

Change of Ownership

Federal DEA registration and Florida Pharmacy Permit applications for a change of ownership should be completed using the same procedures outlined for new establishments, because all change of ownerships result in the issuance of a new permit number. Please review Rule 64B16-28.2021, Florida Administrative Code, "Change of Ownership," (see Rule below). You must submit a copy of the bill of sale with your application. **(NOTE: If your Department of State, Division of Corporations ID number changes, you must file a Change of Ownership application)**

- 1) The BUYER must obtain an application for state and federal registration.
- 2) The Buyer must document the change of ownership by submitting a copy of the bill of sale.
- 3) All licensed corporations must submit a copy of the corporate charter and ID number issued by the Secretary of State. The copy must contain the Secretary of State seal.
- 4) The SELLER must submit the following in person or by registered or certified returned receipt mail to the DEA at least 14 days before the proposed date of transfer.
 - a. The name, address, authorized business activity and registration number of the seller (registrant-transferor).
 - b. The name, address, authorized business activity and registration number of the person acquiring the drugs.
 - c. The date the transfer of controlled drugs will take place.

Notice to BUYER and SELLER: On the date of the change of ownership, a complete inventory of all controlled substances being transferred must be taken. This inventory will serve as the final inventory of the SELLER and the initial inventory of the BUYER. Transfer of Schedule II drugs must be done on DEA 222 order forms. When a BUYER received his DEA certificate and order forms, he must transfer all Schedule II drugs by listing them on the order forms. The original is given to the SELLER, one copy is sent to the DEA's Regional Miami office and another copy is retained by the BUYER. A copy of the transferred inventory is also to be provided to the inspector at the time of inspection.

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(1) A pharmacy permit is not transferable. Upon the sale of an existing pharmacy, a new application must be filed. In those cases where the permit is held by a corporation, the transfer of all the stock of said corporation to another person or entity does not constitute a change of ownership, provided that the initial corporation holding the permit continues to exist.

(2) A change in ownership (and issuance of a new permit number) requires that new records be started and old records closed. The process for closing a pharmacy, including the transfer of prescription files and medicinal drugs, as outlined in Rules 64B16-28.202 and 64B16-28.203, F.A.C., must be followed for the old permit. If the old permit has controlled substances, the new permit must record an "opening inventory" for DEA purposes. Both the new permit and the old permit must keep appropriate records for two (2) years for the transfer of legend drugs and controlled substances.

(3) A change in the company or person who leases the building where the permit is housed or a change in the management company which contracts with the owner of the permit for the operation of the permit does not constitute a change in ownership.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.003(11)(a), 465.018, 465.019, 465.0193, 465.0196, 465.022(7) FS. History—New 4-19-00, Amended 1-2-02, Formerly 64B16-28.1135, Amended 4-5-05.