



Governmental Affairs Policy Committee

ACTION PACKET

**Wednesday, March 24, 2010
8:00 AM - 10:30 AM
306 House Office Building**

**Larry Cretul
Speaker**

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

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

Summary:

Governmental Affairs Policy Committee

Wednesday March 24, 2010 08:00 am

| | | | |
|----------------|-------------------------------------|----------|---------|
| HB 405 | Favorable With Committee Substitute | Yeas: 12 | Nays: 0 |
| HB 625 | Favorable With Committee Substitute | Yeas: 13 | Nays: 0 |
| HB 1075 | Favorable With Committee Substitute | Yeas: 13 | Nays: 0 |
| HB 1179 | Favorable | Yeas: 13 | Nays: 0 |
| HB 1401 | Favorable | Yeas: 13 | Nays: 0 |
| HB 1511 | Favorable | Yeas: 8 | Nays: 6 |
| HB 1565 | Favorable With Committee Substitute | Yeas: 14 | Nays: 0 |
| HB 1603 | Favorable | Yeas: 14 | Nays: 0 |
| PCB GAP 10-19 | Favorable | Yeas: 13 | Nays: 0 |
| PCB GAP 10-20 | Favorable | Yeas: 14 | Nays: 0 |
| PCB GAP 10-29 | Favorable With Amendments (1) | Yeas: 14 | Nays: 0 |
| PCS for HB 219 | Favorable | Yeas: 14 | Nays: 0 |

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

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 | | |
| Janet Cruz | 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: | 14 | 0 | 0 |

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 405 : Public Meetings

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|------------------------|-----|----------------------|---------|-----------------|-----------------|
| Kevin Ambler | | | X | | |
| Thomas Anderson | X | | | | |
| Oscar Braynon II | X | | | | |
| Janet Cruz | 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: 12 | | Total Nays: 0 | | | |

Appearances:

Public Meetings

Talbot "Sandy" D'Alemberte, Lawyer (Lobbyist) - Opponent
 Florida Press Association
 1117 Myers Park Drive
 Tallahassee FL 32301
 Phone: 850-325-6292

Public Meetings

Jorge Chamito, Attorney (Lobbyist) - Proponent
 City of Weston
 108 South Monroe
 Tallahassee FL 32301
 Phone: 850-681-0024

Public Meetings

Kraig Conn (Lobbyist) - Proponent
 Florida League of Cities
 301 S. Bronough
 Tallahassee FL 32301
 Phone: 850-222-9684

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

Amendment No.

CHAMBER ACTION

Senate

House

admitted 12/10

1 Representative(s) Kiar offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Subsection (8) of section 286.011, Florida
6 Statutes, is amended to read:

7 286.011 Public meetings and records; public inspection;
8 criminal and civil penalties.-

9 (8) (a) Notwithstanding ~~the provisions of~~ subsection (1),
10 any board or commission of any state agency or authority or any
11 agency or authority of any county, municipal corporation, or
12 political subdivision, and the chief administrative or executive
13 officer of the governmental entity, and the risk manager and
14 division heads of the governmental entity identified by the
15 chief administrative or executive officer as being involved in
16 pending litigation may meet in private with the entity's

Amendment No.

17 attorneys ~~attorney~~ to discuss pending litigation to which the
18 entity is presently a party before a court or administrative
19 agency, ~~if provided that the following conditions are met:~~

20 1. (a) The entity gives reasonable public notice of the
21 time and date of the attorney-client session and the names of
22 persons who will be attending the session.

23 2. The session commences as an open meeting at which the
24 person chairing the meeting announces the commencement and
25 estimated length of the attorney-client session and the names of
26 the persons attending.

27 3. The entity's attorney advises ~~shall advise~~ the entity
28 at ~~the~~ a public meeting that he or she desires advice concerning
29 the litigation, which advisory announcement may be made
30 immediately before the attorney-client session begins.

31 4. (b) The subject matter of the session is ~~meeting shall~~
32 be confined to settlement negotiations or strategy sessions
33 relating ~~related~~ to litigation expenditures.

34 5. A person who is an adverse party to the litigation is
35 not permitted to attend the attorney-client session.

36 6. (c) The entire session is ~~shall be~~ recorded by a
37 certified court reporter. The reporter shall record the times of
38 commencement and termination of the session, all discussion and
39 proceedings, the names of all persons present at any time, and
40 the names of all persons speaking. No portion of the session
41 shall be off the record. The court reporter's notes must ~~shall~~
42 be fully transcribed and filed with the entity's clerk within a
43 reasonable time after the meeting.

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44 ~~7.(d) The entity shall give reasonable public notice of~~
45 ~~the time and date of the attorney-client session and the names~~
46 ~~of persons who will be attending the session. The session shall~~
47 ~~commence at an open meeting at which the persons chairing the~~
48 ~~meeting shall announce the commencement and estimated length of~~
49 ~~the attorney-client session and the names of the persons~~
50 ~~attending.~~ At the conclusion of the attorney-client session, the
51 meeting is ~~shall be~~ reopened, and the person chairing the
52 meeting announces ~~shall announce~~ the termination of the
53 attorney-client session.

54 ~~8.(e) The transcript is~~ is ~~shall be~~ made part of the public
55 record upon conclusion of the litigation.

56 9. A person in attendance at the attorney-client session
57 agrees not to disclose any part of the discussion that took
58 place during the session until the conclusion of the litigation
59 unless ordered by the court.

60 (b) This subsection is subject to the Open Government
61 Sunset Review Act in accordance with s. 119.15 and shall stand
62 repealed on October 2, 2015, unless reviewed and saved from
63 repeal through reenactment by the Legislature.

64 Section 2. The Legislature finds that it is a public
65 necessity to expand the current public meeting exemption for
66 those meetings wherein any board or commission of any state
67 agency or authority or any agency or authority of any county,
68 municipal corporation, or political subdivision, and the chief
69 administrative or executive officer of the governmental entity,
70 may meet in private with the entity's attorneys attorney to
71 discuss pending litigation to which the entity is presently a

Amendment No.

72 party before a court or administrative agency. The Legislature
73 finds that it is a public necessity to exclude from those
74 attorney-client sessions any person who is an adverse party to
75 the litigation. If such person was authorized to attend the
76 closed attorney-client session, then that person would be privy
77 to attorney-client discussions, thus providing that person with
78 an advantage in the litigation process. Allowing such person to
79 attend discussions regarding settlement negotiations and
80 litigation strategies places the public body at a disadvantage
81 in the judicial and administrative process. Further, the
82 Legislature finds that it is a public necessity to prohibit a
83 person from attending a closed attorney-client session if that
84 person does not agree to the nondisclosure restriction provided
85 in the act. If a person attending a closed attorney-client
86 session discloses any part of the discussion that took place
87 during such session prior to conclusion of the litigation or
88 unless ordered by the court, then that person places the public
89 body at a disadvantage with the adverse party by revealing
90 litigation strategies. As such, the Legislature finds that it is
91 a public necessity to prohibit a person who is an adverse party
92 to litigation from attending closed attorney-client sessions and
93 to prohibit a person from attending such sessions if that person
94 does not agree to the nondisclosure requirements created by the
95 act in order to ensure a public body is treated fairly as part
96 of the judicial and administrative process.

97 Section 3. This act shall take effect upon becoming a law.
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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 public meetings; amending s. 286.011,
F.S.; expanding persons authorized to attend a private
meeting between a governmental entity and the entity's
attorneys to discuss pending litigation to which the
governmental entity is a party before a court or
administrative agency; revising and providing additional
conditions precedent to such private meetings; providing
for future legislative review and repeal of the exemption;
providing a statement of public necessity; providing an
effective date.

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 625 : Voter Information Cards

Favorable With Committee Substitute

| | <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 | | | | |
| Janet Cruz | 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: 13 | | Total Nays: 0 | | | |

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 625 (2010)

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 bill: Governmental Affairs Policy
2 Committee

3 Representative Gibson offered the following:

4
5 **Amendment**

6 Remove lines 41-44 and insert:
7 this act for any elector who registers to vote or who is issued
8 a new voter information card pursuant to s. 97.071(2) or (3),
9 Florida Statutes, after September 1, 2010.

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 1075 : Recertification of Minority Business Enterprises

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|------------------------|-----|----------------------|---------|-----------------|-----------------|
| Kevin Ambler | | | X | | |
| Thomas Anderson | X | | | | |
| Oscar Braynon II | X | | | | |
| Janet Cruz | 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: 13 | | Total Nays: 0 | | | |

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1075 (2010)

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 bill: Governmental Affairs Policy
2 Committee

3 Representative Braynon offered the following:
4

5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (m) of subsection (4) of section
8 287.09451, Florida Statutes, is amended to read:

9 287.09451 Office of Supplier Diversity; powers, duties,
10 and functions.—

11 (4) The Office of Supplier Diversity shall have the
12 following powers, duties, and functions:

13 (m) To certify minority business enterprises, as defined
14 in s. 288.703, and as specified in ss. 287.0943 and 287.09431,
15 and shall recertify such minority businesses at least once every
16 2 years. Minority business enterprises must be recertified at
17 least once every 2 years ~~by affidavit.~~ Such certifications may
18 include an electronic signature.

19 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:

An act relating to the Office of Supplier diversity of the Department of Management Services; amending s. 287.09451, F.S.; deleting the requirement for affidavits in certifications of minority business enterprises; providing that certifications may be signed electronically; providing an effective date.

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 1179 : Electronic Documents Recorded in the Official Records

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 | | | | |
| Janet Cruz | 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: 13 | | Total Nays: 0 | | | |

Appearances:

Electronic Documents Recorded in the Official Records
 William F. Hutchinson - Proponent
 1323 Edgewater Point Drive
 Sebring FL 33870
 Phone: 863-381-5034 or 863-382-1747

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 1401 : Export of Goods, Commodities, & Things of Value to Foreign Countries

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 | | | | |
| Janet Cruz | 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: 13 | | Total Nays: 0 | | | |

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 1511 : Effective Public Notices by Governmental Entities

| | <input checked="" type="checkbox"/> Favorable | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|------------------------|---|----------------------|----------------------|---------|-----------------|-----------------|
| Kevin Ambler | | X | | | | |
| Thomas Anderson | | X | | | | |
| Oscar Braynon II | | | X | | | |
| Janet Cruz | | | 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: 6 | | | |

Appearances:

Effective Public Notices by Government Entities
 William F. Hutchinson III - Proponent
 1323 Edgewater Point
 Sebring FL 33870
 Phone: 863-381-5034 or 863-382-1747

Effective Public Notices by Government Entities
 Carol McCormack, Mayor - Proponent
 Town - League of Cities
 5030 Paul Hurtt Lane
 Palm Shores FL 32940
 Phone: 321-242-4555

Effective Public Notices by Government Entities
 Tammie Barfield, General Manager - Opponent
 The Wakulla News
 3119 Crawfordville Rd.
 Crawfordville FL 32327
 Phone: 850-926-7102

Effective Public Notices by Government Entities
 Patrick Dorsey, President & Publisher - Opponent
 Tallahassee Democrat
 9694 Deer Valley Dr.
 Tallahassee FL 32312
 Phone: 850-570-0030

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COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

Effective Public Notices by Government Entities
Dean Ridings, President & CEO - Opponent
Florida Press Association
336 E. College Ave., Ste. 203
Tallahassee FL
Phone: 850-521-1162

Effective Public Notices by Government Entities
Kraig Conn (Lobbyist) - Proponent
Florida League of Cities
301 S. Bronough
Tallahassee FL 32301
Phone: 850-222-9684

Effective Public Notices by Government Entities
Sarrah Carroll, Legislative Advocate (Lobbyist) - Proponent
Florida Association of Counties
P.O. Box 549
Tallahassee FL 32302
Phone: 850-922-4300

Effective Public Notices by Government Entities
Jorge Chamizo, Attorney (Lobbyist) - Proponent
City of Weston
108 South Monroe Street
Tallahassee FL 32301
Phone: 850-681-0024

Effective Public Notices by Government Entities
Talbot "Sandy" D'Alemberto, Lawyer (Lobbyist) - Opponent
Florida Press Association
1117 Myers Park Drive
Tallahassee FL 32301
Phone: 850-325-6292

Effective Public Notices by Government Entities
Keyna Cory, Senior Lobbyist (Lobbyist) - Opponent
Associated Industries of FL
110 East College Ave.
Tallahassee FL 32301
Phone: 850-681-1065

Effective Public Notices by Government Entities
Wayne Malaney (Lobbyist) - Opponent
Bailey Publishing, American Lawyer Media
P.O. Box 12514
Tallahassee FL 32317
Phone: 850-906-0951

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

Effective Public Notices by Government Entities

Jack Cory, V.P. (Lobbyist) - Opponent

120 E. College Ave.

Tallahassee FL

Phone: 850-893-0995

Effective Public Notices by Government Entities

Matthew Meadows, Former Senator & State Rep - Opponent

Keep the Public Notice Coalition

4380 N.W.

Lauderhill FL 33313

Phone: 954-303-5791

Effective Public Notices by Government Entities

Georgia Phillips, Councilwoman - Proponent

City of Rockledge/Fla. League of Cities

856 Westport Dr.

Rockledge FL 32955

Phone: 321-626-3114

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 1565 : Rulemaking

Favorable With Committee Substitute

| | Yea | Nay | No Vote | Absentee Yea | Absentee Nay |
|------------------------|-----|----------------------|---------|-----------------|-----------------|
| Kevin Ambler | X | | | | |
| Thomas Anderson | X | | | | |
| Oscar Braynon II | X | | | | |
| Janet Cruz | 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: 14 | | Total Nays: 0 | | | |

Appearances:

Rulemaking

Adam Babington, Director of Governmental Affairs (Lobbyist) - Proponent
 Florida Chamber of Commerce
 136 S. Bronough St.
 Tallahassee FL 32301
 Phone: 850-521-1224

Rulemaking

Diana Ferguson, Legislative Staff Attorney (Lobbyist) - Proponent
 Fl. Assoc. of Counties
 100 S. Monroe St.
 Tallahassee FL 32308
 Phone: 850-922-4300

Rulemaking

Keyna Cory (Lobbyist) - Proponent
 self
 110 E. College Ave.
 Tallahassee FL 32301
 Phone: 850-681-1065

Rulemaking

David Hart, VP Gov't Affairs (Lobbyist) - Proponent
 Fl. Home Builders Assoc.
 201 E. Park Ave.
 Tallahassee FL 32301
 Phone: 850-224-4316

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

Rulemaking

Bill Hunter, President (Lobbyist) - Proponent

307 W. Park Ave., Suite 214

Tallahassee FL 32301

Phone: 850-681-2176

Rulemaking

Tim Stanfield (Lobbyist) - Proponent

301 S. Bronough

Tallahassee FL 32301

Phone: 850-222-9684

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1565 (2010)

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 bill: Governmental Affairs Policy
2 Committee
3 Representative(s) Dorworth offered the following:
4

Amendment (with title amendment)

6 Remove everything after the enacting clause and insert:

7 Section 1. Paragraph (b) of subsection (3) of section
8 120.54, Florida Statutes, is amended to read:

9 120.54 Rulemaking.—

10 (3) ADOPTION PROCEDURES.—

11 (b) Special matters to be considered in rule adoption.—

12 1. Statement of estimated regulatory costs.—Prior to the
13 adoption, amendment, or repeal of any rule other than an
14 emergency rule, an agency shall ~~is encouraged to~~ prepare a
15 statement of estimated regulatory costs of the proposed rule, as
16 provided by s. 120.541. The failure of the agency to prepare the
17 statement of estimated regulatory costs as provided in this
18 section is a material failure to follow the applicable
19 rulemaking procedures or requirements set forth in this chapter.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1565 (2010)

Amendment No.

20 ~~However, an agency shall prepare a statement of estimated~~
21 ~~regulatory costs of the proposed rule, as provided by s.~~
22 ~~120.541, if the proposed rule will have an impact on small~~
23 ~~business.~~

24 2. Small businesses, small counties, and small cities.—

25 a. Each agency, before the adoption, amendment, or repeal
26 of a rule, shall consider the impact of the rule on small
27 businesses as defined by s. 288.703 and the impact of the rule
28 on small counties or small cities as defined by s. 120.52.
29 Whenever practicable, an agency shall tier its rules to reduce
30 disproportionate impacts on small businesses, small counties, or
31 small cities to avoid regulating small businesses, small
32 counties, or small cities that do not contribute significantly
33 to the problem the rule is designed to address. An agency may
34 define "small business" to include businesses employing more
35 than 200 persons, may define "small county" to include those
36 with populations of more than 75,000, and may define "small
37 city" to include those with populations of more than 10,000, if
38 it finds that such a definition is necessary to adapt a rule to
39 the needs and problems of small businesses, small counties, or
40 small cities. The agency shall consider each of the following
41 methods for reducing the impact of the proposed rule on small
42 businesses, small counties, and small cities, or any combination
43 of these entities:

44 (I) Establishing less stringent compliance or reporting
45 requirements in the rule.

46 (II) Establishing less stringent schedules or deadlines in
47 the rule for compliance or reporting requirements.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 1565 (2010)

Amendment No.

48 (III) Consolidating or simplifying the rule's compliance
49 or reporting requirements.

50 (IV) Establishing performance standards or best management
51 practices to replace design or operational standards in the
52 rule.

53 (V) Exempting small businesses, small counties, or small
54 cities from any or all requirements of the rule.

55 b.(I) If the agency determines that the proposed action
56 will affect small businesses as defined by the agency as
57 provided in sub-subparagraph a., the agency shall send written
58 notice of the rule to the Small Business Regulatory Advisory
59 Council and the Office of Tourism, Trade, and Economic
60 Development not less than 28 days prior to the intended action.

61 (II) Each agency shall adopt those regulatory alternatives
62 offered by the Small Business Regulatory Advisory Council and
63 provided to the agency no later than 21 days after the council's
64 receipt of the written notice of the rule which it finds are
65 feasible and consistent with the stated objectives of the
66 proposed rule and which would reduce the impact on small
67 businesses. When regulatory alternatives are offered by the
68 Small Business Regulatory Advisory Council, the 90-day period
69 for filing the rule in subparagraph (e)2. is extended for a
70 period of 21 days.

71 (III) If an agency does not adopt all alternatives offered
72 pursuant to this sub-subparagraph, it shall, prior to rule
73 adoption or amendment and pursuant to subparagraph (d)1., file a
74 detailed written statement with the committee explaining the
75 reasons for failure to adopt such alternatives. Within 3 working

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76 days of the filing of such notice, the agency shall send a copy
77 of such notice to the Small Business Regulatory Advisory
78 Council. The Small Business Regulatory Advisory Council may make
79 a request of the President of the Senate and the Speaker of the
80 House of Representatives that the presiding officers direct the
81 Office of Program Policy Analysis and Government Accountability
82 to determine whether the rejected alternatives reduce the impact
83 on small business while meeting the stated objectives of the
84 proposed rule. Within 60 days after the date of the directive
85 from the presiding officers, the Office of Program Policy
86 Analysis and Government Accountability shall report to the
87 Administrative Procedures Committee its findings as to whether
88 an alternative reduces the impact on small business while
89 meeting the stated objectives of the proposed rule. The Office
90 of Program Policy Analysis and Government Accountability shall
91 consider the proposed rule, the economic impact statement, the
92 written statement of the agency, the proposed alternatives, and
93 any comment submitted during the comment period on the proposed
94 rule. The Office of Program Policy Analysis and Government
95 Accountability shall submit a report of its findings and
96 recommendations to the Governor, the President of the Senate,
97 and the Speaker of the House of Representatives. The
98 Administrative Procedures Committee shall report such findings
99 to the agency, and the agency shall respond in writing to the
100 Administrative Procedures Committee if the Office of Program
101 Policy Analysis and Government Accountability found that the
102 alternative reduced the impact on small business while meeting
103 the stated objectives of the proposed rule. If the agency will

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104 not adopt the alternative, it must also provide a detailed
105 written statement to the committee as to why it will not adopt
106 the alternative.

107 Section 2. Section 120.541, Florida Statutes, is amended
108 to read:

109 120.541 Statement of estimated regulatory costs.—

110 (1) (a) A substantially affected person, within 21 days
111 after publication of the notice provided under s. 120.54(3) (a),
112 may submit to an agency a good faith written proposal for a
113 lower cost regulatory alternative to a proposed rule which
114 substantially accomplishes the objectives of the law being
115 implemented. The proposal may include the alternative of not
116 adopting any rule, so long as the proposal explains how the
117 lower costs and objectives of the law will be achieved by not
118 adopting any rule. If such a proposal is submitted, the 90-day
119 period for filing the rule is extended 21 days.

120 (b) Upon the submission of the lower cost regulatory
121 alternative, the agency ~~shall prepare a statement of estimated~~
122 ~~regulatory costs as provided in subsection (2),~~ or shall revise
123 its prior statement of estimated regulatory costs, and either
124 adopt the alternative or give a statement of the reasons for
125 rejecting the alternative in favor of the proposed rule. The
126 failure of the agency to prepare or revise the statement of
127 estimated regulatory costs as provided in this paragraph is a
128 material failure to follow the applicable rulemaking procedures
129 or requirements set forth in this chapter. An agency required to
130 prepare or revise a statement of estimated regulatory costs as
131 provided in this paragraph shall make it available to the person

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132 who submits the lower cost regulatory alternative and to the
133 public prior to filing the rule for adoption.

134 ~~(c) No rule shall be declared invalid because it imposes~~
135 ~~regulatory costs on the regulated person, county, or city which~~
136 ~~could be reduced by the adoption of less costly alternatives~~
137 ~~that substantially accomplish the statutory objectives, and no~~
138 ~~rule shall be declared invalid based upon a challenge to the~~
139 ~~agency's statement of estimated regulatory costs, unless:~~

140 ~~1. The issue is raised in an administrative proceeding~~
141 ~~within 1 year after the effective date of the rule; and~~

142 ~~2. The substantial interests of the person challenging the~~
143 ~~agency's rejection of, or failure to consider, the lower cost~~
144 ~~regulatory alternative are materially affected by the rejection;~~
145 ~~and~~

146 ~~3.a. The agency has failed to prepare or revise the~~
147 ~~statement of estimated regulatory costs as required by paragraph~~
148 ~~(b); or~~

149 ~~b. The challenge is to the agency's rejection under~~
150 ~~paragraph (b) of a lower cost regulatory alternative submitted~~
151 ~~under paragraph (a).~~

152 (2) A statement of estimated regulatory costs shall
153 include:

154 (a) An economic analysis showing whether the rule:

155 1. Creates a regulatory environment that could impede or
156 hinder economic growth and private-sector job creation;

157 2. Expands the growth of state government, where not
158 recognized by the enabling statute;

159 3. Increases regulatory costs to small businesses; and

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160 4. Is likely to adversely impact private-sector job
161 creation or result in higher unemployment.

162 (b) A good faith estimate of the number of individuals and
163 entities likely to be required to comply with the rule, together
164 with a general description of the types of individuals likely to
165 be affected by the rule.

166 (c)~~(b)~~ A good faith estimate of the cost to the agency,
167 and to any other state and local government entities, of
168 implementing and enforcing the proposed rule, and any
169 anticipated effect on state or local revenues.

170 (d)~~(e)~~ A good faith estimate of the transactional costs
171 likely to be incurred by individuals and entities, including
172 local government entities, required to comply with the
73 requirements of the rule. As used in this paragraph,
174 "transactional costs" are direct costs that are readily
175 ascertainable based upon standard business practices, and
176 include filing fees, the cost of obtaining a license, the cost
177 of equipment required to be installed or used or procedures
178 required to be employed in complying with the rule, additional
179 operating costs incurred, and the cost of monitoring and
180 reporting.

181 (e)~~(d)~~ An analysis of the impact on small businesses as
182 defined by s. 288.703, and an analysis of the impact on small
183 counties and small cities as defined by s. 120.52.

184 (f)~~(e)~~ Any additional information that the agency
185 determines may be useful.

186 (g)~~(f)~~ In the statement or revised statement, whichever
187 applies, a description of any good faith written proposal

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188 submitted under paragraph (1)(a) and either a statement adopting
189 the alternative or a statement of the reasons for rejecting the
190 alternative in favor of the proposed rule.

191 (3) The committee shall determine whether any statement of
192 estimated regulatory costs prepared by an agency complies with
193 subsection (2). If the evidence shows that a proposed rule will
194 create a regulatory environment that impedes or hinders economic
195 growth and private-sector job creation, expand the growth of
196 state government where not anticipated by the enabling statute,
197 increase the regulatory costs to small businesses, or is likely
198 to adversely impact private-sector job creation or result in
199 higher unemployment, the rule may not take effect until it is
200 submitted to the Legislature for review at the next regularly
201 scheduled session. The Legislature may reject, modify, or take
202 no action relative to the rule. If the Legislature takes no
203 action, the rule will take effect upon sine die.

204 (4) Subsection (2) (a) shall not apply to the adoption of
205 emergency rules.

206 Section 3. This act shall take effect July 1, 2010.

207

208

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

210 Remove the entire title and insert:

211 An act relating to rulemaking; amending s. 120.54, F.S.;

212 requiring each agency, before adopting, amending, or repealing a

213 rule, to prepare a statement of estimated regulatory costs of

214 the proposed rule; providing that failure to prepare such

215 statement is a material failure to follow applicable rulemaking

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216 | procedures; amending s. 120.541, F.S.; requiring an agency to
217 | revise its statement of estimated regulatory costs upon
218 | submission of a lower cost regulatory alternative; removing the
219 | requirement that a rule be declared invalid if it imposes
220 | regulatory costs on certain persons or entities provided a less
221 | costly alternative exists; revising the required information
222 | that must be included in a statement of estimated regulator
223 | costs; requiring the Joint Administrative Procedures Committee
224 | to determine whether any statement of estimated regulatory costs
225 | complies with certain requirements; prohibiting a rule from
226 | taking effect until it is submitted to the Legislature for
227 | review if the rule creates certain impediments or hindrances;
228 | allowing the Legislature to reject, modify, or take no action
229 | relative to a rule; providing a time certain for a rule to take
230 | effect if the Legislature takes no action; providing that the
231 | act is not applicable to certain specified rules; providing an
232 | effective date.

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

HB 1603 : Florida State Employees' Charitable Campaign

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 | | | | |
| Janet Cruz | 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: 14 | | Total Nays: 0 | | | |

Appearances:

Florida State Employees' Charitable Campaign

Gwen Cooper, CEO Community Health Charities (Lobbyist) - Proponent

Community Health Charities, Earth Share, Global Impact Neighbor to Nation, Indep.
Charities&America'

3333 W. Pensacola St. #240

Tallahassee FL 32304

Phone: 850-933-9206

Florida State Employees' Charitable Campaign

Ted Granger, President (Lobbyist) - Opponent

United Way of Florida

307 E 7th Ave.

Tallahassee FL 32303

Phone: 850-488-8276

Florida State Employees' Charitable Campaign

Ken Armstrong, President - Opponent

United Way of the Big Bend

307 E. 7th Ave.

Tallahassee FL 32303

Phone: 850-414-0844

Florida State Employees' Charitable Campaign

Bob Henriquez, Florida State Emp. Char. Camp. (Lobbyist) (State Employee) - Information Only
self

1535 W. Parle Ln.

Tampa FL 33603

Phone: 813-546-5330

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

PCB GAP 10-19 : OGSR Voluntary Prekindergarten

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 | | | | |
| Janet Cruz | 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: 13 | | Total Nays: 0 | | | |

Appearances:

OGSR Voluntary Prekindergarten
 William F. Hutchinson - Proponent
 1323 Edgewater Point Drive
 Sebring FL 33870
 Phone: 863-381-5034 or 863-382-1747

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

PCB GAP 10-20 : OGSR H. Lee Moffitt Cancer Center and Research Institute

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 | | | | |
| Janet Cruz | 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: 14 | | Total Nays: 0 | | | |

Appearances:

OGSR H. Lee Moffitt Cancer Center and Research Institute
 Mark Herron (Lobbyist) - Information Only
 Moffitt Cancer Center
 2618 Centennial Place
 Tallahassee FL 32308
 Phone: 850-222-0720

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

PCB GAP 10-29 : Professional Sports Franchises

Favorable With Amendments (1)

| | <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 | | | | |
| Janet Cruz | 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: 14 Total Nays: 0 | | | | | |

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COUNCIL/COMMITTEE AMENDMENT
Bill No. PCB GAP 10-29(2010)

Amendment No. 1

| <u>COUNCIL/COMMITTEE ACTION</u> | |
|---------------------------------|---|
| ADOPTED | <input checked="" type="checkbox"/> (Y/N) |
| ADOPTED AS AMENDED | <input type="checkbox"/> (Y/N) |
| ADOPTED W/O OBJECTION | <input type="checkbox"/> (Y/N) |
| FAILED TO ADOPT | <input type="checkbox"/> (Y/N) |
| WITHDRAWN | <input type="checkbox"/> (Y/N) |
| OTHER | <input type="checkbox"/> |

1 Council/Committee hearing bill: Governmental Affairs Policy
2 Committee
3 Representative Schenck offered the following:

4

5 **Amendment**

6 Remove line 544 and insert:
7 prior to the effective date of this act or with an applicant

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

PCS for HB 219 : Immigration

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 | | | | |
| Janet Cruz | 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: 14 | | Total Nays: 0 | | | |

Appearances:

Immigration

Tom F. Hutchinson III - Proponent
 1323 Edgewater Point Drive
 Sebring FL 33870
 Phone: 863-381-5034 or 863-382-1747

Immigration

Courtenay Strickland, Dir. of Public Policy (Lobbyist) - Opponent
 ACLU of Florida
 4500 Biscayne Blvd., #340
 Miami FL 33137
 Phone: 305-457-5422

Immigration

Richard Watson, Legislative Counsel (Lobbyist) - Opponent
 Assoc. Bldrs. & Contractors of FL
 P.O. Box 10038
 Tallahassee FL 32302
 Phone: 850-222-0000

Immigration

Mr. Gary Blackall (General Public) - Information Only
 2978 St. Stevens Dr.
 Tallahassee FL 32312
 Phone: 850-544-2339

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM

COMMITTEE MEETING REPORT
Governmental Affairs Policy Committee

3/24/2010 8:00:00AM

Location: 306 HOB

Immigration

L.W. (Dub) Fowler (Lobbyist) - Proponent

Fla. AFL-CIO

135 S. Monroe St.

Tallahassee FL 32301

Phone: 850-224-6926

Immigration

Janet Renner, Florida Voter/resident - Proponent

Floridians for Immigration Enforcement

1065 Borghese Ln.

Naples FL 34114

Phone: 636-256-7774

Committee meeting was reported out: Wednesday, March 24, 2010 1:04:43PM