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ATTORNEY GENERAL
STATE OF FLORIDA

Board of
JAN 30 2013
Pharmacy

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Board of
JAN 30 2013
Pharmacy

MEMORANDUM

TO: Mark Whitten, Executive Director
Board of Pharmacy

FROM: Michele Bass, Paralegal Specialist 

RE: Rule 64B16-30.001

DATE: January 28, 2013

We are pleased to inform you that the above-referenced rule was filed for adoption on January 25, 2013, and will become effective February 14, 2013. Attached is a copy of the rule for your records.

Enclosure

cc: Jennifer Tschetter, General Counsel

CERTIFICATION OF
BOARD OF PHARMACY ADMINISTRATIVE RULES
FILED WITH THE DEPARTMENT OF STATE

I do hereby certify:

(1) That all statutory rulemaking requirements of Chapter 120, F.S., and all rulemaking requirements of the Department of State have been complied with; and

(2) That there is no administrative determination under subsection 120.56(2), F.S., pending on any rule covered by this certification; and

(3) All rules covered by this certification are filed within the prescribed time limitations of paragraph 120.54(3)(e), F.S. They are filed not less than 28 days after the notice required by paragraph 120.54(3)(a), F.S., and;

(a) Are filed not more than 90 days after the notice; or

(b) Are filed more than 90 days after the notice, but not more than 60 days after the administrative law judge files the final order with the clerk or until 60 days after subsequent judicial review is complete; or

(c) Are filed more than 90 days after the notice, but not less than 21 days nor more than 45 days from the date of publication of the notice of change; or

(d) Are filed more than 90 days after the notice, but not less than 14 nor more than 45 days after the adjournment of the final public hearing on the rule; or

(e) Are filed more than 90 days after the notice, but within 21 days after the date of receipt of all material authorized to be submitted at the hearing; or

(f) Are filed more than 90 days after the notice, but within 21 days after the date the transcript was received by this agency; or

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(g) Are filed not more than 90 days after the notice, not including the days the adoption of the rule was postponed following notification from the Joint Administrative Procedures Committee that an objection to the rule was being considered; or

(h) Are filed more than 90 days after the notice, but within 21 days after a good faith written proposal for a lower cost regulatory alternative to a proposed rule is submitted which substantially accomplishes the objectives of the law being implemented; or

(i) Are filed more than 90 days after the notice, but within 21 days after a regulatory alternative is offered by the small business regulatory advisory committee.

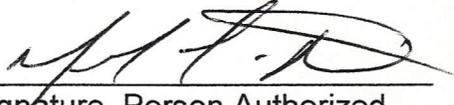
Attached are the original and two copies of each rule covered by this certification. The rules are hereby adopted by the undersigned agency by and upon their filing with the Department of State.

Rule No(s).

64B16-30.001

Under the provision of subparagraph 120.54(3)(e)6., F.S., the rules take effect 20 days from the date filed with the Department of State or a later date as set out below:

Effective: _____
(Month) (Day) (Year)



Signature, Person Authorized
To Certify Rules

Executive Director
Title

Number of Pages Certified

DEPARTMENT OF HEALTH

BOARD OF PHARMACY

ADDITIONAL STATEMENT TO THE SECRETARY OF STATE

RULE NO.:

64B16-30.001

RULE TITLE:

Disciplinary Guidelines; Range of
Penalties; Aggravating and
Mitigating Circumstances.

SUMMARY: Pursuant to legislative changes to Section 828.055, F.S., penalty guidelines for animal control shelters will be provided.

SUMMARY OF THE HEARING ON THE RULE:

No timely request for a hearing was received and no hearing was held.

STATEMENT OF FACTS AND CIRCUMSTANCES JUSTIFYING RULE PROPOSAL:

The Board proposes the rule amendment to update the guidelines to provide penalty guidelines for animal control shelters pursuant to legislative changes in Section 828.055, F.S.

64B16-30.001 Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

(1) No change.

(2) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees and permittees for violation of the below mentioned statutes and rules. For the purposes of this rule, the descriptions of the violations are abbreviated and the full statute or rule cited should be consulted to determine the prohibited conduct.

VIOLATION	PENALTY RANGE	
	MINIMUM	MAXIMUM
(a) through (o) No change		
(p) <u>Violating 828.055, F.S.</u>		
<u>1. Using drugs for animal euthanization for an improper purpose</u>	<u>Reprimand and a fine of \$250</u>	<u>Revocation</u>
<u>2. Failing to take resonable precautions against misuse, theft, loss or diversion</u>	<u>Reprimand and a fine of \$250</u>	<u>Revocation</u>
<u>3. Failing to detect or to report a significant loss, theft, or inventory shortage of drugs</u>	<u>Reprimand and a fine of \$250</u>	<u>Revocation</u>
<u>4. Failing to follow the rules of the Board regarding proper storage and handling of drugs</u>	<u>Reprimand and a fine of \$250</u>	<u>Revocation</u>
<u>5. Violating any provision of Section 828.055, chapter 465, chapter 499, F.S., or any rule adopted under those chapters</u>	<u>Reprimand and a fine of \$250</u>	<u>Revocation</u>

(3) through (4) No change.

Rulemaking Authority 456.072, 456.079, 465.005, 828.055 FS. Law Implemented 456.072, 456.079, 828.055(3) FS. History—New 3-1-87, Amended 5-11-88, Formerly 21S-17.001, 21S-30.001, 61F10-30.001, Amended 6-26-95, 1-30-96, Formerly 59X-30.001, Amended 12-3-97, 11-15-98, 5-3-00, 1-2-02, 11-29-06, 9-26-12, _____.