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CS/HB 517, Engrossed 3

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1
2 An act relating to reducing and streamlining
3 regulations; amending s. 373.461, F.S.; requiring
4 certain appraisers to follow specific standards of
5 professional practice in appraisals involving the
6 restoration of the Lake Apopka Basin; amending s.
7 455.213, F.S.; waiving initial licensing, application,
8 and unlicensed activity fees for certain military
9 veterans; amending ss. 455.271, 468.4338, 468.8317,
10 468.8417, 475.615, 475.617, 475.6175, 477.0212,
11 481.209, 481.211, 481.213, 481.217, 481.315, 489.116,
12 and 489.519, F.S.; revising certain licensure
13 requirements and continuing education requirements for
14 reactivating a license, certificate, or registration
15 to practice certain professions and occupations
16 regulated by the Department of Business and
17 Professional Regulation or a board or council within
18 the department, including community association
19 management, employee leasing, home inspection, mold-
20 related services, real estate appraisal, cosmetology,
21 architecture and interior design, landscape
22 architecture, construction contracting, and electrical
23 and alarm system contracting; amending s. 469.002,
24 F.S.; providing an exemption from licensure as an
25 asbestos consultant or contractor for activities
26 involving pipe or conduit used for gas service;
27 repealing s. 475.42(1)(e), F.S., relating to
28 violations and penalties applicable to real estate

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29 | brokers and sales associates; amending ss. 468.391,
30 | 475.25, 475.624, and 475.6245, F.S., relating to
31 | auctioneering and to real estate brokering and
32 | appraisal; revising provisions with respect to certain
33 | penalties; revising grounds for discipline to which
34 | penalties apply; repealing s. 475.626(1)(b) and (c),
35 | F.S., relating to violations and penalties applicable
36 | to real property appraisers; amending s. 475.628,
37 | F.S.; requiring the Florida Real Estate Appraisal
38 | Board to adopt rules establishing professional
39 | practice standards; amending s. 468.841, F.S.;
40 | exempting landscape architects from complying with
41 | provisions related to mold assessment; amending s.
42 | 475.611, F.S.; revising the definitions of the terms
43 | "appraisal management company" and "appraisal
44 | management services"; defining the term "subsidiary";
45 | amending s. 475.6171, F.S.; revising requirements for
46 | the issuance of registration or certification upon
47 | receipt of proper documentation; amending s. 475.6235,
48 | F.S.; prohibiting a person from offering to engage in
49 | appraisal management services under certain
50 | circumstances; revising provisions relating to the
51 | application for registration of an appraisal
52 | management company; providing exemptions from
53 | registration requirements; repealing s. 476.194(1)(b),
54 | F.S., relating to prohibited acts by persons engaged
55 | in the practice of barbering; repealing s.
56 | 477.0265(1)(c), F.S., relating to prohibited acts by

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57 | persons engaged in the practice of cosmetology;
58 | amending s. 475.451, F.S.; authorizing distance
59 | learning courses as an acceptable alternative to
60 | classroom instruction for renewal of a real estate
61 | instructor permit; providing that distance learning
62 | courses are under the discretion of the school
63 | offering the real estate course; requiring distance
64 | learning courses to adhere to certain requirements;
65 | amending s. 499.003, F.S.; revising the definitions of
66 | the terms "distribute" or "distribution," "drug,"
67 | "establishment," "prescription drug," and "wholesale
68 | distribution"; amending s. 499.01, F.S.; deleting
69 | provisions relating to an exemption from nonresident
70 | prescription drug manufacturer permit requirements;
71 | deleting provisions relating to an exemption from out-
72 | of-state prescription drug wholesale distributor
73 | permit requirements for intracompany sale or transfer
74 | of prescription drugs; providing an exemption from
75 | permit requirements for the distribution into this
76 | state of prescription drug active pharmaceutical
77 | ingredients intended for research and development;
78 | requiring compliance with certain recordkeeping
79 | requirements; providing for a definition; providing
80 | for penalties; providing an exemption from permit
81 | requirements for the distribution into this state of
82 | prescription drug active pharmaceutical ingredients
83 | for incorporation into prescription drugs in finished
84 | dosage form; requiring a distributor claiming such

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85 | exemption to maintain a valid license, permit, or
86 | registration in the state from which the prescription
87 | drug was distributed; requiring compliance with
88 | certain recordkeeping requirements; exempting
89 | compliance with pedigree paper requirements; providing
90 | an exemption from permit requirements for distribution
91 | into this state of limited quantities of a
92 | prescription drug that has not been repackaged, for
93 | research and development or to a holder of a letter of
94 | exemption issued by the Department of Business and
95 | Professional Regulation for research, teaching, or
96 | testing; granting the department authority to define
97 | "limited quantities" by rule and limit therein the
98 | number of transactions and amount of prescription
99 | drugs distributed into the state; requiring a
100 | distributor claiming such exemption to maintain a
101 | valid license, permit, or registration in the state
102 | from which the prescription drug was distributed;
103 | requiring all purchasers and recipients of such
104 | prescription drugs to ensure the products are not
105 | resold or used on humans except in lawful clinical
106 | trials and biostudies; requiring compliance with
107 | certain recordkeeping requirements; exempting
108 | compliance from pedigree paper requirements; providing
109 | labeling requirements for active pharmaceutical
110 | ingredients distributed within the state for teaching,
111 | testing, research, and development; exempting from
112 | out-of-state prescription drug wholesale distributor

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113 permit requirements intracompany transactions or the
114 sale of prescription drugs from an out-of-state
115 distributor to a distributor in this state if both
116 distributors conduct wholesale distributions under the
117 same business name; requiring compliance with
118 recordkeeping and pedigree paper requirements;
119 allowing distributors and recipients of prescription
120 drugs claiming exemption from certain permitting
121 requirements to maintain on file their FDA
122 registration number, resident state distributor
123 license or permit number, and most recent resident
124 state or FDA inspection report; providing that persons
125 claiming such exemptions are subject to part I of ch.
126 499, F.S., the Florida Drug and Cosmetic Act;
127 requiring persons claiming such exemptions to make all
128 records regarding prescription drug distribution
129 available to the department, upon request, within 48
130 hours; requiring submission of a report of mishandled
131 or adulterated prescription drugs within 14 days after
132 receipt of such drugs; authorizing the department to
133 adopt rules; providing that failure to comply with
134 requirements or rules governing such exemptions
135 constitutes unlawful purchase or receipt of a
136 prescription drug from a person not authorized to
137 distribute prescription drugs to that purchaser or
138 recipient; providing that knowing failure to comply
139 with such requirements constitutes unlawful sale,
140 distribution, purchase, trade, holding, or offering of

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141 a drug; providing penalties; providing construction
 142 with respect to federal and state laws relating to
 143 controlled substances; exempting certain prescription
 144 drug repackagers from permit requirements if they
 145 repackage prescription drugs for their own use or for
 146 certain related entities; providing notification
 147 requirements; exempting such repackagers from product
 148 registration requirements; amending s. 565.07, F.S.;
 149 allowing certain high-proof distilled spirits to be
 150 distilled, bottled, packaged, or processed for export
 151 or sale outside this state; amending s. 718.707, F.S.;
 152 extending the time period within which persons who
 153 acquire condominium parcels may be classified as bulk
 154 assignees or bulk buyers; providing an effective date.

155
 156 Be It Enacted by the Legislature of the State of Florida:

157
 158 Section 1. Paragraph (c) of subsection (5) of section
 159 373.461, Florida Statutes, is amended to read:

160 373.461 Lake Apopka improvement and management.—

161 (5) PURCHASE OF AGRICULTURAL LANDS.—

162 (c) The district shall explore the availability of funding
 163 from all sources, including any federal, state, regional, and
 164 local land acquisition funding programs, to purchase the
 165 agricultural lands described in paragraph (a). It is the
 166 Legislature's intent that, if such funding sources can be
 167 identified, acquisition of the lands described in paragraph (a)
 168 may be undertaken by the district to purchase these properties

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169 from willing sellers. However, the purchase price paid for
 170 acquisition of such lands that were in active cultivation during
 171 1996 may ~~shall~~ not exceed the highest appraisal obtained by the
 172 district for these lands from a state-certified general
 173 appraiser following the standards of professional practice
 174 established by rule of the Florida Real Estate Appraisal Board,
 175 including standards for the development or communication of a
 176 real estate appraisal ~~Uniform Standards of Professional~~
 177 ~~Appraisal Practice~~. This maximum purchase price limitation may
 178 ~~shall~~ not include, nor be applicable to, that portion of the
 179 purchase price attributable to consideration of income described
 180 in paragraph (b), or that portion attributable to related
 181 facilities, or closing costs.

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

184 455.213 General licensing provisions.—

185 (12) The department shall waive the initial licensing fee,
 186 the initial application fee, and the initial unlicensed activity
 187 fee for a military veteran who applies to the department for a
 188 license, in a format prescribed by the department, within 24
 189 months after discharge from any branch of the United States
 190 Armed Forces. To qualify for this waiver, the veteran must have
 191 been honorably discharged.

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

194 455.271 Inactive and delinquent status.—

195 (10) The board, or the department if there is no board,
 196 may not require ~~Before reactivation,~~ an inactive or delinquent

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197 | licensee, except for a licensee under chapter 473 or chapter
 198 | 475, to complete more than one renewal cycle of ~~shall meet the~~
 199 | ~~same~~ continuing education to reactivate a license requirements,
 200 | ~~if any, imposed on an active status licensee for all biennial~~
 201 | ~~licensure periods in which the licensee was inactive or~~
 202 | ~~delinquent. This subsection does not apply to persons regulated~~
 203 | ~~under chapter 473.~~

204 | Section 4. Section 468.391, Florida Statutes, is amended
 205 | to read:

206 | 468.391 Penalty.—Any auctioneer, apprentice, or auction
 207 | business or any owner or manager thereof, or, in the case of
 208 | corporate ownership, any substantial stockholder of the
 209 | corporation owning the auction business, who operates without an
 210 | active license or violates ~~any provision of the prohibited acts~~
 211 | ~~listed under s. 468.389(1)(c), (e), (f), (h), or (i)~~ commits a
 212 | felony of the third degree, punishable as provided in s. 775.082
 213 | or s. 775.083.

214 | Section 5. Section 468.4338, Florida Statutes, is amended
 215 | to read:

216 | 468.4338 Reactivation; continuing education.—The council
 217 | shall prescribe by rule continuing education requirements for
 218 | reactivating a license. The continuing education requirements
 219 | for reactivating a license may not exceed one renewal cycle of
 220 | continuing education ~~10 classroom hours for each year the~~
 221 | ~~license was inactive.~~

222 | Section 6. Subsection (2) of section 468.8317, Florida
 223 | Statutes, is amended to read:

224 | 468.8317 Inactive license.—

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225 (2) A license that becomes ~~has become~~ inactive may be
 226 reactivated upon application to the department. The department
 227 may prescribe by rule continuing education requirements as a
 228 condition of reactivating a license. The rules may not require
 229 more than one renewal cycle of continuing education to
 230 reactivate ~~requirements for reactivating~~ a license ~~may not~~
 231 ~~exceed 14 hours for each year the license was inactive.~~

232 Section 7. Paragraph (d) of subsection (1) of section
 233 468.841, Florida Statutes, is amended to read:

234 468.841 Exemptions.—

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

237 (d) Persons or business organizations acting within the
 238 scope of the respective licenses required under part XV of this
 239 chapter, chapter 471, part I or part II of chapter 481, chapter
 240 482, or chapter 489 are acting on behalf of an insurer under
 241 part VI of chapter 626, or are persons in the manufactured
 242 housing industry who are licensed under chapter 320, except when
 243 any such persons or business organizations hold themselves out
 244 for hire to the public as a "certified mold assessor,"
 245 "registered mold assessor," "licensed mold assessor," "mold
 246 assessor," "professional mold assessor," or any combination
 247 thereof stating or implying licensure under this part.

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

250 468.8417 Inactive license.—

251 (2) A license that becomes ~~has become~~ inactive may be
 252 reactivated upon application to the department. The department

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253 may prescribe by rule continuing education requirements as a
 254 condition of reactivating a license. The rules may not require
 255 more than one renewal cycle of continuing education to
 256 reactivate ~~requirements for reactivating~~ a license ~~may not~~
 257 ~~exceed 14 hours for each year the license was inactive.~~

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

260 469.002 Exemptions.—

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

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

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

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

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

273 Section 10. Paragraph (t) of subsection (1) of section
 274 475.25, Florida Statutes, is amended to read:

275 475.25 Discipline.—

276 (1) The commission may deny an application for licensure,
 277 registration, or permit, or renewal thereof; may place a
 278 licensee, registrant, or permittee on probation; may suspend a
 279 license, registration, or permit for a period not exceeding 10
 280 years; may revoke a license, registration, or permit; may impose

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281 an administrative fine not to exceed \$5,000 for each count or
 282 separate offense; and may issue a reprimand, and any or all of
 283 the foregoing, if it finds that the licensee, registrant,
 284 permittee, or applicant:

285 (t) Has violated any standard of professional practice
 286 adopted by rule of the Florida Real Estate Appraisal Board,
 287 including standards for the development or communication of a
 288 real estate appraisal ~~or other provision of the Uniform~~
 289 ~~Standards of Professional Appraisal Practice, as defined in s.~~
 290 ~~475.611,~~ as approved and adopted by the Appraisal Standards
 291 Board of the Appraisal Foundation, as defined in s. 475.611.
 292 This paragraph does not apply to a real estate broker or sales
 293 associate who, in the ordinary course of business, performs a
 294 comparative market analysis, gives a broker price opinion, or
 295 gives an opinion of value of real estate. However, in no event
 296 may this comparative market analysis, broker price opinion, or
 297 opinion of value of real estate be referred to as an appraisal,
 298 as defined in s. 475.611.

299 Section 11. Paragraph (e) of subsection (1) of section
 300 475.42, Florida Statutes, is repealed.

301 Section 12. Paragraph (c) of subsection (2) of section
 302 475.451, Florida Statutes, is amended, and subsection (9) is
 303 added to that section, to read:

304 475.451 Schools teaching real estate practice.—

305 (2) An applicant for a permit to operate a proprietary
 306 real estate school, to be a chief administrator of a proprietary
 307 real estate school or a state institution, or to be an
 308 instructor for a proprietary real estate school or a state

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309 institution must meet the qualifications for practice set forth
 310 in s. 475.17(1) and the following minimal requirements:

311 (c) "School instructor" means an individual who instructs
 312 persons in the classroom in noncredit college courses in a
 313 college, university, or community college or courses in a career
 314 center or proprietary real estate school.

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

318 a. Hold a bachelor's degree in a business-related subject,
 319 such as real estate, finance, accounting, business
 320 administration, or its equivalent and hold a valid broker's
 321 license in this state.

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

325 c. Pass an instructor's examination approved by the
 326 commission.

327 2. Any requirement by the commission for a teaching
 328 demonstration or practical examination must apply to all school
 329 instructor applicants.

330 3. The department shall renew an instructor permit upon
 331 receipt of a renewal application and fee. The renewal
 332 application shall include proof that the permitholder has, since
 333 the issuance or renewal of the current permit, successfully
 334 completed a minimum of 7 classroom or distance learning hours of
 335 instruction in real estate subjects or instructional techniques,
 336 as prescribed by the commission. The commission shall adopt

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337 rules providing for the renewal of instructor permits at least
 338 every 2 years. A ~~Any~~ permit that ~~which~~ is not renewed at the end
 339 of the permit period established by the department ~~shall~~
 340 automatically reverts ~~revert~~ to involuntarily inactive status.

341
 342 The department may require an applicant to submit names of
 343 persons having knowledge concerning the applicant and the
 344 enterprise; may propound interrogatories to such persons and to
 345 the applicant concerning the character of the applicant,
 346 including the taking of fingerprints for processing through the
 347 Federal Bureau of Investigation; and shall make such
 348 investigation of the applicant or the school or institution as
 349 it may deem necessary to the granting of the permit. If an
 350 objection is filed, it shall be considered in the same manner as
 351 objections or administrative complaints against other applicants
 352 for licensure by the department.

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

355 Section 13. Paragraphs (c) and (d) of subsection (1) of
 356 section 475.611, Florida Statutes, are amended, present
 357 paragraphs (t) through (x) of subsection (1) are redesignated as
 358 paragraphs (u) through (y), respectively, and a new paragraph
 359 (t) is added to that subsection, to read:

360 475.611 Definitions.—

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

362 (c) "Appraisal management company" means a person who
 363 performs appraisal management services regardless of the use of
 364 the term "appraisal management company," "appraiser

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365 cooperative," "appraiser portal," "mortgage technology company,"
 366 or other term.

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

369 1. Employing, contracting with, or otherwise retaining one
 370 or more licensed or certified appraisers to perform appraisal
 371 services for a client; or

372 2. Acting as a broker or intermediary between a client and
 373 one or more licensed or certified appraisers to facilitate the
 374 client's employing, contracting with, or otherwise retaining the
 375 appraisers.

376 (t) "Subsidiary" means an organization that is owned and
 377 controlled by a financial institution that is regulated by a
 378 federal financial institution regulatory agency.

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

381 475.615 Qualifications for registration or certification.—

382 (5) At the time of filing an application for registration
 383 or certification, the applicant must sign a pledge indicating
 384 that upon becoming registered or certified, she or he will
 385 comply with the standards of professional practice established
 386 by rule of the board, including standards for the development or
 387 communication of a real estate appraisal, ~~to comply with the~~
 388 ~~Uniform Standards of Professional Appraisal Practice upon~~
 389 ~~registration or certification~~ and must indicate in writing that
 390 she or he understands the types of misconduct for which
 391 disciplinary proceedings may be initiated. The application
 392 expires ~~shall expire~~ 1 year after the date received by the

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393 department.

394 Section 15. Subsections (1), (2), and (3) of section
 395 475.617, Florida Statutes, are amended to read:

396 475.617 Education and experience requirements.—

397 (1) To be registered as a trainee appraiser, an applicant
 398 must present evidence satisfactory to the board that she or he
 399 has successfully completed at least 100 hours of approved
 400 academic courses in subjects related to real estate appraisal,
 401 which must ~~shall~~ include coverage of the Uniform Standards of
 402 Professional Appraisal Practice, or its equivalent, as
 403 established by rule of the board, from a nationally recognized
 404 or state-recognized appraisal organization, career center,
 405 accredited community college, college, or university, state or
 406 federal agency or commission, or proprietary real estate school
 407 that holds a permit pursuant to s. 475.451. The board may
 408 increase the required number of hours to not more than 125
 409 hours. A classroom hour is defined as 50 minutes out of each 60-
 410 minute segment. Past courses may be approved on an hour-for-hour
 411 basis.

412 (2) To be certified as a residential appraiser, an
 413 applicant must present satisfactory evidence to the board that
 414 she or he has met the minimum education and experience
 415 requirements prescribed by rule of the board. The board shall
 416 prescribe by rule education and experience requirements that
 417 meet or exceed the following real property appraiser
 418 qualification criteria adopted on February 20, 2004, by the
 419 Appraisal Qualifications Board of the Appraisal Foundation:

420 (a) Has at least 2,500 hours of experience obtained over a

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421 24-month period in real property appraisal as defined by rule.

422 (b) Has successfully completed at least 200 classroom
 423 hours, inclusive of examination, of approved academic courses in
 424 subjects related to real estate appraisal, which must ~~shall~~
 425 include a 15-hour National Uniform Standards of Professional
 426 Appraisal Practice course, or its equivalent, as established by
 427 rule of the board, from a nationally recognized or state-
 428 recognized appraisal organization, career center, accredited
 429 community college, college, or university, state or federal
 430 agency or commission, or proprietary real estate school that
 431 holds a permit pursuant to s. 475.451. A classroom hour is
 432 defined as 50 minutes out of each 60-minute segment. Past
 433 courses may be approved by the board and substituted on an hour-
 434 for-hour basis.

435 (3) To be certified as a general appraiser, an applicant
 436 must present evidence satisfactory to the board that she or he
 437 has met the minimum education and experience requirements
 438 prescribed by rule of the board. The board shall prescribe
 439 education and experience requirements that meet or exceed the
 440 following real property appraiser qualification criteria adopted
 441 on February 20, 2004, by the Appraisal Qualifications Board of
 442 the Appraisal Foundation:

443 (a) Has at least 3,000 hours of experience obtained over a
 444 30-month period in real property appraisal as defined by rule.

445 (b) Has successfully completed at least 300 classroom
 446 hours, inclusive of examination, of approved academic courses in
 447 subjects related to real estate appraisal, which must ~~shall~~
 448 include a 15-hour National Uniform Standards of Professional

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449 Appraisal Practice course, or its equivalent, as established by
 450 rule of the board, from a nationally recognized or state-
 451 recognized appraisal organization, career center, accredited
 452 community college, college, or university, state or federal
 453 agency or commission, or proprietary real estate school that
 454 holds a permit pursuant to s. 475.451. A classroom hour is
 455 defined as 50 minutes out of each 60-minute segment. Past
 456 courses may be approved by the board and substituted on an hour-
 457 for-hour basis.

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

460 475.6171 Issuance of registration or certification.—The
 461 registration or certification of an applicant may be issued upon
 462 receipt by the board of the following:

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

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

469 475.6175 Registered trainee appraiser; postlicensure
 470 education required.—

471 (1) The board shall prescribe postlicensure educational
 472 requirements in order for a person to maintain a valid
 473 registration as a registered trainee appraiser. If prescribed,
 474 the postlicensure educational requirements consist of one or
 475 more courses which total no more than the total educational
 476 hours required to qualify as a state certified residential

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477 appraiser. Such courses must be in subjects related to real
 478 estate appraisal and must ~~shall~~ include coverage of the Uniform
 479 Standards of Professional Appraisal Practice, or its equivalent,
 480 as established by rule of the board. Such courses are provided
 481 by a nationally or state-recognized appraisal organization,
 482 career center, accredited community college, college, or
 483 university, state or federal agency or commission, or
 484 proprietary real estate school that holds a permit pursuant to
 485 s. 475.451.

486 Section 18. Section 475.6235, Florida Statutes, is amended
 487 to read:

488 475.6235 Registration of appraisal management companies
 489 required; exemptions.—

490 (1) A person may not engage, or offer to engage, in
 491 appraisal management services for compensation in this state,
 492 advertise or represent herself or himself as an appraisal
 493 management company, ~~or use the titles "appraisal management~~
 494 ~~company," "appraiser cooperative," "appraiser portal," or~~
 495 ~~"mortgage technology company," or any abbreviation or words to~~
 496 ~~that effect,~~ unless the person is registered with the department
 497 as an appraisal management company under this section. However,
 498 an employee of an appraisal management company is not required
 499 to obtain a separate registration.

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

503 (a) The firm or business name under which the appraisal
 504 management company conducts business in this state. The

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505 appraisal management company must notify the department of any
506 change in the firm or business name, on a form provided by the
507 department, within 10 days after such change.

508 (b) The mailing address, street address, and telephone
509 number of the appraisal management company's principal business
510 location. The appraisal management company must notify the
511 department of any change in the mailing or street address, on a
512 form provided by the department, within 10 days after such
513 change.

514 (c) The appraisal management company's federal employer
515 identification number.

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

519 (e) A statement as to whether the appraisal management
520 company, if incorporated, is a domestic or foreign corporation,
521 the company's date of incorporation, the state in which the
522 company was incorporated, its charter number, and, if it is a
523 foreign corporation, the date that the company first registered
524 with the Department of State to conduct business in this state.

525 (f) The full name, street address, telephone number,
526 corporate title, and social security number or federal employer
527 identification number of any person who possesses the authority,
528 directly or indirectly, to direct the management or policies of
529 the appraisal management company, whether through ownership, by
530 contract, or otherwise, including, but not limited to:

531 1. Each officer and director if the appraisal management
532 company is a corporation.

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533 2. Each general partner if the appraisal management
 534 company is a partnership.

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

537 4. The owner if the appraisal management company is a sole
 538 proprietorship.

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

542 (g) The firm or business name under which any person
 543 listed in paragraph (f) conducted business as an appraisal
 544 management company within the 5 years preceding the date of the
 545 application.

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

548 (3) Appropriate fees, as set forth in the rules of the
 549 board pursuant to s. 475.6147, and a complete set of
 550 fingerprints for each person listed in paragraph (2)(f) must
 551 accompany all applications for registration. The fingerprints
 552 shall be forwarded to the Division of Criminal Justice
 553 Information Systems within the Department of Law Enforcement for
 554 purposes of processing the fingerprints to determine whether the
 555 person has a criminal history record. The fingerprints shall
 556 also be forwarded to the Federal Bureau of Investigation for
 557 purposes of processing the fingerprints to determine whether the
 558 person has a criminal history record. The information obtained
 559 by the processing of fingerprints by the Department of Law
 560 Enforcement and the Federal Bureau of Investigation shall be

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561 sent to the department for the purpose of determining whether
 562 the appraisal management company is statutorily qualified for
 563 registration.

564 (4) At the time of filing an application for registration
 565 of an appraisal management company, each person listed in
 566 paragraph (2) (f) must sign a pledge to comply with applicable
 567 standards of professional practice established by rule of the
 568 board, including standards for the development or communication
 569 of a real estate appraisal, ~~the Uniform Standards of~~
 570 Professional Appraisal Practice upon registration and must
 571 indicate in writing that she or he understands the types of
 572 misconduct for which disciplinary proceedings may be initiated.
 573 The application expires ~~shall expire~~ 1 year after the date
 574 received.

575 (5) Each person listed in paragraph (2) (f) must be
 576 competent and qualified to engage in appraisal management
 577 services with safety to the general public and those with whom
 578 the person may undertake a relationship of trust and confidence.
 579 If any person listed in paragraph (2) (f) has been denied
 580 registration, licensure, or certification as an appraiser or has
 581 been disbarred, or if the person's registration, license, or
 582 certificate to practice or conduct any regulated profession,
 583 business, or vocation has been revoked or suspended by this or
 584 any other state, any nation, any possession or district of the
 585 United States, or any court or lawful agency thereof because of
 586 any conduct or practices that would have warranted a like result
 587 under this part, or if the person has been guilty of conduct or
 588 practices in this state or elsewhere that would have been

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589 grounds for disciplining her or his registration, license, or
590 certification under this part had the person then been a
591 registered trainee appraiser or a licensed or certified
592 appraiser, the person shall be deemed not to be qualified
593 unless, because of lapse of time and subsequent good conduct and
594 reputation, or other reason deemed sufficient, it appears to the
595 board that the interest of the public is not likely to be
596 endangered by the granting of registration.

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

602 (7) An applicant for registration who is not a resident of
603 the state shall file an irrevocable consent that suits and
604 actions may be commenced against the appraisal management
605 company in any county of the state in which a plaintiff having a
606 cause of action or suit against the company resides and that
607 service of any process or pleading in suits or actions against
608 the company may be made by delivering the process or pleading to
609 the director of the Division of Real Estate by certified mail,
610 return receipt requested, and also to the appraisal management
611 company by registered mail addressed to the company's designated
612 principal business location or, if its principal business
613 location is located in this state, to the company's registered
614 agent. Service, when so made, must be taken and held in all
615 courts to be as valid and binding upon the appraisal management
616 company as if made upon the company in this state within the

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617 jurisdiction of the court in which the suit or action is filed.
 618 The irrevocable consent must be in a form prescribed by the
 619 department and be acknowledged before a notary public.

620 (8) The department shall renew the registration of an
 621 appraisal management company upon receipt of the renewal
 622 application and the proper fee. The department shall adopt rules
 623 establishing a procedure for renewal of the registration of an
 624 appraisal management company at least every 4 years.

625 (9) This section does not apply to:

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

629 (b) An appraisal management company that is a subsidiary
 630 owned and controlled by a financial institution, as defined in
 631 s. 655.005, regulated by a federal financial institution
 632 regulatory agency.

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

635 475.624 Discipline of appraisers.—The board may deny an
 636 application for registration or certification of an appraiser;
 637 may investigate the actions of any appraiser registered,
 638 licensed, or certified under this part; may reprimand or impose
 639 an administrative fine not to exceed \$5,000 for each count or
 640 separate offense against any such appraiser; and may revoke or
 641 suspend, for a period not to exceed 10 years, the registration,
 642 license, or certification of any such appraiser, or place any
 643 such appraiser on probation, if the board finds that the
 644 registered trainee, licensee, or certificateholder:

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645 (14) Has violated any standard of professional practice
 646 established by rule of the board, including standards for the
 647 development or communication of a real estate appraisal ~~or other~~
 648 ~~provision of the Uniform Standards of Professional Appraisal~~
 649 ~~Practice.~~

650 Section 20. Paragraph (n) of subsection (1) of section
 651 475.6245, Florida Statutes, is amended to read:

652 475.6245 Discipline of appraisal management companies.—

653 (1) The board may deny an application for registration of
 654 an appraisal management company; may investigate the actions of
 655 any appraisal management company registered under this part; may
 656 reprimand or impose an administrative fine not to exceed \$5,000
 657 for each count or separate offense against any such appraisal
 658 management company; and may revoke or suspend, for a period not
 659 to exceed 10 years, the registration of any such appraisal
 660 management company, or place any such appraisal management
 661 company on probation, if the board finds that the appraisal
 662 management company or any person listed in s. 475.6235(2)(f):

663 (n) Has instructed an appraiser to violate any standard of
 664 professional practice established by rule of the board,
 665 including standards for the development or communication of a
 666 real estate appraisal or other provision of the Uniform
 667 Standards of Professional Appraisal Practice.

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

670 Section 22. Section 475.628, Florida Statutes, is amended
 671 to read:

672 475.628 Professional standards for appraisers registered,

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673 licensed, or certified under this part.— The board shall adopt
 674 rules establishing standards of professional practice which meet
 675 or exceed nationally recognized standards of appraisal practice,
 676 including standards adopted by the Appraisal Standards Board of
 677 the Appraisal Foundation. Each appraiser registered, licensed,
 678 or certified under this part must ~~shall~~ comply with the rules
 679 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements
 680 on appraisal standards which may be issued for the purpose of
 681 clarification, interpretation, explanation, or elaboration
 682 through the Appraisal Foundation are ~~shall also be~~ binding on
 683 any appraiser registered, licensed, or certified under this
 684 part, upon adoption by rule of the board.

685 Section 23. Paragraph (b) of subsection (1) of section
 686 476.194, Florida Statutes, is repealed.

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

689 477.0212 Inactive status.—

690 (2) The board shall adopt ~~promulgate~~ rules relating to
 691 licenses that ~~which have~~ become inactive and for the renewal of
 692 inactive licenses. The rules may not require more than one
 693 renewal cycle of continuing education to reactivate a license.

694 The board shall prescribe by rule a fee not to exceed \$50 for
 695 the reactivation of an inactive license and a fee not to exceed
 696 \$50 for the renewal of an inactive license.

697 Section 25. Paragraph (c) of subsection (1) of section
 698 477.0265, Florida Statutes, is repealed.

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

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701 481.209 Examinations.—

702 (1) A person desiring to be licensed as a registered
 703 architect by initial examination shall apply to the department,
 704 complete to take the licensure examination. ~~The department shall~~
 705 ~~administer the licensure examination for architects to each~~
 706 ~~applicant who the board certifies:~~

707 ~~(a) Has completed the application form, and remit remitted~~
 708 ~~a nonrefundable application fee. The department shall license~~
 709 ~~any applicant who the board certifies: and an examination fee~~
 710 ~~which is refundable if the applicant is found to be ineligible~~
 711 ~~to take the examination;~~

712 (a) Has passed the licensure examination prescribed by
 713 board rule; and

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

717 ~~2. Is a graduate of an approved architectural curriculum,~~
 718 ~~evidenced by a degree from an unaccredited school or college of~~
 719 ~~architecture approved by the board. The board shall adopt rules~~
 720 ~~providing for the review and approval of unaccredited schools~~
 721 ~~and colleges of architecture and courses of architectural study~~
 722 ~~based on a review and inspection by the board of the curriculum~~
 723 ~~of accredited schools and colleges of architecture in the United~~
 724 ~~States; and~~

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

727 Section 27. Section 481.211, Florida Statutes, is amended
 728 to read:

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729 481.211 Architecture internship required.—
 730 ~~(1) An applicant for licensure as a registered architect~~
 731 ~~shall complete, before ~~prior to~~ licensure, an internship of~~
 732 ~~diversified architectural experience approved by the board,~~
 733 ~~which meets the requirements set forth by rule in the design and~~
 734 ~~construction of structures which have as their principal purpose~~
 735 ~~human habitation or use. The internship shall be for a period~~
 736 ~~of:~~
 737 ~~(a) Three years for an applicant holding the degree of~~
 738 ~~Bachelor of Architecture; or~~
 739 ~~(b) Two years for an applicant holding the professional~~
 740 ~~degree of Master of Architecture.~~
 741 ~~(2) Each applicant for licensure shall complete 1 year of~~
 742 ~~the internship experience required by this section subsequent to~~
 743 ~~graduation from a school or college of architecture as defined~~
 744 ~~in s. 481.209(1).~~
 745 Section 28. Subsection (3) of section 481.213, Florida
 746 Statutes, is amended to read:
 747 481.213 Licensure.—
 748 (3) The board shall certify as qualified for a license by
 749 endorsement as an architect or as an interior designer an
 750 applicant who:
 751 (a) Qualifies to take the prescribed licensure
 752 examination, and has passed the prescribed licensure examination
 753 or a substantially equivalent examination in another
 754 jurisdiction, as set forth in s. 481.209 for architects or
 755 interior designers, as applicable, and has satisfied the
 756 internship requirements set forth in s. 481.211 for architects;

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757 (b) Holds a valid license to practice architecture or
758 interior design issued by another jurisdiction of the United
759 States, if the criteria for issuance of such license were
760 substantially equivalent to the licensure criteria that existed
761 in this state at the time the license was issued; provided,
762 however, that an applicant who has been licensed for use of the
763 title "interior design" rather than licensed to practice
764 interior design shall not qualify hereunder; or

765 (c) Has passed the prescribed licensure examination and
766 holds a valid certificate issued by the National Council of
767 Architectural Registration Boards, and holds a valid license to
768 practice architecture issued by another state or jurisdiction of
769 the United States. An applicant who has passed the prescribed
770 licensure examination and holds a valid license to practice
771 architecture issued by another state, but who does not hold a
772 certificate, may be licensed if he or she:

773 1. Holds a minimum 4-year degree;

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

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

778 4. Presents evidence of satisfactory completion of the
779 continuing education requirements for renewal of an architect
780 license for the biennium ending February, 2013. This exception
781 to the requirement that an applicant hold a valid certificate
782 issued by the National Council of Architectural Registration
783 Boards expires March 1, 2013. For the purposes of this
784 paragraph, any applicant licensed in another state or

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785 ~~jurisdiction after June 30, 1984, must also hold a degree in~~
 786 ~~architecture and such degree must be equivalent to that required~~
 787 ~~in s. 481.209(1)(b). Also for the purposes of this paragraph,~~
 788 ~~any applicant licensed in another state or jurisdiction after~~
 789 ~~June 30, 1985, must have completed an internship equivalent to~~
 790 ~~that required by s. 481.211 and any rules adopted with respect~~
 791 ~~thereto.~~

792 Section 29. Section 481.217, Florida Statutes, is amended
 793 to read:

794 481.217 Inactive status.—

795 (1) The board may prescribe by rule continuing education
 796 requirements as a condition of reactivating a license. The rules
 797 may not require more than one renewal cycle of continuing
 798 education to reactivate requirements for reactivating a license
 799 for a registered architect or interior designer ~~may not exceed~~
 800 ~~12 contact hours for each year the license was inactive. For~~
 801 interior design, ~~The minimum continuing education requirement~~
 802 ~~for reactivating a license for a registered interior designer~~
 803 ~~shall be those of the most recent biennium plus one-half of the~~
 804 ~~requirements in s. 481.215 for each year or part thereof during~~
 805 ~~which the license was inactive. the board may shall only approve~~
 806 only continuing education that builds upon the basic knowledge
 807 of interior design.

808 (2) The board shall adopt rules relating to application
 809 procedures for inactive status and for the reactivation of
 810 inactive licenses.

811 Section 30. Section 481.315, Florida Statutes, is amended
 812 to read:

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813 481.315 Inactive status.—

814 (1) A license that has become inactive or delinquent may
 815 be reactivated under this section upon application to the
 816 department and payment of any applicable biennial renewal or
 817 delinquency fee, or both, and a reactivation fee. The board may
 818 not require a licensee to complete more than one renewal cycle
 819 of continuing education requirements. ~~The board may prescribe by~~
 820 ~~rule continuing education requirements as a condition of~~
 821 ~~reactivating the license. The continuing education requirements~~
 822 ~~for reactivating a license may not exceed 12 classroom hours for~~
 823 ~~each year the license was inactive.~~

824 (2) The board shall adopt rules relating to application
 825 procedures for inactive status and for the reactivation of
 826 inactive licenses.

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

829 489.116 Inactive and delinquent status; renewal and
 830 cancellation notices.—

831 (3) An inactive status certificateholder or registrant may
 832 change to active status at any time, if provided the
 833 certificateholder or registrant meets all requirements for
 834 active status, pays any additional licensure fees necessary to
 835 equal those imposed on an active status certificateholder or
 836 registrant, ~~and~~ pays any applicable late fees, and meets all
 837 continuing education requirements prescribed by the board.

838 (6) The board may not require an inactive
 839 certificateholder or registrant to complete more than one
 840 renewal cycle of ~~shall comply with the same~~ continuing education

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841 for reactivating a certificate or registration requirements, if
 842 any, that are imposed on an active status certificateholder or
 843 registrant.

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

846 489.519 Inactive status.—

847 (1) A certificate or registration that becomes ~~has become~~
 848 inactive may be reactivated under s. 489.517 upon application to
 849 the department. The board may not require a licensee to complete
 850 more than one renewal cycle of ~~prescribe, by rule,~~ continuing
 851 education to reactivate ~~requirements as a condition of~~
 852 ~~reactivating a certificate or registration. The continuing~~
 853 ~~education requirements for reactivating a certificate or~~
 854 ~~registration may not exceed 12 classroom hours for each year the~~
 855 ~~certificate or registration was inactive.~~

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

859 499.003 Definitions of terms used in this part.—As used in
 860 this part, the term:

861 (17) "Distribute" or "distribution" means to sell; offer
 862 to sell; give away; transfer, whether by passage of title,
 863 physical movement, or both; deliver; or offer to deliver. The
 864 term does not mean to administer or dispense and does not
 865 include the billing and invoicing activities that commonly
 866 follow a wholesale distribution transaction.

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

868 (a) Recognized in the current edition of the United States

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869 Pharmacopoeia and National Formulary, official Homeopathic
 870 Pharmacopoeia of the United States, or any supplement to any of
 871 those publications;

872 (b) Intended for use in the diagnosis, cure, mitigation,
 873 treatment, therapy, or prevention of disease in humans or other
 874 animals;

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

877 (d) Intended for use as a component of any article
 878 specified in paragraph (a), paragraph (b), or paragraph (c), and
 879 includes active pharmaceutical ingredients, but does not include
 880 devices or their nondrug components, parts, or accessories. For
 881 purposes of this paragraph, an "active pharmaceutical
 882 ingredient" includes any substance or mixture of substances
 883 intended, represented, or labeled for use in drug manufacturing
 884 that furnishes or is intended to furnish, in a finished dosage
 885 form, any pharmacological activity or other direct effect in the
 886 diagnosis, cure, mitigation, treatment, therapy, or prevention
 887 of disease in humans or other animals, or to affect the
 888 structure or any function of the body of humans or other
 889 animals.

890 (20) "Establishment" means a place of business which is at
 891 one general physical location and may extend to one or more
 892 contiguous suites, units, floors, or buildings operated and
 893 controlled exclusively by entities under common operation and
 894 control. Where multiple buildings are under common exclusive
 895 ownership, operation, and control, an intervening thoroughfare
 896 does not affect the contiguous nature of the buildings. For

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897 purposes of permitting, each suite, unit, floor, or building
 898 must be identified in the most recent permit application.

899 (43) "Prescription drug" means a prescription, medicinal,
 900 or legend drug, including, but not limited to, finished dosage
 901 forms or active pharmaceutical ingredients subject to, defined
 902 by, or described by s. 503(b) of the Federal Food, Drug, and
 903 Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection
 904 (11), subsection (46), or subsection (53), except that an active
 905 pharmaceutical ingredient is a prescription drug only if
 906 substantially all finished dosage forms in which it may be
 907 lawfully dispensed or administered in this state are also
 908 prescription drugs.

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

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

915 1. The purchase or other acquisition by a hospital or
 916 other health care entity that is a member of a group purchasing
 917 organization of a prescription drug for its own use from the
 918 group purchasing organization or from other hospitals or health
 919 care entities that are members of that organization.

920 2. The sale, purchase, or trade of a prescription drug or
 921 an offer to sell, purchase, or trade a prescription drug by a
 922 charitable organization described in s. 501(c)(3) of the
 923 Internal Revenue Code of 1986, as amended and revised, to a
 924 nonprofit affiliate of the organization to the extent otherwise

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925 permitted by law.

926 3. The sale, purchase, or trade of a prescription drug or
 927 an offer to sell, purchase, or trade a prescription drug among
 928 hospitals or other health care entities that are under common
 929 control. For purposes of this subparagraph, "common control"
 930 means the power to direct or cause the direction of the
 931 management and policies of a person or an organization, whether
 932 by ownership of stock, by voting rights, by contract, or
 933 otherwise.

934 4. The sale, purchase, trade, or other transfer of a
 935 prescription drug from or for any federal, state, or local
 936 government agency or any entity eligible to purchase
 937 prescription drugs at public health services prices pursuant to
 938 Pub. L. No. 102-585, s. 602 to a contract provider or its
 939 subcontractor for eligible patients of the agency or entity
 940 under the following conditions:

941 a. The agency or entity must obtain written authorization
 942 for the sale, purchase, trade, or other transfer of a
 943 prescription drug under this subparagraph from the State Surgeon
 944 General or his or her designee.

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

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

949 ~~d. A contract provider or subcontractor must maintain
 950 separate and apart from other prescription drug inventory any
 951 prescription drugs of the agency or entity in its possession.~~

952 d.e. The contract provider and subcontractor must maintain

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953 and produce immediately for inspection all records of movement
954 or transfer of all the prescription drugs belonging to the
955 agency or entity, including, but not limited to, the records of
956 receipt and disposition of prescription drugs. Each contractor
957 and subcontractor dispensing or administering these drugs must
958 maintain and produce records documenting the dispensing or
959 administration. Records that are required to be maintained
960 include, but are not limited to, a perpetual inventory itemizing
961 drugs received and drugs dispensed by prescription number or
962 administered by patient identifier, which must be submitted to
963 the agency or entity quarterly.

964 ~~e.f.~~ The contract provider or subcontractor may administer
965 or dispense the prescription drugs only to the eligible patients
966 of the agency or entity or must return the prescription drugs
967 for or to the agency or entity. The contract provider or
968 subcontractor must require proof from each person seeking to
969 fill a prescription or obtain treatment that the person is an
970 eligible patient of the agency or entity and must, at a minimum,
971 maintain a copy of this proof as part of the records of the
972 contractor or subcontractor required under sub-subparagraph d
973 ~~sub-subparagraph e.~~

974 ~~f.g.~~ In addition to the departmental inspection authority
975 set forth in s. 499.051, the establishment of the contract
976 provider and subcontractor and all records pertaining to
977 prescription drugs subject to this subparagraph shall be subject
978 to inspection by the agency or entity. All records relating to
979 prescription drugs of a manufacturer under this subparagraph
980 shall be subject to audit by the manufacturer of those drugs,

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981 without identifying individual patient information.

982 Section 34. Paragraphs (c) and (e) of subsection (2) of
 983 section 499.01, Florida Statutes, are amended, and subsections
 984 (3), (4), and (5) are added to that section, to read:

985 499.01 Permits.—

986 (2) The following permits are established:

987 (c) *Nonresident prescription drug manufacturer permit.*—A
 988 nonresident prescription drug manufacturer permit is required
 989 for any person that is a manufacturer of prescription drugs,
 990 unless permitted as a third party logistics provider, located
 991 outside of this state or outside the United States and that
 992 engages in the wholesale distribution in this state of such
 993 prescription drugs. Each such manufacturer must be permitted by
 994 the department and comply with all of the provisions required of
 995 a wholesale distributor under this part, except s. 499.01212.

996 1. A person that distributes prescription drugs for which
 997 the person is not the manufacturer must also obtain an out-of-
 998 state prescription drug wholesale distributor permit or third
 999 party logistics provider permit pursuant to this section to
 1000 engage in the wholesale distribution of such prescription drugs.
 1001 This subparagraph does not apply to a manufacturer as defined in
 1002 s. 499.003(31)(e).

1003 2. Any such person must comply with the licensing or
 1004 permitting requirements of the jurisdiction in which the
 1005 establishment is located and the federal act, and any product
 1006 wholesaled into this state must comply with this part. If a
 1007 person intends to import prescription drugs from a foreign
 1008 country into this state, the nonresident prescription drug

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1009 manufacturer must provide to the department a list identifying
 1010 each prescription drug it intends to import and document
 1011 approval by the United States Food and Drug Administration for
 1012 such importation.

1013 ~~3. A nonresident prescription drug manufacturer permit is~~
 1014 ~~not required for a manufacturer to distribute a prescription~~
 1015 ~~drug active pharmaceutical ingredient that it manufactures to a~~
 1016 ~~prescription drug manufacturer permitted in this state in~~
 1017 ~~limited quantities intended for research and development and not~~
 1018 ~~for resale, or human use other than lawful clinical trials and~~
 1019 ~~biostudies authorized and regulated by federal law. A~~
 1020 ~~manufacturer claiming to be exempt from the permit requirements~~
 1021 ~~of this subparagraph and the prescription drug manufacturer~~
 1022 ~~purchasing and receiving the active pharmaceutical ingredient~~
 1023 ~~shall comply with the recordkeeping requirements of s.~~
 1024 ~~499.0121(6), but not the requirements of s. 499.01212. The~~
 1025 ~~prescription drug manufacturer purchasing and receiving the~~
 1026 ~~active pharmaceutical ingredient shall maintain on file a record~~
 1027 ~~of the FDA registration number; the out-of-state license,~~
 1028 ~~permit, or registration number; and, if available, a copy of the~~
 1029 ~~most current FDA inspection report, for all manufacturers from~~
 1030 ~~whom they purchase active pharmaceutical ingredients under this~~
 1031 ~~section. The department shall specify by rule the allowable~~
 1032 ~~number of transactions within a given period of time and the~~
 1033 ~~amount of active pharmaceutical ingredients that qualify as~~
 1034 ~~limited quantities for purposes of this exemption. The failure~~
 1035 ~~to comply with the requirements of this subparagraph, or rules~~
 1036 ~~adopted by the department to administer this subparagraph, for~~

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1037 ~~the purchase of prescription drug active pharmaceutical~~
 1038 ~~ingredients is a violation of s. 499.005(14).~~

1039 (e) *Out-of-state prescription drug wholesale distributor*
 1040 *permit.*—An out-of-state prescription drug wholesale distributor
 1041 is a wholesale distributor located outside this state which
 1042 engages in the wholesale distribution of prescription drugs into
 1043 this state and which must be permitted by the department and
 1044 comply with all the provisions required of a wholesale
 1045 distributor under this part. An out-of-state prescription drug
 1046 wholesale distributor that applies to the department for a new
 1047 permit or the renewal of a permit must submit a bond of
 1048 \$100,000, or other equivalent means of security acceptable to
 1049 the department, such as an irrevocable letter of credit or a
 1050 deposit in a trust account or financial institution, payable to
 1051 the Florida Drug, Device, and Cosmetic Trust Fund. The purpose
 1052 of the bond is to secure payment of any administrative penalties
 1053 imposed by the department and any fees and costs incurred by the
 1054 department regarding that permit which are authorized under
 1055 state law and which the permittee fails to pay 30 days after the
 1056 fine or costs become final. The department may make a claim
 1057 against such bond or security until 1 year after the permittee's
 1058 license ceases to be valid or until 60 days after any
 1059 administrative or legal proceeding authorized in this part which
 1060 involves the permittee is concluded, including any appeal,
 1061 whichever occurs later.

1062 1. The out-of-state prescription drug wholesale
 1063 distributor must maintain at all times a license or permit to
 1064 engage in the wholesale distribution of prescription drugs in

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1065 compliance with laws of the state in which it is a resident.

1066 ~~2. An out-of-state prescription drug wholesale distributor~~
 1067 ~~permit is not required for an intracompany sale or transfer of a~~
 1068 ~~prescription drug from an out-of-state establishment that is~~
 1069 ~~duly licensed as a prescription drug wholesale distributor, in~~
 1070 ~~its state of residence, to a licensed prescription drug~~
 1071 ~~wholesale distributor in this state, if both wholesale~~
 1072 ~~distributors conduct wholesale distributions of prescription~~
 1073 ~~drugs under the same business name. The recordkeeping~~
 1074 ~~requirements of ss. 499.0121(6) and 499.01212 must be followed~~
 1075 ~~for this transaction.~~

1076 (3) A nonresident prescription drug manufacturer permit is
 1077 not required for a manufacturer to distribute a prescription
 1078 drug active pharmaceutical ingredient that it manufactures to a
 1079 prescription drug manufacturer permitted in this state in
 1080 limited quantities intended for research and development and not
 1081 for resale or human use other than lawful clinical trials and
 1082 biostudies authorized and regulated by federal law. A
 1083 manufacturer claiming to be exempt from the permit requirements
 1084 of this paragraph and the prescription drug manufacturer
 1085 purchasing and receiving the active pharmaceutical ingredient
 1086 shall comply with the recordkeeping requirements of s.
 1087 499.0121(6), but not the requirements of s. 499.01212. The
 1088 prescription drug manufacturer purchasing and receiving the
 1089 active pharmaceutical ingredient shall maintain on file a record
 1090 of the FDA registration number; if available, the out-of-state
 1091 license, permit, or registration number; and, if available, a
 1092 copy of the most current FDA inspection report, for all

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1093 manufacturers from whom they purchase active pharmaceutical
 1094 ingredients under this section. The department shall define the
 1095 term "limited quantities" by rule, and may include the allowable
 1096 number of transactions within a given period of time and the
 1097 amount of prescription drugs distributed into the state for
 1098 purposes of this exemption. The failure to comply with the
 1099 requirements of this paragraph, or rules adopted by the
 1100 department to administer this paragraph, for the purchase of
 1101 prescription drug active pharmaceutical ingredients is a
 1102 violation of s. 499.005(14), and a knowing failure is a
 1103 violation of s. 499.0051(4).

1104 (4) (a) A permit issued under this part is not required to
 1105 distribute a prescription drug active pharmaceutical ingredient
 1106 from an establishment located in the United States to an
 1107 establishment located in this state permitted as a prescription
 1108 drug manufacturer under this part for use by the recipient in
 1109 preparing, deriving, processing, producing, or fabricating a
 1110 prescription drug finished dosage form at the establishment in
 1111 this state where the product is received under an approved and
 1112 otherwise valid New Drug Approval Application, Abbreviated New
 1113 Drug Application, New Animal Drug Application, or Therapeutic
 1114 Biologic Application, provided that the application, active
 1115 pharmaceutical ingredient, or finished dosage form has not been
 1116 withdrawn or removed from the market in this country for public
 1117 health reasons.

1118 1. Any distributor claiming exemption from permitting
 1119 requirements pursuant to this paragraph shall maintain a
 1120 license, permit, or registration to engage in the wholesale

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1121 distribution of prescription drugs under the laws of the state
 1122 from which the product is distributed.

1123 2. Any distributor claiming exemption from permitting
 1124 requirements pursuant to this paragraph and the prescription
 1125 drug manufacturer purchasing and receiving the active
 1126 pharmaceutical ingredient shall comply with the recordkeeping
 1127 requirements of s. 499.0121(6), but not the requirements of s.
 1128 499.01212.

1129 (b) A permit issued under this part is not required to
 1130 distribute limited quantities of a prescription drug that has
 1131 not been repackaged from an establishment located in the United
 1132 States to an establishment located in this state permitted as a
 1133 prescription drug manufacturer under this part for research and
 1134 development or to a holder of a letter of exemption issued by
 1135 the department under s. 499.03(4) for research, teaching, or
 1136 testing. The department shall define "limited quantities" by
 1137 rule and may include the allowable number of transactions within
 1138 a given period of time and the amounts of prescription drugs
 1139 distributed into the state for purposes of this exemption.

1140 1. Any distributor claiming exemption from permitting
 1141 requirements pursuant to this paragraph shall maintain a
 1142 license, permit, or registration to engage in the wholesale
 1143 distribution of prescription drugs under the laws of the state
 1144 from which the product is distributed.

1145 2. All purchasers and recipients of any prescription drugs
 1146 distributed pursuant to this paragraph shall ensure that the
 1147 products are not resold or used, directly or indirectly, on
 1148 humans except in lawful clinical trials and biostudies

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1149 authorized and regulated by federal law.

1150 3. Any distributor claiming exemption from permitting
 1151 requirements pursuant to this paragraph, and the purchaser and
 1152 recipient of the prescription drug, shall comply with the
 1153 recordkeeping requirements of s. 499.0121(6), but not the
 1154 requirements of s. 499.01212.

1155 4. The immediate package or container of any active
 1156 pharmaceutical ingredient distributed into the state that is
 1157 intended for teaching, testing, research, and development shall
 1158 bear a label prominently displaying the statement: "Caution:
 1159 Research, Teaching, or Testing Only - Not for Manufacturing,
 1160 Compounding, or Resale."

1161 (c) An out-of-state prescription drug wholesale
 1162 distributor permit is not required for an intracompany sale or
 1163 transfer of a prescription drug from an out-of-state
 1164 establishment that is duly licensed as a prescription drug
 1165 wholesale distributor in its state of residence to a licensed
 1166 prescription drug wholesale distributor in this state, if both
 1167 wholesale distributors conduct wholesale distributions of
 1168 prescription drugs under the same business name. The
 1169 recordkeeping requirements of ss. 499.0121(6) and 499.01212 must
 1170 be followed for such transactions.

1171 (d) Persons receiving prescription drugs from a source
 1172 claimed to be exempt from permitting requirements under this
 1173 subsection shall maintain on file:

1174 1. A record of the FDA establishment registration number,
 1175 if any;

1176 2. The resident state prescription drug wholesale

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1177 distribution license, permit, or registration number; and
 1178 3. A copy of the most recent resident state or FDA
 1179 inspection report, for all distributors and establishments whom
 1180 they purchase or receive prescription drugs under this
 1181 subsection.

1182 (e) All persons claiming exemption from permitting
 1183 requirements pursuant to this subsection who engage in the
 1184 distribution of prescription drugs within or into the state are
 1185 subject to this part, including ss. 499.005 and 499.0051, and
 1186 shall make available, within 48 hours, to the department on
 1187 request all records related to any prescription drugs
 1188 distributed under this subsection, including those records
 1189 described in s. 499.051(4), regardless of the location where the
 1190 records are stored.

1191 (f) A person purchasing and receiving a prescription drug
 1192 from a person claimed to be exempt from licensing requirements
 1193 pursuant to this subsection shall report to the department in
 1194 writing within 14 days after receiving any product that is
 1195 misbranded or adulterated or that fails to meet minimum
 1196 standards set forth in the official compendium or state or
 1197 federal good manufacturing practices for identity, purity,
 1198 potency, or sterility, regardless of whether the product is
 1199 thereafter rehabilitated, quarantined, returned, or destroyed.

1200 (g) The department may adopt rules to administer this
 1201 subsection which are necessary for the protection of the public
 1202 health, safety, and welfare. Failure to comply with the
 1203 requirements of this subsection, or rules adopted by the
 1204 department to administer this subsection, is a violation of s.

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1205 499.005(14), and a knowing failure is a violation of s.
 1206 499.0051(4).

1207 (h) This subsection does not relieve any person from any
 1208 requirement prescribed by law with respect to controlled
 1209 substances as defined in the applicable federal and state laws.

1210 (5) A prescription drug repackager permit issued under
 1211 this part is not required for a restricted prescription drug
 1212 distributor permitholder that is a health care entity to
 1213 repackage prescription drugs in this state for its own use or
 1214 for distribution to hospitals or other health care entities in
 1215 the state for their own use, pursuant to s. 499.003(54)(a)3.,
 1216 if:

1217 (a) The prescription drug distributor notifies the
 1218 department, in writing, of its intention to engage in
 1219 repackaging under this exemption, 30 days before engaging in the
 1220 repackaging of prescription drugs at the permitted
 1221 establishment;

1222 (b) The prescription drug distributor is under common
 1223 control with the hospitals or other health care entities to
 1224 which the prescription drug distributor is distributing
 1225 prescription drugs. As used in this paragraph, "common control"
 1226 means the power to direct or cause the direction of the
 1227 management and policies of a person or an organization, whether
 1228 by ownership of stock, voting rights, contract, or otherwise;

1229 (c) The prescription drug distributor repackages the
 1230 prescription drugs in accordance with current state and federal
 1231 good manufacturing practices; and

1232 (d) The prescription drug distributor labels the

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1233 prescription drug it repackages in accordance with state and
 1234 federal laws and rules.

1235
 1236 The prescription drug distributor is exempt from the product
 1237 registration requirements of s. 499.015, with regard to the
 1238 prescription drugs that it repackages and distributes under this
 1239 subsection.

1240 Section 35. Section 565.07, Florida Statutes, is amended
 1241 to read:

1242 565.07 Sale or consumption of certain distilled spirits
 1243 prohibited.—A ~~No~~ distilled spirit greater than 153 proof may not
 1244 shall be sold, processed, or consumed in the state. However, a
 1245 distilled spirit greater than 153 proof may be distilled,
 1246 bottled, packaged, or processed for export or sale outside the
 1247 state.

1248 Section 36. Section 718.707, Florida Statutes, is amended
 1249 to read:

1250 718.707 Time limitation for classification as bulk
 1251 assignee or bulk buyer.—A person acquiring condominium parcels
 1252 may not be classified as a bulk assignee or bulk buyer unless
 1253 the condominium parcels were acquired on or after July 1, 2010,
 1254 but before July 1, 2015 ~~2012~~. The date of such acquisition shall
 1255 be determined by the date of recording a deed or other
 1256 instrument of conveyance for such parcels in the public records
 1257 of the county in which the condominium is located, or by the
 1258 date of issuing a certificate of title in a foreclosure
 1259 proceeding with respect to such condominium parcels.

1260 Section 37. This act shall take effect July 1, 2012.