

T H E C A B I N E T
S T A T E O F F L O R I D A

Representing:

FINANCIAL SERVICES COMMISSION, OFFICE OF
FINANCIAL REGULATION

DEPARTMENT OF REVENUE

AGENCY FOR ENTERPRISE INFORMATION TECHNOLOGY

DEPARTMENT OF VETERANS' AFFAIRS

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

FLORIDA DEPARTMENT OF LAW ENFORCEMENT

BOARD OF TRUSTEES, INTERNAL IMPROVEMENT TRUST FUND

The above agencies came to be heard before
THE FLORIDA CABINET, Honorable Governor Crist
presiding, in the Cabinet Meeting Room, LL-03,
The Capitol, Tallahassee, Florida, on Tuesday,
August 25, 2009, commencing at 2:45 p.m.

Reported by:

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Registered Professional Reporter

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Representing the Florida Cabinet:

CHARLIE CRIST
Governor

CHARLES H. BRONSON
Commissioner of Agriculture

BILL McCOLLUM
Attorney General

ALEX SINK
Chief Financial Officer

* * *

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1 P R O C E E D I N G S

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3 (Agenda Items Commenced at 3:05 p.m.)

4 GOVERNOR CRIST: And now we will hear Financial
5 Services Commission, Office of Financial Regulation,
6 Thomas Cardwell.

7 CFO SINK: Governor, while he's coming up --

8 GOVERNOR CRIST: He's up.

9 CFO SINK: Okay.

10 GOVERNOR CRIST: Go ahead. I'm kidding. No.
11 Go ahead.

12 CFO SINK: I just wanted to point out the
13 artwork that -- we've got new artwork up, and it's
14 from your Explore Adoption campaign.

15 GOVERNOR CRIST: Nice photos, aren't they?

16 CFO SINK: It's put faces on kids who are
17 waiting for adoption.

18 GOVERNOR CRIST: Thank you, CFO.

19 CFO SINK: It's very nice.

20 GOVERNOR CRIST: Appreciate it. Thomas, good
21 afternoon.

22 MR. CARDWELL: Thank you. This is a hard act
23 to follow, Smokey the Bear. Good afternoon,
24 Governor Crist --

25 GOVERNOR CRIST: It's just not fair, is it?

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1 MR. CARDWELL: CFO Sink, Attorney General
2 McCollum, Commissioner Bronson, this is my second
3 day on the job with you. I did come back after the
4 first day, and I am pleased to get started.

5 And I'd like to begin by requesting approval of
6 the minutes of the July 28th, 2009 meeting.

7 ATTORNEY GENERAL McCOLLUM: So moved.

8 CFO SINK: Second.

9 GOVERNOR CRIST: Moved and seconded. Show the
10 minutes approved without objection.

11 MR. CARDWELL: Thank you. The item we have
12 before you today, the Office requests approval to
13 file for final adoption amendments to Rule
14 69V-560.1021 (sic) of the Florida Administrative
15 Code, which relates to the adoption of forms. And
16 this proposed rule amends OFR-560-01, which is an
17 application for licensure as a money services
18 business, and OFR-560-07 relating to the calculation
19 of the security device. And it factors in the
20 existence of cargo insurance into the security
21 device calculation requirement for licensees whose
22 business is limited solely to the transportation of
23 currency via armored cars.

24 ATTORNEY GENERAL McCOLLUM: Move Item 2.

25 COMMISSIONER BRONSON: Second.

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1 GOVERNOR CRIST: Moved and seconded. Show it
2 approved without objection.

3 CFO SINK: Governor, let me --

4 GOVERNOR CRIST: CFO.

5 CFO SINK: Just for the record, Tom, would you
6 just repeat the rule number. I'm not exactly sure
7 we got it right.

8 MR. CARDWELL: I'm sorry. The rule is 69V, as
9 in Victor, 560.1012.

10 CFO SINK: Okay, thank you.

11 GOVERNOR CRIST: Thank you.

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1 GOVERNOR CRIST: Lisa Echeverri, Department of
2 Revenue.

3 MS. ECHEVERRI: Good afternoon.

4 GOVERNOR CRIST: Hi, good afternoon.

5 MS. ECHEVERRI: Item 1 is to request approval
6 of the minutes from the July 28th meeting.

7 GOVERNOR CRIST: Is there a motion on the
8 minutes?

9 CFO SINK: Move it.

10 COMMISSIONER BRONSON: Second.

11 GOVERNOR CRIST: Moved and seconded. Show the
12 minutes approved without objection.

13 MS. ECHEVERRI: Item 2 requests approval to
14 publish a Notice of Proposed Rule-Making for rules
15 12E-1.0052 and 12E-1.014. These are child support
16 rules. The first rule would provide the process for
17 identifying child support payments that cannot be
18 distributed due to insufficient information, the
19 process for depositing those funds and for later
20 reclaiming if they are identified.

21 The second rule would provide implementation of
22 federal law changes related to IRS refund offsets
23 and passport denials. And we request approval to
24 publish those rules for proposed rule-making.

25 ATTORNEY GENERAL McCOLLUM: I move Item 2.

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1 COMMISSIONER BRONSON: Second.

2 GOVERNOR CRIST: Moved and seconded. Show it
3 approved without objection.

4 MS. ECHEVERRI: Item Number 3 requests approval
5 to publish rules for proposed rule-making that are a
6 number of amendments and changes to various tax
7 forms. This is an annual update to our tax forms
8 related to motor fuel tax, sales tax, corporate
9 income tax, communication services tax, general
10 registration forms. And it updates rates and
11 information related to those forms. Request
12 approval.

13 CFO SINK: Move it.

14 COMMISSIONER BRONSON: Second.

15 GOVERNOR CRIST: Show it approved without
16 objection.

17 MS. ECHEVERRI: Item 4, like the previous
18 items, is also a request to approve authority to
19 publish rules for proposed rule-making. These rules
20 have actually been on a pretty long journey. These
21 are proposed rules to implement oversight changes to
22 the value adjustment boards in Florida.

23 As you know, property tax is something that is
24 of great interest to our citizens. I often think
25 that the power to tax is one of the most invasive

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1 powers of government, and so you have to be very
2 cautious and careful to make sure that you're
3 providing adequate due process to citizens when
4 you're implementing the taxation process.

5 GOVERNOR CRIST: What was the adjective you
6 used?

7 MS. ECHEVERRI: Pardon?

8 GOVERNOR CRIST: The most what kind of powers
9 we have in government?

10 MS. ECHEVERRI: I think the power to tax is one
11 of our most invasive powers. The ability to --

12 ATTORNEY GENERAL McCOLLUM: Invasive.

13 GOVERNOR CRIST: Invasive. Thank you. I'm
14 sorry. Thank you.

15 MS. ECHEVERRI: These rules will actually
16 govern the value adjustment board process and
17 provide better uniformity across our 67 counties.
18 They provide better transparency for our citizens,
19 making more of that process open to the public.
20 They also take into consideration the variations
21 from county to county.

22 We have some value adjustment boards in small
23 counties that may only hear one or two petitions a
24 year. Others, like Miami-Dade, will receive over
25 100,000 petitions in a single season. So these

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1 proposed rules would try to reflect the very best in
2 that process to provide an open, transparent process
3 to citizens while protecting their due process
4 rights.

5 A number of interested parties participated in
6 getting to this point in the rule-making process.
7 And I think it's important to note that. We
8 actually had started this process back in May of
9 last year. We were ready to propose rules in
10 February. And I think, and rightfully so, citizens
11 kind of put up their hands and said, wait a minute,
12 we don't think that you've listened carefully to
13 what we need in these rules.

14 So we stepped back. We took those draft rules
15 off the table, and we just sat down and listened.
16 And we went through issue by issue to try and really
17 understand what the concerns were with the value
18 adjustment board process.

19 After a series of meetings and going through
20 that process, we came up with a new draft. That's
21 the draft you have before you now. There were a
22 couple of issues that we actually pulled out of this
23 rule-making draft. Those we would like to seek
24 attorney general opinions on. There were a couple
25 of legal issues related to attorney representation

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1 and confidential information, the use of
2 confidential information in value adjustment boards
3 that may be proprietary information of taxpayers
4 that would become public that were of concern, and
5 so we felt that the right direction for those
6 provisions was to seek further guidance from the
7 Attorney General's Office.

8 A number of people at the Department worked on
9 these rules, and I can't compliment them enough for
10 how hard they worked, but that's their job. A
11 number of people representing various other
12 interests, it's not their job, spent time, money and
13 effort to sit down with the Department and really
14 try and work on this product.

15 I do believe you have a citizen who would like
16 to speak today on this item.

17 GOVERNOR CRIST: Okay.

18 MS. ECHEVERRI: Mr. Todd Jones is here.

19 GOVERNOR CRIST: Good afternoon, Mr. Jones.

20 MR. JONES: Good afternoon. I'll be brief.
21 I'm here with two points to communicate. Number
22 one, I want to communicate to you Cabinet members
23 the amazing job that Ms. Echeverri has done since
24 she took over control of this process in February.
25 She has done an amazing job in terms of getting

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1 everybody's opinion on the table and vetting through
2 what the real issues are. She deserves special
3 commendation for the work that she has done in a
4 leadership role.

5 As the person who kind of slowed up the process
6 in February, in my role as president of the Florida
7 Association of Property Tax Professionals, I want to
8 communicate to you now that we believe it is in the
9 taxpayers' best interest for these rules to move to
10 the next level. They're ready. They are not fully
11 refined, but that's what the process is for.

12 And the state that the rules are in right now,
13 the condition that they're in right now will allow
14 the local governments, the value adjustment boards
15 and the parties to have better guidance in terms of
16 how these hearings need to go forward, because I do
17 agree with Ms. Echeverri, that how we extract those
18 taxes is as critical as extracting them at all.
19 It's a respect issue. Thank you for your time --

20 GOVERNOR CRIST: Thanks for yours.

21 MR. JONES: -- and thanks to the Department.

22 MS. ECHEVERRI: And I would be remiss if I
23 didn't also mention, you know, the other public
24 participants that came into the process. We had
25 representatives from property appraiser's offices,

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1 value adjustment boards, clerks, that really came to
2 the table to try and sit down and hash through these
3 issues so that we could hear from all sides.

4 So we're very pleased to be moving to this
5 point in the process. We anticipate that we will
6 have at a minimum one but I anticipate at least two
7 hearings on this proposed rule. Oftentimes it's not
8 until you propose a rule that other people become
9 interested and come out and give you their comments,
10 and so we want to make sure that we are very
11 deliberative in this process.

12 So we would recommend approval of moving
13 forward with these proposed rules.

14 CFO SINK: I move it.

15 COMMISSIONER BRONSON: Second.

16 GOVERNOR CRIST: General, did you have a
17 question?

18 ATTORNEY GENERAL McCOLLUM: No comment, except
19 maybe you can explain a little bit further for
20 everybody here, this is the first step. You have
21 noticed it and you're going to publish this, and
22 then you're going to have hearings, and it will be
23 some weeks or months away before the final version
24 of these come back for approval. Is that right,
25 Lisa?

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1 MS. ECHEVERRI: That's correct. This is to
2 approve proposed rule-making. So we start with a
3 draft. We'll notice this for hearing. We will have
4 public hearings on this draft. It's likely there
5 will be some changes to it before it finally comes
6 back for final approval. But you will get to see it
7 again before it is finally adopted.

8 ATTORNEY GENERAL MCCOLLUM: I have no objection
9 to it. And I vote aye if we're voting, Governor.

10 GOVERNOR CRIST: Okay. Show it approved
11 without objection, assuming there isn't.

12 CFO SINK: No.

13 GOVERNOR CRIST: Okay.

14 MS. ECHEVERRI: Thank you very much.

15 GOVERNOR CRIST: Sure.

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1 GOVERNOR CRIST: Enterprise Information
2 Technology. Dave Taylor. Good afternoon, Dave.

3 Thank you, Lisa, very much. It is invasive.
4 You're absolutely right. Oh, well. Go ahead.

5 MR. TAYLOR: Good afternoon, Governor and
6 Cabinet. The first item is to respectfully request
7 approval of the minutes of June 9th, 2009.

8 GOVERNOR CRIST: Is there a motion on the
9 minutes?

10 CFO SINK: Move it.

11 ATTORNEY GENERAL McCOLLUM: Second.

12 GOVERNOR CRIST: Moved and seconded. Show the
13 minutes approved without objection.

14 MR. TAYLOR: Thank you. The second item is
15 AEIT is requesting approval of its 2009-2010
16 operational work plan. On January 27, 2009, we
17 received your approval for our 2008-2009 operational
18 work plan. And I'm pleased to inform you that we
19 met all the deadlines outlined in that plan.

20 By the end of this week you'll receive the
21 Agency's annual report, which will detail all of
22 those accomplishments. The 2009-2010 operational
23 work plan includes all of our deliverables that are
24 outlined in statute for this coming year. The major
25 changes from last year's plans are the addition of

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1 two new assignments from the Legislature.

2 First, information technology security was
3 established as an Enterprise Information Technology
4 service. This requires the AEIT to develop and
5 annually update an Enterprise Information Technology
6 security plan by February 1st of each year and
7 transfers the Administrative Rule 60DD-2, which is
8 Florida's information technology security policies
9 and standards, to the Agency for Enterprise
10 Information Technology. Prior to that, it was held
11 by the State Technology Office and went to the
12 Department of Management Services until it was
13 transferred.

14 It also requires the AEIT to develop and submit
15 a proposed implementation plan for the new
16 Enterprise Information Technology service by
17 December 31st of 2010.

18 The other major change is that e-mail was
19 established as an Enterprise Information Technology
20 service. This requires the AEIT to develop and
21 submit a proposal for consolidating and decreasing
22 the cost of e-mail by December 31st, 2009. The plan
23 is to include an in-sourced and an out-sourced
24 option. And the consolidation must be completed by
25 June 30th of 2013.

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1 On July 20th, 2009, AEIT presented this
2 operational work plan to the Chief Information
3 Officers Council, which was a public meeting, and we
4 posted it on the agency website for additional
5 review and comment. The plan was approved, and now
6 I respectfully request approval of the plan by the
7 Governor and Cabinet.

8 GOVERNOR CRIST: Is there a motion?

9 COMMISSIONER BRONSON: Motion on Item 2.

10 ATTORNEY GENERAL McCOLLUM: Second.

11 GOVERNOR CRIST: Moved and seconded. Show it
12 approved without objection.

13 MR. TAYLOR: Thank you very much.

14 GOVERNOR CRIST: Thank you.

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1 GOVERNOR CRIST: Department of Veterans'
2 Affairs, Chief of Staff Earl Daniell. I hope I said
3 that right. I understand that the admiral is in
4 Washington today accepting an honor on behalf of his
5 late father.

6 MR. DANIELL: That's correct, sir. He sends
7 his regrets. The award is honoring his father, who
8 was the first director of the Community Relations
9 Service for the Department of Justice, quite a nice
10 event for him.

11 GOVERNOR CRIST: Yes, sir, of course.

12 MR. DANIELL: Florida Department of Veterans'
13 Affairs has two items for consideration. We're
14 requesting withdrawal of Item 1 related to the
15 proposed rule development and plan to bring it back
16 for consideration at a future Cabinet meeting.

17 GOVERNOR CRIST: Is there a motion to withdraw?

18 CFO SINK: Move it.

19 ATTORNEY GENERAL McCOLLUM: Second.

20 GOVERNOR CRIST: Moved and seconded. Show it
21 withdrawn without objection.

22 MR. DANIELL: Item 2 is the quarterly report
23 for the period April 1 to June 30, 2009. The report
24 is mostly proforma; however, there are a couple of
25 items I'd like to mention. On page ten the

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1 occupancy figures need elaboration.

2 The Domiciliary Home in Lake City is undergoing
3 renovation, so there are only 113 beds available of
4 the 150 beds that are routinely at the facility. As
5 of yesterday 112 of the 113 beds were filled, so
6 we're at 99 percent of the available occupancy.
7 Based upon reporting criteria, it's shown as 73
8 percent for the 2008-2009 fiscal year. That will
9 show substantial improvement in the coming fiscal
10 year.

11 Regarding the Daytona Beach home, our oldest
12 skilled nursing facility, the actual occupancy rate
13 of yesterday was 96 percent. Census was less during
14 the fiscal year as we addressed some staffing and
15 recruiting issues. Those have now been resolved.

16 And our newest state veterans' home under
17 construction near St. Augustine is on time and
18 within budget. We're expecting our first residents
19 to be admitted in the summer of 2010. We recommend
20 acceptance of the quarterly report.

21 ATTORNEY GENERAL McCOLLUM: I move Item 2, the
22 quarterly report.

23 COMMISSIONER BRONSON: Second.

24 CFO SINK: Second.

25 GOVERNOR CRIST: Moved and seconded. Show it

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1 approved without objection. Thank you very much.

2 MR. DANIELL: Thank you, Governor.

3 GOVERNOR CRIST: Appreciate it.

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1 GOVERNOR CRIST: Department of Highway Safety
2 and Motor Vehicle. Electra, hi, how are you?

3 MS. BUSTLE: Very well, thank you. How are
4 you?

5 GOVERNOR CRIST: Great.

6 MS. BUSTLE: Good afternoon. We have five
7 items on the agenda today. The first is we
8 respectfully request approval of the minutes from
9 the May 27, 2009, Cabinet meeting.

10 COMMISSIONER BRONSON: Motion for approval of
11 Item 1.

12 CFO SINK: Second.

13 GOVERNOR CRIST: Moved and seconded. Show the
14 minutes approved without objection.

15 MS. BUSTLE: Item Number 2 is our annual
16 performance report for fiscal year '08-'09. As you
17 can see from the annual report, we have been very
18 busy this past fiscal year, focusing on being
19 proactive in our service, education and enforcement
20 efforts. Our proactive measures as a state,
21 combined with various other factors, I believe, has
22 paid off, with the lowest number of fatalities on
23 our roads since 2000. In addition, the state
24 mileage death rate, which is the number of deaths
25 per 100 million miles traveled, is the lowest since

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1 the rate has been calculated in the last 40 years.

2 And our wait times are also the lowest they
3 have been in years, with almost 90 percent of our
4 customers waiting less than 15 minutes in our
5 driver's license offices.

6 GOVERNOR CRIST: That's great.

7 MS. BUSTLE: Thank you.

8 GOVERNOR CRIST: Thank you.

9 MS. BUSTLE: I believe the agency performed at
10 a high level, meeting the majority of our
11 performance measures, with the exceptions of those
12 that are impacted by the economy; for example, the
13 car registrations and the mobile home inspections.
14 At this time, I would like to respectfully request
15 approval of the annual performance report.

16 GOVERNOR CRIST: Is there a motion to approve?

17 COMMISSIONER BRONSON: Motion for approval of
18 Item 2.

19 ATTORNEY GENERAL McCOLLUM: Second.

20 GOVERNOR CRIST: Moved and seconded. Show it
21 approved without objection. And I think the CFO has
22 a question.

23 CFO SINK: Excuse me, but I know our staff had
24 a question about some of the deletions of your
25 performance measures, and we were just particularly

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1 interested in continuing to see the number of
2 insured motorists on the report, they report that to
3 you.

4 MS. BUSTLE: We will absolutely do that. What
5 we'll do is when I -- the next item on the agenda is
6 the annual performance contract.

7 CFO SINK: Did I get ahead of you?

8 MS. BUSTLE: I'll add that as an amendment, and
9 you can approve that with both items, so, yes.

10 CFO SINK: I was confused about when to bring
11 it up.

12 MS. BUSTLE: Thank you. Item Number 3 is the
13 Department's annual performance contract for fiscal
14 year '09-'10. As you know, the contract outlines
15 your expectations for the Department's performance.
16 The performance contract had not been revised since
17 1996, so we conducted a comprehensive review of the
18 measures to ensure that they were still relevant 13
19 years later and actually measured the Department's
20 performance.

21 And we wanted to measure what matters to you
22 and to the people today. Our goal is to focus on
23 outcome-related performance measures rather than
24 outputs or statistics. While we continue to have
25 some statistics in our performance measures, we will

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1 be able to share with you -- we'll be able to share
2 them regularly with you.

3 For example, one of the measures that we
4 changed required that our motor vehicle titles be
5 issued on average within three days. And what that
6 really meant was 50 percent of the titles could be
7 issued in one day, 50 percent of the titles could be
8 issued in five days. The average is three. The new
9 performance measure says 98 percent of our titles
10 will be issued within three days. So we're actually
11 measuring the performance, and it's a higher
12 standard.

13 These measures have been through OPB, have been
14 through legislative approval process, and we would
15 like your approval today, with, CFO Sink, the one
16 amendment that we will continue to include the
17 number of insured vehicles in addition to the
18 percentage of insured vehicles. With that, I would
19 request approval of the performance contract.

20 GOVERNOR CRIST: Is there a motion to approve?

21 CFO SINK: I move it.

22 ATTORNEY GENERAL McCOLLUM: Second.

23 GOVERNOR CRIST: Moved and seconded. Show it
24 approved without objection.

25 MS. BUSTLE: Item 4, we respectfully request

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1 approval of the Department of Justice settlement
2 agreement regarding the Collier case, which deals
3 with the Driver Privacy Protection Act. As you
4 recall, we settled the case.

5 And thank you, Attorney General, your folks
6 have been terrific. We settled a \$40 billion
7 liability for \$10 million. That process is ongoing
8 right now, where folks are getting a dollar back as
9 they come into the offices.

10 The other piece to this and the close-out piece
11 is Department of Justice also fined the State for
12 the 2000 to 2004 violations. We were able to reduce
13 that original fine from 2.5 million to 1.5 million,
14 again in conjunction with the Attorney General's
15 Office and their attorneys, who flew up to
16 Washington with our attorneys.

17 So we request approval of the \$1.5 million
18 Department of Justice settlement to close out this
19 Driver Privacy Protection Act claim.

20 GOVERNOR CRIST: General.

21 ATTORNEY GENERAL McCOLLUM: I have a comment.
22 I think that one thing, Electra, your team was just
23 fabulous with this. It was a real pleasure for our
24 attorneys to work with yours. This was scary at the
25 beginning. The total value of these things, as you

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1 mentioned, were in the billions of dollars
2 potentially against Florida due to failure to adopt
3 a conforming statute to federal law over a period of
4 time.

5 But ultimately reason prevailed, and I think
6 that's reasonable for us. I would say that I think
7 the settlement is very good, actually, Governor. In
8 terms of dollar amounts, it's not a whole lot. It's
9 right on the money, the second one. And as you can
10 see in reading your notes, as I understand it,
11 Electra, this is simply the amount of money made by
12 the continued sale of information that was
13 prohibited during that time, in other words, the
14 amount of money the State of Florida made, rather
15 than really the penalties. So we're just giving up
16 basically the profit that we made, if you will.

17 MS. BUSTLE: Yes, excellent. Thank you for
18 bringing that up. That's exactly it.

19 ATTORNEY GENERAL McCOLLUM: And I would then
20 move Item 4, Governor.

21 CFO SINK: Second.

22 GOVERNOR CRIST: Great. Moved and seconded.
23 Show it approved without objection. Nice work.

24 MS. BUSTLE: Thank you. Our final agenda item
25 relates to the Department's Medical Advisory Board.

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1 The board is established by law and is comprised of
2 volunteers who lend their valuable time and
3 expertise to advise the Department on medical
4 criteria and vision standards related to safe
5 driving.

6 Today we are seeking the approval to extend a
7 current member of the board, Dr. James Paul Grant,
8 who is a Tallahassee-based chiropractor and who
9 happens to hold the rank of major in our FHP
10 auxiliary, having spent 29 years in our auxiliary.

11 The law requires one member be a chiropractor.
12 So we appreciate his willingness to continue to
13 serve the people of Florida and respectfully request
14 approval of Dr. Grant for reappointment to the
15 Medical Advisory Board for another four-year term.

16 COMMISSIONER BRONSON: Motion for approval of
17 Item 5.

18 ATTORNEY GENERAL McCOLLUM: Second.

19 GOVERNOR CRIST: Moved and seconded. Show it
20 approved without objection.

21 CFO SINK: Governor, could I just ask Electra a
22 question?

23 GOVERNOR CRIST: Yes.

24 CFO SINK: As we were coming back today, I
25 happened to see a big article in the Tampa Tribune

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1 about the new driver's license requirements. I
2 don't know what precipitated an article today
3 because it starts the first of the year, correct?

4 MS. BUSTLE: It does.

5 CFO SINK: It just reads like a disaster
6 waiting to happen.

7 MS. BUSTLE: Is it the Gather, Go, Get, the
8 Gather, Go, Get, the federal regulations?

9 CFO SINK: Yes.

10 MS. BUSTLE: It starts January 2010.

11 CFO SINK: Yes, all the requirements for
12 identification, multiple forms of identification.

13 MS. BUSTLE: And what we --

14 CFO SINK: Do you think Floridians should hurry
15 up and get their driver's license renewed now so
16 that they can avoid this?

17 MS. BUSTLE: Well, you know, it is -- it's more
18 complicated. It's based on additional security
19 requirements that the new regulations are requiring.
20 And what we've done is we started early in trying to
21 educate the public so that when they do come in in
22 January, they can make one visit and not two. And
23 we have a website that allows them -- there's
24 actually a checklist. You can put your personal
25 information in, and it will tell you what you need

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1 to bring with you. So we're trying to make it as
2 easy and convenient as possible.

3 The issue is, every person under the age of 50
4 coming -- their next renewal, they have to come into
5 a driver's license office before 2014. So if you're
6 under 50, you need the new REAL ID -- well, REAL ID,
7 PASS ID, federal regulated compliant card. If
8 you're over 50, you have till 2017.

9 So we are going to see these people coming
10 through the offices the next renewal period. And we
11 are gearing up for a busy time. Thank you.

12 GOVERNOR CRIST: Thank you.

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1 GOVERNOR CRIST: Florida Department of Law
2 Enforcement, Assistant Commissioner Mark Zadra. How
3 are you, Mark? Nice to see you.

4 MR. ZADRA: Good afternoon, Governor, members
5 of the Cabinet. This afternoon FDLE has four agenda
6 items. The first is the requested approval of the
7 minutes of the June 9, 2009, Cabinet meeting.

8 GOVERNOR CRIST: Is there a motion on the
9 minutes?

10 COMMISSIONER BRONSON: Motion on Item 1.

11 ATTORNEY GENERAL McCOLLUM: Second.

12 GOVERNOR CRIST: Moved and seconded. Show the
13 minutes approved without objection.

14 MR. ZADRA: The next item is the fiscal year
15 '08-'09 annual performance report and purchases over
16 100,000 during the fourth quarter. This past fiscal
17 year was certainly challenging, as we were forced to
18 reduce our budget by 96 positions and some \$6
19 million. In many instances we were forced to
20 rethink actually the way we do business.

21 Despite these challenges, the agency
22 performance was relatively good, as we were able to
23 meet or exceed 70 percent of our performance
24 measures. I'd like to highlight some of those from
25 the year, which include the initiation of the Silver

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1 Alert Plan, the utility of our sexual offender and
2 predator system, which generated its one-millionth
3 citizen e-mail notification. The creation of the
4 third edition of our deck of cold case playing cards
5 for inmates.

6 Our role in taking down child pornographers
7 across the state as part of Operation Orange Tree
8 that General McCollum participated with us.
9 Continuing to set and reset records of samples added
10 and hits to our DNA database, continuing to make
11 great strides in eliminating the backlog of evidence
12 in our crime laboratory system. Our evolving role
13 investigating gang, mortgage fraud and drug
14 diversion.

15 And, lastly, we're extremely pleased to report
16 the implementation of our FALCON project within the
17 last several months of the fiscal year. And last
18 week you should have received a letter from
19 Commissioner Bailey, wherein we specified the key
20 system functions, which include the rapid
21 identification. And this is where we use two-finger
22 readers roadside for law enforcement officers and
23 also within the courts with registering the sexual
24 predators and offenders and determining who should
25 be released, probation, parole.

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1 We've upgraded our identification system and
2 replaced a 12-year-old system with a new biometric
3 identification system, which allows more efficiency,
4 more accuracy in the comparison of prints. It
5 further allows for the storage and retention of palm
6 prints that were never previously collected, with
7 mugshots, scars and tattoos.

8 It also will be very important in the
9 collection of our DNA because it will afford an
10 opportunity at booking for the booking officer to
11 see that there's already a sample of DNA within our
12 database, so they will not take an extra sample and
13 causing extra processing.

14 Likewise, if it's someone new coming into the
15 system, they will be able to generate, from the
16 booking, bar coding which will be placed onto the
17 sample and allow the entry to be more easily done
18 when it is received at the Department of Law
19 Enforcement.

20 We've also seen the new FALCON system has
21 resulted in a 300 percent increase, as we go back
22 and compare against our cold cases, which is
23 extremely significant. The bottom line is this,
24 though: That FALCON's cutting edge technology will
25 better enable Florida's law enforcement agencies to

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1 solve crimes, track and arrest criminals and protect
2 the public in a more efficient and effective manner.
3 And we appreciate so much the patience, the
4 leadership in allowing us in the support of
5 implementing the FALCON project.

6 So we would request approval of our report.

7 ATTORNEY GENERAL MCCOLLUM: Governor?

8 GOVERNOR CRIST: Yes, General.

9 ATTORNEY GENERAL MCCOLLUM: I just want to
10 commend Florida Department of Law Enforcement
11 overall. Your report is excellent, but the most
12 significant thing probably is FALCON in terms of the
13 great implementation this year. It's just going to
14 be tremendous, and case history and the ability to
15 go find people, just the cold cases you mentioned a
16 minute ago, but there are many more that law
17 enforcement will now be able to get information on
18 and hopefully will keep people from being victims of
19 some of these crimes that otherwise would be because
20 these folks are roaming around and we don't know
21 who's who.

22 But also I want to commend you because this has
23 been a very tough budget year, and it hasn't been
24 easy on FDLE, Governor, as you know. And yet these
25 are very significant accomplishments, the work that

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1 you've listed, not just FALCON, but the work with
2 the gang program and the child predator issues, all
3 those things that we work with you all the time on.
4 You've done a great job. So I would move Item 2,
5 Governor.

6 COMMISSIONER BRONSON: Second.

7 GOVERNOR CRIST: Moved and seconded.

8 CFO SINK: Governor?

9 GOVERNOR CRIST: CFO.

10 CFO SINK: I just -- I agree with the General
11 that you've just done an outstanding job with the
12 resources you've had. But I think it does bear
13 mentioning that if you look at their report, that
14 their standard for public assistance fraud
15 investigations was 5,600, and they completed 2,600.

16 And it is explained in the footnotes that the
17 funding for this program was very substantially
18 decreased. And it's unfortunate because it just
19 means that there are more people out there
20 committing fraud and financial fraud against our
21 system, knowing that we don't have the resources to
22 go after them.

23 And that's kind of the kind of priorities that
24 we have to set, but it is unfortunate. I hope when
25 the funding situation gets better, that you'll

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1 resume more active investigations against financial
2 frauds against the State.

3 MR. ZADRA: CFO Sink, would you mind if I
4 commented --

5 CFO SINK: Oh, I wish you would.

6 MR. ZADRA: -- about that? And, General, thank
7 you, sir, for your comments. We understand that,
8 and we also feel like you do. But there's not all
9 bad news with respect to that. What I want to point
10 out to you is some of the issues that we've been
11 dealing with is the local state attorney's offices,
12 just like state agencies, have had significant
13 reductions.

14 What we have found is that they have changed
15 their acceptance criteria for and moving those up to
16 higher degree felonies. So while you see that some
17 of the numbers may be going down, we are still
18 working very diligently to provide those criminal
19 cases to the state attorneys, that they will be able
20 to prosecute.

21 We've also tried to streamline our case
22 acceptance and the way that those are viewed and
23 then sending back to DCF some more of the
24 administrative violations, so we can concentrate on
25 those.

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1 We certainly appreciate your comments and
2 understand that and agree with you, that fraud is
3 certainly something that we all across the spectrum
4 of state law enforcement and criminal justice need
5 to keep our eye attuned to.

6 CFO SINK: Thank you.

7 MR. ZADRA: Yes, ma'am.

8 GOVERNOR CRIST: So it's been moved and
9 seconded. Show it approved without objection. Item
10 3.

11 MR. ZADRA: The next item is the proposed rules
12 for final adoption. These are seven sets of rules
13 which are being submitted for final approval. These
14 rules were noticed at the June 9th Cabinet meeting
15 and published in the Florida Administrative Weekly
16 on June 26th. There were no public hearings that
17 were requested to discuss any of the proposed
18 changes.

19 Six of these rules actually involve our
20 Criminal Justice Standards and Training Commission
21 activities. The other involves our information
22 program. Most of the proposed changes are technical
23 or plain language changes that are improvements,
24 with the exception of 11B-35, which involves some
25 limited changes to the training programs. And we

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1 would request approval of the final adoption of
2 these rules.

3 GOVERNOR CRIST: Is there a motion on Item 3?

4 COMMISSIONER BRONSON: Motion on Item 3.

5 ATTORNEY GENERAL McCOLLUM: Second.

6 GOVERNOR CRIST: Moved and seconded. Show it
7 approved without objection.

8 MR. ZADRA: The final item is our fiscal year
9 2009-'10 annual performance contract. This document
10 specifies the Department's performance measures and
11 standards for this fiscal year. You will note that
12 the list of measures is significantly condensed
13 compared to last year's measures.

14 Like the Department of Highway Safety and Motor
15 Vehicles, we undertook a very formal evaluation of
16 the Department's measures to ensure their utility.
17 We further examined our mechanisms and methodologies
18 for collection and the resource requirements that
19 are committed to their production.

20 The result was a set of measures we believe
21 better illustrate the Department's core mission and
22 provide more pointed, valuable information to you,
23 the Legislature and, of course, our customers. We
24 would request approval of our new performance
25 contract.

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1 GOVERNOR CRIST: CFO?

2 CFO SINK: Governor, can I --

3 GOVERNOR CRIST: Yes, ma'am.

4 CFO SINK: Just a couple of things that we
5 identified that -- I guess there's a proposal in
6 here to delete the number and percentage of criminal
7 investigations closed and the number and percent of
8 investigations closed resulting in an arrest. And
9 that just happens -- seems to be kind of an
10 important measure to me, to see how many
11 investigations you closed, how many result in an
12 arrest in terms of performance. So if you want to
13 walk me through the reasoning, maybe it's okay,
14 maybe we leave it in.

15 MR. ZADRA: Yes, CFO Sink. What we did, as I
16 said, we tried to collapse them and make them very
17 crisp and clear, and I can understand, and we agree.
18 We have not stopped collecting the statistics
19 related to these. We can produce them very easily
20 with reports out of our system.

21 And certainly, if that's something that you
22 feel, from your role sitting as the Cabinet, it's
23 certainly something that we could add back. We were
24 just looking at a mechanism to be very crisp and
25 clear in how those things are reported to you. But

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1 we're certainly open to, if that's something
2 important, to change that.

3 CFO SINK: Well, let me just, if you wouldn't
4 mind going back, because under this whole category
5 of investigative services, which is, of course, the
6 very heart of what you do, it seems like almost
7 every measure has been deleted. And we need to have
8 some kind of meaningful measure in that category, I
9 believe.

10 MR. ZADRA: I'm sorry. Did you say for the
11 laboratories?

12 CFO SINK: No. It's under the category of
13 investigative services.

14 MR. ZADRA: Okay, yes, the one you were talking
15 about previously.

16 CFO SINK: Almost every measure seems to be
17 deleted.

18 MR. ZADRA: The final reason for that -- and
19 we'll be happy to add those back in. But the final
20 reason for that is, since this is a contract,
21 because there had been so many changes to our
22 resources and because, again, as to what is accepted
23 for prosecution and the way we've taken our
24 investigative strategy and changed that strategy and
25 elevated the levels of case acceptance, perhaps what

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1 we would need to do to make it more meaningful is to
2 look at the actual numbers of meeting that standard.
3 So we were simply reporting to you the overall
4 number of investigations we're dealing with. But if
5 you'd like to see that, it's certainly something
6 we'd be happy to have --

7 CFO SINK: I care more about how successful you
8 are with the cases, how successful you are with the
9 cases that you do choose to present. And the second
10 one here is, again, you're proposing to delete all
11 the measures related to public assistance fraud, and
12 the reasoning was given because of the significant
13 reduction in resources.

14 But it just seems to me that just because you
15 have less resources doesn't mean that the activity
16 is not important and that we should continue to
17 monitor your performance in prosecuting and
18 investigating these types of fraud. So we need to
19 have some kind of meaningful measure in that whole
20 category. Otherwise it's the old out of sight, out
21 of mind thing.

22 MR. ZADRA: And we would not disagree. Again,
23 our reasoning -- and we'll be happy to change it --
24 was simply because this is a contract with you as to
25 what our performance would be. And, again, because

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1 there are so many things that we can't control -- if
2 you look at the 20 circuits of the state attorney's
3 offices, each one of them are different as to the
4 level of acceptance criteria.

5 So when we gave you numbers, whether we met
6 those or not are oftentimes way out of our control.
7 So we just weren't sure how meaningful that was to
8 you. But we'll be happy to either -- we can do one
9 of two things; amend this here or we'll be happy
10 to --

11 CFO SINK: Well, we can -- I'd be happy to work
12 with you on --

13 MR. ZADRA: We'll do that. We'll work with you
14 and add back those that you feel are meaningful.

15 CFO SINK: Because it is an important activity
16 for your department.

17 MR. ZADRA: We agree.

18 CFO SINK: Thank you.

19 MR. ZADRA: Yes, ma'am.

20 GOVERNOR CRIST: Anything else? Show it
21 approved without objection. I think that's it. All
22 right.

23

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1 GOVERNOR CRIST: Board of Trustees, Secretary
2 Sole.

3 MR. SOLE: Good afternoon, Governor, Cabinet
4 members. Item Number 1 was deferred from the August
5 11, 2009, agenda and is an application from
6 Pelican's Perch Marina and Boatyard for a five-year
7 sovereignty submerged lands lease. This is an
8 after-the-fact lease.

9 It's for an existing 91-slip open-to-the-public
10 facility located in Pensacola in Bayou Chico.
11 Consideration is for \$14,628. Unfortunately, this
12 facility has a history of noncompliance that I want
13 to go through real briefly and obviously answer any
14 questions.

15 The facility has existed since roughly the late
16 1950s. In 1997, as a result of both the Marine
17 Patrol and Coast Guard notification, the Department
18 did an inspection and found several violations,
19 including hazardous waste violations, as well as
20 several sunken barges at the facility. Again, this
21 is a marina and a boatyard facility.

22 At the time, DEP collected \$36,500 in
23 regulatory fines and penalties. And we also
24 executed a consent order for the proprietary
25 violation.

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1 GOVERNOR CRIST: Secretary?

2 MR. SOLE: Sir?

3 GOVERNOR CRIST: Can I interrupt you for a
4 second?

5 MR. SOLE: You may.

6 GOVERNOR CRIST: I'm not sure we had a motion
7 and a second on that last item in the previous
8 section.

9 CFO SINK: I'll move it, Governor.

10 GOVERNOR CRIST: Okay. Great. Is there a
11 second?

12 COMMISSIONER BRONSON: Second.

13 GOVERNOR CRIST: Moved and seconded, show it
14 approved without objection. That was Item 4 in the
15 last group. Forgive me, Secretary.

16 MR. SOLE: No worries. Thank you, Governor.
17 Again, while we entered into a consent order in 1998
18 for the proprietary, unfortunately -- and I don't
19 have a good answer for this -- a lease was not
20 required or stipulated in that consent order. So
21 this facility did not have a lease throughout that
22 entire period.

23 In 2007, as a result of doing construction as a
24 result of post-Hurricane Ivan and Dennis repairs,
25 the Department noted some activity. We went to the

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1 facility. We identified that the facility did not
2 have a lease. We executed another consent order,
3 received some \$104,000 in back lease fees in
4 arrears, which went back to 2004. And we used a
5 five-year period to receive those, somewhat related
6 to the statute of limitations, that if we went to
7 court, that would be the extent of the period in
8 which we could get lease fees in arrears.

9 We have settled those issues with the
10 applicant. They are now back into compliance, with
11 the both regulatory and with this lease, with the
12 proprietary.

13 We do have several lease -- special lease
14 conditions because of circumstances at the facility.
15 One of them is related to a vessel that has a
16 historical nature. It's known as the Tenneco. It's
17 a ferry. It's currently moored in the facility. We
18 have asked that a special lease condition then is
19 included which requires them to move the Tenneco by
20 the end of the term of this lease. They are trying
21 to work with the Apalachicola Maritime Museum to
22 find a place for this vessel.

23 Additionally, there is a sunken barge on the
24 facility that was originally authorized in the
25 consent order. And we've asked them to remove that

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1 portion within three years that is on sovereign
2 submerged lands. With these conditions, the
3 Department does recommend approval of the
4 after-the-fact lease with the special conditions.

5 ATTORNEY GENERAL McCOLLUM: So moved.

6 GOVERNOR CRIST: CFO, then General.

7 CFO SINK: Well, I know that people in your
8 department, Mike, have been really distressed about
9 this situation. And I just have to say that the
10 issue of fairness really bothers me because we have
11 so many marina owners and operators in our state who
12 do the right thing. They pay their lease fees. I
13 can't imagine a marina operator that doesn't know
14 that they are supposed to be paying their lease fees
15 to the State.

16 And what you're proposing here is that even
17 though this particular operator -- this is stunning
18 to me -- paid no lease fees since 1997, and the only
19 reason it's up now, I guess, is because they wanted
20 to -- they're wanting to expand, or you caught them.

21 MR. SOLE: Yes, ma'am. They were doing
22 construction in response to post-Hurricane Ivan and
23 Dennis, and we identified the activity.

24 CFO SINK: So here we are as the State, while
25 everybody else has been playing by the rules, are

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1 proposing that this operator only has to pay their
2 lease fees from 2004. So basically they got off for
3 seven years scot-free.

4 And, furthermore, I happened to read this
5 letter here from one of their neighbors that sounds
6 pretty reasonable and informed, who says that they
7 have boats moored in wet storage that are
8 continually pumping -- they continually pump
9 wastewater overboard, that the boat owners are
10 inconsiderate of the environment. They throw
11 garbage overboard. He knows this because their
12 garbage ends up on his waterfront. They don't have
13 any pump-out facility, whereas all the other marinas
14 in the area have pump-out facilities.

15 And I'm just -- I'm just -- I just really don't
16 think it's a fair situation and would like to --
17 there are other penalties that you could have easily
18 charged this particular operator, and I think it's
19 commendable that -- I assume that they want to get
20 back in compliance.

21 MR. SOLE: Yes, ma'am.

22 CFO SINK: But what's the enforcement going to
23 be going forward? And could you at least have
24 negotiated a requirement that they provide a
25 pump-out facility in their marina?

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1 MR. SOLE: We talked about that. And one of
2 these situations, because there are no live-aboards
3 at the facility, the requirement to have a pump-out
4 facility was not imposed. Without question, we
5 would encourage a pump-out facility. There are
6 other pump-out facilities nearby to this marina, and
7 there are actually vessel pump-outs that are mobile
8 that come to the facilities to provide the service.

9 In light of the fact there are no live-aboards,
10 that is the only reason why we did not require a
11 pump-out facility. Had there been live-aboards, we
12 would have required a pump-out facility.

13 CFO SINK: Well, just talk to me a little bit
14 about, you've got an operator here that's a flagrant
15 violator, flagrant, 12 years. What are we going to
16 do going forward?

17 MR. SOLE: Let me respond and point out that I
18 think that the Department made a significant mistake
19 early in 1997. For the life of me, I cannot fathom
20 why this applicant was not required to come under
21 lease at that time. A consent order was written. I
22 went through all the consent orders associated with
23 this facility, and there just seems to be a glaring
24 gap as to why, when we found them in noncompliance
25 in 1997, we didn't get them under a lease, whether

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1 it was an omission, an accident.

2 And I've written consent orders, CFO, and I
3 will tell you there are some that I admit I've made
4 mistakes. And I make the assumption it was a
5 mistake at the time. But when you read that consent
6 order, he believes he's in compliance until we went
7 back to him and said, "You don't have a lease."

8 And it's frustrating to me as well. And,
9 candidly, that's the unfortunate circumstance. I
10 think in 1997 the Department made a mistake, or 1998
11 when we executed that consent order for the
12 proprietary conditions, and did not require that he
13 get a lease at that time.

14 When we found out that mistake and it was
15 because of the activities, we did act aggressively
16 to get them under compliance, get the lease fees in
17 arrears that we could get in light of the
18 statutory -- statute of limitations, and move
19 forward and get them under compliance.

20 The benefit of the story today and one of the
21 things that I don't mean to get into too much, the
22 original owner has since passed away, and we have
23 new owners at the facility that are being
24 cooperative and getting the facility back into
25 compliance, which I think is our primary mode today.

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1 CFO SINK: It is my understanding that the new
2 owners are his son and daughter, though.

3 MR. SOLE: Yes, ma'am.

4 CFO SINK: Okay.

5 GOVERNOR CRIST: Any other questions? General?

6 ATTORNEY GENERAL McCOLLUM: I do. This is a
7 five-year lease going forward or five-year lease
8 going backward?

9 MR. SOLE: General, it's a five-year lease
10 going forward.

11 ATTORNEY GENERAL McCOLLUM: Okay. Why couldn't
12 we require them to, because of their past
13 misbehavior, come back for a lease in a shorter
14 period of time, one or two years?

15 MR. SOLE: We have absolutely done that in the
16 past and have established shorter lease terms when
17 there's been a history of noncompliance. And that's
18 something that clearly, at the discretion of the
19 Board --

20 ATTORNEY GENERAL McCOLLUM: Is it appropriate
21 for us to move, and maybe a year from now or two
22 years from now -- I don't know which would be
23 better.

24 MR. SOLE: I would suggest two years, to allow
25 the facility to demonstrate a reasonable term,

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1 period of time to stay in compliance, because I
2 would expect them to be in compliance this next
3 year. I want to make sure --

4 ATTORNEY GENERAL McCOLLUM: I would then move
5 the item with an amendment that it be two years
6 rather than five years on the lease, get them back
7 here and let's make sure that we don't overlook them
8 in the future.

9 GOVERNOR CRIST: Is there a second to that?

10 COMMISSIONER BRONSON: Second.

11 GOVERNOR CRIST: All in favor, please say aye.

12 ATTORNEY GENERAL McCOLLUM: Aye.

13 COMMISSIONER BRONSON: Aye.

14 GOVERNOR CRIST: Aye. Opposed, like sign.

15 CFO SINK: No.

16 MR. SOLE: And I need to ask one piece of
17 direction on that. In light of the two-year term,
18 there were special lease conditions that had them
19 removing certain vessels within a three- and
20 five-year term. I would like to maintain that as
21 part of the lease, to give them that time period
22 because that's what's been negotiated, at the
23 discretion of the Board.

24 ATTORNEY GENERAL McCOLLUM: I would incorporate
25 that in my motion. If we need to revote it --

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1 MR. SOLE: Thank you.

2 ATTORNEY GENERAL McCOLLUM: -- we can.

3 GOVERNOR CRIST: Are any of the positive votes
4 in objection to that?

5 ATTORNEY GENERAL McCOLLUM: I'm not.

6 GOVERNOR CRIST: Nor am I.

7 COMMISSIONER BRONSON: I'm fine with it.

8 MR. SOLE: Thank you. Item Number 2, this is a
9 request for consideration of an option agreement to
10 acquire a 24-acre parcel from Dr. Anthony and
11 Madalyn Mussallem. This parcel will be used at the
12 Office of Greenways and Trails, State Road 207 Rail
13 Trail. This will be known as the Mussallem
14 Trailhead project.

15 The parcel is located in St. Johns County near
16 St. Augustine, just west of I-95. The consideration
17 is for \$406,560. Because this is a trail project,
18 we did pursue federal acquisition procedures so that
19 we can ensure that the potential for future federal
20 money for the development of this trail would be
21 available, which unfortunately is interesting from a
22 procedural standpoint because I do want to point
23 out, the approved value also includes a damages
24 provision to the value of the remaining property.
25 Because we are taking the most developable 24 acres

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1 and the majority of the remainder of the 163 acres
2 are wetlands, there was a damages provision in that
3 negotiation.

4 The key thing that is worth noting is this
5 parcel is being proposed as a major trailhead
6 facility for this greenway. There are currently no
7 improved access provisions for this segment of State
8 Road 207 rail trail. So this will be a very
9 critical element to allow people to access this
10 trail and use it.

11 The other critical thing is St. Johns County is
12 a great partner in this. If approved by the Board
13 of Trustees and closed on, St. Johns County will be
14 a partner and will be the one who actually manages
15 this trailhead and helps do the vision for the
16 improvement.

17 Finally, I think it's worth noting this
18 trailhead will be part of an even larger project.
19 And this is the St. Johns River to Sea Loop project,
20 which is a 260-mile trail loop around five counties.
21 This is going to be one of the largest or is the
22 largest loop in the Southeast U.S. And there is a
23 great vision, both from the federal government,
24 state, local governments to improve this loop by
25 2013 in honor of the anniversary of Ponce de Leon

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1 discovering La Florida.

2 With that, Governor and Cabinet, I recommend
3 approval of this item.

4 GOVERNOR CRIST: General?

5 ATTORNEY GENERAL McCOLLUM: I think the trail
6 is tremendous. Being a member of the Florida Trails
7 Association for a long time, this is just a really
8 important little -- a big thing, actually, it's not
9 so little -- deal. And so I'm happy to move Item 2
10 and encourage my colleagues to approve it.

11 CFO SINK: Second.

12 GOVERNOR CRIST: Moved and seconded. Show it
13 approved without objection.

14 MR. SOLE: Thank you. Item Number 3 is a
15 request for consideration of the August 2009 Florida
16 Forever Five-Year Plan and the Acquisition and
17 Restoration Council's recommended August 2009
18 Florida Forever Priority List.

19 The five-year plan was approved by ARC at its
20 June 12th, 2009 meeting. It has two project
21 additions that are worth noting. One of them is the
22 Kissimmee Billy Strand, which is located in Hendry
23 County, some 4,700-acre parcel, which is contiguous
24 to the Big Cypress National Preserve, has
25 significant South Florida pinelands, pine flatwoods.

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1 The other item is Triple Diamond, which is in
2 Okeechobee County, almost 8,000 acres, which is
3 contiguous to Kissimmee Prairie Preserve State Park.

4 It's worth noting that the Kissimmee Billy
5 Strand item was actually added to the Panther Glades
6 Florida Forever project, which was also moved to the
7 A list as part of the ARC's efforts. There were
8 several boundary amendments, one boundary addition
9 of the Charlotte Harbor Estuary, which was a 79-acre
10 addition to fill a gap, and two boundary reductions,
11 one in Charlotte Harbor Flatwoods, which is a
12 3,000-acre reduction, some of it because of owner
13 request, some of it because development had already
14 occurred, and one in the Florida Keys Ecosystem
15 based upon the owner's request.

16 Finally, I'm proud to announce that we actually
17 removed two projects because we've completed two
18 projects. The Governor and Cabinet were
19 instrumental in approving Promise Ranch, which we
20 completed that project, so we can now take that off
21 the list. And as a reminder, that was a
22 less-than-fee acquisition. As well as Ochlockonee
23 Bluffs, located in Liberty County, was 97 percent
24 complete, thanks to the efforts of the Northwest
25 Florida Water Management District.

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1 At this time, based upon the ARC's
2 recommendations, there are 66 projects in the Group
3 A list, 43 projects in the Group B list. And,
4 again, I'd just like to point out that 35 of these
5 are less-than-fee acquisition recommendations.

6 In addition to the Acquisition and Restoration
7 Council list, I also want to point out that we have
8 submitted to the Board of Trustees the Division of
9 State Lands' work plan. This is not something that
10 requires action by the Board, but it is something
11 that we do have to submit to the Board by October of
12 each year.

13 And the work plan basically lays forth the
14 action steps and where the Department is in doing
15 these acquisitions. With that, I'd be glad to
16 answer any questions.

17 GOVERNOR CRIST: Any questions?

18 COMMISSIONER BRONSON: I'd like to make a --

19 GOVERNOR CRIST: Commissioner.

20 COMMISSIONER BRONSON: -- motion if I could.

21 GOVERNOR CRIST: Sure you can.

22 COMMISSIONER BRONSON: Governor, I would like
23 to make the motion to approve the staff
24 recommendation to approve the Florida Forever
25 five-year plan and the August 2009 Florida Forever

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1 Priority List, and also to direct DEP and Secretary
2 Sole to pursue legislative action to require Board
3 of Trustees approval of the annual Florida Forever
4 work plan.

5 And the reason why I think that's important is
6 not knowing where our economy is going to go and how
7 fast it's going to go over the next few years, it
8 could be possible that we may -- the Trustees may
9 want to decide, of the different various plans for
10 acquisitions, whether it be less-than-fee-simple
11 processes, may be more important to us over time, to
12 get the same amount of protection done and keep
13 those lands on the tax rolls and so forth. We may
14 want to take a look at those and rate those as the
15 Board of Trustees, as to what the plans look like
16 going forward after this.

17 So I would like to make that motion, and to add
18 that we work legislatively and with Secretary Sole
19 to make sure that the Board of Trustees gets the
20 final approval based on what the Board feels is the
21 most competent way to go about land acquisition in
22 the state and/or less-than-fee programs and not
23 total land acquisition, which may be better for us
24 in some cases.

25 ATTORNEY GENERAL McCOLLUM: I second that. I

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1 gather that what we're talking about, Commissioner,
2 is the option for us to make changes.

3 COMMISSIONER BRONSON: Right.

4 ATTORNEY GENERAL McCOLLUM: It's not a decision
5 on any particular site or border or anything else.

6 COMMISSIONER BRONSON: Right.

7 ATTORNEY GENERAL McCOLLUM: I can support that.
8 I'll second it.

9 CFO SINK: Okay.

10 GOVERNOR CRIST: I think it's unanimously
11 approved.

12 MR. SOLE: I understand.

13 GOVERNOR CRIST: No objection? No. Thank you.

14 MR. SOLE: Thank you, Governor. Thank you
15 Cabinet members.

16 GOVERNOR CRIST: Yes, sir. Thank you. I think
17 we're done. God bless you.

18 (Whereupon, the meeting was concluded at 4:00
19 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF LEON)

Reporter,

counsel

I, Jo Langston, Registered Professional

do hereby certify that the foregoing pages 5 through 58,
both inclusive, comprise a true and correct transcript of
the proceeding; that said proceeding was taken by me
stenographically and transcribed by me as it now appears;
that I am not a relative or employee or attorney or
of the parties, or a relative or employee of such attorney
or counsel, nor am I interested in this proceeding or its
outcome.

IN WITNESS WHEREOF, I have hereunto set my hand
this 10th day of September 2009.

JO LANGSTON
Registered Professional Reporter

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