



Government Operations Subcommittee

Wednesday, March 04, 2015

1:30 PM

Webster Hall (212 Knott)

Action Packet

COMMITTEE MEETING REPORT
Government Operations Subcommittee

3/4/2015 1:30:00PM

Location: Webster Hall (212 Knott)

Summary:

Government Operations Subcommittee

Wednesday March 04, 2015 01:30 pm

HB 105	Favorable With Committee Substitute Amendment 564741 Adopted	Yeas: 11	Nays: 0
HB 163	Favorable With Committee Substitute Amendment 776371 Adopted	Yeas: 12	Nays: 0
HB 527	Favorable	Yeas: 10	Nays: 2
PCB GVOPS 15-03	Favorable	Yeas: 12	Nays: 0
PCB GVOPS 15-04	Favorable	Yeas: 12	Nays: 0
PCB GVOPS 15-05	Favorable	Yeas: 12	Nays: 0
PCS for HB 549	Favorable	Yeas: 8	Nays: 4

Committee meeting was reported out: Wednesday, March 04, 2015 3:42:20PM

COMMITTEE MEETING REPORT
Government Operations Subcommittee

3/4/2015 1:30:00PM

Location: Webster Hall (212 Knott)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Michael Bileca (Chair)	X		
Jason Brodeur	X		
John Cortes	X		
Jay Fant	X		
Blaise Ingoglia	X		
Edwin Narain	X		
H. Marlene O'Toole	X		
Kevin Rader	X		
Kenneth Roberson	X		
David Santiago	X		
Jimmie Smith	X		
Dwayne Taylor	X		
Ritch Workman			X
Totals:	12	0	1

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COMMITTEE MEETING REPORT
Government Operations Subcommittee

3/4/2015 1:30:00PM

Location: Webster Hall (212 Knott)

HB 105 : Publicly Funded Retirement Programs

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes	X				
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain	X				
H. Marlene O'Toole	X				
Kevin Rader	X				
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor	X				
Ritch Workman			X		
Michael Bileca (Chair)				X	
Total Yeas: 11		Total Nays: 0			

HB 105 Amendments

Amendment 564741

Adopted

Appearances:

Publicly Funded Retirement Programs
 Conn, Kraig (Lobbyist) - Waive In Support
 Florida League of Cities
 PO Box 1757
 Tallahassee FL 32302-1757
 Phone: (850)222-9684

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COMMITTEE MEETING REPORT
Government Operations Subcommittee

3/4/2015 1:30:00PM

Location: Webster Hall (212 Knott)

HB 163 : Public Records/Contractors

Favorable With Committee Substitute

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes	X				
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain	X				
H. Marlene O'Toole	X				
Kevin Rader	X				
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor	X				
Ritch Workman			X		
Michael Bileca (Chair)	X				
Total Yeas: 12		Total Nays: 0			

HB 163 Amendments

Amendment 776371

Adopted

Appearances:

Public Records/Contractors

Conn, Kraig (Lobbyist) - Proponent

Florida League of Cities

PO Box 1757

Tallahassee FL 32302-1757

Phone: (850)222-9684

Public Records/Contractors

Zander, Skylar (Lobbyist) - Waive In Support

Americans for Prosperity

Deputy State Director

200 W. College Ave.

Tallahassee FL 32301

Phone: 850-728-4522

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Government Operations Subcommittee

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Location: Webster Hall (212 Knott)

HB 163 : Public Records/Contractors (continued)

Appearances: (continued)

Public Records/Contractors

Ganger, Robert W. (General Public) - Proponent

The Florida League of City & Town of Gulf Stream

Vice Mayor

100 Sea Road

Gulf Stream FL 33483

Phone: 561-276-5116

Public Records/Contractors

Husband, Warren (Lobbyist) - Waive In Support

Florida Associated General Contractors Council

PO Box 10909

Tallahassee FL 32302

Phone: (850)205-9000

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COMMITTEE MEETING REPORT
Government Operations Subcommittee

3/4/2015 1:30:00PM

Location: Webster Hall (212 Knott)

HB 527 : Public Works Projects

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes		X			
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain	X				
H. Marlene O'Toole	X				
Kevin Rader		X			
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor	X				
Ritch Workman			X		
Michael Bileca (Chair)	X				
Total Yeas: 10		Total Nays: 2			

Appearances:

Public Works Projects

Conn, Kraig (Lobbyist) - Waive In Opposition

Florida League of Cities

PO Box 1757

Tallahassee FL 32302-1757

Phone: (850)222-9684

Public Works Projects

Bowen, Carol (Lobbyist) - Proponent

Associated Builders & Contractors of Florida, Inc

Deputy Chief Lobbyist

3730 Coconut Creek Pkwy, Suite 200

Coconut Creek FL 33066

Phone: (954)465-6811

Public Works Projects

Husband, Warren (Lobbyist) - Waive In Support

Florida Associated General Contractors Council

PO Box 10909

Tallahassee FL 32302

Phone: (850)205-9000

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Location: Webster Hall (212 Knott)

HB 527 : Public Works Projects (continued)

Appearances: (continued)

Public Works Projects

Clark, J.B. (Lobbyist) - Opponent

Florida Building and Construction Trades Council

Lobbyist

2071 Cynthia Drive

Tallahassee FL 32303

Phone: 850-556-8143

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COMMITTEE MEETING REPORT
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Location: Webster Hall (212 Knott)

PCB GVOPS 15-03 : OGSR Judicial Bypass

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes	X				
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain	X				
H. Marlene O'Toole	X				
Kevin Rader	X				
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor	X				
Ritch Workman			X		
Michael Bileca (Chair)	X				
Total Yeas: 12		Total Nays: 0			

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Location: Webster Hall (212 Knott)

PCB GVOPS 15-04 : OGSR Board of Funeral, Cemetery, and Consumer Services

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes	X				
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain	X				
H. Marlene O'Toole	X				
Kevin Rader	X				
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor	X				
Ritch Workman			X		
Michael Bileca (Chair)	X				
Total Yeas: 12		Total Nays: 0			

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PCB GVOPS 15-05 : OGSR Office of Financial Regulation Exam Techniques and Procedures

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes	X				
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain	X				
H. Marlene O'Toole	X				
Kevin Rader	X				
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor	X				
Ritch Workman			X		
Michael Bileca (Chair)	X				
Total Yeas: 12		Total Nays: 0			

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PCS for HB 549 : Membership Associations that Receive Public Funds

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Jason Brodeur	X				
John Cortes		X			
Jay Fant	X				
Blaise Ingoglia	X				
Edwin Narain		X			
H. Marlene O'Toole	X				
Kevin Rader		X			
Kenneth Roberson	X				
David Santiago	X				
Jimmie Smith	X				
Dwayne Taylor		X			
Ritch Workman			X		
Michael Bileca (Chair)	X				
Total Yeas: 8		Total Nays: 4			

Appearances:

Membership Associations that Receive Public Funds

Youmans, Laura (Lobbyist) - Opponent

Florida Association of Counties

Advocate

100 S. Monroe St.

Tallahassee FL 32301

Membership Associations that Receive Public Funds

Lasher, Denise (Lobbyist) - Waive In Support

Florida Coalition of School Board Members

PO Box 1440

Lutz Florida 33548

Phone: 813-240-4567

Membership Associations that Receive Public Funds

Graham, William (Lobbyist) - Opponent

Florida School Boards Association

Executive Director

203 S Monroe St

Tallahassee FL 32301

Phone: 850-414-2578

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PCS for HB 549 : Membership Associations that Receive Public Funds (continued)

Appearances: (continued)

Membership Associations that Receive Public Funds

Rudd, Frank (Lobbyist) - Opponent

Florida Society of Association Executives

President/CEO

2410 Mahan Dr., Suite 2

Tallahassee FL 32308

Phone: (850)222-7994

Membership Associations that Receive Public Funds

Zander, Skylar (Lobbyist) - Proponent

Americans for Prosperity

Deputy State Director

200 W. College Ave.

Tallahassee FL 32301

Phone: 850-728-4522

Membership Associations that Receive Public Funds

Matthews, Ryan (Lobbyist) - Opponent

Florida League of Cities

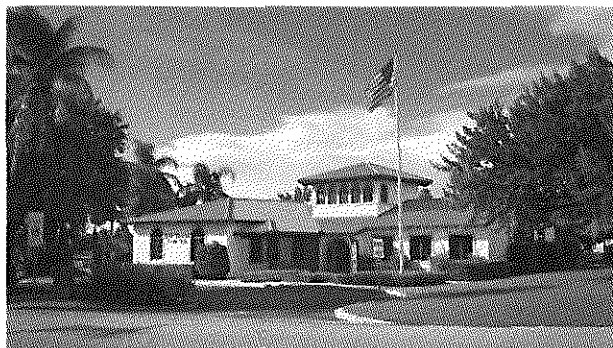
Associate Director Legislative Affairs

PO Box 1757

Tallahassee FL 32302

Phone: 850-222-9684

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Town of Gulf Stream, founded 1925

A 100% residential community

Population 900+

17 employees (4 Administrative)

AN OPEN LETTER ON 2015 LEGISLATIVE PRIORITIES

PROTECT OUR SUNSHINE LAWS FROM FRAUD AND ABUSE

PLEASE SUPPORT PRAGMATIC AMENDMENTS TO THE PUBLIC RECORDS ACT (HB 163/SB224)

The tiny Town of Gulf Stream is but one of many Florida communities who have fallen victim to fraudulent misuse of the State's exemplary Public Records Act. Our small staff has been inundated with close to 2000 Public Records requests in less than two years, from which several dozen alleged failure-to-comply lawsuits have been filed that must be defended. Legal expenses and disclosed settlement costs have depleted our hurricane reserves, forced cancellation or deferral of capital investments, and required substantial increases in property taxes to our residents. This excessive activity has taken a toll on the Town's administrative staff, and on the contractors who do business with us.

The scheme is well documented. The outliers overwhelm the agency with records requests and threaten or file lawsuits with an objective of a non-disclosed settlement. The lawsuits ask only for (inflated) legal fees and costs, not damages. As such, the cost of defense is not covered by insurance, and the Act does not permit the Courts to shift fees when it is found that the town acted lawfully. Agencies and their contractors are forced with a dilemma: a non-disclosed settlement (itself a violation of Sunshine statutes) or an expensive lawsuit with no opportunity to recover costs.

The Florida League of Cities is well aware of this scheme to misuse the Public Records Act, and the Town of Gulf Stream supports their efforts to introduce appropriate statutory checks and balances into an otherwise model law. Our legal advisors recommend that language could be borrowed from existing Florida Acts to remedy the specific challenges faced by towns such as Gulf Stream:

From the Florida Tort Claims Act (Fla. Stat 768.28): **Compel plaintiff to provide notice of intent to sue when a requested record is not delivered in a timely fashion** (allowing an alleged violator a chance to remedy the problem without going to court), and

From the Florida False Claims Act (Fla. Stat.68.086): **Attorney's fees and costs can be assessed against a plaintiff for the reasonable costs of defending a claim that was "clearly frivolous, clearly vexatious, or brought primarily for the purpose of harassment."**

In our opinion neither amendment would inhibit the disclosure of public information for the benefit of an informed citizenry. Deterring fraud should in fact make the system work better.