



**RULEMAKING OVERSIGHT
&
REPEAL
SUBCOMMITTEE
MEETING**

**Wednesday, March 11, 2015
10:00 a.m. – 12:00 p.m.**

306 House Office Building

ACTION PACKET

Steve Crisafulli
Speaker

Lake Ray
Chair

COMMITTEE MEETING REPORT
Rulemaking Oversight & Repeal Subcommittee
3/11/2015 10:00:00AM

Location: 306 HOB

Summary:

Rulemaking Oversight & Repeal Subcommittee

Wednesday March 11, 2015 10:00 am

HB 985	Favorable With Committee Substitute	Yeas: 12	Nays: 0
	Amendment 061655 Adopted Without Objection		
	Amendment 181475 Adopted Without Objection		
	Amendment 251743 Adopted Without Objection		
HB 1013	Favorable	Yeas: 12	Nays: 0
PCB RORS 15-03	Favorable	Yeas: 11	Nays: 0
PCB RORS 15-04	Favorable	Yeas: 12	Nays: 0
PCS for HB 435	Favorable	Yeas: 12	Nays: 0

Committee meeting was reported out: Wednesday, March 11, 2015 3:59:59PM

COMMITTEE MEETING REPORT
Rulemaking Oversight & Repeal Subcommittee
3/11/2015 10:00:00AM

Location: 306 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Lake Ray (Chair)	X		
Halsey Beshears	X		
Daniel Burgess, Jr.	X		
Daphne Campbell	X		
Robert Cortes	X		
Fred Costello	X		
Dane Eagle	X		
Eric Eisnaugle	X		
Heather Fitzenhagen	X		
Charles McBurney	X		
David Richardson	X		
Hazelle Rogers	X		
Barbara Watson	X		
Totals:	13	0	0

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COMMITTEE MEETING REPORT
Rulemaking Oversight & Repeal Subcommittee

3/11/2015 10:00:00AM

Location: 306 HOB

HB 985 : Maintenance of Agency Final Orders

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Halsey Beshears	X				
Daniel Burgess, Jr.	X				
Daphne Campbell	X				
Robert Cortes	X				
Fred Costello	X				
Dane Eagle	X				
Eric Eisnaugle	X				
Heather Fitzenhagen	X				
Charles McBurney	X				
David Richardson	X				
Hazelle Rogers			X		
Barbara Watson	X				
Lake Ray (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 985 Amendments

Amendment 061655

Adopted Without Objection

Amendment 181475

Adopted Without Objection

Amendment 251743

Adopted Without Objection

Appearances:

Cohen, Robert (Lobbyist) (State Employee) - Proponent
 Division of Administrative Hearings
 1230 Apalachee Pky DeSoto Bldg
 Tallahassee FL 32399-3060
 Phone: (850)488-9675

Daniel Nordby - Proponent
 Administrative Law Section of Florida Bar
 215 South Monroe Street, Suite 804
 Tallahassee Florida 32301
 Phone: 850-521-0600

Committee meeting was reported out: **Wednesday, March 11, 2015 3:59:59PM**



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Rulemaking Oversight &
 2 Repeal Subcommittee
 3 Representative Eisnaugle offered the following:
 4

Amendment

6 Remove lines 27-37 and insert:

7 Section 1. Subsection (3) of section 119.021, Florida
 8 Statutes, is amended to read:

9 119.021 Custodial requirements; maintenance, preservation,
 10 and retention of public records.-

11 ~~(3) Agency orders that comprise final agency action and~~
 12 ~~that must be indexed or listed~~ Agency final orders rendered
 13 before July 1, 2015, that were indexed or listed pursuant to s.
 14 120.53; and agency final orders rendered after July 1, 2015,
 15 that must be listed or copies of which must be transmitted to
 16 the Division of Administrative Hearings pursuant to s. 120.53
 17 have continuing legal significance; therefore, notwithstanding



COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 985 (2015)

Amendment No. 1

18 any other provision of this chapter or any provision of chapter
19 257, each agency shall permanently maintain records of such
20 orders pursuant to the applicable rules of the Department of
21 State.
22



Amendment No. 2

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Rulemaking Oversight &
2 Repeal Subcommittee
3 Representative Eisnaugle offered the following:
4

Amendment

5
6 Remove line 44 and insert:
7 electronically transmit a certified text-searchable copy of each
8 final

9 Remove line 116 and insert:
10 centralized electronic database certified copies of all of the
11 final orders that



Amendment No. 3

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Rulemaking Oversight &
 2 Repeal Subcommittee
 3 Representative Eisnaugle offered the following:

Amendment (with title amendment)

Remove lines 215-221 and insert:

Section 3. Section 120.533, Florida Statutes, is amended to read:

120.533 Coordination of transmitting, indexing, and listing of final orders by Department of State.—The Department of State shall:

(1) Administer the coordination of the transmitting, indexing, management, preservation, and availability of agency orders that must be transmitted, indexed or listed pursuant to s. 120.53 s. ~~120.53(1)~~.

(2) Provide, ~~by rule,~~ guidelines for the indexing of agency orders. More than one system for indexing may be approved



Amendment No. 3

18 by the Department of State, including systems or methods in use,
19 or proposed for use, by an agency. More than one system may be
20 approved for use by a single agency as best serves the needs of
21 that agency and the public.

22 (3) ~~Provide, by rule,~~ for storage and retrieval systems to
23 be maintained by agencies for indexing, and making available,
24 agency orders by subject matter that must be maintained pursuant
25 to s. 120.53(5). The Department of State may ~~approve~~ authorize
26 more than one system, including systems in use, ~~or proposed for~~
27 ~~use,~~ by an agency. Storage and retrieval systems that may be
28 used by an agency include, without limitation, a designated
29 reporter or reporters, a microfilming system, an automated
30 system, or any other system considered appropriate by the
31 Department of State.

32 (4) Provide standards and guidelines for the certification
33 and electronic transmittal of copies of final agency orders to
34 the division as required pursuant to s. 120.53, and coordinate
35 and provide standards and guidelines for the security of
36 transmittal to and maintenance of orders in the electronic
37 database maintained by the division for the purposes described
38 in s. 120.53(1), sufficient to assure the integrity and
39 authenticity of information publicly accessible through the
40 database.

41 (5) Determine which final orders must be indexed, or
42 transmitted for each agency.



Amendment No. 3

43 ~~(5)~~(6) Require each agency to report to the department
44 concerning which types or categories of agency orders establish
45 precedent for each agency.

46 (7) The Department of State may adopt rules necessary to
47 administer its responsibilities under this section, which shall
48 be binding on all agencies including the division acting in a
49 capacity as official compiler of administrative final orders
50 under s. 120.53, notwithstanding s. 120.65. The Department of
51 State may provide for an alternative official compiler to manage
52 and operate the division's database and related services in the
53 event that the Administration Commission determines that the
54 performance of the division as official compiler is
55 unsatisfactory.

56
57 -----
58 **T I T L E A M E N D M E N T**

59 Remove lines 21-22 and insert:
60 indexing, and publishing final orders; amending s. 120.533,
61 F.S.; conforming s. provisions to changes made by the act,
62 authorizing standards and guidelines for verification or
63 certification and secure transmittal and maintenance of agency
64 final orders, authorizing the Department of State to adopt
65 rules, authorizing an alternative official compiler of agency
66 final orders upon a determination by the Administration
67 Commission; amending s. 213.22, F.S.; conforming cross-
68 references;

COMMITTEE MEETING REPORT
Rulemaking Oversight & Repeal Subcommittee

3/11/2015 10:00:00AM

Location: 306 HOB

HB 1013 : Legislative Ratification/Workers' Compensation Law

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Halsey Beshears	X				
Daniel Burgess, Jr.	X				
Daphne Campbell	X				
Robert Cortes	X				
Fred Costello	X				
Dane Eagle	X				
Eric Eisnaugle	X				
Heather Fitzenhagen			X		
Charles McBurney	X				
David Richardson	X				
Hazelle Rogers	X				
Barbara Watson	X				
Lake Ray (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

Fraser Cobbe - Proponent
 Florida Orthopedic Society
 Executive Director
 21013 Lake Vienna Drive
 Land O' Lakes Florida 34638
 Phone: 813-948-8660

Perdue, Tamela (Lobbyist) - Information Only
 Associated Industries of Florida Service Corporation
 General Counsel
 516 N Adams St.
 Tallahassee FL
 Phone: (850)224-7173

WAIVE & SUPPORTS

Boyd, Elizabeth (Lobbyist) (State Employee) - Proponent
 Chief Financial Office, Atwater
 Legislative Director
 400 South Monroe Street
 Tallahassee Florida 32399
 Phone: 850-413-2863

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Rulemaking Oversight & Repeal Subcommittee

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Location: 306 HOB

HB 1013 : Legislative Ratification/Workers' Compensation Law (continued)

Appearances: (continued)

WAIVE & SUPPORTS

Miller, Holly (Lobbyist) - Proponent

Florida Medical Association

Gov Affairs Counsel

1430 E. Piedmont Drive

Tallahassee Florida 32312

Phone: 850-224-6496

WAIVE & SUPPORTS

Mayer, Ashley (Lobbyist) - Proponent

AIF

101 E College Avenue, Ste 502

Tallahassee FL

Phone: 850-222-9075

WAIVE & SUPPORTS

Dempsey, Hayden (Lobbyist) - Information Only

U.S. HealthWorks

Greenberg Traurig PA 101 E College Ave

Tallahassee FL 32311

Phone: 850-222-6891

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COMMITTEE MEETING REPORT
Rulemaking Oversight & Repeal Subcommittee

3/11/2015 10:00:00AM

Location: 306 HOB

PCB RORS 15-03 : Ratification of Department of Environmental Protection Rules (establishing minimum water flows and levels for water bodies)

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Halsey Beshears	X				
Daniel Burgess, Jr.	X				
Daphne Campbell	X				
Robert Cortes	X				
Fred Costello	X				
Dane Eagle	X				
Eric Eisnaugle	X				
Heather Fitzenhagen			X		
Charles McBurney				X	
David Richardson	X				
Hazelle Rogers	X				
Barbara Watson	X				
Lake Ray (Chair)	X				
Total Yeas: 11		Total Nays: 0			

Appearances:

WAIVE & SUPPORTS

Minnis, Steven (Lobbyist) - Proponent
 Suwannee River Water Management District
 Governmental Affairs Communication Director
 9225 CR 49
 Live Oak FL 32060
 Phone: (386)362-1001

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Rulemaking Oversight & Repeal Subcommittee

3/11/2015 10:00:00AM

Location: 306 HOB

PCB RORS 15-04 : Ratification of Department of Environmental Protection Rules (relating to liners and leachate collection systems for construction and demolition debris disposal facilities)

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Halsey Beshears	X				
Daniel Burgess, Jr.	X				
Daphne Campbell	X				
Robert Cortes	X				
Fred Costello	X				
Dane Eagle	X				
Eric Eisnaugle	X				
Heather Fitzenhagen			X		
Charles McBurney	X				
David Richardson	X				
Hazelle Rogers	X				
Barbara Watson	X				
Lake Ray (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Appearances:

WAIVE & SUPPORTS

Cory, Keyna (Lobbyist) - Proponent
 National Waste & Recycling Assn - Fla. Chapter
 110 E College Ave
 Tallahassee FL 32301
 Phone: 850-681-1065

WAIVE & SUPPORTS

John Coates (State Employee) - Information Only
 Waste Management
 Asst. Division Director
 Tallahassee Florida 32399
 Phone: 850-245-8690

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COMMITTEE MEETING REPORT
Rulemaking Oversight & Repeal Subcommittee

3/11/2015 10:00:00AM

Location: 306 HOB

PCS for HB 435 : Administrative Procedures

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Halsey Beshears	X				
Daniel Burgess, Jr.	X				
Daphne Campbell	X				
Robert Cortes	X				
Fred Costello	X				
Dane Eagle	X				
Eric Eisnaugle	X				
Heather Fitzenhagen			X		
Charles McBurney	X				
David Richardson	X				
Hazelle Rogers	X				
Barbara Watson	X				
Lake Ray (Chair)	X				
Total Yeas: 12		Total Nays: 0			

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