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**ATTORNEY GENERAL**  
**STATE OF FLORIDA**

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Florida Board of Pharmacy

OFFICE OF THE ATTORNEY GENERAL  
Administrative Law

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**MEMORANDUM**

**TO:** Mark Whitten, Executive Director  
Board of Pharmacy

**FROM:** Michele Bass, Paralegal Specialist

*MB*

**RE:** Notice of Change  
Rule 64B16-30.001

**DATE:** December 16, 2013

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The above-referenced Notice was submitted to the BAC on December 10, 2013, for publication in the F.A.R. on December 11, 2013. Enclosed is a copy for your records.

If you have any questions or concerns, please feel free to contact me at 414-3766.

Enclosure

cc: Jennifer Tschetter, Assistant General Counsel

NOTICE OF CHANGE

DEPARTMENT OF HEALTH  
Board of Pharmacy

RULE NO.:  
64B16-30.001

RULE TITLE:  
Disciplinary Guidelines; Range of Penalties;  
Aggravating and Mitigating Circumstances.

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 39, No. 186, of the September 24, 2013, issue of the Florida Administrative Register. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. Subsection (2)(h)1., under the minimum penalty column, "\$2000" shall be changed to now read "\$10,000".
2. Subsection (2)(u)1., under the minimum penalty column the fine "1,500" shall be changed to now read "10,000" and under the maximum penalty column, the penalty shall now read "Revocation, and a fine of \$10,000".

3. Subsection (2)(u)11., shall now read:

11. Making or filing a report which the licensee knows to be false, intentionally or negligently failing to file a report or record required by state or federal law, or willfully impeding or obstructing another person to do so. Such reports or records shall include only those that are signed in the capacity of a licensee.

(Section 456.072(1)(l), F.S.)

a. Knowingly filing a false report or willful obstruction	\$10,000 fine and two (2) years probation	\$10,000 fine and one (1) year suspension followed by two (2) years probation, to Revocation
b. Negligently failing to file a report or record	\$2,500 fine	\$5,000 fine and one (1) year probation, to Revocation

4. Subsection (3), shall be changed to now read:

(3) The board shall be entitled to deviate from the above-mentioned guidelines upon a showing of aggravating or mitigating circumstances by clear and convincing evidence presented to the board prior to the imposition of a final penalty.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tammy Collins, Acting Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254.

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