



Policy and Budget Council

**April 25, 2007
9:00 a.m.
212 Knott Building**

Action Packet

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Summary:

Policy & Budget Council

Wednesday April 25, 2007 09:00 am

CS/HB 57	Favorable	Yeas: 23	Nays: 7
CS/HB 125	Favorable with Council Substitute	Yeas: 25	Nays: 0
CS/HB 191	Favorable	Yeas: 23	Nays: 5
CS/HB 197	Favorable with Council Substitute	Yeas: 28	Nays: 0
CS/HB 213	Favorable with Council Substitute	Yeas: 28	Nays: 0
CS/HB 223	Favorable	Yeas: 22	Nays: 1
HJR 471	(NOT RECEIVED)		
HB 689	Favorable	Yeas: 28	Nays: 0
CS/HB 703	Favorable	Yeas: 29	Nays: 0
CS/HB 747	Favorable	Yeas: 27	Nays: 0
CS/HB 957	Favorable with Council Substitute	Yeas: 22	Nays: 9
CS/HB 965	Favorable	Yeas: 30	Nays: 1
CS/HB 1047	Favorable	Yeas: 24	Nays: 5
CS/HB 1215	Favorable	Yeas: 28	Nays: 0
CS/HB 1377	Favorable	Yeas: 22	Nays: 3
CS/HB 1399	Favorable with Council Substitute	Yeas: 28	Nays: 0

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 1557 Favorable

Yeas: 30 Nays: 0

HB 7157 Favorable

Yeas: 31 Nays: 0

HB 7173 Favorable with Council Substitute

Yeas: 29 Nays: 0

HB 7183 Favorable

Yeas: 28 Nays: 0

HB 7213 Favorable

Yeas: 27 Nays: 0

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ray Sansom (Chair)	X		
Kevin Ambler	X		
Frank Attkisson	X		
Loranne Ausley	X		
Aaron Bean			X
Dorothy Bendross-Mindingall	X		
Ellyn Setnor Bogdanoff	X		
Marsha Bowen	X		
Mary Brandenburg	X		
Donald Brown	X		
Dean Cannon	X		
Joyce Cusack	X		
Charles Dean	X		
Bill Galvano	X		
Andy Gardiner	X		
Michael Grant	X		
Adam Hasner	X		
Will Kendrick	X		
Dick Kravitz	X		
Stan Mayfield			X
Matthew Meadows	X		
Joe Pickens	X		
Ron Reagan	X		
Curtis Richardson	X		
David Rivera	X		
Yolly Roberson	X		
Dennis Ross	X		
Ron Saunders	X		
John Seiler	X		
Priscilla Taylor	X		
Anthony Traviesa	X		
Baxter Troutman	X		
Shelley Vana	X		
Juan Zapata	X		
Totals:	32	0	2

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 57 : Regulation of Releases from Gambling Vessels

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen		X			
Mary Brandenburg	X				
Donald Brown		X			
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick		X			
Dick Kravitz		X			
Stan Mayfield			X		
Matthew Meadows		X			
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross		X			
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor		X			
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 23		Total Nays: 7			

Appearances:

Ralph Haben (Lobbyist) - Opponent
 8133 Mahon Dr.
 Tallahassee FL 32309

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Laura McLeod (Lobbyist) - Opponent
P.O. Box 10223
Tallahassee FL 32302
Phone: 850-224-9448

John Schantzen (Lobbyist) - Proponent
System Council 4-4
135 S. Monroe St.
Tallahassee FL 32301
Phone: 321-394-6685

Erica Davanzo (General Public) - Proponent
Surfrider Foundation
2060 NE 23rd Terrace
Jensen Beach FL

Doug Bell (Lobbyist) - Proponent
Surfrider Foundation
215 S. Monroe St.
Tallahassee FL
Phone: 850-222-3533

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 125 : Compensation for Wrongful Incarceration

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon				X	
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera			X		
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa			X		
Baxter Troutman	X				
Shelley Vana			X		
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 25		Total Nays: 0			

Appearances:

Mike Olenick (Lobbyist) - Proponent
Representing: Al Crozter
215 S. Monroe St.
Tallahassee FL
Phone: 850-224-1585

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Jennifer Greenberg (General Public) - Proponent

Innocence Project

1100 East Park Ave.

Tallahassee FL 32301

Phone: 850-561-6768

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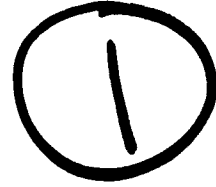
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 125

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget
2 Representative(s) Taylor offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. There is appropriated from the General Revenue Fund the sum of \$1,250,000 to the Department of Financial Services under the conditions provided in this act.

Section 3. The Chief Financial Officer is directed to draw a warrant in the sum of \$1,250,000 for the purposes provided in this act.

Section 4. The Department of Financial Services shall pay the funds appropriated under this act to an insurance company or other financial institution admitted and authorized to issue annuity contracts in this state and selected by Alan Jerome Crotzer for the purchase of an annuity. The Department of Financial Services shall execute all necessary agreements to implement this act.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 Section 5. Tuition and fees for Alan Jerome Crotzer shall
23 be waived for up to a total of 120 hours of instruction at any
24 career center established pursuant to s. 1001.44, Florida
25 Statutes, at any community college established under part III of
26 chapter 1004, Florida Statutes, or any state university. For any
27 educational benefit made, Alan Jerome Crotzer shall meet and
28 maintain the regular admission requirements of, and be
29 registered at, such career center, community college, or state
30 university and make satisfactory academic progress as defined by
31 the educational institution in which the claimant is enrolled.

32 Section 6. The Chief Financial Officer shall purchase the
33 annuity as required by this act upon delivery by Alan Jerome
34 Crotzer to the Chief Financial Officer, the Department of
35 Financial Services, the President of the Senate, and the Speaker
36 of the House of Representatives of an executed release and
37 waiver on behalf of Alan Jerome Crotzer and his heirs,
38 successors, and assigns forever releasing the State of Florida
39 and any agency, instrumentality, officer, employee, or political
40 subdivision thereof or any other entity subject to the
41 provisions of s. 768.28, Florida Statutes, from any and all
42 present or future claims or declaratory relief that the
43 claimant, or his heirs, successors, or assigns, may have against
44 such enumerated entities and arising out of the factual
45 situation in connection with the conviction for which
46 compensation is awarded. However, declaratory action to obtain
47 judicial expungement of Alan Jerome Crotzer's judicial and
48 executive branch records as otherwise provided by law is not
49 prohibited by this act.

50 Section 7. The Legislature may not be deemed by this act
51 to have waived any defense of sovereign immunity or to have
52 increased the limits of liability on behalf of the state or any

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

53 person or entity subject to the provisions of s. 768.28, Florida
54 Statutes, or any other law.

55 Section 8. This award is intended to provide the sole
56 compensation for any and all present and future claims arising
57 out of the factual situation in connection with Alan Jerome
58 Crotzer's conviction and imprisonment, and no part of the award
59 shall be paid for attorney's fees, lobbying fees, costs, or
60 other similar expenses.

61 Section 9. This act shall take effect upon becoming a law.
62
63
64

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

66 Remove the entire title and insert:
67

68 A bill to be entitled

69 An act for the relief of Alan Jerome Crotzer; providing an
70 appropriation to compensate Alan Jerome Crotzer for
71 wrongful imprisonment and for being a victim of a
72 miscarriage of justice; directing the Chief Financial
73 Officer to draw a warrant; requiring the purchase of an
74 annuity; providing for the waiver of specified tuition and
75 fees; providing conditions for payment; providing
76 legislative intent; providing an effective date.
77

78 WHEREAS, in 1982, Alan Jerome Crotzer was convicted in
79 Hillsborough County, Florida, of rape, robbery, and kidnapping,
80 and was sentenced to 130 years in prison, and

81 WHEREAS, Alan Jerome Crotzer may also be known as Allen
82 Jerome Crotzer in the criminal pleadings of this case, and

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

83 WHEREAS, after serving more than 24 and 1/2 years in
84 prison, during which time he diligently maintained his
85 innocence, Alan Jerome Crotzer has been fully exonerated through
86 DNA tests, and

87 WHEREAS, an order of the circuit court, entered on the
88 motion of the state attorney, has judicially established the
89 fact that Alan Jerome Crotzer should not have been incarcerated,
90 as significant doubt exists as to his guilt, and

91 WHEREAS, DNA testing of evidence has excluded Alan Jerome
92 Crotzer as the person who committed the crimes for which he was
93 convicted, and

94 WHEREAS, the Legislature recognizes that no system of
95 justice is impervious to human error, and

96 WHEREAS, *United States v. Hasting*, 461 U.S. 499 (1983),
97 reads, in part, "Given the myriad safeguards provided to assure
98 a fair trial, and taking into account the reality of the human
99 fallibility of the participants, there can be no such thing as
100 an error-free, perfect trial, and . . . the Constitution does
101 not guarantee such a trial.", and

102 WHEREAS, the Legislature acknowledges that the state's
103 system of justice infrequently yields imperfect results which
104 may have tragic consequences, and

105 WHEREAS, this act is based on a moral desire to acknowledge
106 those who are wrongfully convicted of a felony offense,
107 incarcerated as a result of that conviction, and determined to
108 be actually innocent and is not a recognition of a
109 constitutional right or violation, and

110 WHEREAS, the Legislature intends that any compensation made
111 pursuant to this act be the sole compensation to be provided by
112 the state for any and all present and future claims arising out

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

113

of the factual situation in connection with the claimant's

14

conviction and imprisonment, NOW, THEREFORE,

STORAGE NAME: h1327.PBC
DATE: April 24, 2007

April 24, 2007

SPECIAL MASTER'S FINAL REPORT

The Honorable Marco Rubio
Speaker, The Florida House of Representatives
Suite 420, The Capitol
Tallahassee, Florida 32399-1300

Re: HB 1327 - Representative Luis Garcia
Relief of Alan Jerome Crotzer

THIS IS AN EQUITABLE CLAIM FOR \$1.25 MILLION AND THE WAIVER OF TUITION AND FEES FOR UP TO 120 HOURS OF INSTRUCTION AT ANY SPECIFIED CAREER CENTER, COMMUNITY COLLEGE, OR STATE UNIVERSITY, TO COMPENSATE ALAN JEROME CROTZER FOR HIS INCARCERATION IN STATE PRISON FOR A CONVICTION THAT WAS VACATED 24.5 YEARS LATER. THERE IS NO PENDING LITIGATION ON THIS CLAIM.

FINDING OF FACT:

The Crime: On the night of July 8, 1981, three young black males robbed five white victims at gunpoint in one of the victim's apartments, abducted two females from the apartment (one of whom was 12 years old) and raped them.

The Evidence Against Crotzer at Trial: The defendants in the case included Crotzer and two brothers, Douglas and Corlenzo James. Crotzer was alleged to be Perpetrator #1, who had the gun and raped both women. All five victims identified Crotzer in court, and one victim identified him using a photo pack. Semen collected from a sexual battery examination of one of the rape victims matched the same blood type as the man who raped both victims (which would occur in 19% of the population).

The Conviction: On April 22, 1982, Alan Crotzer and Douglas James were convicted in case number 81-6616 by a jury in the Thirteenth Judicial Circuit in and for Hillsborough County. Corlenzo James pled guilty before trial for a sentence of 30 years to run concurrently to a 90 year sentence for armed

robbery in Pinellas County. Mr. Crotzer was found guilty of the following crimes:

- Count One: Attempted Robbery with a Weapon
- Counts Two – Four: Robbery with a Weapon
- Count Five: Aggravated Assault with a Weapon
- Count Six: Burglary with a Weapon
- Counts Seven - Eight: False Imprisonment
- Counts Nine – Ten: Sexual Battery

The court sentenced both Mr. Crotzer and Douglas James to a total of 130 years each. Mr. Crotzer maintained his innocence throughout the trial, and to the present day.

Procedural History: In 1982, Mr. Crotzer timely filed his appeal, in which he alleged that the trial court erroneously failed to sever his trial from that of his co-defendant, that sentencing for aggravated assault should have been precluded as a lesser included offense of sexual battery, and that there was insufficient evidence of physical force to convict Mr. Crotzer of sexual battery. The conviction was affirmed on appeal.¹ In 1985 and 1993, he filed motions for post conviction relief under Florida Rule of Procedure 3.850,² alleging newly discovered evidence (statements of three witnesses that would lead to the actual perpetrator). Both motions were denied. In 1995, Mr. Crotzer moved to correct an illegal sentence, alleging that the court did not state with particularity its reasons for retaining jurisdiction; that motion was denied. In 1998, he filed a petition for writ of mandamus to compel the serologist to perform a DNA test on the rape evidence and blood sample of the petitioner; the petition was denied as was his motion for rehearing. In 2002, Mr. Crotzer petitioned the court pro se for post-conviction DNA testing pursuant to Florida Rule of Criminal Procedure 3.853.³ The amended motion was denied as facially insufficient.⁴ That order was appealed, and in 2003, the Second District Court of Appeal issued an order permitting Mr. Crotzer to file a facially sufficient motion under the Rule.

In 2003, Mr. Crotzer and the State Attorney's Office for the 13th Judicial Circuit entered into a stipulation which resulted in the Court issuing an order releasing biological evidence for STR (short tandem repeat) DNA testing to Orchid Cellmark Laboratories in Maryland. The results of the testing showed that the DNA profile was not sufficient either to include or exclude Mr. Crotzer as the source of the sperm on one slide.

¹ Crotzer v. State, 425 So.2d 159 (Fla. 2nd DCA 1983).

² Rule 3.850 of the Florida Rules of Criminal Procedure provides for the Motion to Vacate, Set Aside, or Correct Sentence.

³ Rule 3.853 of the Florida Rules of Criminal Procedure provides for the Motion for Post Conviction DNA Testing, and requires (among other things) that the movant include a statement that he is innocent.

⁴ The Court found that Crotzer's amended motion failed to contain a statement regarding the present location of the evidence, how it was originally obtained, whether it was previously DNA tested, and how the requested DNA testing will either exonerate him or mitigate his sentence. The Court further found that the amended motion failed to assert that his identity was a genuinely disputed issue in the case. Order on Motion to Amend 3.853 DNA Motion and Motion for Post Conviction DNA Testing; Case No. 81-06616, 13th Judicial Circuit, Judge Jack Espinosa, Jr., Ordered September 26, 2002.

Because there was insufficient biological material to obtain a DNA profile using STR DNA testing, Mr. Crotzer and the State Attorney's Office entered into a stipulation for LCN (low copy number) DNA testing at the Forensic Science Service in the United Kingdom.⁵ The LCN DNA testing produced only a partial DNA profile due to the degraded condition of the biological material on the slide.

In 2004, Mr. Crotzer and the State Attorney's Office entered into a stipulation agreeing to transfer the slides to Forensic Science Associates, a lab in California, to determine which of several DNA testing methods would be most likely to raise a genetic profile. Forensic Science Associates issued a report that there was ample semen present on three of the slides and based on STR DNA testing on those slides that Mr. Crotzer was excluded as the source of DNA from the sperm found on the vaginal swab slide.

Based on the DNA evidence, newly discovered statements from the co-defendants,⁶ and statements of other witnesses indicating that Mr. Crotzer was not with the co-defendants on the night of the crime,⁷ Mr. Crotzer filed a Motion to Vacate Judgment and Sentence pursuant to Florida Rule of Criminal Procedure 3.850. The State also filed a Motion to Vacate Judgment, based on the DNA evidence; the statements of the co-defendants; a report from the forensic serologist who supervised the review of the forensic analysis of a cigarette butt collected from the crime scene and who reported that the best interpretation of the testing done in 1981 appeared to exclude Mr. Crotzer as the smoker of the cigarette;⁸ and that a review of all of the evidence lead the State to conclude that significant doubt existed as to Crotzer's guilt in the case.

Order Vacating the Judgment: On January 23, 2006, Judge Padgett of the 13th Judicial Circuit entered the order vacating the judgment and ordering a new trial. The Court found that

⁵ At the time, LCN DNA testing was not available in any lab in the United States.

⁶ The defense produced a sworn affidavit of Douglas James, convicted co-defendant, which attested that Alan Crotzer was not present during the crime, was in no way involved in the crime, and is completely innocent. He named the actual perpetrator as Alphonso Green (aka "Funyay"). The defense also produced sworn affidavits from Robert Dixon, Thomas Bailey, and Robert Green, all of whom were incarcerated with Douglas James, and swore that they heard him say that Alan Crotzer was innocent.

⁷ The defense produced sworn affidavits of Darryl Hooker who was with the co-defendants the night of the crime and swears that Alphonso Green was with the co-defendants that night; Sharon Watson, the sister of the co-defendants who saw Alphonso Green get in the car with the co-defendants the night of the crime and who had never before seen Alan Crotzer; Pearl Daniels and Margie James, sisters of the co-defendants who saw her two brothers and Alphonso Green drive away the night of the crime, and that Corlenzo James (her brother) told her that Alan Crotzer was innocent during a prison visit; and Margaret Rainford, pen pals with Douglas James, who said that Douglas told her that Alan Crotzer was innocent.

⁸ Theodore Yeshion, supervised the analysis on the cigarette butt in 1981 and the lab report that the cigarette butt failed to give conclusive results as to the blood group factors present. Upon reviewing the notes from the analysis in 1981, Mr. Yeshion believes that in fact the cigarette butt showed findings consistent with reactions expected from non-secretors. Mr. Crotzer is a type O secretor, and thus is now believed to be excluded as the smoker of the cigarette.

there was significant doubt as to the Defendant's guilt due to newly discovered evidence that would probably produce an acquittal on retrial. The State subsequently entered a Note of Nolle Prosequi.

The State Attorney submitted a report at the Special Master's hearing on this claim, stating that in addition to the DNA evidence, the following additional factors were considered by his office in deciding to file a motion to vacate the judgment and then enter a nolle prosequi:

1. All of the perpetrators were described as having a Jamaican or Haitian accent. Crotzer does not speak with such an accent.
2. Only one of the rape victims identified Crotzer from a photo pack. Two of the other victims identified his photo after seeing the first victim sign the back of his photo. However, the first victim said that the perpetrator had light skin and was 6' tall. Crotzer is dark skinned and 5'7".
3. No fingerprint evidence matched any of the defendants.
4. There were no known witnesses placing Crotzer with the James brothers at any time near the date and time of the crime.
5. Crotzer produced several alibi witnesses at trial, who said that Crotzer was with them that night, meeting his girlfriend's grandmother for the first time.
6. Crotzer was wearing a gold chain and an earring at the time of his arrest, but there was no mention of either by the victims.
7. The affidavits of the co-defendant and their sisters stating that it was Alphonso Green with the James brothers that night, not Alan Crotzer.
8. The new information regarding the interpretation of the 1981 cigarette butt analysis showing that it was smoked by a non-secretor.

The State Attorney also determined that there was no basis to believe that witnesses, law enforcement, prosecutors, or defense attorneys acted in bad faith in this case; and that their review of the case did not reveal any attempt to distort, conceal, or ignore evidence.

Mr. Crotzer's Current Status: Mr. Crotzer is now married to a woman who had two minor children of her own. His 30 year-old daughter is angry at him for missing her childhood and refuses to speak to him. He currently works for the city Parks Department, and hopes to soon move to Tallahassee. He hopes to get a degree in sociology and to be able to give back to society.

CONCLUSION OF LAW:

Based on the evidence presented, I find that Judge Padgett's Order Vacating the Judgment was reasonable. I also find reasonable the State Attorney's conclusion that he had a good level of comfort that Alan Crotzer was innocent.

Based on 24.5 years of being wrongfully incarcerated, Mr. Crotzer asks for \$1.25 million in compensation. This amount is based on \$50,000 per year of wrongful incarceration, identical to the amount set by federal law.⁹ The only other precedent is the relief act for Wilton Dedge, who was wrongfully incarcerated for 22 years and who was awarded \$2 million by the Legislature in 2005.¹⁰ Neither the federal law nor the previous relief act is binding on the Legislature in determining an equitable amount of compensation for Alan Crotzer.

Given the equitable considerations discussed below, I find that \$1.25 million, in addition to the waiver of tuition and fees for 120 hours of instruction at any specified Florida career center, community college, or state university is reasonable and justified. The bill calls for the purchase of an annuity, which will protect the funds and help ensure the availability of funds into the future.

EQUITABLE
CONSIDERATIONS:

Prior to the conviction giving rise to the wrongful incarceration, Mr. Crotzer had been convicted of a felony (armed robbery) as an 18 year-old. Mr. Crotzer described this crime as "snatching beer from a 7-11 store." He served 27 months in prison.

While he was incarcerated, Mr. Crotzer was convicted of smuggling contraband into prison (marijuana). He pled guilty. Mr. Crotzer claimed that he bought the marijuana from a Department of Corrections Sergeant.

LEGISLATIVE PROTECTION:

The bill requires that annuity be purchased by the Chief Financial Officer (CFO) upon delivery by Mr. Crotzer to the CFO, the Department of Financial Services, the President of the Senate, and the Speaker of the House of Representatives an executed release and waiver on behalf of Alan Crotzer and his heirs, successors, and assigns forever releasing the State of Florida and any agency, instrumentality, officer, employee, or political subdivision from any and all present and future claims arising out of the factual situation in connection with the conviction for which compensation is awarded. The bill provides that declaratory action to expunge Mr. Crotzer's judicial and executive branch records is not prohibited by the act. The bill also requires that Mr. Crotzer dismisses his current legal claim with prejudice. However, there is no pending legal claim.

The bill also provides that the Legislature is not deemed by this act to have waived any defense of sovereign immunity or to have increased the limits of liability on behalf of the state or any person or entity subject to the provisions of s. 768.28, F.S.

Lastly, the bill provides that the award is intended to provide the sole compensation for any and all present and future claims

⁹ 28 U.S.C. s.2513(e).

¹⁰ Chapter 2005-354, L.O.F. Unlike Mr. Crotzer, Wilton Dedge did not have a felony record prior to the conviction giving rise to the wrongful incarceration, nor did he commit a felony while in prison.

arising out of the conviction and imprisonment, and the state may not make any further award for attorney's fees, lobbying fees, costs, or other similar expenses.

ATTORNEYS FEES:

The attorneys involved in bringing this claim have attested to the fact that neither they nor any lobbyists will receive any compensation from this award and are acting pro bono. It should also be noted that two attorneys, David Menschel and Samuel Roberts, both of New York, also worked pro bono for several years while working towards the Order Vacating the Judgment.

RECOMMENDATIONS:

1. The language requiring dismissal of Mr. Crotzer's legal claim should be deleted, as there is no pending legal claim.
2. The 'whereas clause' on line 23 should be deleted and replaced with: "as significant doubt exists as to his guilt,".
3. The word "irrefutably" on line 25 should be deleted.
4. The 'whereas clause' on lines 28 – 30 should be deleted.

Based on the foregoing, I recommend that HB 1327 be considered FAVORABLY, with amendments.

Respectfully submitted,

Stephanie Birtman
House Special Master

cc: Rep. L. Garcia, House Sponsor
Senator Aronberg, Senate Sponsor
Judge Eleanor Hunter, Senate special master
Steve Kahn, Senate General Counsel
House Constitution and Civil Law Committee

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 191 : Bingo

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson		X			
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff		X			
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon					X
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner		X			
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa		X			
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)		X			
Total Yeas: 23		Total Nays: 5			

Appearances:

Charley Price (General Public) - Proponent
 DAV, WA, KSVA, State Veteran Planning Group
 126 Dirksen Drive
 DeBary FL 32713
 Phone: 407-221-6949

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Winn Peeples (Lobbyist) - Proponent

National Assoc. of Fundraising Ticket Manufacturers

521 North Adams St.

Tallahassee FL 32301

Phone: 850-524-2038

Frank Mirabella (Lobbyist) - Proponent

Florida Arcade Association

521 N. Adams St.

Tallahassee FL 32301

Phone: 850-222-1877

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 197 : Surface Water Protection Programs

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley	X				
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon				X	
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera			X		
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Appearances:

Eric Draper (Lobbyist) - Proponent
 Audubon
 2507 Callaway
 Tallahassee FL 32303
 Phone: 850-224-7546

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Jim Spratt (Lobbyist) - Proponent

Florida Nursery, Growers & Landscape Assoc.

310 W. College Ave.

Tallahassee FL

Phone: 850-841-1013

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

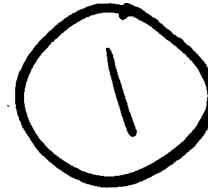
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 197

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Machek offered the following:

Amendment (with title amendment)

Between line(s) 27-28 insert:

6 Section 1. Paragraph (e) is added to subsection (6) of section
 7 373.414, Florida Statutes, and subsection (17) of that section
 8 is amended to read:

9 373.414 Additional criteria for activities in surface
 10 waters and wetlands.--

(6)

12 (e) The Legislature recognizes that the state's
 13 horticultural industry contributes to the economic strength of
 14 Florida and that high-quality peat is a limited resource that is
 15 an important component of horticultural production. The
 16 Legislature further recognizes that obtaining high-quality peat
 17 typically and uniquely requires the mining of wetlands and other
 18 surface waters and that the use of recycled and renewable
 19 material to replace or reduce the use of natural peat is
 20 necessary for the future of the horticultural industry.

21 1. As used in this paragraph, the term:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 a. "High-quality peat" means peat from a freshwater
23 herbaceous wetland that grades H1 to H4 on the von Post
24 Humification Scale and has a pH less than 7.

25 b. "Horticultural industry" means the industry that
26 cultivates plants, including, but not limited to, trees, shrubs,
27 flowers, annuals, perennials, tropical foliage, liners, ferns,
28 vines, bulbs, grafts, scions, or buds, but excludes turf grasses
29 grown or kept for or capable of propagation or distribution for
30 retail, wholesale, or rewholesale purposes.

31 2. The department shall develop rules for permitting and
32 mitigation of peat mines in herbaceous or historically
33 herbaceous wetlands where high quality peat is extracted
34 predominately for use in the horticultural industry provided:

35 a. The permitting and mitigation rules shall be applicable
36 where no less than 80 percent of the extracted peat is high
37 quality peat and 80 percent of the high quality peat is used by
38 the horticultural industry in products that incorporate other
39 renewable or recycled materials to replace or reduce the use of
40 natural peat;

41 b. No extraction is occurring in the underlying sand or
42 rock strata;

43 c. No portion of the extraction or mitigation area is part
44 of an existing or proposed larger plan of development; and

45 d. No portion of the mine is located in a body of water
46 designated as Outstanding Florida Waters.

47 3. In adopting rules as directed in subparagraph 2.,
48 design modifications shall not be required to reduce or
49 eliminate adverse impacts to herbaceous wetlands that score
50 below a specific value, as provided by rule using the uniform
51 mitigation assessment method of evaluation, except to require

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 that the project meet water quality standards, not cause adverse
53 offsite flooding, not adversely impact significant historical
54 and archeological resources pursuant to s. 267.061, and not
55 cause adverse impacts to listed species or their habitats. In
56 assessing mitigation for mines that are not required to reduce
57 or eliminate adverse impacts, retaining a percentage of the
58 reclaimed wetland as open water shall be deemed appropriate
59 wetland mitigation. The rules must establish the amount of open
60 water allowable as mitigation based upon a consideration of the
61 type and amount of other wetland mitigation proposed, the value
62 of those wetlands as evaluated using the uniform mitigation
63 assessment method, and the amount of preservation of wetlands.
64 The amount of open water shall not exceed 60 percent of the
65 premining wetlands within the extracted area.

66 4. Rule 62-345.600, Florida Administrative Code, shall not
67 be applied to mitigation for mines qualifying under this
68 paragraph.

69 5. The department shall initiate rulemaking within 90 days
70 after July 1, 2007, and water management districts may implement
71 the proposed rules without adoption pursuant to s. 120.54.

72 (17) The variance provisions of s. 403.201 are applicable
73 to the provisions of this section or any rule adopted pursuant
74 to this section hereto. The governing boards and the department
75 are authorized to review and take final agency action on
76 petitions requesting such variances for those activities they
77 regulate under this part and s. 373.4145.

78
79 ===== T I T L E A M E N D M E N T =====

80 Remove line 3 and insert:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 Amending s. 373.414, F.S.; providing for the regulation of peat
82 mines in certain wetlands; providing legislative intent;
83 providing definitions; providing specific rule authority to the
84 Department of Environmental Protection; providing applicability
85 of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. HB 197

COUNCIL/COMMITTEE ACTION

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

2

1 Council/Committee hearing bill: Policy & Budget Council

2 Representative(s) Machek offered the following:

3

4 **Amendment (with title amendment)**

5 Between line(s) 364-365 insert:

6 Section 5. Section 378.403, Florida Statutes, is amended to
7 read:

8 378.403 Definitions.--As used in this part, the term:

9 (1) "Agency" means an official, committee, department,
10 commission, officer, division, authority, bureau, council,
11 board, section, or unit of government within the state,
12 including a county, municipal, or other local or regional entity
13 or special district.

14 (2) "Annual report" means a detailed report, including
15 maps and aerial photographs, submitted for each mine, which
16 describes and delineates mining operations and reclamation or
17 restoration activities undertaken in the previous calendar year.

18 (3) "Department" means the Department of Environmental
19 Protection.

20 (4) "Existing mine" means any area upon which an operation
21 is being conducted, or has been conducted, on October 1, 1986.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 (5) "Extraction" or "resource extraction" means the
23 removal of resources from their location so as to make them
24 suitable for commercial, industrial, or construction use; but
25 does not include excavation solely in aid of onsite farming or
26 onsite construction, nor the process of searching, prospecting,
27 exploring, or investigating for resources by drilling.

28 (6) "Fuller's earth clay" means clay possessing a high
29 absorptive capacity consisting largely of montmorillonite or
30 palygorskite. Fuller's earth clay includes attapulgite.

31 (7) "Heavy minerals" means those resources found in
32 conjunction with sand deposits which have a specific gravity of
33 not less than 2.8, and includes an admixture of such resources
34 as zircon, staurolite, and titanium minerals as generally mined
35 in this state.

36 (8) "Limestone" means any extracted material composed
37 principally of calcium or magnesium carbonate.

38 (9) "Local government" means any county or municipality.

39 (10) "Mine" means an area of land upon which mining
40 operations have been conducted, are being conducted, or are
41 planned to be conducted, as the term is commonly used in the
42 trade.

43 (11) "New mine" means any mine that is not an existing
44 mine.

45 (12) "Operation" means any activity, other than
46 prospecting, necessary for site preparation, extraction, waste
47 disposal, storage, or reclamation.

48 (13) "Operator" means any person engaged in an operation.

49 (14) "Overburden" means soil and rock removed to gain
50 access to the resource in the process of extraction and means
51 such soil or rock before or after its removal.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 (15) "Peat" means a naturally occurring substance derived
53 primarily from plant materials in a range of decomposing
54 conditions and formed in a water-saturated environment.

55 (16)~~(15)~~ "Reclamation" means the reasonable rehabilitation
56 of land where resource extraction has occurred.

57 (17)~~(16)~~ "Resource" means soil, clay, peat, stone, gravel,
58 sand, limerock, metallic ore, or any other solid substance of
59 commercial value found in natural deposits on or in the earth,
60 except phosphate, which is regulated by part III.

61 (18)~~(17)~~ "Secretary" means the Secretary of Environmental
62 Protection.

63 (19)~~(18)~~ "Wetlands" means any area as defined in s.
64 373.019, as delineated using the methodology adopted by rule and
65 ratified pursuant to s. 373.421(1). For areas included in an
66 approved conceptual reclamation plan or modification application
67 submitted prior to July 1, 1994, wetlands means any area having
68 dominant vegetation as defined and listed in rule 67-301.200
69 Department of Environmental Regulation rule 17-4.022, Florida
70 Administrative Code, regardless of whether the area is within
71 the department's Department of Environmental Regulation's
72 jurisdiction or whether the water bodies are connected.

73 Section 6. Paragraph (d) of subsection (7) of section
74 378.503, Florida Statutes, is amended to read:

75 378.503 Limestone reclamation performance standards.--

76 (7) Resource extraction which results in a water body
77 shall provide one of the following shoreline treatments:

78 (d) Slope requirements of the United States Army Corps of
79 Engineers or the department under part IV of chapter 373 of
80 Environmental Regulation under the Warren S. Henderson Wetlands
81 Protection Act of 1984.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

82 Section 7. Section 378.804, Florida Statutes, is amended
83 to read:

84 378.804 Exemption.--Any operator who extracts resources
85 from ~~1-acre or less at any one site in a given year~~, not to
86 exceed 20 ~~5~~ acres over the life of the mine, or who extracts
87 peat for agricultural purposes is exempt from the provisions of
88 s. 378.801.

89 Section 8. Subsections (7) and (8) of section 403.067,
90 Florida Statutes, are amended to read:

91 403.067 Establishment and implementation of total maximum
92 daily loads.--

93 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND
94 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.--

95 (a) Basin management action plans.--

96 1. In developing and implementing the total maximum daily
97 load for a water body, the department, or the department in
98 conjunction with a water management district, may develop a
99 basin management action plan that addresses some or all of the
100 watersheds and basins tributary to the water body. Such a plan
101 must ~~shall~~ integrate the appropriate management strategies
102 available to the state through existing water quality protection
103 programs to achieve the total maximum daily loads and may
104 provide for phased implementation of these management strategies
105 to promote timely, cost-effective actions as provided for in s.
106 403.151. The plan must ~~shall~~ establish a schedule for
107 implementing the management strategies, establish a basis for
108 evaluating the plan's effectiveness, and identify feasible
109 funding strategies for implementing the plan's management
110 strategies. The management strategies may include regional
111 treatment systems or other public works, where appropriate, and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

112 voluntary trading of water quality credits in areas that have
113 adopted a basin management action plan to achieve the needed
114 pollutant load reductions.

115 2. A basin management action plan must ~~shall~~ equitably
116 allocate, pursuant to paragraph (6)(b), pollutant reductions to
117 individual basins, as a whole to all basins, or to each
118 identified point source or category of nonpoint sources, as
119 appropriate. For nonpoint sources for which best management
120 practices have been adopted, the initial requirement specified
121 by the plan must ~~shall~~ be those practices developed pursuant to
122 paragraph (c). The plan shall, in accordance with rules adopted
123 pursuant to paragraph (8)(c), allow point or nonpoint sources
124 that will achieve greater pollutant load reductions than
125 required by a load or wasteload allocation in an adopted TMDL to
126 generate, register, and trade water quality credits for such
127 excess reductions to other sources as a method for the latter to
128 achieve their allocation; provided, however, that the generation
129 of water quality credits shall not remove the obligation of a
130 source or activity to meet otherwise applicable technology
131 requirements or adopted best management practices. The plan
132 shall allow trading between NPDES permittees and trading, which
133 may or may not involve NPDES permittees, where the generation or
134 use of the credits involves an entity or activity not otherwise
135 subject to department water discharge permits whose owner
136 voluntarily elects to become subject to the requirements of this
137 section. Where appropriate, the plan may take into account the
138 benefits of ~~provide~~ pollutant load reduction achieved by point
139 or nonpoint sources ~~credits to dischargers~~ that have implemented
140 management strategies to reduce pollutant loads, including best
141 management practices, prior to the development of the basin

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

142 management action plan. The plan must ~~shall~~ also identify the
143 mechanisms that will address ~~by which~~ potential future increases
144 in pollutant loading ~~will be addressed~~.

145 3. The basin management action planning process is
146 intended to involve the broadest possible range of interested
147 parties, with the objective of encouraging the greatest amount
148 of cooperation and consensus possible. In developing a basin
149 management action plan, the department shall assure that key
150 stakeholders, including, but not limited to, applicable local
151 governments, water management districts, the Department of
152 Agriculture and Consumer Services, other appropriate state
153 agencies, local soil and water conservation districts,
154 environmental groups, regulated interests, and affected
155 pollution sources, are invited to participate in the process.
156 The department shall hold at least one public meeting in the
157 vicinity of the watershed or basin to discuss and receive
158 comments during the planning process and shall otherwise
159 encourage public participation to the greatest practicable
160 extent. Notice of the public meeting must ~~shall~~ be published in
161 a newspaper of general circulation in each county in which the
162 watershed or basin lies not less than 5 days nor more than 15
163 days before the public meeting. A basin management action plan
164 shall not supplant or otherwise alter any assessment made under
165 subsection (3) or subsection (4) or any calculation or initial
166 allocation.

167 4. The department shall adopt all or any part of a basin
168 management action plan and any amendment to such plan by
169 secretarial order pursuant to chapter 120 to implement the
170 provisions of this section.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

171 5. The basin management action plan must ~~shall~~ include
172 milestones for implementation and water quality improvement, and
173 an associated water quality monitoring component sufficient to
174 evaluate whether reasonable progress in pollutant load
175 reductions is being achieved over time. An assessment of
176 progress toward these milestones must ~~shall~~ be conducted every 5
177 years, and revisions to the plan must ~~shall~~ be made as
178 appropriate. Revisions to the basin management action plan shall
179 be made by the department in cooperation with basin
180 stakeholders. Revisions to the management strategies required
181 for nonpoint sources must ~~shall~~ follow the procedures set forth
182 in subparagraph (c)4. Revised basin management action plans must
183 ~~shall~~ be adopted pursuant to subparagraph 4.

184 6. The provisions of the department's rule relating to the
185 equitable abatement of pollutants into surface waters may not be
186 applied to water bodies or water body segments for which a basin
187 management plan that takes into account future new or expanded
188 activities or discharges has been adopted pursuant to this
189 section.

190 (b) Total maximum daily load implementation.--

191 1. The department shall be the lead agency in coordinating
192 the implementation of the total maximum daily loads through
193 existing water quality protection programs. Application of a
194 total maximum daily load by a water management district must
195 ~~shall~~ be consistent with this section and shall not require the
196 issuance of an order or a separate action pursuant to s.
197 120.536(1) or s. 120.54 for the adoption of the calculation and
198 allocation previously established by the department. Such
199 programs may include, but are not limited to:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

- 200 a. Permitting and other existing regulatory programs,
201 including water-quality-based effluent limitations;
- 202 b. Nonregulatory and incentive-based programs, including
203 best management practices, cost sharing, waste minimization,
204 pollution prevention, agreements established pursuant to s.
205 403.061(21), and public education;
- 206 c. Other water quality management and restoration
207 activities, for example surface water improvement and management
208 plans approved by water management districts or basin management
209 action plans developed pursuant to this subsection;
- 210 d. Trading of water quality credits ~~Pollutant trading~~ or
211 other equitable economically based agreements;
- 212 e. Public works including capital facilities; or
- 213 f. Land acquisition.
- 214 2. For a basin management action plan adopted pursuant to
215 paragraph (a) subparagraph (a)4., any management strategies and
216 pollutant reduction requirements associated with a pollutant of
217 concern for which a total maximum daily load has been developed,
218 including effluent limits set forth for a discharger subject to
219 NPDES permitting, if any, must shall be included in a timely
220 manner in subsequent NPDES permits or permit modifications for
221 that discharger. The department shall not impose limits or
222 conditions implementing an adopted total maximum daily load in
223 an NPDES permit until the permit expires, the discharge is
224 modified, or the permit is reopened pursuant to an adopted basin
225 management action plan.
- 226 a. Absent a detailed allocation, total maximum daily loads
227 must shall be implemented through NPDES permit conditions that
228 provide for afford a compliance schedule. In such instances, a
229 facility's NPDES permit must shall allow time for the issuance

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

230 of an order adopting the basin management action plan. The time
231 allowed for the issuance of an order adopting the plan must
232 ~~shall~~ not exceed 5 years. Upon issuance of an order adopting the
233 plan, the permit must ~~shall~~ be reopened, as necessary, and
234 permit conditions consistent with the plan must ~~shall~~ be
235 established. Notwithstanding ~~the~~ other provisions of this
236 subparagraph, upon request by a NPDES permittee, the department
237 as part of a permit issuance, renewal, or modification may
238 establish individual allocations prior to the adoption of a
239 basin management action plan.

240 b. For holders of NPDES municipal separate storm sewer
241 system permits and other stormwater sources, implementation of a
242 total maximum daily load or basin management action plan must
243 ~~shall~~ be achieved, to the maximum extent practicable, through
244 the use of best management practices or other management
245 measures.

246 c. The basin management action plan does not relieve the
247 discharger from any requirement to obtain, renew, or modify an
248 NPDES permit or to abide by other requirements of the permit.

249 d. Management strategies set forth in a basin management
250 action plan to be implemented by a discharger subject to
251 permitting by the department must ~~shall~~ be completed pursuant to
252 the schedule set forth in the basin management action plan. This
253 implementation schedule may extend beyond the 5-year term of an
254 NPDES permit.

255 e. Management strategies and pollution reduction
256 requirements set forth in a basin management action plan for a
257 specific pollutant of concern shall not be subject to challenge
258 under chapter 120 at the time they are incorporated, in an

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

259 identical form, into a subsequent NPDES permit or permit
260 modification.

261 f. For nonagricultural pollutant sources not subject to
262 NPDES permitting but permitted pursuant to other state,
263 regional, or local water quality programs, the pollutant
264 reduction actions adopted in a basin management action plan must
265 ~~shall~~ be implemented to the maximum extent practicable as part
266 of those permitting programs.

267 g. A nonpoint source discharger included in a basin
268 management action plan must ~~shall~~ demonstrate compliance with
269 the pollutant reductions established under ~~pursuant to~~
270 subsection (6) by either implementing the appropriate best
271 management practices established pursuant to paragraph (c) or
272 conducting water quality monitoring prescribed by the department
273 or a water management district.

274 h. A nonpoint source discharger included in a basin
275 management action plan may be subject to enforcement action by
276 the department or a water management district based upon a
277 failure to implement the responsibilities set forth in sub-
278 subparagraph g.

279 i. A landowner, discharger, or other responsible person
280 who is implementing applicable management strategies specified
281 in an adopted basin management action plan shall not be required
282 by permit, enforcement action, or otherwise to implement
283 additional management strategies to reduce pollutant loads to
284 attain the pollutant reductions established pursuant to
285 subsection (6) and must ~~shall~~ be deemed to be in compliance with
286 this section. This subparagraph does not limit the authority of
287 the department to amend a basin management action plan as
288 specified in subparagraph (a)5.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

289 (c) Best management practices.--

290 1. The department, in cooperation with the water
291 management districts and other interested parties, as
292 appropriate, may develop suitable interim measures, best
293 management practices, or other measures necessary to achieve the
294 level of pollution reduction established by the department for
295 nonagricultural nonpoint pollutant sources in allocations
296 developed pursuant to subsection (6) and this subsection. These
297 practices and measures may be adopted by rule by the department
298 and the water management districts pursuant to ss. 120.536(1)
299 and 120.54, and, where adopted by rule, shall be implemented by
300 those parties responsible for nonagricultural nonpoint source
301 pollution.

302 2. The Department of Agriculture and Consumer Services may
303 develop and adopt by rule pursuant to ss. 120.536(1) and 120.54
304 suitable interim measures, best management practices, or other
305 measures necessary to achieve the level of pollution reduction
306 established by the department for agricultural pollutant sources
307 in allocations developed pursuant to subsection (6) and this
308 subsection or for programs implemented pursuant to paragraph
309 (11)(b). These practices and measures may be implemented by
310 those parties responsible for agricultural pollutant sources and
311 the department, the water management districts, and the
312 Department of Agriculture and Consumer Services must ~~shall~~
313 assist with implementation. In the process of developing and
314 adopting rules for interim measures, best management practices,
315 or other measures, the Department of Agriculture and Consumer
316 Services shall consult with the department, the Department of
317 Health, the water management districts, representatives from
318 affected farming groups, and environmental group

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

319 representatives. Such rules must ~~shall~~ also incorporate
320 provisions for a notice of intent to implement the practices and
321 a system to assure the implementation of the practices,
322 including recordkeeping requirements.

323 3. Where interim measures, best management practices, or
324 other measures are adopted by rule, the effectiveness of such
325 practices in achieving the levels of pollution reduction
326 established in allocations developed by the department pursuant
327 to subsection (6) and this subsection or in programs implemented
328 pursuant to paragraph (11)(b) must ~~shall~~ be verified at
329 representative sites by the department. The department must
330 ~~shall~~ use best professional judgment in making the initial
331 verification that the best management practices are reasonably
332 expected to be effective and, where applicable, must ~~shall~~
333 notify the appropriate water management district or the
334 Department of Agriculture and Consumer Services of its initial
335 verification prior to the adoption of a rule proposed pursuant
336 to this paragraph. Implementation, in accordance with rules
337 adopted under this paragraph, of practices that have been
338 initially verified to be effective, or verified to be effective
339 by monitoring at representative sites, by the department, shall
340 provide a presumption of compliance with state water quality
341 standards and release from the provisions of s. 376.307(5) for
342 those pollutants addressed by the practices, and the department
343 is not authorized to institute proceedings against the owner of
344 the source of pollution to recover costs or damages associated
345 with the contamination of surface water or groundwater caused by
346 those pollutants. Research projects funded by the department, a
347 water management district, or the Department of Agriculture and
348 Consumer Services to develop or demonstrate interim measures or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

349 best management practices shall be granted a presumption of
350 compliance with state water quality standards and a release from
351 the provisions of s. 376.307(5). The presumption of compliance
352 and release is ~~shall be~~ limited to the research site and only
353 for those pollutants addressed by the interim measures or best
354 management practices. Eligibility for the presumption of
355 compliance and release is ~~shall be~~ limited to research projects
356 on sites where the owner or operator of the research site and
357 the department, a water management district, or the Department
358 of Agriculture and Consumer Services have entered into a
359 contract or other agreement that, at a minimum, specifies the
360 research objectives, the cost-share responsibilities of the
361 parties, and a schedule that details the beginning and ending
362 dates of the project.

363 4. Where water quality problems are demonstrated, despite
364 the appropriate implementation, operation, and maintenance of
365 best management practices and other measures according to rules
366 adopted under this paragraph, the department, a water management
367 district, or the Department of Agriculture and Consumer
368 Services, in consultation with the department, shall institute a
369 reevaluation of the best management practice or other measure.
370 Should the reevaluation determine that the best management
371 practice or other measure requires modification, the department,
372 a water management district, or the Department of Agriculture
373 and Consumer Services, as appropriate, shall revise the rule to
374 require implementation of the modified practice within a
375 reasonable time period as specified in the rule.

376 5. Agricultural records relating to processes or methods
377 of production, costs of production, profits, or other financial
378 information held by the Department of Agriculture and Consumer

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

379 Services pursuant to subparagraphs 3. and 4. or pursuant to any
380 rule adopted pursuant to subparagraph 2. are confidential and
381 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
382 Constitution. Upon request, records made confidential and exempt
383 pursuant to this subparagraph shall be released to the
384 department or any water management district if ~~provided that~~ the
385 confidentiality specified by this subparagraph for such records
386 is maintained.

387 6. The provisions of subparagraphs 1. and 2. do ~~shall~~ not
388 preclude the department or water management district from
389 requiring compliance with water quality standards or with
390 current best management practice requirements set forth in any
391 applicable regulatory program authorized by law to protect ~~for~~
392 ~~the purpose of protecting~~ water quality. Additionally,
393 subparagraphs 1. and 2. are applicable only to the extent that
394 they do not conflict with any rules adopted by the department
395 which ~~that~~ are necessary to maintain a federally delegated or
396 approved program.

397 (8) RULES.--The department is authorized to adopt rules
398 pursuant to ss. 120.536(1) and 120.54 for:

399 (a) Delisting water bodies or water body segments from the
400 list developed under subsection (4) pursuant to the guidance
401 under subsection (5).†

402 (b) Administering ~~Administration of~~ funds to implement the
403 total maximum daily load and basin management action planning
404 programs.†

405 (c) Water quality credit ~~Procedures for pollutant~~ trading
406 among the pollutant sources to a water body or water body
407 segment. By July 1, 2007, the department must initiate
408 rulemaking that provides for the following: ~~including a~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

409 ~~mechanism for the issuance and tracking of pollutant credits.~~
410 ~~Such procedures may be implemented through permits or other~~
411 ~~authorizations and must be legally binding. Prior to adopting~~
412 ~~rules for pollutant trading under this paragraph, and no later~~
413 ~~than November 30, 2006, the Department of Environmental~~
414 ~~Protection shall submit a report to the Governor, the President~~
415 ~~of the Senate, and the Speaker of the House of Representatives~~
416 ~~containing recommendations on such rules, including the proposed~~
417 ~~basis for equitable economically based agreements and the~~
418 ~~tracking and accounting of pollution credits or other similar~~
419 ~~mechanisms. Such recommendations shall be developed in~~
420 ~~cooperation with a technical advisory committee that includes~~
421 ~~experts in pollutant trading and representatives of potentially~~
422 ~~affected parties;~~

423 1. The process to be used to determine how credits are
424 generated, quantified, and validated;

425 2. A publicly accessible water quality credit trading
426 registry that tracks water quality credits and trades and lists
427 the prices paid for such credits; provided, however, that the
428 department shall not participate in the establishment of such
429 prices;

430 3. Limitations on the availability and use of water
431 quality credits, including a list of eligible pollutants or
432 parameters and minimum water quality requirements and, where
433 appropriate, adjustments to reflect best-management practice
434 performance uncertainties and water-segment-specific location
435 factors;

436 4. The timing and duration of credits and allowance for
437 credit transferability; and

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

438 5. Mechanisms for determining and ensuring compliance for
439 trades including recordkeeping, monitoring, reporting, and
440 inspections. Generators of traded credits are responsible for
441 achieving the load reductions upon which the credits are based.

442 (d) The total maximum daily load calculation in accordance
443 with paragraph (6)(a) immediately upon the effective date of
444 this act, for those eight water segments within Lake Okeechobee
445 proper as submitted to the United States Environmental
446 Protection Agency pursuant to subsection (2). ~~and~~

447 (e) Implementation of other specific provisions.

448 Section 9. Paragraphs (e) and (f) of subsection (2) of
449 section 403.088, Florida Statutes, are amended to read:

450 403.088 Water pollution operation permits; conditions.--

451 (2)

452 (e) However, if the discharge will not meet permit
453 conditions or applicable statutes and rules, the department may
454 issue, renew, revise, or reissue the operation permit if:

455 1. The applicant is constructing, installing, or placing
456 into operation, or has submitted plans and a reasonable schedule
457 for constructing, installing, or placing into operation, an
458 approved pollution abatement facility or alternative waste
459 disposal system;

460 2. The applicant needs permission to pollute the waters
461 within the state for a period of time necessary to complete
462 research, planning, construction, installation, or operation of
463 an approved and acceptable pollution abatement facility or
464 alternative waste disposal system;

465 3. There is no present, reasonable, alternative means of
466 disposing of the waste other than by discharging it into the
467 waters of the state;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

468 4. The granting of an operation permit will be in the
469 public interest; ~~or~~

470 5. The discharge will not be unreasonably destructive to
471 the quality of the receiving waters; or-

472 6. A water quality credit trade that meets the
473 requirements of a total maximum daily load allocation has been
474 approved in a final order issued under s. 403.067(7)(a)4.

475 (f) A permit issued, renewed, revised, or reissued
476 pursuant to paragraph (e) shall be accompanied by an order
477 establishing a schedule for achieving compliance with all permit
478 conditions. Such permit may require compliance with the
479 accompanying order.

480 Section 10. Section 403.265, Florida Statutes, is
481 repealed.

482
483 ===== T I T L E A M E N D M E N T =====

484 Remove line 24 and insert:

485 land use; amending s. 378.403, F.S.; revising definitions
486 relating to the regulation of surface waters; defining the
487 term "peat"; amending s. 378.503, F.S.; conforming
488 provisions; amending s. 378.804, F.S.; revising the
489 exemption provided to certain mine operators from the
490 requirement to notify the secretary of the department when
491 beginning to mine certain substances; amending s. 403.067,
492 F.S.; providing for the trading of water quality credits
493 in the total maximum daily load program in areas that have
494 adopted a basin action plan; providing for rules and
495 specifying what the rules must address; amending s.
496 403.088, F.S.; providing for the revision of water
497 pollution operation permits; repealing s. 403.265, F.S.,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

498 relating to the permitting of peat mining; providing an
499 effective date.

500

501

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 213 : Elections

<input checked="" type="checkbox"/> Favorable with Council Substitute	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown					X
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera				X	
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa			X		
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28					
		Total Nays: 0			

Appearances:

Ron Labasky (Lobbyist) - Information Only
 FL. State Association of Supervisors of Elections
 225 S. Adams St.
 Tallahassee FL 32302
 Phone: 850-222-7206

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

kurt Browning (Lobbyist) (State Employee) - Information Only
Secretary of State
Tallahassee FL

Sam Bell (Lobbyist) - Proponent
Florida Voter Coalition
1298 Millstream
Daytona Beach FL 32312
Phone: 850-222-3533

Rebecca Sager (Lobbyist) - Proponent
Florida Voters Coalition
1017 Cherokee Drive
Tallahassee FL 32301
Phone: 850-219-9966

Jeanne Zokovitch (Lobbyist) - Proponent
League of Women Voters, Florida
1415 Devils Dip
Tallahassee FL 32308
Phone: 850-878-6895

Ben Wilcox (Lobbyist) - Information Only
Common Cause Florida
1720 S. Gadsden St.
Tallahassee FL 32301
Phone: 850-222-3883

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

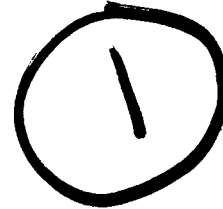
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 0213

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Hukill offered the following:

3

4 **Amendment**

5 Remove lines 35-36 and insert:

6 Section 1. This act may be cited as the "Trust in
7 Elections Act."

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 223 : Cardrooms

<input checked="" type="checkbox"/>	Favorable				
	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon					X
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner			X		
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa					X
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)		X			
Total Yeas: 22		Total Nays: 1			

Appearances:

Jim Tillman (Lobbyist) - Proponent
 Miami Jai Alai
 P.O. Box 10097
 Tallahassee FL 32302
 Phone: 850-224-6611

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

HJR 471 (NOT RECEIVED) : Local Option Gaming

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

HB 689 : Florida Retirement System

	<input checked="" type="checkbox"/> Favorable					
		Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler		X				
Frank Attkisson				X		
Loranne Ausley		X				
Aaron Bean				X		
Dorothy Bendross-Mindingall		X				
Ellyn Setnor Bogdanoff		X				
Marsha Bowen		X				
Mary Brandenburg		X				
Donald Brown				X		
Dean Cannon					X	
Joyce Cusack		X				
Charles Dean		X				
Bill Galvano		X				
Andy Gardiner				X		
Michael Grant		X				
Adam Hasner		X				
Will Kendrick		X				
Dick Kravitz		X				
Stan Mayfield				X		
Matthew Meadows		X				
Joe Pickens		X				
Ron Reagan		X				
Curtis Richardson		X				
David Rivera		X				
Yolly Roberson		X				
Dennis Ross		X				
Ron Saunders		X				
John Seiler		X				
Priscilla Taylor		X				
Anthony Traviesa		X				
Baxter Troutman		X				
Shelley Vana		X				
Juan Zapata		X				
Ray Sansom (Chair)		X				
		Total Yeas: 28	Total Nays: 0			

Appearances:

Vern Pickup-Crawford (Lobbyist) - Proponent
 Palm Beach, Collier, Monroe, Treasure Coast School Districts
 571 Kingsbury Terrace
 Wellington FL 32414
 Phone: 561-644-2439

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Carol Duncanson (Lobbyist) - Proponent
Broward Principals & Administrative Assistants
605 SW 4 Ave.
Ft. Lauderdale FL 33315
Phone: 954-761-1610

Juhan Mixon (Lobbyist) - Proponent
Florida Association School Administrators
119 E. Park Ave.
Tallahassee FL 32301
Phone: 850-222-2591

Fred Leonhardt (Lobbyist) - Proponent
School Administrators
301 E. Pine St., Suite 1400
Orlando FL 32801
Phone: 407-421-7222

Tim Huth (Lobbyist) - Proponent
Volusia County School
204 n. Clara Ave.
Deland FL 32720
Phone: 386-734-7190

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 703 : State Board of Administration Investments

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz			X		
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross			X		
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 0			

Appearances:

Marshall Ogletree (Lobbyist) - Proponent
 FEA
 213 S. Adams St.
 Tallahassee FL 32301
 Phone: 850-224-2078

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 747 : Real Property Electronic Recording

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon				X	
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano			X		
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata				X	
Ray Sansom (Chair)	X				
Total Yeas: 27		Total Nays: 0			

Appearances:

Eddy Labrador (Lobbyist) - Proponent
 Broward County
 115 s. Andrews Avenue, Suite 406
 Fort Lauderdale FL 33301
 Phone: 954-357-7135

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 957 : Environmental Permitting

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall		X			
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack		X			
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows		X			
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson		X			
David Rivera	X				
Yolly Roberson		X			
Dennis Ross	X				
Ron Saunders		X			
John Seiler		X			
Priscilla Taylor		X			
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana		X			
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 22		Total Nays: 9			

Appearances:

Susan Caplowe (Lobbyist) - Opponent
 Sierra Club
 P.O. Box 1201
 Tallahassee FL 32302
 Phone: 850-567-2448

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Rebecca O'Hara (Lobbyist) - Opponent

Florida League of Cities

P.O. Box 1757

Tallahassee FL 32302

Phone: 850-222-9684

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

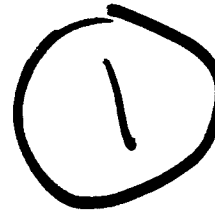
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 957

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy and Budget
 2 Representative Williams offered the following:

Amendment (with title amendment)

Between lines 32 and 33, insert:

Section 1. Section 373.4132, Florida Statutes, is amended to read:

373.4132 Dry storage facility permitting.--The governing board or the department shall require a permit under this part, including s. 373.4145, for the construction, alteration, operation, maintenance, abandonment, or removal of a dry storage facility for 10 or more vessels that is functionally associated with a boat launching area; however, developments of regional impact for which a development order has been issued under chapter 380, before July 1, 1995, authorizing a dry slip storage that has yet to be constructed, is entitled to the number of dry slips approved under the development order subject to the condition that no more than 15 percent of the watercraft from the dry slip storage may access the water each day. As part of an applicant's demonstration that such a facility will not be harmful to the water resources and will not be inconsistent with

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

22 the overall objectives of the district, the governing board or
23 department shall require the applicant to provide reasonable
24 assurance that the secondary impacts from the facility will not
25 cause adverse impacts to the functions of wetlands and surface
26 waters, including violations of state water quality standards
27 applicable to waters as defined in s. 403.031(13), and will meet
28 the public interest test of s. 373.414(1)(a), including the
29 potential adverse impacts to manatees. ~~Nothing in~~ This section
30 does not shall affect the authority of the governing board or
31 the department to regulate such secondary impacts under this
32 part for other regulated activities.

33
34

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

36 Remove line 2 and insert:

37 An act relating to environmental permitting; amending s.
38 373.4132, F.S.; authorizing certain dry slip storage to be
39 constructed under specified conditions; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

Bill No. 957

COUNCIL/COMMITTEE ACTION

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

2

1 Council/Committee hearing bill: Policy and Budget
 2 Representative Williams offered the following:

Amendment (with title amendment)

5 Remove line(s) 241 through 248 and insert:

6 Section 6. Subsection (15) of section 373.414,
 7 Florida Statutes, is amended to read:

8 373.414 Additional criteria for activities in surface
 9 waters and wetlands.--

10 (15) Activities associated with mining operations as
 11 defined by and subject to ss. 378.201-378.212 and 378.701-
 12 378.703 and included in a conceptual reclamation plan or
 13 modification application submitted prior to July 1, 1996, shall
 14 continue to be reviewed under the rules of the department
 15 adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the
 16 Florida Statutes 1983, as amended, the rules of the water
 17 management districts under this part, and interagency
 18 agreements, in effect on January 1, 1993. Such activities are
 19 ~~shall be~~ exempt from rules adopted under ~~pursuant to~~ subsection
 20 (9) and the statewide methodology ratified under ~~pursuant to~~ s.
 21 373.4211. As of January 1, 1994, such activities may be issued

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2 (for drafter's use only)

22 permits authorizing construction for the life of the mine. Lands
23 added to a conceptual reclamation plan subject to this
24 subsection through a modification submitted after July 1, 1996,
25 which are contiguous to the conceptual reclamation plan area are
26 exempt from rules adopted under subsection (9) if the total
27 acreage of the conceptual reclamation plan is not increased
28 through the modification and the cumulative acreage added does
29 not exceed 3 percent of the conceptual reclamation plan area.
30 Lands that have been mined or disturbed by mining activities,
31 lands subject to a conservation easement under which the grantee
32 is a state or federal regulatory agency, and lands otherwise
33 preserved as a part of a permitting review may not be removed
34 from the conceptual reclamation plan area under this subsection.

35

36

37

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

39 Remove lines 25 through 27 and insert:

40 amending s. 373.414, F.S.; providing that certain lands added to
41 a conceptual reclamation plan are exempt from specified rules;
42 providing a

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 965 : Career and Professional Education

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
<input checked="" type="checkbox"/> Favorable					
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner		X			
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 30		Total Nays: 1			

Appearances:

Joanna Bonfanti (Lobbyist) - Proponent
 Florida Chamber of Commerce
 136 S. Bronough St.
 Tallahassee FL 32301
 Phone: 850-521-1253

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 1047 : Slot Machine Gaming, as Authorized by Section 23 of Article X of the State Constitution

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson		X			
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon					X
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner		X			
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa		X			
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata		X			
Ray Sansom (Chair)		X			
Total Yeas: 24		Total Nays: 5			

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 1215 : Independent Living Transition Services

	<input checked="" type="checkbox"/> Favorable					
		Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler		X				
Frank Attkisson		X				
Loranne Ausley				X		
Aaron Bean				X		
Dorothy Bendross-Mindingall		X				
Ellyn Setnor Bogdanoff		X				
Marsha Bowen		X				
Mary Brandenburg		X				
Donald Brown		X				
Dean Cannon		X				
Joyce Cusack		X				
Charles Dean		X				
Bill Galvano		X				
Andy Gardiner				X		
Michael Grant		X				
Adam Hasner		X				
Will Kendrick		X				
Dick Kravitz		X				
Stan Mayfield				X		
Matthew Meadows		X				
Joe Pickens		X				
Ron Reagan		X				
Curtis Richardson		X				
David Rivera				X		
Yolly Roberson		X				
Dennis Ross				X		
Ron Saunders		X				
John Seiler		X				
Priscilla Taylor		X				
Anthony Traviesa		X				
Baxter Troutman		X				
Shelley Vana		X				
Juan Zapata		X				
Ray Sansom (Chair)		X				
		Total Yeas: 28	Total Nays: 0			

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 1377 : Cardrooms

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown			X		
Dean Cannon					X
Joyce Cusack	X				
Charles Dean			X		
Bill Galvano			X		
Andy Gardiner		X			
Michael Grant		X			
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor					X
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)		X			
Total Yeas: 22					
		Total Nays: 3			

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 1399 : Regulation of Building Inspection Professionals

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
<input checked="" type="checkbox"/> Favorable with Council Substitute					
Kevin Ambler	X				
Frank Attkisson			X		
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz			X		
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 28					
		Total Nays: 0			

Appearances:

Leslie Dughi (Lobbyist) - Proponent
 Servicemaster
 101 E. College Ave.
 Tallahassee FL
 Phone: 850-521-8571

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Dan Pollock (Lobbyist) - Proponent
Skyetec & FHBA

Stephen Shiver (Lobbyist) - Proponent

AIF
215 South Monroe
Tallahassee FL
Phone: 850-222-8900

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

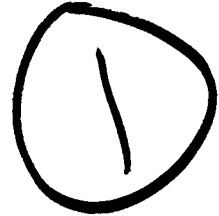
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1399

COUNCIL/COMMITTEE ACTION

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



1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Galvano offered the following:

Amendment

Remove line(s) 404-416 and insert:

6 468.8324 Grandfather clause.--A person who performs home
 7 inspection services as defined in this part may qualify to be
 8 licensed by the department as a home inspector if the person
 9 meets the licensure requirements of this part by July 1, 2010.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1399

2

COUNCIL/COMMITTEE ACTION

ADOPTED _____ (Y/N)

ADOPTED AS AMENDED _____ (Y/N)

ADOPTED W/O OBJECTION (Y/N)

FAILED TO ADOPT _____ (Y/N)

WITHDRAWN _____ (Y/N)

OTHER _____

1 Council/Committee hearing bill: Policy & Budget Council
2 Representative(s) Galvano offered the following:

3
4
5
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Amendment

Remove line(s) 843-858 and insert:
of this part by July 1, 2010.
Section 3. This act shall take effect July 1, 2010.

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

CS/HB 1557 : State Information Technology

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata					X
Ray Sansom (Chair)	X				
Total Yeas: 30					
		Total Nays: 0			

Appearances:

Frank Meiners (Lobbyist) - Proponent
 AIF
 P.O. Box 1633
 Tallahassee FL 32309
 Phone: 850-591-0177

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

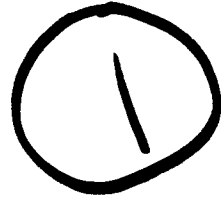
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. CS/HB 1557

COUNCIL/COMMITTEE ACTION

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



Withdrawn

1 Council/Committee hearing bill: Policy & Budget Council
 2 Representative(s) Ambler offered the following:

Amendment (with title amendment)

On line 107, insert:

Section 1. Subsection (3) of section 11.902, Florida
 Statutes, is amended to read:

11.902 Definitions.--As used in ss. 11.901-11.920, the
 term:

(3) "Commission" ~~"Committee"~~ means any Legislative Sunset
~~Commission Advisory Committee~~ appointed pursuant to s. 11.903.

Section 2. Section 11.903, Florida Statutes, is amended to
 read:

11.903 Legislative Sunset Advisory Committees; Legislative
 Sunset Commission.--

(1) The Senate and House of Representatives may, pursuant
 to the rules of each house, appoint one or more standing or
 select committees as a Legislative Sunset Advisory Committee to
 advise each house ~~the Legislature~~ regarding the agency sunsets
 required by ss. 11.901-11.920.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

21 (2) The Senate and House of Representatives shall ~~may,~~
22 ~~pursuant to the joint rules of both houses,~~ appoint ~~one or more~~
23 ~~joint committees~~ as a joint Legislative Sunset Commission for
24 the purpose of implementing the review process for Advisory
25 ~~Committee to advise the Legislature regarding the~~ agency sunsets
26 required by ss. 11.901-11.920.

27 (a) The Legislative Sunset Commission established under
28 this subsection shall be a joint commission composed of at least
29 10 members: five members of the Senate appointed by the
30 President of the Senate and five members of the House of
31 Representatives appointed by the Speaker of the House of
32 Representatives. At least three of each presiding officer's
33 appointments shall serve on committees or councils with
34 jurisdiction over at least one of the agencies undergoing
35 review. The President of the Senate and the Speaker of the House
36 of Representatives may appoint additional members from their
37 respective chambers as needed, as long as each house has equal
38 representation.

39 (b) The presiding officer of each house shall appoint a
40 chair who shall serve as co-chair of the commission established
41 under this subsection. Each co-chair shall serve at the pleasure
42 of the appointing presiding officer for a term of 2 years or
43 until the next general election. The co-chairs shall decide on a
44 method of dividing the primary responsibility for each agency
45 review under consideration.

46 (3) Members shall serve at the pleasure of their
47 appointing presiding officer for a term ~~terms~~ of 2 years each or
48 until the next general election.

49 (4) ~~Initial appointments shall be made not later than~~
50 ~~November 30, 2006, and subsequent~~ Appointments shall be made not

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

51 later than January 15 of the year following each organization
52 session of the Legislature.

53 (5) If a legislative member ceases to be a member of the
54 house from which he or she was appointed, the member vacates his
55 or her membership on the commission ~~committee~~.

56 Section 3. Section 11.904, Florida Statutes, is amended to
57 read:

58 11.904 Staff.--The Senate and the House of Representatives
59 may each employ staff to work for ~~the chair and vice chair of~~
60 the commission ~~committee~~ on matters related to commission
61 ~~committee~~ activities. The ~~Auditor General and the~~ Office of
62 Program Policy Analysis and Government Accountability shall
63 provide primary research services as directed by the commission
64 and assist the commission ~~committee~~ in conducting its review
65 under s. 11.910. Upon request, the Auditor General shall assist
66 the commission.

67 Section 4. Section 11.905, Florida Statutes, is amended to
68 read:

69 11.905 Schedule for reviewing state agencies and advisory
70 committees.--The following state agencies, including their
71 advisory committees, or the following advisory committees of
72 agencies shall be reviewed according to the following schedule:

- 73 (1) Reviewed by July 1, 2008:
- 74 (a) Statutorily created responsibilities of the Fish and
75 Wildlife Conservation Commission.
- 76 (b) Department of Agriculture and Consumer Services.
- 77 (c) Department of Citrus, including the Citrus Commission.
- 78 (d) Department of Environmental Protection.
- 79 (e) Department of Highway Safety and Motor Vehicles.
- 80 (f) Water management districts.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 (2) Reviewed by July 1, 2010:

82 (a) Department of Children and Family Services.

83 (b) Agency for Persons with Disabilities.

84 (c) Department of Elderly Affairs.

85 (d) Agency for Health Care Administration.

86 (e) Department of Health.

87 (f) Department of Veterans' Affairs.

88 (3) Reviewed by July 1, 2012:

89 (a) Advisory committees for the Florida Community College
90 System.

91 (b) Advisory committees for the State University System.

92 (c) Agency for Workforce Innovation.

93 (d) Department of Education.

94 (e) Department of the Lottery.

95 (4) Reviewed by July 1, 2014:

96 (a) Department of Business and Professional Regulation.

97 (b) Department of Management Services.

98 (c) Department of State.

99 (d) Department of Community Affairs.

100 (e) Executive Office of the Governor.

101 (f) Florida Public Service Commission.

102 (g) Advisory committees for the State Board of
103 Administration.

104 (h) Department of Financial Services, including the
105 Financial Services Commission.

106 (i) Department of Revenue.

107 (5) Reviewed by July 1, 2016:

108 (a) Department of Corrections.

109 (b) Department of Juvenile Justice.

110 (c) Department of Law Enforcement.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

- 111 (d) Department of Legal Affairs.
112 (e) Department of Military Affairs.
113 (f) Department of Transportation.
114 (g) Expressway authorities.
115 (h) Justice Administrative Commission.
116 (i) Parole Commission.
117 (j) Judicial Qualifications Commission.
118 (6) Reviewed by July 1, 2018:
119 (a) Statutorily created responsibilities of the Fish and
120 Wildlife Conservation Commission.
121 (b) Department of Agriculture and Consumer Services.
122 (c) Department of Citrus, including the Citrus Commission.
123 (d) Department of Environmental Protection.
124 (e) Department of Highway Safety and Motor Vehicles.
125 (f) Water management districts.
126 (g) Department of Community Affairs.
127 (7) Upon completion of this cycle, agencies shall again be
128 subject to sunset review 10 years after their initial review
129 unless the review schedule is changed by the President of the
130 Senate and the Speaker of the House of Representatives. Any
131 agency or advisory committee affected by a change in the review
132 schedule shall be provided a 3-month notice of such change in
133 order to provide sufficient time for information to be
134 submitted.
135 ~~(2) Reviewed July 1, 2009:~~
136 ~~(a) Department of Children and Family Services.~~
137 ~~(b) Department of Community Affairs.~~
138 ~~(c) Department of Management Services.~~
139 ~~(d) Department of State.~~
140 ~~(3) Reviewed July 1, 2010:~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

- 141 ~~(a) Advisory committees for the Florida Community College~~
142 ~~System.~~
- 143 ~~(b) Advisory committees for the State University System.~~
- 144 ~~(c) Agency for Workforce Innovation.~~
- 145 ~~(d) Department of Education.~~
- 146 ~~(e) Department of the Lottery.~~
- 147 ~~(4) Reviewed July 1, 2011:~~
- 148 ~~(a) Agency for Health Care Administration.~~
- 149 ~~(b) Agency for Persons with Disabilities.~~
- 150 ~~(c) Department of Elderly Affairs.~~
- 151 ~~(d) Department of Health.~~
- 152 ~~(5) Reviewed July 1, 2012:~~
- 153 ~~(a) Department of Business and Professional Regulation.~~
- 154 ~~(b) Department of Transportation.~~
- 155 ~~(c) Department of Veterans' Affairs.~~
- 156 ~~(6) Reviewed July 1, 2013:~~
- 157 ~~(a) Advisory committees for the State Board of~~
158 ~~Administration.~~
- 159 ~~(b) Department of Financial Services, including the~~
160 ~~Financial Services Commission.~~
- 161 ~~(c) Department of Revenue.~~
- 162 ~~(7) Reviewed July 1, 2014:~~
- 163 ~~(a) Department of Corrections.~~
- 164 ~~(b) Department of Juvenile Justice.~~
- 165 ~~(c) Department of Law Enforcement.~~
- 166 ~~(d) Department of Legal Affairs.~~
- 167 ~~(e) Justice Administrative Commission.~~
- 168 ~~(f) Parole Commission.~~
- 169 ~~(8) Reviewed July 1, 2015:~~
- 170 ~~(a) Executive Office of the Governor.~~

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

171 ~~(b) Florida Public Service Commission.~~

172 Section 5. Section 11.9055, Florida Statutes, is amended
173 to read:

174 11.9055 Abolition of state agencies and advisory
175 committees.--

176 (1) An agency subject to review by the Legislative Sunset
177 Commission Committee on Sunset Review shall be phased out or
178 abolished in accordance with this section if the conditions set
179 forth in subsection (2) or subsection (3) have been met by June
180 30 following the date of review specified in s. 11.905.
181 ~~abolished on June 30 following the date of review specified in~~
182 ~~s. 11.905, unless the Legislature continues the agency or~~
183 ~~advisory committee; however, an agency may not be abolished~~
184 ~~unless the Legislature finds, pursuant to law, that all state~~
185 ~~laws the agency had responsibility to implement or enforce have~~
186 ~~been repealed, revised, or reassigned to another remaining~~
187 ~~agency and~~

188 (2) If the Legislature has failed to reenact the agency
189 prior to June 30 following the date of review specified in s.
190 11.905, then the agency shall be required to begin restricting
191 its operations subject to a phase-out dissolution schedule.
192 During the phase-out dissolution schedule, the agency shall
193 continue its activities, programs, and operations except that
194 its future legislative budget requests shall be submitted to
195 reflect an annual reduction of 25 percent of its current year
196 budget, with a total budget elimination in 4 years. Such agency
197 shall continue to be subject to sunset review by the commission
198 until the Legislature enacts legislation relating to its
199 continuation, modification, or abolishment; or

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

200 (3) (a) If the Legislature passes a law prior to June 30
201 following the date of review specified in s. 11.905 under which
202 a substantial portion of the agency's responsibilities are
203 reassigned or eliminated, then the agency shall be abolished
204 provided that adequate provision has been made for the transfer
205 to a successor agency of all duties and obligations relating to
206 bonds, loans, promissory notes, lease-purchase ~~lease-purchase~~
207 agreements, installment sales contracts, certificates of
208 participation, master equipment financing agreements, or any
209 other form of indebtedness such that security therefor and the
210 rights of bondholders or holders of other indebtedness are not
211 impaired.

212 (b) Any remaining responsibilities of an abolished agency
213 to implement or enforce state laws not otherwise reassigned or
214 eliminated under paragraph (a) shall be temporarily continued or
215 reassigned by the Governor by executive order within a
216 reasonable time, but as soon as practicable before the effective
217 date of the agency's abolition. Such executive order shall
218 remain in effect unless and until such responsibilities are
219 continued, reassigned, or eliminated by general law. These
220 remaining responsibilities may include any duties and
221 obligations relating to bonds, loans, promissory notes, lease-
222 purchase agreements, installment sales contracts, certificates
223 of participation, master equipment financing agreements, or any
224 other form of indebtedness such that security therefor and the
225 rights of bondholders or holders of other indebtedness are not
226 impaired, unless and until such provision shall be made by
227 general law. Any agency responsibilities that continue to
228 operate under an executive order by the Governor shall continue
229 to be subject to sunset review by the commission.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

230 ~~(2) If the Legislature does not take action before the~~
231 ~~date of review to continue the agency or advisory committee, the~~
232 ~~agency shall submit its legislative budget request consistent~~
233 ~~with recommendations of the appropriate Legislative Committee on~~
234 ~~Sunset Review or any law transferring the agency's functions to~~
235 ~~other entities.~~

236 Section 6. Section 11.906, Florida Statutes, is amended to
237 read:

238 11.906 Agency report to commission ~~committee~~.--Not later
239 than July 1st 2 years ~~January 1~~ of the year preceding the year
240 in which a state agency and its advisory committees are
241 scheduled to be reviewed, the agency shall provide the
242 commission ~~committee~~ with a report that includes:

243 (1) The performance measures for each program and activity
244 as provided in s. 216.011 and 3 years of data for each measure
245 that provides actual results for the immediately preceding 2
246 years and projected results for the ~~current~~ fiscal year that
247 begins in the year the agency report is submitted to the
248 commission.

249 (2) An explanation of factors that have contributed to any
250 failure to achieve the legislative standards.

251 (3) The process used by the agency to actively measure
252 quality and efficiency of services it provides to the public.

253 (4)~~(3)~~ The promptness and effectiveness with which the
254 agency disposes of complaints concerning persons affected by the
255 agency.

256 (5)~~(4)~~ The extent to which the agency has encouraged
257 participation by the public in making its rules and decisions as
258 opposed to participation solely by those it regulates and the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

259 extent to which public participation has resulted in rules
260 compatible with the objectives of the agency.

261 ~~(6)(5)~~ The extent to which the agency has complied with
262 applicable requirements of state law and applicable rules
263 regarding purchasing goals and programs for small and minority-
264 owned historically underutilized businesses.

265 ~~(7)(6)~~ A statement of any statutory objectives intended
266 for each program and activity, the problem or need that the
267 program and activity were intended to address, and the extent to
268 which these objectives have been achieved.

269 ~~(8)(7)~~ An assessment of the extent to which the
270 jurisdiction of the agency and its programs overlap or duplicate
271 those of other agencies and the extent to which the programs can
272 be consolidated with those of other agencies.

273 ~~(9)(8)~~ An assessment of less restrictive or alternative
274 methods of providing services for which the agency is
275 responsible which would reduce costs or improve performance
276 while adequately protecting the public.

277 ~~(10)(9)~~ An assessment of the extent to which the agency
278 has corrected deficiencies and implemented recommendations
279 contained in reports of the Auditor General, the Office of
280 Program Policy Analysis and Government Accountability,
281 legislative interim studies, and federal audit entities.

282 ~~(10) The extent to which the agency enforces laws relating~~
283 ~~to potential conflicts of interest of its employees.~~

284 (11) The extent to which the agency complies with public
285 records and public meetings requirements under chapters 119 and
286 286 and s. 24, Art. I of the State Constitution.

287 (12) The extent to which alternative program delivery
288 options, such as privatization or outsourcing or insourcing,

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

289 | have been considered to reduce costs or improve services to
290 | state residents.

291 | (13) Recommendations to the commission ~~committee~~ for
292 | statutory, ~~or~~ budgetary, or regulatory changes that would
293 | improve quality and efficiency of services delivered to the
294 | public program operations, reduce costs, or reduce duplication.

295 | (14) The effect of federal intervention or loss of federal
296 | funds if the agency, program, or activity is abolished.

297 | (15) A list of all advisory committees, including those
298 | established in statute and those established by managerial
299 | initiative; their purpose, activities, composition, and related
300 | expenses; the extent to which their purposes have been achieved;
301 | and the rationale for continuing or eliminating each advisory
302 | committee.

303 | (16) Agency programs or functions that are performed
304 | without specific statutory authority.

305 | (17) Other information requested by the commission
306 | ~~committee~~.

307 |
308 | Information and data reported by the agency shall be validated
309 | by its agency head and inspector general before submission to
310 | the commission. The commission may waive any of the requirements
311 | of this section with respect to an agency under review
312 | ~~committee~~.

313 | Section 7. Section 11.907, Florida Statutes, is amended to
314 | read:

315 | 11.907 Legislative review.--Upon receipt of an agency
316 | report pursuant to s. 11.906, the commission shall conduct an
317 | independent review of the agency, which may include directing
318 | the Office of Program Policy Analysis and Government

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

319 Accountability to review ~~shall conduct a program evaluation and~~
320 ~~justification review, as defined in s. 11.513, of the agency and~~
321 ~~its advisory committees, including an examination of the cost of~~
322 ~~each agency; an evaluation of best practices and alternatives~~
323 ~~that would result in the administration of the agency in a more~~
324 ~~efficient or effective manner, including the viability of~~
325 ~~privatization or a different state agency performing the~~
326 ~~functions; and an evaluation of the costs and consequences of~~
327 ~~discontinuing the agency. The reviews ~~review~~ shall be~~
328 comprehensive in their ~~its~~ scope and consider the information
329 provided by the agency report in addition to information deemed
330 necessary by the office and the Legislative Sunset Commission
331 ~~Advisory Committee. Any reports prepared by the Office of~~
332 Program Policy Analysis and Government Accountability shall be
333 submitted ~~submit its report~~ to the commission ~~committee~~ and to
334 the President of the Senate and the Speaker of the House of
335 Representatives in a timeframe prescribed by the commission ~~by~~
336 ~~October 31 of the year in which the agency submits its report.~~
337 The Office of Program Policy Analysis and Government
338 Accountability shall include in its reports ~~report~~
339 recommendations for consideration by the commission ~~committee~~.

340 Section 8. Section 11.908, Florida Statutes, is amended to
341 read:

342 11.908 Commission ~~Committee~~ duties.--No later than March 1
343 of the year in which a state agency or its advisory committees
344 are scheduled to be reviewed, the commission ~~committee~~ shall:

345 (1) Review the information submitted by the agency and
346 reports of any independent reviews directed by the commission,
347 including those conducted by the report of the Office of Program
348 Policy Analysis and Government Accountability.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

349 (2) Consult with the Legislative Budget Commission,
350 relevant substantive and appropriations committees of the Senate
351 and the House of Representatives, the Governor's Office of
352 Policy and Budgeting, the Auditor General, and the Chief
353 Financial Officer, or their successors, on the application to
354 the agency and its advisory committees of the criteria provided
355 in s. 11.910.

356 (3) Hold public hearings to consider this information as
357 well as other information and testimony that the commission
358 ~~committee~~ deems necessary.

359 (4) Present to the President of the Senate and the Speaker
360 of the House of Representatives a report on the agencies and
361 advisory committees scheduled to be reviewed that year by the
362 commission committee. In the report, the commission committee
363 shall include its specific findings and recommendations
364 regarding ~~each of~~ the review criteria under prescribed by s.
365 11.910, ~~and shall also~~ make recommendations as described in s.
366 11.911, and propose legislation as deemed necessary.

367 Section 9. Section 11.910, Florida Statutes, is amended to
368 read:

369 11.910 Criteria for review.--The commission may committee
370 ~~shall~~ consider information submitted pursuant to s. 11.906 as
371 well as any additional criteria it deems relevant the following
372 ~~eriteria~~ in determining whether a public need exists for the
373 continuation of a state agency or its advisory committees or for
374 the performance of the functions of the agency or its advisory
375 committees, including, but not limited to, the following:

376 (1) Agency compliance with the accountability measures, as
377 analyzed by the Auditor General, the Office of Program Policy
378 Analysis and Government Accountability, and the Office of Policy

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

379 and Budget within the Executive Office of the Governor, pursuant
380 to ss. 216.013 and 216.023(4) and (5).

381 (2) The efficiency with which the agency or advisory
382 committee operates.

383 (3) The statutory objectives of the agency or advisory
384 committee and the problem or need that the agency or advisory
385 committee is intended to address, the extent to which the
386 objectives have been achieved, and any activities of the agency
387 in addition to those granted by statute and the authority for
388 these activities.

389 (4) An assessment of less restrictive or alternative
390 methods of providing any regulatory function for which the
391 agency is responsible while adequately protecting the public.

392 (5) The extent to which the advisory committee is needed
393 and is used.

394 (6) The extent to which the jurisdiction of the agency and
395 the programs administered by the agency overlap or duplicate
396 those of other agencies and the extent to which the programs
397 administered by the agency can be consolidated with the programs
398 of other state agencies.

399 (7) Whether the agency has recommended to the Legislature
400 statutory changes calculated to be of benefit to the public
401 rather than to an occupation, business, or institution that the
402 agency regulates.

403 (8) The promptness and effectiveness with which the agency
404 disposes of complaints concerning persons affected by the
405 agency.

406 (9) The extent to which the agency has encouraged
407 participation by the public in making its rules and decisions as
408 opposed to participation solely by those it regulates and the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

409 extent to which the public participation has resulted in rules
410 compatible with the objectives of the agency.

411 (10) The extent to which the agency has complied with
412 applicable requirements of state law and applicable rules of any
413 state agency regarding purchasing goals and programs for small
414 and minority-owned ~~historically underutilized~~ businesses.

415 (11) The extent to which changes are necessary in the
416 enabling statutes of the agency so that the agency can
417 adequately comply with the criteria listed in this section.

418 (12) The extent to which the agency adopts and enforces
419 rules relating to potential conflicts of interest of its
420 employees.

421 (13) The extent to which the agency complies with public
422 records and public meetings requirements under chapters 119 and
423 287 and s. 24, Art. I of the State Constitution and follows
424 records management practices that enable the agency to respond
425 efficiently to requests for public information.

426 (14) The extent to which the agency accurately reports
427 performance measures used to justify state spending on each of
428 its activities, services, and programs.

429 (15) The effect of federal intervention or loss of federal
430 funds if the agency is abolished.

431 (16) Whether any advisory committee or any other part of
432 the agency exercises its powers and duties independently of the
433 direct supervision of the agency head in violation of s. 6, Art.
434 IV of the State Constitution.

435 Section 10. Section 11.911, Florida Statutes, is amended
436 to read:

437 11.911 Recommendations.--In its report on a state agency,
438 the commission ~~committee~~ shall:

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

439 (1) Make recommendations on the abolition, continuation,
440 or reorganization of each state agency and its advisory
441 committees and on the need for the performance of the functions
442 of the agency and its advisory committees.

443 (2) Make recommendations on the consolidation, transfer,
444 or reorganization of programs within state agencies not under
445 review when the programs duplicate functions performed in
446 agencies under review.

447 (3) Propose ~~include drafts of~~ legislation necessary to
448 carry out the commission's ~~committee's~~ recommendations under
449 subsection (1) or subsection (2).

450 Section 11. Section 11.918, Florida Statutes, is amended
451 to read:

452 11.918 Legislative Sunset Commission; powers; assistance
453 of state agencies ~~Subpoena power.--~~

454 (1) The Any Legislative Sunset Commission Advisory
455 ~~Committee~~ may take under investigation any matter within the
456 scope of a sunset review either completed or then being
457 conducted by the commission. The Legislative Sunset Commission
458 ~~committee, and, in connection with such investigation,~~ may
459 exercise the powers of subpoena by law and any other powers
460 vested in a standing committee of the Legislature pursuant to s.
461 11.143.

462 (2) The commission may access or request information and
463 request assistance of state agencies and officers. When
464 assistance is requested, a state agency or officer shall assist
465 the commission.

466 Section 12. Section 11.919, Florida Statutes, is repealed.
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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

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

Remove line 2 and insert:

An act relating to state government; amending s. 11.902, F.S.; changing references of committee to commission and renaming the "Legislative Sunset Advisory Committee" as the "Legislative Sunset Commission"; amending s. 11.903, F.S.; conforming terminology; providing that each house may have one or more Legislative Sunset Advisory Committees to advise it regarding agency sunset reviews; requiring the appointment of a joint Legislative Sunset Commission; providing for commission membership; providing for appointments of co-chairs; providing for terms; amending s. 11.904, F.S.; providing for the employment of commission staff; providing the role of the Office of Program Policy Analysis and Government Accountability as it relates to the commission; providing that the Auditor General shall, upon request, assist the commission; conforming terminology; amending s. 11.905, F.S.; revising the schedule for reviewing state agencies and advisory committees; providing that the legislative presiding officers may change the review schedule; providing for notice in case of a change of the review schedule; amending s. 11.9055, F.S.; conforming terminology; providing conditions for an agency subject to review to be abolished; providing for continuance or reassignment of outstanding responsibilities of abolished agency; providing for continuation of sunset review under certain circumstances; amending s. 11.906, F.S.; conforming terminology; revising the timeframe for agency report

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

499 submission to the commission; revising information to be
500 provided in the report; providing for waiver of
501 requirements by the commission; amending s. 11.907, F.S.;
502 requiring the commission to conduct an independent review
503 of agencies; providing that the commission may direct the
504 Office of Program Policy Analysis and Government
505 Accountability to conduct reviews of state agencies and
506 their advisory committees; delineating requirements of
507 such reviews; providing for commission to set timeframe
508 for submission of reports on reviews; conforming
509 terminology; amending s. 11.908, F.S.; conforming
510 terminology; requiring the commission to review reports of
511 any independent reviews directed by the commission;
512 requiring the commission report to the presiding officers
513 to include proposed legislation deemed necessary by the
514 commission; amending s. 11.910, F.S.; revising criteria
515 requirements for review by the commission; conforming
516 terminology; amending s. 11.911, F.S.; conforming
517 terminology; requiring the commission's report on an
518 agency to propose legislation necessary to carry out its
519 recommendations; amending s. 11.918, F.S.; conforming
520 terminology; providing that the commission may exercise
521 the powers of subpoena by law and any other powers vested
522 in a standing committee of the Legislature; authorizing
523 the commission to access or request information; requiring
524 a state agency or officer to assist the commission when
525 requested; repealing s. 11.919, F.S., relating to
526 assistance of and access to state agencies; creating

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

HB 7157 : Watershed Restoration

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 31		Total Nays: 0			

Appearances:

Eric Draper (Lobbyist) - Proponent
 Audubon
 2507 Callaway
 Tallahassee FL 32303
 Phone: 850-224-7546

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Ernie Barnett (Lobbyist) (State Employee) - Proponent

SFWMD

3301 Gun Club Road

West Palm Beach FL 33406

Phone: 561-951-2840

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

HB 7173 : Fish and Wildlife Conservation Commission

Favorable with Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon	X				
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick	X				
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera			X		
Yolly Roberson			X		
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata	X				
Ray Sansom (Chair)	X				
Total Yeas: 29		Total Nays: 0			

Appearances:

Ronnie Day (General Public) - Proponent
 President, Organized Fishermen of Florida
 12 Fulford Street
 St. Marks FL 32355
 Phone: 850-925-6149

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

Jerry Sanson (Lobbyist) - Proponent
Executive Director, Organized Fishing of Florida
P.O. Box 700
Cocoa FL
Phone: 321-773-0212

Bill Marvin (Lobbyist) - Proponent
National Wild Turkey Federation
2102 Trescott Drive
Tallahassee FL 32308
Phone: 850-385-6006

George Sweetman (General Public) - Proponent
Self Employed Fisherman
7200 Poinsetta Ave.
Cape Canaveral FL 32920
Phone: 321-868-7750

Jackie Fauls (Lobbyist) (State Employee) - Proponent
Fish & Wildlife Conservation Commission
620 S. Meridian St.
Tallahassee FL 32399
Phone: 850-487-3795

Frank Sewell (General Public) - Proponent
Blue Crab Board
P.O. Box 334
Grant FL 32949

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

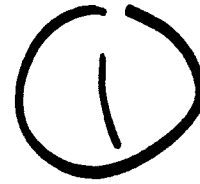
HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

Bill No. HB 7173

COUNCIL/COMMITTEE ACTION

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



1 Council hearing bill: Policy & Budget Council
 2 Representative Kendrick offered the following:

4 **Amendment (with directory and title amendments)**

5 Remove lines 1253-1264 and 1454-1483 and insert:

8 ===== D I R E C T O R Y A M E N D M E N T =====

9 Remove line 1168 and insert:

10 (5), paragraph (h) of subsection (8),

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

13 Remove lines 91-104 and insert:

14 fishing license for nonresidents; clarifying terminology
 15 relating to the spiny lobster; amending s. 372.672, F.S.;
 16 authorizing the use of funds from the Florida Panther Research
 17 and Management Trust Fund to promote and market the Florida
 18 panther license plate; amending s. 861.021, F.S.; clarifying
 19 terminology relating to the spiny lobster; amending s. 372.571,
 20 372.661, and 372.83, F.S.; conforming cross-references;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1

21 reenacting s. 372.573, F.S., relating to revenues from
22 management

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 2

Bill No. HB 7173

COUNCIL/COMMITTEE ACTION

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

2

1 Council hearing bill: Policy & Budget Council

2 Representative Kendrick offered the following:

3
4 **Amendment**

5 Remove lines 1514-1517 and insert:

6 Section 26. For the 2007-2008 fiscal year, the sum of
7 \$132,000 is appropriated from the Marine Resources Conservation
8 Trust Fund to the Fish and Wildlife Conservation Commission for
9 the purpose of implementing

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 3

Bill No. HB 7173

COUNCIL/COMMITTEE ACTION

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

3

1 Council hearing bill: Policy & Budget Council

2 Representative Kendrick offered the following:

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Amendment

5

Remove lines 127 and insert:

6

Fisheries Commission on March 1, 1998, nor does it include

7

any authority over marine aquaculture retained by the

8

legislature and vested in any other agency as of July 1, 1999.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

Bill No. HB 7173

COUNCIL/COMMITTEE ACTION

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

4

1 Council hearing bill: Policy & Budget Council
 2 Representative Kendrick offered the following:

Amendment (with title amendment)

Between lines 1108 and 1109 and insert:

6 Section 15. Present subsection (13) of section 372.561,
 7 Florida Statutes, is redesignated as subsection (14), and new
 8 subsection (13) is added to that section, to read:

9 372.561 Recreational licenses, permits, and authorization
 10 numbers to take wild animal life, freshwater aquatic life, and
 11 marine life; issuance; costs; reporting.--

12 (13) The commission, any tax collector in this state, or
 13 any subagent authorized to sell licenses and permits under s.
 14 372.574 may request and collect donations when selling a
 15 recreational license or permit authorized under s. 372.57. All
 16 donations collected under this subsection must be deposited into
 17 the State Game Trust Fund to be used solely for the purposes of
 18 enhancing youth hunting, and youth freshwater and saltwater
 19 fishing programs. The commission shall provide a complete and
 20 detailed annual report on the status of its youth programs and
 21 activities performed under this subsection to the Governor, the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4

22 President of the Senate, and the Speaker of the House of
23 Representatives on or before January 1.

24 ~~(14)~~(13) The commission is authorized to adopt rules
25 pursuant to ss. 120.536(1) and 120.54 to implement the
26 provisions of this section.

27

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

29 Remove line(s) 86 and insert:
30 promote and market the license plate; amending s. 372.561, F.S.;
31 authorizing the commission, tax collectors, and certain
32 subagents to request and collect donations when selling a
33 recreational license or permit; requiring the transfer of such
34 donations to the Fish and Wildlife Conservation Commission to be
35 used for specified purpose; amending s.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 5

Bill No. HB 7173

COUNCIL/COMMITTEE ACTION

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

5

1 Council hearing bill: Policy & Budget Council
2 Representative Kendrick offered the following:

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Amendment

Remove line(s) 966-968 and insert:
~~suspended for the remainder of the current license year.~~ For all
other first violations, the commission shall assess an
additional administrative penalty of up to \$500.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 6

Bill No. HB 7173

COUNCIL/COMMITTEE ACTION

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

6

1 Council hearing bill: Policy & Budget Council
2 Representative Kendrick offered the following:

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4 **Amendment**

5 Remove line 196 and insert:
6 Vehicles. This paragraph

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 7

Bill No. **HB 7173**

COUNCIL/COMMITTEE ACTION

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

7

1 Council hearing bill: Policy & Budget Council

2 Representative Kendrick offered the following:

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Amendment

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Remove line 749 and insert:

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~~erawfish~~ may sell or offer to sell such stocks of spiny lobster

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~~erawfish~~;

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COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

HB 7183 : Rules and Rulemaking

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff	X				
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon				X	
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata				X	
Ray Sansom (Chair)	X				
Total Yeas: 28		Total Nays: 0			

Appearances:

Rivers Burford (Lobbyist) (State Employee) - Information Only
 Department of State
 Tallahassee FL

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM

COUNCIL MEETING REPORT

Policy & Budget Council

4/25/2007 9:00:00AM

Location: 212 Knott Building

HB 7213 : Taxation

<input checked="" type="checkbox"/> Favorable	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Frank Attkisson	X				
Loranne Ausley			X		
Aaron Bean			X		
Dorothy Bendross-Mindingall	X				
Ellyn Setnor Bogdanoff			X		
Marsha Bowen	X				
Mary Brandenburg	X				
Donald Brown	X				
Dean Cannon				X	
Joyce Cusack	X				
Charles Dean	X				
Bill Galvano	X				
Andy Gardiner	X				
Michael Grant	X				
Adam Hasner	X				
Will Kendrick			X		
Dick Kravitz	X				
Stan Mayfield			X		
Matthew Meadows	X				
Joe Pickens	X				
Ron Reagan	X				
Curtis Richardson	X				
David Rivera	X				
Yolly Roberson	X				
Dennis Ross	X				
Ron Saunders	X				
John Seiler	X				
Priscilla Taylor	X				
Anthony Traviesa	X				
Baxter Troutman	X				
Shelley Vana	X				
Juan Zapata				X	
Ray Sansom (Chair)	X				
Total Yeas: 27					
		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 25, 2007 12:33:33PM