



Florida Department of Agriculture and Consumer Services
CHARLES H. BRONSON, Commissioner
The Capitol • Tallahassee, FL 32399-0800
www.doacs.state.fl.us

Reply To:
3125 Conner Boulevard
Lab 2, Mail Stop L2
Tallahassee, FL 32399-1650

August 24, 2009

Rebecca Poston, R.Ph.
Executive Director
Board of Pharmacy
Florida Department of Health
4052 Bald Cypress Way, Bin C-04
Tallahassee, Florida 32399-3254

**RE: Annual Permits Required for Weighing and Measuring Devices –
Beginning July 1, 2009**

The 2009 Florida Legislature enacted Sections 531.60 – 66, Florida Statutes, which requires all businesses that use weighing or measuring devices for commercial purposes to obtain an annual permit for those devices from the Department of Agriculture and Consumer Services. Weighing and measuring devices that are subject to the new permitting requirements include scales and other devices used for determining value or payment for goods or services. A copy of the new law, which is effective July 1, 2009, is available on the Bureau of Weights and Measures website at: <http://www.doacs.state.fl.us/standard/weights/regulations.html>

Pharmacy balances used for compounding do not appear to fall under the definition of “commercial devices” since they are used for mixing rather than determining the value of a commodity by weight. As a matter of public health, the Bureau of Weights and Measures has inspected and tested pharmacy balances in cooperation with the Board of Pharmacy for many years. Weights and Measures inspectors are equipped with the precision test weights and training needed to determine the accuracy and compliance of pharmacy balances.

The recently enacted law allows for the testing of non-commercial devices (such as pharmacy balances), but prohibits the testing of such devices unless the owner has obtained an annual permit from the Department of Agriculture and Consumer Services. The Department will begin invoicing owners of commercial devices subject to the law in August 2009. Since

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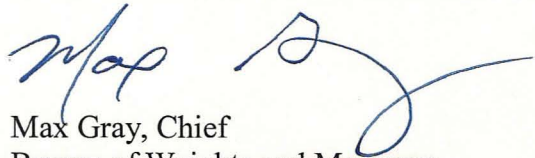
most pharmacies do not use their balances commercially, the Department will not be invoicing businesses that records indicate have no devices other than pharmacy balances.

While pharmacies that use their balances only for compounding are not required to obtain a permit, those interested in having a state inspector periodically inspect their balances for proper performance and maintenance are encouraged to contact the Bureau of Weights and Measures to purchase a permit through the web site above, by phone at 850-410-2388, or by email at: flwmdp@doacs.state.fl.us. An annual permit to operate up to five pharmacy balances at one location is available for \$40.

We request your assistance in distributing this information to pharmacies in Florida and look forward to continuing the cooperative effort between the Department of Agriculture and Consumer Services and the Board of Pharmacy in assuring compounding services are done with acceptable accuracy. Anyone with questions about the requirements of the new statute or procedures for obtaining a permit is encouraged to contact the Bureau of Weights and Measures at (850) 488-9140.

SINCERELY,

CHARLES H. BRONSON
COMMISSIONER OF AGRICULTURE

A handwritten signature in blue ink, appearing to read 'Max Gray', with a long, sweeping flourish extending to the right.

Max Gray, Chief
Bureau of Weights and Measures

MG/dk