



CS/HB 323, Engrossed 2

2014

1 A bill to be entitled  
2 An act relating to pharmacy; amending s. 456.42, F.S.;  
3 requiring written prescriptions for specified  
4 controlled substances to be dated in a specified  
5 format; amending s. 465.003, F.S.; revising the  
6 definition of the term "prescription"; amending s.  
7 465.014, F.S.; providing the number of registered  
8 pharmacy technicians a licensed pharmacist may  
9 supervise if approved by the Board of Pharmacy after  
10 considering certain factors; requiring the board to  
11 authorize a licensed pharmacist to supervise more than  
12 three pharmacy technicians if a licensee is employed  
13 by certain entities; requiring a licensee to provide  
14 the board with notice of employment status under  
15 certain circumstances; amending s. 465.189, F.S.;  
16 authorizing pharmacists to administer meningococcal  
17 and shingles vaccines under certain circumstances;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (2) of section 456.42, Florida  
23 Statutes, is amended to read:

24 456.42 Written prescriptions for medicinal drugs.—

25 (2) A written prescription for a controlled substance  
26 listed in chapter 893 must have the quantity of the drug



CS/HB 323, Engrossed 2

2014

27 | prescribed in both textual and numerical formats, must be dated  
28 | on the prescription in numerical, month/day/year format or with  
29 | the abbreviated month written out, or the month written out in  
30 | whole ~~on the face of the prescription~~, and must be either  
31 | written on a standardized counterfeit-proof prescription pad  
32 | produced by a vendor approved by the department or  
33 | electronically prescribed as that term is used in s. 408.0611.  
34 | As a condition of being an approved vendor, a prescription pad  
35 | vendor must submit a monthly report to the department that  
36 | ~~which~~, at a minimum, documents the number of prescription pads  
37 | sold and identifies the purchasers. The department may, by rule,  
38 | require the reporting of additional information.

39 | Section 2. Subsection (14) of section 465.003, Florida  
40 | Statutes, is amended to read:

41 | 465.003 Definitions.—As used in this chapter, the term:

42 | (14) "Prescription" includes any order for drugs or  
43 | medicinal supplies written or transmitted by any means of  
44 | communication by a duly licensed practitioner authorized by the  
45 | laws of the state to prescribe such drugs or medicinal supplies  
46 | and intended to be dispensed by a pharmacist. The term also  
47 | includes an orally transmitted order by the lawfully designated  
48 | agent of such practitioner. The term also includes an order  
49 | written or transmitted by a practitioner licensed to practice in  
50 | a jurisdiction other than this state, but only if the pharmacist  
51 | called upon to dispense such order determines, in the exercise  
52 | of her or his professional judgment, that the order is valid and

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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CS/HB 323, Engrossed 2

2014

53 necessary for the treatment of a chronic or recurrent illness.  
54 The term "prescription" also includes a pharmacist's order for a  
55 product selected from the formulary created pursuant to s.  
56 465.186. Prescriptions may be retained in written form or the  
57 pharmacist may cause them to be recorded in a data processing  
58 system, provided that such order can be produced in printed form  
59 upon lawful request. The term "prescription" does not include an  
60 order for drugs, treatments, or medicinal supplies for patients  
61 who are being treated by a facility licensed under chapter 395.

62 Section 3. Subsection (1) of section 465.014, Florida  
63 Statutes, is amended to read:

64 465.014 Pharmacy technician.—

65 (1) A person other than a licensed pharmacist or pharmacy  
66 intern may not engage in the practice of the profession of  
67 pharmacy, except that a licensed pharmacist may delegate to  
68 pharmacy technicians who are registered pursuant to this section  
69 those duties, tasks, and functions that do not fall within the  
70 purview of s. 465.003(13). All such delegated acts must ~~shall~~ be  
71 performed under the direct supervision of a licensed pharmacist  
72 who is ~~shall be~~ responsible for all such acts performed by  
73 persons under his or her supervision. A registered pharmacy  
74 ~~registered~~ technician, under the supervision of a pharmacist,  
75 may initiate or receive communications with a practitioner or  
76 his or her agent, on behalf of a patient, regarding refill  
77 authorization requests. A licensed pharmacist may supervise up  
78 to three registered pharmacy technicians ~~not supervise more than~~



CS/HB 323, Engrossed 2

2014

79 ~~one registered pharmacy technician unless otherwise~~ authorized  
80 ~~permitted by the guidelines adopted by the board pursuant to~~  
81 this subsection.

82 (a) The board shall establish by rule circumstances under  
83 which a licensee who applies to the board for approval may  
84 ~~guidelines to be followed by licensees or permittees in~~  
85 ~~determining the circumstances under which a licensed pharmacist~~  
86 ~~may supervise more than~~ three, one but not more than six  
87 registered three pharmacy technicians. In establishing these  
88 circumstances, the board shall consider, for safety, the  
89 following factors:

90 1. The average number of prescriptions filled each month  
91 by the pharmacy where the applicant works.

92 2. Whether the pharmacy is a community pharmacy, nuclear  
93 pharmacy, special pharmacy, Internet pharmacy, or institutional  
94 pharmacy.

95 3. Whether the pharmacy holds a special sterile  
96 compounding permit, or special parenteral or enteral permit.

97 4. The pharmacy's hours of operation.

98 5. The number of licensed pharmacists working in the  
99 pharmacy and the number of registered pharmacy technicians  
100 supervised by each pharmacist.

101 (b) The board must authorize a licensee, who submits proof  
102 to the board that he or she is employed by an entity operating  
103 an automated pharmacy system or by a pharmacy performing  
104 centralized prescription filling, to supervise more than three



CS/HB 323, Engrossed 2

2014

105 registered pharmacy technicians as long as that licensee is  
106 employed by that entity or pharmacy. The licensee must notify  
107 the board within 30 days after the licensee is no longer  
108 employed by the entity or pharmacy.

109 Section 4. Paragraphs (c) and (d) are added to subsection  
110 (1) of section 465.189, Florida Statutes, and subsection (2) of  
111 that section is amended, to read:

112 465.189 Administration of vaccines and epinephrine  
113 autoinjection.—

114 (1) In accordance with guidelines of the Centers for  
115 Disease Control and Prevention for each recommended immunization  
116 or vaccine, a pharmacist may administer the following vaccines  
117 to an adult within the framework of an established protocol  
118 under a supervising physician licensed under chapter 458 or  
119 chapter 459:

120 (c) Meningococcal vaccine.

121 (d) Shingles vaccine.

122 ~~(2) In accordance with guidelines of the Centers for~~  
123 ~~Disease Control and Prevention, a pharmacist may administer the~~  
124 ~~shingles vaccine within the framework of an established protocol~~  
125 ~~and pursuant to a written or electronic prescription issued to~~  
126 ~~the patient by a physician licensed under chapter 458 or chapter~~  
127 ~~459.~~

128 Section 5. This act shall take effect July 1, 2014.