



**RULES & CALENDAR
COUNCIL**

**COMMITTEE MEETING
Tuesday, March 23, 2010
6:30 P.M. – 7:00 P.M.
404 HOB**

MEETING PACKET

Larry Cretul
Speaker

Bill Galvano
Chair

Council Meeting Notice

HOUSE OF REPRESENTATIVES

Rules & Calendar Council

Start Date and Time: Tuesday, March 23, 2010 06:30 pm or 15 minutes upon adjournment of the Full Appropriations Council on Education & Economic Development

End Date and Time: Tuesday, March 23, 2010 07:00 pm

Location: 404 HOB

Duration: 0.50 hrs

Consideration of the following bill(s):

HM 191 Ecumenical Patriarchate by Nehr
CS/HM 553 Fishery Conservation and Management by General Government Policy Council, Coley, Workman

Set Special Order Calendar(s)

Consideration of the Procedure for Debate on Third Reading of the General Appropriations Bill and Related Implementing and Conforming Bills

NOTICE FINALIZED on 03/19/2010 16:05 by Williams.Tanesha

House Memorial

A memorial to the Congress of the United States, urging Congress to encourage the Government of Turkey to grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities and to respect the property rights and human rights of the Ecumenical Patriarchate.

WHEREAS, the Ecumenical Patriarchate, located in Istanbul, Turkey, is the Sacred See that presides in a spirit of brotherhood over a communion of self-governing churches of the Orthodox Christian world, and

WHEREAS, the See is led by Ecumenical Patriarch Bartholomew, who is the 269th in direct succession to the Apostle Andrew and holds titular primacy as primus inter pares, meaning "first among equals," in the community of Orthodox churches worldwide, and

WHEREAS, in 1994, Ecumenical Patriarch Bartholomew, along with leaders of the Appeal of Conscience Foundation, cosponsored the Conference on Peace and Tolerance, which brought together Christian, Jewish, and Muslim religious leaders for an interfaith dialogue to help end the Balkan conflict and the ethnic conflict in the Caucasus region, and

WHEREAS, in 1997, the Congress of the United States awarded Ecumenical Patriarch Bartholomew the Congressional Gold Medal, and

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28 WHEREAS, following the terrorist attacks on our nation on
 29 September 11, 2001, Ecumenical Patriarch Bartholomew gathered a
 30 group of international religious leaders to produce the first
 31 joint statement with Muslim leaders that condemned those attacks
 32 as "antireligious," and

33 WHEREAS, in October 2005, the Ecumenical Patriarch, along
 34 with Christian, Jewish, and Muslim leaders, cosponsored the
 35 Conference on Peace and Tolerance II to further promote peace
 36 and stability in southeastern Europe, the Caucasus region, and
 37 Central Asia via religious leaders' interfaith dialogue,
 38 understanding, and action, and

39 WHEREAS, the Orthodox Christian Church, in existence for
 40 nearly 2,000 years, numbers approximately 300 million members
 41 worldwide, with more than 2 million members in the United
 42 States, and

43 WHEREAS, since 1453, the continuing presence of the
 44 Ecumenical Patriarchate in Turkey has been a living testament to
 45 the religious coexistence of Christians and Muslims, and

46 WHEREAS, this religious coexistence is in jeopardy because
 47 the Ecumenical Patriarchate is considered a minority religion by
 48 the Turkish government, and

49 WHEREAS, the Government of Turkey has limited the
 50 candidates available to hold the office of Ecumenical Patriarch
 51 to only Turkish nationals; and, out of the millions of Orthodox
 52 Christians who were living in Turkey at the turn of the 20th
 53 century, there remain as a result of the policies of the Turkish
 54 government during this period fewer than 3,000 of the Ecumenical
 55 Patriarch's flock left in that country today, and

56 WHEREAS, the Government of Turkey closed the Theological
 57 School on the island of Halki in 1971 and has refused to allow
 58 it to reopen, thus impeding training for Orthodox Christian
 59 clergy, and

60 WHEREAS, the Turkish government has confiscated nearly 94
 61 percent of the Ecumenical Patriarchate's properties and has
 62 placed a 42 percent tax, retroactive to 1999, on the Baloukli
 63 Hospital and Home for the Aged, a charity hospital run by the
 64 Ecumenical Patriarchate, and

65 WHEREAS, the European Union, a group of nations with a
 66 common goal of promoting peace and the well-being of its
 67 peoples, began accession negotiations with Turkey on October 3,
 68 2005, and

69 WHEREAS, the European Union defined membership criteria for
 70 accession at the Copenhagen European Council in 1993, obligating
 71 candidate countries to achieve certain levels of reform,
 72 including stability of institutions guaranteeing democracy,
 73 adherence to the rule of law, and respect for and protection of
 74 minorities and human rights, and

75 WHEREAS, the Turkish government's current treatment of the
 76 Ecumenical Patriarchate is inconsistent with the membership
 77 conditions and goals of the European Union, and

78 WHEREAS, Orthodox Christians in this state and throughout
 79 the United States stand to lose their spiritual leader because
 80 of the continued actions of the Turkish government, and

81 WHEREAS, the Archons of the Ecumenical Patriarchate of the
 82 Order of St. Andrew the Apostle, a group of laymen who each have
 83 been honored with a patriarchal title, or "offikion," by the

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84 Ecumenical Patriarch for their outstanding service to the
 85 Orthodox Church, will send an American delegation to Turkey to
 86 meet with Turkish government officials, as well as the United
 87 States Ambassador to the Republic of Turkey, regarding the
 88 Turkish government's treatment of the Ecumenical Patriarchate,
 89 NOW, THEREFORE,

90

91 Be It Resolved by the Legislature of the State of Florida:

92

93 That the Congress of the United States is urged to
 94 encourage the Government of Turkey to:

95 (1) Uphold and safeguard religious and human rights
 96 without compromise.

97 (2) Cease its discrimination of the Ecumenical
 98 Patriarchate.

99 (3) Grant the Ecumenical Patriarch appropriate
 100 international recognition, ecclesiastic succession, and the
 101 right to train clergy of all nationalities.

102 (4) Respect the property rights and human rights of the
 103 Ecumenical Patriarchate.

104 BE IT FURTHER RESOLVED that copies of this memorial be
 105 dispatched to the President of the United States, to the
 106 President of the United States Senate, to the Speaker of the
 107 United States House of Representatives, and to each member of
 108 the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 191
SPONSOR(S): Nehr and others
TIED BILLS:

Ecumenical Patriarchate

IDEN./SIM. BILLS: SM 314

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Rules & Calendar Council		Hassell <i>AM</i>	Birtman <i>AB</i>
2) Policy Council			
3)			
4)			
5)			

SUMMARY ANALYSIS

House Memorial 191 urges the U.S. Congress to encourage the government of Turkey to end policies negatively affecting the Ecumenical Patriarchate, which is the spiritual center of the Eastern Orthodox Christian Church and is located in Istanbul. In particular, the memorial urges Congress to encourage the Turkish government to:

- Uphold and safeguard religious and human rights without compromise;
- Cease its discrimination against the Ecumenical Patriarchate;
- Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and
- Respect the property rights and human rights of the Ecumenical Patriarchate.

The memorial provides for copies of it to be submitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the state's congressional delegation.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Ecumenical Patriarchate in Turkey

Turkey's constitution establishes the country as a secular state. The U.S. Department of State reports that the constitution contains provisions specifying religious freedom but also contains provisions governing the country's secularism which can operate to restrict religious freedom.¹ The government imposes restrictions on Islamic and other religious groups, including restrictions on Islamic religious expression in governmental offices and state-run institutions, on the grounds of maintaining a secular state. In addition, the department reports that members of religious minorities experience difficulties in worshipping, registering with the government, and training followers.²

Muslims comprise the largest percentage of the Turkish population, with official estimates citing 99 percent. According to the U.S. Department of State, however, the actual population of Muslims in Turkey is slightly lower, because its government recognizes three minority religious communities – Greek Orthodox Christians, Armenian Orthodox Christians, and Jews – and counts other non-Muslim communities as Muslim.³

The Turkish government's recognition of the special legal status of the three religious minorities does not extend to the leadership organs of those minorities. Therefore, for example, the "Armenian and Ecumenical Greek Orthodox Patriarchates continued to seek legal recognition of their status as patriarchates rather than foundations."⁴

¹ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *Turkey: International Religious Freedom Report 2009* (Oct. 26, 2009), <http://www.state.gov/g/drl/rls/irf/2009/130299.htm> (last visited March 16, 2010). See also Niyazi Oktem, *International Law and Religion Symposium Article: Religion in Turkey*, 2002 B.Y.U. L. REV. 371 (2002).

² U.S. Dep't of State, *supra* note 1.

³ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *Turkey: International Religious Freedom Report 2004*, <http://www.state.gov/g/drl/rls/irf/2004/35489.htm> (last visited March 16, 2010).

⁴ U.S. Dep't of State, *supra* note 1. The status as a foundation rather than a patriarchate affects property rights. A 1974 court ruling limited the ability of minority foundations to acquire property, and the state took control of property acquired after 1936. Law changes effective in 2008 enabled minority foundations to acquire property but did not authorize them to reclaim state-expropriated property. *Id.*

Located in Istanbul, Turkey, the Ecumenical Patriarchate is the spiritual center of the Orthodox Christian Church. The Ecumenical Patriarch is the church's highest authority and spiritual leader of Orthodox Christians worldwide.⁵ Ecumenical Patriarch Bartholomew assumed that spiritual leadership position in November 1991.⁶ However, the Turkish government does not recognize his ecumenical status, "acknowledging him only as the head of the country's Greek Orthodox community."⁷

Although there are an estimated 300 million Orthodox Christians worldwide, there are fewer than 3,000 Greek Orthodox Christians in Turkey.⁸ Particular policies of the government of Turkey are cited as negatively affecting the Ecumenical Patriarchate. For example, in 1971, Turkey nationalized private institutions of higher learning, leading to the closure of the Patriarchate's Halki seminary on the Island of Heybeli. The government has not permitted the reopening of the school, "effectively prevent[ing] the Patriarchate from training clergymen and potential successors to the position of Ecumenical Patriarch."⁹

In addition, Turkey also requires that the Ecumenical Patriarch and the Ecumenical Patriarchate's leadership staff be Turkish citizens. Further, the governor of Istanbul may reject candidates for the position of Ecumenical Patriarch as well as the ultimate choice by the electors.¹⁰ Noting the decline in the population of Greek Orthodox Christians in Turkey, authors on the subject have reported that these policies affect the operational viability of the Ecumenical Patriarchate by limiting the pool of potential successors to the position of Ecumenical Patriarch.¹¹

U.S. Government Policy and Action by States

The U.S. Department of State summarizes the policy of the United States regarding religious freedom in Turkey as follows:

The U.S. Government discusses religious freedom with the Government and state institutions as part of its overall policy to promote human rights. The U.S. Ambassador and other diplomatic officials, including staff of the consulate general in Istanbul and the consulate in Adana, maintained close relations with the Muslim majority and other religious groups. The Ambassador and other officials also continued to urge the Government to permit the reopening of the Halki seminary on Heybeli Island.

On April 6, 2009, President Obama addressed Parliament and emphasized the U.S. interest in seeing Halki seminary reopened in recognition of the importance of religious freedom. On April 7, President Obama met with leaders of religious communities, including the Ecumenical Patriarch, Chief Rabbi, Armenian Archbishop, Syrian Orthodox Metropolitan, and Mufti of Istanbul.

The Ambassador regularly discussed government policy regarding Islam and other religious groups as well as specific cases of religious discrimination and other topics concerning religious freedom in private meetings with cabinet members. The Ambassador met with Diyanet President Ali Bardakoglu on January 8, 2009, to discuss the work of the Diyanet.¹² Other embassy and consulate officers held similar meetings

⁵ Maria Burnett, Maria Pulzetti, and Sean Young, *Turkey's Compliance with Its Obligations to the Ecumenical Patriarchate and Orthodox Christian Minority*, a paper prepared at the request of the Greek Orthodox Archdiocese of America, 1 (December 11, 2004), available at <http://www.ellopos.net/politics/yalelawstudy.pdf> (on file with the House Rules & Calendar Council).

⁶ Ecumenical Patriarchate of Constantinople, *Who is Ecumenical Patriarch Bartholomew?*, <http://patriarchate.org/patriarch/narrative> (last visited March 16, 2010). Istanbul was formerly known as Constantinople.

⁷ U.S. Dep't of State, *supra* note 1.

⁸ There are also an estimated 65,000 Armenian Orthodox Christians in Turkey. U.S. Dep't of State, *supra* note 3.

⁹ Joanna Balaskas, *The International Legal Personality of the Eastern Orthodox Ecumenical Patriarchate of Constantinople*, 2 HOFSTRA L. & POL'Y SYMP. 135, 145-46 (1997).

¹⁰ *Id.* at 146; Maria Burnett et al., *supra* note 5.

¹¹ *Id.*

¹² The Diyanet is Turkey's Directorate/Presidency of Religious Affairs. U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, *International Religious Freedom Report 2005*, <http://www.state.gov/g/drl/rls/irf/2005/51586.htm> (last visited March 16, 2010).

with government officials. Diplomats from the Embassy and consulates met regularly with representatives of various religious groups. These meetings covered a range of topics, including problems faced by non-Muslim groups and the debate over the role of Islam in the country.

The consulate general in Istanbul provided security training for minority religious communities as a part of its overall security strategy.¹³

According to the Order of Saint Andrew the Apostle, Archons of the Ecumenical Patriarchate, 24 states have passed memorials similar to the one that is the subject of this bill analysis, asking the U.S. Congress to encourage Turkey to end practices that negatively affect the Ecumenical Patriarchate.¹⁴

Effect of Proposed Changes

This House Memorial expresses the Legislature's desire for the U.S. Congress to encourage the government of Turkey to revise policies negatively affecting the Ecumenical Patriarchate, which is located in Istanbul and is the spiritual center of the Eastern Orthodox Christian Church. In particular, the memorial urges Congress to encourage the Turkish government to:

- Uphold and safeguard religious and human rights without compromise;
- Cease its discrimination against the Ecumenical Patriarchate;
- Grant the Ecumenical Patriarch appropriate international recognition, ecclesiastical succession, and the right to train clergy of all nationalities; and
- Respect the property rights and human rights of the Ecumenical Patriarchate.

The memorial provides for copies of it to be submitted to the President of the United States, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives, and each member of the state's congressional delegation.

Both houses of the Florida Legislature must pass a memorial, but a memorial is not subject to gubernatorial approval or veto and upon its passage is sent directly to the specified congressional officials.¹⁵

B. SECTION DIRECTORY:

Not applicable.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

¹³ U.S. Dep't of State, *supra* note 1.

¹⁴ Open letter to members of the Florida Legislature from the Order of Saint Andrew the Apostle, Jan. 16, 2010 (on file with the House Rules & Calendar Council).

¹⁵ The Florida House, *Guidelines for Bill Drafting*, 20 (2007).

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The memorial does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

3. Other:

Generally the federal government exercises dominion over foreign affairs of the United States. Section 10 of article I of the U.S. Constitution specifically prohibits states from engaging in certain foreign affairs activities. Further, the federal government can preempt conflicting state laws through the enactment of a federal law or treaty, and federal courts can "preempt state laws that improperly affect foreign affairs."¹⁶ However, because this House Memorial is simply an expression of state intent rather than a proposed enactment of state law, it does not implicate the issue of preemption and state latitude to affect foreign affairs.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

¹⁶ Celeste Borei Pozo, *Foreign Affairs Power Doctrine Wanted Dead or Alive: Reconciling One Hundred Years of Preemption Cases*, 41 VAL. U. L. REV. 591, 591-92 (2006).

COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 191 (2010)

Amendment No. 01

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: Rules & Calendar Council
2 Representative(s) Nehr offered the following:

3

4 **Amendment**

5 Remove line 33 and insert:

6 WHEREAS, in November ~~October~~ 2005, the Ecumenical
7 Patriarch, along

COUNCIL/COMMITTEE AMENDMENT

Bill No. HM 191 (2010)

Amendment No. 02

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: Rules & Calendar Council
2 Representative(s) Nehr offered the following:

3
4 **Amendment**

5 Remove lines 85-88 and insert:

6 Orthodox Church, participated in a Religious Freedom Mission to
7 the European Union in pursuit of human rights and religious
8 freedom for the Ecumenical Patriarch from January 26 - February
9 7, 2010 ~~will send an American delegation to Turkey to meet with~~
10 ~~Turkish government officials as well as the United States~~
11 ~~Ambassador to the Republic of Turkey, regarding the Turkish~~
12 ~~government's treatment of the Ecumenical Patriarchate,~~

House Memorial

A memorial to the Congress of the United States, urging Congress to consider all available mechanisms to lessen the sudden impact of the changes made to the Magnuson-Stevens Fishery Conservation and Management Act and seek to balance resource protection and economic prosperity in Florida.

WHEREAS, the Magnuson-Stevens Fishery Conservation and Management Act emphasized preventing overfishing and rebuilding overfished stocks, and

WHEREAS, recent revisions to the act were prompted in part by criticism of progress toward ending overfishing and rebuilding fish stocks, and

WHEREAS, such revisions impose significant restrictions on commercial and recreational fishing in federal waters and prohibitively short deadlines to end overfishing, and

WHEREAS, every federally managed fishery that is classified as undergoing overfishing is required to have annual catch limits and accountability measures in place by 2010, and

WHEREAS, all other federally managed species are required to have annual catch limits and accountability measures in place by 2011, and

WHEREAS, such requirements include accountability measures which stipulate that if catch limits are exceeded for such federally managed species, federal actions must be stipulated to compensate for the harvest overage, and

WHEREAS, the consequence of such accountability measures is

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29 | that certain types of fishing activity, such as recreational
 30 | fishing, could be faced with ever-increasing limits imposed over
 31 | a minimal timeframe, and

32 | WHEREAS, in the federal waters of the South Atlantic, there
 33 | are 10 species of economically important reef fish that are
 34 | subject to the new deadline, and

35 | WHEREAS, a number of similar actions to restrict harvest of
 36 | reef fish in the Gulf of Mexico have been instituted, and

37 | WHEREAS, federal managers are considering a complete
 38 | closure of all fishing for the Atlantic red snapper fishery, and

39 | WHEREAS, severely restricting or eliminating harvest for 10
 40 | of the state's most valuable reef fish species simultaneously
 41 | will have the unfortunate impact of putting people out of
 42 | business, and

43 | WHEREAS, the act requires federal managers to use the best
 44 | scientific information available to end overfishing and provide
 45 | future sustainable harvest, and

46 | WHEREAS, even though fishery scientists are using the best
 47 | scientific information available, there continues to be
 48 | inadequate funding to conduct the level of fisheries monitoring
 49 | and research work necessary to meet the standards of the act,
 50 | and

51 | WHEREAS, to meet such standards, it is imperative to
 52 | provide federal fishery managers with the financial means
 53 | necessary to gather and analyze more complete and continuous
 54 | information on the status of fish stocks, and

55 | WHEREAS, consistent with these conservation requirements,
 56 | recent changes to the act direct that economic impacts to

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57 | fishing communities be minimized and that mechanisms be provided
 58 | to support the economic health of fishing communities, and

59 | WHEREAS, every effort should be made to provide economic
 60 | assistance to key fishing industries and businesses that cannot
 61 | survive the restrictions being implemented by recent changes to
 62 | the Magnuson-Stevens Fishery Conservation and Management Act,
 63 | NOW, THEREFORE,

64 |

65 | Be It Resolved by the Legislature of the State of Florida:

66 |

67 | That the Congress of the United States is requested to
 68 | consider all available mechanisms to lessen the sudden impact of
 69 | the changes made to the Magnuson-Stevens Fishery Conservation
 70 | and Management Act and seek to balance resource protection and
 71 | economic prosperity in Florida.

72 | BE IT FURTHER RESOLVED that copies of this memorial be
 73 | dispatched to the President of the United States, to the
 74 | President of the United States Senate, to the Speaker of the
 75 | United States House of Representatives, and to each member of
 76 | the Florida delegation to the United States Congress.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HM 553 Fishery Conservation and Management
SPONSOR(S): General Government Policy Council, Coley and Workman
TIED BILLS: **IDEN./SIM. BILLS:** SM 1168

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	General Government Policy Council	14 Y, 0 N	Deslatte	Hamby
2)	Rules & Calendar Council		Kirksey <i>AK</i>	Birtman <i>[Signature]</i>
3)	Policy Council			
4)				
5)				

SUMMARY ANALYSIS

CS/HM 553 urges Congress to consider all available mechanisms to lessen the sudden impact of the changes made to the Magnuson-Stevens Fishery Conservation and Management Act and seek to balance resource protection and economic prosperity in Florida.

This memorial does not have a fiscal impact on state or local governments.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

In 1976, the U.S. Congress passed the Fishery Conservation and Management Act, known as the Magnuson Act of 1976 (later renamed the Magnuson-Stevens Act (MSA)) (Act) due to growing concerns regarding the potential economic losses from foreign fleet catches. The statute was intended to end foreign overfishing, establish a U.S. Exclusive Economic Zone (EEZ), and industrialize the U.S. fishing fleet.¹ Conservation efforts were mentioned in the initial section of the Act, but the primary aim was to extend U.S. territorial waters from 12 to 200 miles and to mandate a phase-out of foreign fishing within the EEZ².

To render the management process more efficient, the MSA established grant programs and other subsidies to help modernize and industrialize the U.S. commercial fishing fleet. The MSA also created eight Regional Fishery Management Councils composed of state fisheries managers, the regional National Marine Fisheries Service (NMFS)³ fisheries administrator, and qualified fishing industry, academic, and environmental representatives. The State of Florida is represented on two regional councils: the Gulf of Mexico Fishery Management Council (includes the Gulf coast of Florida, Alabama, Mississippi, Louisiana, and Texas) and the South Atlantic Fishery Management Council (includes North Carolina, South Carolina, Georgia, and the Atlantic coast of Florida). The Governor directly appoints one member to both councils who is determined to be the principal state official with fishery management responsibility. The Governor also submits a list of names to the Secretary of Commerce for discretionary appointment by the Secretary to the councils⁴.

The Act was amended in 1996 adding new regulations intended to stop overfishing, help rebuild fish populations, minimize the incidental capture and killing of non-commercial marine life, and protect areas of the ocean vital to the development of juvenile fish. These amendments were meant to ensure that U.S. fisheries remained healthy and productive for future generations.

¹ 16 U.S.C.A. § 1801b (West 2010).

² General Governmental Policy Council (Agriculture and Natural Resources Policy Committee, The National Saltwater Angler Registry/ Florida's Shoreline Exemption, Jan., 2009.

³ The NMFS is a federal agency (under the National Oceanic and Atmospheric Administration (NOAA)) responsible for the stewardship of the nation's living marine resources and their habitat. NOAA falls under the Department of Commerce.

⁴ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

The Act was reauthorized in 2007 and included a significant additional requirement to implement annual catch limits and accountability measures for all federally managed species (Section 303(a)(15)).⁵ The reauthorized Act set a deadline of 2011 for implementing these measures. For those species that were classified as undergoing overfishing, the Act specified a deadline of 2010 for implementing annual catch limits and accountability measures. Specifically, Section 304(3)⁶ of the reauthorized Act addresses the rebuilding of overfished stocks including a requirement that overfishing is ended within two years of notification that a fishery is overfished, and that the rebuilding plan not exceed 10 years. Overfishing is defined as harvesting at a rate equal to or greater than that which will meet the management goal. A stock or stock complex is considered undergoing overfishing when the rate of fishing mortality exceeds a specific threshold. A rebuilding plan can exceed 10 years however, if the biology of the stock of fish, other environmental conditions, or management measures under an international agreement in which the U.S. participates dictates otherwise.⁷

The South Atlantic Fishery Management Council (Council) has initiated steps to meet these deadlines. The Council has implemented a shallow-water grouper closure from January 1 through April 30 of this year. The closure prohibits recreational and commercial harvest of shallow-water grouper species in order to end overfishing of gag, black and red grouper. The Council has also implemented a November 1, 2009 through April 30, 2010 closure on the recreational harvest of vermilion snapper, reducing the annual commercial quota by about 50% according to the Florida Fish and Wildlife Conservation Commission (FWCC) analysis. The Council and the NOAA Fisheries Service are also in the process of developing regulatory changes to end the overfishing of the Atlantic red snapper and rebuild the stock. NOAA Fisheries has already implemented a temporary action that closed all harvest of red snapper in federal waters of the South Atlantic region. The Council is now developing recommendations for permanent changes that would continue to prohibit all red snapper fishing. The Council is also considering a large-area closure to fishing for any species of snapper or grouper because so many red snapper are caught incidentally when other reef fish are being caught, and die when re-released back into the water. Another recommendation the Council has proposed is prohibiting the harvest and possession of several species of deepwater snapper and grouper in federal waters deeper than 240 feet. This action would end overfishing of Warsaw grouper and speckled hind, and give protection to the snowy grouper and golden tilefish, which are overfished.⁸

The Gulf of Mexico has seen changes in regulations for red snapper over the last few years too. In 2008, these regulations reduced the recreational bag limit and substantially reduced the recreational harvest season. For recreational fishers, the bag limit is two red snappers per person per day. However, possession of bag limits by captains and crew of for-hire vessels is prohibited.⁹

Currently, the open recreational harvest season for red snapper in state and federal waters of the Gulf of Mexico is June 1 through August 14.¹⁰ The NMFS estimated that recreational fishers in the Gulf exceeded 2008's annual red snapper catch limit by approximately 1.2 million pounds, and federal law requires that harvest levels must be reduced in the year following a previous year's overharvest. To offset last year's overharvest, the NMFS shortened the recreational red snapper harvest season in Gulf federal waters (beyond 9 nautical miles from shore) from June 1 through September 30 to June 1 through August 14. The FWCC approved the same season change in state waters at its Commission Meeting on June 18, 2009.¹¹

According to FWCC, for the red snapper commercial fishery, an Individual Fishing Quota (IFQ) system was implemented in 2007 and operated under a lower overall quota in 2008. The commercial minimum size limit of harvested and imported fish is 13 inches total length. The commercial daily bag and trip limit is 2 fish per person in state waters. The commercial quota is set at 2.55 million pounds. Seasonal

⁵ 120 Stat 3575 (2007); PL 109-479.

⁶ 120 Stat 3575 (2007); PL 109-479.

⁷ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

⁸ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

⁹ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

¹⁰ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

¹¹ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

and area closures are in place for the commercial shrimping industry to reduce effort in order in minimize juvenile red snapper bycatch.¹²

Effect of Proposed Changes

CS/HM 553 urges Congress to consider all available mechanisms to lessen the sudden impact of the changes made to the Magnuson-Stevens Fishery Conservation and Management Act and seek to balance resource protection and economic prosperity in Florida.

B. SECTION DIRECTORY:

None

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None

¹² HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

Florida Fish and Wildlife Conservation Commission (FWCC)¹³ provided the following comment:

"If the Memorial is acted upon by Congress, the called-for changes have the potential to reduce short-term and perhaps long-term negative economic impacts to recreational and commercial fisheries by ameliorating the hard deadlines established in the 2007 reauthorization of the Act. The following description of the fishery provides an overview of the historical participation in these fisheries and applies to all states in the South Atlantic Fishery Management Council (North Carolina, South Carolina, Georgia, and Florida). It is taken from South Atlantic Fishery Management Council documents (Draft Amendment 17A to the Fishery Management Plan for the Snapper Grouper Fishery of the South Atlantic Region and draft Environmental Impact Statement. November 2009. South Atlantic Fishery Management Council. Charleston, SC.)"

"From 2003-2007, which is the period of data used in the analysis of the expected impacts of this action, an average of 944 vessels per year were permitted to operate in the commercial snapper grouper fishery. Of these vessels, 749 held transferable permits and 195 held non-transferable permits. On average, 890 vessels landed 6.43 million pounds of snapper grouper and 1.95 million pounds of other species on snapper grouper trips. Total dockside revenues from snapper grouper species stood at \$13.81 million (2007 dollars) and from other species, at \$2.30 million (2007 dollars). Considering revenues from both snapper grouper and other species, the revenues per vessel would be \$18,101. An average of 27 vessels per year harvested more than 50,000 pounds of snapper grouper species per year, generating at least, at an average price of \$2.15 (2007 dollars) per pound, dockside revenues of \$107,500. Vessels that operate in the snapper grouper fishery may also operate in other fisheries, the revenues of which cannot be determined with available data and are not reflected in these totals. Although a vessel that possesses a commercial snapper grouper permit can harvest any snapper-grouper species, not all permitted vessels or vessels that landed snapper grouper landed all of the six major species in this amendment. The following average number of vessels landed the subject species in 2003-2007: 292 for gag, 253 for vermilion snapper, 220 for red snapper, 237 for black sea bass, 323 for black grouper, and 402 for red grouper. Combining revenues from snapper grouper and other species on the same trip, the average revenue (2007 dollars) per vessel for vessels landing the subject species would be \$20,551 for gag, \$28,454 for vermilion snapper, \$22,168 for red snapper, \$19,034 for black sea bass, \$7,186 for black grouper, and \$17,164 for red grouper."

"For the period 2003-2007, an average of 1,635 vessels were permitted to operate in the snapper grouper for-hire fishery, of which 82 are estimated to have operated as headboats. Within the total number of vessels, 227 also possessed a commercial snapper grouper permit and would be included in the summary information provided on the commercial sector. The for-hire fleet is comprised of charterboats, which charge a fee on a vessel basis, and headboats, which charge a fee on an individual angler (head) basis. The charterboat annual average gross

¹³ The FWCC's seven Commissioners are appointed by the governor and confirmed by the Florida Senate to five-year terms. Their constitutional duty is to exercise the "...regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life and shall also exercise regulatory and executive powers of the state with respect to marine life, except that all license fees and penalties for violating regulations shall be as provided by law." See Florida Fish and Wildlife Conservation Commission, http://myfwc.com/ABOUT/About_commissioners.htm. (last visited March 08, 2010.) See also, Art. IV, § 9 Fla. Const.

revenue is estimated to range from approximately \$62,000-\$84,000 for Florida vessels, \$73,000-\$89,000 for North Carolina vessels, \$68,000-\$83,000 for Georgia vessels, and \$32,000-\$39,000 for South Carolina vessels. For headboats, the appropriate estimates are \$170,000-\$362,000 for Florida vessels, and \$149,000-\$317,000 for vessels in the other states.”

“The sudden reductions in allowable harvest being implemented for a wide range of species will reduce business income. Public testimony to date received by the Councils and NOAA Fisheries Service indicate that recreational charter businesses have been or expect to see reductions in business ranging from 25 to 60% because of the growing number of regulatory restrictions being implemented. Some fishing business owners have stated publicly that they will not be able to stay in business at all.”

“The short-term negative impacts to fishing and fishing industries could be severe. However, there are long term negative fiscal impacts associated with delaying or prolonging the rebuilding and recovery of targeted fisheries. As an example, the current projections for rebuilding the South Atlantic red snapper fishery indicate a doubling of the available harvest (landings) by 2020. This result is expected because fishing pressure will be reduced by about 80% immediately. As the fish population (stock) rebuilds it is expected that commercial and recreational fishermen will benefit from increased harvest allowances and higher average annual yields than are available now.”

“Fiscal estimates of the effects of the Act depend upon the management alternatives used, and the severity of those alternatives. For example, an extended closed season for an economically important species like red snapper would affect the for-hire sector (charter boats and head boats) who have a direct business connection to the availability of that species. Other economic factors, e.g. fuel sales, fishing tackle sales, would also be affected by restrictive management measures associated with rebuilding plans. Likewise, fishing closures have an effect on the availability of species that are commercially sold in the marketplace, and this could lead to that species being replaced in the market by imports or other species not under management.”¹⁴

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On February 17, 2010, the General Government Policy Council amended and passed HM 553.

The amendment deletes “of 2007” after the “Magnuson-Stevens Conservation and Management Act” to avoid confusion.

The amendment clarifies federal requirements for the implementation of annual catch limits and the deadlines for those catch limits.

¹⁴ HM 553 Bill Analysis, Florida Fish & Wildlife Conservation Commission (FWCC) 2010 Legislative Bill Analysis.

**PROPOSED SPECIAL ORDER LETTER
TO BE ADOPTED BY THE
RULES & CALENDAR COUNCIL
Tuesday, March 23, 2010**

Your Rules & Calendar Council herewith submits the **Special Order for Wednesday, March 31, 2010**. Consideration of the House bills on Special Orders shall include the Senate Companion measures on the House Calendar.

Please note that the *bold/italicized* bill numbers in this list have been reserved for the PCBs that were heard earlier today in the Full Appropriations Council on Education & Economic Development meeting. Once the PCBs are filed the bill numbers will be issued and available in Leagis, and reflected on the published Special Order letter.

I. Consideration of the following bills:

HB 5001 (PCB CEED 10-02)
General Appropriations Act

HB 5003 (PCB CEED 10-03)
Implementing the 2010-2011 General Appropriations Act

HB 5101 - PreK-12 Appropriations Committee, Flores
Prekindergarten through Grade 12 Education Funding

HB 5201 - State Universities & Private Colleges Appropriations Committee, Proctor
Postsecondary Education Funding

HB 5301 - Health Care Appropriations Committee, Grimsley
Medicaid Services

HB 5303 - Health Care Appropriations Committee, Grimsley
Agency for Persons with Disabilities

HB 5305 - Health Care Appropriations Committee, Grimsley
Child Welfare

HB 5307 - Health Care Appropriations Committee, Grimsley
Mental Health and Substance Abuse

HB 5309 - Health Care Appropriations Committee, Grimsley
Comprehensive Statewide Tobacco Education and Use Prevention Program

HB 5311 - Health Care Appropriations Committee, Grimsley
Department of Health

HB 5401 - Criminal & Civil Justice Appropriations Committee, Adams
Clerks of the Court

HB 5403 - Criminal & Civil Justice Appropriations Committee, Adams
Trust Funds

HB 5501 - Transportation & Economic Development Appropriations Committee, Glorioso
Department of Highway Safety and Motor Vehicles

HB 5503 - Transportation & Economic Development Appropriations Committee, Glorioso
Transportation Revenue

HB 5505 - Transportation & Economic Development Appropriations Committee, Glorioso
Supplemental Corporate Fee

HB 5601 - Government Operations Appropriations Committee, Hays
Department of Revenue Maps and Photographs

HB 5603 - Government Operations Appropriations Committee, Hays
Department of Financial Services

HB 5605 - Government Operations Appropriations Committee, Hays
Public Employees Relations Commission

HB 5607 - Government Operations Appropriations Committee, Hays
Retirement

HB 5611 - Government Operations Appropriations Committee, Hays
Department of Management Services

HB 5701 (PCB CEED 10-04)
Health Insurance Subsidies

HB 5703 (PCB CEED 10-05)
Retirement

HB 5705 (PCB CEED 10-06)
State Employees

HB 5707 (PCB CEED 10-07)
Florida Savings Fund

HB 5709 (PCB CEED 10-08)
Joint Legislative Organizations

HB 5711 (PCB CEED 10-10)
Joint Legislative Organizations

HB 5713 (PCB CEED 10-09)
Agency Travel

HB 5801 - Finance & Tax Council, Bogdanoff
Taxation

**PROPOSED
SPECIAL PROCEDURE FOR DEBATE ON THIRD READING OF THE
SPECIAL APPROPRIATIONS BILLS and
RELATED IMPLEMENTING AND CONFORMING LEGISLATION
ADOPTED BY THE
RULES & CALENDAR COUNCIL
Tuesday, March 23, 2010**

March 23, 2010

The Honorable Larry Cretul
Speaker, Florida House of Representatives
420 The Capitol
Tallahassee, FL 32399-1300

Dear Mr. Speaker,

The following report is submitted pursuant to Rule 10.11(c) for the purpose of establishing the procedures for debate on third reading of the GAA and related Implementing and Conforming Bills.

Final debate on third reading of the bills considered on the floor on April 1, 2010 shall be limited to no more than the time specified below, with the time equally divided between the Majority and Minority parties. From this allotted time, the Speaker's floor manager will open and close each bill. The floor manager shall designate time to open and close, not to exceed 5 minutes each, and communicate that time to the Clerk. After opening the bill, the floor managers from the Majority and Minority parties shall be alternately recognized until their time runs out. Time not utilized is lost.

The Minority Leader and the Speaker may each designate one floor manager. The floor managers may speak in debate and yield time to other Members to debate. Recognitions of floor managers must go through the Speaker. A Member may not be recognized more than once in debate on each bill.

No Member may be recognized for debate unless a floor manager yields time to that Member.

There will be no other debate on these bills on April 1, 2010.

The time limitations for the bills are as follows:

General Appropriations Bill 5001 (PCB CEED 10-02)	260 minutes (130 minutes per side)
All other GAA/implementing/conforming bills	3 minutes each bill

Sincerely,

Bill Galvano, Chair
Rules & Calendar Council