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1 A bill to be entitled  
2 An act relating to the Department of Business and  
3 Professional Regulation; amending s. 20.165, F.S.;  
4 creating the Division of Drugs, Devices, and Cosmetics  
5 within the Department of Business and Professional  
6 Regulation; amending s. 455.116, F.S.; deleting the  
7 Florida Drug, Device, and Cosmetic Trust Fund from the  
8 list of trust funds placed in the department, to  
9 conform; amending ss. 499.003, 499.01211, 499.024,  
10 499.065, 499.601, and 499.61, F.S.; conforming  
11 provisions to the transfer by s. 27, ch. 2010-161,  
12 Laws of Florida, of regulatory authority for chapter  
13 499, F.S., from the Department of Health to the  
14 Department of Business and Professional Regulation;  
15 repealing s. 499.0031, F.S., relating to the Florida  
16 Drug, Device, and Cosmetic Trust Fund; terminating the  
17 Florida Drug, Device, and Cosmetic Trust Fund;  
18 providing for the disposition of balances in and  
19 revenues of such trust fund; prescribing procedures  
20 for the termination of such trust fund; amending ss.  
21 499.01, 499.028, 499.04, 499.057, 499.062, 499.066,  
22 499.62, 499.72, and 499.79, F.S.; conforming  
23 provisions; providing effective dates.

24  
25 Be It Enacted by the Legislature of the State of Florida:  
26

27 Section 1. Paragraphs (d) through (k) of subsection (2) of  
28 section 20.165, Florida Statutes, are redesignated as paragraphs

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29 (e) through (l), respectively, and a new paragraph (d) is added  
 30 to that subsection to read:

31 20.165 Department of Business and Professional  
 32 Regulation.—There is created a Department of Business and  
 33 Professional Regulation.

34 (2) The following divisions of the Department of Business  
 35 and Professional Regulation are established:

36 (d) Division of Drugs, Devices, and Cosmetics.

37 Section 2. Effective November 1, 2012, subsection (8) of  
 38 section 455.116, Florida Statutes, is amended to read:

39 455.116 Regulation trust funds.—The following trust funds  
 40 shall be placed in the department:

41 ~~(8) Florida Drug, Device, and Cosmetic Trust Fund.~~

42 Section 3. Subsection (15) and paragraph (a) of subsection  
 43 (54) of section 499.003, Florida Statutes, are amended to read:

44 499.003 Definitions of terms used in this part.—As used in  
 45 this part, the term:

46 (15) "Department" means the Department of Business and  
 47 Professional Regulation Health.

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

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

54 1. The purchase or other acquisition by a hospital or  
 55 other health care entity that is a member of a group purchasing  
 56 organization of a prescription drug for its own use from the

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57 | group purchasing organization or from other hospitals or health  
58 | care entities that are members of that organization.

59 |       2. The sale, purchase, or trade of a prescription drug or  
60 | an offer to sell, purchase, or trade a prescription drug by a  
61 | charitable organization described in s. 501(c)(3) of the  
62 | Internal Revenue Code of 1986, as amended and revised, to a  
63 | nonprofit affiliate of the organization to the extent otherwise  
64 | permitted by law.

65 |       3. The sale, purchase, or trade of a prescription drug or  
66 | an offer to sell, purchase, or trade a prescription drug among  
67 | hospitals or other health care entities that are under common  
68 | control. For purposes of this subparagraph, "common control"  
69 | means the power to direct or cause the direction of the  
70 | management and policies of a person or an organization, whether  
71 | by ownership of stock, by voting rights, by contract, or  
72 | otherwise.

73 |       4. The sale, purchase, trade, or other transfer of a  
74 | prescription drug from or for any federal, state, or local  
75 | government agency or any entity eligible to purchase  
76 | prescription drugs at public health services prices pursuant to  
77 | Pub. L. No. 102-585, s. 602 to a contract provider or its  
78 | subcontractor for eligible patients of the agency or entity  
79 | under the following conditions:

80 |       a. The agency or entity must obtain written authorization  
81 | for the sale, purchase, trade, or other transfer of a  
82 | prescription drug under this subparagraph from the Secretary of  
83 | Business and Professional Regulation ~~State Surgeon General~~ or  
84 | his or her designee.

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

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

89           d. A contract provider or subcontractor must maintain  
90 separate and apart from other prescription drug inventory any  
91 prescription drugs of the agency or entity in its possession.

92           e. The contract provider and subcontractor must maintain  
93 and produce immediately for inspection all records of movement  
94 or transfer of all the prescription drugs belonging to the  
95 agency or entity, including, but not limited to, the records of  
96 receipt and disposition of prescription drugs. Each contractor  
97 and subcontractor dispensing or administering these drugs must  
98 maintain and produce records documenting the dispensing or  
99 administration. Records that are required to be maintained  
100 include, but are not limited to, a perpetual inventory itemizing  
101 drugs received and drugs dispensed by prescription number or  
102 administered by patient identifier, which must be submitted to  
103 the agency or entity quarterly.

104           f. The contract provider or subcontractor may administer  
105 or dispense the prescription drugs only to the eligible patients  
106 of the agency or entity or must return the prescription drugs  
107 for or to the agency or entity. The contract provider or  
108 subcontractor must require proof from each person seeking to  
109 fill a prescription or obtain treatment that the person is an  
110 eligible patient of the agency or entity and must, at a minimum,  
111 maintain a copy of this proof as part of the records of the  
112 contractor or subcontractor required under sub-subparagraph e.

113 g. In addition to the departmental inspection authority  
 114 set forth in s. 499.051, the establishment of the contract  
 115 provider and subcontractor and all records pertaining to  
 116 prescription drugs subject to this subparagraph shall be subject  
 117 to inspection by the agency or entity. All records relating to  
 118 prescription drugs of a manufacturer under this subparagraph  
 119 shall be subject to audit by the manufacturer of those drugs,  
 120 without identifying individual patient information.

121 Section 4. Subsection (2) of section 499.01211, Florida  
 122 Statutes, is amended to read:

123 499.01211 Drug Wholesale Distributor Advisory Council.—

124 (2) The Secretary of Business and Professional Regulation  
 125 ~~State Surgeon General~~, or his or her designee, and the Secretary  
 126 of Health Care Administration, or her or his designee, shall be  
 127 members of the council. The Secretary of Business and  
 128 Professional Regulation ~~State Surgeon General~~ shall appoint nine  
 129 additional members to the council who shall be appointed to a  
 130 term of 4 years each, as follows:

131 (a) Three different persons each of whom is employed by a  
 132 different prescription drug wholesale distributor licensed under  
 133 this part which operates nationally and is a primary wholesale  
 134 distributor, as defined in s. 499.003(47).

135 (b) One person employed by a prescription drug wholesale  
 136 distributor licensed under this part which is a secondary  
 137 wholesale distributor, as defined in s. 499.003(52).

138 (c) One person employed by a retail pharmacy chain located  
 139 in this state.

140 (d) One person who is a member of the Board of Pharmacy

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141 and is a pharmacist licensed under chapter 465.

142 (e) One person who is a physician licensed pursuant to  
143 chapter 458 or chapter 459.

144 (f) One person who is an employee of a hospital licensed  
145 pursuant to chapter 395 and is a pharmacist licensed pursuant to  
146 chapter 465.

147 (g) One person who is an employee of a pharmaceutical  
148 manufacturer.

149 Section 5. Section 499.024, Florida Statutes, is amended  
150 to read:

151 499.024 Drug product classification.—The department ~~State~~  
152 ~~Surgeon General~~ shall adopt rules to classify drug products  
153 intended for use by humans which the United States Food and Drug  
154 Administration has not classified in the federal act or the Code  
155 of Federal Regulations.

156 (1) Drug products must be classified as proprietary,  
157 prescription, or investigational drugs.

158 (2) If a product is distributed without required labeling,  
159 it is misbranded while held for sale.

160 (3) Any product that falls under the definition of drug in  
161 s. 499.003(19) may be classified under the authority of this  
162 section. This section does not subject portable emergency oxygen  
163 inhalators to classification; however, this section does not  
164 exempt any person from ss. 499.01 and 499.015.

165 (4) Any product classified under the authority of this  
166 section reverts to the federal classification, if different,  
167 upon the federal regulation or act becoming effective.

168 (5) The department may by rule reclassify drugs subject to

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169 | this part when such classification action is necessary to  
 170 | protect the public health.

171 |         (6) The department may adopt rules that exempt from any  
 172 | labeling or packaging requirements of this part drugs classified  
 173 | under this section if those requirements are not necessary to  
 174 | protect the public health.

175 |         Section 6. Subsection (2) of section 499.065, Florida  
 176 | Statutes, is amended to read:

177 |         499.065 Inspections; imminent danger.—

178 |         (2) To protect the public from prescription drugs that are  
 179 | adulterated or otherwise unfit for human or animal consumption,  
 180 | the department may examine, sample, seize, and stop the sale or  
 181 | use of prescription drugs to determine the condition of those  
 182 | drugs. The department may immediately seize and remove any  
 183 | prescription drugs if the Secretary of Business and Professional  
 184 | Regulation ~~State Surgeon General~~ or his or her designee  
 185 | determines that the prescription drugs represent a threat to the  
 186 | public health. The owner of any property seized under this  
 187 | section may, within 10 days after the seizure, apply to a court  
 188 | of competent jurisdiction for whatever relief is appropriate. At  
 189 | any time after 10 days, the department may destroy the drugs as  
 190 | contraband.

191 |         Section 7. Subsection (2) of section 499.601, Florida  
 192 | Statutes, is amended to read:

193 |         499.601 Legislative intent; construction.—

194 |         (2) The provisions of this part are cumulative and shall  
 195 | not be construed as repealing or affecting any powers, duties,  
 196 | or authority of the department ~~of Health~~ under any other law of

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197 | this state; except that, with respect to the regulation of ether  
 198 | as herein provided, in instances in which the provisions of this  
 199 | part may conflict with any other such law, the provisions of  
 200 | this part shall control.

201 | Section 8. Subsection (2) of section 499.61, Florida  
 202 | Statutes, is amended to read:

203 | 499.61 Definitions.—As used in this part:

204 | (2) "Department" means the Department of Business and  
 205 | Professional Regulation ~~Health~~.

206 | Section 9. Effective November 1, 2012, section 499.0031,  
 207 | Florida Statutes, is repealed.

208 | Section 10. (1) The Florida Drug, Device, and Cosmetic  
 209 | Trust Fund within the Department of Business and Professional  
 210 | Regulation, FLAIR number 20-2-173005, is terminated.

211 | (2) The current balance remaining in, and all revenues of,  
 212 | the Florida Drug, Device, and Cosmetic Trust Fund shall be  
 213 | transferred to the Professional Regulation Trust Fund.

214 | (3) The Department of Business and Professional Regulation  
 215 | shall pay any outstanding debts or obligations of the Florida  
 216 | Drug, Device, and Cosmetic Trust Fund as soon as practicable,  
 217 | and the Chief Financial Officer shall close out and remove the  
 218 | terminated fund from the various state accounting systems using  
 219 | generally accepted accounting principles concerning warrants  
 220 | outstanding, assets, and liabilities.

221 | (4) This section shall take effect November 1, 2012.

222 | Section 11. Paragraphs (d), (e), and (l) of subsection (2)  
 223 | of section 499.01, Florida Statutes, are amended to read:

224 | 499.01 Permits.—



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225           (2) The following permits are established:  
 226           (d) Prescription drug wholesale distributor permit.—A  
 227 prescription drug wholesale distributor is a wholesale  
 228 distributor that may engage in the wholesale distribution of  
 229 prescription drugs. A prescription drug wholesale distributor  
 230 that applies to the department for a new permit or the renewal  
 231 of a permit must submit a bond of \$100,000, or other equivalent  
 232 means of security acceptable to the department, such as an  
 233 irrevocable letter of credit or a deposit in a trust account or  
 234 financial institution, payable to the Professional Regulation  
 235 ~~Florida Drug, Device, and Cosmetic~~ Trust Fund. The purpose of  
 236 the bond is to secure payment of any administrative penalties  
 237 imposed by the department and any fees and costs incurred by the  
 238 department regarding that permit which are authorized under  
 239 state law and which the permittee fails to pay 30 days after the  
 240 fine or costs become final. The department may make a claim  
 241 against such bond or security until 1 year after the permittee's  
 242 license ceases to be valid or until 60 days after any  
 243 administrative or legal proceeding authorized in this part which  
 244 involves the permittee is concluded, including any appeal,  
 245 whichever occurs later. The department may adopt rules for  
 246 issuing a prescription drug wholesale distributor-broker permit  
 247 to a person who engages in the wholesale distribution of  
 248 prescription drugs and does not take physical possession of any  
 249 prescription drugs.  
 250           (e) Out-of-state prescription drug wholesale distributor  
 251 permit.—An out-of-state prescription drug wholesale distributor  
 252 is a wholesale distributor located outside this state which

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253 engages in the wholesale distribution of prescription drugs into  
254 this state and which must be permitted by the department and  
255 comply with all the provisions required of a wholesale  
256 distributor under this part. An out-of-state prescription drug  
257 wholesale distributor that applies to the department for a new  
258 permit or the renewal of a permit must submit a bond of  
259 \$100,000, or other equivalent means of security acceptable to  
260 the department, such as an irrevocable letter of credit or a  
261 deposit in a trust account or financial institution, payable to  
262 the Professional Regulation Florida Drug, Device, and Cosmetic  
263 Trust Fund. The purpose of the bond is to secure payment of any  
264 administrative penalties imposed by the department and any fees  
265 and costs incurred by the department regarding that permit which  
266 are authorized under state law and which the permittee fails to  
267 pay 30 days after the fine or costs become final. The department  
268 may make a claim against such bond or security until 1 year  
269 after the permittee's license ceases to be valid or until 60  
270 days after any administrative or legal proceeding authorized in  
271 this part which involves the permittee is concluded, including  
272 any appeal, whichever occurs later.

273 1. The out-of-state prescription drug wholesale  
274 distributor must maintain at all times a license or permit to  
275 engage in the wholesale distribution of prescription drugs in  
276 compliance with laws of the state in which it is a resident.

277 2. An out-of-state prescription drug wholesale distributor  
278 permit is not required for an intracompany sale or transfer of a  
279 prescription drug from an out-of-state establishment that is  
280 duly licensed as a prescription drug wholesale distributor, in

281 | its state of residence, to a licensed prescription drug  
 282 | wholesale distributor in this state, if both wholesale  
 283 | distributors conduct wholesale distributions of prescription  
 284 | drugs under the same business name. The recordkeeping  
 285 | requirements of ss. 499.0121(6) and 499.01212 must be followed  
 286 | for this transaction.

287 |       (1) Limited prescription drug veterinary wholesale  
 288 | distributor permit.—Unless engaging in the activities of and  
 289 | permitted as a prescription drug manufacturer, nonresident  
 290 | prescription drug manufacturer, prescription drug wholesale  
 291 | distributor, or out-of-state prescription drug wholesale  
 292 | distributor, a limited prescription drug veterinary wholesale  
 293 | distributor permit is required for any person that engages in  
 294 | the distribution in or into this state of veterinary  
 295 | prescription drugs and prescription drugs subject to, defined  
 296 | by, or described by s. 503(b) of the Federal Food, Drug, and  
 297 | Cosmetic Act under the following conditions:

- 298 |       1. The person is engaged in the business of wholesaling  
 299 | prescription and veterinary prescription drugs to persons:
- 300 |       a. Licensed as veterinarians practicing on a full-time  
 301 | basis;
  - 302 |       b. Regularly and lawfully engaged in instruction in  
 303 | veterinary medicine;
  - 304 |       c. Regularly and lawfully engaged in law enforcement  
 305 | activities;
  - 306 |       d. For use in research not involving clinical use; or
  - 307 |       e. For use in chemical analysis or physical testing or for  
 308 | purposes of instruction in law enforcement activities, research,

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309 or testing.

310 2. No more than 30 percent of total annual prescription  
311 drug sales may be prescription drugs approved for human use  
312 which are subject to, defined by, or described by s. 503(b) of  
313 the Federal Food, Drug, and Cosmetic Act.

314 3. The person does not distribute in any jurisdiction  
315 prescription drugs subject to, defined by, or described by s.  
316 503(b) of the Federal Food, Drug, and Cosmetic Act to any person  
317 who is authorized to sell, distribute, purchase, trade, or use  
318 these drugs on or for humans.

319 4. A limited prescription drug veterinary wholesale  
320 distributor that applies to the department for a new permit or  
321 the renewal of a permit must submit a bond of \$20,000, or other  
322 equivalent means of security acceptable to the department, such  
323 as an irrevocable letter of credit or a deposit in a trust  
324 account or financial institution, payable to the Professional  
325 Regulation ~~Florida Drug, Device, and Cosmetic~~ Trust Fund. The  
326 purpose of the bond is to secure payment of any administrative  
327 penalties imposed by the department and any fees and costs  
328 incurred by the department regarding that permit which are  
329 authorized under state law and which the permittee fails to pay  
330 30 days after the fine or costs become final. The department may  
331 make a claim against such bond or security until 1 year after  
332 the permittee's license ceases to be valid or until 60 days  
333 after any administrative or legal proceeding authorized in this  
334 part which involves the permittee is concluded, including any  
335 appeal, whichever occurs later.

336 5. A limited prescription drug veterinary wholesale

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337 distributor must maintain at all times a license or permit to  
 338 engage in the wholesale distribution of prescription drugs in  
 339 compliance with laws of the state in which it is a resident.

340 6. A limited prescription drug veterinary wholesale  
 341 distributor must comply with the requirements for wholesale  
 342 distributors under ss. 499.0121 and 499.01212, except that a  
 343 limited prescription drug veterinary wholesale distributor is  
 344 not required to provide a pedigree paper as required by s.  
 345 499.01212 upon the wholesale distribution of a prescription drug  
 346 to a veterinarian.

347 7. A limited prescription drug veterinary wholesale  
 348 distributor may not return to inventory for subsequent wholesale  
 349 distribution any prescription drug subject to, defined by, or  
 350 described by s. 503(b) of the Federal Food, Drug, and Cosmetic  
 351 Act which has been returned by a veterinarian.

352 8. A limited prescription drug veterinary wholesale  
 353 distributor permit is not required for an intracompany sale or  
 354 transfer of a prescription drug from an out-of-state  
 355 establishment that is duly licensed to engage in the wholesale  
 356 distribution of prescription drugs in its state of residence to  
 357 a licensed limited prescription drug veterinary wholesale  
 358 distributor in this state if both wholesale distributors conduct  
 359 wholesale distributions of prescription drugs under the same  
 360 business name. The recordkeeping requirements of ss. 499.0121(6)  
 361 and 499.01212 must be followed for this transaction.

362 Section 12. Subsection (13) of section 499.028, Florida  
 363 Statutes, is amended to read:

364 499.028 Drug samples or complimentary drugs; starter

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365 packs; permits to distribute.-

366 (13) The department may, pursuant to chapter 120, impose  
 367 an administrative fine, not to exceed \$5,000 per violation per  
 368 day, for the violation of this section or rules adopted under  
 369 this section. Each day such violation continues constitutes a  
 370 separate violation, and each such separate violation is subject  
 371 to a separate fine. All amounts collected under this section  
 372 shall be deposited into the Professional Regulation Drug,  
 373 ~~Device, and Cosmetic~~ Trust Fund. In determining the amount of  
 374 fine to be levied for a violation, the following factors must be  
 375 considered:

376 (a) The severity of the violation.

377 (b) Any actions taken by the permittee to correct the  
 378 violation or to remedy complaints.

379 (c) Any previous violations.

380 Section 13. Section 499.04, Florida Statutes, is amended  
 381 to read:

382 499.04 Fee authority.-The department may collect fees for  
 383 all drug, device, and cosmetic applications, permits, product  
 384 registrations, and free-sale certificates. The total amount of  
 385 fees collected from all permits, applications, product  
 386 registrations, and free-sale certificates must be adequate to  
 387 fund the expenses incurred by the department in carrying out  
 388 this part. The department shall, by rule, establish a schedule  
 389 of fees that are within the ranges provided in this section and  
 390 shall adjust those fees from time to time based on the costs  
 391 associated with administering this part. The fees are payable to  
 392 the department to be deposited into the Professional Regulation

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393 ~~Florida Drug, Device, and Cosmetic~~ Trust Fund for the sole  
 394 purpose of carrying out ~~the provisions of~~ this part.

395 Section 14. Section 499.057, Florida Statutes, is amended  
 396 to read:

397 499.057 Expenses and salaries.—Except as otherwise  
 398 provided in the General Appropriations Act, all expenses and  
 399 salaries shall be paid out of the Professional Regulation Trust  
 400 Fund. ~~special fund hereby created in the office of the Chief~~  
 401 ~~Financial Officer, which fund is to be known as the "Florida~~  
 402 ~~Drug, Device, and Cosmetic Trust Fund."~~

403 Section 15. Paragraph (a) of subsection (2) of section  
 404 499.062, Florida Statutes, is amended to read:

405 499.062 Seizure and condemnation of drugs, devices, or  
 406 cosmetics.—

407 (2) Whenever a duly authorized officer or employee of the  
 408 department finds cause, or has probable cause to believe that  
 409 cause exists, for the seizure of any drug, device, or cosmetic,  
 410 as set out in this part, he or she shall affix to the article a  
 411 tag, stamp, or other appropriate marking, giving notice that the  
 412 article is, or is suspected of being, subject to seizure under  
 413 this part and that the article has been detained and seized by  
 414 the department. Such officer or employee shall also warn all  
 415 persons not to remove or dispose of the article, by sale or  
 416 otherwise, until permission is given by the department or the  
 417 court. Any person who violates this subsection is guilty of a  
 418 felony of the second degree, punishable as provided in s.

419 775.082, s. 775.083, or s. 775.084.

420 (a) When any article detained or seized under this

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421 subsection has been found by the department to be subject to  
422 seizure and condemnation, the department shall petition the  
423 court for an order of condemnation or sale, as the court  
424 directs. The proceeds of the sale of drugs, devices, and  
425 cosmetics, less the legal costs and charges, shall be deposited  
426 into the Professional Regulation ~~Florida Drug, Device, and~~  
427 ~~Cosmetic~~ Trust Fund.

428 Section 16. Subsections (3) and (4) of section 499.066,  
429 Florida Statutes, are amended to read:

430 499.066 Penalties; remedies.—In addition to other  
431 penalties and other enforcement provisions:

432 (3) The department may impose an administrative fine, not  
433 to exceed \$5,000 per violation per day, for the violation of any  
434 provision of this part or rules adopted under this part. Each  
435 day a violation continues constitutes a separate violation, and  
436 each separate violation is subject to a separate fine. All  
437 amounts collected pursuant to this section shall be deposited  
438 into the Professional Regulation ~~Florida Drug, Device, and~~  
439 ~~Cosmetic~~ Trust Fund and are appropriated for the use of the  
440 department in administering this part. In determining the amount  
441 of the fine to be levied for a violation, the department shall  
442 consider:

443 (a) The severity of the violation;

444 (b) Any actions taken by the person to correct the  
445 violation or to remedy complaints; and

446 (c) Any previous violations.

447 (4) The department shall deposit any rewards, fines, or  
448 collections that are due the department and which derive from



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449 joint enforcement activities with other state and federal  
450 agencies which relate to this part, chapter 893, or the federal  
451 act, into the Professional Regulation ~~Florida Drug, Device, and~~  
452 ~~Cosmetic~~ Trust Fund. The proceeds of those rewards, fines, and  
453 collections are appropriated for the use of the department in  
454 administering this part.

455 Section 17. Subsection (7) of section 499.62, Florida  
456 Statutes, is amended to read:

457 499.62 License or permit required of manufacturer,  
458 distributor, dealer, or purchaser of ether.-

459 (7) A licensed or permitted facility shall renew its  
460 license or permit prior to its expiration date. If a renewal  
461 application and fee are not filed by the expiration date of any  
462 year, the permit may be reinstated only upon payment of a  
463 delinquent fee of \$50, plus the required renewal fee, within 30  
464 days after the date of expiration. If any person who is subject  
465 to the requirements of this part fails to comply with the  
466 renewal, the department shall have the authority to seize all  
467 ether products and dispose of them as of November 1 of the year  
468 the license or permit expires. Any funds collected from the  
469 disposal shall be placed in the Professional Regulation ~~Florida~~  
470 ~~Drug, Device, and Cosmetic~~ Trust Fund.

471 Section 18. Subsection (2) of section 499.72, Florida  
472 Statutes, is amended to read:

473 499.72 Administrative fines.-

474 (2) All such fines, monetary penalties, and costs received  
475 by the department in connection with this part shall be  
476 deposited in the Professional Regulation ~~Florida Drug, Device,~~

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477 ~~and Cosmetic~~ Trust Fund.

478 Section 19. Section 499.79, Florida Statutes, is amended  
479 to read:

480 499.79 Deposit of fees.—All fees collected for licenses  
481 and permits required by this part shall be deposited in the  
482 Professional Regulation Florida Drug, Device, and Cosmetic Trust  
483 Fund ~~created by s. 499.057,~~ and all moneys collected under ~~the~~  
484 ~~provisions of~~ this part and deposited in the ~~such~~ trust fund  
485 shall be used by ~~are hereby appropriated for the use of~~ the  
486 department in the administration of this part.

487 Section 20. Except as otherwise expressly provided in this  
488 act, this act shall take effect July 1, 2012.