



624598

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SEN1/C
03/08/2012 02:44 PM	.	03/08/2012 05:05 PM
	.	

Senator Hays moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (c) of subsection (5) of section
373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

(5) PURCHASE OF AGRICULTURAL LANDS.—

(c) The district shall explore the availability of funding
from all sources, including any federal, state, regional, and
local land acquisition funding programs, to purchase the
agricultural lands described in paragraph (a). It is the
Legislature's intent that, if such funding sources can be



624598

14 identified, acquisition of the lands described in paragraph (a)
15 may be undertaken by the district to purchase these properties
16 from willing sellers. However, the purchase price paid for
17 acquisition of such lands that were in active cultivation during
18 1996 ~~may shall~~ not exceed the highest appraisal obtained by the
19 district for these lands from a state-certified general
20 appraiser following the standards of professional practice
21 established by rule of the Florida Real Estate Appraisal Board,
22 including standards for the development or communication of a
23 real estate appraisal ~~Uniform Standards of Professional~~
24 ~~Appraisal Practice~~. This maximum purchase price limitation may
25 ~~shall~~ not include, nor be applicable to, that portion of the
26 purchase price attributable to consideration of income described
27 in paragraph (b), or that portion attributable to related
28 facilities, or closing costs.

29 Section 2. Subsection (12) is added to section 455.213,
30 Florida Statutes, to read:

31 455.213 General licensing provisions.—

32 (12) The department shall waive the initial licensing fee,
33 the initial application fee, and the initial unlicensed activity
34 fee for a military veteran who applies to the department for a
35 license, in a format prescribed by the department, within 24
36 months after discharge from any branch of the United States
37 Armed Forces. To qualify for this waiver, the veteran must have
38 been honorably discharged.

39 Section 3. Subsection (10) of section 455.271, Florida
40 Statutes, is amended to read:

41 455.271 Inactive and delinquent status.—

42 (10) The board, or the department if there is no board, may



624598

43 not require ~~Before reactivation,~~ an inactive or delinquent
44 licensee, except for a licensee under chapter 473 or chapter
45 475, to complete more than one renewal cycle of ~~shall meet the~~
46 ~~same~~ continuing education to reactivate a license requirements,
47 ~~if any, imposed on an active status licensee for all biennial~~
48 ~~licensure periods in which the licensee was inactive or~~
49 ~~delinquent. This subsection does not apply to persons regulated~~
50 ~~under chapter 473.~~

51 Section 4. Section 468.391, Florida Statutes, is amended to
52 read:

53 468.391 Penalty.—Any auctioneer, apprentice, or auction
54 business or any owner or manager thereof, or, in the case of
55 corporate ownership, any substantial stockholder of the
56 corporation owning the auction business, who operates without an
57 active license or violates ~~any provision of the prohibited acts~~
58 ~~listed under~~ s. 468.389 (1) (c), (e), (f), (h), or (i) commits a
59 felony of the third degree, punishable as provided in s. 775.082
60 or s. 775.083.

61 Section 5. Section 468.4338, Florida Statutes, is amended
62 to read:

63 468.4338 Reactivation; continuing education.—The council
64 shall prescribe by rule continuing education requirements for
65 reactivating a license. The continuing education requirements
66 for reactivating a license may not exceed one renewal cycle of
67 continuing education ~~10 classroom hours for each year the~~
68 ~~license was inactive.~~

69 Section 6. Subsection (2) of section 468.8317, Florida
70 Statutes, is amended to read:

71 468.8317 Inactive license.—



624598

72 (2) A license that becomes ~~has become~~ inactive may be
73 reactivated upon application to the department. The department
74 may prescribe by rule continuing education requirements as a
75 condition of reactivating a license. The rules may not require
76 more than one renewal cycle of continuing education to
77 reactivate ~~requirements for reactivating~~ a license ~~may not~~
78 ~~exceed 14 hours for each year the license was inactive.~~

79 Section 7. Paragraph (d) of subsection (1) of section
80 468.841, Florida Statutes, is amended to read:

81 468.841 Exemptions.—

82 (1) The following persons are not required to comply with
83 any provisions of this part relating to mold assessment:

84 (d) Persons or business organizations acting within the
85 scope of the respective licenses required under part XV of this
86 chapter, chapter 471, part I or part II of chapter 481, chapter
87 482, or chapter 489 are acting on behalf of an insurer under
88 part VI of chapter 626, or are persons in the manufactured
89 housing industry who are licensed under chapter 320, except when
90 any such persons or business organizations hold themselves out
91 for hire to the public as a "certified mold assessor,"
92 "registered mold assessor," "licensed mold assessor," "mold
93 assessor," "professional mold assessor," or any combination
94 thereof stating or implying licensure under this part.

95 Section 8. Subsection (2) of section 468.8417, Florida
96 Statutes, is amended to read:

97 468.8417 Inactive license.—

98 (2) A license that becomes ~~has become~~ inactive may be
99 reactivated upon application to the department. The department
100 may prescribe by rule continuing education requirements as a



624598

101 condition of reactivating a license. The rules may not require
102 more than one renewal cycle of continuing education to
103 reactivate ~~requirements for reactivating a license may not~~
104 ~~exceed 14 hours for each year the license was inactive.~~

105 Section 9. Subsection (4) of section 469.002, Florida
106 Statutes, is amended to read:

107 469.002 Exemptions.—

108 (4) Licensure as an asbestos consultant or contractor is
109 not required for the repair, maintenance, removal, or disposal
110 of asbestos-containing pipe or conduit, if:

111 (a) The pipe or conduit is used for electrical, electronic,
112 communications, gas, sewer, or water service;

113 (b) The pipe or conduit is not located in a building;

114 (c) The pipe or conduit is made of Category I or Category
115 II nonfriable material as defined in NESHAP; and

116 (d) All such activities are performed according to all
117 applicable regulations, including work practices and training,
118 of the United States Occupational Safety and Health
119 Administration under 29 C.F.R. part 1926.

120 Section 10. Paragraph (t) of subsection (1) of section
121 475.25, Florida Statutes, is amended to read:

122 475.25 Discipline.—

123 (1) The commission may deny an application for licensure,
124 registration, or permit, or renewal thereof; may place a
125 licensee, registrant, or permittee on probation; may suspend a
126 license, registration, or permit for a period not exceeding 10
127 years; may revoke a license, registration, or permit; may impose
128 an administrative fine not to exceed \$5,000 for each count or
129 separate offense; and may issue a reprimand, and any or all of



624598

130 the foregoing, if it finds that the licensee, registrant,
131 permittee, or applicant:

132 (t) Has violated any standard of professional practice
133 adopted by rule of the Florida Real Estate Appraisal Board,
134 including standards for the development or communication of a
135 real estate appraisal ~~or other provision of the Uniform~~
136 ~~Standards of Professional Appraisal Practice, as defined in s.~~
137 ~~475.611,~~ as approved and adopted by the Appraisal Standards
138 Board of the Appraisal Foundation, as defined in s. 475.611.
139 This paragraph does not apply to a real estate broker or sales
140 associate who, in the ordinary course of business, performs a
141 comparative market analysis, gives a broker price opinion, or
142 gives an opinion of value of real estate. However, in no event
143 may this comparative market analysis, broker price opinion, or
144 opinion of value of real estate be referred to as an appraisal,
145 as defined in s. 475.611.

146 Section 11. Paragraph (e) of subsection (1) of section
147 475.42, Florida Statutes, is repealed.

148 Section 12. Paragraph (c) of subsection (2) of section
149 475.451, Florida Statutes, is amended, and subsection (9) is
150 added to that section, to read:

151 475.451 Schools teaching real estate practice.—

152 (2) An applicant for a permit to operate a proprietary real
153 estate school, to be a chief administrator of a proprietary real
154 estate school or a state institution, or to be an instructor for
155 a proprietary real estate school or a state institution must
156 meet the qualifications for practice set forth in s. 475.17(1)
157 and the following minimal requirements:

158 (c) "School instructor" means an individual who instructs



624598

159 persons in the classroom in noncredit college courses in a
160 college, university, or community college or courses in a career
161 center or proprietary real estate school.

162 1. Before commencing to provide such instruction, the
163 applicant must certify the applicant's competency and obtain an
164 instructor permit by meeting one of the following requirements:

165 a. Hold a bachelor's degree in a business-related subject,
166 such as real estate, finance, accounting, business
167 administration, or its equivalent and hold a valid broker's
168 license in this state.

169 b. Hold a bachelor's degree, have extensive real estate
170 experience, as defined by rule, and hold a valid broker's
171 license in this state.

172 c. Pass an instructor's examination approved by the
173 commission.

174 2. Any requirement by the commission for a teaching
175 demonstration or practical examination must apply to all school
176 instructor applicants.

177 3. The department shall renew an instructor permit upon
178 receipt of a renewal application and fee. The renewal
179 application shall include proof that the permitholder has, since
180 the issuance or renewal of the current permit, successfully
181 completed a minimum of 7 classroom or distance learning hours of
182 instruction in real estate subjects or instructional techniques,
183 as prescribed by the commission. The commission shall adopt
184 rules providing for the renewal of instructor permits at least
185 every 2 years. A Any permit that ~~which~~ is not renewed at the end
186 of the permit period established by the department ~~shall~~
187 automatically reverts ~~revert~~ to involuntarily inactive status.



624598

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189 The department may require an applicant to submit names of
190 persons having knowledge concerning the applicant and the
191 enterprise; may propound interrogatories to such persons and to
192 the applicant concerning the character of the applicant,
193 including the taking of fingerprints for processing through the
194 Federal Bureau of Investigation; and shall make such
195 investigation of the applicant or the school or institution as
196 it may deem necessary to the granting of the permit. If an
197 objection is filed, it shall be considered in the same manner as
198 objections or administrative complaints against other applicants
199 for licensure by the department.

200 (9) A real estate school may offer any course through
201 distance learning if the course complies with s. 475.17.

202 Section 13. Paragraphs (c) and (d) of subsection (1) of
203 section 475.611, Florida Statutes, are amended, present
204 paragraphs (t) through (x) of subsection (1) are redesignated as
205 paragraphs (u) through (y), respectively, and a new paragraph
206 (t) is added to that subsection, to read:

207 475.611 Definitions.—

208 (1) As used in this part, the term:

209 (c) "Appraisal management company" means a person who
210 performs appraisal management services regardless of the use of
211 the term "appraisal management company," "appraiser
212 cooperative," "appraiser portal," "mortgage technology company,"
213 or other term.

214 (d) "Appraisal management services" means the coordination
215 or management of appraisal services for compensation by:

216 1. Employing, contracting with, or otherwise retaining one



624598

217 or more licensed or certified appraisers to perform appraisal
218 services for a client; or

219 2. Acting as a broker or intermediary between a client and
220 one or more licensed or certified appraisers to facilitate the
221 client's employing, contracting with, or otherwise retaining the
222 appraisers.

223 (t) "Subsidiary" means an organization that is owned and
224 controlled by a financial institution that is regulated by a
225 federal financial institution regulatory agency.

226 Section 14. Subsection (5) of section 475.615, Florida
227 Statutes, is amended to read:

228 475.615 Qualifications for registration or certification.—

229 (5) At the time of filing an application for registration
230 or certification, the applicant must sign a pledge indicating
231 that upon becoming registered or certified, she or he will
232 comply with the standards of professional practice established
233 by rule of the board, including standards for the development or
234 communication of a real estate appraisal, ~~to comply with the~~
235 ~~Uniform Standards of Professional Appraisal Practice upon~~
236 ~~registration or certification~~ and must indicate in writing that
237 she or he understands the types of misconduct for which
238 disciplinary proceedings may be initiated. The application
239 expires ~~shall expire~~ 1 year after the date received by the
240 department.

241 Section 15. Subsections (1), (2), and (3) of section
242 475.617, Florida Statutes, are amended to read:

243 475.617 Education and experience requirements.—

244 (1) To be registered as a trainee appraiser, an applicant
245 must present evidence satisfactory to the board that she or he



624598

246 has successfully completed at least 100 hours of approved
247 academic courses in subjects related to real estate appraisal,
248 which must ~~shall~~ include coverage of the Uniform Standards of
249 Professional Appraisal Practice, or its equivalent, as
250 established by rule of the board, from a nationally recognized
251 or state-recognized appraisal organization, career center,
252 accredited community college, college, or university, state or
253 federal agency or commission, or proprietary real estate school
254 that holds a permit pursuant to s. 475.451. The board may
255 increase the required number of hours to not more than 125
256 hours. A classroom hour is defined as 50 minutes out of each 60-
257 minute segment. Past courses may be approved on an hour-for-hour
258 basis.

259 (2) To be certified as a residential appraiser, an
260 applicant must present satisfactory evidence to the board that
261 she or he has met the minimum education and experience
262 requirements prescribed by rule of the board. The board shall
263 prescribe by rule education and experience requirements that
264 meet or exceed the following real property appraiser
265 qualification criteria adopted on February 20, 2004, by the
266 Appraisal Qualifications Board of the Appraisal Foundation:

267 (a) Has at least 2,500 hours of experience obtained over a
268 24-month period in real property appraisal as defined by rule.

269 (b) Has successfully completed at least 200 classroom
270 hours, inclusive of examination, of approved academic courses in
271 subjects related to real estate appraisal, which must ~~shall~~
272 include a 15-hour National Uniform Standards of Professional
273 Appraisal Practice course, or its equivalent, as established by
274 rule of the board, from a nationally recognized or state-



624598

275 recognized appraisal organization, career center, accredited
276 community college, college, or university, state or federal
277 agency or commission, or proprietary real estate school that
278 holds a permit pursuant to s. 475.451. A classroom hour is
279 defined as 50 minutes out of each 60-minute segment. Past
280 courses may be approved by the board and substituted on an hour-
281 for-hour basis.

282 (3) To be certified as a general appraiser, an applicant
283 must present evidence satisfactory to the board that she or he
284 has met the minimum education and experience requirements
285 prescribed by rule of the board. The board shall prescribe
286 education and experience requirements that meet or exceed the
287 following real property appraiser qualification criteria adopted
288 on February 20, 2004, by the Appraisal Qualifications Board of
289 the Appraisal Foundation:

290 (a) Has at least 3,000 hours of experience obtained over a
291 30-month period in real property appraisal as defined by rule.

292 (b) Has successfully completed at least 300 classroom
293 hours, inclusive of examination, of approved academic courses in
294 subjects related to real estate appraisal, which must ~~shall~~
295 include a 15-hour National Uniform Standards of Professional
296 Appraisal Practice course, or its equivalent, as established by
297 rule of the board, from a nationally recognized or state-
298 recognized appraisal organization, career center, accredited
299 community college, college, or university, state or federal
300 agency or commission, or proprietary real estate school that
301 holds a permit pursuant to s. 475.451. A classroom hour is
302 defined as 50 minutes out of each 60-minute segment. Past
303 courses may be approved by the board and substituted on an hour-



624598

304 for-hour basis.

305 Section 16. Subsection (4) of section 475.6171, Florida
306 Statutes, is amended to read:

307 475.6171 Issuance of registration or certification.—The
308 registration or certification of an applicant may be issued upon
309 receipt by the board of the following:

310 (4) If required, proof of passing a written examination as
311 specified in s. 475.616. ~~No certification shall be issued based~~
312 ~~upon any examination results obtained more than 24 months after~~
313 ~~the date of examination.~~

314 Section 17. Subsection (1) of section 475.6175, Florida
315 Statutes, is amended to read:

316 475.6175 Registered trainee appraiser; postlicensure
317 education required.—

318 (1) The board shall prescribe postlicensure educational
319 requirements in order for a person to maintain a valid
320 registration as a registered trainee appraiser. If prescribed,
321 the postlicensure educational requirements consist of one or
322 more courses which total no more than the total educational
323 hours required to qualify as a state certified residential
324 appraiser. Such courses must be in subjects related to real
325 estate appraisal and must ~~shall~~ include coverage of the Uniform
326 Standards of Professional Appraisal Practice, or its equivalent,
327 as established by rule of the board. Such courses are provided
328 by a nationally or state-recognized appraisal organization,
329 career center, accredited community college, college, or
330 university, state or federal agency or commission, or
331 proprietary real estate school that holds a permit pursuant to
332 s. 475.451.



624598

333 Section 18. Section 475.6235, Florida Statutes, is amended
334 to read:

335 475.6235 Registration of appraisal management companies
336 required; exemptions.—

337 (1) A person may not engage, or offer to engage, in
338 appraisal management services for compensation in this state,
339 advertise or represent herself or himself as an appraisal
340 management company, ~~or use the titles "appraisal management~~
341 ~~company," "appraiser cooperative," "appraiser portal," or~~
342 ~~"mortgage technology company," or any abbreviation or words to~~
343 ~~that effect~~, unless the person is registered with the department
344 as an appraisal management company under this section. However,
345 an employee of an appraisal management company is not required
346 to obtain a separate registration.

347 (2) An application for registration must be submitted to
348 the department in the format prescribed by the department and
349 must include, at a minimum, the following:

350 (a) The firm or business name under which the appraisal
351 management company conducts business in this state. The
352 appraisal management company must notify the department of any
353 change in the firm or business name, on a form provided by the
354 department, within 10 days after such change.

355 (b) The mailing address, street address, and telephone
356 number of the appraisal management company's principal business
357 location. The appraisal management company must notify the
358 department of any change in the mailing or street address, on a
359 form provided by the department, within 10 days after such
360 change.

361 (c) The appraisal management company's federal employer



624598

362 identification number.

363 (d) The appraisal management company's type of business
364 organization, such as a corporation, partnership, limited
365 liability company, or sole proprietorship.

366 (e) A statement as to whether the appraisal management
367 company, if incorporated, is a domestic or foreign corporation,
368 the company's date of incorporation, the state in which the
369 company was incorporated, its charter number, and, if it is a
370 foreign corporation, the date that the company first registered
371 with the Department of State to conduct business in this state.

372 (f) The full name, street address, telephone number,
373 corporate title, and social security number or federal employer
374 identification number of any person who possesses the authority,
375 directly or indirectly, to direct the management or policies of
376 the appraisal management company, whether through ownership, by
377 contract, or otherwise, including, but not limited to:

378 1. Each officer and director if the appraisal management
379 company is a corporation.

380 2. Each general partner if the appraisal management company
381 is a partnership.

382 3. Each manager or managing member if the appraisal
383 management company is a limited liability company.

384 4. The owner if the appraisal management company is a sole
385 proprietorship.

386 5. Each other person who, directly or indirectly, owns or
387 controls 10 percent or more of an ownership interest in the
388 appraisal management company.

389 (g) The firm or business name under which any person listed
390 in paragraph (f) conducted business as an appraisal management



624598

391 company within the 5 years preceding the date of the
392 application.

393 (h) The appraisal management company's registered agent for
394 service of process in this state.

395 (3) Appropriate fees, as set forth in the rules of the
396 board pursuant to s. 475.6147, and a complete set of
397 fingerprints for each person listed in paragraph (2)(f) must
398 accompany all applications for registration. The fingerprints
399 shall be forwarded to the Division of Criminal Justice
400 Information Systems within the Department of Law Enforcement for
401 purposes of processing the fingerprints to determine whether the
402 person has a criminal history record. The fingerprints shall
403 also be forwarded to the Federal Bureau of Investigation for
404 purposes of processing the fingerprints to determine whether the
405 person has a criminal history record. The information obtained
406 by the processing of fingerprints by the Department of Law
407 Enforcement and the Federal Bureau of Investigation shall be
408 sent to the department for the purpose of determining whether
409 the appraisal management company is statutorily qualified for
410 registration.

411 (4) At the time of filing an application for registration
412 of an appraisal management company, each person listed in
413 paragraph (2)(f) must sign a pledge to comply with applicable
414 standards of professional practice established by rule of the
415 board, including standards for the development or communication
416 of a real estate appraisal, ~~the Uniform Standards of~~
417 Professional Appraisal Practice upon registration and must
418 indicate in writing that she or he understands the types of
419 misconduct for which disciplinary proceedings may be initiated.



624598

420 The application expires ~~shall expire~~ 1 year after the date
421 received.

422 (5) Each person listed in paragraph (2) (f) must be
423 competent and qualified to engage in appraisal management
424 services with safety to the general public and those with whom
425 the person may undertake a relationship of trust and confidence.
426 If any person listed in paragraph (2) (f) has been denied
427 registration, licensure, or certification as an appraiser or has
428 been disbarred, or if the person's registration, license, or
429 certificate to practice or conduct any regulated profession,
430 business, or vocation has been revoked or suspended by this or
431 any other state, any nation, any possession or district of the
432 United States, or any court or lawful agency thereof because of
433 any conduct or practices that would have warranted a like result
434 under this part, or if the person has been guilty of conduct or
435 practices in this state or elsewhere that would have been
436 grounds for disciplining her or his registration, license, or
437 certification under this part had the person then been a
438 registered trainee appraiser or a licensed or certified
439 appraiser, the person shall be deemed not to be qualified
440 unless, because of lapse of time and subsequent good conduct and
441 reputation, or other reason deemed sufficient, it appears to the
442 board that the interest of the public is not likely to be
443 endangered by the granting of registration.

444 (6) An applicant seeking to become registered under this
445 part as an appraisal management company may not be rejected
446 solely by virtue of membership or lack of membership of any
447 person listed in paragraph (2) (f) or any employee of the company
448 in any particular appraisal organization.



624598

449 (7) An applicant for registration who is not a resident of
450 the state shall file an irrevocable consent that suits and
451 actions may be commenced against the appraisal management
452 company in any county of the state in which a plaintiff having a
453 cause of action or suit against the company resides and that
454 service of any process or pleading in suits or actions against
455 the company may be made by delivering the process or pleading to
456 the director of the Division of Real Estate by certified mail,
457 return receipt requested, and also to the appraisal management
458 company by registered mail addressed to the company's designated
459 principal business location or, if its principal business
460 location is located in this state, to the company's registered
461 agent. Service, when so made, must be taken and held in all
462 courts to be as valid and binding upon the appraisal management
463 company as if made upon the company in this state within the
464 jurisdiction of the court in which the suit or action is filed.
465 The irrevocable consent must be in a form prescribed by the
466 department and be acknowledged before a notary public.

467 (8) The department shall renew the registration of an
468 appraisal management company upon receipt of the renewal
469 application and the proper fee. The department shall adopt rules
470 establishing a procedure for renewal of the registration of an
471 appraisal management company at least every 4 years.

472 (9) This section does not apply to:

473 (a) A financial institution, as defined in s. 655.005,
474 which owns and operates an internal appraisal office, business
475 unit, or department; or

476 (b) An appraisal management company that is a subsidiary
477 owned and controlled by a financial institution, as defined in



624598

478 s. 655.005, regulated by a federal financial institution
479 regulatory agency.

480 Section 19. Subsection (14) of section 475.624, Florida
481 Statutes, is amended to read:

482 475.624 Discipline of appraisers.—The board may deny an
483 application for registration or certification of an appraiser;
484 may investigate the actions of any appraiser registered,
485 licensed, or certified under this part; may reprimand or impose
486 an administrative fine not to exceed \$5,000 for each count or
487 separate offense against any such appraiser; and may revoke or
488 suspend, for a period not to exceed 10 years, the registration,
489 license, or certification of any such appraiser, or place any
490 such appraiser on probation, if the board finds that the
491 registered trainee, licensee, or certificateholder:

492 (14) Has violated any standard of professional practice
493 established by rule of the board, including standards for the
494 development or communication of a real estate appraisal ~~or other~~
495 ~~provision of the Uniform Standards of Professional Appraisal~~
496 ~~Practice.~~

497 Section 20. Paragraph (n) of subsection (1) of section
498 475.6245, Florida Statutes, is amended to read:

499 475.6245 Discipline of appraisal management companies.—

500 (1) The board may deny an application for registration of
501 an appraisal management company; may investigate the actions of
502 any appraisal management company registered under this part; may
503 reprimand or impose an administrative fine not to exceed \$5,000
504 for each count or separate offense against any such appraisal
505 management company; and may revoke or suspend, for a period not
506 to exceed 10 years, the registration of any such appraisal



624598

507 management company, or place any such appraisal management
508 company on probation, if the board finds that the appraisal
509 management company or any person listed in s. 475.6235(2)(f):

510 (n) Has instructed an appraiser to violate any standard of
511 professional practice established by rule of the board,
512 including standards for the development or communication of a
513 real estate appraisal or other provision of the Uniform
514 Standards of Professional Appraisal Practice.

515 Section 21. Paragraphs (b) and (c) of subsection (1) of
516 section 475.626, Florida Statutes, are repealed.

517 Section 22. Section 475.628, Florida Statutes, is amended
518 to read:

519 475.628 Professional standards for appraisers registered,
520 licensed, or certified under this part.— The board shall adopt
521 rules establishing standards of professional practice which meet
522 or exceed nationally recognized standards of appraisal practice,
523 including standards adopted by the Appraisal Standards Board of
524 the Appraisal Foundation. Each appraiser registered, licensed,
525 or certified under this part must ~~shall~~ comply with the rules
526 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements
527 on appraisal standards which may be issued for the purpose of
528 clarification, interpretation, explanation, or elaboration
529 through the Appraisal Foundation are ~~shall also be~~ binding on
530 any appraiser registered, licensed, or certified under this
531 part, upon adoption by rule of the board.

532 Section 23. Paragraph (b) of subsection (1) of section
533 476.194, Florida Statutes, is repealed.

534 Section 24. Subsection (2) of section 477.0212, Florida
535 Statutes, is amended to read:



624598

536 477.0212 Inactive status.-
537 (2) The board shall adopt ~~promulgate~~ rules relating to
538 licenses that ~~which have~~ become inactive and for the renewal of
539 inactive licenses. The rules may not require more than one
540 renewal cycle of continuing education to reactivate a license.
541 The board shall prescribe by rule a fee not to exceed \$50 for
542 the reactivation of an inactive license and a fee not to exceed
543 \$50 for the renewal of an inactive license.

544 Section 25. Paragraph (c) of subsection (1) of section
545 477.0265, Florida Statutes, is repealed.

546 Section 26. Subsection (1) of section 481.209, Florida
547 Statutes, is amended to read:

548 481.209 Examinations.-

549 (1) A person desiring to be licensed as a registered
550 architect by initial examination shall apply to the department,
551 complete to take the licensure examination. ~~The department shall~~
552 ~~administer the licensure examination for architects to each~~
553 ~~applicant who the board certifies:~~

554 ~~(a) Has completed the application form, and remit~~ remitted
555 a nonrefundable application fee. The department shall license
556 any applicant who the board certifies: and an examination fee
557 ~~which is refundable if the applicant is found to be ineligible~~
558 ~~to take the examination;~~

559 (a) Has passed the licensure examination prescribed by
560 board rule; and

561 ~~(b)1.~~ Is a graduate of a school or college of architecture
562 with a program accredited by the National Architectural
563 Accreditation Board. ~~;~~ ~~or~~

564 ~~2. Is a graduate of an approved architectural curriculum,~~



624598

565 ~~evidenced by a degree from an unaccredited school or college of~~
566 ~~architecture approved by the board. The board shall adopt rules~~
567 ~~providing for the review and approval of unaccredited schools~~
568 ~~and colleges of architecture and courses of architectural study~~
569 ~~based on a review and inspection by the board of the curriculum~~
570 ~~of accredited schools and colleges of architecture in the United~~
571 ~~States; and~~

572 ~~(c) Has completed, prior to examination, 1 year of the~~
573 ~~internship experience required by s. 481.211(1).~~

574 Section 27. Section 481.211, Florida Statutes, is amended
575 to read:

576 481.211 Architecture internship required.-

577 ~~(1) An applicant for licensure as a registered architect~~
578 ~~shall complete, before ~~prior to~~ licensure, an internship of~~
579 ~~diversified architectural experience approved by the board,~~
580 ~~which meets the requirements set forth by rule in the design and~~
581 ~~construction of structures which have as their principal purpose~~
582 ~~human habitation or use. The internship shall be for a period~~
583 ~~of:~~

584 ~~(a) Three years for an applicant holding the degree of~~
585 ~~Bachelor of Architecture; or~~

586 ~~(b) Two years for an applicant holding the professional~~
587 ~~degree of Master of Architecture.~~

588 ~~(2) Each applicant for licensure shall complete 1 year of~~
589 ~~the internship experience required by this section subsequent to~~
590 ~~graduation from a school or college of architecture as defined~~
591 ~~in s. 481.209(1).~~

592 Section 28. Subsection (3) of section 481.213, Florida
593 Statutes, is amended to read:



624598

594 481.213 Licensure.—

595 (3) The board shall certify as qualified for a license by
596 endorsement as an architect or as an interior designer an
597 applicant who:

598 (a) Qualifies to take the prescribed licensure examination,
599 and has passed the prescribed licensure examination or a
600 substantially equivalent examination in another jurisdiction, as
601 set forth in s. 481.209 for architects or interior designers, as
602 applicable, and has satisfied the internship requirements set
603 forth in s. 481.211 for architects;

604 (b) Holds a valid license to practice architecture or
605 interior design issued by another jurisdiction of the United
606 States, if the criteria for issuance of such license were
607 substantially equivalent to the licensure criteria that existed
608 in this state at the time the license was issued; provided,
609 however, that an applicant who has been licensed for use of the
610 title "interior design" rather than licensed to practice
611 interior design shall not qualify hereunder; or

612 (c) Has passed the prescribed licensure examination and
613 holds a valid certificate issued by the National Council of
614 Architectural Registration Boards, and holds a valid license to
615 practice architecture issued by another state or jurisdiction of
616 the United States. An applicant who has passed the prescribed
617 licensure examination and holds a valid license to practice
618 architecture issued by another state, but who does not hold a
619 certificate, may be licensed if he or she:

620 1. Holds a minimum 4-year degree;

621 2. Has maintained an architect license in good standing for
622 a minimum of 10 years;



624598

623 3. Has been a continuous resident of this state for a
624 minimum of 10 years; and

625 4. Presents evidence of satisfactory completion of the
626 continuing education requirements for renewal of an architect
627 license for the biennium ending February, 2013. This exception
628 to the requirement that an applicant hold a valid certificate
629 issued by the National Council of Architectural Registration
630 Boards expires March 1, 2013. For the purposes of this
631 paragraph, any applicant licensed in another state or
632 jurisdiction after June 30, 1984, must also hold a degree in
633 architecture and such degree must be equivalent to that required
634 in s. 481.209(1)(b). Also for the purposes of this paragraph,
635 any applicant licensed in another state or jurisdiction after
636 June 30, 1985, must have completed an internship equivalent to
637 that required by s. 481.211 and any rules adopted with respect
638 thereto.

639 Section 29. Section 481.217, Florida Statutes, is amended
640 to read:

641 481.217 Inactive status.—

642 (1) The board may prescribe by rule continuing education
643 requirements as a condition of reactivating a license. The rules
644 may not require more than one renewal cycle of continuing
645 education to reactivate requirements for reactivating a license
646 for a registered architect or interior designer may not exceed
647 12 contact hours for each year the license was inactive. For
648 interior design, The minimum continuing education requirement
649 for reactivating a license for a registered interior designer
650 shall be those of the most recent biennium plus one half of the
651 requirements in s. 481.215 for each year or part thereof during



624598

652 ~~which the license was inactive.~~ the board may ~~shall only~~ approve
653 only continuing education that builds upon the basic knowledge
654 of interior design.

655 (2) The board shall adopt rules relating to application
656 procedures for inactive status and for the reactivation of
657 inactive licenses.

658 Section 30. Section 481.315, Florida Statutes, is amended
659 to read:

660 481.315 Inactive status.—

661 (1) A license that has become inactive or delinquent may be
662 reactivated under this section upon application to the
663 department and payment of any applicable biennial renewal or
664 delinquency fee, or both, and a reactivation fee. The board may
665 not require a licensee to complete more than one renewal cycle
666 of continuing education requirements. ~~The board may prescribe by~~
667 ~~rule continuing education requirements as a condition of~~
668 ~~reactivating the license. The continuing education requirements~~
669 ~~for reactivating a license may not exceed 12 classroom hours for~~
670 ~~each year the license was inactive.~~

671 (2) The board shall adopt rules relating to application
672 procedures for inactive status and for the reactivation of
673 inactive licenses.

674 Section 31. Subsections (3) and (6) of section 489.116,
675 Florida Statutes, are amended to read:

676 489.116 Inactive and delinquent status; renewal and
677 cancellation notices.—

678 (3) An inactive status certificateholder or registrant may
679 change to active status at any time, if provided the
680 certificateholder or registrant meets all requirements for



624598

681 active status, pays any additional licensure fees necessary to
682 equal those imposed on an active status certificateholder or
683 registrant, ~~and~~ pays any applicable late fees, and meets all
684 continuing education requirements prescribed by the board.

685 (6) The board may not require an inactive certificateholder
686 or registrant to complete more than one renewal cycle of shall
687 comply with the same continuing education for reactivating a
688 certificate or registration requirements, if any, that are
689 imposed on an active status certificateholder or registrant.

690 Section 32. Subsection (1) of section 489.519, Florida
691 Statutes, is amended to read:

692 489.519 Inactive status.—

693 (1) A certificate or registration that becomes ~~has become~~
694 inactive may be reactivated under s. 489.517 upon application to
695 the department. The board may not require a licensee to complete
696 more than one renewal cycle of prescribe, by rule, continuing
697 education to reactivate requirements as a condition of
698 reactivating a certificate or registration. The continuing
699 education requirements for reactivating a certificate or
700 registration may not exceed 12 classroom hours for each year the
701 certificate or registration was inactive.

702 Section 33. Subsections (17), (19), (20), and (43), and
703 paragraph (a) of subsection (54) of section 499.003, Florida
704 Statutes, are amended to read:

705 499.003 Definitions of terms used in this part.—As used in
706 this part, the term:

707 (17) "Distribute" or "distribution" means to sell; offer to
708 sell; give away; transfer, whether by passage of title, physical
709 movement, or both; deliver; or offer to deliver. The term does



624598

710 not mean to administer or dispense and does not include the
711 billing and invoicing activities that commonly follow a
712 wholesale distribution transaction.

713 (19) "Drug" means an article that is:

714 (a) Recognized in the current edition of the United States
715 Pharmacopoeia and National Formulary, official Homeopathic
716 Pharmacopoeia of the United States, or any supplement to any of
717 those publications;

718 (b) Intended for use in the diagnosis, cure, mitigation,
719 treatment, therapy, or prevention of disease in humans or other
720 animals;

721 (c) Intended to affect the structure or any function of the
722 body of humans or other animals; or

723 (d) Intended for use as a component of any article
724 specified in paragraph (a), paragraph (b), or paragraph (c), and
725 includes active pharmaceutical ingredients, but does not include
726 devices or their nondrug components, parts, or accessories. For
727 purposes of this paragraph, an "active pharmaceutical
728 ingredient" includes any substance or mixture of substances
729 intended, represented, or labeled for use in drug manufacturing
730 that furnishes or is intended to furnish, in a finished dosage
731 form, any pharmacological activity or other direct effect in the
732 diagnosis, cure, mitigation, treatment, therapy, or prevention
733 of disease in humans or other animals, or to affect the
734 structure or any function of the body of humans or other
735 animals.

736 (20) "Establishment" means a place of business which is at
737 one general physical location and may extend to one or more
738 contiguous suites, units, floors, or buildings operated and



624598

739 controlled exclusively by entities under common operation and
740 control. Where multiple buildings are under common exclusive
741 ownership, operation, and control, an intervening thoroughfare
742 does not affect the contiguous nature of the buildings. For
743 purposes of permitting, each suite, unit, floor, or building
744 must be identified in the most recent permit application.

745 (43) "Prescription drug" means a prescription, medicinal,
746 or legend drug, including, but not limited to, finished dosage
747 forms or active pharmaceutical ingredients subject to, defined
748 by, or described by s. 503(b) of the Federal Food, Drug, and
749 Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection
750 (11), subsection (46), or subsection (53), except that an active
751 pharmaceutical ingredient is a prescription drug only if
752 substantially all finished dosage forms in which it may be
753 lawfully dispensed or administered in this state are also
754 prescription drugs.

755 (54) "Wholesale distribution" means distribution of
756 prescription drugs to persons other than a consumer or patient,
757 but does not include:

758 (a) Any of the following activities, which is not a
759 violation of s. 499.005(21) if such activity is conducted in
760 accordance with s. 499.01(2)(g):

761 1. The purchase or other acquisition by a hospital or other
762 health care entity that is a member of a group purchasing
763 organization of a prescription drug for its own use from the
764 group purchasing organization or from other hospitals or health
765 care entities that are members of that organization.

766 2. The sale, purchase, or trade of a prescription drug or
767 an offer to sell, purchase, or trade a prescription drug by a



624598

768 charitable organization described in s. 501(c)(3) of the
769 Internal Revenue Code of 1986, as amended and revised, to a
770 nonprofit affiliate of the organization to the extent otherwise
771 permitted by law.

772 3. The sale, purchase, or trade of a prescription drug or
773 an offer to sell, purchase, or trade a prescription drug among
774 hospitals or other health care entities that are under common
775 control. For purposes of this subparagraph, "common control"
776 means the power to direct or cause the direction of the
777 management and policies of a person or an organization, whether
778 by ownership of stock, by voting rights, by contract, or
779 otherwise.

780 4. The sale, purchase, trade, or other transfer of a
781 prescription drug from or for any federal, state, or local
782 government agency or any entity eligible to purchase
783 prescription drugs at public health services prices pursuant to
784 Pub. L. No. 102-585, s. 602 to a contract provider or its
785 subcontractor for eligible patients of the agency or entity
786 under the following conditions:

787 a. The agency or entity must obtain written authorization
788 for the sale, purchase, trade, or other transfer of a
789 prescription drug under this subparagraph from the State Surgeon
790 General or his or her designee.

791 b. The contract provider or subcontractor must be
792 authorized by law to administer or dispense prescription drugs.

793 c. In the case of a subcontractor, the agency or entity
794 must be a party to and execute the subcontract.

795 ~~d. A contract provider or subcontractor must maintain~~
796 ~~separate and apart from other prescription drug inventory any~~



624598

797 ~~prescription drugs of the agency or entity in its possession.~~
798 d.e. The contract provider and subcontractor must maintain
799 and produce immediately for inspection all records of movement
800 or transfer of all the prescription drugs belonging to the
801 agency or entity, including, but not limited to, the records of
802 receipt and disposition of prescription drugs. Each contractor
803 and subcontractor dispensing or administering these drugs must
804 maintain and produce records documenting the dispensing or
805 administration. Records that are required to be maintained
806 include, but are not limited to, a perpetual inventory itemizing
807 drugs received and drugs dispensed by prescription number or
808 administered by patient identifier, which must be submitted to
809 the agency or entity quarterly.
810 e.f. The contract provider or subcontractor may administer
811 or dispense the prescription drugs only to the eligible patients
812 of the agency or entity or must return the prescription drugs
813 for or to the agency or entity. The contract provider or
814 subcontractor must require proof from each person seeking to
815 fill a prescription or obtain treatment that the person is an
816 eligible patient of the agency or entity and must, at a minimum,
817 maintain a copy of this proof as part of the records of the
818 contractor or subcontractor required under sub-subparagraph d
819 ~~sub-subparagraph e.~~
820 f.g. In addition to the departmental inspection authority
821 set forth in s. 499.051, the establishment of the contract
822 provider and subcontractor and all records pertaining to
823 prescription drugs subject to this subparagraph shall be subject
824 to inspection by the agency or entity. All records relating to
825 prescription drugs of a manufacturer under this subparagraph



624598

826 shall be subject to audit by the manufacturer of those drugs,
827 without identifying individual patient information.

828 Section 34. Paragraphs (c) and (e) of subsection (2) of
829 section 499.01, Florida Statutes, are amended, and subsections
830 (3), (4), and (5) are added to that section, to read:

831 499.01 Permits.—

832 (2) The following permits are established:

833 (c) *Nonresident prescription drug manufacturer permit.*—A
834 nonresident prescription drug manufacturer permit is required
835 for any person that is a manufacturer of prescription drugs,
836 unless permitted as a third party logistics provider, located
837 outside of this state or outside the United States and that
838 engages in the wholesale distribution in this state of such
839 prescription drugs. Each such manufacturer must be permitted by
840 the department and comply with all of the provisions required of
841 a wholesale distributor under this part, except s. 499.01212.

842 1. A person that distributes prescription drugs for which
843 the person is not the manufacturer must also obtain an out-of-
844 state prescription drug wholesale distributor permit or third
845 party logistics provider permit pursuant to this section to
846 engage in the wholesale distribution of such prescription drugs.
847 This subparagraph does not apply to a manufacturer as defined in
848 s. 499.003(31)(e).

849 2. Any such person must comply with the licensing or
850 permitting requirements of the jurisdiction in which the
851 establishment is located and the federal act, and any product
852 wholesaled into this state must comply with this part. If a
853 person intends to import prescription drugs from a foreign
854 country into this state, the nonresident prescription drug



624598

855 manufacturer must provide to the department a list identifying
856 each prescription drug it intends to import and document
857 approval by the United States Food and Drug Administration for
858 such importation.

859 ~~3. A nonresident prescription drug manufacturer permit is~~
860 ~~not required for a manufacturer to distribute a prescription~~
861 ~~drug active pharmaceutical ingredient that it manufactures to a~~
862 ~~prescription drug manufacturer permitted in this state in~~
863 ~~limited quantities intended for research and development and not~~
864 ~~for resale, or human use other than lawful clinical trials and~~
865 ~~biostudies authorized and regulated by federal law. A~~
866 ~~manufacturer claiming to be exempt from the permit requirements~~
867 ~~of this subparagraph and the prescription drug manufacturer~~
868 ~~purchasing and receiving the active pharmaceutical ingredient~~
869 ~~shall comply with the recordkeeping requirements of s.~~
870 ~~499.0121(6), but not the requirements of s. 499.01212. The~~
871 ~~prescription drug manufacturer purchasing and receiving the~~
872 ~~active pharmaceutical ingredient shall maintain on file a record~~
873 ~~of the FDA registration number; the out-of-state license,~~
874 ~~permit, or registration number; and, if available, a copy of the~~
875 ~~most current FDA inspection report, for all manufacturers from~~
876 ~~whom they purchase active pharmaceutical ingredients under this~~
877 ~~section. The department shall specify by rule the allowable~~
878 ~~number of transactions within a given period of time and the~~
879 ~~amount of active pharmaceutical ingredients that qualify as~~
880 ~~limited quantities for purposes of this exemption. The failure~~
881 ~~to comply with the requirements of this subparagraph, or rules~~
882 ~~adopted by the department to administer this subparagraph, for~~
883 ~~the purchase of prescription drug active pharmaceutical~~



624598

884 ~~ingredients is a violation of s. 499.005(14).~~

885 (e) *Out-of-state prescription drug wholesale distributor*
886 *permit.*—An out-of-state prescription drug wholesale distributor
887 is a wholesale distributor located outside this state which
888 engages in the wholesale distribution of prescription drugs into
889 this state and which must be permitted by the department and
890 comply with all the provisions required of a wholesale
891 distributor under this part. An out-of-state prescription drug
892 wholesale distributor that applies to the department for a new
893 permit or the renewal of a permit must submit a bond of
894 \$100,000, or other equivalent means of security acceptable to
895 the department, such as an irrevocable letter of credit or a
896 deposit in a trust account or financial institution, payable to
897 the Florida Drug, Device, and Cosmetic Trust Fund. The purpose
898 of the bond is to secure payment of any administrative penalties
899 imposed by the department and any fees and costs incurred by the
900 department regarding that permit which are authorized under
901 state law and which the permittee fails to pay 30 days after the
902 fine or costs become final. The department may make a claim
903 against such bond or security until 1 year after the permittee's
904 license ceases to be valid or until 60 days after any
905 administrative or legal proceeding authorized in this part which
906 involves the permittee is concluded, including any appeal,
907 whichever occurs later.

908 ~~1.~~ The out-of-state prescription drug wholesale distributor
909 must maintain at all times a license or permit to engage in the
910 wholesale distribution of prescription drugs in compliance with
911 laws of the state in which it is a resident.

912 ~~2. An out-of-state prescription drug wholesale distributor~~



624598

913 ~~permit is not required for an intracompany sale or transfer of a~~
914 ~~prescription drug from an out-of-state establishment that is~~
915 ~~duly licensed as a prescription drug wholesale distributor, in~~
916 ~~its state of residence, to a licensed prescription drug~~
917 ~~wholesale distributor in this state, if both wholesale~~
918 ~~distributors conduct wholesale distributions of prescription~~
919 ~~drugs under the same business name. The recordkeeping~~
920 ~~requirements of ss. 499.0121(6) and 499.01212 must be followed~~
921 ~~for this transaction.~~

922 (3) A nonresident prescription drug manufacturer permit is
923 not required for a manufacturer to distribute a prescription
924 drug active pharmaceutical ingredient that it manufactures to a
925 prescription drug manufacturer permitted in this state in
926 limited quantities intended for research and development and not
927 for resale or human use other than lawful clinical trials and
928 biostudies authorized and regulated by federal law. A
929 manufacturer claiming to be exempt from the permit requirements
930 of this paragraph and the prescription drug manufacturer
931 purchasing and receiving the active pharmaceutical ingredient
932 shall comply with the recordkeeping requirements of s.
933 499.0121(6), but not the requirements of s. 499.01212. The
934 prescription drug manufacturer purchasing and receiving the
935 active pharmaceutical ingredient shall maintain on file a record
936 of the FDA registration number; if available, the out-of-state
937 license, permit, or registration number; and, if available, a
938 copy of the most current FDA inspection report, for all
939 manufacturers from whom they purchase active pharmaceutical
940 ingredients under this section. The department shall define the
941 term "limited quantities" by rule, and may include the allowable



624598

942 number of transactions within a given period of time and the
943 amount of prescription drugs distributed into the state for
944 purposes of this exemption. The failure to comply with the
945 requirements of this paragraph, or rules adopted by the
946 department to administer this paragraph, for the purchase of
947 prescription drug active pharmaceutical ingredients is a
948 violation of s. 499.005(14), and a knowing failure is a
949 violation of s. 499.0051(4).

950 (4) (a) A permit issued under this part is not required to
951 distribute a prescription drug active pharmaceutical ingredient
952 from an establishment located in the United States to an
953 establishment located in this state permitted as a prescription
954 drug manufacturer under this part for use by the recipient in
955 preparing, deriving, processing, producing, or fabricating a
956 prescription drug finished dosage form at the establishment in
957 this state where the product is received under an approved and
958 otherwise valid New Drug Approval Application, Abbreviated New
959 Drug Application, New Animal Drug Application, or Therapeutic
960 Biologic Application, provided that the application, active
961 pharmaceutical ingredient, or finished dosage form has not been
962 withdrawn or removed from the market in this country for public
963 health reasons.

964 1. Any distributor claiming exemption from permitting
965 requirements pursuant to this paragraph shall maintain a
966 license, permit, or registration to engage in the wholesale
967 distribution of prescription drugs under the laws of the state
968 from which the product is distributed.

969 2. Any distributor claiming exemption from permitting
970 requirements pursuant to this paragraph and the prescription



624598

971 drug manufacturer purchasing and receiving the active
972 pharmaceutical ingredient shall comply with the recordkeeping
973 requirements of s. 499.0121(6), but not the requirements of s.
974 499.01212.

975 (b) A permit issued under this part is not required to
976 distribute limited quantities of a prescription drug that has
977 not been repackaged from an establishment located in the United
978 States to an establishment located in this state permitted as a
979 prescription drug manufacturer under this part for research and
980 development or to a holder of a letter of exemption issued by
981 the department under s. 499.03(4) for research, teaching, or
982 testing. The department shall define "limited quantities" by
983 rule and may include the allowable number of transactions within
984 a given period of time and the amounts of prescription drugs
985 distributed into the state for purposes of this exemption.

986 1. Any distributor claiming exemption from permitting
987 requirements pursuant to this paragraph shall maintain a
988 license, permit, or registration to engage in the wholesale
989 distribution of prescription drugs under the laws of the state
990 from which the product is distributed.

991 2. All purchasers and recipients of any prescription drugs
992 distributed pursuant to this paragraph shall ensure that the
993 products are not resold or used, directly or indirectly, on
994 humans except in lawful clinical trials and biostudies
995 authorized and regulated by federal law.

996 3. Any distributor claiming exemption from permitting
997 requirements pursuant to this paragraph, and the purchaser and
998 recipient of the prescription drug, shall comply with the
999 recordkeeping requirements of s. 499.0121(6), but not the



624598

1000 requirements of s. 499.01212.

1001 4. The immediate package or container of any active
1002 pharmaceutical ingredient distributed into the state that is
1003 intended for teaching, testing, research, and development shall
1004 bear a label prominently displaying the statement: "Caution:
1005 Research, Teaching, or Testing Only - Not for Manufacturing,
1006 Compounding, or Resale."

1007 (c) An out-of-state prescription drug wholesale distributor
1008 permit is not required for an intracompany sale or transfer of a
1009 prescription drug from an out-of-state establishment that is
1010 duly licensed as a prescription drug wholesale distributor in
1011 its state of residence to a licensed prescription drug wholesale
1012 distributor in this state, if both wholesale distributors
1013 conduct wholesale distributions of prescription drugs under the
1014 same business name. The recordkeeping requirements of ss.
1015 499.0121(6) and 499.01212 must be followed for such
1016 transactions.

1017 (d) Persons receiving prescription drugs from a source
1018 claimed to be exempt from permitting requirements under this
1019 subsection shall maintain on file:

1020 1. A record of the FDA establishment registration number,
1021 if any;

1022 2. The resident state prescription drug wholesale
1023 distribution license, permit, or registration number; and

1024 3. A copy of the most recent resident state or FDA
1025 inspection report, for all distributors and establishments whom
1026 they purchase or receive prescription drugs under this
1027 subsection.

1028 (e) All persons claiming exemption from permitting



624598

1029 requirements pursuant to this subsection who engage in the
1030 distribution of prescription drugs within or into the state are
1031 subject to this part, including ss. 499.005 and 499.0051, and
1032 shall make available, within 48 hours, to the department on
1033 request all records related to any prescription drugs
1034 distributed under this subsection, including those records
1035 described in s. 499.051(4), regardless of the location where the
1036 records are stored.

1037 (f) A person purchasing and receiving a prescription drug
1038 from a person claimed to be exempt from licensing requirements
1039 pursuant to this subsection shall report to the department in
1040 writing within 14 days after receiving any product that is
1041 misbranded or adulterated or that fails to meet minimum
1042 standards set forth in the official compendium or state or
1043 federal good manufacturing practices for identity, purity,
1044 potency, or sterility, regardless of whether the product is
1045 thereafter rehabilitated, quarantined, returned, or destroyed.

1046 (g) The department may adopt rules to administer this
1047 subsection which are necessary for the protection of the public
1048 health, safety, and welfare. Failure to comply with the
1049 requirements of this subsection, or rules adopted by the
1050 department to administer this subsection, is a violation of s.
1051 499.005(14), and a knowing failure is a violation of s.
1052 499.0051(4).

1053 (h) This subsection does not relieve any person from any
1054 requirement prescribed by law with respect to controlled
1055 substances as defined in the applicable federal and state laws.

1056 (5) A prescription drug repackager permit issued under this
1057 part is not required for a restricted prescription drug



624598

1058 distributor permitholder that is a health care entity to
1059 repackage prescription drugs in this state for its own use or
1060 for distribution to hospitals or other health care entities in
1061 the state for their own use, pursuant to s. 499.003(54)(a)3.,
1062 if:

1063 (a) The prescription drug distributor notifies the
1064 department, in writing, of its intention to engage in
1065 repackaging under this exemption, 30 days before engaging in the
1066 repackaging of prescription drugs at the permitted
1067 establishment;

1068 (b) The prescription drug distributor is under common
1069 control with the hospitals or other health care entities to
1070 which the prescription drug distributor is distributing
1071 prescription drugs. As used in this paragraph, "common control"
1072 means the power to direct or cause the direction of the
1073 management and policies of a person or an organization, whether
1074 by ownership of stock, voting rights, contract, or otherwise;

1075 (c) The prescription drug distributor repackages the
1076 prescription drugs in accordance with current state and federal
1077 good manufacturing practices; and

1078 (d) The prescription drug distributor labels the
1079 prescription drug it repackages in accordance with state and
1080 federal laws and rules.

1081
1082 The prescription drug distributor is exempt from the product
1083 registration requirements of s. 499.015, with regard to the
1084 prescription drugs that it repackages and distributes under this
1085 subsection.

1086 Section 35. Section 565.07, Florida Statutes, is amended to



624598

1087 read:

1088 565.07 Sale or consumption of certain distilled spirits
1089 prohibited.—~~A No~~ distilled spirit greater than 153 proof may not
1090 shall be sold, processed, or consumed in the state. However, a
1091 distilled spirit greater than 153 proof may be distilled,
1092 bottled, packaged, or processed for export or sale outside the
1093 state.

1094 Section 36. Section 718.707, Florida Statutes, is amended
1095 to read:

1096 718.707 Time limitation for classification as bulk assignee
1097 or bulk buyer.—A person acquiring condominium parcels may not be
1098 classified as a bulk assignee or bulk buyer unless the
1099 condominium parcels were acquired on or after July 1, 2010, but
1100 before July 1, 2015 ~~2012~~. The date of such acquisition shall be
1101 determined by the date of recording a deed or other instrument
1102 of conveyance for such parcels in the public records of the
1103 county in which the condominium is located, or by the date of
1104 issuing a certificate of title in a foreclosure proceeding with
1105 respect to such condominium parcels.

1106 Section 37. This act shall take effect July 1, 2012.

1107
1108 ===== T I T L E A M E N D M E N T =====

1109 And the title is amended as follows:

1110 Delete everything before the enacting clause
1111 and insert:

1112 A bill to be entitled
1113 An act relating to reducing and streamlining
1114 regulations; amending s. 373.461, F.S.; requiring
1115 certain appraisers to follow specific standards of



624598

1116 professional practice in appraisals involving the
1117 restoration of the Lake Apopka Basin; amending s.
1118 455.213, F.S.; waiving initial licensing, application,
1119 and unlicensed activity fees for certain military
1120 veterans; amending ss. 455.271, 468.4338, 468.8317,
1121 468.8417, 475.615, 475.617, 475.6175, 477.0212,
1122 481.209, 481.211, 481.213, 481.217, 481.315, 489.116,
1123 and 489.519, F.S.; revising certain licensure
1124 requirements and continuing education requirements for
1125 reactivating a license, certificate, or registration
1126 to practice certain professions and occupations
1127 regulated by the Department of Business and
1128 Professional Regulation or a board or council within
1129 the department, including community association
1130 management, employee leasing, home inspection, mold-
1131 related services, real estate appraisal, cosmetology,
1132 architecture and interior design, landscape
1133 architecture, construction contracting, and electrical
1134 and alarm system contracting; amending s. 469.002,
1135 F.S.; providing an exemption from licensure as an
1136 asbestos consultant or contractor for activities
1137 involving pipe or conduit used for gas service;
1138 repealing s. 475.42(1)(e), F.S., relating to
1139 violations and penalties applicable to real estate
1140 brokers and sales associates; amending ss. 468.391,
1141 475.25, 475.624, and 475.6245, F.S., relating to
1142 auctioneering and to real estate brokering and
1143 appraisal; revising provisions with respect to certain
1144 penalties; revising grounds for discipline to which



624598

1145 penalties apply; repealing s. 475.626(1)(b) and (c),
1146 F.S., relating to violations and penalties applicable
1147 to real property appraisers; amending s. 475.628,
1148 F.S.; requiring the Florida Real Estate Appraisal
1149 Board to adopt rules establishing professional
1150 practice standards; amending s. 468.841, F.S.;
1151 exempting landscape architects from complying with
1152 provisions related to mold assessment; amending s.
1153 475.611, F.S.; revising the definitions of the terms
1154 "appraisal management company" and "appraisal
1155 management services"; defining the term "subsidiary";
1156 amending s. 475.6171, F.S.; revising requirements for
1157 the issuance of registration or certification upon
1158 receipt of proper documentation; amending s. 475.6235,
1159 F.S.; prohibiting a person from offering to engage in
1160 appraisal management services under certain
1161 circumstances; revising provisions relating to the
1162 application for registration of an appraisal
1163 management company; providing exemptions from
1164 registration requirements; repealing s. 476.194(1)(b),
1165 F.S., relating to prohibited acts by persons engaged
1166 in the practice of barbering; repealing s.
1167 477.0265(1)(c), F.S., relating to prohibited acts by
1168 persons engaged in the practice of cosmetology;
1169 amending s. 475.451, F.S.; authorizing distance
1170 learning courses as an acceptable alternative to
1171 classroom instruction for renewal of a real estate
1172 instructor permit; providing that distance learning
1173 courses are under the discretion of the school



624598

1174 offering the real estate course; requiring distance
1175 learning courses to adhere to certain requirements;
1176 amending s. 499.003, F.S.; revising the definitions of
1177 the terms "distribute" or "distribution," "drug,"
1178 "establishment," "prescription drug," and "wholesale
1179 distribution"; amending s. 499.01, F.S.; deleting
1180 provisions relating to an exemption from nonresident
1181 prescription drug manufacturer permit requirements;
1182 deleting provisions relating to an exemption from out-
1183 of-state prescription drug wholesale distributor
1184 permit requirements for intracompany sale or transfer
1185 of prescription drugs; providing an exemption from
1186 permit requirements for the distribution into this
1187 state of prescription drug active pharmaceutical
1188 ingredients intended for research and development;
1189 requiring compliance with certain recordkeeping
1190 requirements; providing for a definition; providing
1191 for penalties; providing an exemption from permit
1192 requirements for the distribution into this state of
1193 prescription drug active pharmaceutical ingredients
1194 for incorporation into prescription drugs in finished
1195 dosage form; requiring a distributor claiming such
1196 exemption to maintain a valid license, permit, or
1197 registration in the state from which the prescription
1198 drug was distributed; requiring compliance with
1199 certain recordkeeping requirements; exempting
1200 compliance with pedigree paper requirements; providing
1201 an exemption from permit requirements for distribution
1202 into this state of limited quantities of a



624598

1203 prescription drug that has not been repackaged, for
1204 research and development or to a holder of a letter of
1205 exemption issued by the Department of Business and
1206 Professional Regulation for research, teaching, or
1207 testing; granting the department authority to define
1208 "limited quantities" by rule and limit therein the
1209 number of transactions and amount of prescription
1210 drugs distributed into the state; requiring a
1211 distributor claiming such exemption to maintain a
1212 valid license, permit, or registration in the state
1213 from which the prescription drug was distributed;
1214 requiring all purchasers and recipients of such
1215 prescription drugs to ensure the products are not
1216 resold or used on humans except in lawful clinical
1217 trials and biostudies; requiring compliance with
1218 certain recordkeeping requirements; exempting
1219 compliance from pedigree paper requirements; providing
1220 labeling requirements for active pharmaceutical
1221 ingredients distributed within the state for teaching,
1222 testing, research, and development; exempting from
1223 out-of-state prescription drug wholesale distributor
1224 permit requirements intracompany transactions or the
1225 sale of prescription drugs from an out-of-state
1226 distributor to a distributor in this state if both
1227 distributors conduct wholesale distributions under the
1228 same business name; requiring compliance with
1229 recordkeeping and pedigree paper requirements;
1230 allowing distributors and recipients of prescription
1231 drugs claiming exemption from certain permitting



624598

1232 requirements to maintain on file their FDA
1233 registration number, resident state distributor
1234 license or permit number, and most recent resident
1235 state or FDA inspection report; providing that persons
1236 claiming such exemptions are subject to part I of ch.
1237 499, F.S., the Florida Drug and Cosmetic Act;
1238 requiring persons claiming such exemptions to make all
1239 records regarding prescription drug distribution
1240 available to the department, upon request, within 48
1241 hours; requiring submission of a report of mishandled
1242 or adulterated prescription drugs within 14 days after
1243 receipt of such drugs; authorizing the department to
1244 adopt rules; providing that failure to comply with
1245 requirements or rules governing such exemptions
1246 constitutes unlawful purchase or receipt of a
1247 prescription drug from a person not authorized to
1248 distribute prescription drugs to that purchaser or
1249 recipient; providing that knowing failure to comply
1250 with such requirements constitutes unlawful sale,
1251 distribution, purchase, trade, holding, or offering of
1252 a drug; providing penalties; providing construction
1253 with respect to federal and state laws relating to
1254 controlled substances; exempting certain prescription
1255 drug repackagers from permit requirements if they
1256 repackage prescription drugs for their own use or for
1257 certain related entities; providing notification
1258 requirements; exempting such repackagers from product
1259 registration requirements; amending s. 565.07, F.S.;

1260 allowing certain high-proof distilled spirits to be



624598

1261 distilled, bottled, packaged, or processed for export
1262 or sale outside this state; amending s. 718.707, F.S.;
1263 extending the time period within which persons who
1264 acquire condominium parcels may be classified as bulk
1265 assignees or bulk buyers; providing an effective date.