

By Senator Collins

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1                                   A bill to be entitled  
2       An act relating to pharmacy; amending s. 465.003,  
3       F.S.; revising the definition of the term "pharmacy"  
4       to include remote-site pharmacies; revising  
5       construction of the term "not present and on duty";  
6       amending s. 465.014, F.S.; authorizing registered  
7       pharmacy technicians to handle the sales transactions  
8       and delivery of dispensed drugs under certain  
9       circumstances; providing an exception to certain  
10      supervision limitations; amending s. 465.015, F.S.;  
11      providing applicability; exempting certain registered  
12      pharmacy technicians from specified prohibitions;  
13      creating s. 465.0198, F.S.; defining terms; providing  
14      for the permitting of remote-site pharmacies;  
15      requiring that a licensed or consultant pharmacist  
16      serve as the prescription department manager of a  
17      remote-site pharmacy; requiring remote-site pharmacies  
18      to notify the Department of Health of a change in the  
19      pharmacy's prescription department manager within a  
20      specified timeframe; providing requirements for  
21      remote-site pharmacies; authorizing remote-site  
22      pharmacies to store, hold, and dispense medicinal  
23      drugs; prohibiting the dispensing of Schedule II  
24      medications at remote-site pharmacies unless a  
25      pharmacist is present; requiring prescription  
26      department managers to visit remote-site pharmacies,  
27      based on a certain schedule, to perform specified  
28      tasks; prohibiting remote-site pharmacies from being  
29      open when the supervising pharmacy is closed unless a

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30 certain pharmacist is present or providing remote  
31 supervision at the remote-site pharmacy; authorizing  
32 the Board of Pharmacy to adopt specified rules;  
33 amending s. 465.022, F.S.; exempting registered  
34 pharmacists serving as prescription department  
35 managers for remote-site pharmacies from certain  
36 practice limitations; providing an effective date.  
37

38 Be It Enacted by the Legislature of the State of Florida:  
39

40 Section 1. Subsection (20) of section 465.003, Florida  
41 Statutes, is amended to read:

42 465.003 Definitions.—As used in this chapter, the term:

43 (20) (a) "Pharmacy" includes a community pharmacy, an  
44 institutional pharmacy, a nuclear pharmacy, a special pharmacy,  
45 ~~and~~ an Internet pharmacy, and a remote-site pharmacy.

46 1. The term "community pharmacy" includes every location  
47 where medicinal drugs are compounded, dispensed, stored, or sold  
48 or where prescriptions are filled or dispensed on an outpatient  
49 basis.

50 2. The term "institutional pharmacy" includes every  
51 location in a hospital, clinic, nursing home, dispensary,  
52 sanitarium, extended care facility, or other facility,  
53 hereinafter referred to as "health care institutions," where  
54 medicinal drugs are compounded, dispensed, stored, or sold.

55 3. The term "nuclear pharmacy" includes every location  
56 where radioactive drugs and chemicals within the classification  
57 of medicinal drugs are compounded, dispensed, stored, or sold.  
58 The term "nuclear pharmacy" does not include hospitals licensed

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59 under chapter 395 or the nuclear medicine facilities of such  
60 hospitals.

61 4. The term "special pharmacy" includes every location  
62 where medicinal drugs are compounded, dispensed, stored, or sold  
63 if such locations are not otherwise defined in this subsection.

64 5. The term "Internet pharmacy" includes locations not  
65 otherwise licensed or issued a permit under this chapter, within  
66 or outside this state, which use the Internet to communicate  
67 with or obtain information from consumers in this state and use  
68 such communication or information to fill or refill  
69 prescriptions or to dispense, distribute, or otherwise engage in  
70 the practice of pharmacy in this state. Any act described in  
71 this definition constitutes the practice of the profession of  
72 pharmacy.

73 6. The term "remote-site pharmacy" includes every location  
74 where medicinal drugs are dispensed by a supervising pharmacist  
75 as defined in s. 465.0198 who is remotely supervising a  
76 registered pharmacy technician handling the sales transactions  
77 and delivery of the drugs.

78 (b) The pharmacy department of any permittee is ~~shall be~~  
79 considered closed whenever a Florida licensed pharmacist is not  
80 present and on duty. The term "not present and on duty" may  
81 ~~shall~~ not be construed to prevent any of the following:

82 1. A pharmacist from exiting the prescription department  
83 for the purposes of consulting or responding to inquiries or  
84 providing assistance to patients or customers.

85 2. A pharmacist from, attending to personal hygiene needs.

86 3. A pharmacist from, ~~or~~ performing any other function for  
87 which the pharmacist is responsible, provided that such

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88 activities are conducted in a manner consistent with the  
89 pharmacist's responsibility to provide pharmacy services.

90 4. A supervising pharmacist as defined in s. 465.0198,  
91 acting in the capacity of a prescription department manager,  
92 from remotely supervising a registered pharmacy technician at a  
93 remote-site pharmacy.

94 Section 2. Subsection (1) of section 465.014, Florida  
95 Statutes, is amended to read:

96 465.014 Pharmacy technician.—

97 (1) A person other than a licensed pharmacist or pharmacy  
98 intern may not engage in the practice of the profession of  
99 pharmacy, except that a licensed pharmacist may delegate to  
100 pharmacy technicians who are registered pursuant to this section  
101 those duties, tasks, and functions that do not fall within the  
102 purview of s. 465.003, and a registered pharmacy technician  
103 operating under remote supervision of a supervising pharmacist  
104 as defined in s. 465.0198 may handle the sales transactions and  
105 delivery of the dispensed drugs. All such delegated acts must be  
106 performed under the direct supervision of a licensed pharmacist  
107 who is responsible for all such acts performed by persons under  
108 his or her supervision. A registered pharmacy technician, under  
109 the supervision of a pharmacist, may initiate or receive  
110 communications with a practitioner or his or her agent, on  
111 behalf of a patient, regarding refill authorization requests. A  
112 licensed pharmacist may not supervise more than one registered  
113 pharmacy technician, except as provided in s. 465.0198 or unless  
114 otherwise permitted by the guidelines adopted by the board. The  
115 board shall establish guidelines to be followed by licensees or  
116 permittees in determining the circumstances under which a

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117 licensed pharmacist may supervise more than one pharmacy  
118 technician.

119 Section 3. Paragraph (b) of subsection (1) and paragraph  
120 (b) of subsection (2) of section 465.015, Florida Statutes, are  
121 amended to read:

122 465.015 Violations and penalties.—

123 (1) It is unlawful for any person to own, operate,  
124 maintain, open, establish, conduct, or have charge of, either  
125 alone or with another person or persons, a pharmacy:

126 (b) In which a person not licensed as a pharmacist in this  
127 state or not registered as an intern in this state or in which  
128 an intern who is not acting under the direct and immediate  
129 personal supervision of a licensed pharmacist fills, compounds,  
130 or dispenses any prescription or dispenses medicinal drugs. This  
131 paragraph does not apply to any person who owns, operates,  
132 maintains, opens, establishes, conducts, or has charge of a  
133 remote-site pharmacy under s. 465.0198.

134 (2) It is unlawful for any person:

135 (b) To fill, compound, or dispense prescriptions or to  
136 dispense medicinal drugs if such person does not hold an active  
137 license as a pharmacist in this state, is not registered as an  
138 intern in this state, ~~or~~ is an intern not acting under the  
139 direct and immediate personal supervision of a licensed  
140 pharmacist, or is not a registered pharmacy technician at a  
141 remote-site pharmacy who is acting under remote supervision of a  
142 licensed pharmacist pursuant to s. 465.0198.

143 Section 4. Section 465.0198, Florida Statutes, is created  
144 to read:

145 465.0198 Remote-site pharmacy permits.—

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146       (1) As used in this section, the term:

147       (a) "Supervising pharmacist" means a pharmacist licensed in  
148 this state who is employed by or under contract with a pharmacy  
149 licensed in this state and who remotely supervises registered  
150 pharmacy technicians at a remote-site pharmacy at a maximum  
151 ratio of one pharmacist to up to six registered pharmacy  
152 technicians.

153       (b) "Supervising pharmacy" means a pharmacy licensed in  
154 this state which employs or contracts with a pharmacist licensed  
155 in this state who remotely supervises a registered pharmacy  
156 technician at a remote-site pharmacy at a maximum ratio of one  
157 pharmacist to up to six registered pharmacy technicians.

158       (c) "Telepharmacy" means the practice of pharmacy by a  
159 pharmacist located in this state using telecommunications or  
160 other automations and technologies to provide or supervise the  
161 provision of pharmacy services to patients and their agents who  
162 are located at sites other than where the pharmacist is located,  
163 including dispensing of prescriptions to and counseling of  
164 patients.

165       (2) Any person desiring a permit to operate a remote-site  
166 pharmacy must apply to the department. If the board certifies  
167 that the application complies with the laws and rules of the  
168 board, the department must issue the permit. A permit may not be  
169 issued unless a licensed pharmacist or consultant pharmacist is  
170 designated as the prescription department manager responsible  
171 for the oversight of the remote-site pharmacy. The permittee  
172 must notify the department within 10 days after any change of  
173 the prescription department manager.

174       (3) A remote-site pharmacy must comply with all of the

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175 following:

176 (a) Be jointly owned by or operated under a contract with a  
177 supervising pharmacy.

178 (b) Operate only between the hours of 7 p.m. and 9 a.m., in  
179 accordance with subsection (6).

180 (c) Maintain a video surveillance system that records  
181 continuously 24 hours a day, 7 days a week, and retain video  
182 surveillance recordings for at least 30 days.

183 (d) Display a sign visible to the public indicating that  
184 the location is a remote-site pharmacy and that the facility is  
185 under 24-hour video surveillance.

186 (e) Maintain a policies and procedures manual, which must  
187 be made available to the board or its agent upon request and  
188 must include, but need not be limited to, all of the following:

189 1. A description of how the remote-site pharmacy will  
190 comply with federal and state laws and rules.

191 2. The procedures for supervising the remote-site pharmacy  
192 and counseling its patients.

193 3. The procedures for reviewing the prescription drug  
194 inventory and drug records maintained by the remote-site  
195 pharmacy.

196 4. The policies and procedures for providing security  
197 adequate to protect the confidentiality and integrity of patient  
198 information.

199 5. The written plan for recovery from an event that  
200 interrupts or prevents the prescription department manager from  
201 supervising the remote-site pharmacy's operation.

202 6. The procedures for use of the state prescription drug  
203 monitoring program by the prescription department manager before

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204 he or she may authorize the dispensing of any controlled  
205 substance.

206 7. The procedures for maintaining a perpetual inventory of  
207 the controlled substances listed in Schedule II of s. 893.03.

208 8. The specific duties, tasks, and functions that  
209 registered pharmacy technicians are authorized to perform at the  
210 remote-site pharmacy.

211 (4) A remote-site pharmacy may store, hold, or dispense any  
212 medicinal drug, including proprietary drugs and controlled  
213 substances. However, a remote-site pharmacy may not dispense  
214 Schedule II controlled substances listed in s. 893.03 unless a  
215 pharmacist is present at the remote-site pharmacy.

216 (5) The prescription department manager must visit the  
217 remote-site pharmacy, based on a schedule determined by the  
218 board, to inspect the pharmacy, address personnel matters, and  
219 provide clinical services for patients.

220 (6) A remote-site pharmacy may only be open when the  
221 supervising pharmacy is open, unless a pharmacist employed by or  
222 under contract with the supervising pharmacy, or a pharmacy  
223 under contract with the supervising pharmacy, is present at the  
224 remote-site pharmacy or is providing remote supervision as  
225 required under this section.

226 (7) The board may adopt rules as necessary to specify  
227 additional criteria for a remote-site pharmacy. Any additional  
228 criteria adopted by the board must be limited to rules  
229 concerning one or more of the following:

230 (a) Application requirements.

231 (b) Structural and equipment requirements.

232 (c) Training requirements.



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233       (d) Inventory recordkeeping and storage requirements.  
234       Section 5. Paragraph (c) of subsection (11) of section  
235       465.022, Florida Statutes, is amended to read:  
236       465.022 Pharmacies; general requirements; fees.—  
237       (11) A permittee must notify the department of the identity  
238       of the prescription department manager within 10 days after  
239       employment. The prescription department manager must comply with  
240       the following requirements:  
241       (c) A registered pharmacist may not serve as the  
242       prescription department manager in more than one location,  
243       except when acting as a prescription department manager under s.  
244       465.0198, unless approved by the board.  
245       Section 6. This act shall take effect July 1, 2025.