

By the Committee on Criminal Justice; and Senator Latvala

591-02377-14

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1                   A bill to be entitled  
2           An act relating to fraudulent controlled substance  
3           prescriptions; amending s. 893.13, F.S.; revising  
4           provisions prohibiting possession of incomplete  
5           prescription forms; providing enhanced criminal  
6           penalties for violations involving incomplete  
7           prescription forms; providing an effective date.

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

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11           Section 1. Paragraphs (a), (c), and (d) of subsection (7)  
12           of section 893.13, Florida Statutes, are amended to read:

13           893.13 Prohibited acts; penalties.—

14           (7) (a) A person may not:

15           1. Distribute or dispense a controlled substance in  
16           violation of this chapter.

17           2. Refuse or fail to make, keep, or furnish any record,  
18           notification, order form, statement, invoice, or information  
19           required under this chapter.

20           3. Refuse entry into any premises for any inspection or  
21           refuse to allow any inspection authorized by this chapter.

22           4. Distribute a controlled substance named or described in  
23           s. 893.03(1) or (2) except pursuant to an order form as required  
24           by s. 893.06.

25           5. Keep or maintain any store, shop, warehouse, dwelling,  
26           building, vehicle, boat, aircraft, or other structure or place  
27           which is resorted to by persons using controlled substances in  
28           violation of this chapter for the purpose of using these  
29           substances, or which is used for keeping or selling them in

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30 violation of this chapter.

31 6. Use to his or her own personal advantage, or reveal, any  
32 information obtained in enforcement of this chapter except in a  
33 prosecution or administrative hearing for a violation of this  
34 chapter.

35 7. Possess a prescription form unless it ~~which~~ has ~~not~~ been  
36 ~~completed and signed~~ by the practitioner whose name appears  
37 printed thereon and completed. This subparagraph does not apply  
38 if, unless the person in possession of the form is that  
39 practitioner, is an agent or employee of that practitioner, is a  
40 pharmacist, or is a supplier of prescription forms who is  
41 authorized by that practitioner to possess those forms.

42 8. Withhold information from a practitioner from whom the  
43 person seeks to obtain a controlled substance or a prescription  
44 for a controlled substance that the person making the request  
45 has received a controlled substance or a prescription for a  
46 controlled substance of like therapeutic use from another  
47 practitioner within the previous 30 days.

48 9. Acquire or obtain, or attempt to acquire or obtain,  
49 possession of a controlled substance by misrepresentation,  
50 fraud, forgery, deception, or subterfuge.

51 10. Affix any false or forged label to a package or  
52 receptacle containing a controlled substance.

53 11. Furnish false or fraudulent material information in, or  
54 omit any material information from, any report or other document  
55 required to be kept or filed under this chapter or any record  
56 required to be kept by this chapter.

57 12. Store anhydrous ammonia in a container that is not  
58 approved by the United States Department of Transportation to

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59 hold anhydrous ammonia or is not constructed in accordance with  
60 sound engineering, agricultural, or commercial practices.

61 13. With the intent to obtain a controlled substance or  
62 combination of controlled substances that are not medically  
63 necessary for the person or an amount of a controlled substance  
64 or substances that is not medically necessary for the person,  
65 obtain or attempt to obtain from a practitioner a controlled  
66 substance or a prescription for a controlled substance by  
67 misrepresentation, fraud, forgery, deception, subterfuge, or  
68 concealment of a material fact. For purposes of this  
69 subparagraph, a material fact includes whether the person has an  
70 existing prescription for a controlled substance issued for the  
71 same period of time by another practitioner or as described in  
72 subparagraph 8.

73 (c) A ~~Any~~ person who violates ~~the provisions of~~  
74 subparagraphs (a)1.-6. ~~(a)1.-7.~~ commits a misdemeanor of the  
75 first degree, punishable as provided in s. 775.082 or s.  
76 775.083, ~~+~~ except that, upon a second or subsequent violation,  
77 the person commits a felony of the third degree, punishable as  
78 provided in s. 775.082, s. 775.083, or s. 775.084.

79 (d) A ~~Any~~ person who violates ~~the provisions of~~  
80 subparagraphs (a)7.-12. ~~(a)8.-12.~~ commits a felony of the third  
81 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
82 775.084.

83 Section 2. This act shall take effect October 1, 2014.