



Governmental Affairs Policy Committee

ACTION PACKET

**Wednesday, February 3, 2010
8:15 AM - 9:30 AM
306 HOB**

**Larry Cretul
Speaker**

**Robert C. "Rob" Schenck
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Governmental Affairs Policy Committee

Start Date and Time: Wednesday, February 03, 2010 08:15 am
End Date and Time: Wednesday, February 03, 2010 09:30 am
Location: 306 HOB
Duration: 1.25 hrs

Consideration of the following bill(s):

HB 123 Claims by Law Enforcement and Correctional Officers by Patterson

Consideration of the following proposed committee bill(s):

PCB GAP 10-01 -- Relating to Government Sponsored Health Insurance
PCB GAP 10-04 -- Relating to the Minority Business Certification Task Force

The above-referenced PCBs repeal statutory provisions that are obsolete, duplicative or otherwise unnecessary.

Presentation by the Florida Building Commission on the International Building Code and Building Code reform

Presentation by the Office of Program Policy Analysis & Government Accountability on its review of the Department of the Lottery pertaining to headquarters space leased by the department and advertising

NOTICE FINALIZED on 01/27/2010 15:28 by Ellinor.Martha

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

Summary:

Governmental Affairs Policy Committee

Wednesday February 03, 2010 08:15 am

HB 123	Favorable	Yeas: 11	Nays: 0
PCB GAP 10-01	Favorable	Yeas: 8	Nays: 3
PCB GAP 10-04	Favorable With Amendments (1)	Yeas: 11	Nays: 0

Committee meeting was reported out: Wednesday, February 03, 2010 11:41:04AM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Robert Schenck (Chair)	X		
Kevin Ambler	X		
Thomas Anderson	X		
Oscar Braynon II	X		
James Frishe	X		
Doug Holder	X		
Paige Kreegel	X		
Rick Kriseman	X		
Debbie Mayfield	X		
Charles McBurney	X		
Scott Randolph	X		
Kenneth Roberson	X		
Kelly Skidmore	X		
Totals:	13	0	0

Committee meeting was reported out: Wednesday, February 03, 2010 11:41:04AM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

HB 123 : Claims by Law Enforcement and Correctional Officers

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler				X	
Thomas Anderson	X				
Oscar Braynon II	X				
James Frishe	X				
Doug Holder	X				
Paige Kreegel	X				
Rick Kriseman	X				
Debbie Mayfield	X				
Charles McBurney	X				
Scott Randolph				X	
Kenneth Roberson	X				
Kelly Skidmore	X				
Robert Schenck (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

Claims by Law Enforcement and Correctional Officers
 David Murrell, Executive Director (Lobbyist) - Proponent
 Florida Police Benevolent Association
 300 E. Brevard St.
 Tallahassee FL 32301
 Phone: 850-222-3329

Claims by Law Enforcement and Correctional Officers
 Frank Messersmith (Lobbyist) - Proponent
 Florida Sheriffs Association
 2901 Lake Bradford
 Tallahassee FL 32310
 Phone: 850-576-5858

Claims by Law Enforcement and Correctional Officers
 Howard E. "Gene" Adams, Attorney (Lobbyist) - Proponent
 Florida Sheriffs Self Insurance Group
 215 South Monroe St., Suite 200
 Tallahassee FL 32301-1839
 Phone: 850-222-3533

Claims by Law Enforcement and Correctional Officers
 Sarrah Carroll, Legislative Advocate (Lobbyist) - Proponent
 Florida Association of Counties
 100 S. Monroe St.
 Tallahassee FL 32301
 Phone: 850-284-5993

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COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

Claims by Law Enforcement and Correctional Officers

Kraig Conn (Lobbyist) - Proponent

Florida League of Cities

301 S. Bronough

Tallahassee FL 32301

Phone: 850-222-9684

Committee meeting was reported out: Wednesday, February 03, 2010 11:41:04AM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

PCB GAP 10-01 : Relating to Government Sponsored Health Insurance

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler				X	
Thomas Anderson	X				
Oscar Braynon II		X			
James Frishe	X				
Doug Holder	X				
Paige Kreegel	X				
Rick Kriseman		X			
Debbie Mayfield	X				
Charles McBurney	X				
Scott Randolph				X	
Kenneth Roberson	X				
Kelly Skidmore		X			
Robert Schenck (Chair)	X				
Total Yeas: 8 Total Nays: 3					

Appearances:

Relating to Government Sponsored Health Insurance

David Faulkenberry, Deputy Secretary (Lobbyist) (State Employee) (At Request Of Chair) - Information Only

Department of Management Services
4050 Esplanade Way
Tallahassee FL 32399
Phone: 850-488-6285

Committee meeting was reported out: Wednesday, February 03, 2010 11:41:04AM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

PCB GAP 10-04 : Relating to the Minority Business Certification Task Force

Favorable With Amendments (1)

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler				X	
Thomas Anderson	X				
Oscar Braynon II	X				
James Frishe	X				
Doug Holder	X				
Paige Kreegel	X				
Rick Kriseman	X				
Debbie Mayfield	X				
Charles McBurney	X				
Scott Randolph				X	
Kenneth Roberson	X				
Kelly Skidmore	X				
Robert Schenck (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Committee meeting was reported out: Wednesday, February 03, 2010 11:41:04AM

Amendment No.

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 PCB: Governmental Affairs Policy
2 Committee

3 Representative Holder offered the following:

4
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Subsection (2) and paragraph (e) of subsection
8 (3) of section 287.0943, Florida Statutes, are amended to read:

9 287.0943 Certification of minority business enterprises.-

10 (2) (a) ~~The office is hereby directed to convene a~~
11 ~~"Minority Business Certification Task Force." The task force~~
12 ~~shall meet as often as necessary, but no less frequently than~~
13 ~~annually.~~

14 ~~(b) The task force shall be regionally balanced and~~
15 ~~comprised of officials representing the department, counties,~~
16 ~~municipalities, school boards, special districts, and other~~
17 ~~political subdivisions of the state who administer programs to~~
18 ~~assist minority businesses in procurement or development in~~
19 ~~government-sponsored programs. The following organizations may~~

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB GAP 10-04 (2010)

Amendment No.

20 ~~appoint two members each of the task force who fit the~~
21 ~~description above:~~

22 ~~1. The Florida League of Cities, Inc.~~

23 ~~2. The Florida Association of Counties.~~

24 ~~3. The Florida School Boards Association, Inc.~~

25 ~~4. The Association of Special Districts.~~

26 ~~5. The Florida Association of Minority Business Enterprise~~
27 ~~Officials.~~

28 ~~6. The Florida Association of Government Purchasing~~
29 ~~Officials.~~

30
31 ~~In addition, the Office of Supplier Diversity shall appoint~~
32 ~~seven members consisting of three representatives of minority~~
33 ~~business enterprises, one of whom should be a woman business~~
34 ~~owner, two officials of the office, and two at-large members to~~
35 ~~ensure balance. The chairperson of the Legislative Committee on~~
36 ~~Intergovernmental Relations or a designee shall be a member of~~
37 ~~the task force, ex officio. A quorum shall consist of one-third~~
38 ~~of the current members, and the task force may take action by~~
39 ~~majority vote. Any vacancy may only be filled by the~~
40 ~~organization or agency originally authorized to appoint the~~
41 ~~position.~~

42 ~~(c) The purpose of the task force will be to propose~~
43 ~~uniform criteria and procedures by which participating entities~~
44 ~~and organizations can qualify businesses to participate in~~
45 ~~procurement or contracting programs as certified minority~~
46 ~~business enterprises in accordance with the certification~~
47 ~~criteria established by law.~~

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB GAP 10-04 (2010)

Amendment No.

48 ~~(d) A final list of the criteria and procedures proposed~~
49 ~~by the task force shall be considered by the secretary. The task~~
50 ~~force may seek technical assistance from qualified providers of~~
51 ~~technical, business, and managerial expertise to ensure the~~
52 ~~reliability of the certification criteria developed.~~

53 ~~(a)(e)~~ In assessing the status of ownership and control,
54 certification criteria shall, at a minimum:

55 1. Link ownership by a minority person, as defined in s.
56 288.703(3), or as dictated by the legal obligations of a
57 certifying organization, to day-to-day control and financial
58 risk by the qualifying minority owner, and to demonstrated
59 expertise or licensure of a minority owner in any trade or
60 profession that the minority business enterprise will offer to
61 the state when certified. Businesses must comply with all state
62 licensing requirements prior to becoming certified as a minority
63 business enterprise.

64 2. If present ownership was obtained by transfer, require
65 the minority person on whom eligibility is based to have owned
66 at least 51 percent of the applicant firm for a minimum of 2
67 years, when any previous majority ownership interest in the firm
68 was by a nonminority who is or was a relative, former employer,
69 or current employer of the minority person on whom eligibility
70 is based. This requirement shall not apply to minority persons
71 who are otherwise eligible who take a 51-percent-or-greater
72 interest in a firm that requires professional licensure to
73 operate and who will be the qualifying licenseholder for the
74 firm when certified. A transfer made within a related immediate
75 family group from a nonminority person to a minority person in

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB GAP 10-04 (2010)

Amendment No.

76 order to establish ownership by a minority person shall be
77 deemed to have been made solely for purposes of satisfying
78 certification criteria and shall render such ownership invalid
79 for purposes of qualifying for such certification if the
80 combined total net asset value of all members of such family
81 group exceeds \$1 million. For purposes of this subparagraph, the
82 term "related immediate family group" means one or more children
83 under 16 years of age and a parent of such children or the
84 spouse of such parent residing in the same house or living unit.

85 3. Require that prospective certified minority business
86 enterprises be currently performing or seeking to perform a
87 useful business function. A "useful business function" is
88 defined as a business function which results in the provision of
89 materials, supplies, equipment, or services to customers. Acting
90 as a conduit to transfer funds to a nonminority business does
91 not constitute a useful business function unless it is done so
92 in a normal industry practice. As used in this section, the term
93 "acting as a conduit" means, in part, not acting as a regular
94 dealer by making sales of material, goods, or supplies from
95 items bought, kept in stock, and regularly sold to the public in
96 the usual course of business. Brokers, manufacturer's
97 representatives, sales representatives, and nonstocking
98 distributors are considered as conduits that do not perform a
99 useful business function, unless normal industry practice
100 dictates.

101 ~~(b)-(f)~~ When a business receives payments or awards
102 exceeding \$100,000 in one fiscal year, a review of its
103 certification status or an audit will be conducted within 2

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB GAP 10-04 (2010)

Amendment No.

104 years. In addition, random reviews or audits will be conducted
105 as deemed appropriate by the Office of Supplier Diversity.

106 ~~(c)-(g)~~ The certification criteria ~~approved by the task~~
107 ~~force and~~ adopted by the Department of Management Services shall
108 be included in a statewide and interlocal agreement as defined
109 in s. 287.09431 and, in accordance with s. 163.01, shall be
110 executed according to the terms included therein.

111 ~~(d)-(h)~~ The certification procedures should allow an
112 applicant seeking certification to designate on the application
113 form the information the applicant considers to be proprietary,
114 confidential business information. As used in this paragraph,
115 "proprietary, confidential business information" includes, but
116 is not limited to, any information that would be exempt from
117 public inspection pursuant to the provisions of chapter 119;
118 trade secrets; internal auditing controls and reports; contract
119 costs; or other information the disclosure of which would injure
120 the affected party in the marketplace or otherwise violate s.
121 286.041. The executor in receipt of the application shall issue
122 written and final notice of any information for which
123 noninspection is requested but not provided for by law.

124 ~~(e)-(i)~~ A business that is certified under the provisions
125 of the statewide and interlocal agreement shall be deemed a
126 certified minority enterprise in all jurisdictions or
127 organizations where the agreement is in effect, and that
128 business is deemed available to do business as such within any
129 such jurisdiction or with any such organization statewide. All
130 state agencies must accept minority business enterprises
131 certified in accordance with the statewide and interlocal

COUNCIL/COMMITTEE AMENDMENT

PCB Name: PCB GAP 10-04 (2010)

Amendment No.

132 agreement of s. 287.09431, and that business shall also be
133 deemed a "certified minority business enterprise" as defined in
134 s. 288.703. However, any governmental jurisdiction or
135 organization that administers a minority business purchasing
136 program may reserve the right to establish further certification
137 procedures necessary to comply with federal law.

138 ~~(j) The statewide and interlocal agreement shall be guided~~
139 ~~by the terms and conditions found therein and may be amended at~~
140 ~~any meeting of the task force and subsequently adopted by the~~
141 ~~secretary of the Department of Management Services. The amended~~
142 ~~agreement must be enacted, initialed, and legally executed by at~~
143 ~~least two-thirds of the certifying entities party to the~~
144 ~~existing agreement and adopted by the state as originally~~
145 ~~executed in order to bind the certifying entity.~~

146 ~~(k) The task force shall meet for the first time no later~~
147 ~~than 45 days after the effective date of this act.~~

148 (3)

149 (e) Any participating program receiving three or more
150 challenges to its certification decisions pursuant to subsection
151 (4) from other organizations that are executors to the statewide
152 and interlocal agreement, shall be subject to a review by the
153 office, as provided in paragraphs (a) and (b), of the
154 organization's capacity to perform under such agreement and in
155 accordance with the core criteria ~~established by the task force.~~
156 The office shall submit a report to the secretary of the
157 Department of Management Services regarding the results of the
158 review.

159 Section 2. This act shall take effect July 1, 2010.

Amendment No.

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

Remove the entire title and insert:

A bill to be entitled

An act relating to the Minority Business Certification Task
Force; amending s. 287.0943, F.S.; deleting provisions
establishing the Minority Business Certification Task Force;
deleting references to the Minority Business Certification Task
Force in the section; providing an effective date.

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

2/3/2010 8:15:00AM

Location: 306 HOB

Other Business Appearance:

Florida Building Commission on the International Building Code and Building Code reform
James Richmond, Deputy General Counsel, Department of Community Affairs (Lobbyist) (State Employee) (At Request Of Chair) - Information Only
The Florida Building Commission
2555 Shumard Oak Blvd.
Tallahassee FL 32399
Phone: 850-922-1675

Florida Building Commission on the International Building Code and Building Code reform
David Hart, VP Government Relations (Lobbyist) - Information Only
Florida Home Builders Association (FHBA)
201 E. Park
Tallahassee FL 32301
Phone: 850-224-4316

Office of Program Policy Analysis & Government Accountability on its review of the Department of the Lottery/headquarters
Sabrina Hartley, Chief Legislative Analyst (State Employee) (At Request Of Chair) - Information Only
OPPAGA
111 W. Madison, Suite 312
Tallahassee FL 32399
Phone: 850-487-9232

Office of Program Policy Analysis & Government Accountability on its review of the Department of the Lottery/headquarters
Mark Frederick, Senior Legislative Analyst (State Employee) (At Request Of Chair) - Information Only
OPPAGA
111 West Madison Street
Tallahassee FL 32399
Phone: 850-487-9251

Office of Program Policy Analysis & Government Accountability on its review of the Department of the Lottery/headquarters
Mark West, Senior Legislative Analyst (State Employee) (At Request Of Chair) - Information Only
OPPAGA
111 West Madison St.
Tallahassee FL 32399
Phone: 850-487-9166

Office of Program Policy Analysis & Government Accountability on its review of the Department of the Lottery/headquarters
Terry Perkins, Chief Administrative Officer (State Employee) - Information Only
Florida Lottery
250 Marriott Dr.
Tallahassee FL 32301
Phone: 850-487-7777

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