

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, that:

Section 1. Section 86-128 of the Pinellas County Code is amended to read as follows:

Sec. 86-128. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chronic nonmalignant pain means pain unrelated to cancer, which persists beyond the usual course of the disease of the injury that is the cause of the pain for more than 90 days after surgery.

Code enforcement officer means those employees designated as code enforcement officers pursuant to F.S. § 125.69.

Department shall mean the department designated by the county administrator through the board of county commissioners to administer the mandates of this article.

High prescribing health clinic means a privately owned health care clinic, facility or office which:

- (1) Advertises in any medium for any type of pain management services; or
- (2) Employs a physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications when the majority of the patients seen are prescribed or dispensed controlled substance medications for the treatment of chronic nonmalignant pain or who issues more than 20 prescriptions of CII and CIII controlled substances for treatment of pain in a single day; or
- (3) Prescribes more than 20 prescriptions of CII and CIII controlled substance medications for treatment of pain in a single day and is registered with the Florida Department of Health pursuant to F.S. § 458.309 or § 459.005, or any successor state law; or
- (4) Is otherwise registered with the state as a pain management clinic.

Permit shall mean a certificate issued by Pinellas County acknowledging the submission and accurate completion of the high prescribing health clinic registration

forms required to be completed in order to conduct business in Pinellas County as a high prescribing health clinic.

Section 2. Section 86-133(a)(5) of the Pinellas County Code is amended to read as follows:

Sec. 86-133(a).

- (5) Information provided in the application shall be updated within ten days of any changes to the application associated with the high prescribing health clinic.

Section 3. Section 86-135(a) of the Pinellas County Code is amended to read as follows:

Section 86-135.

- (a) It is the legislative determination of the county commission that the moratorium on submission of applications for issuance of permits for high prescribing health clinics as to any property located in whole or part within Pinellas County be maintained pending further review by the board of county commissioners no later than 60 days after the close of the 2015 Legislative Session.

Section 4. Section 86-139(b) of the Pinellas County Code is amended to read as follows:

Section 86-139.

- (b) A permit shall be issued to the person(s) deemed the permittee(s) for the particular location provided for in the application and shall be transferable upon approval of a new application.

Section 5. Section 86-139(c)(6) of the Pinellas County Code is amended to read as follows:

Sec. 86-139(c).

- (6) The facility shall secure prescription pads, electronic pads or any format where a prescription is created, so that only authorized persons may access them. All prescription pads, electronic pads or any format where a prescription is created, shall contain the name of the high prescribing health clinic and the high prescribing health clinic permit number.

Section 6. Section 86-139(c)(7) of the Pinellas County Code is repealed.

Section 7. Section 86-139(c)(11) of the Pinellas County Code is repealed.

Section 8. Section 86-139(d)(4) of the Pinellas County Code is repealed.

Section 9. Section 86-139(e)(1) of the Pinellas County Code is amended to read as follows:

Sec. 86-139(e).

(1) Two convictions of violations of the Pinellas County high prescribing health clinic ordinance within a two year period beginning the date of the first conviction, or commission of an incurable violation created under this article shall constitute grounds for a suspension of the permit holder's high prescribing health clinic permit.

Section 10. Severability.

If any section, subsection, sentence, clause or phrase of this article, amendment or the particular application thereof, shall be held invalid by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentence, clause or phrase and application shall not be affected thereby.

Section 11. Area Embraced.

This article shall be in effect in the incorporated and unincorporated areas of Pinellas County.

Section 12. Codification.

The provisions of this Ordinance shall be included and incorporated in the Pinellas County Code, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Pinellas County Code.

Section 13. Filing Of Ordinance; Effective Date.

Pursuant to Section 125.66, Florida Statutes (2014), a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners, and shall become effective upon filing with the Department of State.

APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

