



888378

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2015	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Richter) recommended the following:

Senate Amendment (with title amendment)

Delete lines 303 - 314

and insert:

Section 9. Paragraphs (g) and (m) of subsection (8) of section 499.012, Florida Statutes, are amended to read:

499.012 Permit application requirements.—

(8) An application for a permit or to renew a permit for a prescription drug wholesale distributor or an out-of-state prescription drug wholesale distributor submitted to the



888378

11 department must include:

12 (g)1. For an application for a new permit, the estimated
13 annual dollar volume of prescription drug sales of the
14 applicant, the estimated annual percentage of the applicant's
15 total company sales that are prescription drugs, the applicant's
16 estimated annual total dollar volume of purchases of
17 prescription drugs, and the applicant's estimated annual total
18 dollar volume of prescription drug purchases directly from
19 manufacturers.

20 2. For an application to renew a permit, the total dollar
21 volume of prescription drug sales in the previous year, the
22 total dollar volume of prescription drug sales made in the
23 previous 6 months, the percentage of total company sales that
24 were prescription drugs in the previous year, the total dollar
25 volume of purchases of prescription drugs in the previous year,
26 and the total dollar volume of prescription drug purchases
27 directly from manufacturers in the previous year.

28 3. Such portions of the information required pursuant to
29 this paragraph which are a trade secret, as defined in s.
30 812.081, shall be maintained by the department as trade secret
31 information is required to be maintained under s. 499.051. This
32 subparagraph is subject to the Open Government Sunset Review Act
33 in accordance with s. 119.15 and shall stand repealed on October
34 2, 2020, unless reviewed and saved from repeal through
35 reenactment by the Legislature.

36 (m) For an applicant that is a secondary wholesale
37 distributor, each of the following:

38 1. A personal background information statement containing
39 the background information and fingerprints required pursuant to



888378

40 subsection (9) for each person named in the applicant's response
41 to paragraphs (k) and (l) and for each affiliated party of the
42 applicant.

43 2. If any of the five largest shareholders of the
44 corporation seeking the permit is a corporation, the name,
45 address, and title of each corporate officer and director of
46 each such corporation; the name and address of such corporation;
47 the name of such corporation's resident agent, such
48 corporation's resident agent's address, and such corporation's
49 state of its incorporation; and the name and address of each
50 shareholder of such corporation that owns 5 percent or more of
51 the stock of such corporation.

52 3.a. The name and address of all financial institutions in
53 which the applicant has an account which is used to pay for the
54 operation of the establishment or to pay for drugs purchased for
55 the establishment, together with the names of all persons that
56 are authorized signatories on such accounts.

57 b. The portions of the information required pursuant to
58 this subparagraph which are a trade secret, as defined in s.
59 812.081, shall be maintained by the department as trade secret
60 information is required to be maintained under s. 499.051. This
61 sub-subparagraph is subject to the Open Government Sunset Review
62 Act in accordance with s. 119.15 and shall stand repealed on
63 October 2, 2020, unless reviewed and saved from repeal through
64 reenactment by the Legislature.

65 4. The sources of all funds and the amounts of such funds
66 used to purchase or finance purchases of prescription drugs or
67 to finance the premises on which the establishment is to be
68 located.



888378

69 5. If any of the funds identified in subparagraph 4. were
70 borrowed, copies of all promissory notes or loans used to obtain
71 such funds.

72 Section 10. Subsection (7) of section 499.0121, Florida
73 Statutes, is amended to read:

74 499.0121 Storage and handling of prescription drugs;
75 recordkeeping.—The department shall adopt rules to implement
76 this section as necessary to protect the public health, safety,
77 and welfare. Such rules shall include, but not be limited to,
78 requirements for the storage and handling of prescription drugs
79 and for the establishment and maintenance of prescription drug
80 distribution records.

81 (7) PRESCRIPTION DRUG PURCHASE LIST.—

82 (a) Each wholesale distributor, except for a manufacturer,
83 shall annually provide the department with a written list of all
84 wholesale distributors and manufacturers from whom the wholesale
85 distributor purchases prescription drugs. A wholesale
86 distributor, except a manufacturer, shall notify the department
87 not later than 10 days after any change to either list.

88 (b) Such portions of the information required pursuant to
89 this subsection which are a trade secret, as defined in s.
90 812.081, shall be maintained by the department as trade secret
91 information is required to be maintained under s. 499.051. This
92 paragraph is subject to the Open Government Sunset Review Act in
93 accordance with s. 119.15 and shall stand repealed on October 2,
94 2020, unless reviewed and saved from repeal through reenactment
95 by the Legislature.

96 Section 11. Subsection (7) of section 499.051, Florida
97 Statutes, is amended to read:



888378

98 499.051 Inspections and investigations.-

99 (7)(a) The complaint and all information obtained pursuant
100 to the investigation by the department are confidential and
101 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
102 Constitution until the investigation and the enforcement action
103 are completed.

104 (b) Information that constitutes a ~~However,~~ trade secret,
105 as defined in s. 812.081, information contained in the complaint
106 ~~therein as defined by s. 812.081(1)(c)~~ shall

107
108 ===== T I T L E A M E N D M E N T =====

109 And the title is amended as follows:

110 Delete lines 4 - 16

111 and insert:

112 403.7046, 403.73, 499.012, 499.0121, 499.051, 502.222,
113 570.48, 573.123, 601.10, 601.15, 601.152, 601.76, and
114 815.04, F.S.; expanding public records exemptions for
115 certain data processing software obtained by an
116 agency, certain information held by a county tourism
117 promotion agency, information related to trade secrets
118 held by the Florida Tourism Industry Marketing
119 Corporation, information related to trade secrets held
120 by Space Florida, proprietary confidential business
121 information submitted to the Department of Revenue,
122 trade secret information held by the Department of
123 Health, trade secret information reported or submitted
124 to the Department of Environmental Protection, trade
125 secret information in an application for a permit for
126 a prescription drug wholesale distributor or an out-



888378

127 of-state prescription drug wholesale distributor,
128 trade secret information contained in an application
129 for a permit for a secondary wholesale distributor,
130 trade secret information contained in the prescription
131 drug purchase list, trade secret