

1                   A reviser's bill to be entitled  
 2           An act relating to the Florida Statutes; repealing ss.  
 3           29.0086, 29.014, 120.551, 215.18(2), 216.181(17),  
 4           218.503(6), 253.034(6)(f)2., 287.057(14)(b) and (25),  
 5           339.135(8), 375.041(6), 394.76(3)(b)2., 402.305(2)(g),  
 6           420.0005(2), 420.36(4)(d), 497.161(1)(g), 499.0051(2)(a),  
 7           499.0121(6)(d) and (e), and 1004.065, F.S., all of which  
 8           provisions have become inoperative by noncurrent repeal or  
 9           expiration and, pursuant to s. 11.242(5)(b) and (i), may  
 10          be omitted from the 2007 Florida Statutes only through a  
 11          reviser's bill duly enacted by the Legislature; amending  
 12          s. 29.008, F.S., to conform to the repeal of s. 29.0086,  
 13          F.S.; and amending ss. 499.003, 499.005, 499.012,  
 14          499.0121, 499.01211, 499.0122, 499.014, and 499.051, F.S.,  
 15          to conform to the repeal of s. 499.0121(6)(d) and (e),  
 16          F.S.

17  
 18   Be It Enacted by the Legislature of the State of Florida:

19  
 20           Section 1.   Section 29.0086, Florida Statutes, is repealed.

21  
 22           Reviser's note.--The cited section, which relates to  
 23           the Article V Technology Board, was repealed pursuant  
 24           to its own terms, effective July 1, 2006.

25  
 26           Section 2.   Section 29.014, Florida Statutes, is repealed.

27  
 28           Reviser's note.--The cited section, which relates to  
 29           the Article V Indigent Services Advisory Board was

30 repealed by s. 70, ch. 2005-236, Laws of Florida,  
 31 effective July 1, 2006. Since the section was not  
 32 repealed by a "current session" of the Legislature, it  
 33 may be omitted from the 2007 Florida Statutes only  
 34 through a reviser's bill duly enacted by the  
 35 Legislature. See s. 11.242(5)(b) and (i).

36  
 37 Section 3. Section 120.551, Florida Statutes, is repealed.

38  
 39 Reviser's note.--The cited section, which relates to  
 40 Internet publication of agency notices in the Florida  
 41 Administrative Weekly, was repealed pursuant to its own  
 42 terms, effective July 1, 2006.

43  
 44 Section 4. Subsection (2) of section 215.18, Florida  
 45 Statutes, is repealed.

46  
 47 Reviser's note.--The cited subsection, which relates to  
 48 extension of a repayment period, for the 2005-2006  
 49 fiscal year only, for certain funds to meet  
 50 deficiencies resulting from 2004 hurricanes, expired  
 51 pursuant to its own terms, effective July 1, 2006.

52  
 53 Section 5. Subsection (17) of section 216.181, Florida  
 54 Statutes, is repealed.

55  
 56 Reviser's note.--The cited subsection, which relates to  
 57 amendments to approved operating budgets authorizing  
 58 the expenditure of moneys from the Working Capital Fund

59 as specifically authorized in the General  
 60 Appropriations Act, expired pursuant to its own terms,  
 61 effective July 1, 2006.

62  
 63 Section 6. Subsection (6) of section 218.503, Florida  
 64 Statutes, is repealed.

65  
 66 Reviser's note.--The cited subsection, which relates to  
 67 a discretionary per-vehicle surcharge by a governing  
 68 authority of a municipality with a resident population  
 69 of 300,000 or more on or after April 1, 1999, which has  
 70 been declared in a state of financial emergency  
 71 pursuant to s. 218.503, expired pursuant to its own  
 72 terms, effective June 30, 2006.

73  
 74 Section 7. Subparagraph 2. of paragraph (f) of subsection  
 75 (6) of section 253.034, Florida Statutes, is repealed.

76  
 77 Reviser's note.--The cited subparagraph, which relates  
 78 to a requirement that certain surplus state lands that  
 79 were acquired from a municipality for no consideration  
 80 prior to 1958 must be first offered for reconveyance to  
 81 the municipality at no cost, expired pursuant to its  
 82 own terms, effective July 1, 2006.

83  
 84 Section 8. Paragraph (b) of subsection (14) and subsection  
 85 (25) of section 287.057, Florida Statutes, are repealed.

86  
 87 Reviser's note.--Paragraph (14) (b), which authorizes

88 | the Department of Children and Family Services to enter  
 89 | into certain agreements with a private provider to  
 90 | finance, design, and construct a forensic treatment  
 91 | facility, expired pursuant to its own terms, effective  
 92 | July 1, 2006. Subsection (25), which authorizes the  
 93 | Department of Management Services to issue an  
 94 | invitation to negotiate to contract for specified  
 95 | additional beds for certain correctional facilities,  
 96 | for the 2005-2006 fiscal year only, expired pursuant to  
 97 | its own terms, effective July 1, 2006.

98 |  
 99 | Section 9. Subsection (8) of section 339.135, Florida  
 100 | Statutes, is repealed.

101 |  
 102 | Reviser's note.--The cited subsection, which relates to  
 103 | certain increased appropriations for projects funded  
 104 | within the Department of Transportation, expired  
 105 | pursuant to its own terms, effective July 1, 2006.

106 |  
 107 | Section 10. Subsection (6) of section 375.041, Florida  
 108 | Statutes, is repealed.

109 |  
 110 | Reviser's note.--The cited subsection, which authorizes  
 111 | appropriations of funds allocated to the Land  
 112 | Acquisition Trust Fund for water quality issues in the  
 113 | General Appropriations Act for the 2005-2006 fiscal  
 114 | year only, expired pursuant to its own terms, effective  
 115 | July 1, 2006.

116 |

117 Section 11. Subparagraph 2. of paragraph (b) of subsection  
 118 (3) of section 394.76, Florida Statutes, is repealed.

119  
 120 Reviser's note.--The cited subparagraph, which requires  
 121 a 75-to-25 state-to-local ratio for specified  
 122 contracted community alcohol and mental health services  
 123 and programs for the 2005-2006 fiscal year only,  
 124 expired pursuant to its own terms, effective July 1,  
 125 2006.

126  
 127 Section 12. Paragraph (g) of subsection (2) of section  
 128 402.305, Florida Statutes, is repealed.

129  
 130 Reviser's note.--The cited paragraph, which requires  
 131 the Department of Children and Family Services to  
 132 provide at least one Child Care Competency Exam in  
 133 Spanish during the 2005-2006 fiscal year, expired  
 134 pursuant to its own terms, effective July 1, 2006.

135  
 136 Section 13. Subsection (2) of section 420.0005, Florida  
 137 Statutes, is repealed.

138  
 139 Reviser's note.--The cited subsection, which permits,  
 140 for the 2005-2006 fiscal year only, any unappropriated  
 141 balance in the State Housing Trust Fund in the  
 142 Department of Community Affairs to be transferred by  
 143 the General Appropriations Act to the Emergency  
 144 Management Preparedness and Assistance Trust Fund,  
 145 expired pursuant to its own terms, effective July 1,

146 2006.

147

148 Section 14. Paragraph (d) of subsection (4) of section  
149 420.36, Florida Statutes, is repealed.

150

151 Reviser's note.--The cited paragraph, which authorizes  
152 transfer, by the General Appropriations Act and for the  
153 2005-2006 fiscal year only, of any unappropriated  
154 balance in the Energy Consumption Trust Fund to the  
155 Emergency Management Preparedness and Assistance Trust  
156 Fund, expired pursuant to its own terms, effective July  
157 1, 2006.

158

159 Section 15. Paragraph (g) of subsection (1) of section  
160 497.161, Florida Statutes, is repealed.

161

162 Reviser's note.--The cited paragraph, which provides  
163 for extraordinary rulemaking authority relating to the  
164 merging of chapters 470 and 497, specifies that the  
165 rulemaking authority and rules adopted under that  
166 authority expired July 1, 2006.

167

168 Section 16. Paragraph (a) of subsection (2) of section  
169 499.0051, Florida Statutes, is repealed.

170

171 Reviser's note.--The cited paragraph, which relates to  
172 failure to authenticate pedigree papers relating to  
173 legend drug distribution and which is replaced by  
174 similar provisions in paragraph (2) (b) effective July

175 1, 2006, expired pursuant to its own terms, effective  
 176 July 1, 2006.

177  
 178 Section 17. Paragraphs (d) and (e) of subsection (6) of  
 179 section 499.0121, Florida Statutes, are repealed, and paragraphs  
 180 (f), (g), and (h) of that subsection are amended to read:

181 499.0121 Storage and handling of prescription drugs;  
 182 recordkeeping.--The department shall adopt rules to implement  
 183 this section as necessary to protect the public health, safety,  
 184 and welfare. Such rules shall include, but not be limited to,  
 185 requirements for the storage and handling of prescription drugs  
 186 and for the establishment and maintenance of prescription drug  
 187 distribution records.

188 (6) RECORDKEEPING.--The department shall adopt rules that  
 189 require keeping such records of prescription drugs as are  
 190 necessary for the protection of the public health.

191 (d)~~(f)~~1. Effective July 1, 2006, each person who is engaged  
 192 in the wholesale distribution of a prescription drug and who is  
 193 not the manufacturer of that drug must, before each wholesale  
 194 distribution of such drug, provide to the person who receives the  
 195 drug a pedigree paper as defined in s. 499.003(31).

196 2. A repackager must comply with this paragraph.

197 3. The pedigree paper requirements in this paragraph do not  
 198 apply to compressed medical gases or veterinary legend drugs.

199 4. Each wholesale distributor of prescription drugs must  
 200 maintain separate and distinct from other required records all  
 201 statements that are required under subparagraph 1.

202 ~~5. In order to verify compliance with subparagraph (d)1.,~~  
 203 ~~each manufacturer of a prescription drug sold in this state must~~

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204 ~~make available upon request distribution documentation related to~~  
 205 ~~its sales of prescription drugs, regardless of whether the~~  
 206 ~~prescription drug was sold directly by the manufacturer to a~~  
 207 ~~person in Florida.~~

208 5.6 Subparagraph 1. is satisfied when a wholesale  
 209 distributor takes title to, but not possession of, a prescription  
 210 drug and the prescription drug's manufacturer ships the  
 211 prescription drug directly to a person authorized by law to  
 212 purchase prescription drugs for the purpose of administering or  
 213 dispensing the drug, as defined in s. 465.003, or a member of an  
 214 affiliated group, as described in paragraph (f) ~~(h)~~, with the  
 215 exception of a repackager.

216 a. The wholesale distributor must deliver to the recipient  
 217 of the prescription drug, within 14 days after the shipment  
 218 notification from the manufacturer, an invoice and the following  
 219 sworn statement: "This wholesale distributor purchased the  
 220 specific unit of the prescription drug listed on the invoice  
 221 directly from the manufacturer, and the specific unit of  
 222 prescription drug was shipped by the manufacturer directly to a  
 223 person authorized by law to administer or dispense the legend  
 224 drug, as defined in s. 465.003, Florida Statutes, or a member of  
 225 an affiliated group, as described in s. 499.0121(6)(f)  
 226 ~~499.0121(6)(h)~~, Florida Statutes, with the exception of a  
 227 repackager." The invoice must contain a unique cross-reference to  
 228 the shipping document sent by the manufacturer to the recipient  
 229 of the prescription drug.

230 b. The manufacturer of the prescription drug shipped  
 231 directly to the recipient under this section must provide and the  
 232 recipient of the prescription drug must acquire, within 14 days



233 after receipt of the prescription drug, a shipping document from  
 234 the manufacturer that contains, at a minimum:

235 (I) The name and address of the manufacturer, including the  
 236 point of origin of the shipment, and the names and addresses of  
 237 the wholesaler and the purchaser.

238 (II) The name of the prescription drug as it appears on the  
 239 label.

240 (III) The quantity, dosage form, and strength of the  
 241 prescription drug.

242 (IV) The date of the shipment from the manufacturer.

243 c. The wholesale distributor must also maintain and make  
 244 available to the department, upon request, the lot number of such  
 245 drug if not contained in the shipping document acquired by the  
 246 recipient.

247 6.7. Failure of the manufacturer to provide, the recipient  
 248 to acquire, or the wholesale distributor to deliver, the  
 249 documentation required under subparagraph 5.6. shall constitute  
 250 failure to acquire or deliver a pedigree paper under s. 499.0051.  
 251 Forgery by the manufacturer, the recipient, or the wholesale  
 252 distributor of the documentation required to be acquired or  
 253 delivered under subparagraph 5.6. shall constitute forgery of a  
 254 pedigree paper under s. 499.0051.

255 7.8. The department may, by rule, specify alternatives to  
 256 compliance with subparagraph 1. for a prescription drug in the  
 257 inventory of a permitted prescription drug wholesaler as of June  
 258 30, 2006, and the return of a prescription drug purchased prior  
 259 to July 1, 2006. The department may specify time limits for such  
 260 alternatives.

261 (e) ~~(g)~~ Each wholesale distributor, except for a

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262 manufacturer, shall annually provide the department with a  
 263 written list of all wholesale distributors and manufacturers from  
 264 whom the wholesale distributor purchases prescription drugs. A  
 265 wholesale distributor, except a manufacturer, shall notify the  
 266 department not later than 10 days after any change to either  
 267 list. Such portions of the information required pursuant to this  
 268 paragraph which are a trade secret, as defined in s. 812.081,  
 269 shall be maintained by the department as trade secret information  
 270 is required to be maintained under s. 499.051.

271 (f)~~(h)~~1. This paragraph applies only to an affiliated  
 272 group, as defined by s. 1504 of the Internal Revenue Code of  
 273 1986, as amended, which is composed of chain drug entities,  
 274 including at least 50 retail pharmacies, warehouses, or  
 275 repackagers, which are members of the same affiliated group, if  
 276 the affiliated group:

277 a. Discloses to the department the names of all its  
 278 members; and

279 b. Agrees in writing to provide records on prescription  
 280 drug purchases by members of the affiliated group not later than  
 281 48 hours after the department requests such records, regardless  
 282 of the location where the records are stored.

283 2. Each warehouse within the affiliated group must comply  
 284 with all applicable federal and state drug wholesale permit  
 285 requirements and must purchase, receive, hold, and distribute  
 286 prescription drugs only to a retail pharmacy or warehouse within  
 287 the affiliated group. Such a warehouse is exempt from providing a  
 288 pedigree paper in accordance with paragraph (d) ~~paragraphs (d),~~  
 289 ~~(e), and (f)~~ to its affiliated group member warehouse or retail  
 290 pharmacy, provided that:

291 a. Any affiliated group member that purchases or receives a  
 292 prescription drug from outside the affiliated group must receive  
 293 a pedigree paper if the prescription drug is distributed in or  
 294 into this state and a pedigree paper is required under this  
 295 section and must authenticate the documentation as required in  
 296 subsection (4), regardless of whether the affiliated group member  
 297 is directly subject to regulation under this chapter; and

298 b. The affiliated group makes available to the department  
 299 on request all records related to the purchase or acquisition of  
 300 prescription drugs by members of the affiliated group, regardless  
 301 of the location where the records are stored, if the prescription  
 302 drugs were distributed in or into this state.

303 3. If a repackager repackages prescription drugs solely for  
 304 distribution to its affiliated group members for the exclusive  
 305 distribution to and among retail pharmacies that are members of  
 306 the affiliated group to which the repackager is a member:

307 a. The repackager must:

308 (I) In lieu of the written statement required by paragraph  
 309 ~~(d), paragraph (e), or paragraph (f)~~, for all repackaged  
 310 prescription drugs distributed in or into this state, state in  
 311 writing under oath with each distribution of a repackaged  
 312 prescription drug to an affiliated group member warehouse or  
 313 repackager: "All repackaged prescription drugs are purchased by  
 314 the affiliated group directly from the manufacturer or from a  
 315 prescription drug wholesaler that purchased the prescription  
 316 drugs directly from the manufacturer.";

317 (II) Purchase all prescription drugs it repackages:

318 (A) Directly from the manufacturer; or

319 (B) From a prescription drug wholesaler that purchased the

320 prescription drugs directly from the manufacturer; and  
 321 (III) Maintain records in accordance with this section to  
 322 document that it purchased the prescription drugs directly from  
 323 the manufacturer or that its prescription drug wholesale supplier  
 324 purchased the prescription drugs directly from the manufacturer.

325 b. All members of the affiliated group must provide to  
 326 agents of the department on request records of purchases by all  
 327 members of the affiliated group of prescription drugs that have  
 328 been repackaged, regardless of the location where the records are  
 329 stored or where the repackager is located.

330  
 331 Reviser's note.--Paragraphs (6)(d) and (e), which  
 332 relate to certain recordkeeping requirements for  
 333 persons engaged in the manufacture or wholesale  
 334 distribution of a prescription drug and placement of  
 335 prescription drugs on a list of specified drugs,  
 336 expired pursuant to their own terms, effective July 1,  
 337 2006. Paragraphs (6)(f), (g), and (h) are redesignated  
 338 and amended to conform to the expiration of paragraphs  
 339 (d) and (e).

340  
 341 Section 18. Section 1004.065, Florida Statutes, is  
 342 repealed.

343  
 344 Reviser's note.--The cited section, which relates to a  
 345 limitation on university and direct-support  
 346 organization financings, expired pursuant to its own  
 347 terms, effective July 1, 2006.

348

349 Section 19. Paragraph (f) of subsection (1) of section  
 350 29.008, Florida Statutes, is amended to read:

351 29.008 County funding of court-related functions.--

352 (1) Counties are required by s. 14, Art. V of the State  
 353 Constitution to fund the cost of communications services,  
 354 existing radio systems, existing multiagency criminal justice  
 355 information systems, and the cost of construction or lease,  
 356 maintenance, utilities, and security of facilities for the  
 357 circuit and county courts, public defenders' offices, state  
 358 attorneys' offices, guardian ad litem offices, and the offices of  
 359 the clerks of the circuit and county courts performing court-  
 360 related functions. For purposes of this section, the term  
 361 "circuit and county courts" shall include the offices and  
 362 staffing of the guardian ad litem programs. The county designated  
 363 under s. 35.05(1) as the headquarters for each appellate district  
 364 shall fund these costs for the appellate division of the public  
 365 defender's office in that county. For purposes of implementing  
 366 these requirements, the term:

367 (f) "Communications services" are defined as any reasonable  
 368 and necessary transmission, emission, and reception of signs,  
 369 signals, writings, images, and sounds of intelligence of any  
 370 nature by wire, radio, optical, audio equipment, or other  
 371 electromagnetic systems and includes all facilities and equipment  
 372 owned, leased, or used by judges, clerks, public defenders, state  
 373 attorneys, and all staff of the state courts system, state  
 374 attorneys' offices, public defenders' offices, and clerks of the  
 375 circuit and county courts performing court-related functions.  
 376 Such system or services shall include, but not be limited to:

377 1. Telephone system infrastructure, including computer

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378 lines, telephone switching equipment, and maintenance, and  
379 facsimile equipment, wireless communications, cellular  
380 telephones, pagers, and video teleconferencing equipment and line  
381 charges. Each county shall continue to provide access to a local  
382 carrier for local and long distance service and shall pay toll  
383 charges for local and long distance service.

384 2. All computer networks, systems and equipment, including  
385 computer hardware and software, modems, printers, wiring, network  
386 connections, maintenance, support staff or services including any  
387 county-funded support staff located in the offices of the circuit  
388 court, county courts, state attorneys, and public defenders,  
389 training, supplies, and line charges necessary for an integrated  
390 computer system to support the operations and management of the  
391 state courts system, the offices of the public defenders, the  
392 offices of the state attorneys, and the offices of the clerks of  
393 the circuit and county courts and the capability to connect those  
394 entities and reporting data to the state as required for the  
395 transmission of revenue, performance accountability, case  
396 management, data collection, budgeting, and auditing purposes.  
397 The integrated computer system shall be operational by July 1,  
398 2006, and, at a minimum, permit the exchange of financial,  
399 performance accountability, case management, case disposition,  
400 and other data across multiple state and county information  
401 systems involving multiple users at both the state level and  
402 within each judicial circuit and be able to electronically  
403 exchange judicial case background data, sentencing scoresheets,  
404 and video evidence information stored in integrated case  
405 management systems over secure networks. ~~Once the integrated~~  
406 ~~system becomes operational, counties may reject requests to~~

407 ~~purchase communication services included in this subparagraph not~~  
 408 ~~in compliance with standards, protocols, or processes adopted by~~  
 409 ~~the board established pursuant to s. 29.0086.~~

410 3. Courier messenger and subpoena services.

411 4. Auxiliary aids and services for qualified individuals  
 412 with a disability which are necessary to ensure access to the  
 413 courts. Such auxiliary aids and services include, but are not  
 414 limited to, sign language interpretation services required under  
 415 the federal Americans with Disabilities Act other than services  
 416 required to satisfy due-process requirements and identified as a  
 417 state funding responsibility pursuant to ss. 29.004, 29.005,  
 418 29.006, and 29.007, real-time transcription services for  
 419 individuals who are hearing impaired, and assistive listening  
 420 devices and the equipment necessary to implement such  
 421 accommodations.

422  
 423 Reviser's note.--Amended to delete language relating to  
 424 compliance with standards, protocols, or processes  
 425 adopted by the Article V Technology Board. Section  
 426 29.0086, which created the board, expired July 1, 2006;  
 427 that expiration is confirmed by this act.

428  
 429 Section 20. Subsection (31) of section 499.003, Florida  
 430 Statutes, is amended to read:

431 499.003 Definitions of terms used in ss. 499.001-  
 432 499.081.--As used in ss. 499.001-499.081, the term:

433 (31) "Pedigree paper" means:

434 ~~(a) A document required pursuant to s. 499.0121(6)(d) or~~  
 435 ~~(e); or~~

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436            (a) ~~(b)1-~~ Effective July 1, 2006, a document or electronic  
437 form approved by the Department of Health and containing  
438 information that records each distribution of any given legend  
439 drug, from sale by a pharmaceutical manufacturer, through  
440 acquisition and sale by any wholesaler or repackager, until final  
441 sale to a pharmacy or other person administering or dispensing  
442 the drug. The information required to be included on the form  
443 approved by the department pursuant to this paragraph  
444 ~~subparagraph~~ must at least detail the amount of the legend drug;  
445 its dosage form and strength; its lot numbers; the name and  
446 address of each owner of the legend drug and his or her  
447 signature; its shipping information, including the name and  
448 address of each person certifying delivery or receipt of the  
449 legend drug; an invoice number, a shipping document number, or  
450 another number uniquely identifying the transaction; and a  
451 certification that the recipient wholesaler has authenticated the  
452 pedigree papers. If the manufacturer or repackager has uniquely  
453 serialized the individual legend drug unit, that identifier must  
454 also be included on the form approved pursuant to this paragraph  
455 ~~subparagraph~~. It must also include the name, address, telephone  
456 number and, if available, e-mail contact information of each  
457 wholesaler involved in the chain of the legend drug's custody; or  
458            (b)2- A statement, under oath, in written or electronic  
459 form, confirming that a wholesale distributor purchases and  
460 receives the specific unit of the prescription drug directly from  
461 the manufacturer of the prescription drug and distributes the  
462 prescription drug directly, or through an intracompany transfer,  
463 to a chain pharmacy warehouse or a person authorized by law to  
464 purchase prescription drugs for the purpose of administering or



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465 dispensing the drug, as defined in s. 465.003. For purposes of  
466 this subsection ~~paragraph~~, the term "chain pharmacy warehouse"  
467 means a wholesale distributor permitted pursuant to s. 499.01  
468 that maintains a physical location for prescription drugs that  
469 functions solely as a central warehouse to perform intracompany  
470 transfers of such drugs to a member of its affiliated group as  
471 described in s. 499.0121(6)(f)1. ~~499.0121(6)(h)1.~~

472 1.a. ~~The information required to be included pursuant to~~  
473 this paragraph ~~subparagraph~~ must include:

474 a.(I) ~~The following statement: "This wholesale distributor~~  
475 purchased the specific unit of the prescription drug directly  
476 from the manufacturer."

477 b.(II) ~~The manufacturer's national drug code identifier and~~  
478 the name and address of the wholesaler and the purchaser of the  
479 prescription drug.

480 c.(III) ~~The name of the prescription drug as it appears on~~  
481 the label.

482 d.(IV) ~~The quantity, dosage form, and strength of the~~  
483 prescription drug.

484 2.b. ~~The wholesale distributor must also maintain and make~~  
485 available to the department, upon request, the point of origin of  
486 the prescription drugs, including intracompany transfers; the  
487 date of the shipment from the manufacturer to the wholesale  
488 distributor; the lot numbers of such drugs; and the invoice  
489 numbers from the manufacturer.

490

491 The department may adopt rules and forms relating to the  
492 requirements of this subsection.

493

494 Reviser's note.--Amended to conform to the expiration  
 495 of s. 499.0121(6) (d) and (e) by their own terms,  
 496 effective July 1, 2006; those expirations are confirmed  
 497 by this act.

498  
 499 Section 21. Subsection (29) of section 499.005, Florida  
 500 Statutes, is amended to read:

501 499.005 Prohibited acts.--It is unlawful for a person to  
 502 perform or cause the performance of any of the following acts in  
 503 this state:

504 (29) The receipt of a prescription drug pursuant to a  
 505 wholesale distribution without either first receiving a pedigree  
 506 paper that was attested to as accurate and complete by the  
 507 wholesale distributor or complying with the provisions of s.  
 508 499.0121(6) (d) 6. ~~499.0121(6) (f) 6.~~

509  
 510 Reviser's note.--Amended to conform to the expiration  
 511 of s. 499.0121(6) (d) and (e) by their own terms,  
 512 effective July 1, 2006; those expirations are confirmed  
 513 by this act.

514  
 515 Section 22. Paragraphs (e), (f), (g), and (h) of subsection  
 516 (2) of section 499.012, Florida Statutes, are amended to read:

517 499.012 Wholesale distribution; definitions; permits;  
 518 applications; general requirements.--

519 (2) The following types of wholesaler permits are  
 520 established:

521 (e) Nonresident prescription drug manufacturer permit.--A  
 522 nonresident prescription drug manufacturer permit is required for

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523 any person that is a manufacturer of prescription drugs, or the  
524 distribution point for a manufacturer of prescription drugs, and  
525 located outside of this state, or that is an entity to whom an  
526 approved new drug application has been issued by the United  
527 States Food and Drug Administration, or the contracted  
528 manufacturer of the approved new drug application holder, and  
529 located outside the United States, which engages in the wholesale  
530 distribution in this state of the prescription drugs it  
531 manufactures or is responsible for manufacturing. Each such  
532 manufacturer or entity must be permitted by the department and  
533 comply with all the provisions required of a wholesale  
534 distributor under ss. 499.001-499.081, except s. 499.0121(6)(d)-  
535 ~~(e), or (f)~~.

536 1. A person that distributes prescription drugs that it did  
537 not manufacture must also obtain an out-of-state prescription  
538 drug wholesaler permit pursuant to this section to engage in the  
539 wholesale distribution of the prescription drugs manufactured by  
540 another person and comply with the requirements of an out-of-  
541 state prescription drug wholesaler.

542 2. Any such person must comply with the licensing or  
543 permitting requirements of the jurisdiction in which the  
544 establishment is located and the federal act, and any product  
545 wholesaled into this state must comply with ss. 499.001-499.081.  
546 If a person intends to import prescription drugs from a foreign  
547 country into this state, the nonresident prescription drug  
548 manufacturer must provide to the department a list identifying  
549 each prescription drug it intends to import and document approval  
550 by the United States Food and Drug Administration for such  
551 importation.

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552 (f) Freight forwarder permit.--A freight forwarder permit  
553 is required for any person that engages in the distribution of a  
554 legend drug as a freight forwarder unless the person is a common  
555 carrier. The storage, handling, and recordkeeping of such  
556 distributions must comply with the requirements for wholesale  
557 distributors under s. 499.0121, except those set forth in s.  
558 499.0121(6) (d), ~~(e), or (f)~~. A freight forwarder must provide the  
559 source of the legend drugs with a validated airway bill, bill of  
560 lading, or other appropriate documentation to evidence the  
561 exportation of the product.

562 (g) A veterinary prescription drug wholesaler permit.--A  
563 veterinary prescription drug wholesaler permit is required for  
564 any person that engages in the distribution of veterinary  
565 prescription drugs in or into this state. A veterinary  
566 prescription drug wholesaler that also distributes prescription  
567 drugs subject to, defined by, or described by s. 503(b) of the  
568 Federal Food, Drug, and Cosmetic Act which it did not manufacture  
569 must obtain a permit as a prescription drug wholesaler, an out-  
570 of-state prescription drug wholesaler, or a limited prescription  
571 drug veterinary wholesaler in lieu of the veterinary prescription  
572 drug wholesaler permit. A veterinary prescription drug wholesaler  
573 must comply with the requirements for wholesale distributors  
574 under s. 499.0121, except those set forth in s. 499.0121(6) (d), ~~(e), or (f)~~.

576 (h) Limited prescription drug veterinary wholesaler  
577 permit.--Unless engaging in the activities of and permitted as a  
578 prescription drug manufacturer, nonresident prescription drug  
579 manufacturer, prescription drug wholesaler, or out-of-state  
580 prescription drug wholesaler, a limited prescription drug

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581 veterinary wholesaler permit is required for any person that  
582 engages in the distribution in or into this state of veterinary  
583 prescription drugs and prescription drugs subject to, defined by,  
584 or described by s. 503(b) of the Federal Food, Drug, and Cosmetic  
585 Act under the following conditions:

586 1. The person is engaged in the business of wholesaling  
587 prescription and veterinary legend drugs to persons:

588 a. Licensed as veterinarians practicing on a full-time  
589 basis;

590 b. Regularly and lawfully engaged in instruction in  
591 veterinary medicine;

592 c. Regularly and lawfully engaged in law enforcement  
593 activities;

594 d. For use in research not involving clinical use; or

595 e. For use in chemical analysis or physical testing or for  
596 purposes of instruction in law enforcement activities, research,  
597 or testing.

598 2. No more than 30 percent of total annual prescription  
599 drug sales may be prescription drugs approved for human use which  
600 are subject to, defined by, or described by s. 503(b) of the  
601 Federal Food, Drug, and Cosmetic Act.

602 3. The person is not permitted, licensed, or otherwise  
603 authorized in any state to wholesale prescription drugs subject  
604 to, defined by, or described by s. 503(b) of the Federal Food,  
605 Drug, and Cosmetic Act to any person who is authorized to sell,  
606 distribute, purchase, trade, or use these drugs on or for humans.

607 4. A limited prescription drug veterinary wholesaler that  
608 applies to the department for a new permit or the renewal of a  
609 permit must submit a bond of \$20,000, or other equivalent means

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610 of security acceptable to the department, such as an irrevocable  
611 letter of credit or a deposit in a trust account or financial  
612 institution, payable to the Florida Drug, Device, and Cosmetic  
613 Trust Fund. The purpose of the bond is to secure payment of any  
614 administrative penalties imposed by the department and any fees  
615 and costs incurred by the department regarding that permit which  
616 are authorized under state law and which the permittee fails to  
617 pay 30 days after the fine or costs become final. The department  
618 may make a claim against such bond or security until 1 year after  
619 the permittee's license ceases to be valid or until 60 days after  
620 any administrative or legal proceeding authorized in ss. 499.001-  
621 499.081 which involves the permittee is concluded, including any  
622 appeal, whichever occurs later.

623 5. A limited prescription drug veterinary wholesaler must  
624 maintain at all times a license or permit to engage in the  
625 wholesale distribution of prescription drugs in compliance with  
626 laws of the state in which it is a resident.

627 6. A limited prescription drug veterinary wholesaler must  
628 comply with the requirements for wholesale distributors under s.  
629 499.0121, except that a limited prescription drug veterinary  
630 wholesaler is not required to provide a pedigree paper as  
631 required by s. 499.0121(6)(d) ~~499.0121(6)(f)~~ upon the wholesale  
632 distribution of a prescription drug to a veterinarian.

633 7. A limited prescription drug veterinary wholesaler may  
634 not return to inventory for subsequent wholesale distribution any  
635 prescription drug subject to, defined by, or described by s.  
636 503(b) of the Federal Food, Drug, and Cosmetic Act which has been  
637 returned by a veterinarian.

638 8. An out-of-state prescription drug wholesaler's permit or

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639 a limited prescription drug veterinary wholesaler permit is not  
 640 required for an intracompany sale or transfer of a prescription  
 641 drug from an out-of-state establishment that is duly licensed to  
 642 engage in the wholesale distribution of prescription drugs in its  
 643 state of residence to a licensed limited prescription drug  
 644 veterinary wholesaler in this state if both wholesalers conduct  
 645 wholesale distributions of prescription drugs under the same  
 646 business name. The recordkeeping requirements of s. 499.0121(6)  
 647 must be followed for this transaction.

648  
 649 Reviser's note.--Amended to conform to the expiration  
 650 of s. 499.0121(6) (d) and (e) by their own terms,  
 651 effective July 1, 2006; those expirations are confirmed  
 652 by this act.

653  
 654 Section 23. Subsection (3) of section 499.01211, Florida  
 655 Statutes, is amended to read:

656 499.01211 Drug Wholesaler Advisory Council.--

657 (3) The council shall review ss. 499.001-499.081 and the  
 658 rules adopted to administer ss. 499.001-499.081 annually, provide  
 659 input to the department regarding all proposed rules to  
 660 administer ss. 499.001-499.081, ~~make written recommendation to~~  
 661 ~~the secretary of the department regarding the listing of all~~  
 662 ~~specified drugs pursuant to s. 499.0121(6) (e),~~ make  
 663 recommendations to the department to improve the protection of  
 664 the prescription drugs and public health, make recommendations to  
 665 improve coordination with other states' regulatory agencies and  
 666 the federal government concerning the wholesale distribution of  
 667 drugs, and make recommendations to minimize the impact of

668 regulation of the wholesale distribution industry while ensuring  
 669 protection of the public health.

670  
 671 Reviser's note.--Amended to conform to the expiration  
 672 of s. 499.0121(6) (e) by its own terms, effective July  
 673 1, 2006; that expiration is confirmed by this act.

674  
 675 Section 24. Paragraph (c) of subsection (2) of section  
 676 499.0122, Florida Statutes, is amended to read:

677 499.0122 Medical oxygen and veterinary legend drug retail  
 678 establishments; definitions, permits, general requirements.--

679 (2)

680 (c) A retail establishment must comply with all of the  
 681 wholesale distribution requirements of s. 499.0121 ~~except those~~  
 682 ~~set forth in s. 499.0121(6) (d)~~.

683  
 684 Reviser's note.--Amended to conform to the expiration  
 685 of s. 499.0121(6) (d) by its own terms, effective July  
 686 1, 2006; that expiration is confirmed by this act.

687  
 688 Section 25. Subsection (3) of section 499.014, Florida  
 689 Statutes, is amended to read:

690 499.014 Distribution of legend drugs by hospitals, health  
 691 care entities, charitable organizations, and return or  
 692 destruction companies; permits, general requirements.--

693 (3) Storage, handling, and recordkeeping of these  
 694 distributions must comply with the requirements for wholesale  
 695 distributors under s. 499.0121, except those set forth in s.  
 696 499.0121(6) (d), ~~(e)~~, ~~or (f)~~.



697  
 698 Reviser's note.--Amended to conform to the expiration  
 699 of s. 499.0121(6) (d) and (e) by their own terms,  
 700 effective July 1, 2006; those expirations are confirmed  
 701 by this act.

702  
 703 Section 26. Subsection (7) of section 499.051, Florida  
 704 Statutes, is amended to read:

705 499.051 Inspections and investigations.--

706 (7) The complaint and all information obtained pursuant to  
 707 the investigation by the department are confidential and exempt  
 708 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
 709 State Constitution until the investigation and the enforcement  
 710 action are completed. However, trade secret information contained  
 711 therein as defined by s. 812.081(1)(c) shall remain confidential  
 712 and exempt from the provisions of s. 119.07(1) and s. 24(a), Art.  
 713 I of the State Constitution, as long as the information is  
 714 retained by the department. This subsection does not prohibit  
 715 the department from using such information for regulatory or  
 716 enforcement proceedings under this chapter or from providing such  
 717 information to any law enforcement agency or any other regulatory  
 718 agency. However, the receiving agency shall keep such records  
 719 confidential and exempt as provided in this subsection. In  
 720 addition, this subsection is not intended to prevent compliance  
 721 with the provisions of s. 499.0121(6) (d), ~~(e), or (f)~~, and the  
 722 pedigree papers required in that subsection shall not be deemed a  
 723 trade secret.

724  
 725 Reviser's note.--Amended to conform to the expiration

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726 | of s. 499.0121(6) (d) and (e) by their own terms,  
727 | effective July 1, 2006; those expirations are confirmed  
728 | by this act.

729

730 | Section 27. This act shall take effect on the 60th day  
731 | after adjournment sine die of the session of the Legislature in  
732 | which enacted.