

**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:**

OFFICE OF INSURANCE REGULATION

DEPARTMENT OF LAW ENFORCEMENT

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLE

The above agencies came to be heard before the THE FLORIDA CABINET, Honorable Governor Scott presiding, in the Sweetbay Entertainment Center at the Florida State Fairgrounds, 4800 U.S. Highway 301 North, Tampa, Florida, on Thursday, February 7, 2013, commencing at 9:00 a.m.

REPORTED BY:  
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Digital Court Reporter  
Notary Public

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**A P P E A R A N C E S**

## REPRESENTING THE FLORIDA CABINET

RICK SCOTT  
Governor

ADAM H. PUTNAM  
Commissioner of Agriculture

PAM BONDI,  
Attorney General

JEFF ATWATER  
Chief Financial Officer

## SPEAKERS:

Commissioner Kevin McCarty, Office of Insurance Regulation  
Commissioner Jerry Bailey, Department of Law Enforcement  
Executive Director Julie Jones, Highway Safety and  
Motor Vehicles

**I N D E X**

OFFICE OF THE INSURANCE REGULATION  
Presented by Commissioner Kevin McCarty

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
1. Rule Amendment - Final Adoption - Forms	Approved	4
2. Rule Amendments - Final Adoption - Notification of Insured's Rights and Standards Disclosure Form	Approved	4

DEPARTMENT OF LAW ENFORCEMENT  
Presented by Commissioner Jerry Bailey

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
1. Minutes - October 23, 2012	Approved	6
2. FY 2012-12 2nd Quarter Report	Approved	8
3. Rule Amendment - Final Adoption	Approved	9

HIGHWAY SAFETY AND MOTOR VEHICLE  
Presented by Executive Director Julie Jones

<u>ITEM</u>	<u>ACTION</u>	<u>PAGE</u>
1. Minutes - October 23, 2012	Approved	12
2. FY 2012-13 2nd Quarter Report	Approved	14
3. Rule Amendment - Notice - Venue	Approved	15

<u>CERTIFICATE OF COURT REPORTER</u>		17
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**P R O C E E D I N G S**

1  
2 GOVERNOR SCOTT: Now, I'd like to recognize  
3 Commissioner Kevin McCarty with the Office of Insurance  
4 Regulations. Good morning, Kevin.

5 COMMISSIONER MCCARTY: Good morning, Governor and  
6 Members of the Commission. We have two agenda items today  
7 for rules for final adoption pertaining to reforms to the  
8 PIP laws. As you all know the legislature enacted House  
9 Bill 119 which made significant changes to Florida No Fault  
10 Law. The first rule for your review is Rule .0155 which  
11 adopts a new form called the Health Care Provider  
12 Certification of Eligibility which requires health care  
13 professionals that provide PIP services that they certify  
14 that they're PIP providers. This is technical in nature.

15 GOVERNOR SCOTT: All right. Is there a motion to  
16 approve?

17 ATTORNEY GENERAL BONDI: So moved.

18 CHIEF FINANCIAL OFFICER ATWATER: Second.

19 GOVERNOR SCOTT: Any comments or objections?

20 (No audible response.)

21 GOVERNOR SCOTT: Hearing none, the motion carries.

22 COMMISSIONER MCCARTY: Thank you, Governor. The next  
23 agenda item is Rule 176.013 which adopts modifications to  
24 the notification for PIP benefits which requires notice to  
25 be given to claimants upon filing a claim. This form

1 explains the rights and benefits that you're entitled to  
2 under Florida's No Fault Law which are being revised in  
3 accordance to House Bill 119.

4 GOVERNOR SCOTT: Is there a motion to approve?

5 ATTORNEY GENERAL BONDI: So moved.

6 GOVERNOR SCOTT: Is there a second?

7 CHIEF FINANCIAL OFFICER ATWATER: Second.

8 GOVERNOR SCOTT: Any comments or objections?

9 (No audible response.)

10 GOVERNOR SCOTT: Hearing none, the motion carries.

11 Thank you, Kevin.

12 COMMISSIONER MCCARTY: Thank you, Governor. Thank you,  
13 Members.

14 GOVERNOR SCOTT: Now I'd like to ask Commissioner Jerry  
15 Bailey to present the Department of Law Enforcement agenda.  
16 Good morning, Commissioner.

17 COMMISSIONER BAILEY: Good morning, Governor, Cabinet.  
18 FDLE has three items on your agenda today. The first is  
19 recommending your approval of our minutes of the October 23  
20 Cabinet meeting.

21 GOVERNOR SCOTT: Is there a motion to approve?

22 ATTORNEY GENERAL BONDI: So moved.

23 CHIEF FINANCIAL OFFICER ATWATER: Second.

24 GOVERNOR SCOTT: Any comments or objections?

25 (No audible response.)

1 GOVERNOR SCOTT: Hearing none, the motion carries.

2 COMMISSIONER BAILEY: Governor, the second item is our  
3 second quarter performance review. You have noted that the  
4 Department continues a strong level of performance. I do  
5 want to briefly highlight a couple of things that happened  
6 during this quarter.

7 As you're aware, the laboratory system that FDLE  
8 operates is accredited by the American Society of Crime  
9 Laboratory Directors. We had an inspection in December and  
10 they came away with zero, no quality issues.

11 During December we participated, and we continue to  
12 participate, in the Tampa Bay Identity Theft Alliance along  
13 with other state agencies, local agencies, and federal  
14 agencies. Many -- no, most of the alliance cases are  
15 dealing with fraudulent tax returns, which they are  
16 targeting the individuals with little or no banking  
17 relationships; that continues. That alliance is doing very  
18 good things for the Tampa Bay area.

19 During December we partnered with Attorney General  
20 Bondi to outlaw 22 synthetic drugs on an emergency rule. We  
21 are working now with local law enforcement to remove the  
22 inventories from the retailers and also working with the  
23 Attorney General and the legislature to bring those 22 under  
24 the emergency rule to the schedule during the upcoming  
25 session. I would be happy to answer any of your questions

1 about item two.

2 GOVERNOR SCOTT: And the state crime rate's at a  
3 41-year low?

4 COMMISSIONER BAILEY: Yes, sir, they are.

5 GOVERNOR SCOTT: And your work with DNA is having a  
6 dramatic impact?

7 COMMISSIONER BAILEY: Yes. And we thank you for what  
8 you did there with -- DNA is the future of what we're doing  
9 in the laboratory system and your support during the Florida  
10 Families First budget is very much appreciated.

11 GOVERNOR SCOTT: Any questions?

12 ATTORNEY GENERAL BONDI: And just -- Commissioner,  
13 we're now up --

14 COMMISSIONER BAILEY: Yes?

15 ATTORNEY GENERAL BONDI: -- to 23 substances on the  
16 synthetics --

17 COMMISSIONER BAILEY: And still --

18 ATTORNEY GENERAL BONDI: Still going.

19 COMMISSIONER BAILEY: There will probably be more.

20 GOVERNOR SCOTT: Yeah, you should be proud of law  
21 enforcement in the state.

22 ATTORNEY GENERAL BONDI: Thank you.

23 GOVERNOR SCOTT: The FDLE's doing a great job. The  
24 sheriffs, the police chiefs, all across the state, highway  
25 patrol, they're all doing a great job.

1 COMMISSIONER BAILEY: Thank you.

2 GOVERNOR SCOTT: So is there a motion to approve item  
3 two?

4 CHIEF FINANCIAL OFFICER ATWATER: So moved.

5 GOVERNOR SCOTT: Is there a second?

6 ATTORNEY GENERAL BONDI: Second.

7 GOVERNOR SCOTT: Any comments or objections?

8 (No audible response.)

9 GOVERNOR SCOTT: Hearing none, the motion carries.

10 COMMISSIONER BAILEY: The third and final item are a  
11 proposed rule amendment for your final approval. Each of  
12 these has gone before the Office of the Fiscal  
13 Accountability and Regulatory Reform and the Joint  
14 Administrative Procedures Commission. Seven of them are --  
15 we're sponsoring on the part of the Criminal Justice  
16 Standards and Training Commission. The other four are FDLE.  
17 Governor, they're each housekeeping issues or bringing the  
18 rules in sync with current law. There were no comments when  
19 it went before the review boards and I'm requesting your  
20 approval of those.

21 GOVERNOR SCOTT: Great. Is there a motion to approve?

22 ATTORNEY GENERAL BONDI: So moved.

23 GOVERNOR SCOTT: Is there a second?

24 COMMISSIONER PUTNAM: Second.

25 GOVERNOR SCOTT: Any comments or objections?

1 (No audible response.)

2 GOVERNOR SCOTT: Hearing none, the motion carries.  
3 Thank you very much, and thanks for your hard work,  
4 Commissioner.

5 ATTORNEY GENERAL BONDI: Thanks.

6 COMMISSIONER BAILEY: Thank you.

7 GOVERNOR SCOTT: Next, I'd like to ask is the Executive  
8 Director Julie Jones of the Department of Highway Safety and  
9 Motor Vehicles to present her agenda.

10 MS. JONES: Thank you, Governor, Cabinet members. In  
11 keeping with today's theme I'd like to tee-up Commissioner  
12 Putnam. As you know we administer 120 specialty tags. One  
13 of our favorite tags is the Ag Tag. The Ag Tag funds and  
14 promotes Florida agriculture in the classroom. And while  
15 the Commissioner's speaking -- he has his, he's asked me to  
16 present each one of you with your own.

17 ATTORNEY GENERAL BONDI: Oh, really.

18 CHIEF FINANCIAL OFFICER ATWATER: Thank you.

19 GOVERNOR SCOTT: Thank you, Commissioner.

20 ATTORNEY GENERAL BONDI: Thank you. That's great.

21 COMMISSIONER PUTNAM: You're welcome.

22 ATTORNEY GENERAL BONDI: Thank you.

23 (Applause)

24 UNIDENTIFIED SPEAKER: Can we get a picture?

25 GOVERNOR SCOTT: I do.

1           ATTORNEY GENERAL BONDI: This is as good-looking as my  
2 Gator Tag by the way.

3           GOVERNOR SCOTT: Thank you very much.

4           ATTORNEY GENERAL BONDI: These are great.

5           COMMISSIONER PUTNAM: Julie, I appreciate you teeing  
6 that up. And, Governor, I would just point out that the  
7 Florida Ag in the Classroom is the beneficiary of the  
8 proceedings from the sale of the Ag Tag. And among their  
9 many projects to promote Ag literacy and a broader awareness  
10 of Florida's agriculture industry, they do a children's book  
11 every year and as we speak the First Lady of Florida is  
12 reading this in the schoolhouse of Cracker Country just  
13 across the way there to a -- I'm told a crowded house. So,  
14 we certainly appreciate First Lady Ann Scott's commitment to  
15 literacy and to our school system and we appreciate her  
16 helping us promote Ag literacy by reading about Florida's  
17 agricultural history today and the proceeds from this make  
18 this possible, so thank you.

19           GOVERNOR SCOTT: So we'll be getting those all around  
20 to all the schools as much as we can?

21           COMMISSIONER PUTNAM: Yes.

22           GOVERNOR SCOTT: That's great. That's great.

23           MS. JONES: And to put a further pitch in for the tag,  
24 it ranks 32 out of 120, so buy those tags. They sold 14,468  
25 last year and every bit of that went to support this

1 program.

2 COMMISSIONER PUTNAM: And what was the number one tag  
3 again?

4 (Laughter)

5 COMMISSIONER PUTNAM: Oh, come on, Director.

6 MS. JONES: I don't want to get involved in that, sir.

7 ATTORNEY GENERAL BONDI: Come on.

8 GOVERNOR SCOTT: You can't remember, can you?

9 ATTORNEY GENERAL BONDI: I can.

10 COMMISSIONER PUTNAM: I'm pretty sure it's -- I think  
11 that Pam and Jeff and I can remember.

12 ATTORNEY GENERAL BONDI: I can.

13 COMMISSIONER PUTNAM: I think it's the Gator Tag.  
14 That's the number one tag.

15 MS. JONES: I think it's the Gator Tag. Yes, sir.

16 A little added value today, right outside the front of  
17 this venue we have our Florida License on Wheels here at the  
18 fair to help people. They'll do driver's license and ID  
19 cards all day today. This is also one of the tools that we  
20 use in partnership with Department of Corrections. To keep  
21 recidivism down we have to set up prisoners with an ID card  
22 or driver's license in order to get them out back in the  
23 community and get them jobs and help them get back on their  
24 feet.

25 I have three items for your consideration and approval.

1 We respectfully request approval for the minutes from the  
2 October 23 Cabinet meeting.

3 GOVERNOR SCOTT: Is there a motion to approve item one?

4 ATTORNEY GENERAL BONDI: So moved.

5 GOVERNOR SCOTT: Okay, is there a second?

6 COMMISSIONER PUTNAM: Second.

7 GOVERNOR SCOTT: Any comments or objections?

8 (No audible response.)

9 GOVERNOR SCOTT: Hearing none, the motion carries.

10 MS. JONES: Item two, respectfully request approval for  
11 the Department's second quarter performance report. This is  
12 our halfway point in the year for programs and performance  
13 measures. We're doing quite well.

14 We had several campaigns, and because of our time  
15 limitations we did White out Teen Crashes again which you --  
16 you all helped us with a couple years ago. We initiated the  
17 TACT campaign, Ticketing Aggressive Cars and Trucks. This  
18 is where our commercial vehicle enforcement officers  
19 partnered with the Florida Trucking Association. Federal  
20 grant dollars are used to create safe driving environments.  
21 We do public awareness and special enforcement campaigns,  
22 and you'll see as part of it, "Big trucks equal big blind  
23 spots."; this is part of the campaign. Our holiday season  
24 we issued 39,202 traffic citations and made 528 DUI arrests  
25 during the holiday season this year. And, lastly, we have

1           partnered with the Department of Transportation and the  
2           Florida Forest Service on a Beware of Smoke and folks --  
3           Smoke and Fog -- I'm telling you -- Beware of Smoke and Fog  
4           education campaign, and this is the first of several  
5           campaigns that are billboard campaigns. So you'll be  
6           seeing -- we've got eight up now across -- and drive slow,  
7           "When visibility is low drive slow." and we've worked very  
8           closely with our partners at the Florida Forest Service.  
9           They are also doing training at the Highway Patrol and we're  
10          offering that training for other law enforcement officers in  
11          order to educate the public on also how to drive better in  
12          very difficult visibility conditions.

13                 Revenue, you'll note we had a solid second quarter  
14                 collecting and distributing five hundred and ninety-nine  
15                 million dollars (\$599,000,000.00) and we continue to see  
16                 this growth in registration, new registrations, which  
17                 indicates new vehicles on the road and migration to Florida.  
18                 It's up eight percent.

19                 Our performance dashboard, good news, is all our  
20                 primary goals remain in green. Measure eight is gone from  
21                 red to yellow; that's the number of enforcement officer  
22                 hours on safety education. This is an annual goal and  
23                 patrol knows it has a lot to do in the next two quarters,  
24                 but I expect this to come in for a landing in green.

25                 Performance 20, this is our 95 percent goal that we set

1 for ourselves to have 30 minutes or less wait times in our  
2 driver's license office and we're up to 87.3 percent, so  
3 we're almost there. The biggest challenge thus far has been  
4 our call center wait times. We pledged to have a five  
5 percent decrease in wait times every quarter and we didn't  
6 make it this quarter. We had 17 vacancies and a new phone  
7 system, and getting the new phone system put into place took  
8 a lot of people off the line for training and I expect this  
9 should come around next quarter. So, Governor, I'd be happy  
10 to answer any questions.

11 GOVERNOR SCOTT: All right. Is there a motion to  
12 approve the item?

13 ATTORNEY GENERAL BONDI: So moved.

14 GOVERNOR SCOTT: Is there a second?

15 COMMISSIONER PUTNAM: Second.

16 GOVERNOR SCOTT: Any comments or objections, any  
17 questions?

18 (No audible response.)

19 GOVERNOR SCOTT: Hearing none, the motion carries.

20 MS. JONES: Item three, respectfully request approval  
21 to publish the notice of proposed rule-making to amend  
22 15A6.009. This is our venue rule relating to our Bureau of  
23 Administrative Review Hearings. We're also proposing to  
24 rename the rule to Location of Hearings. The Department  
25 seeks approval to file final adoption if no requests for

1           hearings are received as a result of this notice. The  
2           amendment to our existing rule will enable more efficient  
3           hearing process by utilizing modern technology for our  
4           hearing officers and these changes will decrease hearing  
5           officer travel time, reduce fuel, and allow staff to hold  
6           more hearings in a timely manner.

7           GOVERNOR SCOTT: Great. Is there a motion to approve?

8           ATTORNEY GENERAL BONDI: So moved.

9           GOVERNOR SCOTT: Is there a second?

10          COMMISSIONER PUTNAM: Second.

11          GOVERNOR SCOTT: Any comments or objections?

12          ATTORNEY GENERAL BONDI: Just -- Julie, thank you so  
13          much. Your staff worked so well with my staff on the  
14          language on this and we appreciate all your help.

15          MS. JONES: Thank you, ma'am.

16          GOVERNOR SCOTT: All right. Hearing none, the motion  
17          carries. Thank you, Julie.

18          MS. JONES: Thank you, sir. Thank you, Cabinet  
19          Members.

20          GOVERNOR SCOTT: So before we conclude our Cabinet  
21          meeting today I want to recognize one person who's worked in  
22          Cabinet for 12 years. Rachel, if you'll stand up.

23          ATTORNEY GENERAL BONDI: Yay.

24          (Applause)

25          GOVERNOR SCOTT: Thank you, Rachel. She is going over

1 to work with Julie Jones and will do a great job there, so  
2 she's done a great job in Cabinet.

3 So this concludes our Cabinet meeting. Our next  
4 meeting will be Thursday, March 7th at 9 a.m. in  
5 Tallahassee. I again want to thank Commissioner Putnam for  
6 hosting us today and it's going to be a great state fair.  
7 We're going to have a lot of people here and this is  
8 awesome. This is just going to be a great day. Have a  
9 great day in Tampa Bay.

10 (Applause)

11 (The meeting was concluded at 10:50 a.m. on February 7th 2013.)  
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STATE OF FLORIDA

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I, FURTHER CERTIFY that I am not a relative, employee, attorney or party, nor am I financially interested in the action.

This 11th day of February 2013.

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Selina Glisson, Notary  
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