



Health & Human Services Committee

Thursday, March 10, 2011
9:15 AM
Reed Hall (102 HOB)

Dean Cannon
Speaker

Robert C. "Rob" Schenck
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Health & Human Services Committee

Start Date and Time: Thursday, March 10, 2011 09:15 am

End Date and Time: Thursday, March 10, 2011 12:00 pm

Location: Reed Hall (102 HOB)

Duration: 2.75 hrs

Consideration of the following proposed committee bill(s):

PCB HHSC 11-03 -- Controlled Substances

PCB HHSC 11-04 -- Office of Drug Control

Pursuant to Rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Wednesday, March 9, 2011.

By request of the Chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Wednesday, March 9, 2011.

NOTICE FINALIZED on 03/08/2011 16:04 by Iseminger.Bobbye

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1 A bill to be entitled
 2 An act relating to controlled substances; providing an
 3 effective date.

4
 5 Be It Enacted by the Legislature of the State of Florida:

6
 7 Section 1. Subsection (5) of section 456.037, Florida
 8 Statutes, is amended to read:

9 456.037 Business establishments; requirements for active
 10 status licenses; delinquency; discipline; applicability.—

11 (5) This section applies to any business establishment
 12 registered, permitted, or licensed by the department to do
 13 business. Business establishments include, but are not limited
 14 to, dental laboratories, electrology facilities, massage
 15 establishments, and pharmacies, ~~and pain-management clinics~~
 16 ~~required to be registered under s. 458.3265 or s. 459.0137.~~

17 Section 2. Subsection (9) of section 456.057, Florida
 18 Statutes, is amended to read:

19 456.057 Ownership and control of patient records; report
 20 or copies of records to be furnished.—

21 (9) (a) 1. The department may obtain patient records
 22 pursuant to a subpoena without written authorization from the
 23 patient if the department and the probable cause panel of the
 24 appropriate board, if any, find reasonable cause to believe that
 25 a health care practitioner has excessively or inappropriately
 26 prescribed any controlled substance specified in chapter 893 in
 27 violation of this chapter or any professional practice act or
 28 that a health care practitioner has practiced his or her

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29 | profession below that level of care, skill, and treatment
 30 | required as defined by this chapter or any professional practice
 31 | act and also find that appropriate, reasonable attempts were
 32 | made to obtain a patient release. ~~Notwithstanding the foregoing,~~
 33 | ~~the department need not attempt to obtain a patient release when~~
 34 | ~~investigating an offense involving the inappropriate~~
 35 | ~~prescribing, overprescribing, or diversion of controlled~~
 36 | ~~substances and the offense involves a pain-management clinic.~~
 37 | ~~The department may obtain patient records without patient~~
 38 | ~~authorization or subpoena from any pain-management clinic~~
 39 | ~~required to be licensed if the department has probable cause to~~
 40 | ~~believe that a violation of any provision of s. 458.3265 or s.~~
 41 | ~~459.0137 is occurring or has occurred and reasonably believes~~
 42 | ~~that obtaining such authorization is not feasible due to the~~
 43 | ~~volume of the dispensing and prescribing activity involving~~
 44 | ~~controlled substances and that obtaining patient authorization~~
 45 | ~~or the issuance of a subpoena would jeopardize the~~
 46 | ~~investigation.~~

47 | 2. The department may obtain patient records and insurance
 48 | information pursuant to a subpoena without written authorization
 49 | from the patient if the department and the probable cause panel
 50 | of the appropriate board, if any, find reasonable cause to
 51 | believe that a health care practitioner has provided inadequate
 52 | medical care based on termination of insurance and also find
 53 | that appropriate, reasonable attempts were made to obtain a
 54 | patient release.

55 | 3. The department may obtain patient records, billing
 56 | records, insurance information, provider contracts, and all

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57 | attachments thereto pursuant to a subpoena without written
 58 | authorization from the patient if the department and probable
 59 | cause panel of the appropriate board, if any, find reasonable
 60 | cause to believe that a health care practitioner has submitted a
 61 | claim, statement, or bill using a billing code that would result
 62 | in payment greater in amount than would be paid using a billing
 63 | code that accurately describes the services performed, requested
 64 | payment for services that were not performed by that health care
 65 | practitioner, used information derived from a written report of
 66 | an automobile accident generated pursuant to chapter 316 to
 67 | solicit or obtain patients personally or through an agent
 68 | regardless of whether the information is derived directly from
 69 | the report or a summary of that report or from another person,
 70 | solicited patients fraudulently, received a kickback as defined
 71 | in s. 456.054, violated the patient brokering provisions of s.
 72 | 817.505, or presented or caused to be presented a false or
 73 | fraudulent insurance claim within the meaning of s.
 74 | 817.234(1)(a), and also find that, within the meaning of s.
 75 | 817.234(1)(a), patient authorization cannot be obtained because
 76 | the patient cannot be located or is deceased, incapacitated, or
 77 | suspected of being a participant in the fraud or scheme, and if
 78 | the subpoena is issued for specific and relevant records.

79 | 4. Notwithstanding subparagraphs 1.-3., when the
 80 | department investigates a professional liability claim or
 81 | undertakes action pursuant to s. 456.049 or s. 627.912, the
 82 | department may obtain patient records pursuant to a subpoena
 83 | without written authorization from the patient if the patient
 84 | refuses to cooperate or if the department attempts to obtain a

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85 | patient release and the failure to obtain the patient records
 86 | would be detrimental to the investigation.

87 | Section 3. Section 458.3265, Florida Statutes, is
 88 | repealed.

89 | Section 4. Subsections (1) and (2) of section 458.327,
 90 | Florida Statutes, are amended to read:

91 | 458.327 Penalty for violations.—

92 | (1) Each of the following acts constitutes a felony of the
 93 | third degree, punishable as provided in s. 775.082, s. 775.083,
 94 | or s. 775.084:

95 | (a) The practice of medicine or an attempt to practice
 96 | medicine without a license to practice in Florida.

97 | (b) The use or attempted use of a license which is
 98 | suspended or revoked to practice medicine.

99 | (c) Attempting to obtain or obtaining a license to
 100 | practice medicine by knowing misrepresentation.

101 | (d) Attempting to obtain or obtaining a position as a
 102 | medical practitioner or medical resident in a clinic or hospital
 103 | through knowing misrepresentation of education, training, or
 104 | experience.

105 | (e) Dispensing a controlled substance listed in Schedule
 106 | II, Schedule III, Schedule IV or Schedule V in violation of s.
 107 | 465.0276.~~Knowingly operating, owning, or managing a~~
 108 | ~~nonregistered pain-management clinic that is required to be~~
 109 | ~~registered with the Department of Health pursuant to s.~~
 110 | ~~458.3265(1).~~

111 | (2) Each of the following acts constitutes a misdemeanor
 112 | of the first degree, punishable as provided in s. 775.082 or s.

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113 775.083:

114 (a) Knowingly concealing information relating to
115 violations of this chapter.

116 (b) Making any willfully false oath or affirmation
117 whenever an oath or affirmation is required by this chapter.

118 (c) Referring any patient, for health care goods or
119 services, to a partnership, firm, corporation, or other business
120 entity in which the physician or the physician's employer has an
121 equity interest of 10 percent or more unless, prior to such
122 referral, the physician notifies the patient of his or her
123 financial interest and of the patient's right to obtain such
124 goods or services at the location of the patient's choice. This
125 section does not apply to the following types of equity
126 interest:

127 1. The ownership of registered securities issued by a
128 publicly held corporation or the ownership of securities issued
129 by a publicly held corporation, the shares of which are traded
130 on a national exchange or the over-the-counter market;

131 2. A physician's own practice, whether he or she is a sole
132 practitioner or part of a group, when the health care good or
133 service is prescribed or provided solely for the physician's own
134 patients and is provided or performed by the physician or under
135 the physician's supervision; or

136 3. An interest in real property resulting in a landlord-
137 tenant relationship between the physician and the entity in
138 which the equity interest is held, unless the rent is
139 determined, in whole or in part, by the business volume or
140 profitability of the tenant or is otherwise unrelated to fair

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141 market value.

142 (d) Leading the public to believe that one is licensed as
 143 a medical doctor, or is engaged in the licensed practice of
 144 medicine, without holding a valid, active license.

145 (e) Practicing medicine or attempting to practice medicine
 146 with an inactive or delinquent license.

147 ~~(f) Knowingly prescribing or dispensing, or causing to be~~
 148 ~~prescribed or dispensed, controlled substances in a~~
 149 ~~nonregistered pain-management clinic that is required to be~~
 150 ~~registered with the Department of Health pursuant to s.~~
 151 ~~458.3265(1).~~

152 Section 5. Subsection (1) of section 458.331, Florida
 153 Statutes, is amended to read:

154 458.331 Grounds for disciplinary action; action by the
 155 board and department.—

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

158 (oo) Dispensing a controlled substance listed in Schedule
 159 II, Schedule III, Schedule IV or Schedule V in violation of s.
 160 465.0276. ~~Applicable to a licensee who serves as the designated~~
 161 ~~physician of a pain-management clinic as defined in s. 458.3265~~
 162 ~~or s. 459.0137:~~

163 ~~1. Registering a pain-management clinic through~~
 164 ~~misrepresentation or fraud;~~

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

168 ~~3. Failing to comply with any requirement of chapter 499,~~

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169 ~~the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the~~
 170 ~~Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,~~
 171 ~~the Drug Abuse Prevention and Control Act; or chapter 893, the~~
 172 ~~Florida Comprehensive Drug Abuse Prevention and Control Act;~~
 173 ~~—— 4. Being convicted or found guilty of, regardless of~~
 174 ~~adjudication to, a felony or any other crime involving moral~~
 175 ~~turpitude, fraud, dishonesty, or deceit in any jurisdiction of~~
 176 ~~the courts of this state, of any other state, or of the United~~
 177 ~~States;~~
 178 ~~—— 5. Being convicted of, or disciplined by a regulatory~~
 179 ~~agency of the Federal Government or a regulatory agency of~~
 180 ~~another state for, any offense that would constitute a violation~~
 181 ~~of this chapter;~~
 182 ~~—— 6. Being convicted of, or entering a plea of guilty or~~
 183 ~~nolo contendere to, regardless of adjudication, a crime in any~~
 184 ~~jurisdiction of the courts of this state, of any other state, or~~
 185 ~~of the United States which relates to the practice of, or the~~
 186 ~~ability to practice, a licensed health care profession;~~
 187 ~~—— 7. Being convicted of, or entering a plea of guilty or~~
 188 ~~nolo contendere to, regardless of adjudication, a crime in any~~
 189 ~~jurisdiction of the courts of this state, of any other state, or~~
 190 ~~of the United States which relates to health care fraud;~~
 191 ~~—— 8. Dispensing any medicinal drug based upon a~~
 192 ~~communication that purports to be a prescription as defined in~~
 193 ~~s. 465.003(14) or s. 893.02 if the dispensing practitioner knows~~
 194 ~~or has reason to believe that the purported prescription is not~~
 195 ~~based upon a valid practitioner-patient relationship; or~~
 196 ~~—— 9. Failing to timely notify the board of the date of his~~

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197 ~~or her termination from a pain-management clinic as required by~~
 198 ~~s. 458.3265(2).~~

199 ~~—— (pp) Failing to timely notify the department of the theft~~
 200 ~~of prescription blanks from a pain-management clinic or a breach~~
 201 ~~of other methods for prescribing within 24 hours as required by~~
 202 ~~s. 458.3265(2).~~

203 ~~—— (qq) Promoting or advertising through any communication~~
 204 ~~media the use, sale, or dispensing of any controlled substance~~
 205 ~~appearing on any schedule in chapter 893.~~

206 Section 6. Section 459.0137, Florida Statutes, is
 207 repealed.

208 Section 7. Subsections (1) and (2) of section 459.013,
 209 Florida Statutes, is amended to read:

210 459.013 Penalty for violations.—

211 (1) Each of the following acts constitutes a felony of the
 212 third degree, punishable as provided in s. 775.082, s. 775.083,
 213 or s. 775.084:

214 (a) The practice of osteopathic medicine, or an attempt to
 215 practice osteopathic medicine, without an active license or
 216 certificate issued pursuant to this chapter.

217 (b) The practice of osteopathic medicine by a person
 218 holding a limited license, osteopathic faculty certificate, or
 219 other certificate issued under this chapter beyond the scope of
 220 practice authorized for such licensee or certificateholder.

221 (c) Attempting to obtain or obtaining a license to
 222 practice osteopathic medicine by knowing misrepresentation.

223 (d) Attempting to obtain or obtaining a position as an
 224 osteopathic medical practitioner or osteopathic medical resident

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225 | in a clinic or hospital through knowing misrepresentation of
 226 | education, training, or experience.

227 | (e) Dispensing a controlled substance listed in Schedule
 228 | II, Schedule III, Schedule IV or Schedule V in violation of s.
 229 | 465.0276.~~Knowingly operating, owning, or managing a~~
 230 | ~~nonregistered pain-management clinic that is required to be~~
 231 | ~~registered with the Department of Health pursuant to s.~~
 232 | ~~459.0137(1).~~

233 | (2) Each of the following acts constitutes a misdemeanor
 234 | of the first degree, punishable as provided in s. 775.082 or s.
 235 | 775.083:

236 | (a) Knowingly concealing information relating to
 237 | violations of this chapter.

238 | (b) Making any willfully false oath or affirmation
 239 | whenever an oath or affirmation is required by this chapter.

240 | (c) The practice of medicine as a resident or intern
 241 | without holding a valid current registration pursuant to s.
 242 | 459.021.

243 | ~~(d) Knowingly prescribing or dispensing, or causing to be~~
 244 | ~~prescribed or dispensed, controlled substances in a~~
 245 | ~~nonregistered pain-management clinic that is required to be~~
 246 | ~~registered with the Department of Health pursuant to s.~~
 247 | ~~459.0137(1).~~

248 | Section 8. Subsection (1) of section 459.015, Florida
 249 | Statutes, is amended to read:

250 | 459.015 Grounds for disciplinary action; action by the
 251 | board and department.—

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

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253 license or disciplinary action, as specified in s. 456.072(2):
 254 (qq) Dispensing a controlled substance listed in Schedule
 255 II, Schedule III, Schedule IV or Schedule V in violation of s.
 256 465.0276. ~~Applicable to a licensee who serves as the designated~~
 257 ~~physician of a pain-management clinic as defined in s. 458.3265~~
 258 ~~or s. 459.0137:~~

259 ~~1. Registering a pain-management clinic through~~
 260 ~~misrepresentation or fraud;~~

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

264 ~~3. Failing to comply with any requirement of chapter 499,~~
 265 ~~the Florida Drug and Cosmetic Act; 21 U.S.C. ss. 301-392, the~~
 266 ~~Federal Food, Drug, and Cosmetic Act; 21 U.S.C. ss. 821 et seq.,~~
 267 ~~the Drug Abuse Prevention and Control Act; or chapter 893, the~~
 268 ~~Florida Comprehensive Drug Abuse Prevention and Control Act;~~

269 ~~4. Being convicted or found guilty of, regardless of~~
 270 ~~adjudication to, a felony or any other crime involving moral~~
 271 ~~turpitude, fraud, dishonesty, or deceit in any jurisdiction of~~
 272 ~~the courts of this state, of any other state, or of the United~~
 273 ~~States;~~

274 ~~5. Being convicted of, or disciplined by a regulatory~~
 275 ~~agency of the Federal Government or a regulatory agency of~~
 276 ~~another state for, any offense that would constitute a violation~~
 277 ~~of this chapter;~~

278 ~~6. Being convicted of, or entering a plea of guilty or~~
 279 ~~nolo contendere to, regardless of adjudication, a crime in any~~
 280 ~~jurisdiction of the courts of this state, of any other state, or~~

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281 ~~of the United States which relates to the practice of, or the~~
 282 ~~ability to practice, a licensed health care profession;~~
 283 ~~—— 7. Being convicted of, or entering a plea of guilty or~~
 284 ~~nolo contendere to, regardless of adjudication, a crime in any~~
 285 ~~jurisdiction of the courts of this state, of any other state, or~~
 286 ~~of the United States which relates to health care fraud;~~
 287 ~~—— 8. Dispensing any medicinal drug based upon a~~
 288 ~~communication that purports to be a prescription as defined in~~
 289 ~~s. 465.003(14) or s. 893.02 if the dispensing practitioner knows~~
 290 ~~or has reason to believe that the purported prescription is not~~
 291 ~~based upon a valid practitioner-patient relationship; or~~
 292 ~~—— 9. Failing to timely notify the board of the date of his~~
 293 ~~or her termination from a pain-management clinic as required by~~
 294 ~~s. 459.0137(2).~~
 295 ~~—— (rr) Failing to timely notify the department of the theft~~
 296 ~~of prescription blanks from a pain-management clinic or a breach~~
 297 ~~of other methods for prescribing within 24 hours as required by~~
 298 ~~s. 459.0137(2).~~
 299 ~~—— (ss) Promoting or advertising through any communication~~
 300 ~~media the use, sale, or dispensing of any controlled substance~~
 301 ~~appearing on any schedule in chapter 893.~~

302 Section 9. Subsections (3) and (4) of section 465.015,
 303 Florida Statutes, are renumbered as subsections (4) and (5),
 304 respectively, and subsection (3) is added to that section, to
 305 read:

306 465.015 Violations and penalties.—

307 (3) It is unlawful for any pharmacist, pharmacy intern, or
 308 any other person employed by or at a pharmacy to fail to report

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309 to the Sheriff of that county within 24 hours of learning of any
 310 instance in which a person obtained or attempted to obtain a
 311 controlled substance, as defined in s. 893.02, that the
 312 pharmacist, pharmacy intern, or other person employed by or at a
 313 pharmacy knew or reasonably should have known was obtained or
 314 attempted to be obtained from the pharmacy through fraudulent
 315 methods or representations. Any pharmacist, pharmacy intern, or
 316 other person employed by or at a pharmacy who fails to make such
 317 a report within 24 hours after learning of the fraud or
 318 attempted fraud commits a misdemeanor of the first degree,
 319 punishable as provided in ss. 775.082 and 775.083. A sufficient
 320 report of the fraudulent obtaining of controlled substances
 321 under this section shall contain at a minimum a copy of the
 322 prescription used or presented and a narrative including all
 323 information available to the pharmacy concerning the
 324 transaction, such as the name and telephone number of the
 325 prescribing physician, the name, description, and any personal
 326 identification information pertaining to the person presenting
 327 the prescription and all other material information, such as
 328 photographic or video surveillance of the transaction.

329 Section 10. Paragraph (b) of subsection (1) of section
 330 465.0276, Florida Statutes, is amended to read:

331 465.0276 Dispensing practitioner.—

332 (1) (a) A person may not dispense medicinal drugs unless
 333 licensed as a pharmacist or otherwise authorized under this
 334 chapter to do so, except that a practitioner authorized by law
 335 to prescribe drugs may dispense such drugs to her or his
 336 patients in the regular course of her or his practice in

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337 compliance with this section.

338 (b) A practitioner registered under this section may not
 339 dispense a controlled substance listed in Schedule II, Schedule
 340 III, Schedule IV or Schedule V as provided in s. 893.03. A
 341 ~~practitioner registered under this section may not dispense more~~
 342 ~~than a 72-hour supply of a controlled substance listed in~~
 343 ~~Schedule II, Schedule III, Schedule IV, or Schedule V of s.~~
 344 ~~893.03 for any patient who pays for the medication by cash,~~
 345 ~~check, or credit card in a clinic registered under s. 458.3265~~
 346 ~~or s. 459.0137. A practitioner who violates this paragraph~~
 347 ~~commits a felony of the third degree, punishable as provided in~~
 348 ~~s. 775.082, s. 775.083, or s. 775.084. This paragraph does not~~
 349 ~~apply to:~~

350 1. ~~A practitioner who dispenses medication to a workers'~~
 351 ~~compensation patient pursuant to chapter 440.~~

352 2. ~~A practitioner who dispenses medication to an insured~~
 353 ~~patient who pays by cash, check, or credit card to cover any~~
 354 ~~applicable copayment or deductible.~~

355 1.3. The dispensing of complimentary packages of medicinal
 356 drugs to the practitioner's own patients in the regular course
 357 of her or his practice without the payment of a fee or
 358 remuneration of any kind, whether direct or indirect, as
 359 provided in subsection (5).

360 2. Dispensing of controlled substances in the health care
 361 system of the Department of Corrections.

362 Section 11. Subsection (30) is added to section 499.005,
 363 Florida Statutes, to read:

364 499.005 Prohibited acts.—It is unlawful for a person to

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365 perform or cause the performance of any of the following acts in
 366 this state:

367 (30) The distribution of a controlled substance in
 368 Schedule II, Schedule III, Schedule IV or Schedule V as provided
 369 in s. 893.03 to, or under the Drug Enforcement Administration
 370 number of, any practitioner licensed under chapter 458, 459, 461
 371 or 466, including practitioners designated pursuant to s.
 372 499.01(1)(t).

373 Section 12. Subsection (14) is added to section 499.0121,
 374 Florida Statutes, to read:

375 499.0121 Storage and handling of prescription drugs;
 376 recordkeeping.—The department shall adopt rules to implement
 377 this section as necessary to protect the public health, safety,
 378 and welfare. Such rules shall include, but not be limited to,
 379 requirements for the storage and handling of prescription drugs
 380 and for the establishment and maintenance of prescription drug
 381 distribution records.

382 (14) DISTRIBUTION REPORTING.—Each wholesale distributor
 383 shall submit a report of its distributions of controlled
 384 substances listed in Schedule II, Schedule III, Schedule IV or
 385 Schedule V as provided in s. 893.03 to the department. The
 386 report shall be submitted weekly, in an electronic format
 387 specified by the department. The report shall contain the
 388 following information:

389 (a) The name, address of the entity to which the drugs are
 390 distributed;

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391 (b) The Florida license, registration, or permit number
 392 and Drug Enforcement Administration number of the entity which
 393 ordered the drugs;

394 (c) The name and address of the entity rendering payment
 395 for the drugs, if different than that reported pursuant to
 396 paragraphs (a) and (b);

397 (d) The drug name, lot and batch number, and number of
 398 unit doses distributed; and

399 (e) The date of sale.

400 Section 13. Paragraph (o) is added to subsection (1) of
 401 section 499.05, Florida Statutes, to read:

402 499.05 Rules.—

403 (1) The department shall adopt rules to implement and
 404 enforce this part with respect to:

405 (o) Wholesale distributor reporting requirements of s.
 406 499.0121(14).

407 Section 14. Paragraph (f) is added to subsection (3) of
 408 section 810.02, Florida Statutes, to read:

409 810.02 Burglary.—

410 (3) Burglary is a felony of the second degree, punishable
 411 as provided in s. 775.082, s. 775.083, or s. 775.084, if, in the
 412 course of committing the offense, the offender does not make an
 413 assault or battery and is not and does not become armed with a
 414 dangerous weapon or explosive, and the offender enters or
 415 remains in a:

416 (f) Structure or conveyance when the offense intended to
 417 be committed therein is theft of a controlled substance as
 418 defined in s. 893.02. Notwithstanding any contrary provisions

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419 of law, separate judgments and sentences for burglary with the
 420 intent to commit theft of a controlled substance under this
 421 paragraph and for any applicable possession of controlled
 422 substance offense under s. 893.13 or trafficking in controlled
 423 substance offense under s. 893.135 may be imposed when all such
 424 offenses involve the same amount or amounts of controlled
 425 substance(s).

426
 427 However, if the burglary is committed within a county that is
 428 subject to a state of emergency declared by the Governor under
 429 chapter 252 after the declaration of emergency is made and the
 430 perpetration of the burglary is facilitated by conditions
 431 arising from the emergency, the burglary is a felony of the
 432 first degree, punishable as provided in s. 775.082, s. 775.083,
 433 or s. 775.084. As used in this subsection, the term "conditions
 434 arising from the emergency" means civil unrest, power outages,
 435 curfews, voluntary or mandatory evacuations, or a reduction in
 436 the presence of or response time for first responders or
 437 homeland security personnel. A person arrested for committing a
 438 burglary within a county that is subject to such a state of
 439 emergency may not be released until the person appears before a
 440 committing magistrate at a first appearance hearing. For
 441 purposes of sentencing under chapter 921, a felony offense that
 442 is reclassified under this subsection is ranked one level above
 443 the ranking under s. 921.0022 or s. 921.0023 of the offense
 444 committed.

445 Section 15. Paragraph (c) of subsection (2) of section
 446 812.014, Florida Statutes, is amended to read:

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447 | 812.014 Theft.—
 448 | (2)
 449 | (c) It is grand theft of the third degree and a felony of
 450 | the third degree, punishable as provided in s. 775.082, s.
 451 | 775.083, or s. 775.084, if the property stolen is:
 452 | 1. Valued at \$300 or more, but less than \$5,000.
 453 | 2. Valued at \$5,000 or more, but less than \$10,000.
 454 | 3. Valued at \$10,000 or more, but less than \$20,000.
 455 | 4. A will, codicil, or other testamentary instrument.
 456 | 5. A firearm.
 457 | 6. A motor vehicle, except as provided in paragraph (a).
 458 | 7. Any commercially farmed animal, including any animal of
 459 | the equine, bovine, or swine class, or other grazing animal, and
 460 | including aquaculture species raised at a certified aquaculture
 461 | facility. If the property stolen is aquaculture species raised
 462 | at a certified aquaculture facility, then a \$10,000 fine shall
 463 | be imposed.
 464 | 8. Any fire extinguisher.
 465 | 9. Any amount of citrus fruit consisting of 2,000 or more
 466 | individual pieces of fruit.
 467 | 10. Taken from a designated construction site identified
 468 | by the posting of a sign as provided for in s. 810.09(2)(d).
 469 | 11. Any stop sign.
 470 | 12. Anhydrous ammonia.
 471 | 13. Any amount of a controlled substance as defined in s.
 472 | 893.02. Notwithstanding any contrary provisions of law,
 473 | separate judgments and sentences for theft of a controlled
 474 | substance under this subparagraph and for any applicable

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475 possession of controlled substance offense under s. 893.13 or
 476 trafficking in controlled substance offense under s. 893,135 may
 477 be imposed when all such offenses involve the same amount or
 478 amounts of controlled substance(s).

479
 480 However, if the property is stolen within a county that is
 481 subject to a state of emergency declared by the Governor under
 482 chapter 252, the property is stolen after the declaration of
 483 emergency is made, and the perpetration of the theft is
 484 facilitated by conditions arising from the emergency, the
 485 offender commits a felony of the second degree, punishable as
 486 provided in s. 775.082, s. 775.083, or s. 775.084, if the
 487 property is valued at \$5,000 or more, but less than \$10,000, as
 488 provided under subparagraph 2., or if the property is valued at
 489 \$10,000 or more, but less than \$20,000, as provided under
 490 subparagraph 3. As used in this paragraph, the term "conditions
 491 arising from the emergency" means civil unrest, power outages,
 492 curfews, voluntary or mandatory evacuations, or a reduction in
 493 the presence of or the response time for first responders or
 494 homeland security personnel. For purposes of sentencing under
 495 chapter 921, a felony offense that is reclassified under this
 496 paragraph is ranked one level above the ranking under s.
 497 921.0022 or s. 921.0023 of the offense committed.

498 Section 16. Subsections (4) and (5) of section 893.07,
 499 Florida Statutes, are amended to read:

500 893.07 Records.—

501 (4) Every inventory or record required by this chapter,
 502 including prescription records, shall be maintained:

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503 (a) Separately from all other records of the registrant,
504 or

505 (b) Alternatively, in the case of Schedule III, IV, or V
506 controlled substances, in such form that information required by
507 this chapter is readily retrievable from the ordinary business
508 records of the registrant.

509

510 In either case, such records described herein shall be kept and
511 made available for a period of at least 2 years for inspection
512 and copying by law enforcement officers whose duty it is to
513 enforce the laws of this state relating to controlled
514 substances. Law enforcement officers are not required to obtain
515 a subpoena, court order, or search warrant in order to obtain
516 access to or copies of such records.

517 (5) Each person described in subsection (1) shall:

518 (a) Mmaintain a record which shall contain a detailed list
519 of controlled substances lost, destroyed, or stolen, if any; the
520 kind and quantity of such controlled substances; and the date of
521 the discovering of such loss, destruction, or theft.

522 (b) In the event of the discovery of the theft or loss of
523 controlled substances, report such theft or loss to the Sheriff
524 of that county within 48 hours of its discovery. A person who
525 fails to report a theft or loss of a substance listed in s.
526 893.03(3), (4), or (5), within 48 hours of discovery commits a
527 misdemeanor of the second degree, punishable as provided in s.
528 775.082 and s. 775.083. A person who fails to report a theft or
529 loss of a substance listed in s. 893.03(2), within 48 hours of
530 discovery a misdemeanor of the first degree, punishable as

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531 | provided in s. 775.082 and s. 775.083.

532 | Section 17. Section 2 of Chapter 2009-198, 2009 Laws of
533 | Florida, is repealed.

534 | Section 18.

535 | (1) Buy-Back Program. Within 10 days of the effective date
536 | of this act, each physician licensed under chapter 458, 459, 461
537 | or 466 shall ensure that undispensed controlled substance
538 | inventory purchased under the physician's Drug Enforcement
539 | Administration number for dispensing is:

540 | (a) Returned to the wholesale distributor, as defined in
541 | s. 499.004(55), which distributed them; or

542 | (b) Turned in to local law enforcement agencies and
543 | abandoned.

544 |
545 | Wholesale distributors shall buy back undispensed controlled
546 | substance inventory at the purchase price paid by the physician,
547 | physician practice, clinic, or other paying entity. Each
548 | wholesale distributor shall submit a report of its activities
549 | under this section to the Department by August 1, 2011. The
550 | report shall include the following information:

551 | 1. The name and address of the returning entity;

552 | 2. The Florida license, registration, or permit number and
553 | Drug Enforcement Administration number of the entity which
554 | originally ordered the drugs;

555 | 3. The drug name and number of unit doses returned; and

556 | 4. The date of return.

557 | (2) Public Health Emergency.

558 | (a) The Legislature finds that:

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- 559 1. Prescription drug overdose has been declared a public
 560 health epidemic by the United States Centers for Disease
 561 Control;
- 562 2. Prescription drug abuse results in an average of 7
 563 Florida deaths a day;
- 564 3. Physicians in Florida purchased over 85 percent of the
 565 oxycodone purchased by all practitioners in the United States in
 566 2006;
- 567 4. Physicians in Florida purchased over 93 percent of the
 568 methadone purchased by all practitioners in the United States in
 569 2006;
- 570 5. Some Florida physicians dispense medically unjustifiable
 571 amounts of controlled substances to addicts and people who
 572 intend to illegally sell the drugs;
- 573 6. Florida physicians who have purchased large quantities
 574 of controlled substances may have significant inventory upon
 575 enactment of this act;
- 576 7. Upon enactment of the act, the only legal method for a
 577 dispensing practitioner to sell or otherwise transfer controlled
 578 substances purchased for dispensing is through the buy-back
 579 procedure or abandonment procedures of subsection (1);
- 580 8. It is likely that the same physicians which purchase and
 581 dispense medically unjustifiable amounts of drugs will not
 582 legally dispose of remaining inventory;
- 583 9. The actions of such dispensing practitioners may result
 584 in substantial injury to the public health.
- 585 (b) Immediately upon enactment of this act, the State
 586 Health Officer shall declare a public health emergency pursuant

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587 to s. 381.00315. Pursuant to that declaration, the Department
 588 of Health, the Attorney General, the Department of Law
 589 Enforcement and local law enforcement agencies shall take the
 590 following actions.

591 1. Within 2 days of enactment, in consultation with
 592 wholesale distributors as defined in s. 499.005(55), the
 593 Department of Health shall identify dispensing practitioners
 594 which purchased more than an average of 2000 unit doses of
 595 controlled substances per month in the previous 6 months, and
 596 shall identify the dispensing practitioners in that group which
 597 pose the greatest threat to the public health based on an
 598 assessment of:

- 599 1. The risk of noncompliance with subsection (1);
- 600 2. Purchase amounts;
- 601 3. Manner of medical practice; and
- 602 4. Any other factor set by the State Health Officer.

603
 604 The Attorney General shall consult and coordinate with federal
 605 law enforcement agencies. The Department of Law Enforcement
 606 shall coordinate the efforts of local law enforcement agencies.

607 2. Upon the third day after enactment, the Department of
 608 Law Enforcement or local law enforcement agencies shall enter
 609 the business premises of the dispensing practitioners identified
 610 as posing the greatest threat to public health and quarantine
 611 the controlled substance inventory of such dispensing
 612 practitioners on-site.

613 3. The Department of Law Enforcement or local law
 614 enforcement agencies shall ensure the security of such inventory

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615 24 hours a day through the tenth day after enactment or until
 616 the inventory is validly transferred pursuant to subsection (1),
 617 whichever is first.

618 4. Upon the eleventh day after enactment, remaining
 619 controlled substance purchased for dispensing by practitioners
 620 is deemed contraband pursuant to s. 893.12. The Department of
 621 Law Enforcement or local law enforcement agencies shall seize
 622 the inventory and comply with the provisions of s. 893.12 to
 623 destroy it.

624 (c) In order to implement the provisions of this act, the
 625 sum of \$1,500,000 of non-recurring funds from the General
 626 Revenue Fund is appropriated to the Florida Department of Law
 627 Enforcement for Fiscal Year 2010-2011. The Department of Law
 628 Enforcement shall expend the appropriation by reimbursing local
 629 law enforcement agencies for the overtime hour costs associated
 630 with securing the quarantined controlled substance inventory as
 631 provided in paragraph (b). All requests for reimbursement must
 632 be submitted to the Department of Law Enforcement by June 1,
 633 2011. In the event the requests for reimbursement exceed the
 634 amount appropriated, the reimbursements shall be prorated by the
 635 hours of overtime per requesting agency at a maximum of 1 law
 636 enforcement officer per quarantine site.

637 (3) This section is repealed on January 1, 2013.

638 Section 19. This act shall take effect upon becoming law.

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1 A bill to be entitled
 2 An act relating to the Office of Drug Control; repealing
 3 s. 397.332, F.S., relating to the Office of Drug Control;
 4 amending s. 14.2019, F.S., making conforming changes;
 5 placing the Statewide Office for Suicide Prevention and
 6 Grants and Donations Trust Fund within the Department of
 7 Children and Family Services; amending s. 14.20195, F.S.,
 8 making conforming changes; naming the director of the
 9 Statewide Office for Suicide Prevention as chair and
 10 nonvoting member of the Suicide Prevention Coordinating
 11 Council; providing for the appointment of members of the
 12 council by the director of the Statewide Office for
 13 Suicide Prevention; amending s. 311.115, F.S., making
 14 conforming changes; placing the Seaport Security Standards
 15 Advisory Council within the Executive Office of the
 16 Governor; providing for the appointment of the chair of
 17 the Seaport Security Standards Advisory Council by the
 18 Governor; amending s. 311.12, F.S., making conforming
 19 changes; amending s. 311.123, F.S., making conforming
 20 changes; amending s. 397.331, F.S., making conforming
 21 changes; amending s. 397.333, F.S., making conforming
 22 changes; placing the Statewide Drug Policy Advisory
 23 Council within the Department of Health; naming the
 24 Surgeon General or his or her designee as chairperson and
 25 nonvoting member of advisory council; naming the director
 26 of the Office of Planning and Budgeting or his or her
 27 designee as ex officio member of the advisory council;
 28 directing the Department of Health to provide staff

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29 support for the advisory council; repealing s. 893.055,
 30 F.S., relating to the prescription drug monitoring
 31 program; repealing s. 893.0551, F.S., relating to the
 32 public records exemption for the prescription drug
 33 monitoring program; amending s. 943.031, F.S., making
 34 conforming changes; naming the Policy Coordinator of the
 35 Public Safety Unit, or a designee, of the Governor's
 36 Office of Planning and Budgeting as a member of the
 37 Florida Violent Crime and Drug Control Council and the
 38 Drug Control Strategy and Criminal Gang Committee within
 39 the council; amending s. 943.042, F.S., making conforming
 40 changes; providing an effective date.

41
 42 Be It Enacted by the Legislature of the State of Florida:

43 Section 1. Subsections (1), (3), and (4) of section
 44 14.2019, Florida Statutes, are amended to read:

45 14.2019 Statewide Office for Suicide Prevention.—

46 (1) The Statewide Office for Suicide Prevention is created
 47 ~~as a unit of the Office of Drug Control~~ within the Department of
 48 Children and Family Services ~~Executive Office of the Governor.~~

49 ~~(3) Contingent upon a specific appropriation, the director~~
 50 ~~of the Office of Drug Control shall employ a coordinator for the~~
 51 ~~Statewide Office for Suicide Prevention who shall work under the~~
 52 ~~direction of the director to achieve the goals and objectives~~
 53 ~~set forth in this section.~~

54 (4) The Statewide Office for Suicide Prevention may seek
 55 and accept grants or funds from any federal, state, or local
 56 source to support the operation and defray the authorized

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57 expenses of the office and the Suicide Prevention Coordinating
 58 Council. Revenues from grants shall be deposited in the Grants
 59 and Donations Trust Fund within the Department of Children and
 60 Family Services ~~Executive Office of the Governor~~. In accordance
 61 with s. 216.181(11), the Executive Office of the Governor may
 62 request changes to the approved operating budget to allow the
 63 expenditure of any additional grant funds collected pursuant to
 64 this subsection.

65 Section 2. Paragraphs (a), (d), and (e) of subsection (2)
 66 of section 14.20195, Florida Statutes, are amended to read:

67 14.20195 Suicide Prevention Coordinating Council;
 68 creation; membership; duties.—There is created within the
 69 Statewide Office for Suicide Prevention a Suicide Prevention
 70 Coordinating Council. The council shall develop strategies for
 71 preventing suicide.

72 (2) MEMBERSHIP.—The Suicide Prevention Coordinating
 73 Council shall consist of 28 voting members.

74 (a) Thirteen members shall be appointed by the director of
 75 the Statewide Office for Suicide Prevention ~~Office of Drug~~
 76 ~~Control~~ and shall represent the following organizations:

- 77 1. The Florida Association of School Psychologists.
- 78 2. The Florida Sheriffs Association.
- 79 3. The Suicide Prevention Action Network USA.
- 80 4. The Florida Initiative of Suicide Prevention.
- 81 5. The Florida Suicide Prevention Coalition.
- 82 6. The American Foundation of Suicide Prevention.
- 83 7. The Florida School Board Association.
- 84 8. The National Council for Suicide Prevention.

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- 85 | 9. The state chapter of AARP.
- 86 | 10. The Florida Alcohol and Drug Abuse Association.
- 87 | 11. The Florida Council for Community Mental Health.
- 88 | 12. The Florida Counseling Association.
- 89 | 13. NAMI Florida.

90 | (d) For the members appointed by the director of the
 91 | Statewide Office for Suicide Prevention ~~Office of Drug Control~~,
 92 | seven members shall be appointed to initial terms of 3 years,
 93 | and seven members shall be appointed to initial terms of 4
 94 | years. For the members appointed by the Governor, two members
 95 | shall be appointed to initial terms of 4 years, and two members
 96 | shall be appointed to initial terms of 3 years. Thereafter, such
 97 | members shall be appointed to terms of 4 years. Any vacancy on
 98 | the coordinating council shall be filled in the same manner as
 99 | the original appointment, and any member who is appointed to
 100 | fill a vacancy occurring because of death, resignation, or
 101 | ineligibility for membership shall serve only for the unexpired
 102 | term of the member's predecessor. A member is eligible for
 103 | reappointment.

104 | (e) The director of the Statewide Office for Suicide
 105 | Prevention ~~Office of Drug Control~~ shall be a nonvoting member of
 106 | the coordinating council and shall act as chair.

107 | Section 3. Section 311.115, Florida Statutes, is amended
 108 | to read:

109 | 311.115 Seaport Security Standards Advisory Council.—The
 110 | Seaport Security Standards Advisory Council is created within
 111 | ~~under~~ the Executive Office of the Governor ~~Office of Drug~~

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112 | ~~Control~~. The council shall serve as an advisory council as
 113 | provided in s. 20.03(7).
 114 | (1) The members of the council shall be appointed by the
 115 | Governor and consist of the following:
 116 | (a) Two seaport directors.
 117 | (b) Two seaport security directors.
 118 | (c) One representative of seaport tenants.
 119 | (d) One representative of seaport workers.
 120 | (e) One member from the Department of Law Enforcement.
 121 | (f) One member from the Office of Motor Carrier Compliance
 122 | of the Department of Transportation.
 123 | (g) One member from the Office of the Attorney General.
 124 | (h) One member from the Department of Agriculture and
 125 | Consumer Services.
 126 | (i) One member from the Office of Tourism, Trade, and
 127 | Economic Development.
 128 | ~~(j) One member from the Office of Drug Control.~~
 129 | (j) ~~(k)~~ One member from the Fish and Wildlife Conservation
 130 | Commission.
 131 | (k) ~~(l)~~ The Director of the Division of Emergency
 132 | Management, or his or her designee.
 133 | (2) In addition to the members designated in subsection
 134 | (1), the council may invite a representative of the United
 135 | States Coast Guard to attend and participate in council meetings
 136 | as an ex officio, nonvoting member of the council.
 137 | (3) Members of the council shall be appointed to 4-year
 138 | terms. A vacancy shall be filled by the Governor for the balance
 139 | of the unexpired term.

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140 (4) The council chair shall be designated by the Governor
 141 from among the appointed members of the council ~~shall be chaired~~
 142 ~~by the member from the Office of Drug Control.~~

143 (5) At least every 4 years after January 15, 2007, the
 144 Governor ~~Office of Drug Control~~ shall convene the council to
 145 review the minimum security standards referenced in s. 311.12(1)
 146 for applicability to and effectiveness in combating current
 147 narcotics and terrorism threats to the state's seaports. All
 148 sources of information allowed by law shall be used in assessing
 149 the applicability and effectiveness of the standards.

150 (6) Council members shall serve without pay, but shall be
 151 entitled to per diem and travel expenses for attendance at
 152 officially called meetings as provided in s. 112.061.

153 (7) The council shall consult with the appropriate area
 154 maritime security committees to assess possible impacts to
 155 commerce and trade contained in the council's nonclassified
 156 recommendations and findings.

157 (8) The recommendations and findings of the council shall
 158 be transmitted to the Governor, the President of the Senate, and
 159 the Speaker of the House of Representatives.

160 Section 4. Paragraph (a) of subsection (1), paragraph (b)
 161 of subsection (3), paragraphs (a) and (b) of subsection (8),
 162 subsection (10), and paragraph (d) of subsection (11) of section
 163 311.12, Florida Statutes, are amended to read:

164 311.12 Seaport security.—

165 (1) SECURITY STANDARDS.—

166 (a) The statewide minimum standards for seaport security
 167 applicable to seaports listed in s. 311.09 shall be those based

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168 | on the Florida Seaport Security Assessment 2000 and set forth in
 169 | the Port Security Standards Compliance Plan delivered to the
 170 | Speaker of the House of Representatives and the President of the
 171 | Senate on December 11, 2000. ~~The Office of Drug Control within~~
 172 | ~~the Executive Office of the Governor shall maintain a sufficient~~
 173 | ~~number of copies of the standards at its offices for~~
 174 | ~~distribution to the public and provide copies to each affected~~
 175 | ~~seaport upon request.~~

176 | (3) SECURITY PLAN.—Each seaport listed in s. 311.09 shall
 177 | adopt and maintain a security plan specific to that seaport
 178 | which provides for a secure seaport infrastructure that promotes
 179 | the safety and security of state residents and visitors and the
 180 | flow of legitimate trade and travel.

181 | (b) Each adopted or revised security plan must be reviewed
 182 | and approved by the ~~Office of Drug Control~~ and the Department of
 183 | Law Enforcement for compliance with federal facility security
 184 | assessment requirements under 33 C.F.R. s. 105.305 and the
 185 | minimum security standards established under subsection (1).
 186 | Within 30 days after completion, a copy of the written review
 187 | shall be delivered to the United States Coast Guard, the
 188 | Regional Domestic Security Task Force, and the Domestic Security
 189 | Oversight Council.

190 | (8) WAIVER FROM SECURITY REQUIREMENTS.—~~The Office of Drug~~
 191 | ~~Control and the~~ Department of Law Enforcement may modify or
 192 | waive any physical facility requirement or other requirement
 193 | contained in the minimum security standards upon a determination
 194 | that the purposes of the standards have been reasonably met or
 195 | exceeded by the seaport requesting the modification or waiver.

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196 An alternate means of compliance must not diminish the safety or
 197 security of the seaport and must be verified through an
 198 extensive risk analysis conducted by the seaport director.

199 (a) Waiver requests shall be submitted in writing, along
 200 with supporting documentation, to the ~~Office of Drug Control and~~
 201 ~~the~~ Department of Law Enforcement. The ~~office and the~~ department
 202 has ~~have~~ 90 days to ~~jointly~~ grant or reject the waiver, in whole
 203 or in part.

204 (b) The seaport may submit any waivers that are not
 205 granted or are ~~jointly~~ rejected to the Domestic Security
 206 Oversight Council for review within 90 days. The council shall
 207 recommend that the ~~Office of Drug Control and the~~ Department of
 208 Law Enforcement grant the waiver or reject the waiver, in whole
 209 or in part. The ~~office and the~~ department shall give great
 210 weight to the council's recommendations.

211 (10) REPORTS.—The Department of Law Enforcement, ~~in~~
 212 ~~consultation with the Office of Drug Control,~~ shall annually
 213 complete a report indicating the observations and findings of
 214 all reviews, inspections, or other operations relating to the
 215 seaports conducted during the year and any recommendations
 216 resulting from such reviews, inspections, and operations. A copy
 217 of the report shall be provided to the Governor, the President
 218 of the Senate, the Speaker of the House of Representatives, the
 219 governing body of each seaport or seaport authority, and each
 220 seaport director. The report must include each director's
 221 response indicating what actions, if any, have been taken or are
 222 planned to be taken pursuant to the observations, findings, and
 223 recommendations reported by the department.

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224 (11) FUNDING.—
 225 (d) If funds are appropriated for seaport security, ~~the~~
 226 ~~Office of Drug Control,~~ the Department of Law Enforcement, and
 227 the Florida Seaport Transportation and Economic Development
 228 Council shall mutually determine the allocation of such funds
 229 for security project needs identified in the approved seaport
 230 security plans. Any seaport that receives state funds for
 231 security projects must enter into a joint participation
 232 agreement with the appropriate state entity and use the seaport
 233 security plan as the basis for the agreement.
 234 1. If funds are made available over more than 1 fiscal
 235 year, the agreement must reflect the entire scope of the project
 236 approved in the security plan and, as practicable, allow for
 237 reimbursement for authorized projects over more than 1 year.
 238 2. The agreement may include specific timeframes for
 239 completion of a security project and the applicable funding
 240 reimbursement dates. The agreement may also require a
 241 contractual penalty of up to \$1,000 per day to be imposed for
 242 failure to meet project completion dates if state funding is
 243 available. Any such penalty shall be deposited into the State
 244 Transportation Trust Fund and used for seaport security
 245 operations and capital improvements.
 246 Section 5. Subsection (1) of section 311.123, Florida
 247 Statutes, is amended to read:
 248 311.123 Maritime domain security awareness training
 249 program.—
 250 (1) The Florida Seaport Transportation and Economic
 251 Development Council, in conjunction with the Department of Law

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252 Enforcement ~~and the Office of Drug Control within the Executive~~
 253 ~~Office of the Governor~~, shall create a maritime domain security
 254 awareness training program to instruct all personnel employed
 255 within a seaport's boundaries about the security procedures
 256 required of them for implementation of the seaport security plan
 257 required under s. 311.12(3).

258 Section 6. Subsection (2) of section 397.331, Florida
 259 Statutes, is amended to read:

260 397.331 Definitions; legislative intent.—

261 (2) It is the intent of the Legislature to establish and
 262 institutionalize a rational process for long-range planning,
 263 information gathering, strategic decisionmaking, and funding for
 264 the purpose of limiting substance abuse. The Legislature finds
 265 that the creation of a ~~state Office of Drug Control and a~~
 266 Statewide Drug Policy Advisory Council affords the best means of
 267 establishing and institutionalizing such a process.

268 Section 7. Section 397.332, Florida Statutes, is repealed.

269 Section 8. Paragraphs (a), (b), and (c) of subsection (1)
 270 of section 397.333, Florida Statutes, are amended to read:

271 397.333 Statewide Drug Policy Advisory Council.—

272 (1)(a) The Statewide Drug Policy Advisory Council is
 273 created within the Department of Health ~~Executive Office of the~~
 274 ~~Governor~~. The Surgeon General or his or her designee ~~director of~~
 275 ~~the Office of Drug Control~~ shall be a nonvoting, ex officio
 276 member of the advisory council and shall act as chairperson. The
 277 director of the Office of Planning and Budgeting, or his or her
 278 designee, shall be a nonvoting, ex officio member of the
 279 advisory council. The department shall provide staff support for

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280 | the council. ~~The Office of Drug Control and the Office of~~
 281 | ~~Planning and Budgeting shall provide staff support for the~~
 282 | ~~advisory council.~~

283 | (b) The following state officials shall be appointed to
 284 | serve on the advisory council:

- 285 | 1. The Attorney General, or his or her designee.
- 286 | 2. The executive director of the Department of Law
- 287 | Enforcement, or his or her designee.
- 288 | 3. The Secretary of Children and Family Services, or his
- 289 | or her designee.
- 290 | ~~4. The State Surgeon General, or his or her designee.~~
- 291 | 4.5. The Secretary of Corrections, or his or her designee.
- 292 | ~~5.6.~~ The Secretary of Juvenile Justice, or his or her
- 293 | designee.
- 294 | ~~6.7.~~ The Commissioner of Education, or his or her
- 295 | designee.
- 296 | ~~7.8.~~ The executive director of the Department of Highway
- 297 | Safety and Motor Vehicles, or his or her designee.
- 298 | ~~8.9.~~ The Adjutant General of the state as the Chief of
- 299 | the Department of Military Affairs, or his or her designee.

300 | (c) In addition, the Governor shall appoint 7 11 members
 301 | of the public to serve on the advisory council. Of the 7 11
 302 | appointed members, one member must have professional or
 303 | occupational expertise in drug enforcement, one member must have
 304 | professional or occupational expertise in substance abuse
 305 | prevention, one member must have professional or occupational
 306 | expertise in substance abuse treatment, and two members must
 307 | have professional or occupational expertise in faith-based

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308 substance abuse treatment services. The remainder of the members
 309 appointed should have professional or occupational expertise in,
 310 or be generally knowledgeable about, issues that relate to drug
 311 enforcement and substance abuse programs and services. The
 312 members appointed by the Governor must, to the extent possible,
 313 equitably represent all geographic areas of the state.

314 Section 9. Section 893.055, Florida Statutes, is repealed.

315 Section 10. Section 893.0551, Florida Statutes, is
 316 repealed.

317 Section 11. Subsection (2), paragraph (a) of subsection
 318 (5), and paragraph (a) of subsection (6) of section 943.031,
 319 Florida Statutes, is amended to read:

320 943.031 Florida Violent Crime and Drug Control Council.—

321 (2) MEMBERSHIP.—The council shall consist of 14 members,
 322 as follows:

323 (a) The Attorney General or a designate.

324 (b) A designate of the executive director of the
 325 Department of Law Enforcement.

326 (c) The secretary of the Department of Corrections or a
 327 designate.

328 (d) The Secretary of Juvenile Justice or a designate.

329 (e) The Commissioner of Education or a designate.

330 (f) The president of the Florida Network of Victim/Witness
 331 Services, Inc., or a designate.

332 (g) The Policy Coordinator of the Public Safety Unit of
 333 the Governor's Office of Planning and Budget, or a designee. The
 334 ~~director of the Office of Drug Control within the Executive~~
 335 ~~Office of the Governor, or a designate.~~

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336 (h) The Chief Financial Officer, or a designate.

337 (i) Six members appointed by the Governor, consisting of
 338 two sheriffs, two chiefs of police, one medical examiner, and
 339 one state attorney or their designates.

340
 341 The Governor, when making appointments under this subsection,
 342 must take into consideration representation by geography,
 343 population, ethnicity, and other relevant factors to ensure that
 344 the membership of the council is representative of the state at
 345 large. Designates appearing on behalf of a council member who is
 346 unable to attend a meeting of the council are empowered to vote
 347 on issues before the council to the same extent the designating
 348 council member is so empowered.

349 (5) DUTIES OF COUNCIL.—The council shall provide advice
 350 and make recommendations, as necessary, to the executive
 351 director of the department.

352 (a) The council may advise the executive director on the
 353 feasibility of undertaking initiatives which include, but are
 354 not limited to, the following:

355 1. Establishing a program which provides grants to
 356 criminal justice agencies that develop and implement effective
 357 violent crime prevention and investigative programs and which
 358 provides grants to law enforcement agencies for the purpose of
 359 drug control, criminal gang, and illicit money laundering
 360 investigative efforts or task force efforts that are determined
 361 by the council to significantly contribute to achieving the
 362 state's goal of reducing drug-related crime ~~as articulated by~~
 363 ~~the Office of Drug Control~~, that represent significant criminal

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364 | gang investigative efforts, that represent a significant illicit
 365 | money laundering investigative effort, or that otherwise
 366 | significantly support statewide strategies developed by the
 367 | Statewide Drug Policy Advisory Council established under s.
 368 | 397.333, subject to the limitations provided in this section.
 369 | The grant program may include an innovations grant program to
 370 | provide startup funding for new initiatives by local and state
 371 | law enforcement agencies to combat violent crime or to implement
 372 | drug control, criminal gang, or illicit money laundering
 373 | investigative efforts or task force efforts by law enforcement
 374 | agencies, including, but not limited to, initiatives such as:
 375 | a. Providing enhanced community-oriented policing.
 376 | b. Providing additional undercover officers and other
 377 | investigative officers to assist with violent crime
 378 | investigations in emergency situations.
 379 | c. Providing funding for multiagency or statewide drug
 380 | control, criminal gang, or illicit money laundering
 381 | investigative efforts or task force efforts that cannot be
 382 | reasonably funded completely by alternative sources and that
 383 | significantly contribute to achieving the state's goal of
 384 | reducing drug-related crime ~~as articulated by the Office of Drug~~
 385 | ~~Control~~, that represent significant criminal gang investigative
 386 | efforts, that represent a significant illicit money laundering
 387 | investigative effort, or that otherwise significantly support
 388 | statewide strategies developed by the Statewide Drug Policy
 389 | Advisory Council established under s. 397.333.
 390 | 2. Expanding the use of automated fingerprint
 391 | identification systems at the state and local level.

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- 392 3. Identifying methods to prevent violent crime.
- 393 4. Identifying methods to enhance multiagency or statewide
 394 drug control, criminal gang, or illicit money laundering
 395 investigative efforts or task force efforts that significantly
 396 contribute to achieving the state's goal of reducing drug-
 397 related crime ~~as articulated by the Office of Drug Control,~~ that
 398 represent significant criminal gang investigative efforts, that
 399 represent a significant illicit money laundering investigative
 400 effort, or that otherwise significantly support statewide
 401 strategies developed by the Statewide Drug Policy Advisory
 402 Council established under s. 397.333.
- 403 5. Enhancing criminal justice training programs which
 404 address violent crime, drug control, illicit money laundering
 405 investigative techniques, or efforts to control and eliminate
 406 criminal gangs.
- 407 6. Developing and promoting crime prevention services and
 408 educational programs that serve the public, including, but not
 409 limited to:
- 410 a. Enhanced victim and witness counseling services that
 411 also provide crisis intervention, information referral,
 412 transportation, and emergency financial assistance.
- 413 b. A well-publicized rewards program for the apprehension
 414 and conviction of criminals who perpetrate violent crimes.
- 415 7. Enhancing information sharing and assistance in the
 416 criminal justice community by expanding the use of community
 417 partnerships and community policing programs. Such expansion may
 418 include the use of civilian employees or volunteers to relieve
 419 law enforcement officers of clerical work in order to enable the

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420 officers to concentrate on street visibility within the
421 community.

422 (6) DRUG CONTROL STRATEGY AND CRIMINAL GANG COMMITTEE.—

423 (a) The Drug Control Strategy and Criminal Gang Committee
424 is created within the Florida Violent Crime and Drug Control
425 Council, consisting of the following council members:

426 1. The Attorney General or a designate.

427 2. The designate of the executive director of the
428 Department of Law Enforcement.

429 3. The secretary of the Department of Corrections or a
430 designate.

431 4. The Policy Coordinator of the Public Safety Unit of the
432 Governor's Office of Planning and Budget, or a designee. ~~The~~
433 ~~director of the Office of Drug Control within the Executive~~
434 ~~Office of the Governor or a designate.~~

435 5. The state attorney, the two sheriffs, and the two
436 chiefs of police, or their designates.

437 Section 12. Paragraph (a) of subsection (1) of section
438 943.042, Florida Statutes, is amended to read:

439 943.042 Violent Crime Investigative Emergency and Drug
440 Control Strategy Implementation Account.—

441 (1) There is created a Violent Crime Investigative
442 Emergency and Drug Control Strategy Implementation Account
443 within the Department of Law Enforcement Operating Trust Fund.
444 The account shall be used to provide emergency supplemental
445 funds to:

446 (a) State and local law enforcement agencies which are
447 involved in complex and lengthy violent crime investigations, or

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448 matching funding to multiagency or statewide drug control or
449 illicit money laundering investigative efforts or task force
450 efforts that significantly contribute to achieving the state's
451 goal of reducing drug-related crime ~~as articulated by the Office~~
452 ~~of Drug Control,~~ that represent a significant illicit money
453 laundering investigative effort, or that otherwise significantly
454 support statewide strategies developed by the Statewide Drug
455 Policy Advisory Council established under s. 397.333;

456 Section 13. This act shall take effect July 1, 2011.

457 .

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB HHSC 11-04 (2011)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Health & Human Services
2 Committee
3 Representative(s) Young offered the following:
4

5 **Amendment (with title amendment)**

6 Remove lines 160-245
7
8
9

10 -----
11 **T I T L E A M E N D M E N T**

12 Remove lines 311-312 and insert:

13 Governor; amending s. 311.123, F.S., making conforming