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1  
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, and 499.72; conforming provisions; amending s.  
23 499.79, F.S.; conforming provisions; requiring the  
24 department to maintain a separate account in the  
25 Professional Regulation Trust Fund for the Drugs,  
26 Devices, and Cosmetics program; repealing s. 548.061,  
27 F.S., relating to report and tax requirements for each  
28 person or club that holds or shows pugilistic matches

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29 on a closed circuit telecast viewed within the state;  
 30 providing effective dates.

31

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

33

34 Section 1. Paragraphs (d) through (k) of subsection (2) of  
 35 section 20.165, Florida Statutes, are redesignated as paragraphs  
 36 (e) through (l), respectively, and a new paragraph (d) is added  
 37 to that subsection to read:

38 20.165 Department of Business and Professional  
 39 Regulation.—There is created a Department of Business and  
 40 Professional Regulation.

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

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

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

46 455.116 Regulation trust funds.—The following trust funds  
 47 shall be placed in the department:

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

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

51 499.003 Definitions of terms used in this part.—As used in  
 52 this part, the term:

53 (15) "Department" means the Department of Business and  
 54 Professional Regulation ~~Health~~.

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

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

61 1. The purchase or other acquisition by a hospital or  
62 other health care entity that is a member of a group purchasing  
63 organization of a prescription drug for its own use from the  
64 group purchasing organization or from other hospitals or health  
65 care entities that are members of that organization.

66 2. The sale, purchase, or trade of a prescription drug or  
67 an offer to sell, purchase, or trade a prescription drug by a  
68 charitable organization described in s. 501(c)(3) of the  
69 Internal Revenue Code of 1986, as amended and revised, to a  
70 nonprofit affiliate of the organization to the extent otherwise  
71 permitted by law.

72 3. The sale, purchase, or trade of a prescription drug or  
73 an offer to sell, purchase, or trade a prescription drug among  
74 hospitals or other health care entities that are under common  
75 control. For purposes of this subparagraph, "common control"  
76 means the power to direct or cause the direction of the  
77 management and policies of a person or an organization, whether  
78 by ownership of stock, by voting rights, by contract, or  
79 otherwise.

80 4. The sale, purchase, trade, or other transfer of a  
81 prescription drug from or for any federal, state, or local  
82 government agency or any entity eligible to purchase

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83 prescription drugs at public health services prices pursuant to  
84 Pub. L. No. 102-585, s. 602 to a contract provider or its  
85 subcontractor for eligible patients of the agency or entity  
86 under the following conditions:

87 a. The agency or entity must obtain written authorization  
88 for the sale, purchase, trade, or other transfer of a  
89 prescription drug under this subparagraph from the Secretary of  
90 Business and Professional Regulation ~~State Surgeon General~~ or  
91 his or her designee.

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

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

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

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

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

120 g. In addition to the departmental inspection authority  
 121 set forth in s. 499.051, the establishment of the contract  
 122 provider and subcontractor and all records pertaining to  
 123 prescription drugs subject to this subparagraph shall be subject  
 124 to inspection by the agency or entity. All records relating to  
 125 prescription drugs of a manufacturer under this subparagraph  
 126 shall be subject to audit by the manufacturer of those drugs,  
 127 without identifying individual patient information.

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

130 499.01211 Drug Wholesale Distributor Advisory Council.—

131 (2) The Secretary of Business and Professional Regulation  
 132 ~~State Surgeon General~~, or his or her designee, and the Secretary  
 133 of Health Care Administration, or her or his designee, shall be  
 134 members of the council. The Secretary of Business and  
 135 Professional Regulation ~~State Surgeon General~~ shall appoint nine  
 136 additional members to the council who shall be appointed to a  
 137 term of 4 years each, as follows:

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

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

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

147 (d) One person who is a member of the Board of Pharmacy  
 148 and is a pharmacist licensed under chapter 465.

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

151 (f) One person who is an employee of a hospital licensed  
 152 pursuant to chapter 395 and is a pharmacist licensed pursuant to  
 153 chapter 465.

154 (g) One person who is an employee of a pharmaceutical  
 155 manufacturer.

156 Section 5. Section 499.024, Florida Statutes, is amended  
 157 to read:

158 499.024 Drug product classification.—The department ~~State~~  
 159 ~~Surgeon General~~ shall adopt rules to classify drug products  
 160 intended for use by humans which the United States Food and Drug  
 161 Administration has not classified in the federal act or the Code  
 162 of Federal Regulations.

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

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

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

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

175 (5) The department may by rule reclassify drugs subject to  
 176 this part when such classification action is necessary to  
 177 protect the public health.

178 (6) The department may adopt rules that exempt from any  
 179 labeling or packaging requirements of this part drugs classified  
 180 under this section if those requirements are not necessary to  
 181 protect the public health.

182 Section 6. Subsection (2) of section 499.065, Florida  
 183 Statutes, is amended to read:

184 499.065 Inspections; imminent danger.—

185 (2) To protect the public from prescription drugs that are  
 186 adulterated or otherwise unfit for human or animal consumption,  
 187 the department may examine, sample, seize, and stop the sale or  
 188 use of prescription drugs to determine the condition of those  
 189 drugs. The department may immediately seize and remove any  
 190 prescription drugs if the Secretary of Business and Professional  
 191 Regulation ~~State Surgeon General~~ or his or her designee  
 192 determines that the prescription drugs represent a threat to the

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193 public health. The owner of any property seized under this  
 194 section may, within 10 days after the seizure, apply to a court  
 195 of competent jurisdiction for whatever relief is appropriate. At  
 196 any time after 10 days, the department may destroy the drugs as  
 197 contraband.

198 Section 7. Subsection (2) of section 499.601, Florida  
 199 Statutes, is amended to read:

200 499.601 Legislative intent; construction.—

201 (2) The provisions of this part are cumulative and shall  
 202 not be construed as repealing or affecting any powers, duties,  
 203 or authority of the department ~~of Health~~ under any other law of  
 204 this state; except that, with respect to the regulation of ether  
 205 as herein provided, in instances in which the provisions of this  
 206 part may conflict with any other such law, the provisions of  
 207 this part shall control.

208 Section 8. Subsection (2) of section 499.61, Florida  
 209 Statutes, is amended to read:

210 499.61 Definitions.—As used in this part:

211 (2) "Department" means the Department of Business and  
 212 Professional Regulation ~~Health~~.

213 Section 9. Effective November 1, 2012, section 499.0031,  
 214 Florida Statutes, is repealed.

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

218 (2) The current balance remaining in, and all revenues of,  
 219 the Florida Drug, Device, and Cosmetic Trust Fund shall be  
 220 transferred to the Professional Regulation Trust Fund.



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221           (3) The Department of Business and Professional Regulation  
 222 shall pay any outstanding debts or obligations of the Florida  
 223 Drug, Device, and Cosmetic Trust Fund as soon as practicable,  
 224 and the Chief Financial Officer shall close out and remove the  
 225 terminated fund from the various state accounting systems using  
 226 generally accepted accounting principles concerning warrants  
 227 outstanding, assets, and liabilities.

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

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

231           499.01 Permits.—

232           (2) The following permits are established:

233           (d) Prescription drug wholesale distributor permit.—A  
 234 prescription drug wholesale distributor is a wholesale  
 235 distributor that may engage in the wholesale distribution of  
 236 prescription drugs. A prescription drug wholesale distributor  
 237 that applies to the department for a new permit or the renewal  
 238 of a permit must submit a bond of \$100,000, or other equivalent  
 239 means of security acceptable to the department, such as an  
 240 irrevocable letter of credit or a deposit in a trust account or  
 241 financial institution, payable to the Professional Regulation  
 242 ~~Florida Drug, Device, and Cosmetic~~ Trust Fund. The purpose of  
 243 the bond is to secure payment of any administrative penalties  
 244 imposed by the department and any fees and costs incurred by the  
 245 department regarding that permit which are authorized under  
 246 state law and which the permittee fails to pay 30 days after the  
 247 fine or costs become final. The department may make a claim  
 248 against such bond or security until 1 year after the permittee's

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249 license ceases to be valid or until 60 days after any  
 250 administrative or legal proceeding authorized in this part which  
 251 involves the permittee is concluded, including any appeal,  
 252 whichever occurs later. The department may adopt rules for  
 253 issuing a prescription drug wholesale distributor-broker permit  
 254 to a person who engages in the wholesale distribution of  
 255 prescription drugs and does not take physical possession of any  
 256 prescription drugs.

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

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277 | days after any administrative or legal proceeding authorized in  
278 | this part which involves the permittee is concluded, including  
279 | any appeal, whichever occurs later.

280 |         1. The out-of-state prescription drug wholesale  
281 | distributor must maintain at all times a license or permit to  
282 | engage in the wholesale distribution of prescription drugs in  
283 | compliance with laws of the state in which it is a resident.

284 |         2. An out-of-state prescription drug wholesale distributor  
285 | permit is not required for an intracompany sale or transfer of a  
286 | prescription drug from an out-of-state establishment that is  
287 | duly licensed as a prescription drug wholesale distributor, in  
288 | its state of residence, to a licensed prescription drug  
289 | wholesale distributor in this state, if both wholesale  
290 | distributors conduct wholesale distributions of prescription  
291 | drugs under the same business name. The recordkeeping  
292 | requirements of ss. 499.0121(6) and 499.01212 must be followed  
293 | for this transaction.

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

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305           1. The person is engaged in the business of wholesaling  
 306 prescription and veterinary prescription drugs to persons:  
 307           a. Licensed as veterinarians practicing on a full-time  
 308 basis;  
 309           b. Regularly and lawfully engaged in instruction in  
 310 veterinary medicine;  
 311           c. Regularly and lawfully engaged in law enforcement  
 312 activities;  
 313           d. For use in research not involving clinical use; or  
 314           e. For use in chemical analysis or physical testing or for  
 315 purposes of instruction in law enforcement activities, research,  
 316 or testing.

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

321           3. The person does not distribute in any jurisdiction  
 322 prescription drugs subject to, defined by, or described by s.  
 323 503(b) of the Federal Food, Drug, and Cosmetic Act to any person  
 324 who is authorized to sell, distribute, purchase, trade, or use  
 325 these drugs on or for humans.

326           4. A limited prescription drug veterinary wholesale  
 327 distributor that applies to the department for a new permit or  
 328 the renewal of a permit must submit a bond of \$20,000, or other  
 329 equivalent means of security acceptable to the department, such  
 330 as an irrevocable letter of credit or a deposit in a trust  
 331 account or financial institution, payable to the Professional  
 332 Regulation Florida Drug, Device, and Cosmetic Trust Fund. The

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333 | purpose of the bond is to secure payment of any administrative  
334 | penalties imposed by the department and any fees and costs  
335 | incurred by the department regarding that permit which are  
336 | authorized under state law and which the permittee fails to pay  
337 | 30 days after the fine or costs become final. The department may  
338 | make a claim against such bond or security until 1 year after  
339 | the permittee's license ceases to be valid or until 60 days  
340 | after any administrative or legal proceeding authorized in this  
341 | part which involves the permittee is concluded, including any  
342 | appeal, whichever occurs later.

343 |         5. A limited prescription drug veterinary wholesale  
344 | distributor must maintain at all times a license or permit to  
345 | engage in the wholesale distribution of prescription drugs in  
346 | compliance with laws of the state in which it is a resident.

347 |         6. A limited prescription drug veterinary wholesale  
348 | distributor must comply with the requirements for wholesale  
349 | distributors under ss. 499.0121 and 499.01212, except that a  
350 | limited prescription drug veterinary wholesale distributor is  
351 | not required to provide a pedigree paper as required by s.  
352 | 499.01212 upon the wholesale distribution of a prescription drug  
353 | to a veterinarian.

354 |         7. A limited prescription drug veterinary wholesale  
355 | distributor may not return to inventory for subsequent wholesale  
356 | distribution any prescription drug subject to, defined by, or  
357 | described by s. 503(b) of the Federal Food, Drug, and Cosmetic  
358 | Act which has been returned by a veterinarian.

359 |         8. A limited prescription drug veterinary wholesale  
360 | distributor permit is not required for an intracompany sale or

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361 transfer of a prescription drug from an out-of-state  
 362 establishment that is duly licensed to engage in the wholesale  
 363 distribution of prescription drugs in its state of residence to  
 364 a licensed limited prescription drug veterinary wholesale  
 365 distributor in this state if both wholesale distributors conduct  
 366 wholesale distributions of prescription drugs under the same  
 367 business name. The recordkeeping requirements of ss. 499.0121(6)  
 368 and 499.01212 must be followed for this transaction.

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

371 499.028 Drug samples or complimentary drugs; starter  
 372 packs; permits to distribute.—

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

- 383 (a) The severity of the violation.
- 384 (b) Any actions taken by the permittee to correct the  
 385 violation or to remedy complaints.
- 386 (c) Any previous violations.

387 Section 13. Section 499.04, Florida Statutes, is amended  
 388 to read:

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389           499.04 Fee authority.—The department may collect fees for  
 390 all drug, device, and cosmetic applications, permits, product  
 391 registrations, and free-sale certificates. The total amount of  
 392 fees collected from all permits, applications, product  
 393 registrations, and free-sale certificates must be adequate to  
 394 fund the expenses incurred by the department in carrying out  
 395 this part. The department shall, by rule, establish a schedule  
 396 of fees that are within the ranges provided in this section and  
 397 shall adjust those fees from time to time based on the costs  
 398 associated with administering this part. The fees are payable to  
 399 the department to be deposited into the Professional Regulation  
 400 ~~Florida Drug, Device, and Cosmetic~~ Trust Fund for the sole  
 401 purpose of carrying out ~~the provisions of~~ this part.

402           Section 14. Section 499.057, Florida Statutes, is amended  
 403 to read:

404           499.057 Expenses and salaries.—Except as otherwise  
 405 provided in the General Appropriations Act, all expenses and  
 406 salaries shall be paid out of the Professional Regulation Trust  
 407 Fund. ~~special fund hereby created in the office of the Chief~~  
 408 ~~Financial Officer, which fund is to be known as the "Florida~~  
 409 ~~Drug, Device, and Cosmetic Trust Fund."~~

410           Section 15. Paragraph (a) of subsection (2) of section  
 411 499.062, Florida Statutes, is amended to read:

412           499.062 Seizure and condemnation of drugs, devices, or  
 413 cosmetics.—

414           (2) Whenever a duly authorized officer or employee of the  
 415 department finds cause, or has probable cause to believe that  
 416 cause exists, for the seizure of any drug, device, or cosmetic,

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417 as set out in this part, he or she shall affix to the article a  
 418 tag, stamp, or other appropriate marking, giving notice that the  
 419 article is, or is suspected of being, subject to seizure under  
 420 this part and that the article has been detained and seized by  
 421 the department. Such officer or employee shall also warn all  
 422 persons not to remove or dispose of the article, by sale or  
 423 otherwise, until permission is given by the department or the  
 424 court. Any person who violates this subsection is guilty of a  
 425 felony of the second degree, punishable as provided in s.  
 426 775.082, s. 775.083, or s. 775.084.

427 (a) When any article detained or seized under this  
 428 subsection has been found by the department to be subject to  
 429 seizure and condemnation, the department shall petition the  
 430 court for an order of condemnation or sale, as the court  
 431 directs. The proceeds of the sale of drugs, devices, and  
 432 cosmetics, less the legal costs and charges, shall be deposited  
 433 into the Professional Regulation ~~Florida Drug, Device, and~~  
 434 ~~Cosmetic~~ Trust Fund.

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

437 499.066 Penalties; remedies.—In addition to other  
 438 penalties and other enforcement provisions:

439 (3) The department may impose an administrative fine, not  
 440 to exceed \$5,000 per violation per day, for the violation of any  
 441 provision of this part or rules adopted under this part. Each  
 442 day a violation continues constitutes a separate violation, and  
 443 each separate violation is subject to a separate fine. All  
 444 amounts collected pursuant to this section shall be deposited



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445 into the Professional Regulation ~~Florida Drug, Device, and~~  
 446 ~~Cosmetic~~ Trust Fund and are appropriated for the use of the  
 447 department in administering this part. In determining the amount  
 448 of the fine to be levied for a violation, the department shall  
 449 consider:

- 450 (a) The severity of the violation;
- 451 (b) Any actions taken by the person to correct the  
 452 violation or to remedy complaints; and
- 453 (c) Any previous violations.
- 454 (4) The department shall deposit any rewards, fines, or  
 455 collections that are due the department and which derive from  
 456 joint enforcement activities with other state and federal  
 457 agencies which relate to this part, chapter 893, or the federal  
 458 act, into the Professional Regulation ~~Florida Drug, Device, and~~  
 459 ~~Cosmetic~~ Trust Fund. The proceeds of those rewards, fines, and  
 460 collections are appropriated for the use of the department in  
 461 administering this part.

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

464 499.62 License or permit required of manufacturer,  
 465 distributor, dealer, or purchaser of ether.—

466 (7) A licensed or permitted facility shall renew its  
 467 license or permit prior to its expiration date. If a renewal  
 468 application and fee are not filed by the expiration date of any  
 469 year, the permit may be reinstated only upon payment of a  
 470 delinquent fee of \$50, plus the required renewal fee, within 30  
 471 days after the date of expiration. If any person who is subject  
 472 to the requirements of this part fails to comply with the

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473 renewal, the department shall have the authority to seize all  
 474 ether products and dispose of them as of November 1 of the year  
 475 the license or permit expires. Any funds collected from the  
 476 disposal shall be placed in the Professional Regulation Florida  
 477 ~~Drug, Device, and Cosmetic~~ Trust Fund.

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

480 499.72 Administrative fines.—

481 (2) All such fines, monetary penalties, and costs received  
 482 by the department in connection with this part shall be  
 483 deposited in the Professional Regulation Florida ~~Drug, Device,~~  
 484 ~~and Cosmetic~~ Trust Fund.

485 Section 19. Section 499.79, Florida Statutes, is amended  
 486 to read:

487 499.79 Deposit of fees.—All fees collected for licenses  
 488 and permits required by this part shall be deposited in the  
 489 Professional Regulation Florida ~~Drug, Device, and Cosmetic~~ Trust  
 490 Fund ~~created by s. 499.057,~~ and all moneys collected under ~~the~~  
 491 ~~provisions of~~ this part and deposited in the ~~such~~ trust fund  
 492 shall be used by ~~are hereby appropriated for the use of~~ the  
 493 department in the administration of this part. The Department of  
 494 Business and Professional Regulation shall maintain a separate  
 495 account in the Professional Regulation Trust Fund for the Drugs,  
 496 Devices, and Cosmetics program.

497 Section 20. Section 548.061, Florida Statutes, is  
 498 repealed.

499 Section 21. Except as otherwise expressly provided in this  
 500 act, this act shall take effect July 1, 2012.