

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Criminal Justice

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BILL: SB 1208

INTRODUCER: Senator Latvala

SUBJECT: Fraudulent Controlled Substance Prescriptions

DATE: March 4, 2014

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Erickson	Cannon	CJ	<b>Pre-meeting</b>
2.			HP	
3.			AP	

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**I. Summary:**

SB 1208 revises the elements of and penalty for a current prescription fraud offense. Under current law, it is a first degree misdemeanor for a person to possess a prescription form that has not been completed and signed by the practitioner whose printed name appears on the form, unless the person possessing the form is that practitioner or another authorized person.

Under the bill, it is a third degree felony for a person to possess a prescription form that has not been completed in its entirety by the practitioner whose printed name appears on the form, or that has not been signed by the practitioner whose printed name appears on the form, unless the person possessing the form is that practitioner or another authorized person.

**II. Present Situation:**

Section 893.13(7)(a)7., F.S., provides that a person may not possess a prescription form that has not been completed and signed by the practitioner whose printed name appears on the form, unless the person possessing the form is that practitioner, an agent or employee of that practitioner, or a supplier of prescription forms who is authorized by that practitioner to possess those forms.

Section 893.13(7)(c), F.S., provides that a violation of s. 893.13(7)(a)7., F.S., is a first degree misdemeanor.<sup>1</sup>

**III. Effect of Proposed Changes:**

The bill revises the elements of and penalty for the prescription fraud offense described in s. 893.13(7)(a)7., F.S. As previously noted, this provision currently prohibits a person from

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<sup>1</sup> A first degree misdemeanor is punishable by up to a year in county jail, a fine of up to \$1,000, or both jail and a fine. Sections 775.082 and 775.083, F.S.

possessing a prescription form that has not been completed and signed by the practitioner whose printed name appears on the form, unless the person possessing the form is that practitioner or another authorized person. Currently, this offense is a first degree misdemeanor.

Under the bill, it is a third degree felony<sup>2</sup> for a person to possess a prescription form that has not been completed in its entirety by the practitioner whose printed name appears on the form, or that has not been signed by the practitioner whose printed name appears on the form, unless the person possessing the form is that practitioner or another authorized person.

The bill takes effect on October 1, 2014.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of the prison bed impact, if any, of legislation has not yet reviewed the bill. However, the Legislature's Office of Economic and Demographic Research preliminarily estimates that the bill will have an insignificant prison bed impact.

#### **VI. Technical Deficiencies:**

None.

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<sup>2</sup> A third degree felony is punishable by up to 5 years in state prison, a fine of up to \$5,000, or both jail and a fine. Sections 775.082 and 775.083, F.S. However, if total sentence points scored under the Criminal Punishment Code are 22 points or fewer, the court must impose a nonstate prison sanction, unless the court makes written findings that this sanction could present a danger to the public. Section 775.082(10), F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 893.13 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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