



Journal of the Senate

Number 6—Regular Session

Wednesday, March 16, 2011

CONTENTS

Bills on Third Reading	231
Call to Order	230
Co-Introducers	234
Committee Substitutes, First Reading	232
House Messages, Final Action	234
Motions Relating to Committee Reference	232
Reports of Committees	232
Resolutions	230
Special Guests	231

CALL TO ORDER

The Senate was called to order by President Haridopolos at 10:00 a.m.
A quorum present—40:

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

PRAYER

The following prayer was offered by Monsignor Thomas Skindeleski, St. Vincent Ferrer Church, Delray Beach:

Blessed are you, mighty God of the universe. You have made us in your image and likeness, with great love and care. You are wonderful, and are the consolation of many hearts. We thank you for the many blessings and gifts you have poured forth on us in this great state of Florida.

Today, we call upon you once again, as we begin this legislative session. We seek your aid in using our collective wisdom as we deliberate the issues that truly affect the lives of our people. Grant us your wisdom to use wisely the talents with which you have blessed us. Open our minds to better understand the needs of those who have chosen us to serve them. Teach us how to craft laws that will better the lives of millions of people who are counting on our efforts to serve them well.

Let justice and peace be foremost in our minds as we endeavor to legislate in ways that will benefit the lives of our people. Direct our efforts to preserve the life and liberty of the most vulnerable members of our society.

Help us to be respectful in our attitudes toward each other, to be diligent in our work, courteous in our speech, and humbly aware of your presence when we debate those issues that affect our people. Encourage us in our struggle to be examples of integrity, honesty and trust. Guard our minds and hearts from the power of any evildoers, especially those who would tempt us to stray from your direction.

Watch over and protect us and our families from all harm, especially when we are apart. And as we pray for ourselves and our families, we ask you to look after the men and women of our state who are serving abroad in our armed forces. Return them safely as soon as possible to their loved ones.

Grant us a sense of serious purpose in our work, so that we may not take our responsibilities lightly; but, balance it with a sense of humor, so that we may not take ourselves too seriously.

Finally, gracious God, look upon the poor with compassion and mercy, and give them an abundance of your blessings in their time of need. May all of our actions reflect your goodness to us, and may we, in turn, reflect it toward those who have need of that goodness. All of this, we ask of you, mighty God, who guides and governs all of us. Amen.

PLEDGE

Senate Pages Zaria Rucker of Daytona; Tori Goins of Wellington; Sophia Perench of Trinity; Courtney Atwater, daughter of former Senate President and Chief Financial Officer Jeff Atwater, and Brooke Cantwell of North Palm Beach; led the Senate in the pledge of allegiance to the flag of the United States of America.

DOCTOR OF THE DAY

The President recognized Dr. Joel Stern of Cocoa Beach, who he sponsored, as doctor of the day. Dr. Stern specializes in Emergency Medicine.

ADOPTION OF RESOLUTIONS

On motion by Senator Joyner—

By Senator Joyner—

SR 1496—A resolution recognizing Alpha Kappa Alpha Sorority, Inc.

WHEREAS, Alpha Kappa Alpha Sorority, Inc., was founded at Howard University in Washington, D.C., in 1908, and

WHEREAS, this Greek letter organization is the first sorority established by African American college women, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is an international organization that has over 260,000 members in more than 900 chapters in the United States, the Bahamas, Bermuda, Great Britain, Germany, Korea, and the Virgin Islands, and

WHEREAS, many of these chapters are located in communities and on college and university campuses in Florida, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., is committed to community service and has made numerous contributions to the educational, civic, and social lives of Floridians, and

WHEREAS, Alpha Kappa Alpha Sorority, Inc., continues its support of the international program, “Empowering our Communities with Global Leadership through Timeless Service,” and

WHEREAS, bound by its humanitarianism and credo of service that extends to all mankind, Alpha Kappa Alpha Sorority, Inc., is playing a role in the relief efforts for the citizens of Haiti in the wake of the recent catastrophic earthquake, and

WHEREAS, Marsha Lewis-Brown is the Centennial South Atlantic Regional Director of this great sisterhood and leads members of the sorority in Florida, Georgia, and South Carolina, and

WHEREAS, Representative Mia Jones and Representative Geraldine Thompson are members of Alpha Kappa Alpha Sorority, Inc., and

WHEREAS, members of the Alpha Kappa Alpha Sorority, Inc., in Florida contribute thousands of volunteer hours implementing service programs in their respective communities, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida:

That the members of the Florida Senate recognize the commitment of members of Alpha Kappa Alpha Sorority, Inc., to worldwide service and express special appreciation for their service in Florida.

—was introduced out of order and read by title. On motion by Senator Joyner, **SR 1496** was read the second time in full and adopted.

SPECIAL GUESTS

Senator Altman recognized the following guests who were present in the gallery: Kathryn P. “Kay” Hire, Captain, U.S. Navy, a NASA Astronaut; and Charles Moss Duke, Jr., Brigadier General, USAF, Retired, a former NASA Astronaut.

Senator Oelrich recognized his granddaughter, Ashley, and the other students of the Archer Junior City Commission who were present in the chamber.

BILLS ON THIRD READING

CS for SB 142—A bill to be entitled An act relating to negligence; amending s. 768.81, F.S.; defining the terms “accident,” “negligence action,” and “products liability action”; requiring the trier of fact to consider the fault of all persons who contributed to an accident when apportioning damages in a products liability action alleging an enhanced injury; requiring the jury instructions to apportion certain fault in a products liability action; providing the rules of evidence apply; providing legislative intent to overrule a judicial opinion; providing a legislative finding that fault should be apportioned among all responsible persons in a products liability action; providing for retroactive application of the act; providing a legislative finding that the retroactive application of the act does not impair vested rights; providing an effective date.

—as amended March 15 was read the third time by title.

On motion by Senator Richter, **CS for SB 142** as amended was passed and certified to the House. The vote on passage was:

Yeas—28

Mr. President	Fasano	Negron
Alexander	Flores	Norman
Benacquisto	Gaetz	Oelrich
Bennett	Garcia	Richter
Bogdanoff	Gardiner	Simmons
Dean	Hays	Storms
Detert	Jones	Thrasher
Diaz de la Portilla	Latvala	Wise
Dockery	Lynn	
Evers	Montford	

Nays—12

Altman	Joyner	Sachs
Braynon	Margolis	Siplin
Bullard	Rich	Smith
Hill	Ring	Sobel

CS for CS for CS for SB 248—A bill to be entitled An act relating to economic recovery from the Deepwater Horizon disaster; amending s. 14.2015, F.S.; defining the term “Disproportionally Affected County”;

creating a process for the Office of Tourism, Trade, and Economic Development to waive any or all job or wage eligibility requirements under certain circumstances when in the best interest of the public; amending s. 220.191, F.S.; waiving the requirement that a facility located in a Disproportionally Affected County be in a high-impact sector in order to qualify for the capital investment tax credit; amending s. 288.106, F.S.; creating a process for the Office of Tourism, Trade, and Economic Development to waive wage or local financial support eligibility requirements; providing a special incentive under the tax refund program for a limited time for a qualified target industry business that relocates from another state to a Disproportionally Affected County; creating s. 252.363, F.S.; tolling and extending the expiration dates of certain building permits or other authorizations following the declaration of a state of emergency by the Governor; providing exceptions; providing for the laws, administrative rules, and ordinances in effect when the permit was issued to apply to activities described in a permit or other authorization; providing an exception; amending s. 253.02, F.S.; requiring the Board of Trustees of the Internal Improvement Trust Fund to recommend to the Legislature whether existing multistate compacts for mutual aid should be modified or if a new multistate compact is necessary to address the Deepwater Horizon event or similar future incidents; requiring that the Board of Trustees of the Internal Improvement Trust Fund appoint members to the Commission on Oil Spill Response Coordination; providing for the designation of the chair of the commission by the Governor; requiring the commission to prepare a report for review and approval by the board of trustees; specifying the subject matter of the report; providing for future expiration; defining the term “Disproportionally Affected County”; providing an appropriation to the Office of Tourism, Trade, and Economic Development to contract with Florida’s Great Northwest, Inc., in order to develop and implement an economic development program for a Disproportionally Affected County; specifying a preference for a Disproportionally Affected County or municipalities within a Disproportionally Affected County which provide for expedited or combined permitting for certain purposes; providing for the appropriation to be placed in reserve by the Executive Office of the Governor for release as authorized by law or the Legislative Budget Commission; defining the term “Disproportionally Affected County”; providing for the deposit of funds received by entities involved in the Deepwater Horizon oil spill into applicable state trust funds; specifying permissible uses of such funds; designating the Department of Environmental Protection as the lead agency for expending funds for environmental restoration; designating the Office of Tourism, Trade, and Economic Development as the lead agency for funds designated for economic incentives and diversification efforts; authorizing the holder of a lease of sovereignty submerged lands to apply to the Department of Environmental Protection for the payment or the reimbursement of lease fees for the period of the state of emergency for the Deepwater Horizon oil spill; specifying conditions for eligibility; requiring an application to the Department of Environmental Protection; requiring the Chief Financial Officer to use the full extent of the law to recover payments from the responsible party or other independently administered claims process; providing a short title for certain sections of the act; providing an effective date.

—was read the third time by title.

On motion by Senator Gaetz, **CS for CS for CS for SB 248** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

SB 298—A bill to be entitled An act relating to municipal governing body meetings; creating s. 166.0213, F.S.; authorizing the governing bodies of certain municipalities to hold meetings within specified boundaries; providing an effective date.

—was read the third time by title.

On motion by Senator Alexander, **SB 298** was passed and certified to the House. The vote on passage was:

Yeas—40

Mr. President	Flores	Oelrich
Alexander	Gaetz	Rich
Altman	Garcia	Richter
Benacquisto	Gardiner	Ring
Bennett	Hays	Sachs
Bogdanoff	Hill	Simmons
Braynon	Jones	Siplin
Bullard	Joyner	Smith
Dean	Latvala	Sobel
Detert	Lynn	Storms
Diaz de la Portilla	Margolis	Thrasher
Dockery	Montford	Wise
Evers	Negron	
Fasano	Norman	

Nays—None

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Bogdanoff, by two-thirds vote **SB 1758** and **SB 1780** were withdrawn from the committees of reference and further consideration.

REPORTS OF COMMITTEES

The Committee on Budget Subcommittee on Health and Human Services Appropriations recommends the following pass: CS for SB 94

The bill was referred to the Committee on Budget under the original reference.

The Committee on Budget recommends the following pass: CS for SB 84; SB 172; SB 174; SB 176; SB 228; SB 238; CS for SB 444; CS for SB 478; SM 484

The Committee on Rules recommends the following pass: SB 410; SB 418; SB 462

The bills were placed on the Calendar.

The Committee on Judiciary recommends a committee substitute for the following: SB 670

The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.

The Committee on Governmental Oversight and Accountability recommends a committee substitute for the following: SB 1292

The bill with committee substitute attached was referred to the Committee on Budget under the original reference.

The Committee on Judiciary recommends a committee substitute for the following: SB 930

The bill with committee substitute attached was referred to the Committee on Children, Families, and Elder Affairs under the original reference.

The Committee on Agriculture recommends a committee substitute for the following: SB 606

The bill with committee substitute attached was referred to the Committee on Community Affairs under the original reference.

The Committee on Health Regulation recommends a committee substitute for the following: SB 818

The bill with committee substitute attached was referred to the Committee on Criminal Justice under the original reference.

The Committee on Health Regulation recommends a committee substitute for the following: CS for SB 204

The bill with committee substitute attached was referred to the Committee on Judiciary under the original reference.

COMMITTEE SUBSTITUTES

FIRST READING

By the Committees on Health Regulation; and Criminal Justice; and Senators Wise and Dockery—

CS for CS for SB 204—A bill to be entitled An act relating to controlled substances; amending s. 893.02, F.S.; defining the term “homologue” for purposes of the Florida Comprehensive Drug Abuse Prevention and Control Act; amending s. 893.03, F.S.; including certain hallucinogenic substances on the list of controlled substances in Schedule I; amending s. 893.13, F.S.; providing that it is a misdemeanor of the first degree to be in possession of not more than a specified amount of certain hallucinogenic substances; providing an exception for the powdered form of such substances; reenacting ss. 893.13(1), (2), (4), and (5), 893.135(1)(l), and 921.0022(3)(b), (c), and (e), F.S., relating to prohibited acts and penalties regarding controlled substances and the offense severity chart of the Criminal Punishment Code, to incorporate the amendment to s. 893.03, F.S., in references thereto; providing an effective date.

By the Committee on Agriculture; and Senator Evers—

CS for SB 606—A bill to be entitled An act relating to fertilizer; amending s. 403.9336, F.S.; deleting legislative findings relating to the implementation by local governments of certain fertilizer management practices; amending s. 403.9337, F.S.; deleting authority for certain counties and municipalities to adopt fertilizer management practices more stringent than standards of a specified model ordinance; amending ss. 570.07 and 576.181, F.S.; requiring the Department of Agriculture and Consumer Services to regulate the sale, composition, formulation, packaging, use, application, and distribution of fertilizer; preempting such regulation of fertilizer to the state and the department; specifying that such regulation of fertilizer by counties, municipalities, and other political subdivisions is void; authorizing local governments to provide enforcement of the provisions of the model ordinance; providing an effective date.

By the Committee on Judiciary; and Senator Joyner—

CS for SB 670—A bill to be entitled An act relating to powers of attorney; providing directives to the Division of Statutory Revision; creating s. 709.2101, F.S.; providing a short title; creating s. 709.2102, F.S.; providing definitions; creating s. 709.2103, F.S.; providing applicability; providing exceptions; creating s. 709.2104, F.S.; providing for a durable power of attorney; creating s. 709.2105, F.S.; specifying the qualifications for an agent; providing requirements for the execution of a power of attorney; creating s. 709.2106, F.S.; providing for the validity of

powers of attorney created by a certain date or in another jurisdiction; providing for the validity of a military power of attorney; providing for the validity of a photocopy or electronic copy of a power of attorney; creating s. 709.2107, F.S.; providing for the meaning and effectiveness of a power of attorney; creating s. 709.2108, F.S.; specifying when a power of attorney is effective; providing limitations with respect to a future power of attorney; creating s. 709.2109, F.S.; providing for the termination or suspension of a power of attorney or an agent's authority; creating s. 709.2110, F.S.; providing for the revocation of a power of attorney; creating s. 709.2111, F.S.; providing for the designation of co-agents and successor agents; specifying the responsibility of a successor agent for a predecessor agent; authorizing a co-agent to delegate certain banking transaction to a co-agent; creating s. 709.2112, F.S.; providing for the reimbursement and compensation of agents; creating s. 709.2113, F.S.; providing for the agent's acceptance of appointment; creating s. 709.2114, F.S.; providing for an agent's duties; limiting an agent's liability, absent a breach of duty; requiring that an agent make certain disclosures upon order of a court, upon the death of the principal, or under certain other circumstances; creating s. 709.2115, F.S.; providing for the exoneration of an agent; providing exceptions; creating s. 709.2116, F.S.; providing for judicial relief; authorizing the award of attorney's fees and costs; providing for a judicial challenge to an agent's exercise of power based on a conflict of interest; specifying the burden of proof required to overcome that challenge; creating s. 709.2117, F.S.; providing for an agent's liability; creating s. 709.2118, F.S.; providing for an agent's resignation; creating s. 709.2119, F.S.; providing for the acceptance of and reliance upon a power of attorney; authorizing a third party to require an affidavit; providing for the validity of acts taken on behalf of a principal who is reported as missing by a branch of the United States Armed Forces; providing a restriction on the conveyance of homestead property held by such a principal; creating s. 709.2120, F.S.; providing for liability if a third person refuses to accept a power of attorney under certain circumstances; providing for an award of damages and attorney's fees and costs; creating s. 709.2121, F.S.; requiring that notice of certain events be provided to an agent or other third person; specifying the form of the notice and when it is effective; creating s. 709.2201, F.S.; providing for the authority of an agent; providing limitations; providing that an agent's authority extends to property later acquired by the principal; creating s. 709.2202, F.S.; specifying that certain authority requires separate signed enumeration; restricting the amount of certain gifts made by an agent; specifying certain acts that do not require specific authority if the agent is authorized to conduct banking transactions; limiting the application of such provision; creating s. 709.2208, F.S.; providing for authority to conduct banking and security transactions; creating s. 709.2301, F.S.; specifying the role of common law; creating s. 709.2302, F.S.; providing for the preemption of laws relating to financial institutions; creating s. 709.2303, F.S.; providing for the recognition of other remedies; creating s. 709.2401, F.S.; specifying the relationship of the act to federal law regulating electronic signatures; creating s. 709.2402, F.S.; providing for powers of attorney executed before the effective date of the act; amending s. 736.0602, F.S.; conforming a cross-reference; repealing s. 709.01, F.S., relating to the authority of an agent when the principal is dead; repealing s. 709.015, F.S., relating to the authority of an agent when the principal is missing; repealing s. 709.08, F.S., relating to durable powers of attorney; repealing s. 709.11, F.S., relating to a deployment-contingent power of attorney; providing an effective date.

By the Committee on Health Regulation; and Senator Fasano—

CS for SB 818—A bill to be entitled An act relating to controlled substances; amending s. 400.9905, F.S.; redefining the terms “clinic” and “portable equipment provider” within the Health Care Clinic Act; amending s. 456.013, F.S.; authorizing certain health care practitioners to complete a continuing education course relating to the prescription drug monitoring program; providing requirements for the course; requiring the Department of Health or a board that is authorized to exercise regulatory or rulemaking functions within the department to approve the course offered through a facility licensed under ch. 395, F.S., under certain circumstances; providing for application of the course requirements; requiring a board or the Department of Health to adopt rules; amending s. 458.305, F.S.; defining the term “dispensing physician” as it relates to the practice of medicine in this state; prohibiting certain persons from using titles or displaying signs that would lead the public to believe that they engage in the dispensing of controlled substances; prohibiting certain persons, firms, or corporations from using a

trade name, sign, letter, or advertisement that implies that the persons, firms, or corporations are licensed or registered to dispense prescription drugs; prohibiting certain persons, firms, or corporations from holding themselves out to the public as licensed or registered to dispense controlled substances; providing penalties; amending s. 458.3191, F.S.; revising the information in the physician survey that is submitted by persons who apply for licensure renewal as a physician under ch. 458 or ch. 459, F.S.; amending s. 458.3192, F.S.; requiring the Department of Health to provide nonidentifying information to the prescription drug monitoring program's Implementation and Oversight Task Force regarding the number of physicians that are registered with the prescription drug monitoring program and that use the database from the program in their practice; amending s. 458.3265, F.S.; revising the list of entities that are not required to register as a pain-management clinic; deleting certain requirements for a physician to practice medicine in a pain-management clinic; requiring a physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring a physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for any person to register or attempt to register a pain-management clinic through misrepresentation or fraud; amending s. 458.327, F.S.; providing additional penalties; amending s. 458.331, F.S.; providing additional grounds for disciplinary action by the Board of Medicine; amending s. 459.003, F.S.; defining the term “dispensing physician” as it relates to the practice of osteopathic medicine in this state; amending s. 459.013, F.S.; providing additional penalties; amending s. 459.0137, F.S.; providing an exemption from the requirement that all privately owned pain-management clinics, facilities, or offices that advertise in any medium for any type of pain-management services, or employ an osteopathic physician who is primarily engaged in the treatment of pain by prescribing or dispensing controlled substance medications, must register with the Department of Health; requiring a physician, an advanced registered nurse practitioner, or a physician assistant to perform an appropriate medical examination of a patient on the same day that the physician dispenses or prescribes a controlled substance to the patient at a pain-management clinic; requiring an osteopathic physician who works in a pain-management clinic to document the reason a prescription for a certain dosage of a controlled substance is within the proper standard of care; creating a felony of the third degree for a licensee or other person who serves as the designated physician of a pain-management clinic to register a pain-management clinic through misrepresentation or fraud; amending s. 459.015, F.S.; providing additional grounds for disciplinary action by the Board of Osteopathic Medicine; amending s. 465.015, F.S.; prohibiting certain persons from knowingly failing to report to the local county sheriff's office the commission of a felony involving a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge under certain conditions; providing penalties; providing requirements for reporting the commission of a felony that involves a person who acquires or obtains possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge; providing that a pharmacist, pharmacy intern, or other person employed by or at a pharmacy is not subject to disciplinary action for reporting; amending s. 465.0276, F.S.; requiring a practitioner to register as a dispensing practitioner in order to dispense controlled substances; amending s. 766.101, F.S.; conforming a cross-reference; amending s. 810.02, F.S.; redefining the offense of burglary to include the theft of a controlled substance within a structure or conveyance; amending s. 812.014, F.S.; redefining the offense of theft to include the theft of a controlled substance; creating s. 893.021, F.S.; providing conditions in which a drug is considered adulterated; providing that a physician is not prevented from directing or prescribing a change to the recognized manufactured recommendations for use of any controlled substance for a patient under certain circumstances; requiring a prescribing physician to indicate on the original prescription any deviation of the recognized manufacturer's recommended use of a controlled substance; requiring a pharmacist or physician to indicate such deviation on the label of the prescription upon dispensing; amending s. 893.04, F.S.; revising the required information that must appear on the face of a prescription or written record of a controlled substance before it is dispensed by a pharmacist; amending s. 893.055, F.S.; requiring that the prescription drug monitoring program comply with the minimum requirements of the National All Schedules Prescription Electronic Reporting Act; requiring the Department of Health to establish a method to allow corrections to the database of the

prescription drug monitoring program; requiring the number of refills ordered and whether the drug was dispensed as a refill or a first-time request to be included in the database of the prescription drug monitoring program; revising the number of days in which a dispensed controlled substance must be reported to the department through the prescription drug monitoring program; revising the list of acts of dispensing or administering which are exempt from reporting; requiring a pharmacy, prescriber, practitioner, or dispenser to register with the department by submitting a registering document in order to have access to certain information in the prescription drug monitoring program's database; requiring the department to approve the registering document before granting access to information in the prescription drug monitoring program's database; requiring criminal background screening for those persons who have direct access to the prescription drug monitoring program's database; authorizing the Attorney General to obtain confidential and exempt information for Medicaid fraud cases and Medicaid investigations; requiring certain documentation to be provided to the program manager in order to release confidential and exempt information from the prescription drug monitoring program's database to a patient, legal guardian, or a designated health care surrogate; authorizing the Agency for Health Care Administration to obtain confidential and exempt information from the prescription drug monitoring program's database for Medicaid fraud cases and Medicaid investigations involving controlled substances; deleting a provision requiring that administrative costs of the prescription drug monitoring program be funded through federal grants and private sources; requiring the State Surgeon General to enter into reciprocal agreements for the sharing of information in the prescription drug monitoring program with other states that have a similar prescription drug monitoring program; requiring the State Surgeon General to annually review a reciprocal agreement to determine its compatibility; providing requirements for compatibility; prohibiting the sharing of certain information; amending s. 893.0551, F.S.; authorizing the Department of Health to disclose certain confidential and exempt information in the prescription drug monitoring program's database under certain circumstances involving reciprocal agreements with other states; prohibiting the sharing of information from the prescription drug monitoring program's database which is not for the purpose that is statutorily authorized or according to the State Surgeon General's determination of compatibility; amending s. 893.07, F.S.; requiring that a person report to the local sheriff's office the theft or loss of a controlled substance within a specified time; providing penalties; providing legislative intent; amending s. 893.13, F.S.; prohibiting a person from obtaining or attempting to obtain from a practitioner a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a health care provider from providing a controlled substance or a prescription for a controlled substance by misrepresentation, fraud, forgery, deception, subterfuge, or concealment of a material fact; prohibiting a person from adulterating a controlled substance for certain use without authorization by a prescribing physician; authorizing a law enforcement officer to seize as evidence the adulteration or off-label use of a prescribed controlled substance; providing that such adulterated or off-label use of the controlled substance may be returned to its owner only under certain conditions; providing penalties; prohibiting a prescribing practitioner from writing a prescription for a controlled substance and authorizing or directing the adulteration of the dispensed form of the controlled substance for the purpose of ingestion by means not medically necessary; amending s. 893.138, F.S.; providing circumstances in which a pain-management clinic may be declared a public nuisance; providing definitions; requiring the Board of Pharmacy to create a list of opioid analgesic drugs; providing requirements for the list of opioid analgesic drugs; prohibiting a pharmacist from interchanging or substituting an opioid analgesic drug, brand, or generic for an opioid analgesic drug incorporating a tamper-

resistance technology unless certain requirements are met; providing an effective date.

By the Committee on Judiciary; and Senators Lynn and Rich—

CS for SB 930—A bill to be entitled An act relating to the protection of volunteers; amending s. 768.1355, F.S.; clarifying that in order to fall under the protection of the Florida Volunteer Protection Act, a person performing a service for a nonprofit organization may not receive compensation from the nonprofit organization for that service, regardless of whether the person is receiving compensation from another source; providing an exception; providing an effective date.

By the Committee on Governmental Oversight and Accountability; and Senator Alexander—

CS for SB 1292—A bill to be entitled An act relating to the Chief Financial Officer; creating s. 215.89, F.S.; providing definitions; requiring governmental and statutorily created entities to maintain their financial data in accordance with the requirements of the Chief Financial Officer, the Board of Governors, or the State Board of Education, or pursuant to ch. 1010, F.S., by a certain date; requiring the Chief Financial Officer to adopt charts of accounts that meet certain requirements by a certain date; requiring a review and update of the charts of accounts; requiring the Chief Financial Officer to adopt certain procedures relating to the charts of accounts; providing a declaration of important state interest; providing an effective date.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Mike Haridopolos, President

I am directed to inform the Senate that the House of Representatives has passed CS for CS for SB 736, SB 916, SB 924, SB 944, SB 946 and SB 1204.

Robert L. "Bob" Ward, Clerk

The bills contained in the foregoing messages were ordered enrolled.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of March 15 was corrected and approved.

CO-INTRODUCERS

Senators Alexander—CS for SB 1130; Dean—SB 664; Dockery—SB 472; Latvala—SB 86; Lynn—SB 1174; Montford—SB 730

RECESS

On motion by Senator Thrasher, the Senate recessed at 10:58 a.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 9:00 a.m., Wednesday, March 23 or upon call of the President.