



Government Operations Appropriations Subcommittee

**Wednesday April 10, 2013
9:00 AM – 11:00 AM
Morris Hall (17 HOB)**

ACTION PACKET

**Will Weatherford
Speaker**

**Clay Ingram
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Government Operations Appropriations Subcommittee

Start Date and Time: Wednesday, April 10, 2013 09:00 am

End Date and Time: Wednesday, April 10, 2013 11:00 am

Location: Morris Hall (17 HOB)

Duration: 2.00 hrs

Consideration of the following bill(s):

CS/HB 217 Money Services Businesses by Insurance & Banking Subcommittee, Cummings, Oliva
CS/HB 1107 Florida Hurricane Catastrophe Fund by Insurance & Banking Subcommittee, Hager
CS/HB 1145 State-Owned or State-Leased Space by Government Operations Subcommittee, La Rosa
CS/HB 1225 Administrative Procedures by Rulemaking Oversight & Repeal Subcommittee, Adkins
CS/HB 1247 Public Model for Hurricane Loss Projections by Insurance & Banking Subcommittee, Nuñez

Pursuant to rule 7.12, the deadline for amendments to bills on the agenda by non-appointed members shall be 6:00 p.m., Tuesday, April 9, 2013.

By request of the chair, all committee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Tuesday, April 9, 2013.

NOTICE FINALIZED on 04/08/2013 16:19 by MRI

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee
4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

Summary:

Government Operations Appropriations Subcommittee

Wednesday April 10, 2013 09:00 am

CS/HB 217	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 955957 Adopted Without Objection		
CS/HB 1107	Favorable	Yeas: 12	Nays: 1
CS/HB 1145	Favorable With Committee Substitute	Yeas: 13	Nays: 0
	Amendment 676861 Adopted Without Objection		
	Am 1		
	Amendment 238183 Adopted Without Objection		
	Am 2		
	Amendment 189025 Adopted Without Objection		
	Am 3		
	Amendment 570147 Adopted Without Objection		
	Am 4		
	Amendment 720761 Adopted Without Objection		
	Am 5		
	Amendment 549311 Adopted Without Objection		
	Am 6		
	Amendment 937947 Adopted Without Objection		
	Am 7		
CS/HB 1225	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 300573 Adopted Without Objection		
	Amendment 783853 Adopted Without Objection		
	Amendment 342881 Adopted Without Objection		
CS/HB 1247	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 981765 Adopted Without Objection		

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Clay Ingram (Chair)	X		
Bruce Antone	X		
Gwyndolen Clarke-Reed	X		
Mark Danish	X		
Gayle Harrell	X		
Charles Hood, Jr.	X		
Travis Hutson	X		
Bryan Nelson	X		
Kathleen Peters	X		
Ricardo Rangel	X		
Ronald Renuart	X		
Ray Rodrigues	X		
Victor Torres, Jr.	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 217 : Money Services Businesses

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Gwyndolen Clarke-Reed	X				
Mark Danish	X				
Gayle Harrell				X	
Charles Hood, Jr.	X				
Travis Hutson	X				
Bryan Nelson	X				
Kathleen Peters	X				
Ricardo Rangel	X				
Ronald Renuart	X				
Ray Rodrigues	X				
Victor Torres, Jr.	X				
Clay Ingram (Chair)	X				
Total Yeas: 12		Total Nays: 0			

CS/HB 217 Amendments

Amendment 955957

Adopted Without Objection

Appearances:

CS/HB 217 Amendment

Brown, French (Lobbyist) (State Employee) - Waive In Support
 Florida OFR
 200 East Gaines Street
 Tallahassee Florida 32399
 Phone: 850-410-9544

CS/HB 217

Bayliss, Slater (Lobbyist) - Waive In Support
 Florida Carpenters Council
 215 South Monroe Street
 Tallahassee FL 32301
 Phone: (850)222-8900

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out
objection
4/10/13*

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Cummings offered the following:
 4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

8 Section 1. Section 560.310, Florida Statutes, is amended
 9 to read:

10 560.310 Records of check cashers and foreign currency
 11 exchangers.—

12 (1) A licensee engaged in check cashing must maintain for
 13 the period specified in s. 560.1105 a copy of each payment
 14 instrument cashed.

15 (2) If the payment instrument exceeds \$1,000, the
 16 following additional information must be maintained or
 17 submitted:

18 (a) Customer files, as prescribed by rule, on all
 19 customers who cash corporate payment instruments that exceed
 20 \$1,000.

Amendment No. 1

21 (b) A copy of the personal identification that bears a
22 photograph of the customer used as identification and presented
23 by the customer. Acceptable personal identification is limited
24 to a valid driver license; a state identification card issued by
25 any state of the United States or its territories or the
26 District of Columbia, and showing a photograph and signature; a
27 United States Government Resident Alien Identification Card; a
28 passport; or a United States Military identification card.

29 (c) A thumbprint of the customer taken by the licensee
30 when the payment instrument is presented for negotiation or
31 payment.

32 (d) The office shall, at a minimum, require licensees to
33 submit the following information to the check cashing database
34 or electronic log, before entering into each check cashing
35 transaction for each A payment instrument being cashed, in such
36 format as required ~~log that must be maintained electronically as~~
37 prescribed by rule:-

- 38 1. Transaction date.
- 39 2. Payor name as displayed on the payment instrument.
- 40 3. Payee name as displayed on the payment instrument.
- 41 4. Conductor name, if different from the payee name.
- 42 5. Amount of the payment instrument.
- 43 6. Amount of currency provided.
- 44 7. Type of payment instrument, which may include personal,
45 payroll, government, corporate, third-party, or another type of
46 instrument.
- 47 8. Amount of the fee charged for cashing of the payment
48 instrument.

Amendment No. 1

49 9. Branch or location where the payment instrument was
50 accepted.

51 10. The type of identification and identification number
52 presented by the payee or conductor.

53 11. Payee's workers' compensation insurance policy number
54 or exemption certificate number, if the payee is a business.

55 12. Such additional information as required by rule.
56

57 For purposes of this subsection paragraph, multiple payment
58 instruments accepted from any one person on any given day which
59 total \$1,000 or more must be aggregated and reported in the
60 check cashing database or on the log.

61 (3) A licensee under this part may engage the services of
62 a third party that is not a depository institution for the
63 maintenance and storage of records required by this section if
64 all the requirements of this section are met.

65 (4) The office shall issue a competitive solicitation as
66 provided in s. 287.057 for a statewide, real time, on-line check
67 cashing database to combat fraudulent check cashing activity.
68 After completing the competitive solicitation process, but prior
69 to executing a contract, the office may request funds in the
70 Fiscal Year 2014-2015 Legislative Budget Request and submit any
71 necessary draft conforming legislation, if needed to implement
72 this act.

73 (5) The office shall ensure that the check cashing
74 database:

75 (a) Provides an interface with the Secretary of State's
76 database for purposes of verifying corporate registration and

Amendment No. 1

77 articles of incorporation pursuant to this section.

78 (b) Provides an interface with the Department of Financial
79 Services' database for purposes of determining proof of coverage
80 for workers' compensation.

81 (6) The commission may adopt rules to administer this
82 section, require that additional information be submitted to the
83 check cashing database, and ensure that the database is used by
84 the licensee in accordance with this section.

85 Section 2. This act shall take effect July 1, 2013

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T I T L E A M E N D M E N T

90 Remove everything before the enacting clause and insert:
91 An act relating to money services businesses; amending
92 s. 560.310, F.S.; requiring licensees engaged in check
93 cashing to submit certain transaction information to the
94 office related to the payment instruments cashed; requiring
95 the Office of Financial Regulation to issue a competitive
96 solicitation for a database to maintain certain transaction
97 information relating to check cashing; authorizing the
98 office to request funds and to submit draft legislation
99 after certain requirements are met; requiring the office to
100 maintain the transaction information in a centralized
101 database; authorizing the Financial Services Commission to
102 adopt rules; providing an effective date.

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 1107 : Florida Hurricane Catastrophe Fund

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Gwyndolen Clarke-Reed	X				
Mark Danish	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Bryan Nelson	X				
Kathleen Peters	X				
Ricardo Rangel	X				
Ronald Renuart	X				
Ray Rodrigues		X			
Victor Torres, Jr.	X				
Clay Ingram (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

CS/HB 1107

Brown, Don (Lobbyist) - Proponent

AIF

PO Box 866

DeFuniak Springs Florida 32435

Phone: 850-865-9280

CS/HB 1107

Hart, David (Lobbyist) - Proponent

FL Chamber

136 S. Bronough St.

Tallahassee FL 32301

Phone: (850) 521-1200

CS/HB 1107

Bowman, Janet (Lobbyist) - Waive In Support

Nature Conservancy, The

625 N Adams St

Tallahassee FL 32301

Phone: (850)251-9406

CS/HB 1107

Stevens, Monte (Lobbyist) - Waive In Support

Florida Medical Association

1494 Piedmont E

Tallahassee FL

Phone: 850-224-6496

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 1107 : Florida Hurricane Catastrophe Fund (continued)

Appearances: (continued)

CS/HB 1107

Camara, Christian (Lobbyist) - Waive In Support

R Street Institute

PO Box 10577

Tallahassee FL 32302

Phone: 305-608-4300

CS/HB 1107

Liles, Jay (Lobbyist) - Waive In Support

Florida Wildlife Federation

PO Box 6870

Tallahassee FL

Phone: 850-294-5004

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 1145 : State-Owned or State-Leased Space

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Gwyndolen Clarke-Reed	X				
Mark Danish	X				
Gayle Harrell	X				
Charles Hood, Jr.	X				
Travis Hutson	X				
Bryan Nelson	X				
Kathleen Peters	X				
Ricardo Rangel	X				
Ronald Renuart	X				
Ray Rodrigues	X				
Victor Torres, Jr.	X				
Clay Ingram (Chair)	X				
Total Yeas: 13		Total Nays: 0			

CS/HB 1145 Amendments

Amendment 676861

Adopted Without Objection

Amendment 238183

Adopted Without Objection

Amendment 189025

Adopted Without Objection

Amendment 570147

Adopted Without Objection

Amendment 720761

Adopted Without Objection

Amendment 549311

Adopted Without Objection

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 1145 : State-Owned or State-Leased Space (continued)

Amendment 937947

Adopted Without Objection

Appearances:

CS/HB 1145

Schuessler, Pierce (Lobbyist) (State Employee) - Waive In Support

Legislative Affairs Director, DEP

3900 Commonwealth Blvd

Tallahassee Florida

Phone: 245-2140

CS/HB 1145

Schoonover, Chris (Lobbyist) - Waive In Support

SESCO Lighting

101 E College Avenue

Tallahassee FL 32303

Phone: 850-222-9075

CS/HB 1145

Williams, Marlene (Lobbyist) (State Employee) - Waive In Support

Department of Management Services

4050 Esplanade Way

Tallahassee FL 32399

Phone: 850-491-7638

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Adopted without objection 4/10/13

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment

6 Remove line 329 and insert:
 7 criteria developed by rule by the Board of Trustees of the
 8 Internal Improvement Trust Fund. ~~with priority~~

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Adopted w/out objection

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment (with title amendment)

Remove lines 423-434 and insert:

7 (5) The department may direct a state agency to occupy, or
 8 relocate to, space in any state-owned office building, including
 9 all state-owned space identified in the Florida State-Owned
 10 Lands and Records Information System managed by the Department
 11 of Environmental Protection. The Department of Legal Affairs,
 12 the Department of Agriculture and Consumer Services, and the
 13 Department of Financial Services are excluded from this
 14 subsection. However, the Department of Legal Affairs, the
 15 Department of Agriculture and Consumer Services, and the
 16 Department of Financial Services may elect to comply with the
 17 provisions of this subsection in whole or in part. Any
 18 relocation of any agency at the direction of the department
 19 shall be implemented within existing appropriations of the

Amendment No. 2

20 agency and shall not require a transfer of any funds pursuant to
21 chapter 216, F.S.

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T I T L E A M E N D M E N T

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Remove lines 27-28

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Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted without
objection
4/10/13*

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment

Remove line 494 and insert:

7 fiscal year. The Department of Legal Affairs, the Department of
 8 Agriculture and Consumer Services, and the Department of
 9 Financial Services are excluded from this subsection. However,
 10 the Department of Legal Affairs, the Department of Agriculture
 11 and Consumer Services, and the Department of Financial Services
 12 may elect to comply with the provisions of this subsection in
 13 whole or in part.

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

Adopted w/out objection 4/10/13

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment (with title amendment)

Remove lines 528-531 and insert:

~~(f) Maximum rental rates, by geographic areas or by county, for leasing privately owned space.~~

T I T L E A M E N D M E N T

Remove lines 34-35 and insert:

the department; amending s. 255.25, F.S.; deleting

Amendment No. 5

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out
objection
4/10/13*

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment (with title amendment)

Remove lines 568-569

T I T L E A M E N D M E N T

Remove lines 34-35 and insert:
 the department; amending s. 255.25, F.S.; deleting

Amendment No. 6

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out
objection
4/10/13*

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment (with title amendment)

Remove lines 762-772 and insert:

7 bid in accordance with s. 255.249(10)(b) ~~255.249(4)(b)~~. However,
 8 if the Department of Agriculture and Consumer Services, the
 9 Department of Financial Services, or the Department of Legal
 10 Affairs an agency that determines that it is in its best
 11 interest to remain in the space it currently occupies, it may
 12 negotiate a replacement lease with the lessor if an independent
 13 comparative market analysis demonstrates that the rates offered
 14 are within market rates for the space and the cost of the new
 15 lease does not exceed the cost of a comparable lease plus
 16 documented moving costs. A present-value analysis and the
 17 consumer price index shall be used in the calculation of lease
 18 costs. The term of the replacement lease may not exceed the base
 19 term of the expiring lease. For those agencies for which the
 20 department may approve lease actions, the department may approve

Amendment No. 6

21 a replacement lease with a lessor for an agency to remain in the
22 space it currently occupies if such lease is, in the judgment of
23 the department, in the best interests of the state. In
24 determining best interest, the department shall consider
25 availability of state-owned space and analyses of build-to-suit
26 and acquisition opportunities. The term of the replacement
27 lease may not exceed the base term of the expiring lease. Any
28 relocation of any agency at the direction of the department
29 shall be within existing appropriations and shall not require a
30 transfer of any funds pursuant to chapter 216, F.S.
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34 -----
35 **T I T L E A M E N D M E N T**

36 Remove lines 35-36 and insert:

37 additional rules; amending s. 255.25, F.S.; revising
38 an exemption that allows certain agencies to negotiate a
39

Amendment No. 7

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*Adopted w/out
objection
4/10/13*

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative La Rosa offered the following:

Amendment

Remove lines 814-905

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 1225 : Administrative Procedures

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Gwyndolen Clarke-Reed	X				
Mark Danish	X				
Gayle Harrell				X	
Charles Hood, Jr.	X				
Travis Hutson	X				
Bryan Nelson	X				
Kathleen Peters	X				
Ricardo Rangel	X				
Ronald Renuart	X				
Ray Rodrigues	X				
Victor Torres, Jr.	X				
Clay Ingram (Chair)	X				
Total Yeas: 12		Total Nays: 0			

CS/HB 1225 Amendments

Amendment 300573

Adopted Without Objection

Amendment 783853

Adopted Without Objection

Amendment 342881

Adopted Without Objection

Appearances:

CS/HB 1225

Miller, Lisa (Lobbyist) - Proponent

Florida Association of Realtors

331 North Monroe Street

Tallahassee FL 32302

Phone: (850)528-9229

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

Adopted WITHOUT
OBJECTION
4/10/13

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Adkins offered the following:

Amendment (with title amendment)

Remove lines 55-107 and insert:

Section 1. Paragraph (e) of subsection (3) of section 57.111, Florida Statutes, is amended to read:

57.111 Civil actions and administrative proceedings initiated by state agencies; attorneys' fees and costs.—

(3) As used in this section:

(e) A proceeding is "substantially justified" if it had a reasonable basis in law and fact at the time it was initiated by a state agency. A proceeding is not substantially justified when the agency action involves identical or substantially similar facts and circumstances and the specified law, rule, or order on which the party substantially affected by the agency action petitioned for a declaratory statement under s. 120.565,
 and:

Amendment No. 1

- 20 1. The agency action contradicts a declaratory statement
- 21 issued under s. 120.565 to the substantially affected party; or
- 22 2. The agency denied the petition under s. 120.565 before
- 23 initiating the agency action against the substantially affected
- 24 party.

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T I T L E A M E N D M E N T

Remove lines 3-9 and insert:

s. 57.111, F.S.; providing conditions under which a
 proceeding is not substantially justified for purposes of
 an award under the Florida Equal Access to Justice Act;
 amending s. 120.55, F.S.; providing for

Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

ADOPTED WITHOUT
OBJECTION
4/10/13

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Adkins offered the following:

Amendment

Remove lines 771-781 and insert:

7 (7) DETERMINATION OF RECOVERABLE FEES AND COSTS.—For
 8 purposes of this chapter, s. 57.105(5), and s. 57.111, in
 9 addition to an award of reasonable attorney fees and reasonable
 10 costs, the prevailing party shall also recover reasonable
 11 attorney fees and reasonable costs incurred in litigating
 12 entitlement to, and the determination or quantification of,
 13 reasonable attorney fees and reasonable costs for the underlying
 14 matter. Reasonable attorney fees and reasonable costs awarded
 15 for litigating entitlement to, and the determination or
 16 quantification of, reasonable attorney fees and reasonable costs
 17 for the underlying matter are not subject to the limitations on
 18 amounts provided in this chapter or s. 57.111.

Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>Y</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

*ADOPTED WITHOUT
OBJECTION
4/10/13*

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Adkins offered the following:

Amendment (with title amendment)

Remove lines 835-879 and insert:

Section 1. Section 120.695, Florida Statutes, is amended
to read:

120.695 Notice of noncompliance.—

(1) It is the policy of the state that the purpose of
 regulation is to protect the public by attaining compliance with
 the policies established by the Legislature. Fines and other
 penalties may be provided in order to assure compliance;
 however, the collection of fines and the imposition of penalties
 are intended to be secondary to the primary goal of attaining
 compliance with an agency's rules. It is the intent of the
 Legislature that an agency charged with enforcing rules shall
 issue a notice of noncompliance as its first response to a minor
 violation of a rule in any instance in which it is reasonable to

Amendment No. 3

20 assume that the violator was unaware of the rule or unclear as
21 to how to comply with it.

22 (2) (a) Each agency shall issue a notice of noncompliance
23 as a first response to a minor violation of a rule. A "notice of
24 noncompliance" is a notification by the agency charged with
25 enforcing the rule issued to the person or business subject to
26 the rule. A notice of noncompliance may not be accompanied with
27 a fine or other disciplinary penalty. It must identify the
28 specific rule that is being violated, provide information on how
29 to comply with the rule, and specify a reasonable time for the
30 violator to comply with the rule. A rule is agency action that
31 regulates a business, occupation, or profession, or regulates a
32 person operating a business, occupation, or profession, and
33 that, if not complied with, may result in a disciplinary
34 penalty.

35 (b) Each agency shall review all of its rules and
36 designate those for which a violation would be a minor violation
37 and for which a notice of noncompliance must be the first
38 enforcement action taken against a person or business subject to
39 regulation. A violation of a rule is a minor violation if it
40 does not result in economic or physical harm to a person or
41 adversely affect the public health, safety, or welfare or create
42 a significant threat of such harm. ~~If an agency under the~~
43 ~~direction of a cabinet officer mails to each licensee a notice~~
44 ~~of the designated rules at the time of licensure and at least~~
45 ~~annually thereafter, the provisions of paragraph (a) may be~~
46 ~~exercised at the discretion of the agency. Such notice shall~~

Amendment No. 3

47 ~~include a subject-matter index of the rules and information on~~
48 ~~how the rules may be obtained.~~

49 (c) DESIGNATION OF MINOR VIOLATION RULES. ~~The agency's~~
50 ~~review and designation must be completed by December 1, 1995;~~

51 1. No later than June 30, 2014, and after such date within
52 three months of any request of the rules ombudsman, each agency
53 shall review under the direction of the Governor shall make a
54 report to the Governor, and each agency under the joint
55 direction of the Governor and Cabinet shall report to the
56 Governor and Cabinet by January 1, 1996, on which of its rules
57 and certify to the President of the Senate, the Speaker of the
58 House of Representatives, the committee, and the rules ombudsman
59 those rules that have been designated as rules the violation of
60 which would be a minor violation under paragraph (b), consistent
61 with the legislative intent stated in subsection (1). For each
62 agency failing to timely complete the review and file the
63 certification as required by this section the rules ombudsman
64 shall promptly report such failure to the Governor, the
65 President of the Senate, the Speaker of the House of
66 Representatives and the committee.

67 2. Beginning on July 1, 2014, each agency shall:

68 a. Publish all rules of that agency designated as rules the
69 violation of which would be a minor violation, either as a
70 complete list on the agency's internet webpage or by
71 incorporation of the designations in the agency's disciplinary
72 guidelines adopted as a rule.

Amendment No. 3

73 b. Ensure that all investigative and enforcement personnel
74 are knowledgeable of the agency's designations under this
75 section.

76 c. For each rule filed for adoption the agency head shall
77 certify whether any part of the rule is designated as one the
78 violation of which would be a minor violation and shall update
79 the listing required by subparagraph 2.a.

80 (d) The Governor or the Governor and Cabinet, as
81 appropriate ~~pursuant to paragraph (c)~~, may evaluate the review
82 and designation effects of each agency subject to the direction
83 and supervision of such authority and may direct ~~apply a~~
84 different designation than that applied by such ~~the~~ agency.

85 (e) Notwithstanding s. 120.52(1)(a), this section does not
86 apply to:

87 1. The Department of Corrections;

88 2. Educational units;

89 3. The regulation of law enforcement personnel; or

90 4. The regulation of teachers.

91 (f) Designation pursuant to this section is not subject to
92 challenge under this chapter.

Amendment No. 3

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T I T L E A M E N D M E N T

Remove line 49 and insert:

designation of minor violations; requiring agency review and
certification of minor violation rules by time certain;
providing sanction for failure to provide certification;
requiring minor violation certification for all rules adopted
after July 1, 2014; requiring public notice; providing certain
exclusions; amending ss.

COMMITTEE MEETING REPORT
Government Operations Appropriations Subcommittee

4/10/2013 9:00:00AM

Location: Morris Hall (17 HOB)

CS/HB 1247 : Public Model for Hurricane Loss Projections

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Bruce Antone	X				
Gwyndolen Clarke-Reed	X				
Mark Danish	X				
Gayle Harrell				X	
Charles Hood, Jr.	X				
Travis Hutson	X				
Bryan Nelson	X				
Kathleen Peters	X				
Ricardo Rangel	X				
Ronald Renuart	X				
Ray Rodrigues	X				
Victor Torres, Jr.	X				
Clay Ingram (Chair)	X				
Total Yeas: 12		Total Nays: 0			

CS/HB 1247 Amendments

Amendment 981765

Adopted Without Objection

Appearances:

CS/HB 1247

Liles, Jay (Lobbyist) - Waive In Support
 Florida Wildlife Federation
 PO Box 6870
 Tallahassee FL 32314
 Phone: 850-294-5004

CS/HB 1247

Bowman, Janet (Lobbyist) - Waive In Support
 Nature Conservancy, The
 625 N Adams St
 Tallahassee FL 32301
 Phone: (850)222-0199

CS/HB 1247

Goldman, Trey (Lobbyist) - Waive In Support
 Legislative Counsel, Florida Realtors
 200 South Monroe
 Tallahassee FL 32301
 Phone: 850-224-1400

Committee meeting was reported out: Wednesday, April 10, 2013 1:13:13PM

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<u>✓</u>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

ADOPTED WITHOUT
OBJECTION
4/10/13

1 Committee/Subcommittee hearing bill: Government Operations
 2 Appropriations Subcommittee
 3 Representative Nuñez offered the following:
 4

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

7 Section 1. The Office of Insurance Regulation shall
 8 contract with Florida International University to enhance the
 9 capability of the public model for hurricane loss projection to
 10 predict and assess both windstorm and flood damage resulting
 11 from hurricanes.

12 Section 2. The sum of \$250,000 in nonrecurring funds from
 13 the Insurance Regulatory Trust Fund is appropriated to the
 14 Office of Insurance Regulation for implementing this act.

15 Section 3. This act shall take effect July 1, 2013.

T I T L E A M E N D M E N T

20 Remove everything before the enacting clause and insert:

Amendment No. 1

21 | An act relating to the public model for hurricane loss
22 | projections; requiring the Office of Insurance Regulation
23 | to contract with Florida International University to
24 | enhance the capability of the model to predict and assess
25 | certain hurricane damage; providing an appropriation;
26 | providing an effective date