

By the Committee on Criminal Justice; and Senators Crist and Fasano

307-2050-04

1 A bill to be entitled
2 An act relating to prescription drugs; amending
3 s. 499.005, F.S.; prohibiting the use or
4 attempted use of a false or stolen driver's
5 license or identification card to obtain a
6 prescription drug from a pharmacist or a
7 dispensing practitioner; amending s. 499.0691,
8 F.S.; providing a penalty; reenacting s.
9 895.02(1)(a), F.S., relating to RICO
10 definitions, to incorporate the amendment to s.
11 499.0691, F.S., in a reference thereto;
12 providing an effective date.

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

16 Section 1. Subsection (30) is added to section
17 499.005, Florida Statutes, to read:

18 499.005 Prohibited acts.--It is unlawful for a person
19 to perform or cause the performance of any of the following
20 acts in this state:

21 (30) Knowingly use or knowingly attempt to use a
22 forged, stolen, fictitious, counterfeit, or unlawfully issued
23 driver's license or identification card to obtain a
24 prescription drug from a pharmacy, as defined in s. 465.003,
25 or a dispensing practitioner authorized to dispense medicinal
26 drugs pursuant to s. 465.0276.

27 Section 2. Subsection (2) of section 499.0691, Florida
28 Statutes, is amended to read:

29 499.0691 Criminal punishment for violations related to
30 drugs; dissemination of false advertisement.--

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1 (2) Any person who violates any of the following
2 provisions commits a felony of the third degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084, or as
4 otherwise provided in ss. 499.001-499.081.

5 (a) The refusal or constructive refusal to allow:

6 1. The department to enter or inspect an establishment
7 in which drugs are manufactured, processed, repackaged, sold,
8 brokered, or held;

9 2. Inspection of any record of that establishment;

10 3. The department to enter and inspect any vehicle
11 that is being used to transport drugs; or

12 4. The department to take samples of any drug.

13 (b) The sale, purchase, or trade, or the offer to
14 sell, purchase, or trade, a drug sample as defined in s.
15 499.028; the distribution of a drug sample in violation of s.
16 499.028; or the failure to otherwise comply with s. 499.028.

17 (c) Providing the department with false or fraudulent
18 records, or making false or fraudulent statements, regarding
19 any matter within the provisions of this chapter related to a
20 drug.

21 (d) The failure to receive, maintain, or provide
22 invoices and shipping documents, other than pedigree papers,
23 if applicable, related to the distribution of a legend drug.

24 (e) The importation of a legend drug for wholesale
25 distribution, except as provided by s. 801(d) of the Federal
26 Food, Drug, and Cosmetic Act.

27 (f) The wholesale distribution of any prescription
28 drug that was:

29 1. Purchased by a public or private hospital or other
30 health care entity; or

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1 2. Donated or supplied at a reduced price to a
2 charitable organization.

3 (g) The failure to obtain a permit as a prescription
4 drug wholesaler when a permit is required by ss.
5 499.001-499.081 for that activity.

6 (h) Knowingly possessing any adulterated or misbranded
7 legend drug outside of a designated quarantine area.

8 (i) The purchase or sale of prescription drugs for
9 wholesale distribution in exchange for currency, as defined in
10 s. 560.103(6).

11 (j) Knowingly using or knowingly attempting to use a
12 forged, stolen, fictitious, counterfeit, or unlawfully issued
13 driver's license or identification card to obtain a
14 prescription drug from a pharmacy, as defined in s. 465.003,
15 or a dispensing practitioner authorized to dispense medicinal
16 drugs pursuant to s. 465.0276.

17 Section 3. For the purpose of incorporating the
18 amendment made by this act to section 499.0691, Florida
19 Statutes, in a reference thereto, paragraph (a) of subsection
20 (1) of section 895.02, Florida Statutes, is reenacted to read:
21 895.02 Definitions.--As used in ss. 895.01-895.08, the
22 term:

23 (1) "Racketeering activity" means to commit, to
24 attempt to commit, to conspire to commit, or to solicit,
25 coerce, or intimidate another person to commit:

26 (a) Any crime which is chargeable by indictment or
27 information under the following provisions of the Florida
28 Statutes:

29 1. Section 210.18, relating to evasion of payment of
30 cigarette taxes.

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- 1 2. Section 403.727(3)(b), relating to environmental
2 control.
- 3 3. Section 414.39, relating to public assistance
4 fraud.
- 5 4. Section 409.920, relating to Medicaid provider
6 fraud.
- 7 5. Section 440.105 or s. 440.106, relating to workers'
8 compensation.
- 9 6. Sections 499.0051, 499.0052, 499.0053, 499.0054,
10 and 499.0691, relating to crimes involving contraband and
11 adulterated drugs.
- 12 7. Part IV of chapter 501, relating to telemarketing.
- 13 8. Chapter 517, relating to sale of securities and
14 investor protection.
- 15 9. Section 550.235, s. 550.3551, or s. 550.3605,
16 relating to dogracing and horseracing.
- 17 10. Chapter 550, relating to jai alai frontons.
- 18 11. Chapter 552, relating to the manufacture,
19 distribution, and use of explosives.
- 20 12. Chapter 560, relating to money transmitters, if
21 the violation is punishable as a felony.
- 22 13. Chapter 562, relating to beverage law enforcement.
- 23 14. Section 624.401, relating to transacting insurance
24 without a certificate of authority, s. 624.437(4)(c)1.,
25 relating to operating an unauthorized multiple-employer
26 welfare arrangement, or s. 626.902(1)(b), relating to
27 representing or aiding an unauthorized insurer.
- 28 15. Section 655.50, relating to reports of currency
29 transactions, when such violation is punishable as a felony.
- 30 16. Chapter 687, relating to interest and usurious
31 practices.

- 1 17. Section 721.08, s. 721.09, or s. 721.13, relating
- 2 to real estate timeshare plans.
- 3 18. Chapter 782, relating to homicide.
- 4 19. Chapter 784, relating to assault and battery.
- 5 20. Chapter 787, relating to kidnapping.
- 6 21. Chapter 790, relating to weapons and firearms.
- 7 22. Section 796.03, s. 796.04, s. 796.05, or s.
- 8 796.07, relating to prostitution.
- 9 23. Chapter 806, relating to arson.
- 10 24. Section 810.02(2)(c), relating to specified
- 11 burglary of a dwelling or structure.
- 12 25. Chapter 812, relating to theft, robbery, and
- 13 related crimes.
- 14 26. Chapter 815, relating to computer-related crimes.
- 15 27. Chapter 817, relating to fraudulent practices,
- 16 false pretenses, fraud generally, and credit card crimes.
- 17 28. Chapter 825, relating to abuse, neglect, or
- 18 exploitation of an elderly person or disabled adult.
- 19 29. Section 827.071, relating to commercial sexual
- 20 exploitation of children.
- 21 30. Chapter 831, relating to forgery and
- 22 counterfeiting.
- 23 31. Chapter 832, relating to issuance of worthless
- 24 checks and drafts.
- 25 32. Section 836.05, relating to extortion.
- 26 33. Chapter 837, relating to perjury.
- 27 34. Chapter 838, relating to bribery and misuse of
- 28 public office.
- 29 35. Chapter 843, relating to obstruction of justice.
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1 36. Section 847.011, s. 847.012, s. 847.013, s.
2 847.06, or s. 847.07, relating to obscene literature and
3 profanity.

4 37. Section 849.09, s. 849.14, s. 849.15, s. 849.23,
5 or s. 849.25, relating to gambling.

6 38. Chapter 874, relating to criminal street gangs.

7 39. Chapter 893, relating to drug abuse prevention and
8 control.

9 40. Chapter 896, relating to offenses related to
10 financial transactions.

11 41. Sections 914.22 and 914.23, relating to tampering
12 with a witness, victim, or informant, and retaliation against
13 a witness, victim, or informant.

14 42. Sections 918.12 and 918.13, relating to tampering
15 with jurors and evidence.

16 Section 4. This act shall take effect July 1, 2004.

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18 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
19 COMMITTEE SUBSTITUTE FOR
20 Senate Bill 214

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22 Provides that it is a third degree felony for a person to
23 knowingly use or knowingly attempt to use a forged, stolen,
24 fictitious, counterfeit, or unlawfully issued driver's license
25 or identification card to obtain a prescription drug from a
26 pharmacy or dispensing practitioner.

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