

**Department of Business and Professional
Regulation**

2011 Legislative Action Summary

Issued: June 2011

Florida Department of
**Business &
Professional
Regulation**

License efficiently. Regulate fairly.

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Section I. Appropriations

Senate Bill 2000

Signed Into Law (with line-item vetoes)

RELATING TO APPROPRIATIONS

This bill is the \$69.7 billion General Appropriations Act (General Revenue Fund: \$23.2 billion /Trust Funds: \$43.5 billion) for state fiscal year 2011-2012. It provides the budget for the Department of Business and Professional Regulation (DBPR), as well as all other state agencies.

General Government Appropriations – \$4 billion

- \$0.6 billion from the General Revenue Fund
- \$3.4 billion from Trust Funds

Key matters, which impact DBPR, are as follows:

- Allows DBPR to purchase one or more motor vehicles for replacement when the mileage of a vehicle is in excess of 150,000 miles, or based on an emergency or unforeseen circumstances;
- Appropriates \$285,000 from the Professional Regulation Trust Fund to DBPR to prevent, combat, and publicize the dangers of unlicensed real estate activity in Florida;
- Appropriates \$60,000 from the Professional Regulation Trust Fund to DBPR to institute an unlicensed activity campaign for the purpose of informing and educating the public on the dangers of unlicensed public accounting activity in Florida;
- Increased funding of \$300,000 in the Construction Recovery Fund providing a total appropriation of \$900,000 to pay pending claims in Fiscal Year 2011-12;
- Appropriates \$439,062 for the Enforcement of Underage Drinking Laws Federal Block Grant that has been transferred from the Executive Office of the Governor to DBPR;
- Appropriates \$706,698 for the Hospitality Education Program that provides educational opportunities for young people to learn skills in the restaurant and hotel industries;
- Appropriates \$2.4 million and 33 Full Time Equivalent (FTE) positions for the transfer of the Drugs, Devices and Cosmetics Program to DBPR from the Department of Health effective October 1, 2011;
- Sweeps five of DBPR’s trust funds for a total of \$20.3 million as follows:
 - Alcoholic Beverages and Tobacco Trust Fund..... \$275,240
 - Division of Florida Condominiums, Timeshares and Mobile Homes Trust..... \$5,800,000
 - Hotels and Restaurants Trust Fund..... \$8,400,000
 - Professional Regulation Trust Fund..... \$4,800,000

- Pari-Mutuel Trust Fund..... \$974,992
- Vetoed Comprehensive Gaming Study (\$400,000);
- Vetoed transfer from Hotel and Restaurant Trust Fund to Office of Tourism, Trade and Economic Development to contract with the Florida Restaurant Association, Inc. to continue the tourism marketing campaign begun in 2010 in the aftermath of the Deepwater Horizon Oil Spill (\$750,000).

*Chapter 2011-69, Laws of Florida
Effective July 1, 2011*

Senate Bill 2002

Signed Into Law (with line-item veto)

RELATING TO APPROPRIATIONS IMPLEMENTING BILL

This is the budget “Implementing Bill” which provides the statutory authority necessary to implement and execute the General Appropriations Act for FY 2011-2012. The statutory changes are effective for only one year and either expire on July 1, 2012, or revert to the language as it existed before the changes made by the bill.

*Chapter 2011-47, Laws of Florida
Effective July 1, 2011*

Section II. Bills Impacting the Department

House Bill 105

Signed Into Law

RELATING TO OPEN HOUSE PARTIES

The bill increases the penalty for a second or subsequent violation of the prohibition against knowingly hosting an open house party where alcohol or drugs are possessed or consumed by a minor, without having taken reasonable steps to prevent the consumption or possession. The penalty increases from a second degree misdemeanor (punishable by up to 60 days in jail and/or a fine not exceeding \$500) to a first degree misdemeanor (punishable by up to one year in jail and/or a fine not exceeding \$1,000).

The bill also creates a first degree misdemeanor for a violation of the open house party law that causes or contributes to serious bodily injury or death to a minor, or death to another as a result of the minor's consumption of alcohol or drugs at the open house party.

*Chapter 2011-161, Laws of Florida
Effective July 1, 2011*

Senate Bill 146

Signed Into Law

CRIMINAL JUSTICE

Provides that restoration of civil rights cannot be required as a condition of eligibility for public employment or to obtain a license, permit, or certificate;

Requires state agencies and regulatory boards to submit to the Governor and certain legislative officers a report that outlines current disqualifying policies on the employment or licensure of ex-offenders and possible alternatives that are compatible with protecting public safety.

*Chapter 2011-071, Laws of Florida
Effective June 21, 2011*

House Bill 233

Signed Into Law

RELATING TO CITY OF TAMPA, HILLSBOROUGH COUNTY

This bill authorizes the Division of ABT of the DBPR to issue an alcoholic beverage license to the City of Tampa, to use within Curtis Hixon Waterfront Park and Kiley Garden Park for special events only; upon payment of the applicable license fee.

The license authorized by this bill allows the city to sell alcoholic beverages for consumption within the buildings and adjoining grounds of Curtis Hixon Waterfront Park and Kiley Garden Park. In addition, it prohibits the sale of alcoholic beverages in sealed containers for consumption outside the buildings and adjoining grounds; but licensees are permitted to remove opened, partially consumed containers from the premises. Further, the bill allows the city to transfer the license to qualified applicants authorized by or under contract with the city to provide food services on the premises.

*Chapter 2011-241, Laws of Florida
Effective May 31, 2011*

Senate Bill 462
BEVERAGE LAW

Signed Into Law

The bill provides an exemption to performing arts centers as defined in Section 561.01, F.S., similar to the current exemption for companies regularly traded on a national securities exchange, insurers, banks, and savings and loan associations, that removes the requirement for the division's approval of the volunteer officers or directors the performing arts center. The language would eliminate the need for the volunteer officers or directors to submit personal data questionnaires and to be fingerprinted, but would still require the disclosure of the volunteer officers or directors on the application. If a change occurred in the volunteer officers or directors of the performing arts center, a change of officer application would still be required, disclosing the changes, but no personal data questionnaire or fingerprints would be required.

For licenses applied for or issued in the name of the performing arts center, the division would lose the ability to suspend or revoke or refuse issuance of the license based on any disqualifying criteria associated with any of the volunteer officers or directors of the performing arts center.

*Chapter 2011-150, Laws of Florida
Effective July 1, 2011*

Senate Bill 650
MOBILE HOME PARK LOT TENANCIES

Signed Into Law

The bill creates s. 723.024, F.S., and gives local government enforcement authority to cite mobile home owners and/or mobile home park owners for violations of a local code or ordinance under its local code and ordinance enforcement authority. A lien, penalty, fine, or other administrative or civil proceeding may not be brought against a mobile home owner for any duty or responsibility of the park owner or against a mobile home park owner for any duty or responsibility of a mobile home owner. Giving local government enforcement authority to cite violations of general obligations, which

includes but is not limited to maintenance issues, could be beneficial to mobile home owners since the Division has no authority to take action over these types of disputes.

The bill amends s. 723.061(1)(d), F.S., relating to eviction due to change in land use. It adds a requirement that the park owner give written notice to the homeowners' association of its right to purchase the mobile home park, if the land comprising the park is changing use from mobile home lot rentals to a different use, at the price, terms, and conditions as set forth in the written notice. The notice must be delivered to the homeowners' association by U.S. mail and the association has 45 days after mailing to execute and deliver a contract to the park owner. Further, the association is allowed an additional 10 days to execute and deliver a revised contract to the park owner, if the owner elects to offer and sell the park at a lower price than specified in the park owner's initial notice under this paragraph. The park owner has no further obligation to the association regarding the sale of the park under this paragraph or s. 723.071 after 6 months after the mailing of the initial notice under this paragraph. The bill contemplates that all mobile home parks have a homeowners' association formed and ready to accept notices.

The bill deletes s. 723.061(3), F.S., thereby allowing the provisions of s. 723.083, F.S., to apply to eviction for change in land use. The deletion of this subsection would now require the park owner to first determine that adequate mobile home parks or other suitable facilities exist in order to get approval from a governmental agency for rezoning.

*Chapter 2011-105, Laws of Florida
Effective June 2, 2011*

House Bill 657
RELATING TO MARTIN COUNTY

Signed Into Law

This bill amends chapter 63-1619, Laws of Florida, as amended by chapter 91-389, Laws of Florida, relating to the issuance of Special Restaurant Beverage (SRX) licenses in Martin County. It creates an exception for businesses within legal boundaries of the Community Redevelopment Agency (CRA) districts in Martin County. This exception allows a restaurant within a CRA district to obtain a SRX license if it provides service for 150 or more patrons at tables and occupies more than 2,500 square feet of floor space.

*Chapter 2011-246, Laws of Florida
Effective June 21, 2011*

House Bill 849
RELATING TO BUILDING CONSTRUCTION AND INSPECTION

Signed Into Law

This bill, in part:

- Requires licensed home inspectors to complete two hours of continuing education in hurricane mitigation prior to license renewals and authorizes DBPR to adopt rules and criteria for the education providers and courses.
- Authorizes licensed home inspectors to sign the Financial Services Commission uniform mitigation verification form, when they have taken three hours of hurricane mitigation training approved by the Construction Industry Licensing Board.
- Eliminates a provision that allows Division I contractors licensed under ch. 489, Part I, F.S. to perform or offer to perform repairs on homes where the contractor has performed a home inspection.
- Requires a licensed home inspector to report why a system or component of a home is significantly deficient or near the end of its service life, if the reason is not self evident.
- Allows individuals with a one- and two-family dwelling inspector certification issued by the International Code Council or the Southern Building Code Congress International, to meet the grandfathering requirements as a home inspector until July 1, 2012.
- Allows Florida Division I Contractors licensed under ch. 489, Part I, F.S., to also meet the grandfathering requirements as a home inspector until July 1, 2012.
- Provides that licensed home inspectors acting within the scope of their license are not required to be licensed to perform mold assessment, as long a they do not hold themselves out as, or otherwise claim to be, mold assessors.
- Expands a licensure exemption for Habitat for Humanity International, Inc. to allow for the rehabilitation of homes.
- Establishes a mandatory licensing requirement for glass and glazing contractors.

*Chapter 2011-222, Laws of Florida
Effective July 1, 2011*

House Bill 883

Signed Into Law

**RELATING TO PUBLIC LODGING ESTABLISHMENTS AND
PUBLIC FOOD SERVICE ESTABLISHMENTS**

This bill excludes certain housing operated by non-profits from the definition of public lodging; it reclassifies “resort condominiums” and “resort dwellings” as “vacation rentals” and conforms the terms in chapters 509, 381 and 386, F.S. It removes the specific exclusion of resort condominiums from the definition of “residential migrant housing” and specifically identifies vacation rentals as residential properties. It also limits local laws regarding vacation rentals.

The bill amends the preemptions for regulation of public lodging and public food service establishments and preempts to the state, the regulation of food nutritional content and marketing in restaurants. It amends the Division of Hotels and Restaurant’s disciplinary

actions to require remedial, disciplinary action-related educational programs be administered by a food safety training provider with an approved education program in place of the Hospitality Education Program.

The bill reduces the Secretary's advisory council appointments by one and adds a representative from the Florida Vacation Rental Managers Association to the Division of Hotels and Restaurants Advisory Council.

In addition, it amends the handbill distribution law to add fines for second and third offenses of unlawful handbill distribution. It addresses property forfeiture and seizure under the Florida Contraband Forfeiture Act, as it applies to handbill distribution; and under certain conditions, allows issuance of a notice to appear without a warrant.

*Chapter 2011-119, Laws of Florida
Effective June 2, 2011*

House Bill 993

Signed Into Law

RELATING TO RULEMAKING

This bill amends agency rulemaking procedures under the Administrative Procedures Act (APA). The following are technical changes:

- Requires agencies to include in each notice of proposed rulemaking, whether the Legislature must ratify the rule before it takes effect.
- Resolves timing conflicts by reversing changes made in ch. 2010-279, L.O.F.:
 - Requires submission of a revised statement of estimated regulatory costs (SERC) at least 21 days before the rule is filed for adoption, instead of 45 days; and
 - Reverts from 44 to 20 days, the time for challenging a proposed rule after the agency provides a SERC or a revised SERC.

The bill makes amendments addressing issues arising from the passage of HB 1565 in 2010. It provides a procedure for agencies to withdraw rules prior to becoming effective; if the rule is invalidated by a final order or is timely submitted to the Legislature, but not ratified in the regular session. It also provides for withdrawal of rules that are not effective because they are not ratified by the Legislature. It expressly includes legislative ratification in the description of factors controlling when an adopted rule takes effect.

The bill also clarifies and revises portions of the APA to exempt specific types of rulemaking from the requirements for economic analysis or ratification; such as emergency rules, rules adopting federal standards, and rules adjusting certain tolls.

It amends the APA to clarify the burden of proof for non-applicant petitioners in administrative proceedings opposing the issuance of a license, permit or conceptual approval under Ch. 373, 378, or 403, F.S. Under the bill, such interveners have the

burden of ultimate persuasion, and are required to prove the agency should not grant the application based on their objection(s).

The bill creates a one-time process in the APA requiring all agencies to undertake a comprehensive review of the economic impact of their respective rules; effective on or before November 16, 2010. Additionally, the bill requires each agency to identify all revenue rules and all rules under which the agency requires data reporting from external sources. The report will include the statutes authorizing the data collection, how the data is used by the agency, and the policies advanced by the program.

The bill creates s. 120.74(3), requiring agencies to annually report to the Legislature their intended rulemaking for the next fiscal year, excluding emergency rulemaking. It also creates s. 120.74(4), modifying existing reporting requirements during the comprehensive review period.

Additionally, s. 120.745 creates the comprehensive review and reporting for older rules. The comprehensive review will continue through the 2014 regular legislative session; to provide adequate time for the agencies to conduct the review and for public participation, legislative consideration of the reports, and any action the Legislature chooses to take. The bill provides that the section creating the one-time review is automatically repealed as of July 1, 2014.

The bill also creates s. 120.7455, providing for a legislative survey requesting information from the public about the impact of rules, laws, ordinances, and regulations on Floridians. This section also provides immunity from prosecution or enforcement of actions for members of the public who participate in the survey.

*Chapter 2011-225, Laws of Florida
Effective June 24, 2011*

House Bill 1009

Signed Into Law

RELATING TO CITY OF JACKSONVILLE, DUVAL COUNTY

The specific requirements regarding the issuance of SRX licenses in the City of Jacksonville are found in chapter 87-471, Laws of Florida. This chapter creates a special zone, containing the defined areas in Jacksonville, Florida and authorizes the Division of Alcoholic Beverages and Tobacco to issue a special beverage license to any restaurant in the special zone that meets specified requirements. HB 1009 expands the special zone to include a fourth area, the Urban Transition area. The Urban Transition area is contiguous to the existing areas.

*Chapter 2011-255, Laws of Florida
Effective May 31, 2011*

RELATING TO CONDOMINIUM, COOPERATIVE, AND HOMEOWNERS' ASSOCIATIONS

This bill makes specific provisions for “community associations”. That term refers to “condominium, cooperative and homeowners’ associations”.

Regarding community associations as defined above, the bill;

- Provides that a condominium, cooperative or multifamily residential building that is less than four stories is exempt from installing and maintaining a manual fire alarm system, if the building has an exterior corridor providing a means of egress;
- Provides for the suspension of use rights and election rights of unit owners who are more than 90 days delinquent in the payment of a monetary obligation and for failure to comply with the association’s governing documents. The voting rights of the suspended unit owner may not be exercised for any purpose, including a quorum and;
- Allows an association to demand payment from a unit owner’s tenant for all unpaid monetary obligations of a unit owner owed to the association;
- Provides that a condominium, cooperative, or homeowners’ association must provide a statutory form when demanding payment of rent from a unit or parcel tenant due to the owners’ delinquent monetary obligations to the association.

Regarding condominium associations, the bill:

- Allows condo unit owners to consent to the disclosure of protected information, (for example: name and telephone numbers for a membership directory);
- Allows unit owners access to written employment agreements, budgetary or financial records that indicate the compensation paid to an association employee;
- Permits condo associations to hold closed meetings to discuss personnel matters;
- Provides that an association may also include impact glass and other code compliant windows, for hurricane protection;
- Requires a vote of, or written consent by a majority of the total voting interests of an association in order to enter into agreements and to acquire leaseholds, memberships and other possessory or use interest in lands or facilities;
- Provides for termination of a shared condo and timeshare property where the improvements have been completely destroyed; and
- Provides for the partial termination of a condo property;
- Redefines the terms “bulk assignee” and “bulk buyer” and further distinguishes the differences between the two classifications, outlining their respective roles;
- Provides that a condo association or its successor or assignee that acquires title to a unit through the foreclosure of its lien for assessments is not liable for any unpaid assessments that came due before the association’s acquisition of title in favor of any other association, which holds a superior lien interest on the unit.

Regarding cooperatives, this bill:

- Allows cooperative associations to levy reasonable fines against unit owners for failure to comply with cooperative documents or rules of the association and sets fine limits;

Although we do not regulate them; the following changes were made regarding homeowners' associations. The bill:

- Amends the definition of declaration of covenants to include multiple written instruments;
- Authorizes and provides procedures for homeowners' associations to contract for communications, information, or Internet services on a bulk rate basis.
- Provides that a homeowners' association or its successor or assignee that acquires title to a parcel through the foreclosure of its lien for assessments is not liable for any unpaid assessments that came due before the association's acquisition of title in favor of any other association, which holds a superior lien interest on the unit.

*Chapter 2011-196, Laws of Florida
Effective July 1, 2011*

House Bill 1293

Signed Into Law

RELATING TO BREVARD COUNTY

This bill authorizes the Division of Alcoholic Beverages and Tobacco to issue a special alcoholic beverage license to the Brevard Art Museum, Inc., (the Corporation) for use within the museum's two buildings for special events only, upon payment of the applicable license fee.

The license authorized by this bill allows the Corporation to sell alcoholic beverages for consumption at the Brevard Art Museum. The two museum locations would be considered one licensed premise location allowing for the purchase and consumption of alcoholic beverages throughout the licensed premises, with multiple points of sale within the licensed premises permitted. The license prohibits the sale of alcoholic beverages in sealed containers for consumption outside the licensed premises. Further, the bill allows the city to transfer the license to qualified applicants authorized by or under contract with the city to provide food services on the premises.

*Chapter 2011-259, Laws of Florida
Effective May 31, 2011*

House Bill 1307

Signed Into Law

RELATING TO CITY OF MOUNT DORA, LAKE COUNTY

This bill authorizes the Division of Alcoholic Beverages and Tobacco to issue up to 15 temporary alcoholic beverage permits per calendar year. These permits are valid for up

to three days to nonprofit organizations holding outdoor events in the downtown area of the City of Mount Dora in Lake County, upon payment of the applicable permit fee. These permits are in addition to the three temporary permits currently authorized by law. The permit requires that the alcoholic beverages may only be consumed on the premises.

The division is required to adopt rules on or before October 1, 2011, to administer the act.

*Chapter 2011-260, Laws of Florida
Effective May 31, 2011*

Senate Bill 2136

Signed Into Law

FEDERAL GRANTS TRUST FUND/DBPR

The bill creates the Federal Grants Trust Fund within the Department of Business and Professional Regulation. The trust fund is established to be utilized for allowable federal grant activities funded by restricted program revenues. Pursuant to section 215.32 (2) (b), F.S., funds to be credited to the Federal Grants Trust Fund will consist of grants and funding from the federal government, interest earnings and cash advances from other trust funds.

The FY 2011-2012 General Appropriations includes the transfer of the Underage Drinking Laws Federal Block Grant Program from the Executive Office of the Government to the Department of Business and Professional Regulation. The Underage Drinking Laws Federal Block Grant funding of \$439,062 will be deposited into the Federal Grants Trust Fund.

*Chapter 2011-60, Laws of Florida
Effective July 1, 2011*

Senate Bill 2156

Signed Into Law

GOVERNMENTAL REORGANIZATION

The Florida Building Commission is transferred from the DCA to the Department of Business and Professional Regulation.

*Chapter 2011-142, Laws of Florida
Effective July 1, 2011*

House Bill 4203

Signed Into Law

RELATING TO OKALOOSA COUNTY

This bill repeals a 1969 Okaloosa County special act providing for the issuance of Special Restaurant Beverage (SRX) licenses to restaurants accommodating at least 200 patrons at tables and occupying more than 5,000 square feet of floor space.

Repeal of this act will allow Okaloosa County restaurants to apply for SRX licenses under a less restrictive general law provision which provides for special licenses to be issued to restaurants accommodating at least 150 patrons at tables and occupying more than 2,500 square feet of floor space.

Chapter 2011-268, Laws of Florida
Effective May 31, 2011

Section III. Others Bills of Importance

House Bill 3

Signed Into Law

RELATING TO THE ASSAULT OR BATTERY OF A LAW ENFORCEMENT OFFICER

This bill creates s. 784.071, Florida Statutes, which codifies an existing alert program created by executive order in 2008. The program normally goes by the name “blue alert,” although this particular Florida program will be called the Law Enforcement Officer (LEO) Alert Plan. The bill provides that at the request of an authorized person employed at a law enforcement agency, the FDLE, in cooperation with DHSMV and DOT, shall activate the emergency alert system and issue a blue alert if:

- An officer has been killed or suffered injury or assault or is missing while in the line of duty.
- The suspect has fled the scene.
- The law enforcement agency determines the suspect poses an imminent threat to the public or to other officers.
- A detailed description of the suspect’s vehicle or license plate are available for broadcasting and available information may help avert further harm or assist in the apprehension of the suspect.
- If the officer is missing, there is sufficient identifying information available to assist in locating the missing officer.

The bill requires that a blue alert be immediately disseminated to the public through the emergency alert system by broadcasting the alert on RV, radio, and the message signs along the highway.

*Chapter 2011-72, Laws of Florida
Effective October 1, 2011*

House Bill 407

Signed Into Law

RELATING TO RESIDENTIAL BUILDING PERMITS

This bill creates subsection (17) to s. 553.79, F. S. providing that a local enforcement agency and any local building code administrator, inspector or other official or entity may not require as a condition of issuance of a one- or two-family residential building permit, the inspection of any portion of a building, structure or real property that is not directly impacted by the activity for which the permit is sought.

The provision does not apply to building permits being sought for a substantial improvement, a change of occupancy, a conversion from residential to nonresidential or mixed-use, and a historic building.

The bill clarifies that a local enforcing agency or any local building code administrator, inspector or other official or entity is not prohibited from citing or inspecting under certain circumstances. These specific circumstances are outlined in the bill.

Subsection (17) of s. 553.79, F.S. is repealed when the Secretary of State receives written certification from the chair of the Florida Building Commission that the commission has adopted an amendment to the Florida Building Code, which substantially incorporates these provisions as part of the code and the amendment has taken effect.

*Chapter 2011-82, Laws of Florida
Effective July 1, 2012*

Senate Bill 1040

Signed Into Law

FLORIDA DRUG, DEVICE, AND COSMETIC TRUST FUND/DBPR

This bill creates the Florida Drug, Device, and Cosmetic Trust Fund within the Department of Business and Professional Regulation. This trust fund is established to be used for activities relating to the regulation and administration of the Florida Drug and Cosmetic Act as authorized by section 499.002, F.S. Funds to be credited to the Florida Drug, Device, and Cosmetic Trust Fund will consist of funds collected for licenses, fees, interest earnings, and permits.

*Chapter 2011-30, Laws of Florida
Effective July 1, 2011, except as otherwise provided*

House Bill 4121

Signed Into Law

RELATING TO CLOVE CIGARETTES

This bill repeals the Florida statutory prohibition against the sale, use, possession, transfer, or otherwise disposing of clove cigarettes or similar products.

Although the state statute is repealed, it is important to note that clove cigarettes are banned by federal law. The Family Smoking Prevention and Tobacco Control Act, also known as House Resolution 1256 passed the U.S. Congress on June 16, 2009, banning clove and other flavored tobacco (other than menthol) in cigarettes. This law went into effect 3 months after the enactment of the date the Act was passed.

*Chapter 2011-130, Laws of Florida
Effective June 2, 2011*

RELATING TO PRESCRIPTION DRUGS

This bill addresses the problem of prescription drug abuse in Florida by amending regulation of each entity in the supply chain: wholesale distributors, pain-management clinics, pharmacies, pharmacists, and physicians. The bill creates criminal violations, amends the prescription monitoring program, and requires immediate action by law enforcement and regulators.

Following are the changes made by this bill specifically to s. 499, F.S.:

- Requires wholesale distributors of controlled substances to electronically submit a monthly report of its distributions of controlled substances listed in Schedules II, III, IV, and V within the state of Florida. The bill specifies the information to be included in the reports. This information must be shared with local law enforcement agencies upon request.
- Requires the agency to monitor purchasing from wholesalers to identify patterns that are inconsistent with the purchasing entity's clinical needs.
- Requires the agency to assess the most recent ARCOS data to identify the national average distributions of hydrocodone, morphine, oxycodone, and methadone to pharmacies per month. The agency must report those averages to the Governor, House Speaker, and Senate President by November 1, 2011.
- Requires wholesale distributors to maintain policies to review and determine the credentials of physicians and pharmacies that purchase Schedule II or Schedule III controlled substances from the wholesale distributor. Documentation of these policies must be submitted to the agency as part of an application for permit or to renew a permit for a prescription drug wholesale distributor. A distributor must maintain records of credentialing and make them available to the agency upon request. The credentials must include:
 - 1) Determination of the clinical nature of the entity, including any specialty practice area;
 - 2) Review of the receiving entity's history of Schedule II and Schedule III controlled substance purchasing from the wholesale distributor; and
 - 3) Determination that the receiving entity's Schedule II and Schedule III controlled substance purchasing history, if any, is consistent with and reasonable for that entity's clinical business needs.
- Requires distributors to take reasonable measures to know their customers and establish policies and procedures for identifying and preventing suspicious transactions.
- Distributors must assess orders for more than 5,000 unit doses of a controlled substance in one month and determine whether the purchase is reasonable.

- Also requires distributors to report certain transactions which may indicate the drugs will be used in violation of the law.

Chapter 2011-141, Laws of Florida
Effective July 1, 2011
