

By the Committees on Budget Subcommittee on General Government
Appropriations; and Criminal Justice; and Senator Hays

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1 A bill to be entitled
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; creating s. 468.439,
24 F.S.; providing that a claim of lien may be filed on
25 behalf of a community association to secure the
26 expenses incurred in collecting a delinquent account
27 rendered by a community association manager or
28 management firm on behalf of a community association;
29 requiring that the expenses for the collection

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30 services be reasonably related to the collection
31 activities; amending s. 469.002, F.S.; providing an
32 exemption from licensure as an asbestos consultant or
33 contractor for activities involving pipe or conduit
34 used for gas service; amending s. 474.202, F.S.;
35 revising the definition of the term "limited-service
36 veterinary medical practice"; repealing s.
37 475.42(1)(e), F.S., relating to violations and
38 penalties applicable to real estate brokers and sales
39 associates; amending ss. 468.391, 475.25, 475.624, and
40 475.6245, F.S., relating to auctioneering and to real
41 estate brokering and appraisal; revising provisions
42 with respect to certain penalties; revising grounds
43 for discipline to which penalties apply; repealing s.
44 475.626(1)(b) and (c), F.S., relating to violations
45 and penalties applicable to real property appraisers;
46 amending s. 475.628, F.S.; requiring the Florida Real
47 Estate Appraisal Board to adopt rules establishing
48 professional practice standards; amending s. 468.841,
49 F.S.; exempting landscape architects from complying
50 with provisions related to mold assessment; amending
51 s. 475.611, F.S.; revising the definitions of the
52 terms "appraisal management company" and "appraisal
53 management services"; defining the term "subsidiary";
54 amending s. 475.6171, F.S.; revising requirements for
55 the issuance of registration or certification upon
56 receipt of proper documentation; amending s. 475.6235,
57 F.S.; prohibiting a person from offering to engage in
58 appraisal management services under certain

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59 circumstances; revising provisions relating to the
60 application for registration of an appraisal
61 management company; providing exemptions from
62 registration requirements; repealing s. 476.194(1)(b),
63 F.S., relating to prohibited acts by persons engaged
64 in the practice of barbering; repealing s.
65 477.0265(1)(c), F.S., relating to prohibited acts by
66 persons engaged in the practice of cosmetology;
67 amending s. 475.451, F.S.; authorizing distance
68 learning courses as an acceptable alternative to
69 classroom instruction for renewal of a real estate
70 instructor permit; providing that distance learning
71 courses are under the discretion of the school
72 offering the real estate course; requiring distance
73 learning courses to adhere to certain requirements;
74 amending s. 499.003, F.S.; revising the definitions of
75 the terms "distribute" or "distribution," "drug,"
76 "establishment," and "prescription drug"; amending s.
77 499.01, F.S.; deleting provisions relating to an
78 exemption from nonresident prescription drug
79 manufacturer permit requirements; deleting provisions
80 relating to an exemption from out-of-state
81 prescription drug wholesale distributor permit
82 requirements for intracompany sale or transfer of
83 prescription drugs; providing an exemption from permit
84 requirements for the distribution into this state of
85 prescription drug active pharmaceutical ingredients
86 for incorporation into prescription drugs in finished
87 dosage form; requiring a distributor claiming such

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

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

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146 controlled substances; providing an effective date.

147

148 Be It Enacted by the Legislature of the State of Florida:

149

150 Section 1. Paragraph (c) of subsection (5) of section
151 373.461, Florida Statutes, is amended to read:

152 373.461 Lake Apopka improvement and management.—

153 (5) PURCHASE OF AGRICULTURAL LANDS.—

154 (c) The district shall explore the availability of funding
155 from all sources, including any federal, state, regional, and
156 local land acquisition funding programs, to purchase the
157 agricultural lands described in paragraph (a). It is the
158 Legislature's intent that, if such funding sources can be
159 identified, acquisition of the lands described in paragraph (a)
160 may be undertaken by the district to purchase these properties
161 from willing sellers. However, the purchase price paid for
162 acquisition of such lands that were in active cultivation during
163 1996 may ~~shall~~ not exceed the highest appraisal obtained by the
164 district for these lands from a state-certified general
165 appraiser following the standards of professional practice
166 established by rule of the Florida Real Estate Appraisal Board,
167 including standards for the development or communication of a
168 real estate appraisal ~~Uniform Standards of Professional~~
169 ~~Appraisal Practice~~. This maximum purchase price limitation may
170 ~~shall~~ not include, nor be applicable to, that portion of the
171 purchase price attributable to consideration of income described
172 in paragraph (b), or that portion attributable to related
173 facilities, or closing costs.

174 Section 2. Subsection (12) is added to section 455.213,

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175 Florida Statutes, to read:

176 455.213 General licensing provisions.—

177 (12) The department shall waive the initial licensing fee,
178 the initial application fee, and the initial unlicensed activity
179 fee for a military veteran who applies to the department for a
180 license, in a format prescribed by the department, within 24
181 months after discharge from any branch of the United States
182 Armed Forces. To qualify for this waiver, the veteran must have
183 been honorably discharged.

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

186 455.271 Inactive and delinquent status.—

187 (10) The board, or the department if there is no board, may
188 not require ~~Before reactivation,~~ an inactive or delinquent
189 licensee, except for a licensee under chapter 473 or chapter
190 475, to complete more than one renewal cycle of ~~shall meet the~~
191 ~~same~~ continuing education to reactivate a license ~~requirements,~~
192 ~~if any, imposed on an active status licensee for all biennial~~
193 ~~licensure periods in which the licensee was inactive or~~
194 ~~delinquent. This subsection does not apply to persons regulated~~
195 ~~under chapter 473.~~

196 Section 4. Section 468.391, Florida Statutes, is amended to
197 read:

198 468.391 Penalty.—Any auctioneer, apprentice, or auction
199 business or any owner or manager thereof, or, in the case of
200 corporate ownership, any substantial stockholder of the
201 corporation owning the auction business, who operates without an
202 active license or violates paragraph ~~any provision of the~~
203 ~~prohibited acts listed under s. 468.389(1)(c), (e), (f), (h), or~~

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204 (i) commits a felony of the third degree, punishable as provided
205 in s. 775.082 or s. 775.083.

206 Section 5. Section 468.4338, Florida Statutes, is amended
207 to read:

208 468.4338 Reactivation; continuing education.—The council
209 shall prescribe by rule continuing education requirements for
210 reactivating a license. The continuing education requirements
211 for reactivating a license may not exceed one renewal cycle of
212 continuing education ~~10 classroom hours for each year the~~
213 ~~license was inactive.~~

214 Section 6. Section 468.439, Florida Statutes, is created to
215 read:

216 468.439 Collection services.—Collection services expenses
217 that are reasonably related to the collection of a delinquent
218 account rendered by a community association manager or
219 management firm on behalf of a community association governed by
220 chapters 718, 719 and 720 may be secured by the filing of a
221 claim of lien on behalf of the community association, if the
222 collection services expense is specified by amount in a written
223 agreement with such community association manager or management
224 firm and payable to the community association manager or
225 management firm as a liquidated sum.

226 Section 7. Subsection (2) of section 468.8317, Florida
227 Statutes, is amended to read:

228 468.8317 Inactive license.—

229 (2) A license that becomes ~~has become~~ inactive may be
230 reactivated upon application to the department. The department
231 may prescribe by rule continuing education requirements as a
232 condition of reactivating a license. The rules may not require

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233 more than one renewal cycle of continuing education to
234 reactivate ~~requirements for reactivating~~ a license ~~may not~~
235 ~~exceed 14 hours for each year the license was inactive.~~

236 Section 8. Paragraph (d) of subsection (1) of section
237 468.841, Florida Statutes, is amended to read:

238 468.841 Exemptions.—

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

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

252 Section 9. Subsection (2) of section 468.8417, Florida
253 Statutes, is amended to read:

254 468.8417 Inactive license.—

255 (2) A license that becomes ~~has become~~ inactive may be
256 reactivated upon application to the department. The department
257 may prescribe by rule continuing education requirements as a
258 condition of reactivating a license. The rules may not require
259 more than one renewal cycle of continuing education to
260 reactivate ~~requirements for reactivating~~ a license ~~may not~~
261 ~~exceed 14 hours for each year the license was inactive.~~

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262 Section 10. Subsection (4) of section 469.002, Florida
263 Statutes, is amended to read:

264 469.002 Exemptions.—

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

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

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

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

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

277 Section 11. Subsection (6) of section 474.202, Florida
278 Statutes, is amended to read:

279 474.202 Definitions.—As used in this chapter:

280 (6) "Limited-service veterinary medical practice" means
281 offering or providing veterinary services at any location that
282 has a primary purpose other than that of providing veterinary
283 medical service at a permanent or mobile establishment permitted
284 by the board; provides veterinary medical services for privately
285 owned animals that do not reside at that location; operates
286 under rules set by the Board of Veterinary Medicine ~~for a~~
287 ~~limited time~~; and provides limited types of veterinary medical
288 services.

289 Section 12. Paragraph (t) of subsection (1) of section
290 475.25, Florida Statutes, is amended to read:

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291 475.25 Discipline.—

292 (1) The commission may deny an application for licensure,
293 registration, or permit, or renewal thereof; may place a
294 licensee, registrant, or permittee on probation; may suspend a
295 license, registration, or permit for a period not exceeding 10
296 years; may revoke a license, registration, or permit; may impose
297 an administrative fine not to exceed \$5,000 for each count or
298 separate offense; and may issue a reprimand, and any or all of
299 the foregoing, if it finds that the licensee, registrant,
300 permittee, or applicant:

301 (t) Has violated any standard of professional practice
302 adopted by rule of the Florida Real Estate Appraisal Board,
303 including standards for the development or communication of a
304 real estate appraisal ~~or other provision of the Uniform~~
305 ~~Standards of Professional Appraisal Practice, as defined in s.~~
306 ~~475.611~~, as approved and adopted by the Appraisal Standards
307 Board of the Appraisal Foundation, as defined in s. 475.611.
308 This paragraph does not apply to a real estate broker or sales
309 associate who, in the ordinary course of business, performs a
310 comparative market analysis, gives a broker price opinion, or
311 gives an opinion of value of real estate. However, in no event
312 may this comparative market analysis, broker price opinion, or
313 opinion of value of real estate be referred to as an appraisal,
314 as defined in s. 475.611.

315 Section 13. Paragraph (e) of subsection (1) of section
316 475.42, Florida Statutes, is repealed.

317 Section 14. Paragraph (c) of subsection (2) of section
318 475.451, Florida Statutes, is amended, and subsection (9) is
319 added to that section, to read:

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320 475.451 Schools teaching real estate practice.—

321 (2) An applicant for a permit to operate a proprietary real
322 estate school, to be a chief administrator of a proprietary real
323 estate school or a state institution, or to be an instructor for
324 a proprietary real estate school or a state institution must
325 meet the qualifications for practice set forth in s. 475.17(1)
326 and the following minimal requirements:

327 (c) "School instructor" means an individual who instructs
328 persons in the classroom in noncredit college courses in a
329 college, university, or community college or courses in a career
330 center or proprietary real estate school.

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

334 a. Hold a bachelor's degree in a business-related subject,
335 such as real estate, finance, accounting, business
336 administration, or its equivalent and hold a valid broker's
337 license in this state.

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

341 c. Pass an instructor's examination approved by the
342 commission.

343 2. Any requirement by the commission for a teaching
344 demonstration or practical examination must apply to all school
345 instructor applicants.

346 3. The department shall renew an instructor permit upon
347 receipt of a renewal application and fee. The renewal
348 application shall include proof that the permitholder has, since

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349 the issuance or renewal of the current permit, successfully
350 completed a minimum of 7 classroom or distance learning hours of
351 instruction in real estate subjects or instructional techniques,
352 as prescribed by the commission. The commission shall adopt
353 rules providing for the renewal of instructor permits at least
354 every 2 years. A ~~Any~~ permit that ~~which~~ is not renewed at the end
355 of the permit period established by the department ~~shall~~
356 automatically reverts ~~revert~~ to involuntarily inactive status.

357
358 The department may require an applicant to submit names of
359 persons having knowledge concerning the applicant and the
360 enterprise; may propound interrogatories to such persons and to
361 the applicant concerning the character of the applicant,
362 including the taking of fingerprints for processing through the
363 Federal Bureau of Investigation; and shall make such
364 investigation of the applicant or the school or institution as
365 it may deem necessary to the granting of the permit. If an
366 objection is filed, it shall be considered in the same manner as
367 objections or administrative complaints against other applicants
368 for licensure by the department.

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

371 Section 15. Paragraphs (c) and (d) of subsection (1) of
372 section 475.611, Florida Statutes, are amended, present
373 paragraphs (t) through (x) of subsection (1) are redesignated as
374 paragraphs (u) through (y), respectively, and a new paragraph
375 (t) is added to that subsection, to read:

376 475.611 Definitions.—

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

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378 (c) "Appraisal management company" means a person who
379 performs appraisal management services regardless of the use of
380 the term "appraisal management company," "appraiser
381 cooperative," "appraiser portal," "mortgage technology company,"
382 or other term.

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

385 1. Employing, contracting with, or otherwise retaining one
386 or more licensed or certified appraisers to perform appraisal
387 services for a client; or

388 2. Acting as a broker or intermediary between a client and
389 one or more licensed or certified appraisers to facilitate the
390 client's employing, contracting with, or otherwise retaining the
391 appraisers.

392 (t) "Subsidiary" means an organization that is owned and
393 controlled by a financial institution that is regulated by a
394 federal financial institution regulatory agency.

395 Section 16. Subsection (5) of section 475.615, Florida
396 Statutes, is amended to read:

397 475.615 Qualifications for registration or certification.—

398 (5) At the time of filing an application for registration
399 or certification, the applicant must sign a pledge indicating
400 that upon becoming registered or certified, she or he will
401 comply with the standards of professional practice established
402 by rule of the board, including standards for the development or
403 communication of a real estate appraisal, ~~to comply with the~~
404 ~~Uniform Standards of Professional Appraisal Practice upon~~
405 ~~registration or certification~~ and must indicate in writing that
406 she or he understands the types of misconduct for which

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407 disciplinary proceedings may be initiated. The application
408 expires ~~shall expire~~ 1 year after the date received by the
409 department.

410 Section 17. Subsections (1), (2), and (3) of section
411 475.617, Florida Statutes, are amended to read:

412 475.617 Education and experience requirements.—

413 (1) To be registered as a trainee appraiser, an applicant
414 must present evidence satisfactory to the board that she or he
415 has successfully completed at least 100 hours of approved
416 academic courses in subjects related to real estate appraisal,
417 which must ~~shall~~ include coverage of the Uniform Standards of
418 Professional Appraisal Practice, or its equivalent, as
419 established by rule of the board, from a nationally recognized
420 or state-recognized appraisal organization, career center,
421 accredited community college, college, or university, state or
422 federal agency or commission, or proprietary real estate school
423 that holds a permit pursuant to s. 475.451. The board may
424 increase the required number of hours to not more than 125
425 hours. A classroom hour is defined as 50 minutes out of each 60-
426 minute segment. Past courses may be approved on an hour-for-hour
427 basis.

428 (2) To be certified as a residential appraiser, an
429 applicant must present satisfactory evidence to the board that
430 she or he has met the minimum education and experience
431 requirements prescribed by rule of the board. The board shall
432 prescribe by rule education and experience requirements that
433 meet or exceed the following real property appraiser
434 qualification criteria adopted on February 20, 2004, by the
435 Appraisal Qualifications Board of the Appraisal Foundation:

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436 (a) Has at least 2,500 hours of experience obtained over a
437 24-month period in real property appraisal as defined by rule.

438 (b) Has successfully completed at least 200 classroom
439 hours, inclusive of examination, of approved academic courses in
440 subjects related to real estate appraisal, which must ~~shall~~
441 include a 15-hour National Uniform Standards of Professional
442 Appraisal Practice course, or its equivalent, as established by
443 rule of the board, from a nationally recognized or state-
444 recognized appraisal organization, career center, accredited
445 community college, college, or university, state or federal
446 agency or commission, or proprietary real estate school that
447 holds a permit pursuant to s. 475.451. A classroom hour is
448 defined as 50 minutes out of each 60-minute segment. Past
449 courses may be approved by the board and substituted on an hour-
450 for-hour basis.

451 (3) To be certified as a general appraiser, an applicant
452 must present evidence satisfactory to the board that she or he
453 has met the minimum education and experience requirements
454 prescribed by rule of the board. The board shall prescribe
455 education and experience requirements that meet or exceed the
456 following real property appraiser qualification criteria adopted
457 on February 20, 2004, by the Appraisal Qualifications Board of
458 the Appraisal Foundation:

459 (a) Has at least 3,000 hours of experience obtained over a
460 30-month period in real property appraisal as defined by rule.

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

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465 Appraisal Practice course, or its equivalent, as established by
466 rule of the board, from a nationally recognized or state-
467 recognized appraisal organization, career center, accredited
468 community college, college, or university, state or federal
469 agency or commission, or proprietary real estate school that
470 holds a permit pursuant to s. 475.451. A classroom hour is
471 defined as 50 minutes out of each 60-minute segment. Past
472 courses may be approved by the board and substituted on an hour-
473 for-hour basis.

474 Section 18. Subsection (4) of section 475.6171, Florida
475 Statutes, is amended to read:

476 475.6171 Issuance of registration or certification.—The
477 registration or certification of an applicant may be issued upon
478 receipt by the board of the following:

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

483 Section 19. Subsection (1) of section 475.6175, Florida
484 Statutes, is amended to read:

485 475.6175 Registered trainee appraiser; postlicensure
486 education required.—

487 (1) The board shall prescribe postlicensure educational
488 requirements in order for a person to maintain a valid
489 registration as a registered trainee appraiser. If prescribed,
490 the postlicensure educational requirements consist of one or
491 more courses which total no more than the total educational
492 hours required to qualify as a state certified residential
493 appraiser. Such courses must be in subjects related to real

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494 estate appraisal and must ~~shall~~ include coverage of the Uniform
495 Standards of Professional Appraisal Practice, or its equivalent,
496 as established by rule of the board. Such courses are provided
497 by a nationally or state-recognized appraisal organization,
498 career center, accredited community college, college, or
499 university, state or federal agency or commission, or
500 proprietary real estate school that holds a permit pursuant to
501 s. 475.451.

502 Section 20. Section 475.6235, Florida Statutes, is amended
503 to read:

504 475.6235 Registration of appraisal management companies
505 required; exemptions.—

506 (1) A person may not engage, or offer to engage, in
507 appraisal management services for compensation in this state,
508 advertise or represent herself or himself as an appraisal
509 management company, ~~or use the titles "appraisal management~~
510 ~~company," "appraiser cooperative," "appraiser portal," or~~
511 ~~"mortgage technology company," or any abbreviation or words to~~
512 ~~that effect,~~ unless the person is registered with the department
513 as an appraisal management company under this section. However,
514 an employee of an appraisal management company is not required
515 to obtain a separate registration.

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

519 (a) The firm or business name under which the appraisal
520 management company conducts business in this state. The
521 appraisal management company must notify the department of any
522 change in the firm or business name, on a form provided by the

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523 department, within 10 days after such change.

524 (b) The mailing address, street address, and telephone
525 number of the appraisal management company's principal business
526 location. The appraisal management company must notify the
527 department of any change in the mailing or street address, on a
528 form provided by the department, within 10 days after such
529 change.

530 (c) The appraisal management company's federal employer
531 identification number.

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

535 (e) A statement as to whether the appraisal management
536 company, if incorporated, is a domestic or foreign corporation,
537 the company's date of incorporation, the state in which the
538 company was incorporated, its charter number, and, if it is a
539 foreign corporation, the date that the company first registered
540 with the Department of State to conduct business in this state.

541 (f) The full name, street address, telephone number,
542 corporate title, and social security number or federal employer
543 identification number of any person who possesses the authority,
544 directly or indirectly, to direct the management or policies of
545 the appraisal management company, whether through ownership, by
546 contract, or otherwise, including, but not limited to:

547 1. Each officer and director if the appraisal management
548 company is a corporation.

549 2. Each general partner if the appraisal management company
550 is a partnership.

551 3. Each manager or managing member if the appraisal

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552 management company is a limited liability company.

553 4. The owner if the appraisal management company is a sole
554 proprietorship.

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

558 (g) The firm or business name under which any person listed
559 in paragraph (f) conducted business as an appraisal management
560 company within the 5 years preceding the date of the
561 application.

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

564 (3) Appropriate fees, as set forth in the rules of the
565 board pursuant to s. 475.6147, and a complete set of
566 fingerprints for each person listed in paragraph (2) (f) must
567 accompany all applications for registration. The fingerprints
568 shall be forwarded to the Division of Criminal Justice
569 Information Systems within the Department of Law Enforcement for
570 purposes of processing the fingerprints to determine whether the
571 person has a criminal history record. The fingerprints shall
572 also be forwarded to the Federal Bureau of Investigation for
573 purposes of processing the fingerprints to determine whether the
574 person has a criminal history record. The information obtained
575 by the processing of fingerprints by the Department of Law
576 Enforcement and the Federal Bureau of Investigation shall be
577 sent to the department for the purpose of determining whether
578 the appraisal management company is statutorily qualified for
579 registration.

580 (4) At the time of filing an application for registration

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581 of an appraisal management company, each person listed in
582 paragraph (2) (f) must sign a pledge to comply with applicable
583 standards of professional practice established by rule of the
584 board, including standards for the development or communication
585 of a real estate appraisal, ~~the Uniform Standards of~~
586 Professional Appraisal Practice upon registration and must
587 indicate in writing that she or he understands the types of
588 misconduct for which disciplinary proceedings may be initiated.
589 The application expires ~~shall expire~~ 1 year after the date
590 received.

591 (5) Each person listed in paragraph (2) (f) must be
592 competent and qualified to engage in appraisal management
593 services with safety to the general public and those with whom
594 the person may undertake a relationship of trust and confidence.
595 If any person listed in paragraph (2) (f) has been denied
596 registration, licensure, or certification as an appraiser or has
597 been disbarred, or if the person's registration, license, or
598 certificate to practice or conduct any regulated profession,
599 business, or vocation has been revoked or suspended by this or
600 any other state, any nation, any possession or district of the
601 United States, or any court or lawful agency thereof because of
602 any conduct or practices that would have warranted a like result
603 under this part, or if the person has been guilty of conduct or
604 practices in this state or elsewhere that would have been
605 grounds for disciplining her or his registration, license, or
606 certification under this part had the person then been a
607 registered trainee appraiser or a licensed or certified
608 appraiser, the person shall be deemed not to be qualified
609 unless, because of lapse of time and subsequent good conduct and

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610 reputation, or other reason deemed sufficient, it appears to the
611 board that the interest of the public is not likely to be
612 endangered by the granting of registration.

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

618 (7) An applicant for registration who is not a resident of
619 the state shall file an irrevocable consent that suits and
620 actions may be commenced against the appraisal management
621 company in any county of the state in which a plaintiff having a
622 cause of action or suit against the company resides and that
623 service of any process or pleading in suits or actions against
624 the company may be made by delivering the process or pleading to
625 the director of the Division of Real Estate by certified mail,
626 return receipt requested, and also to the appraisal management
627 company by registered mail addressed to the company's designated
628 principal business location or, if its principal business
629 location is located in this state, to the company's registered
630 agent. Service, when so made, must be taken and held in all
631 courts to be as valid and binding upon the appraisal management
632 company as if made upon the company in this state within the
633 jurisdiction of the court in which the suit or action is filed.
634 The irrevocable consent must be in a form prescribed by the
635 department and be acknowledged before a notary public.

636 (8) The department shall renew the registration of an
637 appraisal management company upon receipt of the renewal
638 application and the proper fee. The department shall adopt rules

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639 establishing a procedure for renewal of the registration of an
640 appraisal management company at least every 4 years.

641 (9) This section does not apply to:

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

645 (b) An appraisal management company that is a subsidiary
646 owned and controlled by a financial institution, as defined in
647 s. 655.005, regulated by a federal financial institution
648 regulatory agency.

649 Section 21. Subsection (14) of section 475.624, Florida
650 Statutes, is amended to read:

651 475.624 Discipline of appraisers.—The board may deny an
652 application for registration or certification of an appraiser;
653 may investigate the actions of any appraiser registered,
654 licensed, or certified under this part; may reprimand or impose
655 an administrative fine not to exceed \$5,000 for each count or
656 separate offense against any such appraiser; and may revoke or
657 suspend, for a period not to exceed 10 years, the registration,
658 license, or certification of any such appraiser, or place any
659 such appraiser on probation, if the board finds that the
660 registered trainee, licensee, or certificateholder:

661 (14) Has violated any standard of professional practice
662 established by rule of the board, including standards for the
663 development or communication of a real estate appraisal ~~or other~~
664 ~~provision of the Uniform Standards of Professional Appraisal~~
665 ~~Practice.~~

666 Section 22. Paragraph (n) of subsection (1) of section
667 475.6245, Florida Statutes, is amended to read:

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668 475.6245 Discipline of appraisal management companies.—

669 (1) The board may deny an application for registration of
670 an appraisal management company; may investigate the actions of
671 any appraisal management company registered under this part; may
672 reprimand or impose an administrative fine not to exceed \$5,000
673 for each count or separate offense against any such appraisal
674 management company; and may revoke or suspend, for a period not
675 to exceed 10 years, the registration of any such appraisal
676 management company, or place any such appraisal management
677 company on probation, if the board finds that the appraisal
678 management company or any person listed in s. 475.6235(2)(f):

679 (n) Has instructed an appraiser to violate any standard of
680 professional practice established by rule of the board,
681 including standards for the development or communication of a
682 real estate appraisal or other provision of the Uniform
683 Standards of Professional Appraisal Practice.

684 Section 23. Paragraphs (b) and (c) of subsection (1) of
685 section 475.626, Florida Statutes, are repealed.

686 Section 24. Section 475.628, Florida Statutes, is amended
687 to read:

688 475.628 Professional standards for appraisers registered,
689 licensed, or certified under this part.— The board shall adopt
690 rules establishing standards of professional practice which meet
691 or exceed nationally recognized standards of appraisal practice,
692 including standards adopted by the Appraisal Standards Board of
693 the Appraisal Foundation. Each appraiser registered, licensed,
694 or certified under this part must ~~shall~~ comply with the rules
695 ~~Uniform Standards of Professional Appraisal Practice.~~ Statements
696 on appraisal standards which may be issued for the purpose of

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697 clarification, interpretation, explanation, or elaboration
698 through the Appraisal Foundation are ~~shall also be~~ binding on
699 any appraiser registered, licensed, or certified under this
700 part, upon adoption by rule of the board.

701 Section 25. Paragraph (b) of subsection (1) of section
702 476.194, Florida Statutes, is repealed.

703 Section 26. Subsection (2) of section 477.0212, Florida
704 Statutes, is amended to read:

705 477.0212 Inactive status.—

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

710 The board shall prescribe by rule a fee not to exceed \$50 for
711 the reactivation of an inactive license and a fee not to exceed
712 \$50 for the renewal of an inactive license.

713 Section 27. Paragraph (c) of subsection (1) of section
714 477.0265, Florida Statutes, is repealed.

715 Section 28. Subsection (1) of section 481.209, Florida
716 Statutes, is amended to read:

717 481.209 Examinations.—

718 (1) A person desiring to be licensed as a registered
719 architect by initial examination shall apply to the department,
720 complete ~~to take the licensure examination. The department shall~~
721 ~~administer the licensure examination for architects to each~~
722 ~~applicant who the board certifies:~~

723 ~~(a) Has completed~~ the application form, and remit ~~remitted~~
724 a nonrefundable application fee. The department shall license
725 any applicant who the board certifies: and an examination fee

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726 ~~which is refundable if the applicant is found to be ineligible~~
727 ~~to take the examination;~~

728 (a) Has passed the licensure examination prescribed by
729 board rule; and

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

733 ~~2. Is a graduate of an approved architectural curriculum,~~
734 ~~evidenced by a degree from an unaccredited school or college of~~
735 ~~architecture approved by the board. The board shall adopt rules~~
736 ~~providing for the review and approval of unaccredited schools~~
737 ~~and colleges of architecture and courses of architectural study~~
738 ~~based on a review and inspection by the board of the curriculum~~
739 ~~of accredited schools and colleges of architecture in the United~~
740 ~~States; and~~

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

743 Section 29. Section 481.211, Florida Statutes, is amended
744 to read:

745 481.211 Architecture internship required.-

746 ~~(1)~~ An applicant for licensure as a registered architect
747 shall complete, before ~~prior to~~ licensure, an internship of
748 diversified architectural experience approved by the board,
749 which meets the requirements set forth by rule in the design and
750 construction of structures which have as their principal purpose
751 human habitation or use. The internship shall be for a period
752 of:

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

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

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

761 Section 30. Subsection (3) of section 481.213, Florida
762 Statutes, is amended to read:

763 481.213 Licensure.—

764 (3) The board shall certify as qualified for a license by
765 endorsement as an architect or as an interior designer an
766 applicant who:

767 (a) Qualifies to take the prescribed licensure examination,
768 and has passed the prescribed licensure examination or a
769 substantially equivalent examination in another jurisdiction, as
770 set forth in s. 481.209 for architects or interior designers, as
771 applicable, and has satisfied the internship requirements set
772 forth in s. 481.211 for architects;

773 (b) Holds a valid license to practice architecture or
774 interior design issued by another jurisdiction of the United
775 States, if the criteria for issuance of such license were
776 substantially equivalent to the licensure criteria that existed
777 in this state at the time the license was issued; provided,
778 however, that an applicant who has been licensed for use of the
779 title "interior design" rather than licensed to practice
780 interior design shall not qualify hereunder; or

781 (c) Has passed the prescribed licensure examination and
782 holds a valid certificate issued by the National Council of
783 Architectural Registration Boards, and holds a valid license to

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784 practice architecture issued by another state or jurisdiction of
785 the United States. ~~For the purposes of this paragraph, any~~
786 ~~applicant licensed in another state or jurisdiction after June~~
787 ~~30, 1984, must also hold a degree in architecture and such~~
788 ~~degree must be equivalent to that required in s. 481.209(1)(b).~~
789 ~~Also for the purposes of this paragraph, any applicant licensed~~
790 ~~in another state or jurisdiction after June 30, 1985, must have~~
791 ~~completed an internship equivalent to that required by s.~~
792 ~~481.211 and any rules adopted with respect thereto.~~

793 Section 31. Section 481.217, Florida Statutes, is amended
794 to read:

795 481.217 Inactive status.—

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

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

812 Section 32. Section 481.315, Florida Statutes, is amended

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813 to read:

814 481.315 Inactive status.—

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

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

828 Section 33. Subsections (3) and (6) of section 489.116,
829 Florida Statutes, are amended to read:

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

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

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

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842 certificate or registration requirements, if any, that are
843 ~~imposed on an active status certificateholder or registrant.~~

844 Section 34. 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 35. Subsections (17), (19), (20), and (43) of
857 section 499.003, Florida Statutes, are amended to read:

858 499.003 Definitions of terms used in this part.—As used in
859 this part, the term:

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

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

867 (a) Recognized in the current edition of the United States
868 Pharmacopoeia and National Formulary, official Homeopathic
869 Pharmacopoeia of the United States, or any supplement to any of
870 those publications;

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

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

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

889 (20) "Establishment" means a place of business which is at
890 one general physical location and may extend to one or more
891 contiguous suites, units, floors, or buildings operated and
892 controlled exclusively by entities under common operation and
893 control. Where multiple buildings are under common exclusive
894 ownership, operation, and control, an intervening thoroughfare
895 does not affect the contiguous nature of the buildings. For
896 purposes of permitting, each suite, unit, floor, or building
897 must be identified in the most recent permit application.

898 (43) "Prescription drug" means a prescription, medicinal,
899 or legend drug, including, but not limited to, finished dosage

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900 forms or active pharmaceutical ingredients subject to, defined
901 by, or described by s. 503(b) of the Federal Food, Drug, and
902 Cosmetic Act or s. 465.003(8), s. 499.007(13), or subsection
903 (11), subsection (46), or subsection (53), except that an active
904 pharmaceutical ingredient is a prescription drug only if
905 substantially all finished dosage forms in which it may be
906 lawfully dispensed or administered in this state are also
907 prescription drugs.

908 Section 36. Paragraphs (c) and (e) of subsection (2) of
909 section 499.01, Florida Statutes, are amended, and subsection
910 (3) is added to that section, to read:

911 499.01 Permits.—

912 (2) The following permits are established:

913 (c) *Nonresident prescription drug manufacturer permit.*—A
914 nonresident prescription drug manufacturer permit is required
915 for any person that is a manufacturer of prescription drugs,
916 unless permitted as a third party logistics provider, located
917 outside of this state or outside the United States and that
918 engages in the wholesale distribution in this state of such
919 prescription drugs. Each such manufacturer must be permitted by
920 the department and comply with all of the provisions required of
921 a wholesale distributor under this part, except s. 499.01212.

922 1. A person that distributes prescription drugs for which
923 the person is not the manufacturer must also obtain an out-of-
924 state prescription drug wholesale distributor permit or third
925 party logistics provider permit pursuant to this section to
926 engage in the wholesale distribution of such prescription drugs.
927 This subparagraph does not apply to a manufacturer as defined in
928 s. 499.003(31)(e).

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929 2. Any such person must comply with the licensing or
930 permitting requirements of the jurisdiction in which the
931 establishment is located and the federal act, and any product
932 wholesaled into this state must comply with this part. If a
933 person intends to import prescription drugs from a foreign
934 country into this state, the nonresident prescription drug
935 manufacturer must provide to the department a list identifying
936 each prescription drug it intends to import and document
937 approval by the United States Food and Drug Administration for
938 such importation.

939 ~~3. A nonresident prescription drug manufacturer permit is
940 not required for a manufacturer to distribute a prescription
941 drug active pharmaceutical ingredient that it manufactures to a
942 prescription drug manufacturer permitted in this state in
943 limited quantities intended for research and development and not
944 for resale, or human use other than lawful clinical trials and
945 biostudies authorized and regulated by federal law. A
946 manufacturer claiming to be exempt from the permit requirements
947 of this subparagraph and the prescription drug manufacturer
948 purchasing and receiving the active pharmaceutical ingredient
949 shall comply with the recordkeeping requirements of s.
950 499.0121(6), but not the requirements of s. 499.01212. The
951 prescription drug manufacturer purchasing and receiving the
952 active pharmaceutical ingredient shall maintain on file a record
953 of the FDA registration number; the out-of-state license,
954 permit, or registration number; and, if available, a copy of the
955 most current FDA inspection report, for all manufacturers from
956 whom they purchase active pharmaceutical ingredients under this
957 section. The department shall specify by rule the allowable~~

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958 ~~number of transactions within a given period of time and the~~
959 ~~amount of active pharmaceutical ingredients that qualify as~~
960 ~~limited quantities for purposes of this exemption. The failure~~
961 ~~to comply with the requirements of this subparagraph, or rules~~
962 ~~adopted by the department to administer this subparagraph, for~~
963 ~~the purchase of prescription drug active pharmaceutical~~
964 ~~ingredients is a violation of s. 499.005(14).~~

965 (e) *Out-of-state prescription drug wholesale distributor*
966 *permit.*-An out-of-state prescription drug wholesale distributor
967 is a wholesale distributor located outside this state which
968 engages in the wholesale distribution of prescription drugs into
969 this state and which must be permitted by the department and
970 comply with all the provisions required of a wholesale
971 distributor under this part. An out-of-state prescription drug
972 wholesale distributor that applies to the department for a new
973 permit or the renewal of a permit must submit a bond of
974 \$100,000, or other equivalent means of security acceptable to
975 the department, such as an irrevocable letter of credit or a
976 deposit in a trust account or financial institution, payable to
977 the Florida Drug, Device, and Cosmetic Trust Fund. The purpose
978 of the bond is to secure payment of any administrative penalties
979 imposed by the department and any fees and costs incurred by the
980 department regarding that permit which are authorized under
981 state law and which the permittee fails to pay 30 days after the
982 fine or costs become final. The department may make a claim
983 against such bond or security until 1 year after the permittee's
984 license ceases to be valid or until 60 days after any
985 administrative or legal proceeding authorized in this part which
986 involves the permittee is concluded, including any appeal,

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987 whichever occurs later.

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

992 ~~2. An out-of-state prescription drug wholesale distributor~~
993 ~~permit is not required for an intracompany sale or transfer of a~~
994 ~~prescription drug from an out-of-state establishment that is~~
995 ~~duly licensed as a prescription drug wholesale distributor, in~~
996 ~~its state of residence, to a licensed prescription drug~~
997 ~~wholesale distributor in this state, if both wholesale~~
998 ~~distributors conduct wholesale distributions of prescription~~
999 ~~drugs under the same business name. The recordkeeping~~
1000 ~~requirements of ss. 499.0121(6) and 499.01212 must be followed~~
1001 ~~for this transaction.~~

1002 (3) (a) A permit issued under this part is not required to
1003 distribute a prescription drug active pharmaceutical ingredient
1004 from an establishment located in the United States to an
1005 establishment located in this state permitted as a prescription
1006 drug manufacturer under this part for use by the recipient in
1007 preparing, deriving, processing, producing, or fabricating a
1008 prescription drug finished dosage form at the establishment in
1009 this state where the product is received under an approved and
1010 otherwise valid New Drug Approval Application, Abbreviated New
1011 Drug Application, New Animal Drug Application, or Therapeutic
1012 Biologic Application, provided that the application, active
1013 pharmaceutical ingredient, or finished dosage form has not been
1014 withdrawn or removed from the market in this country for public
1015 health reasons.

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1016 1. Any distributor claiming exemption from permitting
1017 requirements pursuant to this paragraph shall maintain a
1018 license, permit, or registration to engage in the wholesale
1019 distribution of prescription drugs under the laws of the state
1020 from which the product is distributed.

1021 2. Any distributor claiming exemption from permitting
1022 requirements pursuant to this paragraph and the prescription
1023 drug manufacturer purchasing and receiving the active
1024 pharmaceutical ingredient shall comply with the recordkeeping
1025 requirements of s. 499.0121(6), but not the requirements of s.
1026 499.01212.

1027 (b) A permit issued under this part is not required to
1028 distribute limited quantities of a prescription drug that has
1029 not been repackaged from an establishment located in the United
1030 States to an establishment located in this state permitted as a
1031 prescription drug manufacturer under this part for research and
1032 development or to a holder of a letter of exemption issued by
1033 the department under s. 499.03(4) for research, teaching, or
1034 testing. The department shall define "limited quantities" by
1035 rule and may include the allowable number of transactions within
1036 a given period of time and the amounts of prescription drugs
1037 distributed into the state for purposes of this exemption.

1038 1. Any distributor claiming exemption from permitting
1039 requirements pursuant to this paragraph shall maintain a
1040 license, permit, or registration to engage in the wholesale
1041 distribution of prescription drugs under the laws of the state
1042 from which the product is distributed.

1043 2. All purchasers and recipients of any prescription drugs
1044 distributed pursuant to this paragraph shall ensure that the

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1045 products are not resold or used, directly or indirectly, on
1046 humans except in lawful clinical trials and biostudies
1047 authorized and regulated by federal law.

1048 3. Any distributor claiming exemption from permitting
1049 requirements pursuant to this paragraph, and the purchaser and
1050 recipient of the prescription drug, shall comply with the
1051 recordkeeping requirements of s. 499.0121(6), but not the
1052 requirements of s. 499.01212.

1053 4. The immediate package or container of any active
1054 pharmaceutical ingredient distributed into the state that is
1055 intended for teaching, testing, research, and development shall
1056 bear a label prominently displaying the statement: "Caution:
1057 Research, Teaching, or Testing Only - Not for Manufacturing,
1058 Compounding, or Resale."

1059 (c) An out-of-state prescription drug wholesale distributor
1060 permit is not required for an intracompany sale or transfer of a
1061 prescription drug from an out-of-state establishment that is
1062 duly licensed as a prescription drug wholesale distributor in
1063 its state of residence to a licensed prescription drug wholesale
1064 distributor in this state, if both wholesale distributors
1065 conduct wholesale distributions of prescription drugs under the
1066 same business name. The recordkeeping requirements of ss.
1067 499.0121(6) and 499.01212 must be followed for such
1068 transactions.

1069 (d) Persons receiving prescription drugs from a source
1070 claimed to be exempt from permitting requirements under this
1071 subsection shall maintain on file:

1072 1. A record of the FDA establishment registration number,
1073 if any;

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1074 2. The resident state prescription drug wholesale
1075 distribution license, permit, or registration number; and

1076 3. A copy of the most recent resident state or FDA
1077 inspection report, for all distributors and establishments whom
1078 they purchase or receive prescription drugs under this
1079 subsection.

1080 (e) All persons claiming exemption from permitting
1081 requirements pursuant to this subsection who engage in the
1082 distribution of prescription drugs within or into the state are
1083 subject to this part, including ss. 499.005 and 499.0051, and
1084 shall make available, within 48 hours, to the department on
1085 request all records related to any prescription drugs
1086 distributed under this subsection, including those records
1087 described in s. 499.051(4), regardless of the location where the
1088 records are stored.

1089 (f) A person purchasing and receiving a prescription drug
1090 from a person claimed to be exempt from licensing requirements
1091 pursuant to this subsection shall report to the department in
1092 writing within 14 days after receiving any product that is
1093 misbranded or adulterated or that fails to meet minimum
1094 standards set forth in the official compendium or state or
1095 federal good manufacturing practices for identity, purity,
1096 potency, or sterility, regardless of whether the product is
1097 thereafter rehabilitated, quarantined, returned, or destroyed.

1098 (g) The department may adopt rules to administer this
1099 subsection which are necessary for the protection of the public
1100 health, safety, and welfare. Failure to comply with the
1101 requirements of this subsection, or rules adopted by the
1102 department to administer this subsection, is a violation of s.

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1103 499.005(14), and a knowing failure is a violation of s.
1104 499.0051(4).

1105 (h) This subsection does not relieve any person from any
1106 requirement prescribed by law with respect to controlled
1107 substances as defined in the applicable federal and state laws.

1108 Section 37. This act shall take effect July 1, 2012.