional license; prohibiting a  
15      health care professional with a revoked license from  
16      being registered as a telehealth provider; providing  
17      exemptions to the registration requirement; providing  
18      rulemaking authority; providing an effective date.

19  
20   Be It Enacted by the Legislature of the State of Florida:

21  
22       Section 1.   Section 456.47, Florida Statutes, is created to  
23   read:

24       456.47   Use of telehealth to provide services.-

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

26        (a) "Telehealth" means the use of synchronous or  
27        asynchronous telecommunications technology by a telehealth  
28        provider to provide health care services, including, but not  
29        limited to, patient assessment, diagnosis, consultation,  
30        treatment, monitoring and transfer of medical data, patient and  
31        professional health-related education, public health, and health  
32        administration. The term does not include audio-only telephone  
33        calls, e-mail messages, or facsimile transmissions.

34        (b) "Telehealth provider" means any person who provides  
35        health care and related services using telehealth and who is  
36        licensed under chapter 457; chapter 458; chapter 459; chapter  
37        460; chapter 461; chapter 463; chapter 464; chapter 465; chapter  
38        466; chapter 467; part I, part III, part IV, part V, part X,  
39        part XIII, or part XIV of chapter 468; chapter 478; chapter 480;  
40        part III of chapter 483; chapter 484; chapter 486; chapter 490;  
41        or chapter 491; or who is registered under this section and is  
42        in compliance with paragraph (4)(a).

43        (2) PRACTICE STANDARD.—

44        (a) The standard of care for telehealth providers  
45        providing medical care is the same as the standard of care for  
46        health care professionals providing in-person health care  
47        services to patients. A telehealth provider is not required to  
48        research a patient's medical history or conduct a physical  
49        examination of the patient before using telehealth to provide  
50        services to the patient if the telehealth provider conducts a

51 patient evaluation sufficient to diagnose and treat the patient.  
52 The evaluation may be performed using telehealth.

53 (b) A telehealth provider and a patient may each be in any  
54 location when telehealth is used to provide health care services  
55 to a patient.

56 (c) A nonphysician telehealth provider using telehealth  
57 and acting within the relevant scope of practice may not be  
58 interpreted as practicing medicine without a license.

59 (3) RECORDS.—A telehealth provider shall document in the  
60 patient's medical record the health care services rendered using  
61 telehealth according to the same standard as used for in-person  
62 services. Medical records, including video, audio, electronic,  
63 or other records generated as a result of providing such  
64 services, are confidential pursuant to ss. 395.3025(4) and  
65 456.057.

66 (4) REGISTRATION OF OUT-OF-STATE TELEHEALTH PROVIDERS.—

67 (a) A health care professional not licensed in this state  
68 may provide health care services to a patient located in this  
69 state using telehealth if the telehealth provider annually  
70 registers with the applicable board, or the department if there  
71 is no board.

72 (b) The board, or the department if there is no board,  
73 shall register a health care professional as a telehealth  
74 provider if the health care professional:

75 1. Completes an application form developed by the  
76 department;

77        2. Pays a \$75 registration fee; and

78        3. Holds an active, unencumbered license for a profession  
79 included in paragraph (1) (b) issued by another state, the  
80 District of Columbia, or a possession or territory of the United  
81 States and against whom no disciplinary action has been taken  
82 during the 5 years before submission of the application. The  
83 department shall use the National Practitioner Data Bank to  
84 verify information submitted by an applicant.

85        (c) A health care professional registered under this  
86 section is prohibited from opening an office in this state and  
87 from providing in-person health care services to patients  
88 located in this state.

89        (d) A health care professional registered under this  
90 section must immediately notify the appropriate board, or the  
91 department if there is no board, of restrictions placed on the  
92 health care professional's license to practice, or disciplinary  
93 action taken against the health care professional, in any state  
94 or jurisdiction.

95        (e) A health care professional whose license to provide  
96 health care services has been revoked in any state or  
97 jurisdiction may not register under this section.

98        (5) EXEMPTIONS.—A health care professional who is not  
99 licensed to provide health care services in this state but who  
100 holds an active license to provide health care services in  
101 another state or jurisdiction, and who provides health care  
102 services using telehealth to a patient located in this state, is



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103 not subject to the registration requirement under this section  
104 if the services are provided:

105 (a) In response to an emergency medical condition as  
106 defined in s. 395.002;

107 (b) No more than 10 times per calendar year; or

108 (c) In consultation with a health care professional  
109 licensed in this state and that health care professional retains  
110 ultimate authority over the diagnosis and care of the patient.

111 (6) RULEMAKING.—The applicable board, or the department if  
112 there is no board, may adopt rules to administer the  
113 requirements of this section.

114 Section 2. This act shall take effect July 1, 2014.

**By** the Committee on Health Policy; and Senators Bradley, Bean, Brandes, Galvano, Sobel, Soto, Gardiner, Stargel, and Simpson

588-02462-14

20141030c1

A bill to be entitled  
An act relating to low-THC marijuana and cannabis;  
creating s. 456.60, F.S.; defining terms; authorizing  
specified physicians to order low-THC marijuana for  
use by specified patients; providing conditions;  
providing duties of the Department of Health;  
requiring the department to create a compassionate use  
registry; providing requirements for the registry;  
requiring the department to authorize a specified  
number of dispensing organizations; providing  
requirements and duties for a dispensing organization;  
providing exceptions to specified laws; amending s.  
893.02, F.S.; revising the definition of the term  
"cannabis" for purposes of the Florida Comprehensive  
Drug Abuse Prevention and Control Act and as  
applicable to certain criminal offenses proscribing  
the sale, manufacture, delivery, possession, or  
purchase of cannabis, to which penalties apply;  
providing an effective date.

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

Section 1. Section 456.60, Florida Statutes, is created to  
read:

456.60 Compassionate use of low-THC marijuana.—

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

(a) "Dispensing organization" means an organization  
approved by the department to cultivate, process, and dispense  
low-THC marijuana pursuant to this section.

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30        (b) "Low-THC marijuana" means a substance that contains no  
31 more than 0.5 percent of any tetrahydrocannabinol and at least  
32 15 percent cannabidiol and that is dispensed only from a  
33 dispensing organization.

34        (c) "Medical use" means administration of the ordered  
35 amount of low-THC marijuana. The term does not include the  
36 possession, use, or administration by smoking. The term also  
37 does not include the transfer of low-THC marijuana to a person  
38 other than the qualified patient for whom it was ordered or the  
39 qualified patient's legal representative on behalf of the  
40 qualified patient.

41        (d) "Qualified patient" means a resident of this state who  
42 has been added to the compassionate use registry by a physician  
43 licensed under chapter 458 or chapter 459 to receive low-THC  
44 marijuana from a dispensing organization.

45        (e) "Smoking" means burning or igniting a substance and  
46 inhaling the smoke. Smoking does not include the use of a  
47 vaporizer.

48        (2) PHYSICIAN ORDERING.—A physician licensed under chapter  
49 458 or chapter 459 who has examined and treated a patient  
50 suffering from a physical medical condition, or from treatment  
51 for a medical condition, which chronically produces symptoms of  
52 seizures or severe and persistent muscle spasms may order for  
53 the patient's medical use low-THC marijuana to treat or  
54 alleviate such symptoms if no other satisfactory alternative  
55 treatment options exist for that patient and all of the  
56 following conditions apply:

57        (a) The patient is a permanent resident of this state.

58        (b) The physician has treated the patient for his or her

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59 symptoms or a medical condition in which his or her symptoms  
60 were present for at least 6 months.

61 (c) The physician has tried alternate treatment options  
62 that have not alleviated the patient's symptoms.

63 (d) The physician determines the risks of ordering low-THC  
64 marijuana are reasonable in light of the potential benefit for  
65 that patient. If a patient is younger than 18 years of age, a  
66 second physician must concur with this determination, and such  
67 determination must be documented in the patient's medical  
68 record.

69 (e) The physician registers as the orderer of low-THC  
70 marijuana for the named patient on the compassionate use  
71 registry maintained by the department and updates the registry  
72 to reflect the contents of the order. The physician shall  
73 inactivate the patient's registration when treatment is  
74 discontinued.

75 (f) The physician maintains a patient treatment plan that  
76 includes the dose, route of administration, planned duration,  
77 and monitoring of the patient's symptoms and other indicators of  
78 tolerance or reaction to the low-THC marijuana.

79 (g) The physician submits the patient treatment plan  
80 quarterly to the University of Florida College of Pharmacy for  
81 research on the safety and efficacy of low-THC marijuana on  
82 patients with such symptoms.

83 (3) DUTIES OF THE DEPARTMENT.—The department shall:

84 (a) Create a secure, electronic, and online compassionate  
85 use registry for the registration of physicians and patients as  
86 provided under this section. The registry must be accessible to  
87 law enforcement agencies and to a dispensing organization in

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88 order to verify patient authorization for low-THC marijuana and  
89 record the low-THC marijuana dispensed. The registry must  
90 prevent an active registration of a patient by multiple  
91 physicians.

92 (b) Authorize at least one, but no more than four,  
93 dispensing organizations, to ensure reasonable statewide  
94 accessibility and availability as necessary for patients  
95 registered in the compassionate use registry and who are ordered  
96 low-THC marijuana under this section. The department shall  
97 develop an application form and impose an initial application  
98 and biennial renewal fee that is sufficient to cover the costs  
99 of administering this section. An applicant for approval as a  
100 dispensing organization must be able to demonstrate:

101 1. The technical and technological ability to cultivate and  
102 produce low-THC marijuana.

103 2. The ability to secure the premises, resources, and  
104 personnel necessary to operate as a dispensing organization.

105 3. The ability to maintain accountability of all raw  
106 materials, finished product, and any byproducts to prevent  
107 diversion or unlawful access to or possession of these  
108 substances.

109 4. An infrastructure reasonably located to dispense low-THC  
110 marijuana to registered patients statewide or regionally as  
111 determined by the department.

112 5. The financial ability to maintain operations for the  
113 duration of the 2-year approval cycle.

114 6. That all owners, managers, and employees have been  
115 fingerprinted and successfully passed background screening  
116 pursuant to s. 435.04.

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117 7. Additional criteria determined by the department to be  
118 necessary to safely implement this section.

119 (c) Monitor physician registration and ordering of low-THC  
120 marijuana for ordering practices which could facilitate unlawful  
121 diversion or misuse of low-THC marijuana, and take disciplinary  
122 action as indicated.

123 (4) DISPENSING ORGANIZATION.—An approved dispensing  
124 organization shall maintain compliance with the criteria  
125 demonstrated for selection and approval under subsection (3) as  
126 a dispensing organization at all times. Before dispensing low-  
127 THC marijuana to a qualified patient, the dispensing  
128 organization shall verify that the patient has an active  
129 registration in the compassionate use registry, the order  
130 presented matches the order contents as recorded in the  
131 registry, and the order has not already been filled. Upon  
132 dispensing the low-THC marijuana, the dispensing organization  
133 shall record in the registry the date, time, quantity, and form  
134 of low-THC marijuana dispensed.

135 (5) EXCEPTIONS TO OTHER SECTIONS OF LAW.—

136 (a) Notwithstanding any other section of law, but subject  
137 to the requirements of this section, a qualified patient and the  
138 qualified patient's legal representative may purchase, acquire,  
139 and possess for the patient's medical use up to the amount of  
140 low-THC marijuana ordered to the patient.

141 (b) Notwithstanding any other section of law, but subject  
142 to the requirements of this section, an approved dispensing  
143 organization and its owners, managers, and employees may  
144 acquire, possess, cultivate, and lawfully dispose of excess  
145 product in reasonable quantities to produce low-THC marijuana

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and possess, process, and dispense low-THC marijuana.

(c) An approved dispensing organization is not subject to licensure and regulation under chapter 465, and the owners, managers, and employees of a dispensing organization are not subject to licensure and regulation for the practice of pharmacy under chapter 465.

Section 2. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

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

(3) "Cannabis" means all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include any plant of the genus *Cannabis* that contains 0.5 percent or less of tetrahydrocannabinol and more than 15 percent of cannabidiol; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin, if possessed or used in conformance with s. 456.60.

Section 3. This act shall take effect July 1, 2014.

1                               A bill to be entitled

2       An act relating to the medical use of cannabis;  
3       providing a short title; creating part XVII of ch.  
4       468, F.S.; creating s. 468.901, F.S.; providing a  
5       purpose; creating s. 468.902, F.S.; providing  
6       legislative findings and intent; creating s. 468.903,  
7       F.S.; defining terms; creating s. 468.904, F.S.;  
8       requiring the Department of Business and Professional  
9       Regulation to regulate the manufacture, cultivation,  
10      possession, wholesale distribution, dispensing,  
11      purchase, delivery, and sale of cannabis for medical  
12      use and the manufacture, possession, purchase, sale,  
13      use, and delivery of drug paraphernalia; providing  
14      that the department is responsible for the licensure  
15      and permitting of dispensaries and medical cannabis  
16      farms and the registration of owners, directors,  
17      officers, members, incorporators, employees, and  
18      agents of such farms and dispensaries; requiring the  
19      department to require medical cannabis farms and  
20      dispensaries to maintain certain records and  
21      information; requiring the department to develop and  
22      make available educational materials, conduct  
23      inspections, and revoke or suspend registrations,  
24      licenses, and permits; requiring the department to  
25      adopt certain rules; creating s. 468.905, F.S.;  
26      authorizing a medical cannabis farm to cultivate,



27        sell, manufacture, or deliver, or possess with the  
28        intent to sell, manufacture, or deliver, cannabis and  
29        cannabis plants for wholesale in this state;  
30        authorizing a medical cannabis farm to deliver,  
31        possess with intent to deliver, or manufacture with  
32        intent to deliver drug paraphernalia; requiring a  
33        medical cannabis farm to be permitted with the  
34        department before possessing, manufacturing,  
35        cultivating, delivering, distributing, and wholesaling  
36        cannabis, cannabis-based products, cannabis plants, or  
37        drug paraphernalia; requiring agricultural  
38        classification of land used as a medical cannabis  
39        farm; prohibiting a medical cannabis farm from  
40        conducting retail sales or transactions; requiring a  
41        medical cannabis farm to implement a security plan and  
42        maintain procedures in which cannabis and cannabis-  
43        based products are accessible only to authorized  
44        personnel; providing that the active ingredient in all  
45        cannabis-based products cultivated, manufactured, and  
46        wholesaled to a licensed dispensary in this state must  
47        be wholly derived from cannabis plants cultivated in  
48        this state, except for cannabis seeds and seedlings;  
49        providing that a medical cannabis farm is provided  
50        certain protections and is not deemed a public  
51        nuisance solely because its farm product includes the  
52        production of cannabis; creating s. 468.906, F.S.;

53       authorizing a dispensary to distribute, purchase, sell  
54       or deliver, or possess with the intent to sell or  
55       deliver cannabis, cannabis-based products, cannabis  
56       plants, and drug paraphernalia in order to dispense  
57       and sell to a qualifying patient or patient's  
58       caregiver and to purchase, distribute, deliver, or  
59       possess with intent to deliver drug paraphernalia;  
60       requiring a dispensary to be licensed with the  
61       department before possessing, purchasing, delivering,  
62       distributing, or retailing cannabis, cannabis-based  
63       products, cannabis plants, or drug paraphernalia;  
64       requiring a dispensary to purchase cannabis, cannabis-  
65       based products, and cannabis plants from a medical  
66       cannabis farm that has a department-issued permit;  
67       prohibiting a dispensary from conducting wholesale  
68       sales or transactions; authorizing a dispensary to  
69       retail to a qualifying patient or patient's caregiver  
70       cannabis, cannabis-based products, cannabis plants, or  
71       drug paraphernalia if the qualifying patient or  
72       patient's caregiver meets certain conditions; limiting  
73       a certain amount of usable cannabis and number of  
74       cannabis plant seedlings that a qualifying patient and  
75       a patient's caregiver may purchase within a certain  
76       time period; requiring a dispensary to maintain  
77       certain records for a specified number of years;  
78       requiring a dispensary to implement a security plan;

79        requiring a dispensary to make available educational  
80        materials; requiring a dispensary to prohibit a  
81        qualifying patient from administering or using, and  
82        prohibiting a caregiver from assisting a qualifying  
83        patient in administering or using, any form of  
84        cannabis while on the property of the dispensary;  
85        providing that a person who administers or uses, or  
86        assists another to administer or use, any form of  
87        cannabis on the property of a dispensary subjects the  
88        dispensary to penalties; creating s. 468.907, F.S.;  
89        requiring a person to register with the department if  
90        he or she desires to be an owner, director, officer,  
91        member, incorporator, agent, or employee of a medical  
92        cannabis farm or dispensary; requiring the department  
93        to establish certain registration fees and determine  
94        if the registrant has certain felony convictions;  
95        prohibiting the department from approving a registrant  
96        as an owner, director, officer, member, incorporator,  
97        agent, or employee of a medical cannabis farm or  
98        dispensary if such registrant has certain felony  
99        convictions; providing that a person who violates or  
100        has violated this act may not be an owner, director,  
101        officer, member, incorporator, agent, or employee of a  
102        medical cannabis farm or dispensary; providing that  
103        any prior authorization of such person shall be  
104        immediately revoked; requiring the department to

suspend the license or permit of the medical cannabis farm or dispensary until such person resigns or is removed from such position; authorizing a registrant to commence an action in a court of competent jurisdiction to compel the department to perform certain actions if the department fails to adopt rules by a specified date; creating s. 468.908, F.S.; prohibiting a person from operating a medical cannabis farm except in accordance with part XVII of ch. 468, F.S.; requiring an applicant for an initial permit or for a renewal permit to operate a medical cannabis farm to provide certain information in the application; requiring the department to establish by rule application fees and permitting fees; providing maximum amounts for the fees; requiring a person who possesses, cultivates, manufactures, delivers, distributes, or wholesales cannabis, cannabis-based products, or cannabis plants at one or more locations to possess a current, valid permit for each location; authorizing an applicant for a permit to operate a medical cannabis farm to commence an action in a court of competent jurisdiction to compel the Department of Business and Professional Regulation to perform certain actions if the department fails to adopt rules by a specified date; creating s. 468.909, F.S.; prohibiting a person from operating a dispensary in

131        this state except in accordance with part XVII of ch.  
132        468, F.S.; requiring an applicant for an initial  
133        license or for a renewal license to operate a  
134        dispensary to provide certain information in the  
135        application; requiring the department to establish by  
136        rule application fees and licensure fees; providing  
137        maximum amounts for the fees; requiring a person who  
138        conducts the wholesale purchase or retail sale of drug  
139        paraphernalia or any form of cannabis at more than one  
140        location to possess a current, valid license for each  
141        location; authorizing an applicant for a license to  
142        operate a dispensary to commence an action in a court  
143        of competent jurisdiction to compel the department to  
144        perform certain actions if the department fails to  
145        adopt rules by a specified date; creating s. 468.910,  
146        F.S.; providing requirements for submitting an  
147        application for a license or a permit; authorizing the  
148        department to require an applicant to furnish other  
149        information or data; creating s. 468.911, F.S.;  
150        providing requirements for licenses and permits;  
151        authorizing the department to include other  
152        information on a license or permit; providing that a  
153        license or permit may not be issued, renewed, or  
154        allowed to remain in effect in certain circumstances;  
155        prohibiting a person from knowingly submitting or  
156        presenting to the department a false, fictitious, or

misrepresented application, identification, document,  
information, statement, or data intended or likely to  
deceive the department in order to obtain a license or  
permit; creating s. 468.912, F.S.; authorizing the use  
of certain terms to designate a medical cannabis farm  
that has a department-issued permit or a licensed  
dispensary; requiring conspicuous display of a license  
or permit; providing specified dates for validity and  
expiration of licenses and permits; providing  
application procedures for obtaining initial and  
renewal licenses and permits; authorizing the  
department to seize all forms of cannabis and drug  
paraphernalia and dispose of them if the licensee or  
permittee fails to renew a license or permit;  
requiring funds collected from such disposal to be  
deposited in the Professional Regulation Trust Fund;  
providing the fee structure for reactivating an  
inactive license or permit; creating s. 468.913, F.S.;  
requiring the reporting of a loss, theft, or  
unexplained shortage of cannabis, cannabis-based  
products, cannabis plants, or drug paraphernalia to  
the local law enforcement agency and the department;  
requiring an investigating law enforcement agency to  
forward a copy of its written report to the  
department; requiring the department to retain such  
reports; requiring any sheriff or law enforcement

183 officer in this state to give immediate notice to the  
184 department of a theft, illegal use, or illegal  
185 possession of cannabis, cannabis-based product,  
186 cannabis plants, or drug paraphernalia and to forward  
187 a copy of his or her final written report to the  
188 department; creating s. 468.914, F.S.; authorizing the  
189 department to issue cease and desist orders and to  
190 impose administrative fines for violations of part  
191 XVII of ch. 468, F.S., and applicable department  
192 rules; authorizing the department to seek injunctive  
193 relief and to apply for temporary and permanent orders  
194 for certain violations; authorizing the department to  
195 revoke or suspend all licenses or permits held by a  
196 person; providing requirements for an order of  
197 suspension and an order of revocation; providing for  
198 application of an order of revocation or suspension to  
199 a newly issued permit or license; providing that a  
200 person whose permit or license has been suspended or  
201 revoked may not be issued a new permit or license  
202 under any other name or company name until the  
203 expiration of the suspension or revocation;  
204 authorizing the department to revoke or suspend a  
205 license or permit for certain violations or acts;  
206 providing criminal penalties; providing that other  
207 lawful remedies are not affected; requiring that all  
208 fines, monetary penalties, and costs received by the

department in connection with this part be deposited into the Professional Regulation Trust Fund of the Department of Business and Professional Regulation; creating s. 468.915, F.S.; requiring that all hearings and review of orders from the department be conducted in accordance with ch. 120, F.S.; creating s. 468.916, F.S.; prohibiting a county or municipality from creating or imposing an ordinance or rule that is inconsistent with the provisions contained in this act and the applicable department rules; creating s. 468.917, F.S.; requiring that all moneys collected and deposited in the Professional Regulation Trust Fund be used by the department in the administration of part XVII of ch. 468, F.S.; requiring the department to maintain a separate account in the Professional Regulation Trust Fund for the Drugs, Devices, and Cosmetics program; creating s. 468.918, F.S.; requiring the Department of Business and Professional Regulation and the Department of Revenue to adopt rules by a specified date, including rules that specify persons who may legally possess cannabis for the purpose of teaching, research, or testing; requiring the fees collected by the departments to be applied first to the cost of administering the act; authorizing a state resident to commence an action in a court of competent jurisdiction if the departments



fail to adopt rules by a specified date; creating part  
III of ch. 499, F.S.; creating s. 499.802, F.S.;  
defining terms; creating s. 499.803, F.S.; authorizing  
a qualifying patient to cultivate, possess, and  
administer cannabis for medical use and to possess and  
use drug paraphernalia for a specified purpose;  
authorizing the patient's caregiver to cultivate,  
possess, and administer cannabis for medical use for a  
qualifying patient and to possess, deliver, and use  
drug paraphernalia for a specified purpose; providing  
that a registry identification card, or its  
equivalent, issued from another jurisdiction has the  
same force and effect as a registry identification  
card issued by the Department of Health; requiring a  
qualifying patient to present to a law enforcement  
officer a registry identification card to confirm that  
the patient may cultivate, possess, and administer  
cannabis for medical use and possess and use drug  
paraphernalia; requiring a patient's caregiver to  
present to a law enforcement officer a registry  
identification card to confirm that the caregiver may  
cultivate, possess, and administer cannabis for a  
qualifying patient and possess, deliver, and use drug  
paraphernalia; authorizing a qualifying patient or the  
patient's caregiver to purchase, possess, administer,  
or deliver cannabis, cannabis-based products, cannabis

plants, and drug paraphernalia that is obtained only from a dispensary or medical cannabis farm or to cultivate cannabis and cannabis plants for only the qualifying patient's possession and administration; authorizing a qualifying patient who is a minor to possess, use, or administer medical cannabis only in the presence of the minor's parent or legal guardian and only if the minor's parent or legal guardian signs a written statement; providing requirements for the written statement; providing a procedure for changing the patient's designation of a caregiver; providing a procedure for replacing a lost registry identification card; providing that a registration form to obtain a registry identification card is a registry identification card if the department fails to issue or deny the registration within a specified number of days; authorizing the department to revoke a cardholder's registry identification card; creating s. 499.804, F.S.; requiring a person who seeks designation as a qualifying patient or the patient's caregiver to register with the department; authorizing the maximum number of qualifying patients a patient's caregiver may be connected to through the department's registration process; requiring a qualifying patient or the patient's caregiver to deliver or distribute cannabis in a labeled container or sealed package;

287        prescribing the maximum amount of cannabis which a  
288        qualifying patient or the patient's caregiver may  
289        possess; requiring a cardholder to cultivate cannabis  
290        plants in certain venues that are out of the public  
291        view; providing exceptions for delivering or  
292        distributing cannabis plants under certain  
293        circumstances; authorizing cannabis to be administered  
294        in certain medical treatment facilities under certain  
295        circumstances; prohibiting medical cannabis from being  
296        administered at a dispensary or in a public place,  
297        other than at a medical treatment facility; providing  
298        that the act does not allow a person to undertake a  
299        task under the influence of cannabis when doing so  
300        constitutes negligence or malpractice; providing that  
301        the medical use of cannabis does not create a defense  
302        to certain offenses; providing that evidence of a  
303        person's voluntary intoxication that results from the  
304        medical use of cannabis is not admissible in a  
305        judicial proceeding to show lack of specific intent or  
306        insanity; providing an exception; authorizing a person  
307        or entity to provide information about the existence  
308        or operation of a medical cannabis farm or dispensary  
309        to another person; prohibiting a law enforcement  
310        officer from further stopping or detaining a person  
311        stopped by the officer if that person is in compliance  
312        with the laws and rules regulating the medical use of

cannabis or drug paraphernalia; creating s. 499.805, F.S.; authorizing a physician to prescribe, in writing, the medical use of cannabis under certain circumstances; providing requirements for the written prescription; providing that a physician is not subject to arrest, prosecution, penalty, disciplinary proceedings, or denial of a right or privilege for advising a qualifying patient about the medical use of cannabis, recommending the medical use of cannabis, providing a written prescription for a patient's medical use of cannabis, or stating that, in the physician's professional opinion, the potential benefits of the medical use of cannabis likely outweigh the health risks for a patient; prohibiting a physician from having a professional office located at a medical cannabis farm or dispensary or receiving financial compensation from a medical cannabis farm or dispensary or its owners, directors, officers, members, incorporators, agents, or employees; creating s. 499.806, F.S.; providing that qualifying patients and their caregivers and certain nurse practitioners, registered nurses, pharmacists, and other persons are not subject to arrest, prosecution, penalty, or denial of any right or privilege as a result of the lawful applicable activity regarding the medical use of cannabis under certain circumstances; prohibiting a

339 school, employer, or property owner from refusing to  
340 enroll, employ, or lease to or otherwise penalizing a  
341 person who is a cardholder; creating a presumption  
342 when a qualifying patient or the patient's caregiver  
343 is engaged in the medical use of cannabis under  
344 certain circumstances; authorizing the use of evidence  
345 to rebut that presumption; authorizing the patient's  
346 caregiver to be reimbursed for certain costs;  
347 providing that such reimbursement does not constitute  
348 the sale of a controlled substance under s. 893.13,  
349 F.S.; providing that a qualifying patient's medical  
350 use of cannabis is equivalent to the use of any other  
351 medication used at the direction of a physician;  
352 providing that such use does not constitute the use of  
353 an illicit drug under s. 893.03, F.S.; providing that  
354 a person, cardholder, medical cannabis farm, or  
355 dispensary that cultivates, manufactures, possesses,  
356 administers, dispenses, distributes, or uses cannabis,  
357 or manufactures, possesses, distributes, or uses drug  
358 paraphernalia, in a manner not authorized by this act,  
359 is subject to criminal prosecution and sanctions under  
360 the Florida Comprehensive Drug Abuse Prevention and  
361 Control Act; providing that a person who makes a  
362 fraudulent representation to a law enforcement officer  
363 relating to certain activities involving medical use  
364 of cannabis or drug paraphernalia is subject to a

365 criminal fine in addition to other penalties under  
366 law; creating s. 499.807, F.S.; providing additional  
367 defenses to a prosecution involving cannabis;  
368 authorizing the clerk of the court to assess a fee for  
369 dismissal of a criminal charge of possession, use, or  
370 administration of a legal amount of cannabis for  
371 medical use or drug paraphernalia under certain  
372 circumstances; authorizing a cardholder to assert the  
373 purpose for the medical use of cannabis in a motion to  
374 dismiss; providing that certain interests or rights to  
375 property related to a qualifying patient's medical use  
376 of cannabis may not be forfeited under the Florida  
377 Contraband Forfeiture Act under certain circumstances;  
378 creating s. 499.808, F.S.; providing that the act does  
379 not require a governmental, private, or other health  
380 insurance provider or health care services plan to  
381 cover, or prohibit it from covering, a claim for  
382 reimbursement for the medical use of cannabis;  
383 creating s. 499.809, F.S.; prohibiting an employer,  
384 laboratory, employee assistance program, or alcohol  
385 and drug rehabilitation program and their agents from  
386 releasing certain information without written consent;  
387 providing requirements for written consent;  
388 prohibiting information regarding a qualifying patient  
389 or the patient's caregiver from being released or used  
390 in a criminal proceeding; providing that such

information is inadmissible as evidence; authorizing the Department of Health and its employees to have access to information regarding a qualifying patient or the patient's caregiver under certain circumstances; creating s. 499.810, F.S.; requiring the department to adopt rules by a specified date; requiring the fees collected by the Department of Health to be applied first to the cost of administering part III of ch. 499; authorizing a state resident to commence an action in a court of competent jurisdiction if the departments fail to adopt rules by a specified date; conforming provisions to changes made by the act; authorizing the executive director of the Department of Revenue to adopt emergency rules; amending ss. 812.14, 893.03, 893.13, 893.1351, 893.145, 893.147, and 921.0022, F.S.; providing an effective date.

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

Section 1. This act may be cited as the "Cathy Jordan Medical Cannabis Act."

Section 2. Part XVII of chapter 468, Florida Statutes, consisting of sections 468.901-468.918, is created to read:

468.901 Purpose.—The purpose of part III of chapter 499 and this part is to:

417       (1) Make a distinction between the medical use and  
418 nonmedical use of cannabis and to protect qualifying patients,  
419 their prescribing physicians, their caregivers, and persons who  
420 lawfully engage in activities associated with the operation of a  
421 dispensary or a medical cannabis farm from arrest, criminal  
422 prosecution, property forfeiture, and other penalties if such  
423 patients, physicians, caregivers, and persons engage in the  
424 medical use of cannabis. Compassionate medical use of cannabis  
425 will also reduce state law enforcement costs, including, but not  
426 limited to, state prison costs, local jail costs, felony  
427 prosecution costs, court and probation costs, costs associated  
428 with felony and misdemeanor arrests, and alternative treatment  
429 costs by reducing the incidence of arrest and prosecution of  
430 nonviolent cannabis users and traffickers in the state.

431       (2) Provide consumer protection regarding the medical use  
432 of cannabis by regulating the cultivation, manufacturing,  
433 wholesale distribution, prescribing, and retailing of cannabis,  
434 cannabis-based products, cannabis plants, and drug paraphernalia  
435 in the state in order to:

436           (a) Safeguard the public health, safety, and welfare.

437           (b) Protect the public from being misled by unscrupulous  
438 and unauthorized persons or criminal activity.

439           (c) Ensure the highest degree of conduct on the part of  
440 owners, directors, officers, members, employees, and agents of  
441 medical cannabis farms and dispensaries.

442           (d) Ensure the availability of controlled distribution and



443 use of high-quality cannabis, cannabis-based products, cannabis  
444 plants, and drug paraphernalia in this state for the benefit of  
445 a qualifying patient who is prescribed cannabis for medical use.

446 468.902 Legislative findings and intent.—

447 (1) The Legislature finds that:

448 (a) Modern medical research has discovered beneficial uses  
449 for cannabis in treating or alleviating pain, nausea, and other  
450 symptoms associated with certain qualifying medical conditions,  
451 as indicated by the National Academy of Sciences' Institute of  
452 Medicine (IOM) in its report dated March 1999, cited by the  
453 United States Department of Health and Human Services, which  
454 found that "there is substantial consensus among experts in the  
455 relevant disciplines on the scientific evidence about potential  
456 medical uses of marijuana."

457 (b) The prohibition against the use of cannabis has been  
458 in effect for many years and is rooted in outdated scientific  
459 evidence that does not make a reasonable distinction between its  
460 recreational use and beneficial medicinal use.

461 (c) Although federal law currently prohibits any use of  
462 marijuana and cannabis, the laws of Alaska, Arizona, California,  
463 Colorado, Connecticut, Delaware, District of Columbia, Hawaii,  
464 Illinois, Maine, Massachusetts, Michigan, Montana, Nevada, New  
465 Hampshire, New Jersey, New Mexico, Oregon, Rhode Island,  
466 Vermont, and Washington allow the medical use of cannabis and  
467 the cultivation of marijuana as of January, 2014. This state  
468 joins in this effort for the health, safety, and welfare of its

469 residents through enacting the Cathy Jordan Medical Cannabis Act  
470 and creating license and permit regulations in this part.

471 (d) The medical use of cannabis offers a substantial  
472 benefit to the health, safety, and welfare of the residents of  
473 this state, and it is the intent of the Legislature that this  
474 part and part III of chapter 499 be liberally construed to make  
475 these benefits available to the residents of this state.

476 (e) The states are not required to enforce federal law or  
477 prosecute people for engaging in activities prohibited by  
478 federal law. Therefore, compliance with this part and part III  
479 of chapter 499 does not place this state in violation of federal  
480 law.

481 (2) The Tenth Amendment of the United States Constitution  
482 provides that powers not delegated to the Federal Government by  
483 the federal constitution, nor prohibited to the states, are  
484 reserved to the states or the people. Therefore, the Legislature  
485 may enact this part pursuant to its police power to enact  
486 legislation for the protection of the health of its residents.

487 (3) The provisions of this part and part III of chapter  
488 499 are cumulative and do not repeal or affect any power, duty,  
489 or authority of the Department of Business and Professional  
490 Regulation, the Department of Health, and the Department of  
491 Revenue under any other law of this state, except with respect  
492 to the regulation of cannabis as provided in this part and part  
493 III of chapter 499. If the provisions of this part or part III  
494 of chapter 499 conflict with any other such law, the provisions

of this part and part III of chapter 499 control.

468.903 Definitions.—As used in this part, unless the context clearly indicates otherwise, the term:

(1) "Administer" has the same meaning as provided in s. 893.02.

(2) "Cannabis" has the same meaning as provided in s. 893.02.

(3) "Cannabis-based product" means a product that contains cannabis or any of its derivatives, including, but not limited to, tonics, tinctures, balms, salves, lotions, sprays, ointments, teas, sodas, and pills.

(4) "Cannabis plant" has the same meaning as provided in s. 893.135.

(5) "Cultivating" has the same meaning as provided in s. 893.02.

(6) "Deliver" or "delivery" has the same meaning as provided in s. 893.02.

(7) "Department" means the Department of Business and Professional Regulation.

(8) "Dispensary" means a facility that is:

(a) Licensed by the department pursuant to this chapter; and

(b) Operated by an organization or business from or at which cannabis, cannabis-based products, and cannabis plants are delivered, purchased, possessed, or dispensed and drug paraphernalia are possessed, delivered, or distributed to a

521 qualifying patient or the patient's caregiver.

522 (9) "Dispense" means the transfer of possession of  
523 cannabis by a person who represents that it is his or her  
524 intention not to consume the cannabis but to transfer it to the  
525 ultimate consumer or user for its medical use in accordance with  
526 this part, part III of chapter 499, or department rule.

527 (10) "Distribute" has the same meaning as provided in s.  
528 893.02.

529 (11) "Drug paraphernalia" has the same meaning as provided  
530 in s. 893.145, is related to the medical use of cannabis, and is  
531 not deemed contraband that is subject to civil forfeiture.

532 (12) "Manufacture" means the production, preparation,  
533 propagation, compounding, conversion, or processing of cannabis,  
534 directly or indirectly, by extraction from substances of natural  
535 origin, independently by means of chemical synthesis, or by a  
536 combination of extraction and chemical synthesis, and includes  
537 the packaging or repackaging of the substance and the labeling  
538 or relabeling of its container.

539 (13) "Medical cannabis farm" means land that:

540 (a) Is currently classified as agricultural pursuant to s.  
541 193.461 by the county property appraiser, a value adjustment  
542 board, a court of competent jurisdiction, or the board of county  
543 commissioners of the county in which the land is located, before  
544 application for a permit to use the land to cultivate cannabis  
545 plants is granted; and

546 (b) Is or will be used primarily for bona fide

547 agricultural purposes as provided in s. 193.461.

548 (14) "Medical use" means the prescriptive use of any form  
549 of cannabis to treat a qualifying medical condition and the  
550 symptoms associated with that condition or to alleviate the side  
551 effects of a qualifying medical treatment.

552 (15) "Patient's caregiver" or "caregiver" means a person  
553 who is:

554 (a) Designated by a qualifying patient and registered with  
555 the Department of Health as the person authorized, on the  
556 qualifying patient's behalf, to cultivate, deliver, possess,  
557 purchase, and assist in the administration of cannabis; and

558 (b) At least 18 years of age.

559 (16) "Physician" means a person who is licensed under  
560 chapter 458 or chapter 459 and holds a valid federal controlled  
561 substance registry number.

562 (17) "Qualifying medical condition" means:

563 (a) Acquired immune deficiency syndrome (AIDS) or positive  
564 status for human immunodeficiency virus (HIV);

565 (b) Alzheimer's disease or agitation of Alzheimer's  
566 disease;

567 (c) Amyotrophic lateral sclerosis (ALS);

568 (d) Anorexia;

569 (e) Cachexia;

570 (f) Cancer;

571 (g) Chronic debilitating pain;

572 (h) Damage to the nervous tissue of the spinal cord with

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573 objective neurological indication of intractable spasticity;  
574 (i) Decompensated cirrhosis;  
575 (j) Epilepsy and other disorders characterized by  
576 seizures;  
577 (k) Fibromyalgia;  
578 (l) Glaucoma;  
579 (m) Hepatitis C;  
580 (n) Inflammatory bowel disease, including Crohn's disease;  
581 (o) Multiple sclerosis and other disorders characterized  
582 by muscle spasticity;  
583 (p) Muscular dystrophy;  
584 (q) Nail-patella syndrome;  
585 (r) Neuroborreliosis;  
586 (s) Organ transplantation;  
587 (t) Painful peripheral neuropathy;  
588 (u) Parkinson's disease;  
589 (v) Persistent nausea or severe emesis;  
590 (w) Post-traumatic stress disorder (PTSD); or  
591 (x) Terminal illness, if the physician has determined a  
592 prognosis of less than 12 months of life.  
593 (18) "Qualifying medical treatment" means:  
594 (a) Chemotherapy;  
595 (b) Radiotherapy;  
596 (c) The use of azidothymidine or protease inhibitors; or  
597 (d) Treatment of a qualifying medical condition as  
598 specified in subsection (17).

599       (19) "Qualifying patient" means a person who is a resident  
600 of this state and registered with the Department of Health as a  
601 person who has been diagnosed by a physician as having a  
602 qualifying medical condition or undergoing a qualifying medical  
603 treatment.

604       (20) "Registry identification card" means a  
605 nontransferable document issued by the Department of Health  
606 which identifies a person as a qualifying patient or a patient's  
607 caregiver.

608       (21) "Usable cannabis" means the dried flowers of the  
609 cannabis plant, and any mixture or preparation of the flowers,  
610 but does not include the seeds, stalks, and roots of the plant  
611 and does not include the weight of any noncannabis ingredients  
612 combined with cannabis and prepared for consumption as food or  
613 drink.

614       468.904 Department duties and responsibilities.—

615       (1) The department shall regulate the manufacture,  
616 cultivation, possession, wholesale distribution, dispensing,  
617 purchase, delivery, and sale of cannabis for medical use and the  
618 manufacture, possession, purchase, sale, use, and delivery of  
619 drug paraphernalia. The department is responsible for the  
620 licensure and permitting of dispensaries and medical cannabis  
621 farms in this state and for the requirements for, and approval  
622 of, the registration of each owner, director, officer,  
623 incorporator, member, employee, and agent of each such farm and  
624 dispensary.

625       (2) The department shall, subject to department rule,  
626       require each medical cannabis farm and each dispensary to  
627       maintain true, complete, and current records of:

628       (a) The name, address, home telephone number, and date of  
629       birth of each owner, director, officer, employee, incorporator,  
630       member, and agent; and

631       (b) Each transaction at a medical cannabis farm or  
632       dispensary, including:

633       1. The quantity of cannabis distributed or dispensed for  
634       each transaction;

635       2. A continuous inventory of the quantity of cannabis,  
636       cannabis plants, and drug paraphernalia at the medical cannabis  
637       farm or dispensary;

638       3. Records of the disposal and disposal method used for  
639       any cannabis, drug paraphernalia, cannabis-based product, or  
640       cannabis plant that was manufactured, cultivated, or acquired  
641       but not sold or inventoried; and

642       4. Any other information required by the department.

643       (3) The department shall, subject to department rule:

644       (a) Develop and make available to each medical cannabis  
645       farm, each dispensary, and the general public educational  
646       materials about potential harmful drug interactions that could  
647       occur from the concurrent medical use of cannabis with other  
648       medical treatments;

649       (b) Inform the public and private hospitals, health care  
650       providers, pharmacists, and duly licensed dispensaries in this



651 state of the medical use of cannabis to help avoid harmful drug  
652 interactions;

653 (c) Conduct announced and unannounced inspections of  
654 medical cannabis farms and dispensaries; and

655 (d) Revoke or suspend the registration, license, or permit  
656 of a person, dispensary, or medical cannabis farm if the  
657 department determines that the person, dispensary, or medical  
658 cannabis farm has violated department rule, this part, or part  
659 III of chapter 499.

660 (4) The department shall adopt rules that are necessary to  
661 administer this section and that are in substantial conformity  
662 with generally accepted standards of safety, including rules  
663 that are reasonably necessary to protect the health, safety, and  
664 welfare of the public and the persons who cultivate, deliver,  
665 possess, manufacture, sell at wholesale, or retail cannabis,  
666 cannabis-based products, cannabis plants, and drug  
667 paraphernalia.

668 468.905 Medical cannabis farms.—

669 (1) Notwithstanding any other provision of law and in  
670 accordance with this part, part III of chapter 499, and  
671 department rule, a medical cannabis farm may:

672 (a) Cultivate, manufacture, sell, or deliver, or possess  
673 with the intent to sell, manufacture, or deliver, cannabis,  
674 cannabis-based products, and cannabis plants for wholesale in  
675 this state for the purpose of distribution to a licensed  
676 dispensary in this state; and

677       (b) Deliver, possess with intent to deliver, or  
678 manufacture with intent to deliver drug paraphernalia.

679       (2) A medical cannabis farm must obtain a valid permit  
680 from the department before possessing, manufacturing,  
681 cultivating, delivering, and wholesaling cannabis, cannabis-  
682 based products, cannabis plants, and drug paraphernalia in  
683 accordance with this part, part III of chapter 499, and  
684 department rule.

685       (3) A person who applies to the department for a permit to  
686 operate a medical cannabis farm must use the land on which the  
687 farm will be located primarily for bona fide agricultural  
688 purposes and must obtain the agricultural classification  
689 pursuant to s. 193.461 from the county property appraiser, a  
690 value adjustment board, a court of competent jurisdiction, or  
691 the board of county commissioners of the county in which the  
692 land is located before applying for a medical cannabis farm  
693 permit.

694       (4) A medical cannabis farm shall implement a security  
695 plan to prevent the theft or diversion of all cannabis,  
696 cannabis-based products, and raw ingredients, including, but not  
697 limited to, cannabis plants; derivatives of cannabis plants; and  
698 seedlings and seeds, whether in ground or not in ground, visible  
699 or not visible to the public.

700       (5) A medical cannabis farm shall maintain procedures  
701 under which cannabis, cannabis-based products, and raw  
702 ingredients, including all cannabis plants; derivatives of

cannabis plants; seedlings and seeds, whether in ground or not in ground, visible or not visible to the public, are accessible only to authorized personnel.

(6) The active ingredient in all cannabis and cannabis-based products that are cultivated, manufactured, and sold at wholesale to a licensed dispensary in this state must be wholly derived from cannabis plants that are cultivated in this state. However, such active ingredient may be wholly derived from cannabis seeds and seedlings that are cultivated in this state or outside this state.

(7) A medical cannabis farm is subject to the protections of s. 823.14 and is not deemed a public nuisance solely because its farm product includes the production of cannabis or any product derived from the cannabis plant.

468.906 Dispensaries.—

(1) Notwithstanding any other provision of law and in accordance with this part, part III of chapter 499, and department rule, a dispensary may distribute, purchase, sell, or deliver, or possess with the intent to sell or deliver, cannabis for medical use for the purpose of dispensing and selling to a qualifying patient or the patient's caregiver cannabis, cannabis-based products, and cannabis plants, and may purchase, distribute, or deliver, or possess with intent to deliver, drug paraphernalia.

(2) A dispensary must be licensed with the department before possessing, purchasing, delivering, distributing, or

729 retailing cannabis, cannabis-based products, cannabis plants, or  
730 drug paraphernalia. All cannabis, cannabis-based products,  
731 cannabis plants, and drug paraphernalia sold by, at, or through  
732 a licensed dispensary must be purchased from a medical cannabis  
733 farm that has a valid, department-issued permit.

734 (3) A dispensary may not conduct wholesale sales or  
735 transactions.

736 (4) A dispensary may sell at retail to a qualifying  
737 patient or the patient's caregiver cannabis, cannabis-based  
738 products, cannabis plants, or drug paraphernalia only if the  
739 qualifying patient or patient's caregiver is in possession of  
740 his or her valid registry identification card at the time and  
741 place of purchase.

742 (5) (a) A qualifying patient may not purchase within a 30-  
743 day period more than:

- 744 1. Two hundred and fifty grams of usable cannabis; and  
745 2. Six cannabis plant seedlings.

746 (b) A patient's caregiver may not purchase within a 30-day  
747 period more than:

748 1. Two hundred and fifty grams of usable cannabis for each  
749 qualifying patient that the caregiver is connected to through  
750 the Department of Health's registration process as indicated on  
751 his or her valid registry identification card; and

752 2. Six cannabis plant seedlings for each qualifying  
753 patient that the caregiver is connected to through the  
754 Department of Health's registration process as indicated on his

755 or her valid registry identification card.

756 (6) A dispensary shall maintain true, complete, and  
757 current records of the name and registry identification card  
758 number of each qualifying patient and patient's caregiver who  
759 purchases cannabis, cannabis-based products, or cannabis plants,  
760 except for drug paraphernalia, subject to the confidentiality  
761 limitations in s. 499.809. The records maintained under this  
762 subsection shall be retained for 3 years and must include:

763 (a) The amount paid for the transaction for cannabis,  
764 cannabis-based product, or cannabis plants; and

765 (b) The registry identification card number of each  
766 purchaser of cannabis, cannabis-based product, or cannabis  
767 plant, subject to the confidentiality limitations in s. 499.809.

768 (7) A dispensary shall implement a security plan to  
769 prevent the theft or diversion of cannabis, including  
770 maintaining all cannabis in a secure, locked room that is  
771 accessible only by authorized persons.

772 (8) A dispensary shall make available to each qualifying  
773 patient and patient's caregiver educational materials developed  
774 and provided by the department which explain potential harmful  
775 drug interactions.

776 (9) A dispensary shall prohibit a qualifying patient from  
777 administering or using, and prohibit a patient's caregiver who  
778 assists a qualifying patient from administering or using, any  
779 form of cannabis while on the property of the dispensary. A  
780 person who violates this subsection subjects the dispensary to

penalties prescribed by department rule, this part, and part III of chapter 499.

468.907 Owners, directors, officers, members, incorporators, agents, or employees of medical cannabis farms and dispensaries.—

(1) Before a person becomes an owner, director, officer, member, incorporator, agent, or employee of a medical cannabis farm or dispensary, he or she must register with the department and pay the applicable registration fee. The department shall:

(a) Establish by rule the following fees:

1. Initial registration fee, which may not exceed \$1,000; and

2. Renewal registration fee, which may not exceed \$1,000.

(b) Determine if the person was convicted within the last 10 years of a drug-related felony or was convicted within the last 10 years of a nondrug-related felony for which the person has not been pardoned or has not had his or her civil rights restored. If a person has such a felony conviction, the department may not approve the person as an owner, director, officer, member, incorporator, agent, or employee of a medical cannabis farm or dispensary.

(2) A person who violates or has violated this part or part III of chapter 499 may not be an owner, director, officer, member, incorporator, agent, or employee of a medical cannabis farm or dispensary. Any prior registration or authorization of such person shall be immediately revoked, and the department

807 shall suspend the permit or license of the medical cannabis farm  
808 or dispensary until the person resigns or is removed from the  
809 position of owner, director, officer, member, incorporator,  
810 agent, or employee.

811 (3) If the department fails to adopt these rules by  
812 January 1, 2015, a registrant may commence an action in a court  
813 of competent jurisdiction to compel the department to perform  
814 the actions mandated under this section.

815 468.908 Medical cannabis farm permit.-

816 (1) A person may not operate a medical cannabis farm in  
817 this state except in accordance with this part.

818 (2) An applicant for an initial or renewal permit to  
819 operate a medical cannabis farm must address the following  
820 information in the permit application:

821 (a) Knowledge of state and federal laws relating to  
822 cannabis and the medical use of cannabis.

823 (b) The suitability of the proposed facility.

824 (c) The proposed staffing plan.

825 (d) The proposed security plan that has been assessed by  
826 the local law enforcement agency of the county or municipality  
827 in which the medical cannabis farm is located.

828 (e) The proposed cultivation plan.

829 (f) The proposed manufacturing plan.

830 (g) The proposed storage and inventory control plan.

831 (h) The proposed labeling plan.

832 (i) The proposed product safety plan.

833       (3) The department shall establish by rule the annual  
834 application fees and permit fees for a medical cannabis farm,  
835 which may not exceed the following amounts:

836       (a) Application fee, \$2,500.

837       (b) Initial permit fee, \$5,000.

838       (c) Application fee for renewing a permit, \$1,000.

839       (d) Renewal permit fee, \$5,000.

840       (4) A person who possesses, cultivates, manufactures,  
841 delivers, distributes, or wholesales cannabis, cannabis-based  
842 products, or cannabis plants at one or more locations must  
843 possess a current, valid permit for each location.

844       (5) If the department fails to adopt rules to administer  
845 this section by January 1, 2015, a medical cannabis farm  
846 applicant may commence an action in a court of competent  
847 jurisdiction to compel the department to perform the actions  
848 mandated under this section.

849       468.909 Dispensary license.—

850       (1) A person or entity may not operate a dispensary in  
851 this state except in accordance with this part.

852       (2) An applicant for an initial or renewal license to  
853 operate a dispensary must address the following information in  
854 the license application:

855       (a) Knowledge of state and federal laws relating to  
856 cannabis and the medical use of cannabis.

857       (b) The suitability of the proposed facility.

858       (c) The proposed staffing plan.



859        (d) The proposed security plan that has been assessed by  
860 the local law enforcement agency of the county or municipality  
861 in which the dispensary is located.

862        (e) The proposed retail plan.

863        (f) The proposed marketing plan.

864        (g) The proposed storage and inventory control plan.

865        (h) The proposed labeling plan.

866        (i) The proposed product safety plan.

867        (3) The department shall establish by rule the annual  
868 application fees and license fees for a dispensary, which may  
869 not exceed the following amounts:

870            (a) Application fee, \$1,000.

871            (b) Initial license fee, \$5,000.

872            (c) Application fee for renewing a license, \$500.

873            (d) Renewal license fee, \$5,000.

874        (4) A person who conducts the wholesale purchase or retail  
875 sale of drug paraphernalia or any form of cannabis at or from  
876 more than one location must possess a current valid license for  
877 each location.

878        (5) If the department fails to adopt rules to administer  
879 this section by January 1, 2015, an applicant seeking to operate  
880 a dispensary may commence an action in a court of competent  
881 jurisdiction to compel the department to perform the actions  
882 mandated under this section.

883        468.910 Applications for licenses and permits.—

884        (1) An application for a license or permit required under

this part must be filed in writing with the department. An application must include, at a minimum, the full name, date of birth, place of birth, social security number, physical description, residence address and telephone number, and business address and telephone number of the applicant. Each application must be accompanied by an accurate and current photograph of the applicant and a complete set of fingerprints of the applicant taken by an authorized law enforcement agency; however, a set of fingerprints is not required if the applicant has possessed a valid license or permit under this part during the previous licensing or permitting year and such license or permit has not lapsed or been suspended or revoked. If fingerprints are required, the department shall submit the set of fingerprints to the Department of Law Enforcement for state processing. If the application does not require a set of fingerprints, the department shall submit the name and other identifying data to the Department of Law Enforcement for processing. The application must be in a form to provide the data and other information set forth in this subsection and must be sworn to by the applicant or, if the applicant is a corporation, by each officer and director of the corporation. The officers and directors applying on behalf of a corporation shall provide all of the required identifying data and information. This section does not preclude electronic filing of the application.

(2) The department may require an applicant to furnish

911 other information or data not required by this section if the  
912 information or data are deemed necessary by the department.

913 468.911 Issuance of licenses and permits; prohibitions.-

914 (1) A license or permit issued by the department in  
915 accordance with this part must set forth, at a minimum, the full  
916 name, date of birth, and physical description of the licensee or  
917 permittee and have permanently affixed an accurate and current  
918 photograph of the licensee or permittee. A license or permit  
919 issued to a corporation must set forth the full name, date of  
920 birth, and physical description of the chief executive officer  
921 and have permanently affixed an accurate and current photograph  
922 of the chief executive officer. A license or permit must also  
923 contain a license number or permit number issued by the  
924 department.

925 (2) Other data or information may be included on the  
926 license or permit if deemed appropriate by the department.

927 (3) A license or permit may not be issued, renewed, or  
928 allowed to remain in effect for:

929 (a) A corporation or entity that has a corporate officer  
930 who is under 18 years of age;

931 (b) A person who has been convicted in this state or any  
932 other state or federal jurisdiction for:

933 1. A drug-related felony; or

934 2. A nondrug-related felony for which the person has not  
935 been pardoned or has not had his or her civil rights restored;  
936 or

937        (c) A person who has been adjudicated mentally incompetent  
938 or adjudicated mentally defective and has not had his or her  
939 civil rights restored. As used in this paragraph, the phrase:

940        1. "Adjudicated mentally defective" has the same meaning  
941 as in s. 790.065.

942        2. "Adjudicated mentally incompetent" means a  
943 determination by a court that a person who, because of mental  
944 illness, intellectual disability, senility, excessive use of  
945 drugs or alcohol, or other mental incapacity, is incapable of  
946 managing his or her property or caring for himself or herself or  
947 both.

948        (4) A person may not knowingly withhold information or  
949 present to the department a false, fictitious, or misrepresented  
950 application, identification, document, information, statement,  
951 or data intended or likely to deceive the department for  
952 obtaining a license or permit.

953        468.912 License and permit to be displayed.—

954        (1) A medical cannabis farm that has a valid department-  
955 issued permit may use the term "medical cannabis farm" or  
956 "permitted medical cannabis farm," in connection with the  
957 permittee's name or place of business, to denote permitting  
958 under this part.

959        (2) A licensed dispensary may use the term "dispensary,"  
960 "licensed dispensary," or "licensed medical cannabis  
961 dispensary," in connection with the licensee's name or place of  
962 business, to denote licensure under this part.

963       (3) A person who is issued a license or permit under this  
964 part shall keep such license or permit conspicuously displayed  
965 in his or her office, place of business, or place of employment  
966 and shall show such license or permit as required by any member  
967 or authorized representative of the department.

968       (4) A license or permit that is issued by the department  
969 is valid beginning on October 1 of the year for which it is  
970 issued and expires on September 30 of the following year.

971       (5) A medical cannabis farm that has a department-issued  
972 permit or a licensed dispensary must renew its permit or license  
973 before its expiration date. If a renewal application and fee are  
974 not filed by the expiration date, the license or permit may be  
975 reinstated only if the licensee or permittee pays, within 30  
976 days after the date of expiration, a delinquent fee that may not  
977 exceed \$750 for a medical cannabis farm and \$500 for a  
978 dispensary, plus the required renewal and application fees. If a  
979 licensee or permittee fails to comply with the renewal  
980 requirements of this part, the department may seize all  
981 cannabis, cannabis-based products, cannabis plants, and drug  
982 paraphernalia and dispose of them in any manner deemed  
983 appropriate by the department by November 1 of the year the  
984 license or permit expires. Any funds collected from the disposal  
985 shall be placed in the Professional Regulation Trust Fund.

986       (6) The fee structure for reactivation of an inactive  
987 license or permit, except when renewed within 30 days after the  
988 date of expiration, is the same as for an initial permit or

989 license, including the application fee.

990 468.913 Reports of theft, illegal use, or illegal  
991 possession.—

992 (1) A licensee or permittee who incurs a loss, theft, or  
993 unexplained shortage of cannabis, cannabis-based products,  
994 cannabis plants, or drug paraphernalia, or who has knowledge of  
995 a loss, theft, or unexplained shortage of cannabis, cannabis-  
996 based products, cannabis plants, or drug paraphernalia, shall,  
997 within 12 hours after the discovery, report such loss, theft, or  
998 unexplained shortage to the county sheriff or police chief of  
999 the jurisdiction in which the loss, theft, or unexplained  
1000 shortage occurred. This loss, theft, or unexplained shortage  
1001 shall also be reported to the department by the close of the  
1002 next business day following the discovery.

1003 (2) A law enforcement agency that investigates the causes  
1004 and circumstances of a loss, theft, or unexplained shortage of  
1005 cannabis, cannabis-based products, cannabis plants, or drug  
1006 paraphernalia shall forward a copy of its final written report  
1007 to the department. The department shall retain these reports in  
1008 the files of the affected licensee or permittee.

1009 (3) Any sheriff or law enforcement officer in this state  
1010 shall give immediate notice to the department of the theft,  
1011 illegal use, or illegal possession of cannabis, cannabis-based  
1012 products, cannabis plants, or drug paraphernalia and forward a  
1013 copy of his or her final written police report to the  
1014 department.

1015 468.914 Administrative relief; civil relief; penalties;  
1016 allocation and disposition of moneys collected.-

1017 (1) If the department has probable cause to believe that a  
1018 person not licensed or permitted by the department has engaged  
1019 in any activities governed by this part or a department rule  
1020 adopted pursuant to this part, the department may:

1021 (a) Issue and deliver to such person a notice to cease and  
1022 desist from such violation. The issuance of a notice to cease  
1023 and desist does not constitute agency action for which a hearing  
1024 under ss. 120.569 and 120.57 may be sought. For the purpose of  
1025 enforcing a notice to cease and desist, the department may file  
1026 a proceeding seeking issuance of an injunction or a writ of  
1027 mandamus against a person who violates such notice. If the  
1028 department is required to seek enforcement of the notice to  
1029 cease and desist for penalty pursuant to s. 120.569, it is  
1030 entitled to collect its attorney fees and costs.

1031 (b) In addition to the remedy under paragraph (a), impose  
1032 by citation an administrative fine not to exceed \$5,000 for each  
1033 violation per day. Each day that a violation continues  
1034 constitutes a separate violation, and each separate violation is  
1035 subject to a separate fine. The department shall issue the  
1036 citation to the person, and the citation must contain the  
1037 person's name and any other information the department  
1038 determines to be necessary to identify the person, a brief  
1039 factual statement, the sections of the law allegedly violated,  
1040 and the fine imposed. If the person does not dispute the matter

1041 in the citation or pay the fine within 30 days after the  
1042 citation is served, the citation becomes a final order of the  
1043 department. The department is entitled to recover the costs of  
1044 investigation and prosecution in addition to the fine levied  
1045 pursuant to the citation.

1046 (c) In addition to the administrative remedies under  
1047 paragraphs (a) and (b), seek injunctive relief in the Circuit  
1048 Court of Leon County and apply for temporary orders and  
1049 permanent orders as the department deems necessary to restrain  
1050 such person from engaging in any activity under this part until  
1051 such person complies. The court may also award to the prevailing  
1052 party court costs and reasonable attorney fees and, if the  
1053 department prevails, may also award reasonable costs for  
1054 investigation and prosecution.

1055 (2) The department may revoke or suspend in accordance  
1056 with this subsection all of the licenses or permits held by a  
1057 person. An order of suspension must specify the duration of the  
1058 suspension, which may not exceed 1 year from the date of the  
1059 order. An order of revocation may be entered for a period not to  
1060 exceed 5 years. The order affects the revocation of all licenses  
1061 and permits held by the person. During such period, a license or  
1062 permit may not be issued to the person. If, during the period  
1063 between the beginning of a proceeding to revoke or suspend a  
1064 license or permit and the entry of an order of suspension or  
1065 revocation by the department, a new license or permit is issued  
1066 to the person, any order of suspension or revocation applies



1067 with respect to the new license or permit. A person whose permit  
1068 or license has been suspended or revoked may not be issued a new  
1069 permit or license under any other name or company name until the  
1070 expiration of the suspension or revocation. In addition to the  
1071 administrative remedies and civil remedies under paragraphs  
1072 (1)(b) and (c) and the criminal penalties in subsection (3), the  
1073 department may revoke or suspend a license or permit if a person  
1074 does any of the following:

1075 (a) Violates this part or a department rule adopted  
1076 pursuant to this part.

1077 (b) Fails to pay an administrative fine within 30 days  
1078 after a citation becomes a final order.

1079 (c) Knowingly makes or files a report that is false,  
1080 intentionally or negligently fails to file a report or record  
1081 required by state law, or willfully impedes or obstructs such  
1082 filing or induces another person to do so.

1083 (d) Pays or receives, directly or indirectly, a  
1084 commission, bonus, kickback, or rebate to or from, or who  
1085 engages in any split-fee arrangement in any form with, a  
1086 physician, organization, agency, or person for patients referred  
1087 to a provider of health care goods and services, including, but  
1088 not limited to, a hospital, nursing home, clinical laboratory,  
1089 ambulatory surgical center, or pharmacy.

1090 (3)(a) A licensee, a permittee, or any person who  
1091 knowingly withholds information or:

1092 1. Presents to the department a false, fictitious, or

misrepresented application, registration, identification,  
document, information, statement, or data intended or likely to  
deceive the department for the purpose of obtaining or renewing  
a license or permit commits a misdemeanor of the first degree,  
punishable as provided in s. 775.082 or s. 775.083.

2. Makes a false or fictitious entry or a  
misrepresentation upon any invoice, receipt, sales ticket, sales  
slip, or account of inventories commits a misdemeanor of the  
first degree, punishable as provided in s. 775.082 or s.  
775.083.

(b) A licensee who knowingly fails to maintain written  
accounts of inventories or records of sales or transfers commits  
a misdemeanor of the first degree, punishable as provided in s.  
775.082 or s. 775.083.

(c) A permittee who knowingly fails to maintain written  
inventories and records commits a misdemeanor of the first  
degree, punishable as provided in s. 775.082 or s. 775.083.

(d) A licensee or permittee who fails to report the loss,  
theft, or unexplained shortage of cannabis, cannabis-based  
products, cannabis plants, or drug paraphernalia commits a  
misdemeanor of the first degree, punishable as provided in s.  
775.082 or s. 775.083.

(4) The provisions of this section are cumulative and do  
not affect any other lawful remedy available to the state,  
including administrative fines and injunctive relief.

(5) All fines, monetary penalties, and costs received by

1119 the department in connection with this part shall be deposited  
1120 into the Professional Regulation Trust Fund.

1121 468.915 Conduct of hearings; review of orders of the  
1122 department.—All hearings shall be conducted in accordance with  
1123 chapter 120. All reviews of orders of the department shall be in  
1124 accordance with chapter 120.

1125 468.916 County and municipal ordinances.—A county or  
1126 municipality in this state may create or impose an ordinance or  
1127 rule pertaining to the medical use of cannabis which is not  
1128 inconsistent with the provisions contained in this part, part  
1129 III of chapter 499, or applicable department rules.

1130 468.917 Collection of moneys.—All moneys collected under  
1131 this part and deposited into the Professional Regulation Trust  
1132 Fund shall be used by the department in the administration of  
1133 this part. The department shall maintain a separate account in  
1134 the Professional Regulation Trust Fund for the Drugs, Devices,  
1135 and Cosmetics program.

1136 468.918 Rules.—

1137 (1) By October 1, 2014, the department shall adopt rules  
1138 to administer this part, including rules that:

1139 (a) Create an application form and a procedure for  
1140 obtaining a permit to own or operate a medical cannabis farm.

1141 (b) Create an application form and a procedure for  
1142 obtaining a license to own or operate a dispensary.

1143 (c) Create a registration form and procedure for  
1144 registering as an owner, director, officer, member,

incorporator, employee, or agent.

(d) Determine the registration fees to register as an owner, director, officer, member, incorporator, employee, or agent in accordance with s. 468.907.

(e) Determine the licensing fees and permitting fees to own or operate a dispensary or medical cannabis farm in accordance with ss. 468.908 and 468.909.

(f) Determine the appropriate signage, outdoor lighting, security system, security plan, and theft prevention plan for medical cannabis farms and dispensaries.

(g) Determine the hours during which medical cannabis farms and dispensaries may operate.

(h) Establish the inspection and audit procedures and recordkeeping requirements for medical cannabis farms and dispensaries to ensure compliance with the rules of the department.

(i) Specify persons who may legally possess cannabis for the purpose of teaching, research, or testing and create a form to exempt the lawful possession of cannabis by those persons.

(2) By January 1, 2015, the Department of Revenue shall adopt rules that govern the manner in which:

(a) Medical cannabis farms are subject to taxation and reporting for the wholesale distribution of cannabis for medical use.

(b) Dispensaries are subject to taxation and reporting for the retail distribution of cannabis for medical use.

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1171       (3) The fees collected by the Department of Business and  
1172 Professional Regulation and the Department of Revenue pursuant  
1173 to this part shall be applied first toward the cost of  
1174 administering this part.

1175       (4) If the Department of Business and Professional  
1176 Regulation or the Department of Revenue fails to adopt rules to  
1177 administer this part by January 1, 2015, a resident of this  
1178 state may commence an action in a court of competent  
1179 jurisdiction to compel performance of the actions mandated under  
1180 this part.

1181       Section 3. Part III of chapter 499, Florida Statutes,  
1182 consisting of sections 499.802-499.810, is created to read:

1183       499.802 Definitions.—As used in this part, unless the  
1184 context clearly indicates otherwise, the term:

1185       (1) "Administer" has the same meaning as in s. 893.02.

1186       (2) "Bona fide physician-patient relationship" means a  
1187 relationship between a physician and patient in which the  
1188 physician has:

1189       (a) Completed a full assessment of the patient's medical  
1190 history and current medical condition, including a personal  
1191 physical examination; and

1192       (b) Responsibility for the ongoing care and treatment of  
1193 the patient.

1194       (3) "Cannabis" has the same meaning as provided in s.  
1195 893.02.

1196       (4) "Cannabis plant" has the same meaning as provided in

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1197 s. 893.135.

1198 (5) "Cardholder" means a qualifying patient, or the  
1199 patient's caregiver, who has been issued and possesses a valid  
1200 registry identification card.

1201 (6) "Cultivating" has the same meaning as in s. 893.02.

1202 (7) "Department" means the Department of Health.

1203 (8) "Dispensary" has the same meaning as provided in s.  
1204 468.903.

1205 (9) "Dispense" has the same meaning as provided in s.  
1206 468.903.

1207 (10) "Distribute" has the same meaning as provided in s.  
1208 468.903.

1209 (11) "Drug paraphernalia" has the same meaning as provided  
1210 in s. 468.903.

1211 (12) "Manufacture" has the same meaning as provided in s.  
1212 468.903.

1213 (13) "Medical cannabis farm" has the same meaning as  
1214 provided in s. 468.903.

1215 (14) "Medical treatment facility" means a facility that  
1216 provides, as its primary purpose, human medical diagnostic  
1217 services or nonsurgical human medical treatment. The term does  
1218 not include an office maintained by a dentist or endodontist for  
1219 the practice of dentistry or endodontics.

1220 (15) "Medical use" has the same meaning as provided in s.  
1221 468.903.

1222 (16) "Patient's caregiver" or "caregiver" has the same

meaning as provided in s. 468.903.

(17) "Physician" has the same meaning as provided in s. 468.903.

(18) "Qualifying medical condition" has the same meaning as provided in s. 468.903.

(19) "Qualifying medical treatment" has the same meaning as provided in s. 468.903.

(20) "Qualifying patient" has the same meaning as provided in s. 468.903.

(21) "Registry identification card" has the same meaning as provided in s. 468.903.

(22) "Usable cannabis" has the same meaning as provided in s. 468.903.

499.803 Cannabis for medical use.—

(1) Notwithstanding any other provision of law, a qualifying patient may cultivate, possess, and administer cannabis for medical use and possess and use drug paraphernalia in accordance with this part and department rule only after obtaining a signed, written prescription from a physician in accordance with s. 499.805 and a registry identification card from the department.

(2) Notwithstanding any other provision of law, a patient's caregiver may cultivate, possess, and administer cannabis for a qualifying patient and possess, deliver, and use drug paraphernalia for the sole purpose of assisting in the qualifying patient's medical use of cannabis in accordance with

1249 this part and department rule only after obtaining a registry  
1250 identification card from the department.

1251 (3) A registry identification card, or its equivalent,  
1252 which is issued under the laws of another state, district,  
1253 territory, commonwealth, or insular possession of the United  
1254 States and allows the medical use of cannabis by a visiting  
1255 qualifying patient or allows a person to assist with a visiting  
1256 qualifying patient's medical use of cannabis has the same force  
1257 and effect as a registry identification card issued by the  
1258 department.

1259 (4) A qualifying patient shall, upon demand, present to a  
1260 law enforcement officer his or her registry identification card  
1261 to confirm that he or she is authorized to cultivate, possess,  
1262 and administer cannabis for medical use and possess and use drug  
1263 paraphernalia in accordance with this part and department rule.

1264 (5) A patient's caregiver shall, upon demand, present to a  
1265 law enforcement officer his or her registry identification card  
1266 to confirm that he or she is authorized to cultivate, possess,  
1267 and administer cannabis for a qualifying patient and possess,  
1268 deliver, and use drug paraphernalia in accordance with this part  
1269 and department rule.

1270 (6) A qualifying patient or the patient's caregiver may:

1271 (a) Purchase, possess, administer, or deliver cannabis,  
1272 cannabis-based products, cannabis plants, and drug paraphernalia  
1273 obtained only from a dispensary or medical cannabis farm that is  
1274 issued a license or permit from the Department of Business and



1275 Profession Regulation; or

1276 (b) Cultivate cannabis and cannabis plants for medical use  
1277 for only a qualifying patient's possession and administration.

1278 (7) A qualifying patient who is a minor may possess and  
1279 administer cannabis and cannabis-based products for medical use  
1280 and possess and use drug paraphernalia in accordance with this  
1281 part and department rule only:

1282 (a) In the presence of the minor's parent or legal  
1283 guardian; and

1284 (b) If the minor's parent or legal guardian has signed a  
1285 written statement affirming that the parent or legal guardian:

1286 1. Understands the minor's qualifying medical condition or  
1287 qualifying medical treatment;

1288 2. Understands the potential benefits and potential  
1289 adverse effects of the medical use of cannabis, generally and  
1290 specifically, in the case of the minor;

1291 3. Consents to the medical use of cannabis by the minor;  
1292 and

1293 4. Consents to the designation of, or designates, an  
1294 authorized person to serve as the minor's caregiver and to  
1295 control the medical use of cannabis by the minor.

1296 (8) If a qualifying patient who possesses a registry  
1297 identification card changes his or her designation of a  
1298 caregiver, the department shall issue a registry identification  
1299 card to the qualifying patient's new caregiver and:

1300 (a) Notify the qualifying patient's former caregiver

1301 within 10 days after the department has issued a registry  
1302 identification card to the qualifying patient's new caregiver.  
1303 The registry identification card of the qualifying patient's  
1304 former caregiver expires 10 days after such notification by the  
1305 department; or

1306 (b) If the former caregiver remains connected through the  
1307 department's registration process to other qualifying patients,  
1308 issue a new registry identification card to the qualifying  
1309 patient's former caregiver which indicates an updated list of  
1310 qualifying patients to whom the caregiver remains connected  
1311 through the department's registration process. The caregiver's  
1312 registry identification card that indicates the former  
1313 qualifying patient immediately expires upon the caregiver's  
1314 receipt of the new registry identification card.

1315 (9) If a cardholder loses his or her registry  
1316 identification card, he or she shall notify the department and  
1317 submit a \$25 fee within 10 days after reporting the lost card.  
1318 Within 5 days after being notified and receiving the \$25 fee,  
1319 the department shall issue a new registry identification card to  
1320 the cardholder.

1321 (10) If the department fails to act upon a request for a  
1322 registry identification card within 35 days after receiving the  
1323 registration form, the card is deemed granted, and the copy of  
1324 the registration form is deemed a valid registry identification  
1325 card.

1326 (11) If the department determines that a cardholder

1327 willfully violates this part, the department may revoke the  
1328 cardholder's registry identification card as provided by rule.

1329 499.804 Restrictions on the use of cannabis for medical  
1330 use.—

1331 (1) A person who seeks designation as a qualifying patient  
1332 or the patient's caregiver must register with the department.

1333 (2) A patient's caregiver may be connected to up to three  
1334 qualifying patients through the department's registration  
1335 process as indicated on the caregiver's valid registry  
1336 identification card.

1337 (3) A qualifying patient or the patient's caregiver shall  
1338 deliver or distribute cannabis in a labeled container or sealed  
1339 package in a manner and method established by rule.

1340 (a) The maximum amount of cannabis which a qualifying  
1341 patient may possess at any given time is 250 grams of usable  
1342 cannabis, eight mature cannabis plants, and eight immature  
1343 cannabis plants.

1344 (b) The maximum amount of cannabis which a patient's  
1345 caregiver may possess at any given time is:

1346 1. The number of grams of usable cannabis determined by  
1347 multiplying by 250 the number of qualifying patients to whom the  
1348 caregiver is connected through the department's registration  
1349 process as indicated on the caregiver's valid registry  
1350 identification card.

1351 2. The number of mature cannabis plants determined by  
1352 multiplying by 8 the number of qualifying patients to whom the

1353 caregiver is connected through the department's registration  
1354 process as indicated on the caregiver's valid registry  
1355 identification card.

1356 3. The number of immature cannabis plants determined by  
1357 multiplying by 8 the number of qualifying patients to whom the  
1358 caregiver is connected through the department's registration  
1359 process as indicated on the caregiver's valid registry  
1360 identification card.

1361 (4) If a cardholder cultivates his or her own cannabis for  
1362 medical use, the cardholder must do so in a room, greenhouse,  
1363 garden, or other enclosed area that is kept locked and out of  
1364 the public view. This subsection does not apply when the plants  
1365 are being delivered or distributed:

1366 (a) Because the cardholder is changing permanent residence  
1367 or temporary residence as defined in s. 775.21; or

1368 (b) To the property of the cardholder or, in the case of a  
1369 caregiver, to the property of the caregiver's qualifying  
1370 patient.

1371 (5) Cannabis may be administered at a medical treatment  
1372 facility if allowed by the facility and if a qualifying patient  
1373 is receiving medical care for a qualifying medical condition or  
1374 treatment. Cannabis may not be administered by or to a  
1375 qualifying patient at a dispensary or in a public place.

1376 (6) This part does not allow a person to undertake a task  
1377 under the influence of cannabis when doing so constitutes  
1378 professional negligence or professional malpractice.

1379       (7) The medical use of cannabis as authorized under this  
1380 part and under department rule does not create a defense to an  
1381 offense proscribed by law which is not otherwise excepted in  
1382 this chapter or in chapter 468. Evidence of a person's voluntary  
1383 intoxication from the use of cannabis is not admissible in a  
1384 judicial proceeding to show that the person lacked the specific  
1385 intent to commit an offense or to show that the person was  
1386 insane at the time of the offense, except when the consumption  
1387 was pursuant to a lawful prescription issued to the person by a  
1388 physician.

1389       (8) Notwithstanding any other provision of law, a person  
1390 or entity may provide information about the existence or  
1391 operations of a medical cannabis farm or dispensary to another  
1392 person pursuant to this part.

1393       (9) A person who is stopped by a law enforcement officer  
1394 upon reasonable suspicion or probable cause that he or she is in  
1395 possession of cannabis may not be further detained or arrested  
1396 on this sole basis if the person is in compliance with this part  
1397 and department rule.

1398       499.805 Physicians; prescriptions for the medical use of  
1399 cannabis.—

1400       (1) A physician may prescribe the medical use of cannabis  
1401 to a qualifying patient if the physician:

1402       (a) Is in a bona fide physician-patient relationship with  
1403 the qualifying patient; and

1404       (b) Determines that the prescription is needed based on

1405 the qualifying patient's medical history and current medical  
1406 condition and a review of other approved medications and  
1407 treatments that may provide the qualifying patient with relief  
1408 from a qualifying medical condition or its symptoms or the side  
1409 effects of a qualifying medical treatment.

1410 (2) If a physician prescribes cannabis for medical use to  
1411 a qualifying patient, the physician shall complete a written  
1412 prescription pursuant to s. 456.42 and include:

1413 (a) A statement that the qualifying patient may use  
1414 cannabis;

1415 (b) The physician's federal controlled substance registry  
1416 number; and

1417 (c) A statement that the prescription for the medical use  
1418 of cannabis is necessary.

1419 (3) A physician is not subject to arrest, prosecution, or  
1420 penalty, including, but not limited to, civil penalty or  
1421 disciplinary action by the department or by any other business  
1422 licensing board, occupational licensing board, or professional  
1423 licensing board, or subject to denial of any right or privilege,  
1424 solely for advising a patient about the medical use of cannabis,  
1425 prescribing the medical use of cannabis in accordance with this  
1426 part and department rule, providing a written prescription in  
1427 accordance with this section, or stating that, in the  
1428 physician's professional opinion, the potential benefits of the  
1429 medical use of cannabis likely outweigh the health risks for a  
1430 patient.

1431       (4) A physician who recommends, advises, or prescribes  
1432 cannabis for medical use to a qualifying patient may not have a  
1433 professional office located at a medical cannabis farm or  
1434 dispensary or receive financial compensation for the  
1435 recommendation, advice, or prescription from a medical cannabis  
1436 farm or dispensary or an owner, director, officer, member,  
1437 incorporator, agent, or employee of such farm or dispensary.

1438       499.806 Arrest and prosecution.—

1439       (1) (a) A qualifying patient who has in his or her  
1440 possession a valid registry identification card is not subject  
1441 to arrest, prosecution, or penalty, including, but not limited  
1442 to, civil penalty or disciplinary action by a business licensing  
1443 board, occupational licensing board, or professional licensing  
1444 board, and may not be denied any right or privilege, for the  
1445 medical use of cannabis if the qualifying patient possesses an  
1446 amount of cannabis which does not exceed 250 grams of usable  
1447 cannabis, eight mature cannabis plants, and eight immature  
1448 cannabis plants.

1449       (b) A patient's caregiver who has in his or her possession  
1450 a valid registry identification card is not subject to arrest,  
1451 prosecution, or penalty, including, but not limited to, civil  
1452 penalty or disciplinary action by a business licensing board,  
1453 occupational licensing board, or professional licensing board,  
1454 and may not be denied any right or privilege, for assisting a  
1455 qualifying patient to whom he or she is connected through the  
1456 department's registration process with the delivery or

distribution of cannabis if the patient's caregiver possesses an amount of cannabis which does not exceed 250 grams of usable cannabis, eight mature cannabis plants, or eight immature cannabis plants for each qualifying patient to whom he or she is connected through the department's registration process as indicated on the caregiver's valid registry identification card.

(c) A nurse practitioner, registered nurse, or pharmacist is not subject to arrest, prosecution, or penalty, including, but not limited to, civil penalty or disciplinary action by a business licensing board, occupational licensing board, or professional licensing board, and may not be denied any right or privilege, solely for discussing with a patient the benefits or health risks of cannabis or its interaction with other substances.

(d) A person is not subject to arrest or prosecution for constructive possession, conspiracy, aiding and abetting, being an accessory, or any other offense for being in the presence or vicinity of the medical use of cannabis by a qualifying patient or for assisting in, as the patient's caregiver, the medical use of cannabis by a qualifying patient as allowed under this part.

(2) A school, employer, or property owner may not refuse to enroll, employ, or lease to or otherwise penalize a person solely for his or her status as a cardholder.

(3) A presumption is created that a qualifying patient or the patient's caregiver is engaged in the medical use of cannabis if the qualifying patient or the patient's caregiver is



1483 in possession of a valid registry identification card and if the  
1484 number of cannabis plants or the amount of cannabis does not  
1485 exceed the amount allowed under this section.

1486 (4) A presumption of the medical use or possession of  
1487 cannabis under this section may be rebutted by evidence that the  
1488 conduct related to cannabis was not intended to treat, or assist  
1489 with the treatment of, a qualifying medical condition or the  
1490 symptoms associated with that condition or to alleviate the side  
1491 effects of a qualifying medical treatment.

1492 (5) The patient's caregiver may be reimbursed for actual  
1493 costs associated with assisting a qualifying patient in his or  
1494 her medical use of cannabis. This reimbursement does not  
1495 constitute the sale of a controlled substance under s. 893.13.

1496 (6) For the purposes of medical care, a qualifying  
1497 patient's medical use of cannabis is equivalent to the use of  
1498 other medication used at the direction of a physician. Such use  
1499 does not constitute the use of an illicit drug under s. 893.03.

1500 (7) A person, cardholder, medical cannabis farm, or  
1501 dispensary that cultivates, manufactures, possesses,  
1502 administers, dispenses, distributes, or uses cannabis or  
1503 manufactures, possesses, distributes, or uses drug paraphernalia  
1504 in a manner not authorized by this part, part XVII of chapter  
1505 468, or department rule is subject to criminal prosecution and  
1506 sanctions under chapter 893.

1507 (8) A person who makes a fraudulent representation to a  
1508 law enforcement officer of any fact or circumstance relating to

the person's cultivation, manufacture, possession,  
administration, dispensing, distribution, or authorized use of  
cannabis, or possession or use of drug paraphernalia, to avoid  
arrest or prosecution is subject to a criminal fine not to  
exceed \$1,000. The imposition of the fine is in addition to  
penalties that may otherwise apply for the making of a false  
statement or for the cultivation, manufacture, possession,  
administration, dispensing, distribution, or authorized use of  
cannabis or possession or use of drug paraphernalia.

499.807 Defenses.—

(1) The following circumstances may be raised as an  
affirmative defense to a criminal charge of possession or  
distribution of cannabis or possession with intent to distribute  
cannabis:

(a) The person charged with the offense is in possession  
of a valid registry identification card;

(b) The person charged with the offense is 18 years of age  
or older; and

(c)1. The possession or distribution, or possession with  
intent to distribute, occurs at a medical facility that allows  
the medical use of cannabis; or

2. The possession, distribution, or possession with intent  
to distribute occurs in a medical cannabis farm or dispensary.

(2) Before, or at the time of, a cardholder's court  
appearance for a criminal charge of possession or use of drug  
paraphernalia, or for a criminal charge of possession, use, or

1535 administration of a legal amount of cannabis for medical use,  
1536 the clerk of the court may dismiss the charge and assess a  
1537 dismissal fee of \$25 if the cardholder:

1538 (a) Upon demand by a law enforcement officer, was unable  
1539 to present to the law enforcement officer a registry  
1540 identification card to confirm that the cardholder may possess  
1541 or use drug paraphernalia or possess, use, or administer legal  
1542 amounts of cannabis for medical use; and

1543 (b) Before, or at the time of, the cardholder's court  
1544 appearance, produces in court or to the clerk of the court in  
1545 which the charge is pending the cardholder's registry  
1546 identification card that was valid at the time of the  
1547 cardholder's arrest.

1548 (3) Except as provided in subsections (1) and (2), a  
1549 cardholder may assert the purpose for the medical use of  
1550 cannabis as a defense to any prosecution involving cannabis, and  
1551 such defense is presumed valid if the evidence shows that:

1552 (a) The qualifying patient's physician has stated that, in  
1553 the physician's professional opinion, after having completed a  
1554 full assessment of the patient's medical history and current  
1555 medical condition made in the course of a bona fide physician-  
1556 patient relationship, the potential benefits of using cannabis  
1557 would likely outweigh the health risks for the qualifying  
1558 patient; and

1559 (b) The qualifying patient and the patient's caregiver, if  
1560 any, were collectively in possession of a quantity of cannabis

1561 which was not more than that allowed under this part to ensure  
1562 the uninterrupted availability of cannabis for the purpose of  
1563 treating a qualifying medical condition and the symptoms  
1564 associated with that condition or alleviating the side effects  
1565 of a qualifying medical treatment.

1566 (4) A person may assert the purpose for the medical use of  
1567 cannabis in a motion to dismiss, and the charges shall be  
1568 dismissed following an evidentiary hearing if the person  
1569 presents the evidence specified in subsection (3).

1570 (5) The Florida Contraband Forfeiture Act, contained in  
1571 ss. 932.701-932.706, does not apply to any interest in or right  
1572 to property that is possessed, owned, or used in connection with  
1573 the medical use of cannabis or acts incidental to such use.

1574 499.808 Insurance.—This part does not require a  
1575 governmental, private, or other health insurance provider or  
1576 health care services plan to cover, or prohibit it from  
1577 covering, a claim for reimbursement for the medical use of  
1578 cannabis.

1579 499.809 Confidentiality.—

1580 (1) An employer, laboratory, employee assistance program,  
1581 or alcohol and drug rehabilitation program or its agents may not  
1582 release information obtained pursuant to this part in accordance  
1583 with s. 112.0455 without a written consent form signed  
1584 voluntarily by the qualifying patient or the patient's caregiver  
1585 unless such release is compelled by a hearing officer or a court  
1586 of competent jurisdiction pursuant to an appeal taken under this

1587 part or is deemed appropriate by a business licensing board,  
1588 professional licensing board, or occupational licensing board in  
1589 a related disciplinary proceeding. The consent form must  
1590 contain, at a minimum:

1591 (a) The name of the person who is authorized to obtain the  
1592 information.

1593 (b) The purpose of the disclosure.

1594 (c) The precise information to be disclosed.

1595 (d) The duration of the consent.

1596 (e) The signature of the person authorizing release of the  
1597 information.

1598 (2) Information regarding a qualifying patient or the  
1599 patient's caregiver may not be released or used in a criminal  
1600 proceeding against the qualifying patient or the patient's  
1601 caregiver. Information released contrary to this section is  
1602 inadmissible as evidence in a criminal proceeding.

1603 (3) This section does not prohibit the department or its  
1604 employees or agents from obtaining access to information  
1605 regarding a qualifying patient or the patient's caregiver if the  
1606 department or its employees and agents consult with legal  
1607 counsel in connection with actions brought under or related to  
1608 this part or if the information is relevant to the department's  
1609 defense in a civil or administrative proceeding.

1610 499.810 Rules.—

1611 (1) By October 1, 2014, the department shall adopt rules  
1612 to administer this part, including rules to:

1613        (a) Create a registration form, a procedure, and  
1614 eligibility requirements to obtain and renew a registry  
1615 identification card for a qualifying patient and the patient's  
1616 caregiver. The department shall, by rule, establish registration  
1617 and renewal fees that generate revenues sufficient to offset all  
1618 expenses of implementing and administering this part.

1619        (b) Adopt manufacturing practices with which medical  
1620 cannabis farms and dispensaries must comply in order to ensure  
1621 that cannabis sold by such farms and dispensaries is of  
1622 pharmaceutical grade.

1623        (c) Ensure that the labeling on cannabis sold by medical  
1624 cannabis farms and dispensaries provides sufficient information  
1625 for qualifying patients to be able to make informed choices  
1626 about grades and forms of cannabis for medical use.

1627        (d) Prescribe procedures and guidelines for the inspection  
1628 and auditing of dispensaries.

1629        (2) If the department fails to adopt rules to administer  
1630 this part by January 1, 2015, a resident of this state may  
1631 commence an action in a court of competent jurisdiction to  
1632 compel performance of the actions mandated under this section.

1633        Section 4. Emergency rules.—

1634        (1) The executive director of the Department of Revenue is  
1635 authorized, and all conditions are deemed met, to adopt  
1636 emergency rules under ss. 120.536(1) and 120.54(4), Florida  
1637 Statutes, for the purpose of implementing this act.

1638        (2) Notwithstanding any other provision of law, the

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1639 emergency rules shall remain in effect for 6 months after  
1640 adoption and may be renewed during the pendency of procedures to  
1641 adopt permanent rules addressing the subject of the emergency  
1642 rules.

1643 Section 5. Subsection (6) of section 812.14, Florida  
1644 Statutes, is amended to read:

1645 812.14 Trespass and larceny with relation to utility  
1646 fixtures; theft of utility services.—

1647 (6) It is prima facie evidence of a person's intent to  
1648 violate subsection (5) if:

1649 (a) A controlled substance and materials for manufacturing  
1650 the controlled substance intended for sale or distribution to  
1651 another were found in a dwelling or structure;

1652 (b) Except as provided in this chapter, chapter 468, or  
1653 chapter 499 and notwithstanding s. 893.13, the dwelling or  
1654 structure has been visibly modified to accommodate the use of  
1655 equipment to grow marijuana indoors, including, but not limited  
1656 to, the installation of equipment to provide additional air  
1657 conditioning, equipment to provide high-wattage lighting, or  
1658 equipment for hydroponic cultivation; and

1659 (c) The person or entity that owned, leased, or subleased  
1660 the dwelling or structure knew of, or did so under such  
1661 circumstances as would induce a reasonable person to believe in,  
1662 the presence of a controlled substance and materials for  
1663 manufacturing a controlled substance in the dwelling or  
1664 structure, regardless of whether the person or entity was

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involved in the manufacture or sale of a controlled substance or was in actual possession of the dwelling or structure.

Section 6. Paragraph (c) of subsection (1) of section 893.03, Florida Statutes, is amended to read:

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

(1) SCHEDULE I.—A substance in Schedule I has a high potential for abuse and has no currently accepted medical use in treatment in the United States and in its use under medical supervision does not meet accepted safety standards. The following substances are controlled in Schedule I:

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following hallucinogenic substances or that contains any of their salts, isomers, including optical, positional, or geometric isomers,



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and salts of isomers, if the existence of such salts, isomers,  
and salts of isomers is possible within the specific chemical  
designation:

1. Alpha-ethyltryptamine.
2. 2-Amino-4-methyl-5-phenyl-2-oxazoline (4-methylaminorex).
3. 2-Amino-5-phenyl-2-oxazoline (Aminorex).
4. 4-Bromo-2,5-dimethoxyamphetamine.
5. 4-Bromo-2,5-dimethoxyphenethylamine.
6. Bufotenine.
7. Cannabis, except as authorized in chapters 468 and 499.
8. Cathinone.
9. Diethyltryptamine.
10. 2,5-Dimethoxyamphetamine.
11. 2,5-Dimethoxy-4-ethylamphetamine (DOET).
12. Dimethyltryptamine.
13. N-Ethyl-1-phenylcyclohexylamine (PCE) (Ethylamine analog of phencyclidine).
14. N-Ethyl-3-piperidyl benzilate.
15. N-ethylamphetamine.
16. Fenethylamine.
17. N-Hydroxy-3,4-methylenedioxyamphetamine.
18. Ibogaine.
19. Lysergic acid diethylamide (LSD).
20. Mescaline.
21. Methcathinone.

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- 1717            22.    5-Methoxy-3,4-methylenedioxyamphetamine.
- 1718            23.    4-methoxyamphetamine.
- 1719            24.    4-methoxymethamphetamine.
- 1720            25.    4-Methyl-2,5-dimethoxyamphetamine.
- 1721            26.    3,4-Methylenedioxy-N-ethylamphetamine.
- 1722            27.    3,4-Methylenedioxyamphetamine.
- 1723            28.    N-Methyl-3-piperidyl benzilate.
- 1724            29.    N,N-dimethylamphetamine.
- 1725            30.    Parahexyl.
- 1726            31.    Peyote.
- 1727            32.    N-(1-Phenylcyclohexyl)-pyrrolidine (PCPY) (Pyrrolidine  
1728 analog of phencyclidine).
- 1729            33.    Psilocybin.
- 1730            34.    Psilocyn.
- 1731            35.    *Salvia divinorum*, except for any drug product approved  
1732 by the United States Food and Drug Administration which contains  
1733 *Salvia divinorum* or its isomers, esters, ethers, salts, and  
1734 salts of isomers, esters, and ethers, if the existence of such  
1735 isomers, esters, ethers, and salts is possible within the  
1736 specific chemical designation.
- 1737            36.    Salvinorin A, except for any drug product approved by  
1738 the United States Food and Drug Administration which contains  
1739 Salvinorin A or its isomers, esters, ethers, salts, and salts of  
1740 isomers, esters, and ethers, if the existence of such isomers,  
1741 esters, ethers, and salts is possible within the specific  
1742 chemical designation.

- 1743 37. Tetrahydrocannabinols, except as authorized in  
1744 chapters 468 and 499.
- 1745 38. 1-[1-(2-Thienyl)-cyclohexyl]-piperidine (TCP)  
1746 (Thiophene analog of phencyclidine).
- 1747 39. 3,4,5-Trimethoxyamphetamine.
- 1748 40. 3,4-Methylenedioxymethcathinone.
- 1749 41. 3,4-Methylenedioxypyrovalerone (MDPV).
- 1750 42. Methymethcathinone.
- 1751 43. Methoxymethcathinone.
- 1752 44. Fluoromethcathinone.
- 1753 45. Methylethcathinone.
- 1754 46. 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-  
1755 yl)phenol, also known as CP 47,497 and its dimethyloctyl (C8)  
1756 homologue.
- 1757 47. (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-  
1758 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol,  
1759 also known as HU-210.
- 1760 48. 1-Pentyl-3-(1-naphthoyl)indole, also known as JWH-018.
- 1761 49. 1-Butyl-3-(1-naphthoyl)indole, also known as JWH-073.
- 1762 50. 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl) indole,  
1763 also known as JWH-200.
- 1764 51. BZP (Benzylpiperazine).
- 1765 52. Fluorophenylpiperazine.
- 1766 53. Methylphenylpiperazine.
- 1767 54. Chlorophenylpiperazine.
- 1768 55. Methoxyphenylpiperazine.

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|      |     |  |
|------|-----|--|
| 1769 | 56. | DBZP (1,4-dibenzylpiperazine).                         |
| 1770 | 57. | TFMPP (3-Trifluoromethylphenylpiperazine).             |
| 1771 | 58. | MBDB (Methylbenzodioxolylbutanamine).                  |
| 1772 | 59. | 5-Hydroxy-alpha-methyltryptamine.                      |
| 1773 | 60. | 5-Hydroxy-N-methyltryptamine.                          |
| 1774 | 61. | 5-Methoxy-N-methyl-N-isopropyltryptamine.              |
| 1775 | 62. | 5-Methoxy-alpha-methyltryptamine.                      |
| 1776 | 63. | Methyltryptamine.                                      |
| 1777 | 64. | 5-Methoxy-N,N-dimethyltryptamine.                      |
| 1778 | 65. | 5-Methyl-N,N-dimethyltryptamine.                       |
| 1779 | 66. | Tyramine (4-Hydroxyphenethylamine).                    |
| 1780 | 67. | 5-Methoxy-N,N-Diisopropyltryptamine.                   |
| 1781 | 68. | DiPT (N,N-Diisopropyltryptamine).                      |
| 1782 | 69. | DPT (N,N-Dipropyltryptamine).                          |
| 1783 | 70. | 4-Hydroxy-N,N-diisopropyltryptamine.                   |
| 1784 | 71. | N,N-Diallyl-5-Methoxytryptamine.                       |
| 1785 | 72. | DOI (4-Iodo-2,5-dimethoxyamphetamine).                 |
| 1786 | 73. | DOC (4-Chloro-2,5-dimethoxyamphetamine).               |
| 1787 | 74. | 2C-E (4-Ethyl-2,5-dimethoxyphenethylamine).            |
| 1788 | 75. | 2C-T-4 (2,5-Dimethoxy-4-isopropylthiophenethylamine).  |
| 1789 | 76. | 2C-C (4-Chloro-2,5-dimethoxyphenethylamine).           |
| 1790 | 77. | 2C-T (2,5-Dimethoxy-4-methylthiophenethylamine).       |
| 1791 | 78. | 2C-T-2 (2,5-Dimethoxy-4-ethylthiophenethylamine).      |
| 1792 | 79. | 2C-T-7 (2,5-Dimethoxy-4-(n)-propylthiophenethylamine). |
| 1793 | 80. | 2C-I (4-Iodo-2,5-dimethoxyphenethylamine).             |
| 1794 | 81. | Butylone (beta-keto-N-methylbenzodioxolylpropylamine). |

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- 1795            82.    Ethcathinone.
- 1796            83.    Ethylone (3,4-methylenedioxy-N-ethylcathinone).
- 1797            84.    Naphyrone (naphthylpyrovalerone).
- 1798            85.    N-N-Dimethyl-3,4-methylenedioxycathinone.
- 1799            86.    N-N-Diethyl-3,4-methylenedioxycathinone.
- 1800            87.    3,4-methylenedioxy-propiofenone.
- 1801            88.    2-Bromo-3,4-Methylenedioxypropiofenone.
- 1802            89.    3,4-methylenedioxy-propiofenone-2-oxime.
- 1803            90.    N-Acetyl-3,4-methylenedioxycathinone.
- 1804            91.    N-Acetyl-N-Methyl-3,4-Methylenedioxycathinone.
- 1805            92.    N-Acetyl-N-Ethyl-3,4-Methylenedioxycathinone.
- 1806            93.    Bromomethcathinone.
- 1807            94.    Buphedrone (alpha-methylamino-butyrophenone).
- 1808            95.    Eutylone (beta-Keto-Ethylbenzodioxolylbutanamine).
- 1809            96.    Dimethylcathinone.
- 1810            97.    Dimethylmethcathinone.
- 1811            98.    Pentylone (beta-Keto-Methylbenzodioxolylpentanamine).
- 1812            99.    (MDPPP) 3,4-Methylenedioxy-alpha-
- 1813            pyrrolidinopropiofenone.
- 1814            100.    (MDPBP) 3,4-Methylenedioxy-alpha-
- 1815            pyrrolidinobutiophenone.
- 1816            101.    Methoxy-alpha-pyrrolidinopropiofenone (MOPPP).
- 1817            102.    Methyl-alpha-pyrrolidinohexiophenone (MPHP).
- 1818            103.    Benocyclidine (BCP) or
- 1819            benzothiophenylcyclohexylpiperidine (BTCP).
- 1820            104.    Fluoromethylaminobutyrophenone (F-MABP).

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1821 105. Methoxypyrrolidinobutyrophenone (MeO-PBP).  
 1822 106. Ethyl-pyrrolidinobutyrophenone (Et-PBP).  
 1823 107. 3-Methyl-4-Methoxymethcathinone (3-Me-4-MeO-MCAT).  
 1824 108. Methylethylaminobutyrophenone (Me-EABP).  
 1825 109. Methylamino-butyrophenone (MABP).  
 1826 110. Pyrrolidinopropiophenone (PPP).  
 1827 111. Pyrrolidinobutiophenone (PBP).  
 1828 112. Pyrrolidinovalerophenone (PVP).  
 1829 113. Methyl-alpha-pyrrolidinopropiophenone (MPPP).  
 1830 114. JWH-007 (1-pentyl-2-methyl-3-(1-naphthoyl)indole).  
 1831 115. JWH-015 (2-Methyl-1-propyl-1H-indol-3-yl)-1-  
 1832 naphthalenylmethanone).  
 1833 116. JWH-019 (Naphthalen-1-yl-(1-hexylindol-3-  
 1834 yl)methanone).  
 1835 117. JWH-020 (1-heptyl-3-(1-naphthoyl)indole).  
 1836 118. JWH-072 (Naphthalen-1-yl-(1-propyl-1H-indol-3-  
 1837 yl)methanone).  
 1838 119. JWH-081 (4-methoxynaphthalen-1-yl-(1-pentylindol-3-  
 1839 yl)methanone).  
 1840 120. JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole).  
 1841 121. JWH-133 ((6aR,10aR)-3-(1,1-Dimethylbutyl)-  
 1842 6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran)).  
 1843 122. JWH-175 (3-(naphthalen-1-ylmethyl)-1-pentyl-1H-  
 1844 indole).  
 1845 123. JWH-201 (1-pentyl-3-(4-methoxyphenylacetyl)indole).  
 1846 124. JWH-203 (2-(2-chlorophenyl)-1-(1-pentylindol-3-

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1847 yl)ethanone) .  
1848 125. JWH-210 (4-ethylnaphthalen-1-yl-(1-pentylindol-3-  
1849 yl)methanone) .  
1850 126. JWH-250 (2-(2-methoxyphenyl)-1-(1-pentylindol-3-  
1851 yl)ethanone) .  
1852 127. JWH-251 (2-(2-methylphenyl)-1-(1-pentyl-1H-indol-3-  
1853 yl)ethanone) .  
1854 128. JWH-302 (1-pentyl-3-(3-methoxyphenylacetyl)indole) .  
1855 129. JWH-398 (1-pentyl-3-(4-chloro-1-naphthoyl)indole) .  
1856 130. HU-211 ((6aS,10aS)-9-(Hydroxymethyl)-6,6-dimethyl-3-  
1857 (2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-  
1858 ol) .  
1859 131. HU-308 ([ (1R,2R,5R)-2-[2,6-dimethoxy-4-(2-  
1860 methyloctan-2-yl)phenyl]-7,7-dimethyl-4-bicyclo[3.1.1]hept-3-  
1861 enyl] methanol) .  
1862 132. HU-331 (3-hydroxy-2-[(1R,6R)-3-methyl-6-(1-  
1863 methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-2,5-cyclohexadiene-  
1864 1,4-dione) .  
1865 133. CB-13 (Naphthalen-1-yl-(4-pentyloxynaphthalen-1-  
1866 yl)methanone) .  
1867 134. CB-25 (N-cyclopropyl-11-(3-hydroxy-5-pentylphenoxy)-  
1868 undecanamide) .  
1869 135. CB-52 (N-cyclopropyl-11-(2-hexyl-5-hydroxyphenoxy)-  
1870 undecanamide) .  
1871 136. CP 55,940 (2-[(1R,2R,5R)-5-hydroxy-2-(3-  
1872 hydroxypropyl)cyclohexyl]-5-(2-methyloctan-2-yl)phenol) .

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1873 137. AM-694 (1-[(5-fluoropentyl)-1H-indol-3-yl]-(2-  
1874 iodophenyl)methanone).  
1875 138. AM-2201 (1-[(5-fluoropentyl)-1H-indol-3-yl]-  
1876 (naphthalen-1-yl)methanone).  
1877 139. RCS-4 ((4-methoxyphenyl) (1-pentyl-1H-indol-3-  
1878 yl)methanone).  
1879 140. RCS-8 (1-(1-(2-cyclohexylethyl)-1H-indol-3-yl)-2-(2-  
1880 methoxyphenylethanone).  
1881 141. WIN55,212-2 ((R)-(+)-[2,3-Dihydro-5-methyl-3-(4-  
1882 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
1883 naphthalenylmethanone).  
1884 142. WIN55,212-3 ([ (3S)-2,3-Dihydro-5-methyl-3-(4-  
1885 morpholinylmethyl)pyrrolo[1,2,3-de]-1,4-benzoxazin-6-yl]-1-  
1886 naphthalenylmethanone).  
1887 143. Pentedrone (2-(methylamino)-1-phenyl-1-pentanone).  
1888 144. Fluoroamphetamine.  
1889 145. Fluoromethamphetamine.  
1890 146. Methoxetamine.  
1891 147. Methiopropamine.  
1892 148. 4-Methylbuphedrone (2-Methylamino-1-(4-  
1893 methylphenyl)butan-1-one).  
1894 149. APB ((2-aminopropyl)benzofuran).  
1895 150. APDB ((2-aminopropyl)-2,3-dihydrobenzofuran).  
1896 151. UR-144 ((1-pentyl-1H-indol-3-yl) (2,2,3,3-  
1897 tetramethylcyclopropyl)methanone).  
1898 152. XLR11 ((1-(5-fluoropentyl)-1H-indol-3-yl) (2,2,3,3-



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1899 tetramethylcyclopropyl)methanone).

1900 153. (1-(5-chloropentyl)-1H-indol-3-yl) (2,2,3,3-

1901 tetramethylcyclopropyl)methanone.

1902 154. AKB48 (1-pentyl-N-tricyclo[3.3.1.1<sup>3</sup>,7]dec-1-yl-1H-

1903 indazole-3-carboxamide).

1904 155. AM-2233((2-iodophenyl)[1-[(1-methyl-2-

1905 piperidinyl)methyl]-1H-indol-3-yl]-methanone).

1906 156. STS-135 (1-(5-fluoropentyl)-N-

1907 tricyclo[3.3.1.1<sup>3</sup>,7]dec-1-yl-1H-indole-3-carboxamide).

1908 157. URB-597 ((3'-(aminocarbonyl)[1,1'-biphenyl]-3-yl)-

1909 cyclohexylcarbamate).

1910 158. URB-602 ([1,1'-biphenyl]-3-yl-carbamic acid,

1911 cyclohexyl ester).

1912 159. URB-754 (6-methyl-2-[(4-methylphenyl)amino]-1-

1913 benzoxazin-4-one).

1914 160. 2C-D (2-(2,5-Dimethoxy-4-methylphenyl)ethanamine).

1915 161. 2C-H (2-(2,5-Dimethoxyphenyl)ethanamine).

1916 162. 2C-N (2-(2,5-Dimethoxy-4-nitrophenyl)ethanamine).

1917 163. 2C-P (2-(2,5-Dimethoxy-4-(n)-

1918 propylphenyl)ethanamine).

1919 164. 25I-NBOMe (4-iodo-2,5-dimethoxy-N-[(2-

1920 methoxyphenyl)methyl]-benzeneethanamine).

1921 165. 3,4-Methylenedioxymethamphetamine (MDMA).

1922 166. PB-22 (1-pentyl-8-quinolinyl ester-1H-indole-3-

1923 carboxylic acid).

1924 167. 5-Fluoro PB-22 (8-quinolinyl ester-1-(5-

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fluoropentyl)-1H-indole-3-carboxylic acid).

168. BB-22 (1-(cyclohexylmethyl)-8-quinolinyl ester-1H-indole-3-carboxylic acid).

169. 5-Fluoro AKB48 (N-((3s,5s,7s)-adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide).

Section 7. Subsections (1) through (6) of section 893.13, Florida Statutes, are amended to read:

893.13 Prohibited acts; penalties.—

(1)(a) Except as authorized by this chapter and chapters 468 and ~~chapter 499~~, ~~a it is unlawful for any person may not to~~ sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance. A ~~Any~~ person who violates this provision with respect to:

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

2. A controlled substance named or described in 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., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Except as provided in this chapter and chapters 468

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1951 and 499, a person may not ~~it is unlawful to~~ sell or deliver in  
1952 excess of 10 grams of any substance named or described in s.  
1953 893.03(1)(a) or (1)(b), or any combination thereof, or any  
1954 mixture containing any such substance. A ~~Any~~ person who violates  
1955 this paragraph commits a felony of the first degree, punishable  
1956 as provided in s. 775.082, s. 775.083, or s. 775.084.

1957 (c) Except as authorized by this chapter and chapters 468  
1958 and 499, a ~~it is unlawful for any person~~ may not ~~to~~ sell,  
1959 manufacture, or deliver, or possess with intent to sell,  
1960 manufacture, or deliver, a controlled substance in, on, or  
1961 within 1,000 feet of the real property comprising a child care  
1962 facility as defined in s. 402.302 or a public or private  
1963 elementary, middle, or secondary school between the hours of 6  
1964 a.m. and 12 midnight, or at any time in, on, or within 1,000  
1965 feet of real property comprising a state, county, or municipal  
1966 park, a community center, or a publicly owned recreational  
1967 facility. For the purposes of this paragraph, the term  
1968 "community center" means a facility operated by a nonprofit  
1969 community-based organization for the provision of recreational,  
1970 social, or educational services to the public. A ~~Any~~ person who  
1971 violates this paragraph with respect to:

1972 1. A controlled substance named or described in s.  
1973 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,  
1974 commits a felony of the first degree, punishable as provided in  
1975 s. 775.082, s. 775.083, or s. 775.084. The defendant must be  
1976 sentenced to a minimum term of imprisonment of 3 calendar years

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unless the offense was committed within 1,000 feet of the real property comprising a child care facility as defined in s. 402.302.

2. A controlled substance named or described in 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., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

(d) Except as authorized by this chapter and chapters 468 and 499, ~~a it is unlawful for any person~~ may not ~~to~~ sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public or private college, university, or other postsecondary educational

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institution. A ~~Any~~ person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(e) Except as authorized by this chapter and chapters 468 and 499, ~~a it is unlawful for any person~~ may not ~~to~~ sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance not authorized by law in, on, or within 1,000 feet of a physical place for worship at which a church or religious organization regularly conducts religious services or within 1,000 feet of a convenience business as defined in s. 812.171. A ~~Any~~ person who violates this paragraph with respect to:

1. A controlled substance named or described in s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4.,

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commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A controlled substance named or described in 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., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(f) Except as authorized by this chapter and chapters 468 and 499, a ~~it is unlawful for any person~~ may not ~~to~~ sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising a public housing facility at any time. For purposes of this section, the term "real property comprising a public housing facility" means real property, as defined in s. 421.03(12), of a public corporation created as a housing authority pursuant to part I of chapter 421. A ~~Any~~ person who violates this paragraph with respect to:

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

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2. A controlled substance named or described in 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., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(g) Except as authorized by this chapter and chapters 468 and 499, ~~a it is unlawful for any person may not to~~ manufacture methamphetamine or phencyclidine, or possess any listed chemical as defined in s. 893.033 in violation of s. 893.149 and with intent to manufacture methamphetamine or phencyclidine. If any person violates this paragraph and:

1. The commission or attempted commission of the crime occurs in a structure or conveyance where any child under 16 years of age is present, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 5 calendar years.

2. The commission of the crime causes any child under 16 years of age to suffer great bodily harm, the person commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. In addition, the defendant must be sentenced to a minimum term of imprisonment of 10

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calendar years.

(h) Except as authorized by this chapter and chapters 468 and 499, a ~~it is unlawful for any person may not to~~ sell, manufacture, or deliver, or possess with intent to sell, manufacture, or deliver, a controlled substance in, on, or within 1,000 feet of the real property comprising an assisted living facility, as that term is used in chapter 429. A ~~Any~~ person who violates this paragraph with respect to:

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

2. A controlled substance named or described in 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., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2)(a) Except as authorized by this chapter and chapters 468 and chapter 499, a ~~it is unlawful for any person may not to~~ purchase, or possess with intent to purchase, a controlled substance. A ~~Any~~ person who violates this provision with respect to:

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



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2. A controlled substance named or described in 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., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Except as authorized ~~provided~~ in this chapter and chapters 468 and 499, a person may not ~~it is unlawful to~~ purchase in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. A ~~Any~~ person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) Except as authorized in this chapter and chapters 468 and 499, a ~~any~~ person who delivers, without consideration, not more than 20 grams of cannabis, as defined in this chapter, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this paragraph, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis* or any compound manufacture, salt, derivative, mixture, or preparation of such resin.

(4) Except as authorized by this chapter and chapters 468 and 499, a ~~it is unlawful for any~~ person 18 years of age or

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older may not ~~to~~ deliver any controlled substance to a person under the age of 18 years, except for an emancipated minor; or ~~to~~ use or hire a person under the age of 18 years as an agent or employee in the sale or delivery of such a substance; or ~~to~~ use such person to assist in avoiding detection or apprehension for a violation of this chapter. A ~~Any~~ person who violates this provision with respect to:

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

(b) A controlled substance named or described in 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., (3), or (4) commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Imposition of sentence may not be suspended or deferred, nor shall the person so convicted be placed on probation.

(5) A ~~It is unlawful for any person~~ may not ~~to~~ bring into this state any controlled substance unless the possession of such controlled substance is authorized by this chapter, chapter 468, or chapter 499 or unless such person is licensed to do so by the appropriate federal agency. A ~~Any~~ person who violates this provision with respect to:

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

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893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) A controlled substance named or described in 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., (3), or (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(6)(a) A ~~It is unlawful for any person~~ may not ~~to~~ be in actual or constructive possession of a controlled substance unless such controlled substance was lawfully obtained from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice or ~~to~~ be in actual or constructive possession of a controlled substance except as otherwise authorized by this chapter, chapter 468, or chapter 499. A ~~Any~~ person who violates this provision commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) Except as authorized in this chapter and chapters 468 and 499, if the offense is the possession of not more than 20 grams of cannabis, as defined in this chapter, or 3 grams or less of a controlled substance described in s. 893.03(1)(c)46.-

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50., 114.-142., 151.-159., or 166.-169., the person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. For the purposes of this subsection, "cannabis" does not include the resin extracted from the plants of the genus *Cannabis*, or any compound manufacture, salt, derivative, mixture, or preparation of such resin, and a controlled substance described in s. 893.03(1)(c) 46.-50., 114.-142., 151.-159., or 166.-169., does not include the substance in a powdered form.

(c) Except as authorized ~~provided~~ in this chapter and chapters 468 and 499, a person may not ~~it is unlawful to~~ possess in excess of 10 grams of any substance named or described in s. 893.03(1)(a) or (1)(b), or any combination thereof, or any mixture containing any such substance. A ~~Any~~ person who violates this paragraph commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) Notwithstanding any provision to the contrary of the laws of this state relating to arrest, a law enforcement officer may arrest without warrant any person who the officer has probable cause to believe is violating the provisions of this chapter and chapters 468 and 499 relating to possession of cannabis.

Section 8. Section 893.1351, Florida Statutes, is amended to read:

893.1351 Ownership, lease, rental, or possession for trafficking in or manufacturing a controlled substance.—

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2211           (1) Except as authorized in this chapter and chapters 468  
2212 and 499, a person may not own, lease, or rent any place,  
2213 structure, ~~or part of such place or structure thereof,~~ trailer,  
2214 or other conveyance with the knowledge that the place,  
2215 structure, trailer, or conveyance will be used for the purpose  
2216 of:

2217           (a) Trafficking in a controlled substance, as provided in  
2218 s. 893.135;

2219           (b) ~~Selling for the sale of~~ a controlled substance, as  
2220 provided in s. 893.13; or ~~for the manufacture of~~

2221           (c) Manufacturing a controlled substance intended for sale  
2222 or distribution to another.

2223  
2224 A person who violates this subsection commits a felony of the  
2225 third degree, punishable as provided in s. 775.082, s. 775.083,  
2226 or s. 775.084.

2227           (2) Except as authorized in this chapter and chapters 468  
2228 and 499, a person may not knowingly be in actual or constructive  
2229 possession of any place, structure, ~~or part of such place or~~  
2230 structure thereof, trailer, or other conveyance with the  
2231 knowledge that the place, structure, or part thereof, trailer,  
2232 or conveyance will be used for the purpose of trafficking in a  
2233 controlled substance, as provided in s. 893.135; for the sale of  
2234 a controlled substance, as provided in s. 893.13; or for the  
2235 manufacture of a controlled substance intended for sale or  
2236 distribution to another. A person who violates this subsection

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

(3) Except as authorized in this chapter and chapters 468 and 499, a person who is in actual or constructive possession of a place, structure, trailer, or conveyance with the knowledge that the place, structure, trailer, or conveyance is being used to manufacture a controlled substance intended for sale or distribution to another and who knew or should have known that a minor is present or resides in the place, structure, trailer, or conveyance commits a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) For the purposes of this section, proof of the possession of 25 or more cannabis plants constitutes prima facie evidence that the cannabis is intended for sale or distribution, except as provided in this chapter and chapters 468 and 499.

Section 9. Section 893.145, Florida Statutes, is amended to read:

893.145 "Drug paraphernalia" defined.—The term "drug paraphernalia" means all equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, transporting, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter or s. 877.111.

2263 Except as provided in this chapter and chapters 468 and 499,  
2264 drug paraphernalia is deemed to be contraband that is ~~which~~  
2265 ~~shall be~~ subject to civil forfeiture. The term includes, but is  
2266 not limited to:

2267       (1) Kits used, intended for use, or designed for use in  
2268 the planting, propagating, cultivating, growing, or harvesting  
2269 of any species of plant which is a controlled substance or from  
2270 which a controlled substance can be derived.

2271       (2) Kits used, intended for use, or designed for use in  
2272 manufacturing, compounding, converting, producing, processing,  
2273 or preparing controlled substances.

2274       (3) Isomerization devices used, intended for use, or  
2275 designed for use in increasing the potency of any species of  
2276 plant which is a controlled substance.

2277       (4) Testing equipment used, intended for use, or designed  
2278 for use in identifying, or in analyzing the strength,  
2279 effectiveness, or purity of, controlled substances.

2280       (5) Scales and balances used, intended for use, or  
2281 designed for use in weighing or measuring controlled substances.

2282       (6) Diluents and adulterants, such as quinine  
2283 hydrochloride, mannitol, mannite, dextrose, and lactose, used,  
2284 intended for use, or designed for use in cutting controlled  
2285 substances.

2286       (7) Separation gins and sifters used, intended for use, or  
2287 designed for use in removing twigs and seeds from, or in  
2288 otherwise cleaning or refining, cannabis.

2289           (8) Blenders, bowls, containers, spoons, and mixing  
2290 devices used, intended for use, or designed for use in  
2291 compounding controlled substances.

2292           (9) Capsules, balloons, envelopes, and other containers  
2293 used, intended for use, or designed for use in packaging small  
2294 quantities of controlled substances.

2295           (10) Containers and other objects used, intended for use,  
2296 or designed for use in storing, concealing, or transporting  
2297 controlled substances.

2298           (11) Hypodermic syringes, needles, and other objects used,  
2299 intended for use, or designed for use in parenterally injecting  
2300 controlled substances into the human body.

2301           (12) Objects used, intended for use, or designed for use  
2302 in ingesting, inhaling, or otherwise introducing cannabis,  
2303 cocaine, hashish, hashish oil, or nitrous oxide into the human  
2304 body, such as:

2305           (a) Metal, wooden, acrylic, glass, stone, plastic, or  
2306 ceramic pipes, with or without screens, permanent screens,  
2307 hashish heads, or punctured metal bowls.

2308           (b) Water pipes.

2309           (c) Carburetion tubes and devices.

2310           (d) Smoking and carburetion masks.

2311           (e) Roach clips: meaning objects used to hold burning  
2312 material, such as a cannabis cigarette, that has become too  
2313 small or too short to be held in the hand.

2314           (f) Miniature cocaine spoons, and cocaine vials.



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2315           (g)   Chamber pipes.  
2316           (h)   Carburetor pipes.  
2317           (i)   Electric pipes.  
2318           (j)   Air-driven pipes.  
2319           (k)   Chillums.  
2320           (l)   Bongs.  
2321           (m)   Ice pipes or chillers.  
2322           (n)   A cartridge or canister, which means a small metal  
2323 device used to contain nitrous oxide.  
2324           (o)   A charger, sometimes referred to as a "cracker," which  
2325 means a small metal or plastic device that contains an interior  
2326 pin that may be used to expel nitrous oxide from a cartridge or  
2327 container.  
2328           (p)   A charging bottle, which means a device that may be  
2329 used to expel nitrous oxide from a cartridge or canister.  
2330           (q)   A whip-it, which means a device that may be used to  
2331 expel nitrous oxide.  
2332           (r)   A tank.  
2333           (s)   A balloon.  
2334           (t)   A hose or tube.  
2335           (u)   A 2-liter-type soda bottle.  
2336           (v)   Duct tape.  
2337           Section 10.   Section 893.147, Florida Statutes, is amended  
2338 to read:  
2339           893.147   Use, possession, manufacture, delivery,  
2340 transportation, advertisement, or retail sale of drug

paraphernalia.—

(1) USE OR POSSESSION OF DRUG PARAPHERNALIA.—Except as authorized in chapters 468 and 499, a ~~It is unlawful for any~~ person may not ~~to~~ use, or ~~to~~ possess with intent to use, drug paraphernalia:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this chapter; or

(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this chapter.

~~A Any~~ person who violates this subsection commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(2) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA.—Except as authorized in chapters 468 and 499, a ~~It is unlawful for any~~ person may not ~~to~~ deliver, possess with intent to deliver, or manufacture with intent to deliver drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used:

(a) To plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal a controlled substance in violation of this act; or

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(b) To inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this act.

A ~~Any~~ person who violates this subsection commits ~~is guilty of~~ a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) DELIVERY OF DRUG PARAPHERNALIA TO A MINOR.—

(a) Except as authorized in chapters 468 and 499, ~~a~~ Any person 18 years of age or over who violates subsection (2) by delivering drug paraphernalia to a person under 18 years of age commits ~~is guilty of~~ a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) ~~A~~ It is unlawful for any person may not ~~to~~ sell or otherwise deliver hypodermic syringes, needles, or other objects that ~~which~~ may be used, are intended for use, or are designed for use in parenterally injecting substances into the human body to any person under 18 years of age, except that hypodermic syringes, needles, or other such objects may be lawfully dispensed to a person under 18 years of age by a licensed practitioner, parent, or legal guardian, ~~or~~ by a pharmacist pursuant to a valid prescription, or in accordance with the medical use of cannabis as provided in chapters 468 and 499 ~~for same.~~ A ~~Any~~ person who violates ~~the provisions of~~ this paragraph commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) TRANSPORTATION OF DRUG PARAPHERNALIA.—Except as

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2393 authorized in chapters 468 and 499, a person may not ~~it is~~  
2394 ~~unlawful to~~ use, possess with the intent to use, or manufacture  
2395 with the intent to use drug paraphernalia, knowing or under  
2396 circumstances in which one reasonably should know that it will  
2397 be used to transport:

2398 (a) A controlled substance in violation of this chapter;  
2399 or

2400 (b) Contraband as defined in s. 932.701(2)(a)1.  
2401

2402 A ~~Any~~ person who violates this subsection commits a felony of  
2403 the third degree, punishable as provided in s. 775.082, s.  
2404 775.083, or s. 775.084.

2405 (5) ADVERTISEMENT OF DRUG PARAPHERNALIA.—A person may not  
2406 ~~It is unlawful for any person to~~ place in any newspaper,  
2407 magazine, handbill, or other publication any advertisement,  
2408 knowing, or under circumstances where one reasonably should  
2409 know, that the purpose of the advertisement, in whole or in  
2410 part, is to promote the sale of objects designed or intended for  
2411 use as drug paraphernalia. A ~~Any~~ person who violates this  
2412 subsection commits ~~is guilty of~~ a misdemeanor of the first  
2413 degree, punishable as provided in s. 775.082 or s. 775.083.

2414 (6) RETAIL SALE OF DRUG PARAPHERNALIA.—

2415 (a) ~~It is unlawful for~~ A person may not ~~to~~ knowingly and  
2416 willfully sell or offer for sale at retail any drug  
2417 paraphernalia described in s. 893.145(12)(a)-(c) or (g)-(m),  
2418 other than drug paraphernalia related to the medical use of

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cannabis or a pipe that is primarily made of briar, meerschaum, clay, or corn cob.

(b) A person who violates paragraph (a) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, and, upon a second or subsequent violation, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 11. Present subsection (3) of section 921.0022, Florida Statutes, is redesignated as subsection (4), a new subsection (3) is added to that section, and paragraphs (a), (b), (c), (e), (g), (h), and (i) of present subsection (3) of that section are amended, to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) As used in this section, the term "cannabis" does not include any form of cannabis that is cultivated, manufactured, possessed, and distributed in the form of cannabis in compliance with part XVII of chapter 468 or part III of chapter 499.

~~(4)(3)~~ OFFENSE SEVERITY RANKING CHART

(a) LEVEL 1

| Florida<br>Statute | Felony<br>Degree | Description            |
|--------------------|------------------|------------------------|
| 24.118 (3) (a)     | 3rd              | Counterfeit or altered |

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|      |                 |     |   |
|------|-----------------|-----|---|
| 2441 | 212.054 (2) (b) | 3rd | state lottery ticket.<br>Discretionary sales surtax;<br>limitations, administration,<br>and collection. |
| 2442 | 212.15 (2) (b)  | 3rd | Failure to remit<br>sales taxes, amount<br>greater than \$300 but<br>less than \$20,000.                |
| 2443 | 316.1935 (1)    | 3rd | Fleeing or attempting to<br>elude law enforcement<br>officer.   |
| 2444 | 319.30 (5)      | 3rd | Sell, exchange, give away<br>certificate of title or<br>identification number plate.                    |
| 2445 | 319.35 (1) (a)  | 3rd | Tamper, adjust,<br>change, etc., an<br>odometer.  |
| 2446 | 320.26 (1) (a)  | 3rd | Counterfeit, manufacture,<br>or sell registration   |

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|------|--------------------------|-----|---|
|      |                          |     | license plates or<br>validation stickers.   |
| 2447 | 322.212<br>(1) (a) - (c) | 3rd | Possession of forged, stolen,<br>counterfeit, or unlawfully issued<br><u>driver</u> <del>driver's</del> license; possession<br>of simulated identification. |
| 2448 | 322.212 (4)              | 3rd | Supply or aid in supplying<br>unauthorized <u>driver</u> <del>driver's</del><br>license or identification card.   |
| 2449 | 322.212 (5) (a)          | 3rd | False application for <u>driver</u><br><del>driver's</del> license or<br>identification card.   |
| 2450 | 414.39 (2)               | 3rd | Unauthorized use, possession,<br>forgery, or alteration of<br>food assistance program,<br>Medicaid ID, value greater<br>than \$200.                         |
| 2451 | 414.39 (3) (a)           | 3rd | Fraudulent misappropriation of<br>public assistance funds by<br>employee/official, value more   |

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|------|-----------------|-----|--|
| 2452 |                 |     | than \$200.  |
|      | 443.071 (1)     | 3rd | False statement or<br>representation to obtain or<br>increase reemployment<br>assistance benefits. |
| 2453 |                 |     |  |
|      | 509.151 (1)     | 3rd | Defraud an innkeeper, food<br>or lodging value greater<br>than \$300.                              |
| 2454 |                 |     |  |
|      | 517.302 (1)     | 3rd | Violation of the Florida<br>Securities and Investor<br>Protection Act.                             |
| 2455 |                 |     |  |
|      | 562.27 (1)      | 3rd | Possess still or still<br>apparatus.   |
| 2456 |                 |     |  |
|      | 713.69          | 3rd | Tenant removes property<br>upon which lien has<br>accrued, value more than<br>\$50.                |
| 2457 |                 |     |  |
|      | 812.014 (3) (c) | 3rd | Petit theft (3rd<br>conviction); theft of any  |



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|------|--------------|-----|--|
|      |              |     | property not specified in subsection (2).  |
| 2458 | 812.081(2)   | 3rd | Unlawfully makes or causes to be made a reproduction of a trade secret.                  |
| 2459 | 815.04(4)(a) | 3rd | Offense against intellectual property (i.e., computer programs, data).                   |
| 2460 | 817.52(2)    | 3rd | Hiring with intent to defraud, motor vehicle services.                                   |
| 2461 | 817.569(2)   | 3rd | Use of public record or public records information to facilitate commission of a felony. |
| 2462 | 826.01       | 3rd | Bigamy.  |
| 2463 | 828.122(3)   | 3rd | Fighting or baiting animals.   |
| 2464 |              |     |  |

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|------|-----------------------------|-----|---|
| 2465 | 831.04 (1)                  | 3rd | Any erasure, alteration,<br>etc., of any replacement<br>deed, map, plat, or other<br>document listed in s. 92.28.                         |
| 2466 | 831.31 (1) (a)              | 3rd | Sell, deliver, or possess<br>counterfeit controlled<br>substances, all but s.<br>893.03(5) drugs.   |
| 2467 | 832.041 (1)                 | 3rd | Stopping payment with<br>intent to defraud \$150<br>or more.  |
| 2468 | 832.05 (2) (b) &<br>(4) (c) | 3rd | Knowing, making,<br>issuing worthless<br>checks \$150 or more or<br>obtaining property in<br>return for worthless<br>check \$150 or more. |
| 2469 | 838.15 (2)                  | 3rd | Commercial bribe receiving.   |
| 2470 | 838.16                      | 3rd | Commercial bribery.   |

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|------|------------------|-----|---|
| 2471 | 843.18           | 3rd | Fleeing by boat to elude a law<br>enforcement officer.  |
| 2472 | 847.011(1)(a)    | 3rd | Sell, distribute, etc.,<br>obscene, lewd, etc.,<br>material (2nd conviction).   |
| 2473 | 849.01           | 3rd | Keeping gambling house.   |
| 2474 | 849.09(1)(a)-(d) | 3rd | Lottery; set up,<br>promote, etc., or<br>assist therein,<br>conduct or advertise<br>drawing for prizes, or<br>dispose of property or<br>money by means of<br>lottery. |
| 2475 | 849.23           | 3rd | Gambling-related machines;<br>"common offender" as to<br>property rights.   |
| 2476 | 849.25(2)        | 3rd | Engaging in bookmaking.   |
|      | 860.08           | 3rd | Interfere with a railroad   |

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|------|-------------------|---------|--|
| 2477 |                   | signal. |  |
| 2478 | 860.13 (1) (a)    | 3rd     | Operate aircraft while<br>under the influence.   |
| 2479 | 893.13 (2) (a) 2. | 3rd     | Purchase of cannabis, <u>except when authorized<br/>under s. 893.03 (1) (c) 7. and<br/>(1) (c) 37. and chapters 468<br/>and 499.</u>                           |
| 2480 | 893.13 (6) (a)    | 3rd     | Possession of cannabis (more<br>than 20 grams), <u>except when<br/>authorized under s.<br/>893.03 (1) (c) 7. and (1) (c) 37.<br/>and chapters 468 and 499.</u> |
| 2481 | 934.03 (1) (a)    | 3rd     | Intercepts, or procures any<br>other person to intercept,<br>any wire or oral<br>communication.  |
| 2482 | (b)    LEVEL 2    |         |  |
| 2483 |                   |         |  |

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|      | Florida<br>Statute     | Felony<br>Degree | Description  |
|------|------------------------|------------------|--|
| 2484 | 379.2431<br>(1) (e) 3. | 3rd              | Possession of 11 or fewer<br>marine turtle eggs in<br>violation of the Marine<br>Turtle Protection Act.  |
| 2485 | 379.2431<br>(1) (e) 4. | 3rd              | Possession of more than 11<br>marine turtle eggs in<br>violation of the Marine<br>Turtle Protection Act.   |
| 2486 | 403.413 (6) (c)        | 3rd              | Dumps waste litter<br>exceeding 500 lbs. in<br>weight or 100 cubic<br>feet in volume or any<br>quantity for commercial<br>purposes, or hazardous<br>waste. |
| 2487 | 517.07 (2)             | 3rd              | Failure to furnish a prospectus<br>meeting requirements.   |
| 2488 | 590.28 (1)             | 3rd              | Intentional burning of   |

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|------|-------------------|-----|---|
|      |                   |     | lands.  |
| 2489 | 784.05 (3)        | 3rd | Storing or leaving a loaded firearm within reach of minor who uses it to inflict injury or death. |
| 2490 | 787.04 (1)        | 3rd | In violation of court order, take, entice, etc., minor beyond state limits.                       |
| 2491 | 806.13 (1) (b) 3. | 3rd | Criminal mischief; damage \$1,000 or more to public communication or any other public service.    |
| 2492 | 810.061 (2)       | 3rd | Impairing or impeding telephone or power to a dwelling; facilitating or furthering burglary.      |
| 2493 | 810.09 (2) (e)    | 3rd | Trespassing on posted commercial horticulture   |

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|------|--------------------|-----|--|
| 2494 | 812.014 (2) (c) 1. | 3rd | property.<br>Grand theft, 3rd<br>degree; \$300 or<br>more but less<br>than \$5,000.                                  |
| 2495 | 812.014 (2) (d)    | 3rd | Grand theft, 3rd<br>degree; \$100 or more<br>but less than \$300,<br>taken from unenclosed<br>curtilage of dwelling. |
| 2496 | 812.015 (7)        | 3rd | Possession, use, or attempted<br>use of an antishoplifting or<br>inventory control device<br>countermeasure.         |
| 2497 | 817.234 (1) (a) 2. | 3rd | False statement in<br>support of insurance<br>claim.   |
| 2498 | 817.481 (3) (a)    | 3rd | Obtain credit or purchase<br>with false, expired,<br>counterfeit, etc., credit                                       |

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|------|----------------|-----|--|
| 2499 | 817.52 (3)     | 3rd | card, value over \$300.<br>Failure to redeliver<br>hired vehicle.                  |
| 2500 | 817.54         | 3rd | With intent to defraud, obtain<br>mortgage note, etc., by false<br>representation. |
| 2501 | 817.60 (5)     | 3rd | Dealing in credit cards<br>of another.   |
| 2502 | 817.60 (6) (a) | 3rd | Forgery; purchase<br>goods, services with<br>false card.                           |
| 2503 | 817.61         | 3rd | Fraudulent use of credit cards<br>over \$100 or more within 6<br>months.           |
| 2504 | 826.04         | 3rd | Knowingly marries or has sexual<br>intercourse with person to whom<br>related.     |
| 2505 | 831.01         | 3rd | Forgery.   |
| 2506 |                |     |  |



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|------|----------------|-----|--|
| 2507 | 831.02         | 3rd | Uttering forged instrument;<br>utters or publishes alteration<br>with intent to defraud. |
| 2508 | 831.07         | 3rd | Forging bank bills, checks,<br>drafts, or promissory notes.                              |
| 2509 | 831.08         | 3rd | Possessing 10 or more forged<br>notes, bills, checks, or<br>drafts.                      |
| 2510 | 831.09         | 3rd | Uttering forged notes, bills,<br>checks, drafts, or promissory<br>notes.                 |
| 2511 | 831.11         | 3rd | Bringing into the state<br>forged bank bills, checks,<br>drafts, or notes.               |
| 2512 | 832.05 (3) (a) | 3rd | Cashing or depositing<br>item with intent to<br>defraud.                                 |
| 2513 | 843.08         | 3rd | Falsely impersonating an officer.  |

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|      |                          |        |   |
|------|--------------------------|--------|---|
| 2514 | 893.13 (2) (a) 2.        | 3rd    | Purchase of any <u>drugs</u><br><u>under</u> s. 893.03 (1) (c),<br>(2) (c) 1., (2) (c) 2.,<br>(2) (c) 3., (2) (c) 5.,<br>(2) (c) 6., (2) (c) 7.,<br>(2) (c) 8., (2) (c) 9., (3),<br>or (4) <del>drugs</del> other than<br>cannabis. |
| 2515 | 893.147 (2)              | 3rd    | Manufacture or delivery of drug<br>paraphernalia, <u>except when</u><br><u>authorized under chapters 468</u><br><u>and 499.</u>   |
| 2516 | (c) LEVEL 3              |        |   |
| 2517 | Florida                  | Felony |   |
| 2518 | Statute                  | Degree | Description   |
| 2519 | 119.10 (2) (b)           | 3rd    | Unlawful use of<br>confidential information<br>from police reports.   |
| 2520 | 316.066<br>(3) (b) - (d) | 3rd    | Unlawfully obtaining or using<br>confidential crash reports.  |

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|------|-----------------|-----|---|
| 2521 | 316.193 (2) (b) | 3rd | Felony DUI, 3rd conviction.   |
| 2522 | 316.1935 (2)    | 3rd | Fleeing or attempting to elude law enforcement officer in patrol vehicle with siren and lights activated.   |
| 2523 | 319.30 (4)      | 3rd | Possession by junkyard of motor vehicle with identification number plate removed.                           |
| 2524 | 319.33 (1) (a)  | 3rd | Alter or forge any certificate of title to a motor vehicle or mobile home.                                  |
| 2525 | 319.33 (1) (c)  | 3rd | Procure or pass title on stolen vehicle.  |
| 2526 | 319.33 (4)      | 3rd | With intent to defraud, possess, sell, etc., a blank, forged, or unlawfully obtained title or registration. |

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|------|------------------------|-----|--|
| 2527 | 327.35 (2) (b)         | 3rd | Felony BUI.  |
| 2528 | 328.05 (2)             | 3rd | Possess, sell, or<br>counterfeit fictitious,<br>stolen, or fraudulent titles<br>or bills of sale of vessels.   |
| 2529 | 328.07 (4)             | 3rd | Manufacture, exchange, or<br>possess vessel with<br>counterfeit or wrong ID<br>number.   |
| 2530 | 376.302 (5)            | 3rd | Fraud related to reimbursement<br>for cleanup expenses under the<br>Inland Protection Trust Fund.  |
| 2531 | 379.2431<br>(1) (e) 5. | 3rd | Taking, disturbing, mutilating,<br>destroying, causing to be<br>destroyed, transferring,<br>selling, offering to sell,<br>molesting, or harassing marine<br>turtles, marine turtle eggs, or<br>marine turtle nests in violation<br>of the Marine Turtle Protection<br>Act. |

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|      |                        |     |  |
|------|------------------------|-----|--|
| 2532 | 379.2431<br>(1) (e) 6. | 3rd | Soliciting to commit or<br>conspiring to commit a<br>violation of the Marine<br>Turtle Protection Act.           |
| 2533 | 400.9935 (4)           | 3rd | Operating a clinic without<br>a license or filing false<br>license application or<br>other required information. |
| 2534 | 440.1051 (3)           | 3rd | False report of workers'<br>compensation fraud or<br>retaliation for making such<br>a report.                    |
| 2535 | 501.001 (2) (b)        | 2nd | Tampers with a consumer<br>product or the container using<br>materially false/misleading<br>information.         |
| 2536 | 624.401 (4) (a)        | 3rd | Transacting insurance<br>without a certificate of<br>authority.  |
|      | 624.401 (4) (b) 1.     | 3rd | Transacting insurance  |

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|------|--------------------------|-----|--|
|      |                          |     | without a certificate<br>of authority; premium<br>collected less than<br>\$20,000.               |
| 2537 | 626.902 (1) (a) &<br>(b) | 3rd | Representing an<br>unauthorized insurer.   |
| 2538 | 697.08                   | 3rd | Equity skimming.   |
| 2539 | 790.15 (3)               | 3rd | Person directs another to<br>discharge firearm from a<br>vehicle.                                |
| 2540 | 796.05 (1)               | 3rd | Live on earnings of a<br>prostitute.   |
| 2541 | 806.10 (1)               | 3rd | Maliciously injure, destroy, or<br>interfere with vehicles or<br>equipment used in firefighting. |
| 2542 | 806.10 (2)               | 3rd | Interferes with or assaults<br>firefighter in performance<br>of duty.                            |
| 2543 |                          |     |  |

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|------|--------------------|-----|---|
| 2544 | 810.09 (2) (c)     | 3rd | Trespass on property<br>other than structure or<br>conveyance armed with<br>firearm or dangerous<br>weapon.         |
| 2545 | 812.014 (2) (c) 2. | 3rd | Grand theft; \$5,000<br>or more but less<br>than \$10,000.  |
| 2546 | 812.0145 (2) (c)   | 3rd | Theft from person<br>65 years of age or<br>older; \$300 or more<br>but less than<br>\$10,000.                       |
| 2547 | 815.04 (4) (b)     | 2nd | Computer offense<br>devised to defraud or<br>obtain property.   |
| 2548 | 817.034 (4) (a) 3. | 3rd | Engages in scheme to<br>defraud (Florida<br>Communications Fraud Act),<br>property valued at less<br>than \$20,000. |

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|      |                          |     |  |
|------|--------------------------|-----|--|
| 2549 | 817.233                  | 3rd | Burning to defraud insurer.  |
| 2550 | 817.234<br>(8) (b) - (c) | 3rd | Unlawful solicitation of persons involved in motor vehicle accidents.                  |
| 2551 | 817.234 (11) (a)         | 3rd | Insurance fraud; property value less than \$20,000.                                    |
| 2552 | 817.236                  | 3rd | Filing a false motor vehicle insurance application.                                    |
| 2553 | 817.2361                 | 3rd | Creating, marketing, or presenting a false or fraudulent motor vehicle insurance card. |
| 2554 | 817.413 (2)              | 3rd | Sale of used goods as new.   |
| 2555 | 817.505 (4)              | 3rd | Patient brokering.   |
|      | 828.12 (2)               | 3rd | Tortures any animal with   |



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| 2556 | 831.28 (2) (a)  | 3rd | <p>intent to inflict<br/>intense pain, serious<br/>physical injury, or<br/>death.</p> <p>Counterfeiting a payment<br/>instrument with intent to<br/>defraud or possessing a<br/>counterfeit payment<br/>instrument.</p> |
| 2557 | 831.29          | 2nd | <p>Possession of instruments for<br/>counterfeiting <u>driver</u> <del>drivers</del><br/>licenses or identification cards.</p>  |
| 2558 | 838.021 (3) (b) | 3rd | <p>Threatens unlawful<br/>harm to public<br/>servant.</p>   |
| 2559 | 843.19          | 3rd | <p>Injure, disable, or kill<br/>police dog or horse.</p>  |
| 2560 | 860.15 (3)      | 3rd | <p>Overcharging for repairs and<br/>parts.</p>  |
| 2561 |                 |     |   |

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| 2562 | 870.01 (2)        | 3rd | Riot; inciting or encouraging.  |
| 2563 | 893.13 (1) (a) 2. | 3rd | Sell, manufacture, or deliver cannabis, <u>except when authorized under s. 893.03 (1) (c) 7. and (1) (c) 37. and chapters 468 and 499,</u> <del>for other drugs under</del> 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., (3), or (4) <del>drugs</del> . |
|      | 893.13 (1) (d) 2. | 2nd | Sell, manufacture, or deliver <u>drugs under</u> 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., (3), or (4), <u>except when authorized under s. 893.03 (1) (c) 7. and</u>   |

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2564

893.13(1)(f)2.

2nd

(1)(c) 37. and chapters 468  
and 499, ~~drugs~~ within 1,000  
feet of university.

Sell, manufacture, or  
deliver drugs 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., (3), or (4),  
except when authorized  
under s. 893.03(1)(c)7. and  
(1)(c)37. and chapters 468  
and 499, ~~drugs~~ within 1,000  
feet of public housing  
facility.

2565

893.13(6)(a)

3rd

Possession of any controlled  
substance other than felony  
possession of cannabis and  
possession of cannabis,  
except when authorized under  
s. 893.03(1)(c)7. and  
(1)(c)37. and chapters 468

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| 2566 |                    |     | <u>and 499.</u>  |
|      | 893.13 (7) (a) 8.  | 3rd | Withhold information from practitioner regarding previous receipt of or prescription for a controlled substance. |
| 2567 |                    |     |  |
|      | 893.13 (7) (a) 9.  | 3rd | Obtain or attempt to obtain controlled substance by fraud, forgery, misrepresentation, etc.                      |
| 2568 |                    |     |  |
|      | 893.13 (7) (a) 10. | 3rd | Affix false or forged label to package of controlled substance.  |
| 2569 |                    |     |  |
|      | 893.13 (7) (a) 11. | 3rd | Furnish false or fraudulent material information on any document or record required by chapter 893.              |
| 2570 |                    |     |  |
|      | 893.13 (8) (a) 1.  | 3rd | Knowingly assist a patient,  |

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| 2571 | 893.13 (8) (a) 2. | 3rd | other person, or owner of an animal in obtaining a controlled substance through deceptive, untrue, or fraudulent representations in or related to the practitioner's practice. |
| 2572 | 893.13 (8) (a) 3. | 3rd | Employ a trick or scheme in the practitioner's practice to assist a patient, other person, or owner of an animal in obtaining a controlled substance.                          |
| 2573 | 893.13 (8) (a) 4. | 3rd | Knowingly write a prescription for a controlled substance for a fictitious person.   |
|      |                   |     | Write a prescription for a controlled substance for a patient, other person, or an animal if the sole purpose of writing the   |

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| 2574 |                         |        | prescription is a monetary<br>benefit for the<br>practitioner.                                   |
| 2575 | 918.13(1) (a)           | 3rd    | Alter, destroy, or conceal<br>investigation evidence.  |
| 2576 | 944.47<br>(1) (a) 1.-2. | 3rd    | Introduce contraband to<br>correctional facility.  |
| 2577 | 944.47(1) (c)           | 2nd    | Possess contraband while<br>upon the grounds of a<br>correctional institution.                   |
| 2578 | 985.721                 | 3rd    | Escapes from a juvenile<br>facility (secure detention or<br>residential commitment<br>facility). |
| 2579 | (e) LEVEL 5             |        |  |
| 2580 | Florida                 | Felony |  |
| 2581 | Statute                 | Degree | Description  |
|      | 316.027(1) (a)          | 3rd    | Accidents involving  |

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| 2582 | 316.1935 (4) (a)       | 2nd | <p>personal injuries,<br/>failure to stop;<br/>leaving scene.</p> <p>Aggravated fleeing or<br/>eluding.</p>                     |
| 2583 | 322.34 (6)             | 3rd | <p>Careless operation of<br/>motor vehicle with<br/>suspended license,<br/>resulting in death or<br/>serious bodily injury.</p> |
| 2584 | 327.30 (5)             | 3rd | <p>Vessel accidents<br/>involving personal<br/>injury; leaving scene.</p>   |
| 2585 | 379.367 (4)            | 3rd | <p>Willful molestation of a<br/>commercial harvester's<br/>spiny lobster trap, line,<br/>or buoy.</p>                           |
| 2586 | 379.3671<br>(2) (c) 3. | 3rd | <p>Willful molestation,<br/>possession, or removal of a<br/>commercial harvester's trap</p>                                     |

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| 2587 | 381.0041(11)(b) | 3rd | contents or trap gear by<br>another harvester.   |
| 2588 | 440.10(1)(g)    | 2nd | 3rd    Donate blood,<br>plasma, or organs<br>knowing HIV<br>positive.  |
| 2589 | 440.105(5)      | 2nd | Failure to obtain workers'<br>compensation coverage.   |
| 2590 | 440.381(2)      | 2nd | Unlawful solicitation for<br>the purpose of making<br>workers' compensation<br>claims.   |
| 2591 | 624.401(4)(b)2. | 2nd | Submission of false,<br>misleading, or incomplete<br>information with the purpose<br>of avoiding or reducing<br>workers' compensation<br>premiums. |
|      |                 | 2nd | Transacting insurance<br>without a certificate   |



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| 2592 |                 |     | or authority; premium<br>collected \$20,000 or<br>more but less than<br>\$100,000. |
|      | 626.902 (1) (c) | 2nd | Representing an<br>unauthorized insurer;<br>repeat offender.                       |
| 2593 |                 |     |  |
|      | 790.01 (2)      | 3rd | Carrying a concealed<br>firearm.   |
| 2594 |                 |     |  |
|      | 790.162         | 2nd | Threat to throw or discharge<br>destructive device.                                |
| 2595 |                 |     |  |
|      | 790.163 (1)     | 2nd | False report of deadly<br>explosive or weapon of mass<br>destruction.              |
| 2596 |                 |     |  |
|      | 790.221 (1)     | 2nd | Possession of short-<br>barreled shotgun or<br>machine gun.                        |
| 2597 |                 |     |  |
|      | 790.23          | 2nd | Felons in possession of<br>firearms, ammunition, or                                |

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| 2598 |                  |     | electronic weapons or devices.  |
| 2599 | 800.04 (6) (c)   | 3rd | Lewd or lascivious<br>conduct; offender less<br>than 18 years.  |
| 2600 | 800.04 (7) (b)   | 2nd | Lewd or lascivious<br>exhibition; offender 18<br>years or older.                                      |
| 2601 | 806.111 (1)      | 3rd | Possess, manufacture, or<br>dispense fire bomb with<br>intent to damage any<br>structure or property. |
| 2602 | 812.0145 (2) (b) | 2nd | Theft from person<br>65 years of age or<br>older; \$10,000 or<br>more but less than<br>\$50,000.      |
| 2603 | 812.015 (8)      | 3rd | Retail theft; property<br>stolen is valued at \$300<br>or more and one or more<br>specified acts.     |

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| 2604 | 812.019(1)                      | 2nd | Stolen property; dealing in<br>or trafficking in.  |
| 2605 | 812.131(2)(b)                   | 3rd | Robbery by sudden<br>snatching.  |
| 2606 | 812.16(2)                       | 3rd | Owning, operating, or<br>conducting a chop shop.   |
| 2607 | 817.034(4)(a)2.                 | 2nd | Communications fraud,<br>value \$20,000 to \$50,000.   |
| 2608 | 817.234(11)(b)                  | 2nd | Insurance fraud;<br>property value<br>\$20,000 or more but<br>less than \$100,000.   |
| 2609 | 817.2341(1),<br>(2)(a) & (3)(a) | 3rd | Filing false financial<br>statements, making false<br>entries of material fact<br>or false statements<br>regarding property values<br>relating to the solvency<br>of an insuring entity. |

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| 2610 | 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 individuals. |
| 2611 | 817.625 (2) (b) | 2nd | Second or subsequent fraudulent use of scanning device or reencoder.  |
| 2612 | 825.1025 (4)    | 3rd | Lewd or lascivious exhibition in the presence of an elderly person or disabled adult.   |
| 2613 | 827.071 (4)     | 2nd | Possess with intent to promote any photographic material, motion picture, etc., which includes sexual conduct by a child.   |

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| 2614 | 827.071(5)            | 3rd | Possess, control, or intentionally view any photographic material, motion picture, etc., which includes sexual conduct by a child. |
| 2615 | 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.                |
| 2616 | 843.01                | 3rd | Resist officer with violence to person; resist arrest with violence.   |
| 2617 | 847.0135(5)(b)        | 2nd | Lewd or lascivious exhibition using computer; offender 18 years or older.  |
| 2618 | 847.0137<br>(2) & (3) | 3rd | Transmission of pornography by electronic device or equipment.   |
|      | 847.0138              | 3rd | Transmission of material   |

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| 2619 | (2) & (3)         |     | harmful to minors to a minor by<br>electronic device or equipment.   |
| 2620 | 874.05 (1) (b)    | 2nd | Encouraging or recruiting<br>another to join a<br>criminal gang; second or<br>subsequent offense.  |
| 2621 | 874.05 (2) (a)    | 2nd | Encouraging or recruiting<br>person under 13 to join a<br>criminal gang.   |
| 2622 | 893.13 (1) (a) 1. | 2nd | Sell, manufacture, or<br>deliver cocaine <del>for other</del><br><u>drugs under s.</u><br>893.03 (1) (a), (1) (b),<br>(1) (d), (2) (a), (2) (b), or<br>(2) (c) 4. <del>drugs</del> .                 |
|      | 893.13 (1) (c) 2. | 2nd | Sell, manufacture, or<br>deliver cannabis, <u>except</u><br><u>when authorized under s.</u><br><u>893.03 (1) (c) 7. and</u><br><u>(1) (c) 37. and chapters 468</u><br><u>and 499, or other drugs</u> |

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| 2623 | 893.13(1)(d)1. | 1st | <p><u>under</u> <del>for other</del> s.</p> <p>893.03(1)(c), (2)(c)1.,</p> <p>(2)(c)2., (2)(c)3.,</p> <p>(2)(c)5., (2)(c)6.,</p> <p>(2)(c)7., (2)(c)8.,</p> <p>(2)(c)9., (3), or (4), <u></u></p> <p><del>drugs</del> within 1,000 feet of</p> <p>a child care facility,</p> <p>school, or state, county,</p> <p>or municipal park or</p> <p>publicly owned recreational</p> <p>facility or community</p> <p>center.</p> |
| 2624 | 893.13(1)(e)2. | 2nd | <p>Sell, manufacture, or</p> <p>deliver cocaine <del>for other</del></p> <p><u>drugs under</u> s.</p> <p>893.03(1)(a), (1)(b),</p> <p>(1)(d), (2)(a), (2)(b), or</p> <p>(2)(c)4. <del>drugs</del> within</p> <p>1,000 feet of university.</p>  |

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| 2625 | 893.13(1)(f)1. | 1st | <p><u>893.03(1)(c)7. and</u><br/> <u>(1)(c)37. and chapters 468</u><br/> <u>and 499,</u> or other drug<br/> prohibited under s.<br/> 893.03(1)(c), (2)(c)1.,<br/> (2)(c)2., (2)(c)3.,<br/> (2)(c)5., (2)(c)6.,<br/> (2)(c)7., (2)(c)8.,<br/> (2)(c)9., (3), or (4)<br/> within 1,000 feet of<br/> property used for religious<br/> services or a specified<br/> business site.</p> |
| 2626 | 893.13(4)(b)   | 2nd | <p>Sell, manufacture, or<br/> deliver cocaine <del>or other</del><br/> <u>drugs under s.</u><br/> 893.03(1)(a), (1)(b),<br/> (1)(d), or (2)(a), (2)(b),<br/> or (2)(c)4. <del>drugs</del> within<br/> 1,000 feet of public<br/> housing facility.</p> <p>Deliver to minor cannabis,<br/> <u>except when authorized under</u></p>   |



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|      |                 |        | <u>s. 893.03(1)(c)7. and</u><br><u>(1)(c)37. and chapters 468</u><br><u>and 499, <del>for</del> other <u>drugs</u></u><br><u>under</u> s. 893.03(1)(c),<br>(2)(c)1., (2)(c)2., (2)(c)3.,<br>(2)(c)5., (2)(c)6., (2)(c)7.,<br>(2)(c)8., (2)(c)9., (3), or<br>(4) <del>drugs</del> ). |
| 2627 | 893.1351(1)     | 3rd    | Ownership, lease, or rental<br>for trafficking in or<br>manufacturing of controlled<br>substance.   |
| 2628 |                 |        |   |
| 2629 | (g) LEVEL 7     |        |   |
| 2630 |                 |        |   |
|      | Florida         | Felony |   |
|      | Statute         | Degree | Description   |
| 2631 |                 |        |   |
|      | 316.027(1)(b)   | 1st    | Accident involving<br>death, failure to<br>stop; leaving scene.   |
| 2632 |                 |        |   |
|      | 316.193(3)(c)2. | 3rd    | DUI resulting in<br>serious bodily  |

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| 2633 | 316.1935 (3) (b)  | 1st | injury.<br>Causing serious bodily injury or death to another person; driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated. |
| 2634 | 327.35 (3) (c) 2. | 3rd | Vessel BUI resulting in serious bodily injury.  |
| 2635 | 402.319 (2)       | 2nd | Misrepresentation and negligence or intentional act resulting in great bodily harm, permanent disfiguration, permanent disability, or death.  |
| 2636 | 409.920           | 3rd | Medicaid provider   |

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| 2637 | (2) (b) 1.a. |     | fraud; \$10,000 or less.    |
|      | 409.920      | 2nd | Medicaid provider           |
|      | (2) (b) 1.b. |     | fraud; more than            |
|      |              |     | \$10,000, but less than     |
|      |              |     | \$50,000.                   |
| 2638 | 456.065 (2)  | 3rd | Practicing a health care    |
|      |              |     | profession without a        |
|      |              |     | license.                    |
| 2639 | 456.065 (2)  | 2nd | Practicing a health care    |
|      |              |     | profession without a        |
|      |              |     | license which results in    |
|      |              |     | serious bodily injury.      |
| 2640 | 458.327 (1)  | 3rd | Practicing medicine         |
|      |              |     | without a license.          |
| 2641 | 459.013 (1)  | 3rd | Practicing osteopathic      |
|      |              |     | medicine without a license. |
| 2642 | 460.411 (1)  | 3rd | Practicing chiropractic     |
|      |              |     | medicine without a license. |
| 2643 |              |     |                             |

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| 2644 | 461.012 (1) | 3rd | Practicing podiatric<br>medicine without a<br>license.          |
| 2645 | 462.17      | 3rd | Practicing naturopathy without a<br>license.                    |
| 2646 | 463.015 (1) | 3rd | Practicing optometry<br>without a license.                      |
| 2647 | 464.016 (1) | 3rd | Practicing nursing without<br>a license.                        |
| 2648 | 465.015 (2) | 3rd | Practicing pharmacy<br>without a license.                       |
| 2649 | 466.026 (1) | 3rd | Practicing dentistry or<br>dental hygiene without a<br>license. |
| 2650 | 467.201     | 3rd | Practicing midwifery without<br>a license.                      |
| 2651 | 468.366     | 3rd | Delivering respiratory care<br>services without a license.      |

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| 2652 | 483.828(1)      | 3rd | Practicing as clinical<br>laboratory personnel<br>without a license.   |
| 2653 | 483.901(9)      | 3rd | Practicing medical physics<br>without a license.   |
| 2654 | 484.013(1)(c)   | 3rd | Preparing or dispensing<br>optical devices without a<br>prescription.  |
| 2655 | 484.053         | 3rd | Dispensing hearing aids<br>without a license.  |
| 2656 | 494.0018(2)     | 1st | Conviction of any<br>violation of ss. 494.001-<br>494.0077 in which the<br>total money and property<br>unlawfully obtained<br>exceeded \$50,000 and<br>there were five or more<br>victims. |
|      | 560.123(8)(b)1. | 3rd | Failure to report<br>currency or payment   |

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| 2657 | 560.125 (5) (a)    | 3rd | <p>instruments exceeding<br/>\$300 but less than<br/>\$20,000 by a money<br/>services business.</p> <p>Money services business by<br/>unauthorized person,<br/>currency or payment<br/>instruments exceeding \$300<br/>but less than \$20,000.</p> |
| 2658 | 655.50 (10) (b) 1. | 3rd | <p>Failure to report<br/>financial transactions<br/>exceeding \$300 but less<br/>than \$20,000 by<br/>financial institution.</p>   |
| 2659 | 775.21 (10) (a)    | 3rd | <p>Sexual predator; failure to<br/>register; failure to renew<br/><u>driver</u> <del>driver's</del> license or<br/>identification card; other<br/>registration violations.</p>   |
| 2660 | 775.21 (10) (b)    | 3rd | <p>Sexual predator working<br/>where children regularly</p>  |

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| 2661 |                 |     | congregate.   |
|      | 775.21 (10) (g) | 3rd | Failure to report or<br>providing false<br>information about a<br>sexual predator; harbor<br>or conceal a sexual<br>predator.       |
| 2662 |                 |     |   |
|      | 782.051 (3)     | 2nd | Attempted felony murder of<br>a person by a person other<br>than the perpetrator or the<br>perpetrator of an attempted<br>felony.   |
| 2663 |                 |     |   |
|      | 782.07 (1)      | 2nd | Killing of a human being by the<br>act, procurement, or culpable<br>negligence of another<br>(manslaughter).                        |
| 2664 |                 |     |   |
|      | 782.071         | 2nd | Killing of a human being or<br>viable fetus by the operation<br>of a motor vehicle in a<br>reckless manner (vehicular<br>homicide). |
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| 2666 | 782.072            | 2nd | Killing of a human being by<br>the operation of a vessel in<br>a reckless manner (vessel<br>homicide). |
| 2667 | 784.045 (1) (a) 1. | 2nd | Aggravated battery;<br>intentionally causing<br>great bodily harm or<br>disfigurement.                 |
| 2668 | 784.045 (1) (a) 2. | 2nd | Aggravated battery;<br>using deadly weapon.  |
| 2669 | 784.045 (1) (b)    | 2nd | Aggravated battery;<br>perpetrator aware victim<br>pregnant.   |
| 2670 | 784.048 (4)        | 3rd | Aggravated stalking;<br>violation of injunction or<br>court order.                                     |
| 2671 | 784.048 (7)        | 3rd | Aggravated stalking;<br>violation of court order.  |
|      | 784.07 (2) (d)     | 1st | Aggravated battery on law  |



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|      |                 |     | enforcement officer.  |
| 2672 | 784.074 (1) (a) | 1st | Aggravated battery on sexually violent predators facility staff.    |
| 2673 | 784.08 (2) (a)  | 1st | Aggravated battery on a person 65 years of age or older.            |
| 2674 | 784.081 (1)     | 1st | Aggravated battery on specified official or employee.               |
| 2675 | 784.082 (1)     | 1st | Aggravated battery by detained person on visitor or other detainee. |
| 2676 | 784.083 (1)     | 1st | Aggravated battery on code inspector.                               |
| 2677 | 787.06 (3) (a)  | 1st | Human trafficking using coercion for labor and services.            |
| 2678 |                 |     |   |

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| 2679 | 787.06(3)(e) | 1st | Human trafficking using coercion for labor and services by the transfer or transport of any individual from outside Florida to within the state. |
| 2680 | 790.07(4)    | 1st | Specified weapons violation subsequent to previous conviction of s. 790.07(1) or (2).  |
| 2681 | 790.16(1)    | 1st | Discharge of a machine gun under specified circumstances.  |
| 2682 | 790.165(2)   | 2nd | Manufacture, sell, possess, or deliver hoax bomb.  |
| 2683 | 790.165(3)   | 2nd | Possessing, displaying, or threatening to use any hoax bomb while committing or attempting to commit a felony.                                   |

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| 2684 | 790.166(3) | 2nd      | Possessing, selling, using,<br>or attempting to use a hoax<br>weapon of mass destruction.   |
| 2685 | 790.166(4) | 2nd      | Possessing, displaying, or<br>threatening to use a hoax<br>weapon of mass destruction<br>while committing or<br>attempting to commit a<br>felony.     |
| 2686 | 790.23     | 1st, PBL | Possession of a firearm by a<br>person who qualifies for the<br>penalty enhancements<br>provided for in s. 874.04.                                    |
| 2687 | 794.08(4)  | 3rd      | Female genital mutilation;<br>consent by a parent,<br>guardian, or a person in<br>custodial authority to a<br>victim younger than 18 years<br>of age. |
| 2688 | 796.03     | 2nd      | Procuring any person under 16<br>years for prostitution.  |

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| 2689 | 800.04 (5) (c) 1. | 2nd | Lewd or lascivious<br>molestation; victim less<br>than 12 years of age;<br>offender less than 18<br>years.                         |
| 2690 | 800.04 (5) (c) 2. | 2nd | Lewd or lascivious<br>molestation; victim 12<br>years of age or older but<br>less than 16 years;<br>offender 18 years or<br>older. |
| 2691 | 806.01 (2)        | 2nd | Maliciously damage structure<br>by fire or explosive.  |
| 2692 | 810.02 (3) (a)    | 2nd | Burglary of occupied<br>dwelling; unarmed; no<br>assault or battery.   |
| 2693 | 810.02 (3) (b)    | 2nd | Burglary of unoccupied<br>dwelling; unarmed; no<br>assault or battery.   |
|      | 810.02 (3) (d)    | 2nd | Burglary of occupied   |

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|      |                    |     | conveyance; unarmed; no<br>assault or battery.   |
| 2694 | 810.02 (3) (e)     | 2nd | Burglary of authorized<br>emergency vehicle.   |
| 2695 | 812.014 (2) (a) 1. | 1st | Property stolen, valued<br>at \$100,000 or more or<br>a semitrailer deployed<br>by a law enforcement<br>officer; property<br>stolen while causing<br>other property damage;<br>1st degree grand theft. |
| 2696 | 812.014 (2) (b) 2. | 2nd | Property stolen,<br>cargo valued at<br>less than \$50,000,<br>grand theft in 2nd<br>degree.  |
| 2697 | 812.014 (2) (b) 3. | 2nd | Property stolen,<br>emergency medical<br>equipment; 2nd degree<br>grand theft.   |
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| 2699 | 812.014 (2) (b) 4. | 2nd | Property stolen, law enforcement equipment from authorized emergency vehicle.                              |
| 2700 | 812.0145 (2) (a)   | 1st | Theft from person 65 years of age or older; \$50,000 or more.  |
| 2701 | 812.019 (2)        | 1st | Stolen property; initiates, organizes, plans, etc., the theft of property and traffics in stolen property. |
| 2702 | 812.131 (2) (a)    | 2nd | Robbery by sudden snatching.   |
| 2703 | 812.133 (2) (b)    | 1st | Carjacking; no firearm, deadly weapon, or other weapon.  |
|      | 817.034 (4) (a) 1. | 1st | Communications fraud, value greater than   |

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| 2704 |                               |     | \$50,000.   |
|      | 817.234 (8) (a)               | 2nd | Solicitation of motor<br>vehicle accident victims<br>with intent to defraud.  |
| 2705 |                               |     |   |
|      | 817.234 (9)                   | 2nd | Organizing, planning, or<br>participating in an<br>intentional motor vehicle<br>collision.  |
| 2706 |                               |     |   |
|      | 817.234 (11) (c)              | 1st | Insurance fraud;<br>property value<br>\$100,000 or more.  |
| 2707 |                               |     |   |
|      | 817.2341<br>(2) (b) & (3) (b) | 1st | Making false entries of<br>material fact or false<br>statements regarding property<br>values relating to the<br>solvency of an insuring<br>entity which are a<br>significant cause of the<br>insolvency of that entity. |
| 2708 |                               |     |   |
|      | 817.535 (2) (a)               | 3rd | Filing false lien or other  |

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| 2709 |                 |     | unauthorized document.   |
|      | 825.102 (3) (b) | 2nd | Neglecting an elderly person<br>or disabled adult causing<br>great bodily harm,<br>disability, or<br>disfigurement.                |
| 2710 |                 |     |  |
|      | 825.103 (2) (b) | 2nd | Exploiting an elderly<br>person or disabled<br>adult and property is<br>valued at \$20,000 or<br>more, but less than<br>\$100,000. |
| 2711 |                 |     |  |
|      | 827.03 (2) (b)  | 2nd | Neglect of a child causing<br>great bodily harm,<br>disability, or disfigurement.  |
| 2712 |                 |     |  |
|      | 827.04 (3)      | 3rd | Impregnation of a child under<br>16 years of age by person 21<br>years of age or older.  |
| 2713 |                 |     |  |
|      | 837.05 (2)      | 3rd | Giving false information<br>about alleged capital felony   |



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|      |                 |     | to a law enforcement<br>officer.  |
| 2714 | 838.015         | 2nd | Bribery.  |
| 2715 | 838.016         | 2nd | Unlawful compensation or reward<br>for official behavior.                             |
| 2716 | 838.021 (3) (a) | 2nd | Unlawful harm to a<br>public servant.   |
| 2717 | 838.22          | 2nd | Bid tampering.  |
| 2718 | 843.0855 (2)    | 3rd | Impersonation of a public<br>officer or employee.                                     |
| 2719 | 843.0855 (3)    | 3rd | Unlawful simulation of<br>legal process.  |
| 2720 | 843.0855 (4)    | 3rd | Intimidation of a public<br>officer or employee.                                      |
| 2721 | 847.0135 (3)    | 3rd | Solicitation of a child,<br>via a computer service, to<br>commit an unlawful sex act. |
| 2722 |                 |     |   |

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| 2723 | 847.0135(4)    | 2nd      | Traveling to meet a<br>minor to commit an<br>unlawful sex act.   |
| 2724 | 872.06         | 2nd      | Abuse of a dead human<br>body.   |
| 2725 | 874.05(2)(b)   | 1st      | Encouraging or recruiting<br>person under 13 to join a<br>criminal gang; second or<br>subsequent offense.  |
| 2726 | 874.10         | 1st, PBL | Knowingly initiates,<br>organizes, plans,<br>finances, directs,<br>manages, or supervises<br>criminal gang-related<br>activity.  |
|      | 893.13(1)(c)1. | 1st      | Sell, manufacture, or<br>deliver cocaine <del>for</del> other<br>drug prohibited under s.<br>893.03(1)(a), (1)(b),<br>(1)(d), (2)(a), (2)(b), or<br>(2)(c)4. <del>+</del> within 1,000 |

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| 2727 | 893.13(1)(e)1.  | 1st | feet of a child care facility, school, or state, county, or municipal park or publicly owned recreational facility or community center.  |
| 2728 | 893.13(4)(a)    | 1st | Sell, manufacture, or deliver cocaine or other drug prohibited under s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4., within 1,000 feet of property used for religious services or a specified business site. |
| 2729 | 893.135(1)(a)1. | 1st | Deliver to minor cocaine <del>for</del> other <u>drugs under</u> s. 893.03(1)(a), (1)(b), (1)(d), (2)(a), (2)(b), or (2)(c)4. <del>drugs</del> .   |

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| 2730 |                       |     | <u>except when authorized</u><br><u>under s. 893.03(1)(c)7.</u><br><u>and (1)(c)37. and chapters</u><br><u>468 and 499,</u> more than 25<br>lbs., less than 2,000 lbs.  |
| 2731 | 893.135<br>(1)(b)1.a. | 1st | Trafficking in cocaine,<br>more than 28 grams, less<br>than 200 grams.  |
| 2732 | 893.135<br>(1)(c)1.a. | 1st | Trafficking in illegal drugs, more<br>than 4 grams, less than 14 grams,<br><u>excluding cannabis and</u><br><u>tetrahydrocannabinols,</u> when excepted<br><u>under s. 893.03(1)(c)7. and (1)(c)37.</u><br><u>and chapters 468 and 499.</u> |
| 2733 | 893.135(1)(d)1.       | 1st | Trafficking in<br>phencyclidine, more than<br>28 grams, less than 200<br>grams.   |
| 2734 | 893.135(1)(e)1.       | 1st | Trafficking in<br>methaqualone, more than<br>200 grams, less than 5   |

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|      |                         |     | kilograms.   |
| 2734 | 893.135 (1) (f) 1.      | 1st | Trafficking in<br>amphetamine, more than<br>14 grams, less than 28<br>grams.                         |
| 2735 | 893.135<br>(1) (g) 1.a. | 1st | Trafficking in flunitrazepam, 4<br>grams or more, less than 14<br>grams.                             |
| 2736 | 893.135<br>(1) (h) 1.a. | 1st | Trafficking in gamma-<br>hydroxybutyric acid (GHB), 1<br>kilogram or more, less than 5<br>kilograms. |
| 2737 | 893.135<br>(1) (j) 1.a. | 1st | Trafficking in 1,4-<br>Butanediol, 1 kilogram or<br>more, less than 5<br>kilograms.                  |
| 2738 | 893.135<br>(1) (k) 2.a. | 1st | Trafficking in Phenethylamines,<br>10 grams or more, less than 200<br>grams.                         |
| 2739 |                         |     |  |

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| 2740 | 893.1351(2)     | 2nd | Possession of place for<br>trafficking in or<br>manufacturing of controlled<br>substance.  |
| 2741 | 896.101(5)(a)   | 3rd | Money laundering,<br>financial transactions<br>exceeding \$300 but less<br>than \$20,000.  |
| 2742 | 896.104(4)(a)1. | 3rd | Structuring transactions<br>to evade reporting or<br>registration<br>requirements, financial<br>transactions exceeding<br>\$300 but less than<br>\$20,000. |
| 2743 | 943.0435(4)(c)  | 2nd | Sexual offender vacating<br>permanent residence;<br>failure to comply with<br>reporting requirements.  |
|      | 943.0435(8)     | 2nd | Sexual offender; remains in<br>state after indicating intent   |

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| 2744 | 943.0435(9)(a) | 3rd | to leave; failure to comply<br>with reporting requirements.   |
| 2745 | 943.0435(13)   | 3rd | Sexual offender; failure<br>to comply with reporting<br>requirements.   |
| 2746 | 943.0435(14)   | 3rd | Failure to report or<br>providing false<br>information about a<br>sexual offender; harbor<br>or conceal a sexual<br>offender. |
| 2747 | 944.607(9)     | 3rd | Sexual offender; failure to<br>report and reregister;<br>failure to respond to<br>address verification.                       |
| 2748 | 944.607(10)(a) | 3rd | Sexual offender; failure<br>to submit to the taking   |

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|      |              |     | of a digitized<br>photograph.   |
| 2749 | 944.607(12)  | 3rd | Failure to report or<br>providing false<br>information about a sexual<br>offender; harbor or<br>conceal a sexual offender.    |
| 2750 | 944.607(13)  | 3rd | Sexual offender; failure to<br>report and reregister;<br>failure to respond to address<br>verification.                       |
| 2751 | 985.4815(10) | 3rd | Sexual offender; failure<br>to submit to the taking<br>of a digitized<br>photograph.  |
| 2752 | 985.4815(12) | 3rd | Failure to report or<br>providing false<br>information about a<br>sexual offender; harbor<br>or conceal a sexual<br>offender. |
| 2753 |              |     |   |



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|      | 985.4815 (13)     | 3rd    | Sexual offender; failure to report and reregister; failure to respond to address verification. |
| 2754 |                   |        |  |
| 2755 | (h) LEVEL 8       |        |  |
| 2756 |                   |        |  |
|      | Florida           | Felony |  |
|      | Statute           | Degree | Description  |
| 2757 |                   |        |  |
|      | 316.193           | 2nd    | DUI manslaughter.  |
|      | (3) (c) 3.a.      |        |  |
| 2758 |                   |        |  |
|      | 316.1935 (4) (b)  | 1st    | Aggravated fleeing or attempted eluding with serious bodily injury or death.                   |
| 2759 |                   |        |  |
|      | 327.35 (3) (c) 3. | 2nd    | Vessel BUI manslaughter.   |
| 2760 |                   |        |  |
|      | 499.0051 (7)      | 1st    | Knowing trafficking in contraband prescription drugs.  |
| 2761 |                   |        |  |
|      | 499.0051 (8)      | 1st    | Knowing forgery of   |

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|      |                    |     | prescription labels or<br>prescription drug labels.  |
| 2762 | 560.123 (8) (b) 2. | 2nd | Failure to report<br>currency or payment<br>instruments totaling or<br>exceeding \$20,000, but<br>less than \$100,000 by<br>money transmitter.             |
| 2763 | 560.125 (5) (b)    | 2nd | Money transmitter business<br>by unauthorized person,<br>currency or payment<br>instruments totaling or<br>exceeding \$20,000, but<br>less than \$100,000. |
| 2764 | 655.50 (10) (b) 2. | 2nd | Failure to report<br>financial transactions<br>totaling or exceeding<br>\$20,000, but less than<br>\$100,000 by financial<br>institutions.                 |
| 2765 | 777.03 (2) (a)     | 1st | Accessory after the  |

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| 2766 |                 |     | fact, capital felony.   |
|      | 782.04 (4)      | 2nd | Killing of human without design when engaged in act or attempt of any felony other than arson, sexual battery, robbery, burglary, kidnapping, aggravated fleeing or eluding with serious bodily injury or death, aircraft piracy, or unlawfully discharging bomb. |
| 2767 |                 |     |   |
|      | 782.051 (2)     | 1st | Attempted felony murder while perpetrating or attempting to perpetrate a felony not enumerated in s. 782.04 (3) .   |
| 2768 |                 |     |   |
|      | 782.071 (1) (b) | 1st | Committing vehicular homicide and failing to render aid or give information.  |
| 2769 |                 |     |   |
|      | 782.072 (2)     | 1st | Committing vessel homicide  |

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| 2770 | 787.06(3)(b) | 1st | and failing to render aid or<br>give information.  |
| 2771 | 787.06(3)(c) | 1st | Human trafficking using<br>coercion for commercial<br>sexual activity.   |
| 2772 | 787.06(3)(f) | 1st | Human trafficking using<br>coercion for labor and<br>services of an<br>unauthorized alien.   |
| 2773 | 790.161(3)   | 1st | Human trafficking using<br>coercion for commercial<br>sexual activity by the<br>transfer or transport of<br>any individual from<br>outside Florida to within<br>the state. |
| 2774 |              |     | Discharging a destructive<br>device which results in<br>bodily harm or property<br>damage.   |

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| 2775 | 794.011(5)   | 2nd      | Sexual battery, victim<br>12 years or over,<br>offender does not use<br>physical force likely<br>to cause serious<br>injury. |
| 2776 | 794.08(3)    | 2nd      | Female genital mutilation,<br>removal of a victim younger<br>than 18 years of age from<br>this state.                        |
| 2777 | 800.04(4)    | 2nd      | Lewd or lascivious battery.  |
| 2778 | 806.01(1)    | 1st      | Maliciously damage dwelling<br>or structure by fire or<br>explosive, believing person<br>in structure.                       |
| 2779 | 810.02(2)(a) | 1st, PBL | Burglary with<br>assault or<br>battery.  |
|      | 810.02(2)(b) | 1st, PBL | Burglary; armed with<br>explosives or  |

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|      |                    |     | dangerous weapon.   |
| 2780 | 810.02 (2) (c)     | 1st | Burglary of a dwelling<br>or structure causing<br>structural damage or<br>\$1,000 or more property<br>damage. |
| 2781 | 812.014 (2) (a) 2. | 1st | Property stolen;<br>cargo valued at<br>\$50,000 or more,<br>grand theft in 1st<br>degree.                     |
| 2782 | 812.13 (2) (b)     | 1st | Robbery with a<br>weapon.   |
| 2783 | 812.135 (2) (c)    | 1st | Home-invasion<br>robbery, no firearm,<br>deadly weapon, or<br>other weapon.                                   |
| 2784 | 817.535 (2) (b)    | 2nd | Filing false lien or other<br>unauthorized document;<br>second or subsequent                                  |

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| 2785 |                    |     | offense.  |
|      | 817.535 (3) (a)    | 2nd | Filing false lien or other<br>unauthorized document;<br>property owner is a public<br>officer or employee.  |
| 2786 |                    |     |   |
|      | 817.535 (4) (a) 1. | 2nd | Filing false lien or<br>other unauthorized<br>document; defendant is<br>incarcerated or under<br>supervision.                                     |
| 2787 |                    |     |   |
|      | 817.535 (5) (a)    | 2nd | Filing false lien or other<br>unauthorized document;<br>owner of the property<br>incurs financial loss as a<br>result of the false<br>instrument. |
| 2788 |                    |     |   |
|      | 817.568 (6)        | 2nd | Fraudulent use of personal<br>identification information of<br>an individual under the age of<br>18.  |
| 2789 |                    |     |   |

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| 2790 | 825.102(2)     | 1st | Aggravated abuse of an elderly person or disabled adult.   |
| 2791 | 825.1025(2)    | 2nd | Lewd or lascivious battery upon an elderly person or disabled adult.                                 |
| 2792 | 825.103(2) (a) | 1st | Exploiting an elderly person or disabled adult and property is valued at \$100,000 or more.          |
| 2793 | 837.02(2)      | 2nd | Perjury in official proceedings relating to prosecution of a capital felony.                         |
| 2794 | 837.021(2)     | 2nd | Making contradictory statements in official proceedings relating to prosecution of a capital felony. |



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| 2795 | 860.121(2)(c)   | 1st | Shooting at or<br>throwing any object in<br>path of railroad<br>vehicle resulting in<br>great bodily harm. |
| 2796 | 860.16          | 1st | Aircraft piracy.   |
| 2797 | 893.13(1)(b)    | 1st | Sell or deliver in excess<br>of 10 grams of any<br>substance specified in s.<br>893.03(1)(a) or (b).       |
| 2798 | 893.13(2)(b)    | 1st | Purchase in excess of 10<br>grams of any substance<br>specified in s.<br>893.03(1)(a) or (b).              |
| 2799 | 893.13(6)(c)    | 1st | Possess in excess of 10<br>grams of any substance<br>specified in s.<br>893.03(1)(a) or (b).               |
|      | 893.135(1)(a)2. | 1st | Trafficking in cannabis,<br><u>except when authorized</u>  |

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|      |                       |     | <u>under s. 893.03(1)(c)7.</u><br><u>and (1)(c)37. and chapters</u><br><u>468 and 499,</u> more than<br>2,000 lbs., less than<br>10,000 lbs.   |
| 2800 | 893.135<br>(1)(b)1.b. | 1st | Trafficking in cocaine,<br>more than 200 grams, less<br>than 400 grams.  |
| 2801 | 893.135<br>(1)(c)1.b. | 1st | Trafficking in illegal drugs, more<br>than 14 grams, less than 28 grams,<br><u>excluding cannabis and</u><br><u>tetrahydrocannabinols, when excepted</u><br><u>under s. 893.03(1)(c)7. and (1)(c)37.</u><br><u>and chapters 468 and 499.</u> |
| 2802 | 893.135<br>(1)(d)1.b. | 1st | Trafficking in phencyclidine,<br>more than 200 grams, less than<br>400 grams.  |
| 2803 | 893.135<br>(1)(e)1.b. | 1st | Trafficking in methaqualone,<br>more than 5 kilograms, less<br>than 25 kilograms.  |
| 2804 |                       |     |  |

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| 2805 | 893.135<br>(1) (f) 1.b. | 1st | Trafficking in amphetamine,<br>more than 28 grams, less<br>than 200 grams.   |
| 2806 | 893.135<br>(1) (g) 1.b. | 1st | Trafficking in flunitrazepam,<br>14 grams or more, less than 28<br>grams.  |
| 2807 | 893.135<br>(1) (h) 1.b. | 1st | Trafficking in gamma-<br>hydroxybutyric acid (GHB), 5<br>kilograms or more, less than 10<br>kilograms.               |
| 2808 | 893.135<br>(1) (j) 1.b. | 1st | Trafficking in 1,4-<br>Butanediol, 5 kilograms or<br>more, less than 10<br>kilograms.                                |
| 2809 | 893.135<br>(1) (k) 2.b. | 1st | Trafficking in Phenethylamines,<br>200 grams or more, less than 400<br>grams.  |
|      | 893.1351 (3)            | 1st | Possession of a place used to<br>manufacture controlled substance when<br>minor is present or resides there, <u></u> |

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|      |                 |     | <u>excluding cannabis and</u><br><u>tetrahydrocannabinols, when excepted</u><br><u>under s. 893.03(1)(c)7. and (1)(c)37.</u><br><u>and chapters 468 and 499.</u> |
| 2810 | 895.03(1)       | 1st | Use or invest proceeds<br>derived from pattern of<br>racketeering activity.  |
| 2811 | 895.03(2)       | 1st | Acquire or maintain through<br>racketeering activity any<br>interest in or control of any<br>enterprise or real property.  |
| 2812 | 895.03(3)       | 1st | Conduct or participate in any<br>enterprise through pattern of<br>racketeering activity.   |
| 2813 | 896.101(5)(b)   | 2nd | Money laundering,<br>financial transactions<br>totaling or exceeding<br>\$20,000, but less than<br>\$100,000.  |
| 2814 | 896.104(4)(a)2. | 2nd | Structuring transactions   |

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|      |                     |        | to evade reporting or<br>registration<br>requirements, financial<br>transactions totaling or<br>exceeding \$20,000 but<br>less than \$100,000. |
| 2815 |                     |        |  |
| 2816 | (i) LEVEL 9         |        |  |
| 2817 |                     |        |  |
|      | Florida             | Felony |  |
|      | Statute             | Degree | Description  |
| 2818 |                     |        |  |
|      | 316.193             | 1st    | DUI manslaughter; failing to<br>render aid or give<br>information.   |
|      | (3) (c) 3.b.        |        |  |
| 2819 |                     |        |  |
|      | 327.35 (3) (c) 3.b. | 1st    | BUI manslaughter;<br>failing to render aid or<br>give information.   |
| 2820 |                     |        |  |
|      | 409.920             | 1st    | Medicaid provider<br>fraud; \$50,000 or more.  |
|      | (2) (b) 1.c.        |        |  |
| 2821 |                     |        |  |
|      | 499.0051 (9)        | 1st    | Knowing sale or purchase of<br>contraband prescription   |

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|      |                    |     | drugs resulting in great<br>bodily harm.   |
| 2822 | 560.123 (8) (b) 3. | 1st | Failure to report<br>currency or payment<br>instruments totaling or<br>exceeding \$100,000 by<br>money transmitter.              |
| 2823 | 560.125 (5) (c)    | 1st | Money transmitter business<br>by unauthorized person,<br>currency, or payment<br>instruments totaling or<br>exceeding \$100,000. |
| 2824 | 655.50 (10) (b) 3. | 1st | Failure to report<br>financial transactions<br>totaling or exceeding<br>\$100,000 by financial<br>institution.                   |
| 2825 | 775.0844           | 1st | Aggravated white collar<br>crime.  |
| 2826 | 782.04 (1)         | 1st | Attempt, conspire, or solicit  |

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|------|-------------------|----------|--|
| 2827 | 782.04 (3)        | 1st, PBL | to commit premeditated<br>murder.  |
| 2828 | 782.051 (1)       | 1st      | Accomplice to murder in<br>connection with arson,<br>sexual battery,<br>robbery, burglary,<br>aggravated fleeing or<br>eluding with serious<br>bodily injury or death,<br>and other specified<br>felonies. |
| 2829 | 782.07 (2)        | 1st      | Attempted felony murder<br>while perpetrating or<br>attempting to perpetrate a<br>felony enumerated in s.<br>782.04 (3) .  |
| 2830 | 787.01 (1) (a) 1. | 1st, PBL | Aggravated manslaughter of an<br>elderly person or disabled<br>adult.<br><br>Kidnapping; hold for<br>ransom or reward or   |

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| 2831 | 787.01 (1) (a) 2. | 1st, PBL | <p>as a shield or<br/>hostage.</p> <p>Kidnapping with<br/>intent to commit or<br/>facilitate<br/>commission of any<br/>felony.</p>  |
| 2832 | 787.01 (1) (a) 4. | 1st, PBL | <p>Kidnapping with intent<br/>to interfere with<br/>performance of any<br/>governmental or<br/>political function.</p>  |
| 2833 | 787.02 (3) (a)    | 1st      | <p>False imprisonment; child<br/>under age 13; perpetrator<br/>also commits aggravated<br/>child abuse, sexual battery,<br/>or lewd or lascivious<br/>battery, molestation,<br/>conduct, or exhibition.</p> |
| 2834 | 787.06 (3) (d)    | 1st      | <p>Human trafficking using<br/>coercion for commercial</p>  |



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| 2835 | 787.06(3)(g) | 1st,PBL | sexual activity of an<br>unauthorized alien.  |
| 2836 | 787.06(4)    | 1st     | Human trafficking for<br>commercial sexual<br>activity of a child<br>under the age of 18. |
| 2837 | 790.161      | 1st     | Selling or buying of minors<br>into human trafficking.                                    |
| 2838 | 790.166(2)   | 1st,PBL | Attempted capital destructive<br>device offense.  |
| 2839 | 794.011(2)   | 1st     | Possessing, selling,<br>using, or attempting to<br>use a weapon of mass<br>destruction.   |
| 2840 | 794.011(2)   | Life    | Attempted sexual<br>battery; victim less<br>than 12 years of age.                         |
|      |              |         | Sexual battery;<br>offender younger than  |

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| 2841 | 794.011(4)    | 1st  | <p>18 years and commits<br/>sexual battery on a<br/>person less than 12<br/>years.</p> <p>Sexual battery; victim 12 years<br/>or older, certain<br/>circumstances.</p> |
| 2842 | 794.011(8)(b) | 1st  | <p>Sexual battery; engage<br/>in sexual conduct with<br/>minor 12 to 18 years by<br/>person in familial or<br/>custodial authority.</p>                                |
| 2843 | 794.08(2)     | 1st  | <p>Female genital mutilation;<br/>victim younger than 18 years<br/>of age.</p>   |
| 2844 | 796.035       | 1st  | <p>Selling or buying of minors into<br/>prostitution.</p>  |
| 2845 | 800.04(5)(b)  | Life | <p>Lewd or lascivious<br/>molestation; victim less<br/>than 12 years; offender 18</p>  |

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| 2846 |                    |          | years or older.  |
|      | 812.13 (2) (a)     | 1st, PBL | Robbery with<br>firearm or other<br>deadly weapon.   |
| 2847 |                    |          |  |
|      | 812.133 (2) (a)    | 1st, PBL | Carjacking; firearm<br>or other deadly<br>weapon.  |
| 2848 |                    |          |  |
|      | 812.135 (2) (b)    | 1st      | Home-invasion<br>robbery with weapon.  |
| 2849 |                    |          |  |
|      | 817.535 (3) (b)    | 1st      | Filing false lien or other<br>unauthorized document;<br>second or subsequent<br>offense; property owner is<br>a public officer or<br>employee. |
| 2850 |                    |          |  |
|      | 817.535 (4) (a) 2. | 1st      | Filing false claim or<br>other unauthorized<br>document; defendant is<br>incarcerated or under<br>supervision.                                 |
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| 2852 | 817.535 (5) (b) | 1st         | Filing false lien or other unauthorized document; second or subsequent offense; owner of the property incurs financial loss as a result of the false instrument.           |
| 2853 | 817.568 (7)     | 2nd,<br>PBL | Fraudulent use of personal identification information of an individual under the age of 18 by his or her parent, legal guardian, or person exercising custodial authority. |
| 2854 | 827.03 (2) (a)  | 1st         | Aggravated child abuse.  |
| 2855 | 847.0145 (1)    | 1st         | Selling, or otherwise transferring custody or control, of a minor.   |
| 2856 | 847.0145 (2)    | 1st         | Purchasing, or otherwise obtaining custody or control, of a minor.   |

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| 2857 | 859.01                  | 1st | Poisoning or introducing<br>bacteria, radioactive materials,<br>viruses, or chemical compounds<br>into food, drink, medicine, or<br>water with intent to kill or<br>injure another person. |
| 2858 | 893.135                 | 1st | Attempted capital trafficking<br>offense.  |
| 2859 | 893.135 (1) (a) 3.      | 1st | Trafficking in cannabis,<br><u>except when authorized</u><br><u>under s. 893.03(1) (c) 7.</u><br><u>and (1) (c) 37. and chapters</u><br><u>468 and 499,</u> more than<br>10,000 lbs.       |
| 2860 | 893.135<br>(1) (b) 1.c. | 1st | Trafficking in cocaine,<br>more than 400 grams, less<br>than 150 kilograms.  |
|      | 893.135<br>(1) (c) 1.c. | 1st | Trafficking in illegal drugs, more<br>than 28 grams, less than 30 kilograms,<br><u>excluding cannabis and</u><br><u>tetrahydrocannabinols, when excepted</u>                               |

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|      |               | <u>under s. 893.03(1)(c)7. and (1)(c)37.</u> |
|      |               | <u>and chapters 468 and 499.</u>             |
| 2861 | 893.135       | 1st      Trafficking in phencyclidine,       |
|      | (1)(d)1.c.    | more than 400 grams.                         |
| 2862 | 893.135       | 1st      Trafficking in methaqualone,        |
|      | (1)(e)1.c.    | more than 25 kilograms.                      |
| 2863 | 893.135       | 1st      Trafficking in amphetamine,         |
|      | (1)(f)1.c.    | more than 200 grams.                         |
| 2864 | 893.135       | 1st      Trafficking in gamma-               |
|      | (1)(h)1.c.    | hydroxybutyric acid (GHB), 10                |
|      |               | kilograms or more.                           |
| 2865 | 893.135       | 1st      Trafficking in 1,4-                 |
|      | (1)(j)1.c.    | Butanediol, 10 kilograms or                  |
|      |               | more.  |
| 2866 | 893.135       | 1st      Trafficking in Phenethylamines,     |
|      | (1)(k)2.c.    | 400 grams or more.                           |
| 2867 | 896.101(5)(c) | 1st      Money laundering,                   |
|      |               | financial instruments                        |

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totaling or exceeding  
\$100,000.

2868

896.104 (4) (a) 3.

1st

Structuring transactions to evade reporting or registration requirements, financial transactions totaling or exceeding \$100,000.

2869

2870

Section 12. This act shall take effect October 1, 2014.

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1  
2       An act relating to military and veteran support;  
3       amending s. 250.10, F.S.; revising participation  
4       requirements and authorizing certain courses for the  
5       Educational Dollars for Duty program; directing the  
6       Adjutant General to adopt certain rules; providing  
7       appropriations; amending s. 250.35, F.S.; updating  
8       references with respect to courts-martial; creating s.  
9       265.0031, F.S.; establishing the Florida Veterans'  
10      Walk of Honor and the Florida Veterans' Memorial  
11      Garden; directing the Department of Management  
12      Services, in consultation with the direct-support  
13      organization of the Department of Veterans' Affairs,  
14      to make space available for such purpose; amending s.  
15      288.0001, F.S.; directing the Office of Economic and  
16      Demographic Research and the Office of Program Policy  
17      Analysis and Government Accountability to provide a  
18      specified analysis of certain grant and entrepreneur  
19      initiative programs; amending ss. 295.065, 295.07,  
20      295.08, and 295.085, F.S.; revising and providing  
21      governmental employment preference for certain  
22      persons; creating s. 295.188, F.S.; authorizing  
23      private employers to provide employment preference for  
24      certain persons; creating s. 295.21, F.S.;  
25      establishing Florida Is For Veterans, Inc., within the  
26      Department of Veterans' Affairs; providing for a board



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27        of directors and the duties and requirements thereof;  
28        creating s. 295.22, F.S.; creating the Veterans  
29        Employment and Training Services Program within the  
30        department; providing program requirements; directing  
31        Enterprise Florida, Inc., to provide certain  
32        information about Florida Is For Veterans, Inc., to  
33        certain businesses; creating s. 295.23, F.S.;  
34        directing the Florida Tourism Industry Marketing  
35        Corporation to perform specified duties relating to  
36        Florida Is For Veterans, Inc., and to expend specified  
37        funds in the performance of such duties; requiring the  
38        Florida Tourism Industry Marketing Corporation to  
39        provide certain funds to Florida Is For Veterans,  
40        Inc.; providing appropriations; requiring Florida Is  
41        For Veterans, Inc., and the Florida Tourism Industry  
42        Marketing Corporation to submit certain plans and  
43        performance measures to the Legislative Budget  
44        Commission and receive the commission's approval  
45        before expending certain funds; directing Florida Is  
46        For Veterans, Inc., to submit a report to the Governor  
47        and Legislature relating to gaps in veteran resources;  
48        directing the Office of Program Policy Analysis and  
49        Government Accountability to conduct a performance  
50        audit of Florida Is For Veterans, Inc.; amending ss.  
51        296.06 and 296.36, F.S.; revising the eligibility  
52        requirements for residency in the Florida State

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Veterans' Domiciliary Home and admittance to a state veterans' nursing home; amending s. 322.031, F.S.; providing conditions under which the spouses and dependents of servicemembers are exempt from obtaining or displaying a driver license or learner's permit; amending s. 322.121, F.S.; granting an automatic extension for the expiration of a driver license to the spouse and dependents of servicemembers; amending s. 455.213, F.S.; extending the application deadline for military veterans to have certain fees waived by the Department of Business and Professional Regulation and waiving such fees for the spouses of veterans; amending ss. 456.013 and 468.304, F.S.; extending the application deadline for military veterans to have certain fees waived by the Department of Health and waiving such fees for the spouses of veterans; amending s. 456.024, F.S.; providing licensing procedures and waiving fees for certain health care practitioners; amending ss. 458.315 and 459.0076, F.S.; revising provisions for issuance of temporary certificates for practice in areas of critical need to conform to changes made by the act; creating ss. 458.3151 and 459.00761, F.S.; providing application requirements and procedures for active duty military and veteran physicians to obtain temporary certificates for practice in areas of critical need;

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79        amending s. 499.012, F.S.; providing that specified  
80        military service meets certain permitting  
81        requirements; amending s. 1002.33, F.S.; providing  
82        legislative findings and intent with respect to  
83        establishing charter schools on military  
84        installations; encouraging military installation  
85        commanders to collaborate with the Commissioner of  
86        Education; providing for operation and control of such  
87        schools; amending s. 1009.26, F.S.; directing state  
88        universities, Florida College System institutions, and  
89        certain career centers to waive certain fees for  
90        veterans; providing applicability; providing  
91        appropriations; providing effective dates.

92  
93    Be It Enacted by the Legislature of the State of Florida:

94  
95        Section 1. Subsections (7) and (8) of section 250.10,  
96        Florida Statutes, are amended to read:

97        250.10 Appointment and duties of the Adjutant General.—

98        (7) The Adjutant General shall develop an education  
99        assistance program for members in good standing of the Florida  
100        National Guard who enroll in an authorized course of study at a  
101        public or nonpublic postsecondary institution or technical  
102        center ~~of higher learning~~ in the state which has been accredited  
103        by an accrediting body recognized by the United States  
104        Department of Education or licensed by the Commission for

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Independent Education. Education assistance also may be used for training to obtain industry certifications approved by the Department of Education pursuant to s. 1008.44 and continuing education to maintain license certifications. The education assistance ~~This~~ program shall be known as the Educational Dollars for Duty program (EDD).

(a) The program shall establish ~~set forth~~ application requirements, including, but not limited to, requirements that the applicant:

1. Be 17 years of age or older.

2. Be presently domiciled in the state.

3. Be an active drilling member and in good standing in the Florida National Guard at the beginning of and throughout the entire academic term for which benefits are received.

4. Maintain continuous satisfactory participation in the Florida National Guard for the ~~any~~ school term for which ~~exemption~~ benefits are received.

5. Upon enrollment in the program, complete a memorandum of agreement to:

a. Comply with the rules of the program. ~~and~~

b. Serve in the Florida National Guard for the period specified in the member's enlistment or reenlistment contract.

c. Authorize the release of information pursuant to subparagraph (d)6. by the postsecondary institution or technical center to the education service office of the Department of Military Affairs, subject to applicable federal and state law.

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131 (b) The program shall define those members of the Florida  
132 National Guard who are ineligible to participate in the program  
133 and those courses of study which are not authorized for the  
134 program.

135 1. Ineligible members include, but are not limited to, a  
136 ~~any~~ member, commissioned officer, warrant officer, or enlisted  
137 person who has obtained a master's degree using the program.

138 2. Inactive members of the Florida National Guard and  
139 members of the Individual Ready Reserve are not eligible to  
140 participate in the program.

141 3.2. Courses not authorized include noncredit courses,  
142 courses that do not meet degree requirements, courses that do  
143 not meet requirements for completion of career training, or  
144 other courses as determined by program definitions.

145 4. The program may not pay repeat course fees.

146 (c) The program may include, but is not limited to:

147 1. Courses at a public or nonpublic postsecondary  
148 institution or technical center in the state which is accredited  
149 by an accrediting body recognized by the United States  
150 Department of Education or licensed by the Commission for  
151 Independent Education.

152 2. Training to obtain industry certifications, limited to  
153 certifications approved by the Department of Education under s.  
154 1008.44.

155 3. Continuing education to maintain a license or  
156 certification. Notwithstanding subparagraph (b)1., members who

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157 have obtained a master's degree using the program are eligible  
158 for funding under this subparagraph.

159 4. Licensing and industry certification examination fees.  
160 Notwithstanding subparagraph (b)1., members who have obtained a  
161 master's degree using the program are eligible for funding under  
162 this subparagraph.

163 5. Notwithstanding subparagraph (b)3., developmental  
164 educational courses.

165 ~~3. Developmental education courses are authorized for the~~  
166 ~~program.~~

167 ~~(d)(e)~~ The Adjutant General shall adopt rules for the  
168 overall policy, guidance, administration, implementation, and  
169 proper use of the program. Such rules must include, but need not  
170 be limited to:7

171 1. Guidelines for certification by the Adjutant General of  
172 a guard member's eligibility.7

173 2. Procedures for notification to a postsecondary an  
174 institution or technical center of a guard member's termination  
175 of eligibility.~~7~~and

176 3. Guidelines for approving courses of study that are  
177 authorized for the program, including online courses, industry  
178 certification training, and continuing education to maintain  
179 license certifications.

180 4. Guidelines for approving the use of program funds for  
181 licensing and industry certification examination fees.

182 5. Procedures for restitution when a guard member fails to

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183 comply with the penalties described in this section.

184 6. Procedures that require a public or nonpublic  
185 postsecondary institution or technical center that receives  
186 funding from the program to provide information regarding course  
187 enrollment, course withdrawal, course cancellation, course  
188 completion, course failure, and grade verification of enrolled  
189 members to the education service office of the Department of  
190 Military Affairs.

191 7. Guidelines for the payment of tuition and fees, not to  
192 exceed the highest in-state tuition rate charged by a public  
193 postsecondary institution in the state.

194 (8) Subject to appropriations, the Department of Military  
195 Affairs may pay the full cost of tuition and fees for required  
196 courses for current members of the Florida National Guard.  
197 Members are eligible to use the program upon enlistment in the  
198 Florida National Guard. If a member is enrolled in a nonpublic  
199 postsecondary education institution or a nonpublic vocational-  
200 technical program, the Department of Military Affairs shall pay  
201 an amount that may not exceed the rate of the highest in-state  
202 ~~equal to the amount that would be required to pay for the~~  
203 ~~average~~ tuition and fees at a public postsecondary education  
204 institution or public vocational-technical program.

205 (a) The Adjutant General shall give preference and  
206 priority to eligible members who have deployed on federal  
207 military orders while a member of the Florida National Guard.

208 (b) The Department of Military Affairs may reimburse a

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209 member for student textbook and instructional material costs in  
210 accordance with limits set each fiscal year based on funding  
211 availability and regardless of the source of tuition funding,  
212 but only after tuition and fees for all eligible members are  
213 paid for that fiscal year.

214 ~~(a) A member may participate in the program if he or she~~  
215 ~~maintains satisfactory participation in, and is an active~~  
216 ~~drilling member of, the Florida National Guard. Inactive members~~  
217 ~~of the Florida National Guard and members of the Individual~~  
218 ~~Ready Reserve (IRR) are not eligible to participate in the~~  
219 ~~program.~~

220 (c)~~(b)~~ Penalties for noncompliance with program  
221 requirements include, but are not limited to, the following:

222 1. If a member of the Florida National Guard receives  
223 payment of tuition and fees for an ~~any~~ academic term and fails  
224 to maintain satisfactory participation in the Florida National  
225 Guard during that academic term, the member shall reimburse the  
226 Department of Military Affairs all tuition charges and student  
227 fees for the academic term for which the member received  
228 payment.

229 2. If a member of the Florida National Guard leaves the  
230 Florida National Guard during the period specified in the  
231 member's enlistment or reenlistment contract, the member shall  
232 reimburse the Department of Military Affairs all tuition charges  
233 and student fees for which the member received payments,  
234 regardless of whether the obligation to reimburse the department



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was incurred before, on, or after July 1, 2009, unless the Adjutant General finds that there are justifiable extenuating circumstances.

3. If the service of a member of the Florida National Guard is terminated or the member is placed on scholastic probation while receiving payments, the member shall reimburse the Department of Military Affairs all tuition charges and student fees for the academic term for which the member received payment.

4. If a member defaults on any reimbursement made under this paragraph, the department may charge the member the maximum interest rate authorized by law.

Section 2. Beginning in the 2014-2015 fiscal year, the sum of \$1.53 million in recurring funds is appropriated from the General Revenue Fund to the Department of Military Affairs to supplement the Educational Dollars for Duty program to ensure that Florida National Guard members are rewarded for their service to the country with the ability to pursue higher learning in the state pursuant to s. 250.10(7) and (8), Florida Statutes.

Section 3. For the 2014-2015 fiscal year, the sum of \$250,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Military Affairs for the purpose of information technology upgrades to accommodate administering and auditing the Educational Dollars for Duty program.

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Section 4. Subsections (1) and (2) of section 250.35, Florida Statutes, are amended to read:

250.35 Courts-martial.—

(1) The Uniform Code of Military Justice (UCMJ), 10 U.S.C. ss. 801 et seq., and the Manual for Courts-Martial (2012 ~~2008~~ Edition) are adopted for use by the Florida National Guard, except as otherwise provided by this chapter.

(2) Courts-martial may try a ~~any~~ member of the Florida National Guard for any crime or offense made punishable by the Uniform Code of Military Justice (2012 ~~2008~~ Edition), except that a commissioned officer, warrant officer, or cadet may not be tried by summary courts-martial.

Section 5. Effective upon this act becoming a law, section 265.0031, Florida Statutes, is created to read:

265.0031 Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden.—

(1) To recognize and honor those military veterans who have made significant contributions to the state through their service to the United States, the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden are established.

(2) The Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden shall be administered by the direct-support organization of the Department of Veterans' Affairs without funding from the state. However, donations made to the Florida Veterans' Walk of Honor and the Florida Veterans' Memorial Garden shall be credited to the direct-support

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287 organization of the Department of Veterans' Affairs and used  
288 solely to support and maintain the Florida Veterans' Walk of  
289 Honor, the Florida Veterans' Memorial Garden, and other efforts  
290 of the direct-support organization.

291 (3) The Department of Management Services, in consultation  
292 with the Department of Veterans' Affairs and the direct-support  
293 organization of the Department of Veterans' Affairs, shall make  
294 space available on the Capitol Complex grounds for the  
295 construction of the Florida Veterans' Walk of Honor and the  
296 Florida Veterans' Memorial Garden.

297 Section 6. Paragraph (d) is added to subsection (2) of  
298 section 288.0001, Florida Statutes, to read:

299 288.0001 Economic Development Programs Evaluation.—The  
300 Office of Economic and Demographic Research and the Office of  
301 Program Policy Analysis and Government Accountability (OPPAGA)  
302 shall develop and present to the Governor, the President of the  
303 Senate, the Speaker of the House of Representatives, and the  
304 chairs of the legislative appropriations committees the Economic  
305 Development Programs Evaluation.

306 (2) The Office of Economic and Demographic Research and  
307 OPPAGA shall provide a detailed analysis of economic development  
308 programs as provided in the following schedule:

309 (d) By January 1, 2019, and every 3 years thereafter, an  
310 analysis of the grant and entrepreneur initiative programs  
311 established under s. 295.22(3)(d) and (e).

312 Section 7. Section 295.065, Florida Statutes, is amended

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313 to read:

314       295.065 Legislative intent.—It is the intent of the  
315 Legislature to provide preference and priority in the hiring  
316 practices of this state as set forth in this chapter. ~~In~~ All  
317 written job announcements and audio and video advertisements  
318 used by employing agencies of the state and its political  
319 subdivisions must include a notice stating, ~~there shall be a~~  
320 ~~notation~~ that certain servicemembers and veterans, and the  
321 spouses and family members of the servicemembers and veterans,  
322 receive preference and priority in employment by the state and  
323 are encouraged to apply for the positions being filled.

324       Section 8. Subsections (1) and (3) of section 295.07,  
325 Florida Statutes, are amended to read:

326       295.07 Preference in appointment and retention.—

327       (1) The state and its political subdivisions ~~in the state~~  
328 shall give preference in appointment and retention in positions  
329 of employment to:

330       (a) Those disabled veterans:

331       1. Who have served on active duty in any branch of the  
332 United States Armed Forces ~~of the United States~~, have received  
333 an honorable discharge ~~been separated therefrom under honorable~~  
334 ~~conditions~~, and have established the present existence of a  
335 service-connected disability that ~~which~~ is compensable under  
336 public laws administered by the United States ~~U.S.~~ Department of  
337 Veterans ~~Veterans'~~ Affairs; or

338       2. Who are receiving compensation, disability retirement

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benefits, or pension by reason of public laws administered by the United States ~~U.S.~~ Department of Veterans ~~Veterans'~~ Affairs and the United States Department of Defense.

(b) The spouse of a ~~any~~ person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of a ~~any~~ person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

(c) A wartime veteran ~~of any war~~ as defined in s. 1.01(14), who has. ~~The veteran must have served at least 1 day during a wartime period to be eligible for veterans' preference.~~ Active duty for training may ~~shall~~ not be allowed for eligibility under this paragraph.

(d) The unremarried widow or widower of a veteran who died of a service-connected disability.

(e) The mother, father, legal guardian, or unremarried widow or widower of a member of the United States Armed Forces who died in the line of duty under combat-related conditions, as verified by the United States Department of Defense.

(f) A veteran as defined in s. 1.01(14). Active duty for training may not be allowed for eligibility under this paragraph.

(g) A current member of any reserve component of the United States Armed Forces or the Florida National Guard.

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365 (3) Preference in employment and retention may be given  
366 only to eligible persons who are described in subsection (1) ~~and~~  
367 ~~who are residents of this state.~~

368 Section 9. Section 295.08, Florida Statutes, is amended to  
369 read:

370 295.08 Positions for which a numerically based selection  
371 process is used.—For positions for which an examination is used  
372 to determine the qualifications for entrance into employment  
373 with the state or political subdivisions in the state, 15 points  
374 shall be added to the earned ratings of a person included under  
375 s. 295.07(1)(a) or (b), 10 points shall be added to the earned  
376 ratings of a any person included under s. 295.07(1)(c), (d), or  
377 (e) 295.07(1)(a) or (b), and 5 points shall be added to the  
378 earned rating of a any person included under s. 295.07(1)(f) or  
379 (g) 295.07(1)(e) and (d), if the person has obtained a  
380 qualifying score on the examination for the position. The names  
381 of persons eligible for preference shall be entered on an  
382 appropriate register or list in accordance with their respective  
383 augmented ratings. However, except for classes of positions with  
384 Federal Government designations of professional or technician,  
385 the names of all persons qualified to receive a 15-point ~~10-~~  
386 ~~point~~ preference whose service-connected disabilities have been  
387 rated by the United States Department of Veterans Affairs or its  
388 predecessor or the United States Department of Defense to be 30  
389 percent or more shall be placed at the top of the appropriate  
390 register or employment list, in accordance with their respective

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augmented ratings. The respective augmented rating is the examination score or evaluated score in addition to the applicable veteran's preference points.

Section 10. Section 295.085, Florida Statutes, is amended to read:

295.085 Positions for which a numerically based selection process is not used.—In all positions in which the appointment or employment of persons is not subject to a written examination, with the exception of positions that are exempt under s. 295.07(4), first preference in appointment, employment, and retention shall be given by the state and political subdivisions in the state to a person ~~persons~~ included under s. 295.07(1)(a) or (b) ~~295.07(1)(a) and (b)~~, and second preference shall be given to a person ~~persons~~ included under s. 295.07(1)(c), (d), (e), (f), or (g) ~~295.07(1)(c) and (d)~~ who possess the minimum qualifications necessary to discharge the duties of the position involved.

Section 11. Section 295.188, Florida Statutes, is created to read:

295.188 Preference in hiring veterans for private employers.—

(1) The Legislature intends to establish a permissive preference in private employment for certain veterans.

(2) A private employer may adopt an employment policy that gives preference in hiring to an honorably discharged veteran, as defined in s. 1.01(14); the spouse of a veteran with a

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417 service-connected disability, as described in s. 295.07(1)(b);  
418 the unremarried widow or widower of a veteran who died of a  
419 service-connected disability, as described in s. 295.07(1)(d);  
420 or the unremarried widow or widower of a member of the United  
421 States Armed Forces who died in the line of duty under combat-  
422 related conditions. Such policy shall be applied uniformly to  
423 employment decisions regarding hiring and promotion.

424 (3) These preferences are not considered violations of any  
425 state or local equal employment opportunity law.

426 Section 12. Section 295.21, Florida Statutes, is created  
427 to read:

428 295.21 Florida Is For Veterans, Inc.—

429 (1) CREATION.—There is created within the Department of  
430 Veterans' Affairs a nonprofit corporation, to be known as  
431 "Florida Is For Veterans, Inc.," which shall be registered,  
432 incorporated, organized, and operated in compliance with chapter  
433 617, and which is not a unit or entity of state government. As  
434 used in this section and s. 295.22, unless the context indicates  
435 otherwise, the term "corporation" means Florida Is For Veterans,  
436 Inc. The corporation shall be a separate budget entity and is  
437 not subject to the control, supervision, or direction of the  
438 department in any manner, including, but not limited to,  
439 personnel, purchasing, transactions involving real or personal  
440 property, or budgetary matters.

441 (2) PURPOSE.—The purpose of the corporation is to promote  
442 Florida as a veteran-friendly state that seeks to provide



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443 veterans with employment opportunities and that promotes the  
444 hiring of veterans by the business community. The corporation  
445 shall encourage retired and recently separated military  
446 personnel to remain in the state or to make the state their  
447 permanent residence. The corporation shall promote the value of  
448 military skill sets to businesses in the state, assist in  
449 tailoring the training of veterans to match the needs of the  
450 employment marketplace, and enhance the entrepreneurial skills  
451 of veterans.

452 (3) DUTIES.—The corporation shall:

453 (a) Conduct research to identify the target market and the  
454 educational and employment needs of those in the target market.  
455 The corporation shall contract with at least one entity pursuant  
456 to the competitive bidding requirements in s. 287.057 and the  
457 provisions of s. 295.187 to perform the research. Such entity  
458 must have experience conducting market research on the veteran  
459 demographic. The corporation shall seek input from the Florida  
460 Tourism Industry Marketing Corporation on the scope, process,  
461 and focus of such research.

462 (b) Advise the Florida Tourism Industry Marketing  
463 Corporation, pursuant to s. 295.23, on:

- 464 1. The target market as identified in paragraph (a).  
465 2. Development and implementation of a marketing campaign  
466 to encourage members of the target market to remain in the state  
467 or to make the state their permanent residence.  
468 3. Methods for disseminating information to the target

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market that relates to the interests and needs of veterans of all ages and facilitates veterans' knowledge of and access to benefits.

(c) Promote and enhance the value of military skill sets to businesses.

(d) Implement the Veterans Employment and Training Services Program established by s. 295.22.

(e) Responsibly and prudently manage all funds received and ensure that the use of such funds conforms to all applicable laws, bylaws, or contractual requirements.

(f) Administer the programs created in this section and s. 295.22.

(4) GOVERNANCE.—

(a) The corporation shall be governed by a nine-member board of directors. The Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint three members to the board. In making appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives must consider representation by active or retired military personnel and their spouses representing a range of ages and persons with expertise in business, education, marketing, and information management.

(b) The board of directors shall annually elect a chair from among the board's members.

(c) Each member of the board of directors shall be appointed for a term of 4 years, except that, to achieve

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495 staggered terms, the initial appointees of the Governor shall  
496 serve terms of 2 years. A member is ineligible for reappointment  
497 to the board except that a member appointed to a term of 2 years  
498 or less may be reappointed for an additional term of 4 years.  
499 The initial appointments to the board must be made by July 15,  
500 2014. Vacancies on the board shall be filled in the same manner  
501 as the original appointment. A vacancy that occurs before the  
502 scheduled expiration of the term of the member shall be filled  
503 for the remainder of the unexpired term.

504 (d) The Legislature finds that it is in the public  
505 interest for the members of the board of directors to be subject  
506 to the requirements of ss. 112.313, 112.3135, and 112.3143.  
507 Notwithstanding the fact that they are not public officers or  
508 employees, for purposes of ss. 112.313, 112.3135, and 112.3143,  
509 the board members shall be considered to be public officers or  
510 employees. In addition to the postemployment restrictions of s.  
511 112.313(9), a person appointed to the board of directors may not  
512 have direct interest in a contract, franchise, privilege,  
513 project, program, or other benefit arising from an award by the  
514 corporation during the appointment term and for 2 years after  
515 the termination of such appointment. A person who accepts  
516 appointment to the board of directors in violation of this  
517 subsection, or accepts a direct interest in a contract,  
518 franchise, privilege, project, program, or other benefit granted  
519 by the corporation to an awardee within 2 years after the  
520 termination of his or her service on the board, commits a

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521 misdemeanor of the first degree, punishable as provided in s.  
522 775.082 or s. 775.083. Further, each member of the board of  
523 directors who is not otherwise required to file financial  
524 disclosure under s. 8, Art. II of the State Constitution or s.  
525 112.3144 shall file a statement of financial interests under s.  
526 112.3145.

527 (e) Each member of the board of directors shall serve  
528 without compensation but is entitled to reimbursement for travel  
529 and per diem expenses as provided in s. 112.061 while performing  
530 his or her duties.

531 (f) Each member of the board of directors is accountable  
532 for the proper performance of the duties of office and owes a  
533 fiduciary duty to the people of this state to ensure that awards  
534 provided are disbursed and used as prescribed by law and  
535 contract. An appointed member of the board of directors may be  
536 removed by the officer who appointed the member for malfeasance,  
537 misfeasance, neglect of duty, incompetence, permanent inability  
538 to perform official duties, unexcused absence from three  
539 consecutive board meetings, arrest or indictment for a crime  
540 that is a felony or a misdemeanor involving theft or a crime of  
541 dishonesty, or pleading guilty or nolo contendere to or being  
542 found guilty of any crime.

543 (g) A majority of the members of the board of directors  
544 constitutes a quorum. Council meetings may be held via  
545 teleconference or other electronic means.

546 (5) POWERS.—In addition to the powers and duties

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prescribed in chapter 617 and the articles and bylaws adopted thereunder, the board of directors may:

(a) Make and enter into contracts and other instruments necessary or convenient for the exercise of its powers and functions. However, notwithstanding s. 617.0302, the corporation may not issue bonds.

(b) Make expenditures, including any necessary administrative expenditure.

(c) Adopt, amend, and repeal bylaws, consistent with the powers granted to it under this section or the articles of incorporation, for the administration of the activities of the corporation, and the exercise of its corporate powers.

(d) Accept funding for its programs and activities from federal, state, local, and private sources.

(e) Adopt and register a fictitious name for use in its marketing activities.

The credit of the State of Florida may not be pledged on behalf of the corporation.

(6) PUBLIC RECORDS AND MEETINGS.—The corporation is subject to the provisions of chapters 119 and 286 relating to public records and meetings, respectively.

(7) STAFFING AND ASSISTANCE.—

(a) The corporation is authorized to hire or contract for all staff necessary for the proper execution of its powers and duties. All employees of the corporation shall comply with the

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Code of Ethics for Public Officers and Employees under part III of chapter 112. Corporation staff must agree to refrain from having any direct interest in any contract, franchise, privilege, project, program, or other benefit arising from an award by the corporation during the term of their appointment and for 2 years after the termination of such appointment.

(b) All agencies of the state are authorized and directed to provide such technical assistance as the corporation may require to identify programs within each agency which provide assistance or benefits to veterans who are located in this state or who are considering relocation to this state.

(c) The Department of Veterans' Affairs may authorize the corporation's use of the department's property, facilities, and personnel services, subject to this section. The department may prescribe by contract any condition with which the corporation must comply in order to use the department's property, facilities, or personnel services.

(d) The department may not authorize the use of its property, facilities, or personnel services if the corporation does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

(8) ANNUAL REPORT.—The corporation shall submit an annual progress report and work plan by December 1 to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must include:

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599        (a) Status and summary of findings regarding the target  
600 market, veteran benefits, and any identified gaps in services.

601        (b) Status of the marketing campaign, delivery systems of  
602 the marketing campaign, and outreach to the target market.

603        (c) Status of the Veterans Employment and Training  
604 Services Program administered under s. 295.22.

605        (d) Proposed revisions or additions to performance  
606 measurements for the programs administered by the corporation.

607        (e) Identification of contracts that the corporation has  
608 entered into to carry out its duties.

609        (f) An annual compliance and financial audit of accounts  
610 and records for the previous fiscal year prepared by an  
611 independent certified public accountant pursuant to rules  
612 adopted by the Auditor General.

613        (9) DISSOLUTION.-All moneys and property held by the  
614 corporation shall revert to the state if the corporation ceases  
615 to exist.

616        Section 13. Section 295.22, Florida Statutes, is created to  
617 read:

618        295.22 Veterans Employment and Training Services Program.-

619        (1) LEGISLATIVE FINDINGS AND INTENT.-The Legislature finds  
620 that the state has a compelling interest in ensuring that each  
621 veteran who is a resident of the state finds employment that  
622 meets his or her professional goals and receives the training or  
623 education necessary to meet those goals. The Legislature also  
624 finds that connecting dedicated, well-trained veterans with

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625 businesses that need a dedicated, well-trained workforce is of  
626 paramount importance. The Legislature recognizes that veterans  
627 may not currently have the skills to meet the workforce needs of  
628 Florida employers and may require assistance in obtaining  
629 additional workforce training or in transitioning their skills  
630 to meet the demands of the marketplace. It is the intent of the  
631 Legislature that the Veterans Employment and Training Services  
632 Program coordinate and meet the needs of veterans and the  
633 business community to enhance the economy of this state.

634 (2) CREATION.—The Veterans Employment and Training  
635 Services Program is created within the Department of Veterans'  
636 Affairs to assist in linking veterans in search of employment  
637 with businesses seeking to hire dedicated, well-trained workers.  
638 The purpose of the program is to meet the workforce demands of  
639 businesses in the state by facilitating access to training and  
640 education in high-demand fields for veterans.

641 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
642 administer the Veterans Employment and Training Services Program  
643 and perform all of the following functions:

644 (a) Conduct marketing and recruiting efforts directed at  
645 veterans who reside in or who have an interest in relocating to  
646 this state and who are seeking employment. Marketing must  
647 include information related to how a veteran's military  
648 experience can be valuable to a business. Such efforts may  
649 include attending veteran job fairs and events, hosting events  
650 for veterans or the business community, and using digital and



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651 social media and direct mail campaigns. The corporation shall  
652 also include such marketing as part of its main marketing  
653 campaign.

654 (b) Assist veterans who reside in or relocate to this  
655 state and who are seeking employment. The corporation shall  
656 offer skills assessments to veterans and assist them in  
657 establishing employment goals and applying for and achieving  
658 gainful employment.

659 1. Assessment may include skill match information, skill  
660 gap analysis, résumé creation, translation of military skills  
661 into civilian workforce skills, and translation of military  
662 achievements and experience into generally understood civilian  
663 workforce skills.

664 2. Assistance may include providing the veteran with  
665 information on current workforce demand by industry or  
666 geographic region, creating employment goals, and aiding or  
667 teaching general knowledge related to completing applications.  
668 The corporation may provide information related to industry  
669 certifications approved by the Department of Education under s.  
670 1008.44 as well as information related to earning academic  
671 college credit at public postsecondary educational institutions  
672 for college-level training and education acquired in the  
673 military under s. 1004.096.

674 3. The corporation shall encourage veterans to register  
675 with the state's job bank system and may refer veterans to local  
676 one-stop career centers for further services. The corporation

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677 shall provide each veteran with information about state  
678 workforce programs and shall consolidate information about all  
679 available resources on one website that, if possible, includes a  
680 hyperlink to each resource's website and contact information, if  
681 available. If appropriate, a veteran shall be encouraged to  
682 participate in the Complete Florida Degree Program established  
683 under s. 1006.735.

684 4. Assessment and assistance may be in person or by  
685 electronic means, as determined by the corporation to be most  
686 efficient and best meet the needs of veterans.

687 (c) Assist Florida businesses in recruiting and hiring  
688 veterans. The corporation shall provide services to Florida  
689 businesses to meet their hiring needs by connecting businesses  
690 with suitable veteran applicants for employment. Suitable  
691 applicants include veterans who have appropriate job skills or  
692 may need additional training to meet the specific needs of a  
693 business. The corporation shall also provide information about  
694 the state and federal benefits of hiring veterans.

695 (d) Create a grant program to provide funding to assist  
696 veterans in meeting the workforce-skill needs of businesses  
697 seeking to hire veterans, establish criteria for approval of  
698 requests for funding, and maximize the use of funding for this  
699 program. Grant funds may be used only in the absence of  
700 available veteran-specific federally funded programs. Grants may  
701 fund specialized training specific to a particular business.

702 1. Grant funds may be allocated to any training provider

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selected by the business, including a career center, a Florida College System institution, a state university, or an in-house training provider of the business. If grant funds are used to provide a technical certificate, a licensure, or a degree, funds may be allocated only upon a review that includes, but is not limited to, accreditation and licensure documentation. Instruction funded through the program must terminate when participants demonstrate competence at the level specified in the request; however, the grant term may not exceed 48 months. Preference shall be given to target industry businesses, as defined in s. 288.106, and to businesses in the defense supply, cloud virtualization, or commercial aviation manufacturing industries.

2. Costs and expenditures for the grant program must be documented and separated from those incurred by the training provider. Costs and expenditures shall be limited to \$8,000 per veteran trainee. Eligible costs and expenditures include:

- a. Tuition and fees.
- b. Curriculum development.
- c. Books and classroom materials.
- d. Rental fees for facilities at public colleges and universities, including virtual training labs.
- e. Overhead or indirect costs not to exceed 5 percent of the grant amount.

3. Before funds are allocated for a request pursuant to this section, the corporation shall prepare a grant agreement

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729 between the business requesting funds, the educational  
730 institution or training provider receiving funding through the  
731 program, and the corporation. Such agreement must include, but  
732 need not be limited to:

733 a. Identification of the personnel necessary to conduct  
734 the instructional program, the qualifications of such personnel,  
735 and the respective responsibilities of the parties for paying  
736 costs associated with the employment of such personnel.

737 b. Identification of the match provided by the business,  
738 including cash and in-kind contributions, equal to at least 50  
739 percent of the total grant amount.

740 c. Identification of the estimated duration of the  
741 instructional program.

742 d. Identification of all direct, training-related costs.

743 e. Identification of special program requirements that are  
744 not otherwise addressed in the agreement.

745 f. Permission to access aggregate information specific to  
746 the wages and performance of participants upon the completion of  
747 instruction for evaluation purposes. The agreement must specify  
748 that any evaluation published subsequent to the instruction may  
749 not identify the employer or any individual participant.

750 4. A business may receive a grant under the Quick-Response  
751 Training Program created under s. 288.047 and a grant under this  
752 section for the same veteran trainee. If a business receives  
753 funds under both programs, one grant agreement may be entered  
754 into with Workforce Florida, Inc., as the grant administrator.

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755       (e) Contract with one or more entities to administer an  
756 entrepreneur initiative program for veterans in this state which  
757 connects business leaders in the state with veterans seeking to  
758 become entrepreneurs.

759       1. The corporation shall award each contract in accordance  
760 with the competitive bidding requirements in s. 287.057 to one  
761 or more public or private universities that:

762       a. Demonstrate the ability to implement the program and  
763 the commitment of university resources, including financial  
764 resources, to such programs.

765       b. Have a military and veteran resource center.

766       c. Have a regional small business development center in  
767 the Florida Small Business Development Center Network.

768       d. As determined by the corporation, have been nationally  
769 recognized for commitment to the military and veterans.

770       2. Each contract must include performance metrics,  
771 including a focus on employment and business creation. Each  
772 university must coordinate with any entrepreneurship center  
773 located at the university. The university may also work with an  
774 entity offering related programs to refer veterans or to provide  
775 services. The entrepreneur initiative program may include  
776 activities and assistance such as peer-to-peer learning  
777 sessions, mentoring, technical assistance, business roundtables,  
778 networking opportunities, support of student organizations,  
779 speaker series, or other tools within a virtual environment.

780       (4) DUTIES OF ENTERPRISE FLORIDA, INC.—Enterprise Florida,

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781 Inc., shall provide information about the corporation and its  
782 services to prospective, new, expanding, and relocating  
783 businesses seeking to conduct business in this state. Enterprise  
784 Florida, Inc., shall, to the greatest extent possible,  
785 collaborate with the corporation to meet the employment needs,  
786 including meeting the job-creation requirements, of any business  
787 receiving assistance or services from Enterprise Florida, Inc.

788 Section 14. Section 295.23, Florida Statutes, is created  
789 to read:

790 295.23 Veterans research and marketing campaign.-

791 (1) The Florida Tourism Industry Marketing Corporation  
792 shall:

793 (a) Provide input to Florida Is For Veterans, Inc., on  
794 research to identify the target market and the educational and  
795 employment needs of those in the target market.

796 (b) Develop and conduct a marketing campaign to encourage  
797 retired and recently separated military personnel to remain in  
798 the state or to make the state their permanent residence.

799 (c) Develop a process for the dissemination of information  
800 to the target market and targeting that information to the  
801 interests and needs of veterans of all ages to facilitate  
802 veterans' knowledge of and access to benefits.

803 (2) The Florida Tourism Industry Marketing Corporation  
804 shall seek advice from Florida Is For Veterans, Inc., on the  
805 scope, process, and focus of the marketing campaign. Input must  
806 be received before invitations to bid, requests for proposals,

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807 or invitations to negotiate for contracted services are  
808 advertised. Florida Is For Veterans, Inc., shall be kept  
809 informed at each stage of the marketing campaign and may provide  
810 recommendations to the Florida Tourism Industry Marketing  
811 Corporation to ensure that the effort effectively reaches  
812 veterans.

813 (3) For the purposes of this section, the Florida Tourism  
814 Industry Marketing Corporation shall expend \$1 million annually  
815 on marketing the state to veterans as a permanent home and on  
816 information dissemination to improve veterans' knowledge of and  
817 access to benefits through a combination of existing funds  
818 appropriated to the Florida Tourism Industry Marketing  
819 Corporation by the Legislature and private funds.

820 Section 15. For fiscal year 2014-2015, the Florida Tourism  
821 Industry Marketing Corporation shall provide Florida Is For  
822 Veterans, Inc., \$300,000 to conduct market research pursuant to  
823 s. 295.21(3)(a), Florida Statutes.

824 Section 16. For the 2014-2015 fiscal year, the sum of  
825 \$56,768 in recurring funds and \$4,258 in nonrecurring funds are  
826 appropriated from the General Revenue Fund to the Department of  
827 Veterans' Affairs, and one full-time equivalent position with  
828 associated salary rate of 36,350, is authorized to assist  
829 Florida Is For Veterans, Inc., in performing state financial  
830 activities. The funds appropriated in this section shall be  
831 released pursuant to s. 216.192, Florida Statutes.

832 Section 17. For the 2014-2015 fiscal year, the sum of

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\$344,106 in recurring funds and \$14,391 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Veterans' Affairs for the purpose of funding the costs for startup, staffing, and general operations of the Florida Is For Veterans, Inc. The funds appropriated in this section shall be released pursuant to s. 216.192, Florida Statutes.

Section 18. By August 15, 2014, Florida Is For Veterans, Inc., shall submit a plan to the Legislative Budget Commission, through the Department of Veterans' Affairs, pursuant to s. 216.177, Florida Statutes. The plan shall:

(1) Provide a strategy and framework for the general operations of Florida Is For Veterans, Inc., including the fulfillment of its purpose, duties, and goals as provided in ss. 295.21 and 295.22, Florida Statutes;

(2) Include specific performance measures by which Florida Is For Veterans, Inc., and its functions shall be evaluated; and

(3) Include details of the existing expenditures and obligations of Florida Is For Veterans, Inc., as well as a budget and timelines for expected expenditures related both to general operations and to products, services, and grants to be provided under programs administered by Florida Is For Veterans, Inc.

Copies of the plan shall also be submitted to the President of the Senate and the Speaker of the House of Representatives. The Legislative Budget Commission must approve the plan, including



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859 the performance measures, before Florida Is For Veterans, Inc.,  
860 may expend funds for the duties required under s. 295.22,  
861 Florida Statutes.

862       Section 19. By August 15, 2014, the Florida Tourism  
863 Industry Marketing Corporation and Florida Is For Veterans,  
864 Inc., shall jointly develop and submit to the Legislative Budget  
865 Commission, through the Department of Economic Opportunity,  
866 pursuant to s. 216.177, Florida Statutes, specific performance  
867 measures by which the research and marketing campaign  
868 established under s. 295.23, Florida Statutes, shall be  
869 evaluated. Copies of the performance measures shall also be  
870 submitted to the President of the Senate and the Speaker of the  
871 House of Representatives. The Legislative Budget Commission must  
872 approve the performance measures before the Florida Tourism  
873 Industry Marketing Corporation or Florida Is For Veterans, Inc.,  
874 may expend funds for the duties required under s. 295.23,  
875 Florida Statutes.

876       Section 20. By February 2, 2016, Florida Is For Veterans,  
877 Inc., shall submit a report to the Governor, the President of  
878 the Senate, and the Speaker of the House of Representatives  
879 identifying existing gaps in veteran resources and recommending  
880 best practices that may be used to assist veterans and  
881 improvements to current or new resources and programs.

882       Section 21. By February 1, 2018, the Office of Program  
883 Policy Analysis and Government Accountability shall conduct a  
884 performance audit of Florida Is For Veterans, Inc. The audit

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885 shall assess the implementation and outcomes of activities under  
886 ss. 295.21 and 295.22, Florida Statutes, and evaluate the  
887 corporation's accomplishments and progress toward making Florida  
888 a veteran-friendly state. The audit must provide recommendations  
889 for any necessary improvements. The report of the audit's  
890 findings shall be submitted to the President of the Senate and  
891 the Speaker of the House of Representatives.

892 Section 22. Paragraph (b) of subsection (2) of section  
893 296.06, Florida Statutes, is amended to read:

894 296.06 State policy; eligibility requirements.—

895 (2) To be eligible for residency in the home, a veteran  
896 must:

897 (b) ~~Have been a resident of the state for 1 year~~  
898 ~~immediately preceding application and~~ Be a resident of the state  
899 at the time of application.

900 Section 23. Paragraph (b) of subsection (1) of section  
901 296.36, Florida Statutes, is amended to read:

902 296.36 Eligibility and priority of admittance.—

903 (1) To be eligible for admittance to the home, the person  
904 must be a veteran as provided in s. 1.01(14) or have eligible  
905 peacetime service as defined in s. 296.02 and must:

906 (b) ~~Be Have been~~ a resident of the state ~~for 1 year~~  
907 ~~immediately preceding, and~~ at the time of application for,  
908 admission to the home.

909 Section 24. Section 322.031, Florida Statutes, is amended  
910 to read:

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322.031 Nonresident; when license required.—

(1) In each ~~every~~ case in which a nonresident, except a nonresident migrant or seasonal farm worker as defined in s. 316.003(61), accepts employment or engages in a ~~any~~ trade, profession, or occupation in this state or enters his or her children to be educated in the public schools of this state, such nonresident shall, within 30 days after beginning ~~the commencement of~~ such employment or education, be required to obtain a Florida driver ~~driver's~~ license if such nonresident operates a motor vehicle on the highways of this state. The spouse or dependent child of such nonresident shall also be required to obtain a Florida driver ~~driver's~~ license within that 30-day period before ~~prior to~~ operating a motor vehicle on the highways of this state.

(2) A member of the United States Armed Forces on active duty in this state, his or her spouse, or a dependent residing with him or her, is ~~shall~~ not be required to obtain or display a Florida driver ~~driver's~~ license if he or she is in possession of a valid military identification card and either a valid driver license or learner's permit issued by another state, or a valid military driving permit. Such a person is not required to obtain or display a Florida driver license ~~under this section solely~~ because he or she enters his or her children to be educated in the public schools of this state or because he or she accepts employment or engages in a trade, profession, or occupation in this state ~~if he or she has a valid military driving permit or a~~

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937 ~~valid driver's license issued by another state.~~

938       (3) A nonresident who is domiciled in another state and  
939 who commutes into this state in order to work is ~~shall~~ not ~~be~~  
940 required to obtain a Florida driver ~~driver's~~ license under this  
941 section solely because he or she has accepted employment or  
942 engages in a ~~any~~ trade, profession, or occupation in this state  
943 if he or she has a valid driver ~~driver's~~ license issued by  
944 another state. Further, a ~~any~~ person who is enrolled as a  
945 student in a college or university and who is a nonresident but  
946 is in this state for a period of up to 6 months engaged in a  
947 work-study program for which academic credits are earned from a  
948 college whose credits or degrees are accepted for credit by at  
949 least three accredited institutions of higher learning, as  
950 defined in s. 1005.02, is ~~shall~~ not ~~be~~ required to obtain a  
951 Florida driver ~~driver's~~ license for the duration of the work-  
952 study program if such person has a valid driver ~~driver's~~ license  
953 issued by another state. A ~~Any~~ nonresident who is enrolled as a  
954 full-time student in ~~any~~ such institution of higher learning is  
955 also exempt from the requirement of obtaining a Florida driver  
956 ~~driver's~~ license for the duration of such enrollment.

957       (4) A nonresident who is at least 21 years of age and who  
958 has in his or her immediate possession a valid commercial driver  
959 ~~driver's~~ license issued in substantial compliance with the  
960 Commercial Motor Vehicle Safety Act of 1986 may operate a motor  
961 vehicle of the type permitted by his or her license to be  
962 operated in this state.

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963 Section 25. Subsection (5) of section 322.121, Florida  
964 Statutes, is amended to read:

965 322.121 Periodic reexamination of all drivers.—

966 (5) A member ~~Members~~ of the United States Armed Forces,  
967 his or her spouse, or a dependent ~~their dependents~~ residing with  
968 him or her ~~them~~, shall be granted an automatic extension for the  
969 expiration of his or her ~~their~~ Class E license ~~licenses~~ without  
970 reexamination while the member of the United States Armed Forces  
971 is serving on active duty outside this state. This extension is  
972 valid for 90 days after the member of the United States Armed  
973 Forces is either discharged or returns to this state to live.

974 Section 26. Subsection (12) of section 455.213, Florida  
975 Statutes, is amended to read:

976 455.213 General licensing provisions.—

977 (12) The department shall waive the initial licensing fee,  
978 the initial application fee, and the initial unlicensed activity  
979 fee for a military veteran or his or her spouse at the time of  
980 discharge, if he or she ~~who~~ applies to the department for a  
981 license, in a format prescribed by the department, within 60 ~~24~~  
982 months after the veteran is discharged ~~discharge~~ from any branch  
983 of the United States Armed Forces. To qualify for this waiver,  
984 the veteran must have been honorably discharged.

985 Section 27. Subsection (13) of section 456.013, Florida  
986 Statutes, is amended to read:

987 456.013 Department; general licensing provisions.—

988 (13) The department shall waive the initial licensing fee,

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the initial application fee, and the initial unlicensed activity fee for a military veteran or his or her spouse at the time of discharge, if he or she ~~who~~ applies to the department for an initial license within 60 ~~24~~ months after the veteran is ~~being~~ honorably discharged from any branch of the United States Armed Forces. The applicant must apply for the fee waiver using a form prescribed by the department and must submit supporting documentation as required by the department.

Section 28. Subsection (3) of section 456.024, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

456.024 Members of Armed Forces in good standing with administrative boards or the department; spouses; licensure.—

(3) A person who serves or has served as a health care practitioner in the United States Armed Forces, United States Reserve Forces, or the National Guard or a person who serves or has served on active duty with the United States Armed Forces as a health care practitioner in the United States Public Health Service is eligible for licensure in this state. The department shall develop an application form and each board, or the department if there is no board, shall waive the application fee, licensure fee, and unlicensed activity fee for such applicants. For purposes of this subsection, "health care practitioner" means a health care practitioner as defined in s. 456.001 and a person licensed under part III of chapter 401 or part IV of chapter 468.

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(a) The board, or department if there is no board, shall  
issue a license to practice in this state to a person who:  
1. Submits a complete application.  
2. Receives an honorable discharge within 6 months before,  
or will receive an honorable discharge within 6 months after,  
the date of submission of the application.  
3. Holds an active, unencumbered license issued by another  
state, the District of Columbia, or a possession or territory of  
the United States and who has not had disciplinary action taken  
against him or her in the 5 years preceding the date of  
submission of the application.  
4. Attests that he or she is not, at the time of  
submission, the subject of a disciplinary proceeding in a  
jurisdiction in which he or she holds a license or by the United  
States Department of Defense for reasons related to the practice  
of the profession for which he or she is applying.  
5. Actively practiced the profession for which he or she  
is applying for the 3 years preceding the date of submission of  
the application.  
6. Submits a set of fingerprints for a background  
screening pursuant to s. 456.0135, if required for the  
profession for which he or she is applying.  
The department shall verify information submitted by the  
applicant under this subsection using the National Practitioner  
Data Bank.

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1041       (b) Each applicant who meets the requirements of this  
1042 subsection shall be licensed with all rights and  
1043 responsibilities as defined by law. The applicable board, or  
1044 department if there is no board, may deny an application if the  
1045 applicant has been convicted of or pled guilty or nolo  
1046 contendere to, regardless of adjudication, any felony or  
1047 misdemeanor related to the practice of a health care profession  
1048 regulated by this state.

1049       (c) An applicant for initial licensure under this  
1050 subsection must submit the information required by s. 456.039(1)  
1051 and 456.0391(1) no later than 1 year after the license is  
1052 issued.

1053       Section 29. Subsections (3) through (5) of section  
1054 458.315, Florida Statutes, are renumbered as subsections (2)  
1055 through (4), respectively, and subsections (1) and (2) of that  
1056 section are amended, to read:

1057       458.315 Temporary certificate for practice in areas of  
1058 critical need.—

1059       ~~(1) A certificate issued pursuant to this section may be~~  
1060 ~~eited as the "Rear Admiral LeRoy Collins, Jr., Temporary~~  
1061 ~~Certificate for Practice in Areas of Critical Need."~~

1062       (1)(2) A Any physician who:  
1063       ~~(a)~~ is licensed to practice in any jurisdiction of ~~in~~ the  
1064 United States and whose license is currently valid; ~~or~~

1065       ~~(b) Has served as a physician in the United States Armed~~  
1066 ~~Forces for at least 10 years and received an honorable discharge~~



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1067 ~~from the military;~~

1068  
1069 and who pays an application fee of \$300 may be issued a  
1070 temporary certificate for practice in areas of critical need.

1071 Section 30. Section 458.3151, Florida Statutes, is created  
1072 to read:

1073 458.3151 Temporary certificate for active duty military  
1074 and veterans practicing in areas of critical need.—

1075 (1) A certificate issued pursuant to this section may be  
1076 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary  
1077 Certificate for Practice in Areas of Critical Need."

1078 (2) The board may issue a temporary certificate to a  
1079 physician who complies with subsection (3) and who will:

1080 (a) Practice in an area of critical need;

1081 (b) Be employed by or practice in a county health  
1082 department; correctional facility; Department of Veterans'  
1083 Affairs clinic; community health center funded by s. 329, s.  
1084 330, or s. 340 of the United States Public Health Services Act;  
1085 or other agency or institution that is approved by the State  
1086 Surgeon General and provides health care to meet the needs of  
1087 underserved populations in this state; or

1088 (c) Practice for a limited time to address critical  
1089 physician-specialty, demographic, or geographic needs for this  
1090 state's physician workforce as determined by the State Surgeon  
1091 General.

1092 (3) To be eligible for a temporary certificate, a

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1093 physician must submit to the board:

1094 (a) A complete application.

1095 (b) Proof of an active and valid license to practice in a  
1096 jurisdiction of the United States.

1097 (c) If on active duty, a letter from the physician's  
1098 military command authorizing the physician to practice medicine  
1099 at an approved entity in an area of critical need.

1100 (d) Documentation demonstrating the physician is serving  
1101 on active duty in the United States Armed Forces as a  
1102 commissioned medical officer or has served as a commissioned  
1103 medical officer in the United States Armed Forces for at least  
1104 10 years and received an honorable discharge from the military.

1105 (4) The board shall use a simplified application for a  
1106 temporary certificate for practice in areas of critical need to  
1107 reduce administrative impediments and maximize participation.

1108 (5) The application fee and all licensure fees, including  
1109 neurological injury compensation assessments, shall be waived  
1110 for a physician obtaining a temporary certificate to practice in  
1111 areas of critical need for the purpose of providing volunteer,  
1112 uncompensated care for low-income residents. The applicant must  
1113 submit an affidavit from the employing agency or institution  
1114 stating that the physician will not receive any compensation for  
1115 any service involving the practice of medicine.

1116 (6) (a) Within 60 days after receipt of a complete  
1117 application for a temporary certificate, the board shall review  
1118 the application and associated documentation and:

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1119        1. Issue the temporary certificate;  
 1120        2. Deny the temporary certificate; or  
 1121        3. Require the applicant to complete additional  
 1122 assessment, training, education, or other requirements as a  
 1123 condition of certification. The board shall issue a temporary  
 1124 certificate upon receipt of documentation demonstrating that the  
 1125 requirements of the board have been met.

1126        (b) If an applicant has not actively practiced medicine  
 1127 during the prior 3 years and the board determines the applicant  
 1128 may lack clinical competency, possess diminished or inadequate  
 1129 skills, lack necessary medical knowledge, or exhibit patterns of  
 1130 deficits in clinical decisionmaking, the board may, within 60  
 1131 days after receipt of a complete application:

1132        1. Deny the application;  
 1133        2. Issue a temporary certificate having reasonable  
 1134 restrictions, including, but not limited to, a requirement that  
 1135 the applicant practice under the supervision of a physician  
 1136 approved by the board; or

1137        3. Issue a temporary certificate upon receipt of  
 1138 documentation confirming that the applicant has met any  
 1139 reasonable conditions of the board, including, but not limited  
 1140 to, completing continuing education or undergoing an assessment  
 1141 of skills and training.

1142        (c) The board may not issue a temporary certificate for  
 1143 practice in areas of critical need to a physician who is under  
 1144 investigation in any jurisdiction of the United States for an

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1145 act that would constitute a violation of this chapter until such  
1146 time as the investigation is complete, at which time the  
1147 provisions of s. 458.331 apply.

1148 (7) The recipient of a temporary certificate for practice  
1149 in areas of critical need shall, within 30 days after accepting  
1150 employment, notify the board of all approved institutions in  
1151 which the licensee practices and of all approved institutions  
1152 where practice privileges have been denied. A physician holding  
1153 a temporary certificate for practice in areas of critical need  
1154 may enter into a contract to provide volunteer health care  
1155 services pursuant to s. 766.1115.

1156 (8) A temporary certificate issued under this section is  
1157 valid only so long as the State Surgeon General determines that  
1158 the reason for which it was issued remains a critical need to  
1159 the state. The board shall review each temporary  
1160 certificateholder at least annually to ascertain compliance with  
1161 the minimum requirements of this chapter, including this  
1162 section, and rules adopted thereunder. If it is determined that  
1163 such minimum requirements are not being met, the board shall  
1164 revoke such certificate or shall impose restrictions or  
1165 conditions, or both, as a condition of continued practice under  
1166 the certificate.

1167 Section 31. Subsections (3) through (5) of section  
1168 459.0076, Florida Statutes, are renumbered as subsections (2)  
1169 through (4), respectively, and subsections (1) and (2) of that  
1170 section are amended, to read:

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1171 459.0076 Temporary certificate for practice in areas of  
1172 critical need.—

1173 ~~(1) A certificate issued pursuant to this section may be~~  
1174 ~~cited as the "Rear Admiral LeRoy Collins, Jr., Temporary~~  
1175 ~~Certificate for Practice in Areas of Critical Need."~~

1176 (1)(2) A Any physician who:

1177 ~~(a)~~ is licensed to practice in any jurisdiction of ~~in~~ the  
1178 United States and whose license is currently valid; ~~or~~

1179 ~~(b) Has served as a physician in the United States Armed~~  
1180 ~~Forces for at least 10 years and received an honorable discharge~~  
1181 ~~from the military;~~

1182  
1183 and who pays an application fee of \$300 may be issued a  
1184 temporary certificate for practice in areas of critical need.

1185 Section 32. Section 459.00761, Florida Statutes, is  
1186 created to read:

1187 459.00761 Temporary certificate for active duty military  
1188 and veterans practicing in areas of critical need.—

1189 (1) A certificate issued pursuant to this section may be  
1190 cited as the "Rear Admiral LeRoy Collins, Jr., Temporary  
1191 Certificate for Practice in Areas of Critical Need."

1192 (2) The board may issue a temporary certificate to a  
1193 physician who complies with subsection (3) and who will:

1194 (a) Practice in an area of critical need;

1195 (b) Be employed by or practice in a county health  
1196 department; correctional facility; Department of Veterans'

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Affairs clinic; community health center funded by s. 329, s. 330, or s. 340 of the United States Public Health Services Act; or other agency or institution that is approved by the State Surgeon General and provides health care to meet the needs of underserved populations in this state; or

(c) Practice for a limited time to address critical physician-specialty, demographic, or geographic needs for this state's physician workforce as determined by the State Surgeon General.

(3) To be eligible for a temporary certificate, a physician must submit to the board:

(a) A complete application.

(b) Proof of an active and valid license to practice in any jurisdiction of the United States.

(c) If on active duty, a letter from the physician's military command authorizing the physician to practice medicine at an approved entity in an area of critical need.

(d) Documentation demonstrating the physician is serving on active duty in the United States Armed Forces as a commissioned medical officer or has served as a commissioned medical officer in the United States Armed Forces for at least 10 years and received an honorable discharge from the military.

(4) The board shall use a simplified application for a temporary certificate for practice in areas of critical need to reduce administrative impediments and maximize participation.

(5) The application fee and all licensure fees, including

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1223 neurological injury compensation assessments, shall be waived  
1224 for a physician obtaining a temporary certificate to practice in  
1225 areas of critical need for the purpose of providing volunteer,  
1226 uncompensated care for low-income residents. The applicant must  
1227 submit an affidavit from the employing agency or institution  
1228 stating that the physician will not receive any compensation for  
1229 any service involving the practice of medicine.

1230 (6) (a) Within 60 days after receipt of a complete  
1231 application for a temporary certificate, the board shall review  
1232 the application and associated documentation and:

1233 1. Issue the temporary certificate;  
1234 2. Deny the temporary certificate; or  
1235 3. Require the applicant to complete additional  
1236 assessment, training, education, or other requirements as a  
1237 condition of certification. The board shall issue a temporary  
1238 certificate upon receipt of documentation demonstrating that the  
1239 requirements of the board have been met.

1240 (b) If an applicant has not actively practiced medicine  
1241 during the prior 3 years and the board determines the applicant  
1242 may lack clinical competency, possess diminished or inadequate  
1243 skills, lack necessary medical knowledge, or exhibit patterns of  
1244 deficits in clinical decisionmaking, the board may, within 60  
1245 days after receipt of a complete application:

1246 1. Deny the application;  
1247 2. Issue a temporary certificate having reasonable  
1248 restrictions, including, but not limited to, a requirement that

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1249 the applicant practice under the supervision of a physician  
1250 approved by the board; or

1251 3. Issue a temporary certificate upon receipt of  
1252 documentation confirming that the applicant has met any  
1253 reasonable conditions of the board, including, but not limited  
1254 to, completing continuing education or undergoing an assessment  
1255 of skills and training.

1256 (c) The board may not issue a temporary certificate for  
1257 practice in areas of critical need to a physician who is under  
1258 investigation in any jurisdiction of the United States for an  
1259 act that would constitute a violation of this chapter until such  
1260 time as the investigation is complete, at which time the  
1261 provisions of s. 459.015 apply.

1262 (7) The recipient of a temporary certificate for practice  
1263 in areas of critical need shall, within 30 days after accepting  
1264 employment, notify the board of all approved institutions in  
1265 which the licensee practices and of all approved institutions  
1266 where practice privileges have been denied. A physician holding  
1267 a temporary certificate for practice in areas of critical need  
1268 may enter into a contract to provide volunteer health care  
1269 services pursuant to s. 766.1115.

1270 (8) A temporary certificate issued under this section is  
1271 valid as long as the State Surgeon General determines that the  
1272 reason for which it was issued remains a critical need to the  
1273 state. The board shall review each temporary certificateholder  
1274 at least annually to ascertain compliance with the minimum



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1275 requirements of this chapter, including this section, and rules  
1276 adopted thereunder. If it is determined that such minimum  
1277 requirements are not being met, the board shall revoke such  
1278 certificate or shall impose restrictions or conditions, or both,  
1279 as a condition of continued practice under the certificate.

1280 Section 33. Subsection (1) of section 468.304, Florida  
1281 Statutes, is amended to read:

1282 468.304 Certification.—The department shall certify any  
1283 applicant who meets the following criteria:

1284 (1) Pays to the department a nonrefundable fee that may  
1285 not exceed \$100, plus the actual per-applicant cost to the  
1286 department for purchasing the examination from a national  
1287 organization. The department shall waive the initial application  
1288 fee for a military veteran or his or her spouse at the time of  
1289 discharge, if he or she ~~who~~ applies to the department for an  
1290 initial certification within 60 ~~24~~ months after the veteran is  
1291 ~~being~~ honorably discharged from any branch of the United States  
1292 Armed Forces. The applicant must apply for the fee waiver using  
1293 a form prescribed by the department and must submit supporting  
1294 documentation as required by the department. This waiver does  
1295 not include the fee for purchasing the examination from a  
1296 national organization.

1297  
1298 The department may not certify any applicant who has committed  
1299 an offense that would constitute a violation of any of the  
1300 provisions of s. 468.3101 or applicable rules if the applicant

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1301 had been certified by the department at the time of the offense.  
1302 An application for a limited computed tomography certificate may  
1303 not be accepted. A person holding a valid computed tomography  
1304 certificate as of October 1, 1984, is subject to s. 468.309.

1305 Section 34. Paragraph (b) of subsection (16) of section  
1306 499.012, Florida Statutes, is amended to read:

1307 499.012 Permit application requirements.—

1308 (16)

1309 (b) To be certified as a designated representative, a  
1310 natural person must:

1311 1. Submit an application on a form furnished by the  
1312 department and pay the appropriate fees.†

1313 2. Be at least 18 years of age.†

1314 3. Have at least ~~not less than~~ 2 years of verifiable full-  
1315 time:

1316 a. Work experience in a pharmacy licensed in this state or  
1317 another state, where the person's responsibilities included, but  
1318 were not limited to, recordkeeping for prescription drugs;†~~or~~  
1319 ~~have not less than 2 years of verifiable full-time~~

1320 b. Managerial experience with a prescription drug  
1321 wholesale distributor licensed in this state or in another  
1322 state; or

1323 c. Managerial experience with the United States Armed  
1324 Forces, where the person's responsibilities included, but were  
1325 not limited to, recordkeeping, warehousing, distributing, or  
1326 other logistics services pertaining to prescription drugs.†

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1327 4. Receive a passing score of at least 75 percent on an  
1328 examination given by the department regarding federal laws  
1329 governing distribution of prescription drugs and this part and  
1330 the rules adopted by the department governing the wholesale  
1331 distribution of prescription drugs. This requirement shall be  
1332 effective 1 year after the results of the initial examination  
1333 are mailed to the persons that took the examination. The  
1334 department shall offer such examinations at least four times  
1335 each calendar year.~~;~~ ~~and~~

1336 5. Provide the department with a personal information  
1337 statement and fingerprints pursuant to subsection (9).

1338 Section 35. Subsection (27) of section 1002.33, Florida  
1339 Statutes, is renumbered as subsection (28), and a new subsection  
1340 (27) is added to that section, to read:

1341 1002.33 Charter schools.—

1342 (27) MILITARY INSTALLATIONS.—

1343 (a) The Legislature finds that military families face  
1344 unique challenges due to the highly mobile nature of military  
1345 service. Among the many challenges that military families face  
1346 is providing a high-quality education for their children without  
1347 disruption. The state has a compelling interest in assisting the  
1348 development and enhancement of learning opportunities for  
1349 military children and addressing their unique needs.

1350 (b) It is the intent of the Legislature that a framework  
1351 be established to address the needs of military children who,  
1352 along with their families, face unique challenges due to the

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1353 highly mobile nature of military service. In establishing this  
1354 framework, military installation commanders are encouraged to  
1355 collaboratively work with the Commissioner of Education to  
1356 increase military family student achievement, which may include  
1357 the establishment of charter schools on military installations.  
1358 Although the State Board of Education, through the Commissioner  
1359 of Education, shall supervise this collaboration, the applicable  
1360 school district shall operate and maintain control over any  
1361 school that is established on the military installation.

1362       Section 36. Subsection (12) is added to section 1009.26,  
1363 Florida Statutes, to read:

1364       1009.26 Fee waivers.—

1365       (12) (a) There is established the Congressman C. W. Bill  
1366 Young Veteran Tuition Waiver Program. A state university,  
1367 Florida College System institution, career center operated by a  
1368 school district under s. 1001.44, or charter technical career  
1369 center shall waive out-of-state fees for an honorably discharged  
1370 veteran of the United States Armed Forces, the United States  
1371 Reserve Forces, or the National Guard who physically resides in  
1372 this state while enrolled in the institution. Tuition and fees  
1373 charged to a veteran who qualifies for the out-of-state fee  
1374 waiver under this subsection may not exceed the tuition and fees  
1375 charged to a resident student. The waiver is applicable for 110  
1376 percent of the required credit hours of the degree or  
1377 certificate program for which the student is enrolled. Each  
1378 state university, Florida College System institution, career

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center operated by a school district under s. 1001.44, and  
charter technical career center shall report to the Board of  
Governors and the State Board of Education, respectively, the  
number and value of all fee waivers granted annually under this  
subsection.

(b) This subsection may be cited as the "Congressman C.W.  
Bill Young Tuition Waiver Act."

Section 37. For the 2014-2015 fiscal year, the sum of  
\$12.5 million in nonrecurring funds is appropriated from the  
General Revenue Fund to the Department of Military Affairs for  
the purpose of continuing renovations to state readiness centers  
to meet state and federal building codes.

Section 38. For the 2014-2015 fiscal year, the sum of  
\$7,489,975 in nonrecurring funds is appropriated from the  
General Revenue Fund to the Department of Environmental  
Protection to allow the Board of Trustees of the Internal  
Improvement Trust Fund to acquire, pursuant to s. 288.980,  
Florida Statutes, nonconservation land adjacent to the following  
installations for the purpose of securing and protecting the  
installations against encroachment:

(1) MacDill Air Force Base.

(2) Naval Support Activity Panama City.

(3) Naval Station Mayport.

Section 39. Except as otherwise expressly provided in this  
act and except for this section, which shall take effect upon  
this act becoming a law, this act shall take effect July 1,

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