



137876

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	
04/23/2009 04:25 PM	.	
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Senator Smith moved the following:

**Senate Amendment (with title amendment)**

Between lines 283 and 284  
insert:

Section 6. Paragraph (t) of subsection (2) of section  
499.01, Florida Statutes, is amended to read:

499.01 Permits.—

(2) The following permits are established:

(t) *Health care clinic establishment permit.*—Effective  
January 1, 2009, a health care clinic establishment permit is  
required for the purchase of a prescription drug by a place of  
business at one general physical location owned and operated by



137876

13 a professional corporation or professional limited liability  
14 company described in chapter 621, or a corporation that employs  
15 a veterinarian as a qualifying practitioner. For the purpose of  
16 this paragraph, the term "qualifying practitioner" means a  
17 licensed health care practitioner defined in s. 456.001 or a  
18 veterinarian licensed under chapter 474, who is authorized under  
19 the appropriate practice act to prescribe and administer a  
20 prescription drug.

21 1. An establishment must provide, as part of the  
22 application required under s. 499.012, designation of a  
23 qualifying practitioner who will be responsible for complying  
24 with all legal and regulatory requirements related to the  
25 purchase, recordkeeping, storage, and handling of the  
26 prescription drugs. In addition, the designated qualifying  
27 practitioner shall be the practitioner whose name, establishment  
28 address, and license number is used on all distribution  
29 documents for prescription drugs purchased or returned by the  
30 health care clinic establishment. Upon initial appointment of a  
31 qualifying practitioner, the qualifying practitioner and the  
32 health care clinic establishment shall notify the department on  
33 a form furnished by the department within 10 days after such  
34 employment. In addition, the qualifying practitioner and health  
35 care clinic establishment shall notify the department within 10  
36 days after any subsequent change.

37 2. The health care clinic establishment must employ a  
38 qualifying practitioner at each establishment.

39 3. In addition to the remedies and penalties provided in  
40 this part, a violation of this chapter by the health care clinic  
41 establishment or qualifying practitioner constitutes grounds for



137876

42 discipline of the qualifying practitioner by the appropriate  
43 regulatory board.

44 4. The purchase of prescription drugs by the health care  
45 clinic establishment is prohibited during any period of time  
46 when the establishment does not comply with this paragraph.

47 5. A health care clinic establishment permit is not a  
48 pharmacy permit or otherwise subject to chapter 465. A health  
49 care clinic establishment that meets the criteria of a modified  
50 Class II institutional pharmacy under s. 465.019 is not eligible  
51 to be permitted under this paragraph.

52 6. A business entity governed by s. 466.0285 may pay for  
53 prescription drugs obtained by a practitioner licensed under  
54 chapter 466, and the licensed practitioner is deemed the  
55 purchaser and owner of the prescription drugs.

56 ~~7.6.~~ This paragraph does not prohibit a qualifying  
57 practitioner from purchasing prescription drugs.

58  
59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete lines 2 - 18

62 and insert:

63 An act relating to public health; amending ss.  
64 381.855, 381.911, and 381.912, F.S.; conforming  
65 terminology to changes made by the act; amending s.  
66 381.98, F.S.; changing the name of the Florida Public  
67 Health Foundation, Inc., to the Florida Public Health  
68 Institute, Inc.; modifying the purpose of the  
69 institute; deleting the mission of the institute;  
70 revising the membership of the board of directors and



137876

71 the term of membership; deleting the duties of the  
72 institute to facilitate communication between  
73 biomedical researchers and health care providers, to  
74 provide an annual report of its finances, and to  
75 provide an annual report of its activities to the  
76 Governor and the Florida Center for Universal Research  
77 to Eradicate Disease; amending s. 381.981, F.S.;  
78 conforming terminology to changes made by the act;  
79 amending s. 499.01, F.S.; revising the criteria for  
80 health care clinic establishment permits; providing an  
81 effective date.