

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  
30 | violation of this chapter.

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

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

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

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

52 |         10. Affix any false or forged label to a package or

53 receptacle containing a controlled substance.

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

58 12. Store anhydrous ammonia in a container that is not  
 59 approved by the United States Department of Transportation to  
 60 hold anhydrous ammonia or is not constructed in accordance with  
 61 sound engineering, agricultural, or commercial practices.

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

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

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79 provided in s. 775.082, s. 775.083, or s. 775.084.

80 (d) A ~~Any~~ person who violates ~~the provisions of~~  
81 subparagraphs (a)7.-12. ~~(a)8.-12.~~ commits a felony of the third  
82 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
83 775.084.

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