

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.; providing an effective date.

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 Section 29.0086, Florida Statutes, is repealed.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 23 the Article V Technology Board, was repealed pursuant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 Section 29.014, Florida Statutes, is repealed.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30 | repealed by s. 70, ch. 2005-236, Laws of Florida,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32 | repealed by a "current session" of the Legislature, it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 Section 120.551, Florida Statutes, is repealed.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41 | Administrative Weekly, was repealed pursuant to its
42 | own 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45 | Statutes, is repealed.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
48 | to 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54 | Statutes, is repealed.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

57 | to amendments to approved operating budgets
58 | authorizing the expenditure of moneys from the Working
59 | Capital Fund 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
67 | to a discretionary per-vehicle surcharge by a
68 | governing authority of a municipality with a resident
69 | population of 300,000 or more on or after April 1,
70 | 1999, which has been declared in a state of financial
71 | emergency pursuant to s. 218.503, expired pursuant to
72 | its own 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
81 | to the municipality at no cost, expired pursuant to
82 | its 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
 89 enter into certain agreements with a private provider
 90 to 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
 97 to 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
 103 to certain increased appropriations for projects
 104 funded within the Department of Transportation,
 105 expired pursuant to its own terms, effective July 1,
 106 2006.

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 109 Statutes, is repealed.

110
 111 Reviser's note.--The cited subsection, which
 112 authorizes appropriations of funds allocated to the

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113 Land Acquisition Trust Fund for water quality issues
114 in the General Appropriations Act for the 2005-2006
115 fiscal year only, expired pursuant to its own terms,
116 effective July 1, 2006.

117

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

120

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

127

128 Section 12. Paragraph (g) of subsection (2) of section
129 402.305, Florida Statutes, is repealed.

130

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

136

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

139

140 Reviser's note.--The cited subsection, which permits,

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141 for the 2005-2006 fiscal year only, any unappropriated
142 balance in the State Housing Trust Fund in the
143 Department of Community Affairs to be transferred by
144 the General Appropriations Act to the Emergency
145 Management Preparedness and Assistance Trust Fund,
146 expired pursuant to its own terms, effective July 1,
147 2006.

148

149 Section 14. Paragraph (d) of subsection (4) of section
150 420.36, Florida Statutes, is repealed.

151

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

159

160 Section 15. Paragraph (g) of subsection (1) of section
161 497.161, Florida Statutes, is repealed.

162

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

168

169 Section 16. Paragraph (a) of subsection (2) of section
 170 499.0051, Florida Statutes, is repealed.

171
 172 Reviser's note.--The cited paragraph, which relates to
 173 failure to authenticate pedigree papers relating to
 174 legend drug distribution and which is replaced by
 175 similar provisions in paragraph (2)(b) effective July
 176 1, 2006, expired pursuant to its own terms, effective
 177 July 1, 2006.

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

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

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

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

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197 2. A repackager must comply with this paragraph.

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

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

204 ~~5. In order to verify compliance with subparagraph (d)1.,~~
205 ~~each manufacturer of a prescription drug sold in this state must~~
206 ~~make available upon request distribution documentation related~~
207 ~~to its sales of prescription drugs, regardless of whether the~~
208 ~~prescription drug was sold directly by the manufacturer to a~~
209 ~~person in Florida.~~

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

218 a. The wholesale distributor must deliver to the recipient
219 of the prescription drug, within 14 days after the shipment
220 notification from the manufacturer, an invoice and the following
221 sworn statement: "This wholesale distributor purchased the
222 specific unit of the prescription drug listed on the invoice
223 directly from the manufacturer, and the specific unit of
224 prescription drug was shipped by the manufacturer directly to a

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225 person authorized by law to administer or dispense the legend
226 drug, as defined in s. 465.003, Florida Statutes, or a member of
227 an affiliated group, as described in s. 499.0121(6)(f)
228 ~~499.0121(6)(h)~~, Florida Statutes, with the exception of a
229 repackager." The invoice must contain a unique cross-reference
230 to the shipping document sent by the manufacturer to the
231 recipient of the prescription drug.

232 b. The manufacturer of the prescription drug shipped
233 directly to the recipient under this section must provide and
234 the recipient of the prescription drug must acquire, within 14
235 days after receipt of the prescription drug, a shipping document
236 from the manufacturer that contains, at a minimum:

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

240 (II) The name of the prescription drug as it appears on
241 the label.

242 (III) The quantity, dosage form, and strength of the
243 prescription drug.

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

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

249 6.7- Failure of the manufacturer to provide, the recipient
250 to acquire, or the wholesale distributor to deliver, the
251 documentation required under subparagraph 5.6- shall constitute
252 failure to acquire or deliver a pedigree paper under s.

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253 499.0051. Forgery by the manufacturer, the recipient, or the
254 wholesale distributor of the documentation required to be
255 acquired or delivered under subparagraph 5.6 shall constitute
256 forgery of a pedigree paper under s. 499.0051.

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

263 (e)~~(g)~~ Each wholesale distributor, except for a
264 manufacturer, shall annually provide the department with a
265 written list of all wholesale distributors and manufacturers
266 from whom the wholesale distributor purchases prescription
267 drugs. A wholesale distributor, except a manufacturer, shall
268 notify the department not later than 10 days after any change to
269 either list. Such portions of the information required pursuant
270 to this paragraph which are a trade secret, as defined in s.
271 812.081, shall be maintained by the department as trade secret
272 information is required to be maintained under s. 499.051.

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

279 a. Discloses to the department the names of all its
280 members; and

281 b. Agrees in writing to provide records on prescription
 282 drug purchases by members of the affiliated group not later than
 283 48 hours after the department requests such records, regardless
 284 of the location where the records are stored.

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

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

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

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

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309 member:

310 a. The repackager must:

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

320 (II) Purchase all prescription drugs it repackages:

321 (A) Directly from the manufacturer; or

322 (B) From a prescription drug wholesaler that purchased the
323 prescription drugs directly from the manufacturer; and

324 (III) Maintain records in accordance with this section to
325 document that it purchased the prescription drugs directly from
326 the manufacturer or that its prescription drug wholesale
327 supplier purchased the prescription drugs directly from the
328 manufacturer.

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

334

335 Reviser's note.--Paragraphs (6)(d) and (e), which
336 relate to certain recordkeeping requirements for

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337 persons engaged in the manufacture or wholesale
338 distribution of a prescription drug and placement of
339 prescription drugs on a list of specified drugs,
340 expired pursuant to their own terms, effective July 1,
341 2006. Paragraphs (6)(f), (g), and (h) are redesignated
342 and amended to conform to the expiration of paragraphs
343 (d) and (e).

344

345 Section 18. Section 1004.065, Florida Statutes, is
346 repealed.

347

348 Reviser's note.--The cited section, which relates to a
349 limitation on university and direct-support
350 organization financings, expired pursuant to its own
351 terms, effective July 1, 2006.

352

353 Section 19. Paragraph (f) of subsection (1) of section
354 29.008, Florida Statutes, is amended to read:

355 29.008 County funding of court-related functions.--

356 (1) Counties are required by s. 14, Art. V of the State
357 Constitution to fund the cost of communications services,
358 existing radio systems, existing multiagency criminal justice
359 information systems, and the cost of construction or lease,
360 maintenance, utilities, and security of facilities for the
361 circuit and county courts, public defenders' offices, state
362 attorneys' offices, guardian ad litem offices, and the offices
363 of the clerks of the circuit and county courts performing court-
364 related functions. For purposes of this section, the term

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365 "circuit and county courts" shall include the offices and
366 staffing of the guardian ad litem programs. The county
367 designated under s. 35.05(1) as the headquarters for each
368 appellate district shall fund these costs for the appellate
369 division of the public defender's office in that county. For
370 purposes of implementing these requirements, the term:

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

382 1. Telephone system infrastructure, including computer
383 lines, telephone switching equipment, and maintenance, and
384 facsimile equipment, wireless communications, cellular
385 telephones, pagers, and video teleconferencing equipment and
386 line charges. Each county shall continue to provide access to a
387 local carrier for local and long distance service and shall pay
388 toll charges for local and long distance service.

389 2. All computer networks, systems and equipment, including
390 computer hardware and software, modems, printers, wiring,
391 network connections, maintenance, support staff or services
392 including any county-funded support staff located in the offices

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393 of the circuit court, county courts, state attorneys, and public
394 defenders, training, supplies, and line charges necessary for an
395 integrated computer system to support the operations and
396 management of the state courts system, the offices of the public
397 defenders, the offices of the state attorneys, and the offices
398 of the clerks of the circuit and county courts and the
399 capability to connect those entities and reporting data to the
400 state as required for the transmission of revenue, performance
401 accountability, case management, data collection, budgeting, and
402 auditing purposes. The integrated computer system shall be
403 operational by July 1, 2006, and, at a minimum, permit the
404 exchange of financial, performance accountability, case
405 management, case disposition, and other data across multiple
406 state and county information systems involving multiple users at
407 both the state level and within each judicial circuit and be
408 able to electronically exchange judicial case background data,
409 sentencing scoresheets, and video evidence information stored in
410 integrated case management systems over secure networks. ~~Once~~
411 ~~the integrated system becomes operational, counties may reject~~
412 ~~requests to purchase communication services included in this~~
413 ~~subparagraph not in compliance with standards, protocols, or~~
414 ~~processes adopted by the board established pursuant to s.~~
415 ~~29.0086.~~

416 3. Courier messenger and subpoena services.

417 4. Auxiliary aids and services for qualified individuals
418 with a disability which are necessary to ensure access to the
419 courts. Such auxiliary aids and services include, but are not
420 limited to, sign language interpretation services required under

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421 the federal Americans with Disabilities Act other than services
 422 required to satisfy due-process requirements and identified as a
 423 state funding responsibility pursuant to ss. 29.004, 29.005,
 424 29.006, and 29.007, real-time transcription services for
 425 individuals who are hearing impaired, and assistive listening
 426 devices and the equipment necessary to implement such
 427 accommodations.

428
 429 Reviser's note.--Amended to delete language relating
 430 to compliance with standards, protocols, or processes
 431 adopted by the Article V Technology Board. Section
 432 29.0086, which created the board, expired July 1,
 433 2006; that expiration is confirmed by this act.

434
 435 Section 20. Subsection (31) of section 499.003, Florida
 436 Statutes, is amended to read:

437 499.003 Definitions of terms used in ss. 499.001-
 438 499.081.--As used in ss. 499.001-499.081, the term:

439 (31) "Pedigree paper" means:

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

442 (a) ~~(b)1-~~ Effective July 1, 2006, a document or electronic
 443 form approved by the Department of Health and containing
 444 information that records each distribution of any given legend
 445 drug, from sale by a pharmaceutical manufacturer, through
 446 acquisition and sale by any wholesaler or repackager, until
 447 final sale to a pharmacy or other person administering or
 448 dispensing the drug. The information required to be included on

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449 the form approved by the department pursuant to this paragraph
450 ~~subparagraph~~ must at least detail the amount of the legend drug;
451 its dosage form and strength; its lot numbers; the name and
452 address of each owner of the legend drug and his or her
453 signature; its shipping information, including the name and
454 address of each person certifying delivery or receipt of the
455 legend drug; an invoice number, a shipping document number, or
456 another number uniquely identifying the transaction; and a
457 certification that the recipient wholesaler has authenticated
458 the pedigree papers. If the manufacturer or repackager has
459 uniquely serialized the individual legend drug unit, that
460 identifier must also be included on the form approved pursuant
461 to this paragraph ~~subparagraph~~. It must also include the name,
462 address, telephone number and, if available, e-mail contact
463 information of each wholesaler involved in the chain of the
464 legend drug's custody; or

465 (b)2- A statement, under oath, in written or electronic
466 form, confirming that a wholesale distributor purchases and
467 receives the specific unit of the prescription drug directly
468 from the manufacturer of the prescription drug and distributes
469 the prescription drug directly, or through an intracompany
470 transfer, to a chain pharmacy warehouse or a person authorized
471 by law to purchase prescription drugs for the purpose of
472 administering or dispensing the drug, as defined in s. 465.003.
473 For purposes of this subsection ~~paragraph~~, the term "chain
474 pharmacy warehouse" means a wholesale distributor permitted
475 pursuant to s. 499.01 that maintains a physical location for
476 prescription drugs that functions solely as a central warehouse

477 to perform intracompany transfers of such drugs to a member of
 478 its affiliated group as described in s. 499.0121(6)(f)1.

479 ~~499.0121(6)(h)1.~~

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

482 a.(I) The following statement: "This wholesale distributor
 483 purchased the specific unit of the prescription drug directly
 484 from the manufacturer."

485 b.(II) The manufacturer's national drug code identifier
 486 and the name and address of the wholesaler and the purchaser of
 487 the prescription drug.

488 c.(III) The name of the prescription drug as it appears on
 489 the label.

490 d.(IV) The quantity, dosage form, and strength of the
 491 prescription drug.

492 2.b. The wholesale distributor must also maintain and make
 493 available to the department, upon request, the point of origin
 494 of the prescription drugs, including intracompany transfers; the
 495 date of the shipment from the manufacturer to the wholesale
 496 distributor; the lot numbers of such drugs; and the invoice
 497 numbers from the manufacturer.

498
 499 The department may adopt rules and forms relating to the
 500 requirements of this subsection.

501
 502 Reviser's note.--Amended to conform to the expiration
 503 of s. 499.0121(6)(d) and (e) by their own terms,
 504 effective July 1, 2006; those expirations are

505 confirmed by this act.

506

507 Section 21. Subsection (29) of section 499.005, Florida
 508 Statutes, is amended to read:

509 499.005 Prohibited acts.--It is unlawful for a person to
 510 perform or cause the performance of any of the following acts in
 511 this state:

512 (29) The receipt of a prescription drug pursuant to a
 513 wholesale distribution without either first receiving a pedigree
 514 paper that was attested to as accurate and complete by the
 515 wholesale distributor or complying with the provisions of s.
 516 499.0121(6)(d)6. ~~499.0121(6)(f)6.~~

517

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

522

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

526 499.012 Wholesale distribution; definitions; permits;
 527 applications; general requirements.--

528 (2) The following types of wholesaler permits are
 529 established:

530 (e) Nonresident prescription drug manufacturer permit.--A
 531 nonresident prescription drug manufacturer permit is required
 532 for any person that is a manufacturer of prescription drugs, or

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533 the distribution point for a manufacturer of prescription drugs,
534 and located outside of this state, or that is an entity to whom
535 an approved new drug application has been issued by the United
536 States Food and Drug Administration, or the contracted
537 manufacturer of the approved new drug application holder, and
538 located outside the United States, which engages in the
539 wholesale distribution in this state of the prescription drugs
540 it manufactures or is responsible for manufacturing. Each such
541 manufacturer or entity must be permitted by the department and
542 comply with all the provisions required of a wholesale
543 distributor under ss. 499.001-499.081, except s. 499.0121(6)(d)~~),~~
544 ~~(e), or (f).~~

545 1. A person that distributes prescription drugs that it
546 did not manufacture must also obtain an out-of-state
547 prescription drug wholesaler permit pursuant to this section to
548 engage in the wholesale distribution of the prescription drugs
549 manufactured by another person and comply with the requirements
550 of an out-of-state prescription drug wholesaler.

551 2. Any such person must comply with the licensing or
552 permitting requirements of the jurisdiction in which the
553 establishment is located and the federal act, and any product
554 wholesaled into this state must comply with ss. 499.001-499.081.
555 If a person intends to import prescription drugs from a foreign
556 country into this state, the nonresident prescription drug
557 manufacturer must provide to the department a list identifying
558 each prescription drug it intends to import and document
559 approval by the United States Food and Drug Administration for
560 such importation.

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561 (f) Freight forwarder permit.--A freight forwarder permit
562 is required for any person that engages in the distribution of a
563 legend drug as a freight forwarder unless the person is a common
564 carrier. The storage, handling, and recordkeeping of such
565 distributions must comply with the requirements for wholesale
566 distributors under s. 499.0121, except those set forth in s.
567 499.0121(6) (d), ~~(e)~~, ~~or (f)~~. A freight forwarder must provide
568 the source of the legend drugs with a validated airway bill,
569 bill of lading, or other appropriate documentation to evidence
570 the exportation of the product.

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

585 (h) Limited prescription drug veterinary wholesaler
586 permit.--Unless engaging in the activities of and permitted as a
587 prescription drug manufacturer, nonresident prescription drug
588 manufacturer, prescription drug wholesaler, or out-of-state

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589 prescription drug wholesaler, a limited prescription drug
590 veterinary wholesaler permit is required for any person that
591 engages in the distribution in or into this state of veterinary
592 prescription drugs and prescription drugs subject to, defined
593 by, or described by s. 503(b) of the Federal Food, Drug, and
594 Cosmetic Act under the following conditions:

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

597 a. Licensed as veterinarians practicing on a full-time
598 basis;

599 b. Regularly and lawfully engaged in instruction in
600 veterinary medicine;

601 c. Regularly and lawfully engaged in law enforcement
602 activities;

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

604 e. For use in chemical analysis or physical testing or for
605 purposes of instruction in law enforcement activities, research,
606 or testing.

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

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

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617 4. A limited prescription drug veterinary wholesaler that
618 applies to the department for a new permit or the renewal of a
619 permit must submit a bond of \$20,000, or other equivalent means
620 of security acceptable to the department, such as an irrevocable
621 letter of credit or a deposit in a trust account or financial
622 institution, payable to the Florida Drug, Device, and Cosmetic
623 Trust Fund. The purpose of the bond is to secure payment of any
624 administrative penalties imposed by the department and any fees
625 and costs incurred by the department regarding that permit which
626 are authorized under state law and which the permittee fails to
627 pay 30 days after the fine or costs become final. The department
628 may make a claim against such bond or security until 1 year
629 after the permittee's license ceases to be valid or until 60
630 days after any administrative or legal proceeding authorized in
631 ss. 499.001-499.081 which involves the permittee is concluded,
632 including any appeal, whichever occurs later.

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

637 6. A limited prescription drug veterinary wholesaler must
638 comply with the requirements for wholesale distributors under s.
639 499.0121, except that a limited prescription drug veterinary
640 wholesaler is not required to provide a pedigree paper as
641 required by s. 499.0121(6)(d) ~~499.0121(6)(f)~~ upon the wholesale
642 distribution of a prescription drug to a veterinarian.

643 7. A limited prescription drug veterinary wholesaler may
644 not return to inventory for subsequent wholesale distribution

645 any prescription drug subject to, defined by, or described by s.
 646 503(b) of the Federal Food, Drug, and Cosmetic Act which has
 647 been returned by a veterinarian.

648 8. An out-of-state prescription drug wholesaler's permit
 649 or a limited prescription drug veterinary wholesaler permit is
 650 not required for an intracompany sale or transfer of a
 651 prescription drug from an out-of-state establishment that is
 652 duly licensed to engage in the wholesale distribution of
 653 prescription drugs in its state of residence to a licensed
 654 limited prescription drug veterinary wholesaler in this state if
 655 both wholesalers conduct wholesale distributions of prescription
 656 drugs under the same business name. The recordkeeping
 657 requirements of s. 499.0121(6) must be followed for this
 658 transaction.

659
 660 Reviser's note.--Amended to conform to the expiration
 661 of s. 499.0121(6) (d) and (e) by their own terms,
 662 effective July 1, 2006; those expirations are
 663 confirmed by this act.

664
 665 Section 23. Subsection (3) of section 499.01211, Florida
 666 Statutes, is amended to read:

667 499.01211 Drug Wholesaler Advisory Council.--

668 (3) The council shall review ss. 499.001-499.081 and the
 669 rules adopted to administer ss. 499.001-499.081 annually,
 670 provide input to the department regarding all proposed rules to
 671 administer ss. 499.001-499.081, ~~make written recommendation to~~
 672 ~~the secretary of the department regarding the listing of all~~

673 ~~specified drugs pursuant to s. 499.0121(6)(e),~~ make
 674 recommendations to the department to improve the protection of
 675 the prescription drugs and public health, make recommendations
 676 to improve coordination with other states' regulatory agencies
 677 and the federal government concerning the wholesale distribution
 678 of drugs, and make recommendations to minimize the impact of
 679 regulation of the wholesale distribution industry while ensuring
 680 protection of the public health.

681
 682 Reviser's note.--Amended to conform to the expiration
 683 of s. 499.0121(6)(e) by its own terms, effective July
 684 1, 2006; that expiration is confirmed by this act.

685
 686 Section 24. Paragraph (c) of subsection (2) of section
 687 499.0122, Florida Statutes, is amended to read:

688 499.0122 Medical oxygen and veterinary legend drug retail
 689 establishments; definitions, permits, general requirements.--

690 (2)

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

694
 695 Reviser's note.--Amended to conform to the expiration
 696 of s. 499.0121(6)(d) by its own terms, effective July
 697 1, 2006; that expiration is confirmed by this act.

698
 699 Section 25. Subsection (3) of section 499.014, Florida
 700 Statutes, is amended to read:

701 499.014 Distribution of legend drugs by hospitals, health
 702 care entities, charitable organizations, and return or
 703 destruction companies; permits, general requirements.--

704 (3) Storage, handling, and recordkeeping of these
 705 distributions must comply with the requirements for wholesale
 706 distributors under s. 499.0121, except those set forth in s.
 707 499.0121(6) (d), ~~(e), or (f)~~.

708

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

713

714 Section 26. Subsection (7) of section 499.051, Florida
 715 Statutes, is amended to read:

716 499.051 Inspections and investigations.--

717 (7) The complaint and all information obtained pursuant to
 718 the investigation by the department are confidential and exempt
 719 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
 720 State Constitution until the investigation and the enforcement
 721 action are completed. However, trade secret information
 722 contained therein as defined by s. 812.081(1)(c) shall remain
 723 confidential and exempt from the provisions of s. 119.07(1) and
 724 s. 24(a), Art. I of the State Constitution, as long as the
 725 information is retained by the department. This subsection does
 726 not prohibit the department from using such information for
 727 regulatory or enforcement proceedings under this chapter or from
 728 providing such information to any law enforcement agency or any

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729 other regulatory agency. However, the receiving agency shall
730 keep such records confidential and exempt as provided in this
731 subsection. In addition, this subsection is not intended to
732 prevent compliance with the provisions of s. 499.0121(6)(d),
733 ~~(e), or (f)~~, and the pedigree papers required in that subsection
734 shall not be deemed a trade secret.

735
736 Reviser's note.--Amended to conform to the expiration
737 of s. 499.0121(6)(d) and (e) by their own terms,
738 effective July 1, 2006; those expirations are
739 confirmed by this act.

740
741 Section 27. This act shall take effect on the 60th day
742 after adjournment sine die of the session of the Legislature in
743 which enacted.