

STATE OF FLORIDA

IN RE: MEETING OF THE GOVERNOR  
AND CABINET,

---

CABINET MEMBERS:

GOVERNOR RICK SCOTT  
ATTORNEY GENERAL PAM BONDI  
CHIEF FINANCIAL OFFICER  
JEFF ATWATER  
COMMISSIONER OF AGRICULTURE  
ADAM PUTNAM

DATE:

TUESDAY, MARCH 24, 2015

LOCATION:

CABINET MEETING ROOM  
LOWER LEVEL, THE CAPITOL  
TALLAHASSEE, FLORIDA

REPORTED BY:

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GOVERNOR SCOTT: Good morning. Good morning. I  
welcome to the March 24th Cabinet meeting.

Invocation will be by Pastor Ben Keampfer.  
Please remain standing after the invocation, for the  
Pledge of Allegiance, by Girl Scout Troop 450.

So please stand up.

(Thereupon, Invocation was given.)

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MINUTES FROM FEBRUARY 5, 2015

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GOVERNOR SCOTT: Next on our agenda will be the minutes from the February 5th Cabinet meeting regarding the discussion of process and agency review.

Is there a motion to approve the minutes?

ATTORNEY GENERAL BONDI: So moved.

GOVERNOR SCOTT: Is there a second?

COMMISSIONER PUTNAM: Second.

GOVERNOR SCOTT: Moved and seconded; showing the minutes approved without objection.

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GOOD CAUSE ITEM

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Attorney General Bondi, you requested the next item be added to the agenda. Would you please present the item?

ATTORNEY GENERAL BONDI: Yes, Governor. I asked that be added for good cause and here's why. We wrote you a letter requesting that this item be put on the agenda after it was brought to our attention that on Friday, after the agenda had been set, the plaintiff's attorney in the Weidner v. Scott lawsuit intended to include the four of us as a separate defendant.

We all as you know, each have our own counsel to represent us individually; for that reason, the representation of all of us as a collective body is best handled by outside counsel. We have the discretion to reach a consensus of who that is and how much to pay in fees since our decision is not subject to procurement in the laws.

I suggest we look for an attorney to represent the Governor and Cabinet at a discounted rate; hopefully a rate not much more than other state boards or commissions pay, or what risk management pays.

I would be happy to have my office -- and I don't

1 want us to go into default on this; that's why I added  
2 it on for good cause, because we're under a time  
3 frame. It's up to you, gentlemen, but I would be  
4 happy to have my office put the written contract  
5 together and serve as the contract manager. We will  
6 certainly put a cap amount on fees. We can discuss  
7 what you think is reasonable. We put that in the  
8 contract and we all split the costs evenly. I would  
9 suggest a cap of no higher than 50,000, and that's a  
10 cap.

11 GOVERNOR SCOTT: Okay. Do you have a  
12 recommendation of a name?

13 ATTORNEY GENERAL BONDI: No, not yet, Governor,  
14 not yet.

15 GOVERNOR SCOTT: When does the filing have to be  
16 made?

17 ATTORNEY GENERAL BONDI: Well, see, first they  
18 had just the three of us on it, which isn't a true  
19 body, so that would have just been dismissed.

20 So then they added the Governor and the Cabinet  
21 to make us true defendants, and we found that out on  
22 Friday.

23 So we didn't think we were going to need outside  
24 counsel, but now that we do, we will certainly move as  
25 fast as we can and come up with some names. I have no

1 problem, if you want to bring it back before the next  
2 Cabinet meeting, but again, we are on a time frame.

3 Is Kent in here? What's our time frame with the  
4 amendment, Kent? I think it tolled because they  
5 amended the complaint.

6 MR. PEREZ: I don't know that's formally  
7 happened, General and Governor, but I do know April 6  
8 is when the answer is due. So we have till at least  
9 the 6th, and I would imagine the lawyers collectively  
10 for each individual, would seek more time if we need  
11 to clarify that you need more time for that collective  
12 answer.

13 GOVERNOR SCOTT: Is there a question?

14 COMMISSIONER PUTNAM: So given that we just got  
15 the clarity on Friday about what they meant by the  
16 fifth defendant...

17 ATTORNEY GENERAL BONDI: Right.

18 COMMISSIONER PUTNAM: Is it appropriate for your  
19 office to take the lead on filing a request for  
20 extension on time, so that we can figure out what our  
21 process will be for representing the fifth defendant?

22 ATTORNEY GENERAL BONDI: I mean, we could. It's  
23 going to take -- again, if we cap the amount, and you  
24 know, if you designate me as the contract manager just  
25 to hire an attorney to represent all four of us as a

1 body, I think we can move much quicker than coming  
2 back at every Cabinet meeting. But however the three  
3 of you want to do it is fine with me.

4 GOVERNOR SCOTT: CFO?

5 CHIEF FINANCIAL OFFICER ATWATER: Thank you,  
6 Governor. I had a question that might precede the one  
7 that was just asked.

8 And that is, it might be helpful if you could  
9 share a general -- the thought process that you would  
10 feel it better that we go to outside counsel versus  
11 your department, your office, just representing us as  
12 Cabinet. I'm assuming since there's a conflict; if  
13 you could help me understand that.

14 ATTORNEY GENERAL BONDI: Well, the conflict, it  
15 doesn't make sense because we have each of our  
16 individual counsel in this case, so because we are  
17 each individually represented it makes no sense for me  
18 to come in now and represent all four of us.

19 GOVERNOR SCOTT: You're very good, though.

20 ATTORNEY GENERAL BONDI: Well, thank you,  
21 Governor, thank you. And I hope you can trust me to  
22 pick -- we're just trying to move fast and take care  
23 of this one issue because they wouldn't add all four  
24 of us as a body.

25 COMMISSIONER PUTNAM: Well, I'm interested in

1 being responsive but I'm not interested in letting  
2 fast overtake wise or thoughtful. It seems to me if  
3 we didn't have clarity until Friday, there's got --  
4 again, deferring to the attorney because I'm certainly  
5 not one.

6 But I would like for us to -- if not us then  
7 maybe some extension of us -- acting in the Sunshine,  
8 either our general counsels or whomever, to set up  
9 some process for evaluating who -- I mean, I certainly  
10 appreciate and agree with the consideration you have  
11 brought on, on rate, but to check for conflict and  
12 evaluate the candidates who may be out there who can  
13 fit that bill, I would think we would want some  
14 process for selecting that person, since this is a  
15 little unusual to go outside for the counsel. The  
16 whole thing is unusual.

17 I'm not -- I can certainly understand why you're  
18 making the recommendation you're making.

19 ATTORNEY GENERAL BONDI: Does anyone disagree at  
20 this point that we need outside counsel?

21 And by the way, you mentioned our general  
22 counsels. Our general counsels are also subject to  
23 this lawsuit, so that's one more reason why we need to  
24 go outside of our respective offices. If you want to  
25 put it back on in two weeks and if you want to submit

1 names we can look at them. This all has to be done in  
2 The Sunshine, Commissioner Putnam. I think this is,  
3 frankly, an issue that can be cleared up quicker than  
4 the others.

5 GOVERNOR SCOTT: Okay. So the next Cabinet  
6 meeting isn't until the 14th of April. That's going  
7 to be too late. But what we could do is -- I guess  
8 what we can do is you could give us -- you can be the  
9 procurement officer and give us a recommendation. I  
10 guess we can just hold a quick meeting, and I think we  
11 can do that by phone and then just --

12 Tim, is that right?

13 MR. CERIO: As long as it's properly noticed.

14 GOVERNOR SCOTT: So why don't we do this? How  
15 much time do you think it would take to you come up  
16 with the procurement and recommendation?

17 ATTORNEY GENERAL BONDI: A week; is that  
18 sufficient, Mr. Perez? My general counsel.

19 MR. PEREZ: I'm sure we can be ready, you know,  
20 fairly quickly. Are you saying -- and I'm sorry. The  
21 gentleman interrupted me.

22 GOVERNOR SCOTT: Let's see if this works. Why  
23 don't we do it this way. Let's have the Attorney  
24 General's Office, you guys can make your comments, but  
25 the Attorney General's Office will do the procurement.

1 She'll come back and make a recommendation. I think  
2 the \$50,000 cap is good. I think we would like to  
3 know the name, because I think like Commissioner said,  
4 I think we want to know if there's going to be any  
5 conflict or anything like that. So if we can do that.

6 So it's Tuesday, next Tuesday?

7 ATTORNEY GENERAL BONDI: That's --

8 GOVERNOR SCOTT: Does that work, and will that  
9 give us enough time?

10 ATTORNEY GENERAL BONDI: We can do it by phone as  
11 long as it's noticed. Yeah, I think that gives us  
12 plenty of time. We just have to make sure there are  
13 lawyers out there, and as Commissioner Putnam said, we  
14 do need to check for conflicts so we'll do that. And  
15 of course, we do need to get the best rate as  
16 possible. And now this is broadcasted throughout the  
17 state, I feel we will have some interested attorneys.

18 COMMISSIONER PUTNAM: I do, too.

19 I think we're handcuffing ourselves to say we're  
20 going to do this -- it's a pretty big decision to do  
21 in less than a week. I mean, we're being sued about  
22 Sunshine; well, to do it right takes time, so I don't  
23 know why we can't get an extension. If we didn't know  
24 until Friday that we were going to need -- that we had  
25 the clarity that we would need counsel for a fifth

1 defendant.

2           ATTORNEY GENERAL BONDI: Well, I think the four  
3 of us were expeditious in hiring our own counsel. I  
4 don't think we had a problem at all retaining our own  
5 outside counsel. I think there are plenty of names  
6 out there; we just couldn't discuss it as a body prior  
7 to today, of course.

8           GOVERNOR SCOTT: Attorney General, let's go back  
9 though. This is what I know. Right now, do you know  
10 the date we have to make -- let's assume we had  
11 counsel today and we were not going to fight how fast  
12 we had to do it; when would we have to file again?  
13 April 1?

14           MR. PEREZ: April 6 is when the answer is due,  
15 but, Commissioner Putnam, to try and follow your  
16 thinking if I might, Governor and General, that I  
17 don't see why we couldn't. And obviously, you each  
18 have separate lawyers; those lawyers could discuss  
19 with plaintiff's counsel on any extension of time or  
20 time constraints that we need, provided that there is  
21 no accommodation. And certainly, we could shoot for  
22 the meeting in a week from now, properly noticed, duly  
23 laid out so these issues could be addressed. If that  
24 accommodation is made, then obviously we would have  
25 more time and you could deal with it in two weeks from

1 now.

2 ATTORNEY GENERAL BONDI: And that's if that's  
3 granted. My concern, as your chief legal counsel, is  
4 I don't want us to go into default. That's my  
5 concern.

6 COMMISSIONER PUTNAM: I understand.

7 GOVERNOR SCOTT: So let's say it this way. If we  
8 say we're going to hold a telephone meeting in one  
9 week, you're going to, as our procurement officer,  
10 you're going to look at our options; you're going to  
11 come back with a recommendation. In the mean time,  
12 our individual counsel will talk to -- we will file  
13 for an extension. There will be a conversation  
14 between our individual counsel and the plaintiff.

15 ATTORNEY GENERAL BONDI: Well, we'll try to get  
16 an agreement for an extension.

17 GOVERNOR SCOTT: Right. But if they don't...

18 ATTORNEY GENERAL BONDI: Because they properly  
19 filed it. We can take it to the judge.

20 GOVERNOR SCOTT: Right. If they don't, then  
21 we'll know in one week, and that will give our counsel  
22 time enough to be prepared to file. If we picked one  
23 a week from today, that will give that counsel enough  
24 time to be prepared to make filing by April or  
25 whatever.

1 ATTORNEY GENERAL BONDI: Exactly.

2 GOVERNOR SCOTT: All right.

3 COMMISSIONER PUTNAM: So does that process allow  
4 for the three of us to provide input or  
5 recommendations or suggestions? If people approach us  
6 who are interested, we direct them to you or --

7 ATTORNEY GENERAL BONDI: Absolutely.

8 COMMISSIONER PUTNAM: -- instead of getting all  
9 wrapped around the axle again. How do we -- what do  
10 we do when somebody calls us and says, "I'm interested  
11 in being counsel for the fifth defendant." If I tell  
12 you, can I do that?

13 MR. PEREZ: Well, Commissioner, if you're  
14 contemplating a week from now telephonically for the  
15 four of you, that meeting is where you'll bring  
16 forward your thoughts, suggestions, offerings, and  
17 that's where you'll flush that out, if I'm  
18 understanding you correctly.

19 GOVERNOR SCOTT: But Kent, for sure, what they  
20 can do if the Commissioner has a name, he can send a  
21 letter to the Attorney General, right?

22 MR. PEREZ: Well, if the four of you are going to  
23 collectively follow through with this, I think you  
24 would do that in the next meeting.

25 GOVERNOR SCOTT: And not do a letter or anything?

1           COMMISSIONER PUTNAM: I thought you were bringing  
2 us a name on the next meeting; I thought that's what  
3 your motion was.

4           ATTORNEY GENERAL BONDI: Well, it was. But now,  
5 if you want to submit names, I say we, just like Kent  
6 says, we just discuss it a week from now at the next  
7 meeting. Hopefully, by then, we will have an  
8 extension.

9           Again, I don't think we will have trouble finding  
10 a very competent lawyer to represent us as a Board at  
11 a discounted rate with a cap.

12          GOVERNOR SCOTT: So Commissioner, you would feel  
13 more comfortable just waiting until we have a meeting  
14 in a week, and if anyone has their own names we will  
15 bring them to Attorney General at that point and we  
16 have a discussion?

17          COMMISSIONER PUTNAM: What if we set up an  
18 intermediate step, which is the process or the vetting  
19 of people who present themselves to the Attorney  
20 General as being interested in representing the  
21 Governor and Cabinet, that there be some group -- off  
22 of the top of my head, I would either say our general  
23 counsels or Cabinet aides -- that would meet in the  
24 Sunshine to discuss the options and provide a  
25 recommendation to the Cabinet to consider at that

1 meeting, either a week from now or two weeks from now,  
2 whichever we determine; or, if we determine upon the  
3 conclusion of their process and then we properly  
4 notice that and do it telephonically. Does that make  
5 sense or is that adding too much complication?

6 ATTORNEY GENERAL BONDI: Well, again, you're  
7 shortening the time frame even more. When would you  
8 want to do this?

9 COMMISSIONER PUTNAM: Well, I'm not interested in  
10 shortening the time frame. I'm interested in getting  
11 an extension --

12 ATTORNEY GENERAL BONDI: Right.

13 COMMISSIONER PUTNAM: -- and us doing this right.

14 ATTORNEY GENERAL BONDI: But we don't know  
15 whether or not we will receive an extension yet, and  
16 my job is to protect all of us from having a default  
17 judgment against us. So I've given you the worst-case  
18 scenario.

19 MR. PEREZ: General, maybe.

20 Commissioner, I think to follow your thinking, it  
21 probably would not be inappropriate for interested  
22 individuals to let the Office of the Attorney General,  
23 as the repository, know of that interest and we could,  
24 while we're waiting to see if we are accommodated for  
25 an extension of time, we can go ahead today and notice

1 a meeting a week from now, and that meeting can either  
2 a delegated meeting that you assign to your Cabinet  
3 aides or a delegated meeting that you assign to  
4 General Counsels in your stead, and they can walk  
5 through the process and walk through the receipts of  
6 any interested individuals and determine and then  
7 bring it back to you two weeks from now. Hopefully,  
8 they will accommodate the answer time anyways.

9 ATTORNEY GENERAL BONDI: And Commissioner, then  
10 we would -- right. As Kent said, we would probably  
11 know -- hopefully, we will get an extension of time,  
12 we should get an extension of time. Hopefully, the  
13 party will agree to the extension of time. But then  
14 at least in a week it will have been submitted and  
15 discussed them at that time.

16 Would that make all of you comfortable? We would  
17 know the rate. We would know if they accept our cap.

18 CHIEF FINANCIAL OFFICER ATWATER: Governor, if I  
19 may? Maybe another question for Mr. Perez, or for  
20 anyone who would answer this: What is our notice of  
21 time requirement before the meeting?

22 MR. PEREZ: Generally speaking, CFO, it's seven  
23 days under Chapter 120.

24 CHIEF FINANCIAL OFFICER ATWATER: Okay.

25 MR. PEREZ: That's a little different from the

1 286 notice, but I think you would probably meet the  
2 spirit of intent and the law if you just noticed for a  
3 week from today.

4 CHIEF FINANCIAL OFFICER ATWATER: I think where I  
5 was heading with that question was that it would -- if  
6 you had recommendations, General, for who that counsel  
7 might be and the cost, it just seems like that's  
8 something that ought to be published ahead of us  
9 having the telephone conversation. Again, because  
10 it's a decision that's obviously important, but all of  
11 these choices that we make of how we're spending  
12 taxpayer dollars, I wouldn't want the phone call to be  
13 we just move into the subject matter and deal with  
14 cost and there's not a chance for the public  
15 understanding what we're doing with taxpayer dollars.

16 GOVERNOR SCOTT: Let's go back through the notice  
17 requirements again. So it takes seven days, right?  
18 And how about if there's an emergency?

19 MR. PEREZ: Under 120, the emergency rules are  
20 somewhat different. I don't know, Governor. With  
21 this posture, you know, I think you're fine with the  
22 6th being the answer time. You could apply the  
23 emergency application, but I think reasonable notice  
24 under 286 even if it's somewhat less -- and Pat is not  
25 here who is the real guru but -- so I think you would

1 be fine with that.

2 If you were to take in all of the interested  
3 parties; in other words, the AG's office could be the  
4 repository for individuals who are interested. And if  
5 your message is today anybody that's interested,  
6 submit their name and a proposed rate, that would lay  
7 out the individuals that -- it would seem to me --  
8 that the Governor and Cabinet could discuss or whoever  
9 you appoint to discuss that and I think the notice  
10 issue will be fine.

11 GOVERNOR SCOTT: So --

12 MR. CERIO: I agree.

13 ATTORNEY GENERAL BONDI: And again, we're not  
14 trying to make the decision. We're just trying to be  
15 the repository and take information.

16 Commissioner Putnam, you made a good point. We  
17 may have two people that want this job or we may have  
18 20. But again, I would hope you-all would agree of a  
19 cap to no more than \$50,000?

20 COMMISSIONER PUTNAM: We can do that now.

21 ATTORNEY GENERAL BONDI: Right.

22 COMMISSIONER PUTNAM: You can essentially  
23 advertise that you need not apply if you're not  
24 willing to abide by the parameters you've suggested.  
25 I'm fine with that. I'm just not necessarily

1 comfortable with coming back again, under a greater  
2 deadline, straining with an up-or-down vote on a  
3 single name. I don't care for that.

4 ATTORNEY GENERAL BONDI: So you want -- okay.  
5 I'm hearing two different things then.

6 We want to have plenty of time for people to  
7 apply, so are you saying a week isn't reasonable to  
8 bring it up and discuss it? Why don't we bring this  
9 up in a week, telephonically, notice it, and see who  
10 has applied and discuss it then see if we're happy  
11 with those names. And if not, again, Commissioner, we  
12 may have hopefully gotten an extension by then as well  
13 so it may be a moot issue.

14 GOVERNOR SCOTT: Now, if we're worried about a  
15 time frame we can notice two meetings.

16 ATTORNEY GENERAL BONDI: Exactly.

17 GOVERNOR SCOTT: So notice a meeting for next  
18 Tuesday and notice a -- next Tuesday -- today is the  
19 24th, so it's getting to be pretty short.

20 COMMISSIONER PUTNAM: Since the 14 plans and the  
21 press are going to get another meeting to cover, so  
22 they should give us the extension.

23 GOVERNOR SCOTT: So if we wanted to give  
24 ourselves two meeting times we could give ourselves a  
25 little more notice. I'll propose -- I'll make a

1 motion that we do it on the 31st at 8:00 in the  
2 morning, that it be telephonic, and the anybody that  
3 wants or has an interest to represent us will contact  
4 the Attorney General's Office.

5 You will tell everybody that the plan is that  
6 we're not going to spend more than 50,000; that will  
7 be the cap. You will come back with recommendations;  
8 you will be our procurement officer. Then, with the  
9 chance that we can't come to an agreement then and  
10 also know about the extension, then we can give  
11 ourselves -- what do you think is reasonable? Two  
12 days or three days more?

13 ATTORNEY GENERAL BONDI: I guess it depends on  
14 how many candidates we have.

15 GOVERNOR SCOTT: Let's just do it three days  
16 later, on that Friday, okay? Let's plan on it again  
17 8:00 in the morning.

18 ATTORNEY GENERAL BONDI: Now, remember, our  
19 deadline is April 6, assuming we do not get an  
20 extension.

21 GOVERNOR SCOTT: Right, and we'll know that  
22 Tuesday. So we'll know.

23 COMMISSIONER PUTNAM: Can I ask a question about  
24 that motion?

25 GOVERNOR SCOTT: Yes, sir. I'm sorry.

1           COMMISSIONER PUTNAM: Is it allowable -- and if  
2 so, I'm assuming that, please, clarify that,  
3 General -- that you would share the information about  
4 those who have expressed interest in being hired, that  
5 would be distributed to our offices prior to meeting  
6 so we're not getting it cold at the meeting?

7           ATTORNEY GENERAL BONDI: And Mr. Cerio and  
8 Mr. Perez, I don't see a problem getting --  
9 Ms. Gleason isn't here, but I think but if we post it  
10 online for the public to see, I think we're fine; is  
11 that correct?

12          MR. PEREZ: Uh-huh.

13          ATTORNEY GENERAL BONDI: So again, all we are is  
14 the repository; we're just keeping track of the  
15 information, people knowing very well of the cap we  
16 have set is, and their hourly rate, which is going to  
17 be important, and their qualifications. And we'll  
18 post that. We'll post it, so you know when we know,  
19 as it comes in.

20          COMMISSIONER PUTNAM: That's great. That's very  
21 helpful. And I think to make the most of our next  
22 meeting, it would be nice to have as much as possible  
23 so that we're not reinventing the wheel; so we have  
24 had an opportunity to review resumes and evaluate  
25 potential conflicts. And presumably they would have

1 already agreed to a rate or they wouldn't apply for  
2 the job.

3 ATTORNEY GENERAL BONDI: And of course, we will  
4 review conflicts as well.

5 CHIEF FINANCIAL OFFICER ATWATER: General, I  
6 think you answered it earlier so if you felt you had,  
7 I apologize. But what you're saying here is that your  
8 office representing us now is the defendant is a  
9 conflict and it should be known handled by outside  
10 counsel?

11 ATTORNEY GENERAL BONDI: Correct. Because we are  
12 all named defendants in separate lawsuits and our  
13 general counsels are involved as well. So all I'm  
14 suggesting now is that I'm a repository. One of us  
15 has to be; if you want to do it that's fine, but the  
16 information, we will post it when we get it.

17 I think we all should vote on \$50,000 cap now.  
18 Or I don't know if we noticed for a vote, but I think  
19 we can all agree we will be seeking an attorney with  
20 \$50,000 cap, and we will be looking for reasonable  
21 hourly rates, which we will provide online to the  
22 entire public when we receive that, as well as the  
23 resumes.

24 GOVERNOR SCOTT: I have a similar concern that  
25 we're going to waste some time here, so I would like

1 to go back to your original proposal and see if  
2 there's -- based on now we know how difficult it is to  
3 do all of this and how we could be shortening  
4 ourselves on time, we're going to go back to your  
5 original proposal, which was, you would be the  
6 procurement officer, you would put a cap of \$50,000,  
7 and you would retain the counsel that would represent  
8 us.

9 I personally am okay with that, but I don't know  
10 where everybody else is.

11 ATTORNEY GENERAL BONDI: That's up to you three  
12 gentlemen. I don't think that, Commissioner Putnam, I  
13 don't think you were comfortable with that.

14 COMMISSIONER PUTNAM: Yes, I have some discomfort  
15 hiring an attorney to represent the fifth defendant,  
16 which includes me, without having had any input in who  
17 is representing me; yes, that is troublesome.

18 So, I would prefer to see a process where the  
19 four of us have input in who is representing the four  
20 of us.

21 GOVERNOR SCOTT: Okay. Where are you on it?

22 CHIEF FINANCIAL OFFICER ATWATER: I share the  
23 same concern.

24 GOVERNOR SCOTT: Okay, so let's go back the other  
25 way then. We will notice a meeting. There's no real

1 reason -- if you want to do the \$50,000 now, we can  
2 put a cap now.

3 ATTORNEY GENERAL BONDI: I would like to put a  
4 cap now, because I don't want people coming in -- it's  
5 wasting people's time.

6 GOVERNOR SCOTT: Let's just do the motion on the  
7 cap. The motion would be...

8 ATTORNEY GENERAL BONDI: \$50,000 cap.

9 GOVERNOR SCOTT: So there will be a \$50,000 cap  
10 on the representation of the Governor and Cabinet in  
11 this issue, all right?

12 Is there a second?

13 COMMISSIONER PUTNAM: Second.

14 GOVERNOR SCOTT: All in favor, aye?

15 (All Cabinet members answer affirmatively.)

16 GOVERNOR SCOTT: Anybody opposed? Okay.

17 Now, next is the motion would be that we would  
18 notice the meeting for 8 a.m. by phone on the 31st,  
19 and that also do one -- by the way, if we do April  
20 3rd -- let's think about this and everybody's schedule  
21 -- it's going to be by phone, but it is Good Friday.  
22 Does that impact anybody?

23 If they don't give us an extension, we're not  
24 giving ourselves much time.

25 ATTORNEY GENERAL BONDI: Right. Let's do it

1 before then. I have a feeling we're going to have  
2 several people apply.

3 GOVERNOR SCOTT: So we're going to do a telephone  
4 meeting March 31. And do you want to do one the next  
5 day?

6 CHIEF FINANCIAL OFFICER ATWATER: Yeah.

7 GOVERNOR SCOTT: And then April 1 at 8 a.m. by  
8 phone. And the -- what the Attorney General will come  
9 back is you will be the procurement officer, you'll  
10 come back with your recommendation, and we'll either  
11 make the decision on the 31st, we'll know if we got an  
12 extension, or we'll have to make a decision on the  
13 1st. And we can do another notice after that if we  
14 have to.

15 Is that all right? Is that okay with everybody?

16 COMMISSIONER PUTNAM: It is, and I'm very  
17 grateful for the Attorney General taking on this  
18 thankless job of wading through all of the potential  
19 applicants. But I do appreciate it; I don't want to  
20 sound ungrateful.

21 ATTORNEY GENERAL BONDI: I completely understand  
22 where you're coming from. If someone is going to  
23 represent me, I want to know who they are as well.

24 So we're going to gather information, we're going  
25 to post it and have our meeting.

1 GOVERNOR SCOTT: Everybody has the motion?  
2 Is there a second?

3 COMMISSIONER PUTNAM: Can we repeat the motion?

4 GOVERNOR SCOTT: Yes, thank you. We are, right  
5 now, we're noticing the meeting for 8 a.m. by  
6 telephone on March 31st; also noticing a separate  
7 meeting the next day, 8 a.m. on March -- or April 1st.  
8 The agenda will be this issue on both days. The  
9 Attorney General will be coming back with her  
10 recommendation for counsel, basically, and then  
11 we'll -- all right, is there a second?

12 CHIEF FINANCIAL OFFICER ATWATER: Second.

13 GOVERNOR SCOTT: All in favor?

14 (Cabinet answers affirmatively.)

15 GOVERNOR SCOTT: All right. Anything else on  
16 that issue? All right. Next. Thank you very much.  
17 And, Attorney General, thanks for taking the lead on  
18 that.

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ADMINISTRATION COMMISSION

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Next, we have Mark Kruse with the Administration Commission.

MR. KRUSE: Good morning. We have two items on the Administration Commission agenda. Item 1 requests approval of the minutes of June 7, 2014, meeting.

ATTORNEY GENERAL BONDI: Is there a motion to approve this item?

CHIEF FINANCIAL OFFICER ATWATER: So moved.

ATTORNEY GENERAL BONDI: Is there a second?

COMMISSIONER PUTNAM: Second.

ATTORNEY GENERAL BONDI: Moved and seconded. The motion minutes are approved without objection.

MR. KRUSE: Item 2 requests a recommended order issued by the Division of Administration Hearings in the matter of Katie Pierola and Greg Geraldson (phonetic) versus Manatee County and Robinson Farms, Inc. The Commissions counsel, Jack Heekin will present item two.

ATTORNEY GENERAL BONDI: Thank you, Jack.

MR. HEEKIN: Good morning. The second item on our agenda today is the Kate Pierola and Greg Geraldson versus Manatee County and Robinson Farms,

1 Incorporated.

2 This matter comes before the Administration  
3 Commission for the entry of a final order, following a  
4 recommended order issued by the Division of  
5 Administrative Hearings. At issue is whether a  
6 Manatee County Comprehensive Plan amendment is in  
7 compliance with Chapter 163.

8 The Commission may either adopt the recommended  
9 order that has been issued by the administrative law  
10 judge, or it may modify substantial portions of it  
11 based upon the exceptions that have been filed by the  
12 County, and the Intervenor in this case, Robinson  
13 Farms.

14 The Commission must make an explicit ruling on  
15 each properly filed exception that the County and  
16 Intervenor have jointly filed.

17 When modifying the recommended order, the  
18 Commission may not reject or change a finding of fact  
19 that the administrative law judge has made, if the  
20 finding of fact is based upon competent substantial  
21 evidence in the record below.

22 However, the Commission is authorized to make  
23 modifications to conclusions of law in the recommended  
24 order if it determines that another interpretation of  
25 law is as or more reasonable than that which was

1 reached by the ALJ. If the Commission adopts the  
2 recommended order and find the plaintiff is not in  
3 compliance, it must specify remedial action that the  
4 County must take in order to make this planned  
5 amendment compliant with Chapter 163.

6 The Commission is also authorized to impose  
7 certain sanctions if the remedial action is not  
8 undertaken, and if the County still elects to proceed  
9 with the planned amendment, notwithstanding a finding  
10 of noncompliance; however, the discretion of sanctions  
11 is discretionary.

12 The plan amendment at issue was unanimously  
13 adopted by the Manatee Board of County Commissioners  
14 on December 5, 2014, through Ordinance Matter 13-10.  
15 The plan amendment changes the future land use  
16 classification of approximately 20 acres of land that  
17 is owned by Robinson Farms, Incorporated. The  
18 designation will be changed from Residential I, which  
19 currently authorizes up to one residential unit per  
20 acre, to Residential III, which would authorize three  
21 residential use per acre.

22 The planned amendment also caps the maximum  
23 density on that 20-acre parcel. So 38 units. So it  
24 would represent an increase of 18 units over the  
25 currently authorized level.

1           The property is located in northwest Bradenton,  
2 Florida, within a designated coastal evacuation area,  
3 and all but 4.68 acres is also located in a designated  
4 coastal high hazard area. The CEA and CHHA are each  
5 established in the Manatee County Comprehensive Plan  
6 and are governed by various objectives, policies and  
7 goals in that comprehensive plan.

8           The petitioners to this case, Katie Pierola and  
9 Greg Geraldson, challenged the adopted comprehensive  
10 plan amendment at the administrative hearing, arguing  
11 first that the amendment was not adopted based upon  
12 the best data available and analysis; and second, that  
13 the amendment rendered the Manatee County  
14 Comprehensive Plan internally inconsistent, because it  
15 conflicted with the portions of the Manatee plans  
16 Future Land and coastal management element.

17           In challenges filed by an effective person, as in  
18 this case, statute requires a comprehensive plan  
19 amendment shall be determined in compliance if a  
20 county's determination of compliance with Chapter 163  
21 is fairly debatable. That fairly debatable standard  
22 is highly deferential to these planning actions, and  
23 states that the planning action will be upheld if  
24 reasonable persons could disagree as to its propriety.

25           After an administrative hearing on this petition,

1 the Administrative Law Judge, Bram Canter, issued a  
2 recommended order. Judge Canter first held that the  
3 petitioners had failed to prove beyond a fair debate  
4 that the amendment was not based upon the relevant and  
5 appropriate data and analysis, as is required by  
6 section 163.3177, subsection 1F. However, Judge  
7 Canter held that the petitioners had proved beyond  
8 fair debate that the planned amendment was internally  
9 inconsistent with future land element policy  
10 2.2.2.4.5, subsection A; 2.2.2.5.5, subsection A; as  
11 well as the coastal management element objective of  
12 4.3.1 and coastal management element policy 4.3.1.1.

13 As a result of his conclusion of internal  
14 inconsistency, Judge Canter recommended the  
15 Administration Commission enter a final order finding  
16 this plan not in compliance.

17 Based upon my review of the recommended order and  
18 the record of the proceedings below, I have parsed out  
19 what I believe are the key findings of fact and  
20 conclusions of law before the Commission today.

21 Judge Canter's findings of fact that are  
22 supported by competent substantial evidence in the  
23 record below in the form of witness testimony and  
24 exhibits that were admitted, are first at the 20-acre  
25 Robinson's Farm is located within a coastal evacuation

1 area; second, that approximately 15.32 acres of the  
2 Robinson Farm property is also located in a designated  
3 coastal high hazard area; third, that the plan  
4 amendment increases residential density on the 20-acre  
5 Robinson Farms property.

6 By changing future land use classification from  
7 Res I to Res III and authorizing up to 38 residential  
8 units to be constructed on the property. This  
9 represents, as I mentioned earlier, an increase of  
10 over 18 residential units over the existing authorized  
11 amount.

12 Judge Canter's recommended order also included  
13 eight general conclusions of law that are relevant to  
14 his valuation of the plan amendments with consistency  
15 and Chapter 163.

16 The first conclusion of law pertains to the  
17 consistency of this planned amendment in the coastal  
18 management element. Judge Canter held the plan  
19 amendment is inconsistent with Coastal Management's  
20 element objective, 4.3.1 and policy 4.3.1.1, because  
21 it did not direct population concentrations away from  
22 the coastal evacuation area.

23 In defining "population concentration," Judge  
24 Canter looked to other provisions that govern the  
25 coastal evacuation area, and determined "population

1 concentrations" should be interpreted to mean any  
2 increase in residential density.

3 The second conclusion of law that Judge Canter  
4 reached was the consistency with the Future Land CEA  
5 policy. Judge Canter held the plan amendment is  
6 inconsistent with future land use policy 222.45, sub  
7 A, because it would increase allowable residential  
8 density on a site within the CEA.

9 The third conclusion of law pertained to the  
10 consistency of this Future Land Use Element for CHHA  
11 policies. Judge Canter held the plan amendment is  
12 inconsistent with future land use policy, 222.55, sub  
13 A, because it would increase allowable residential  
14 density on a site within the coastal high hazard area.

15 The fourth conclusion of law dealt with the  
16 supremacy of CEA and CHHA policies in the event of a  
17 conflict with other County considerations. Judge  
18 Canter held the County could not reach a fairly  
19 debatable determination of consistency in this case  
20 between the plan amendment and the Manatee plan by  
21 evaluating and other considerations defined within the  
22 Manatee plan, because the policies of CEA and CHHA  
23 override all of the considerations of the plan.

24 The fifth conclusion of law pertains to the  
25 County's consideration of past reductions in

1 residential density in CEA and CHHA to determine  
2 consistency of the plan amendment with the Manatee  
3 County Comprehensive Plan. Judge Canter concluded  
4 that past productions and residential density in other  
5 parts of the CHHA is not a valid consideration by the  
6 County in determining the consistency of this plan  
7 amendment with the Future Land Use Element policy  
8 222.55, sub A, and further concluded that the Manatee  
9 plan prohibits any amendment which would increase  
10 residential density in the CHHA.

11 The sixth conclusion of law pertains to the  
12 evaluation of relevant and appropriate data in the  
13 adoption of this plan amendment. Judge Canter held  
14 that the plan amendment is, in fact, based upon  
15 relevant and appropriate data as required by section  
16 163.7137, subsection 1F; however, Judge Canter noted  
17 that the plan amendment conflicts with the policies  
18 that prohibit any increase in residential density in  
19 CEA and CHHA.

20 The seventh key conclusion of law is the effect  
21 of mitigation criteria to offset the impact of this  
22 plan amendment. Judge Canter concluded that  
23 mitigation criteria that are stated to comply with  
24 state coastal hazard provisions, under section  
25 163.3178, subsection 8A, does not obviate the need to

1 also satisfy local criteria in the Manatee plan, and  
2 concluded that this plan amendment does not satisfy  
3 the local criteria. Those mitigation standards are  
4 evacuation times to shelter and having sufficient  
5 shelter capacity.

6 The eighth conclusion of law is the overall  
7 compliance of this plan amendment with the Manatee  
8 County Comprehensive Plan, and Judge Canter concluded  
9 that the petitioners had proved beyond fair debate  
10 this plan amendment is not in compliance, because it  
11 is internally inconsistent with the Future Land Use  
12 Element and coastal management element policies and  
13 objective I mentioned earlier.

14 Now I will discuss the standard of review. The  
15 Administrative Procedures Act, which governs the  
16 review of the recommended order by the Commission  
17 today, provides the Commission will adopt the ALJ's  
18 recommended order, except under limited circumstances.

19 The recommended order in this case before you  
20 contains findings of fact and conclusions of law  
21 entered by Judge Bram Canter following a fact-finding  
22 hearing. Findings of fact in the recommended order  
23 may not be rejected or modified by this Commission  
24 unless it is determined that the findings were not  
25 based upon competent, substantial evidence in the

1 record below.

2 GOVERNOR SCOTT: Can you say that one more time?  
3 Can you read that summary slowly? What's the standard  
4 again?

5 MR. HEEKIN: Yes. Findings of fact in this  
6 recommended order may not be changed and/or rejected  
7 if that finding of fact is based upon competent,  
8 substantial evidence in the record below.

9 Those three findings of fact that I mentioned  
10 earlier, those based upon my review of the record, are  
11 findings of fact that have been based upon competent  
12 and substantial evidence in the record.

13 In reviewing the ALJ's findings of fact, the  
14 Commission's consideration is expressly restricted to  
15 the record below and it may not consider additional  
16 evidence to hear today that was not entered below.  
17 Additionally, the weight assigned to conflicting  
18 evidence is a matter that is expressly reserved for  
19 the administrative law judge and may not be  
20 reconsidered by the Commission today.

21 The Commission is, however, authorized to modify  
22 certain conclusions of law over the recommended order,  
23 over which it has substantive jurisdiction. To reject  
24 or modify a conclusion of law, the Commission must  
25 state with specificity the reasons for the

1 modification or rejection and must find that its  
2 substituted conclusion of law is as or more reasonable  
3 than the conclusion reached by the ALJ.

4       Importantly, mislabeling a finding of fact as a  
5 conclusion of law, and vice versa, is not dispositive  
6 of how the statement is treated. The Commission will  
7 look to the substance of the statement to determine if  
8 it is properly categorized as a finding of fact or  
9 conclusion of law. This is particularly relevant in  
10 this case because several of the exceptions that were  
11 filed by the respondent and intervenor, Manatee  
12 County/Robinson Farms, relate to portions of the  
13 recommended order that the ALJ labeled as findings of  
14 fact.

15       Based upon my review of the recommended order in  
16 the record below, it appears that the first six  
17 exceptions filed by respondent/intervenor pertain to  
18 statements that were made by the ALJ that were labeled  
19 as findings of fact but are more appropriately treated  
20 as mixed findings of fact and conclusions of law, or  
21 as pure conclusions of law. Those six exceptions, the  
22 first exception pertains to paragraph 25.

23       ATTORNEY GENERAL BONDI: This is important,  
24 gentlemen, for you to look at.

25       MR. HEEKIN: The six exceptions, Exception 1, 2,

1 and 3, pertains to paragraphs 25, 26 and 27.

2 Based upon my review, I believe those paragraphs  
3 are more appropriately treated as mixed findings of  
4 fact and conclusions of law. The finding of fact that  
5 is key to all three of those statements is that the  
6 plan amendment increases residential density on a site  
7 within the CEA and on a site within the CHHA.

8 In paragraph 25, the conclusion of law that was  
9 reached by the ALJ is that this plan amendment is  
10 inconsistent with coastal management element policy,  
11 4.3.1 and 4.3.1.1, because it does not direct the  
12 population concentrations away from the coastal  
13 evacuation area. As I mentioned earlier, the  
14 population concentrations was interpreted by ALJ to  
15 mean any increase in residential density.

16 Paragraph 26, which pertains to  
17 Exception Number 2, is, again, a mixed finding of fact  
18 and conclusion of law; the finding of fact being the  
19 amendment in question increases residential density on  
20 a site within the coastal evacuation area; the  
21 conclusion of law being that the plan amendment is  
22 inconsistent with Future Land Use Element policy  
23 2.2.2.5, sub A, which prohibits any amendment to the  
24 future land use map that would increase allowable  
25 residential density on sites within the CEA.

1 Paragraph 27 is, again, a mixed finding of fact  
2 and conclusion of law. And this is covered in  
3 Exception 3 filed by Respondent/Intervenor, entering  
4 the finding of fact, again, is the plan amendment  
5 increases residential density on a site within the  
6 CHHA; the conclusion of law is that the plan amendment  
7 is inconsistent with Future Land Use Element policy  
8 with 222.55, sub A, which prohibits any amendment to  
9 the future land use map that would increase allowable  
10 residential densities on sites within the CHHA.

11 The fourth conclusion of law pertains to  
12 Exception Number 4 filed by Respondent and Intervenor.  
13 This is paragraph 29, which I believe is a pure  
14 conclusion of law. The ALJ held the County did not  
15 reach a fairly debatable determination that the plan  
16 amendment is consistent with the Manatee plan, because  
17 the plan amount is inconsistent with Future Land Use  
18 Element policies 222.45, sub A; 222.55, sub A; and  
19 those policies override any other conflicting goals,  
20 objectives and policies within the Manatee plan that  
21 the County could have considered.

22 Next, Paragraph 30, I believe is a pure  
23 conclusion of law. The ALJ held that urban sprawl  
24 in fill and other policies of the Manatee plan cannot  
25 be invoked to avoid the specific prohibitions and

1 Future Land Use Element policies for the CEA and CHHA.

2 Next is Paragraph 31 of the recommended order,  
3 which I believe, again, is a pure conclusion of law.  
4 This is covered in Exception 5 of the Respondent and  
5 Intervenor. The ALJ held that the County's reduction  
6 in dwelling units in other parts of the CHHA over the  
7 past several years was not a valid consideration of  
8 the County in determining whether this plan amendment  
9 is consistent with the Future Land Use Policy for the  
10 CHHA.

11 And lastly, Paragraph 32, I believe is more  
12 appropriately treated as a pure conclusion of law.  
13 This is addressed in Exception Number 6 filed by the  
14 Respondent and Intervenor. The ALJ held that the  
15 Manatee plan, Future Land Use Policy 222.55, sub A,  
16 plainly prohibits any amendment to the future land use  
17 map that would increase residential density in the  
18 CHHA, regardless of prior reductions in the  
19 surrounding areas.

20 The Respondent and Intervenor in this case  
21 jointly filed the 11 exceptions to Judge Canter's  
22 recommended order. Neither Petitioner, Katie Pierola  
23 nor Greg Geraldson, filed their own exceptions and  
24 neither petitioner filed responses to the exceptions  
25 that were filed by the Respondent and Intervenor.

1           In its final order, the Commission must rule on  
2 each properly-filed exception that specifically  
3 identifies the disputed portion of the recommended  
4 order, the legal basis for the exception, and  
5 appropriate citations to the record.

6           At this time, I request the Commission recognize  
7 representatives appearing on behalf of the parties in  
8 this case: Manatee County/Robinson Farms. First, on  
9 behalf of Robinson Farms, Cynthia Henderson would like  
10 to make a brief statement. And then I believe  
11 Ms. Linda Shelley will present the exceptions,  
12 followed by James Minix, who is the Chief Assistant  
13 County Attorney for Manatee County, who will follow up  
14 with his own argument and exceptions.

15           GOVERNOR SCOTT: Before the speakers, are there  
16 any questions anybody has?

17           ATTORNEY GENERAL BONDI: Gentlemen, did you all  
18 understand where we're going and our authority to be  
19 doing this right now? Any questions on that?

20           CHIEF FINANCIAL OFFICER ATWATER: Thank you,  
21 General.

22           Well, clearly you moved through it efficiently  
23 and I appreciate that, but I am on the edge of my  
24 seat, at some point, expecting you're going to provide  
25 me with a recommendation? Am I going to get that?

1 MR. HEEKIN: CFO Atwater, no, I will not be  
2 providing a recommendation. The recommendation comes  
3 from DOAH in this case in the form of recommended  
4 order. I would be happy to provide legal guidance as  
5 to a decision that you make, but the decision is left  
6 to the Tribunal to decide whether the argument  
7 presented by the County and the Intervenor is as or  
8 more reasonable than the conclusion of law that was  
9 reached by the ALJ in this case.

10 CHIEF FINANCIAL OFFICER ATWATER: Can I ask  
11 another question? And please -- we've dealt with  
12 other matters, maybe wearing a different hat from time  
13 to time up here, such as citing of utilities, where we  
14 were actually those who looked thoughtfully through  
15 this information, provided us findings as well as a  
16 recommendation.

17 So is this unusual that we're not offered from  
18 your thorough analysis what a recommendation would be  
19 for the Commission on how we should proceed with each  
20 one?

21 MR. HEEKIN: I believe there's sufficient legal  
22 authority on both sides of this argument, so my  
23 standing in place of the Tribunal in this case would  
24 be inappropriate. As your attorney, I can provide  
25 legal guidance as to the decision you make, but since

1 it is such an evenly split legal argument, it will  
2 come to a decision that you must make.

3 CHIEF FINANCIAL OFFICER ATWATER: I'm fine with  
4 making the decision; that comes with the territory.  
5 But most anyone who stands where you're standing  
6 usually believes there's great arguments on all sides  
7 of every issue, but the one that stands as our  
8 representative to walk us through such transactions or  
9 matters still comes with a recommendation; I may  
10 accept it or may reject it, but still they come with a  
11 recommendation.

12 GOVERNOR SCOTT: Go ahead, Jack.

13 MR. HEEKIN: And the recommendation in this case,  
14 again, CFO Atwater, comes from DOAH. The  
15 Administrative Procedures Act holds, that is owed a  
16 good deal of deference in this case, but the  
17 conclusions of law ultimately come to you, sitting as  
18 one of the members of the Administration Commission,  
19 to decide if you would like to modify or reject the  
20 conclusion reached by the ALJ, depending upon the  
21 argument -- the persuasiveness of the argument.

22 CHIEF FINANCIAL OFFICER ATWATER: So just so I  
23 understand, historically speaking, your role in this  
24 has never taken a recommendation after what DOAH may  
25 have laid out; you have never weighed in on decisions

1 before the Cabinet or the Commission, such as this in  
2 the past?

3 MR. HEEKIN: Myself personally, no, sir. I am  
4 sure that in the past there were recommendations that  
5 were offered; however, I believe in the interest of  
6 having more open discussion on the record that this is  
7 a decision that is best left to the Tribunal and not  
8 to the staff attorneys.

9 CHIEF FINANCIAL OFFICER ATWATER: Well, I won't  
10 forget that.

11 GOVERNOR SCOTT: Thank you.  
12 Attorney General?

13 ATTORNEY GENERAL BONDI: I just wanted to be  
14 sure, CFO Atwater, everyone understood how it came to  
15 us. Judge Canter ruled against -- here, we have got  
16 the developer and Manatee County on the same side. In  
17 the future, I'll refer to Judge Canter, Administrative  
18 Law Judge, as the ALJ. The ALJ said no, but the  
19 standard -- and this is why we have Jack to explain to  
20 us the standard and how it made it here to us, and I'm  
21 summarizing it -- the standard is if reasonable people  
22 can disagree with the ALJ's ruling and what the  
23 developer and the county want to do, it comes to us to  
24 make that decision.

25 And Jack is just giving us the recommendations as

1 our attorney, and I frankly don't feel it would be  
2 proper to put him in that position, because he's  
3 advising us that it can come to us and it's our -- we  
4 have jurisdiction and we have the authority to make  
5 that decision.

6 GOVERNOR SCOTT: All right. Commissioner, do you  
7 have a question?

8 COMMISSIONER PUTNAM: I want to follow up on  
9 (inaudible).

10 CHIEF FINANCIAL OFFICER ATWATER: I appreciate  
11 that. But we have recommendations made to us all the  
12 time, and I'm sure going through the history of what's  
13 come before the Commission in the past. There's been  
14 recommendations in the past; probably that's not too  
15 far out of bounds to maybe even assume that I might  
16 get a recommendation.

17 So we will put that aside. To the question that  
18 the General asked, it will be important as we get into  
19 each. And again, I appreciate how efficiently you  
20 have moved through it. We would probably take these  
21 again a little on the one by one.

22 GOVERNOR SCOTT: Take exceptions one at a time.

23 CHIEF FINANCIAL OFFICER ATWATER: Findings of  
24 fact findings of law and just be sure that I am --

25 GOVERNOR SCOTT: We'll do each one.

1 MR. HEEKIN: Yes, sir.

2 GOVERNOR SCOTT: We'll do each one individually.

3 MR. HEEKIN: Yes, sir.

4 GOVERNOR SCOTT: Commissioner?

5 COMMISSIONER PUTNAM: Thank you. Before we hear  
6 from the witnesses on each side I just want to make  
7 sure I'm viewing this or proceeding through the proper  
8 lense. And so Governor or General or whomever, can  
9 you restate for me what the fairly debatable standard  
10 is and what that means in terms of if reasonable  
11 people disagree the tie goes to the county? Or you  
12 kind of blew through that, so could you restate the  
13 lense that we are to view this question through and  
14 what the consequences of our conclusion would be.

15 MR. HEEKIN: Certainly, Commissioner, and I  
16 apologize for blowing through it. The fairly  
17 debatable standard is one that appears in statute, and  
18 it says that in challenges filed by an effective  
19 person, which is the case before us, statute requires  
20 that a comprehensive plan amendment shall be  
21 determined to be in compliance if a County's  
22 determination of compliance with Chapter 163 is fairly  
23 debatable.

24 Now, case law has defined "fairly debatable" to  
25 mean, as you have stated, the planning action will be

1 upheld if reasonable persons could differ as to its  
2 propriety. So a fairly debatable standard gives a  
3 great deal of deference to the County's decision if it  
4 is a reasonable decision they reached, and that's  
5 where it comes to you when these exceptions that were  
6 filed by the County and Intervenor. To cite, if you  
7 argue what the County presents and the analysis they  
8 went through was a reasonable approach to interpreting  
9 their own comprehensive plan and its consistency in  
10 compliance with Chapter 163.

11 COMMISSIONER PUTNAM: So if we can follow the  
12 logic that the County pursued in making the County's  
13 conclusions, the law defers to local governments to  
14 make planning decisions?

15 MR. HEEKIN: Yes, sir.

16 COMMISSIONER PUTNAM: Okay.

17 GOVERNOR SCOTT: All right. Any other questions?

18 COMMISSIONER PUTNAM: And you also say that the  
19 exceptions that we have, that the folks on the other  
20 side of this argument did not respond to those?

21 MR. HEEKIN: That's correct, sir. Tom Reece is  
22 the attorney who represented Katie Parolla and Greg  
23 Geraldson. I have been in contact with him and he has  
24 filed a written document requesting that the  
25 Commission enter a final order upholding the

1 recommended order finding the plan amendment not in  
2 compliance. Copies of that were distributed to your  
3 offices.

4 I personally contacted Mr. Reece and asked would  
5 he like it to be read in the record, and he said no,  
6 that it is not necessary, but that is his written  
7 request of the Offices.

8 GOVERNOR SCOTT: Did everybody get that? Okay.

9 CHIEF FINANCIAL OFFICER ATWATER: Did that  
10 letter, which I'll turn to now, did it provide an  
11 item-by-item response to the exceptions?

12 MR. HEEKIN: No. And to be frank, that wouldn't  
13 have been timely and would not have been considered by  
14 the Commission. Once exceptions are filed, the clock  
15 begins running that the other parties must file their  
16 responses for that.

17 CHIEF FINANCIAL OFFICER ATWATER: I appreciate  
18 that. There's been no response, so I just want to be  
19 sure what I have in my --

20 MR. HEEKIN: That's correct.

21 GOVERNOR SCOTT: Attorney General?

22 ATTORNEY GENERAL BONDI: Just to clarify, I  
23 think -- Jack, is this right? -- the two big issues  
24 are the density issue, right, because we're adding  
25 units. 18 units is what Manatee County have approved,

1 or they wish to approve, 18 units they would be  
2 adding; and because of the density increase, would it  
3 meet the hurricane evacuation times as well as shelter  
4 requirements? And if so, has The County researched  
5 all of that, and do they have answers for us regarding  
6 that due to the increase in density.

7 MR. HEEKIN: That's correct. Those are separate  
8 considerations, and it's a total of 38 units, but 20  
9 units are already authorized on the property. So  
10 you're correct, it's adding 18 units to this 20-acre  
11 parcel but the consideration of the hurricane  
12 preparedness are additional arguments. I believe the  
13 County --

14 GOVERNOR SCOTT: I think some of it will get  
15 answered as we go to the speakers.

16 ATTORNEY GENERAL BONDI: I just wanted them to  
17 know what to listen for.

18 GOVERNOR SCOTT: Let's move on. I want to move  
19 on to the speakers.

20 Good morning.

21 MS. HENDERSON: Good morning. Still morning,  
22 right? Good.

23 My name is Cynthia Henderson and I'm honored to  
24 be here on behalf of Robinson Farms as one of the  
25 Intervenors in this case. You guys may not realize

1 this, but I actually was a land use environmental  
2 lawyer before I came to work for Governor Bush, so I'm  
3 really glad to be here today back in that role; it's  
4 fun.

5 The issue today is a very simple one. It's  
6 whether the plan amendment that was adopted in  
7 December of 2013, whether it was in compliance with  
8 the Manatee County Comprehensive Plan pursuant to 163.  
9 The petitioners did raise a procedural issue, and that  
10 will be addressed by Linda, as part of her review of  
11 the specific exceptions, and we can make it pretty  
12 easy for you when we go through those. It seems a  
13 little daunting now, but it won't be.

14 We're going to focus on the one substantive issue  
15 that the General summarized very well. A little bit  
16 of background. The property is 20 acres.

17 There was a request to increase the density from  
18 one unit per acre to three units per acre with a  
19 maximum of 18 units. The key sections in the  
20 comprehensive plan regard limitations on increase of  
21 density as in the coastal evacuation area and the  
22 coastal high hazard, as Jack reviewed.

23 So the job of the Commission is two-fold today,  
24 the Administration Commission. First, you look at the  
25 state plan and determine the plan amendment was

1 consistent with the State plan. In that regard, you  
2 look at two areas: You look at whether there's  
3 shelter space available and whether there's evacuation  
4 times that are met from this plan amendment.

5 The record is absolutely clear; no one disputes  
6 those provisions of the State Comp. Plan are approved,  
7 part of the record, and are supported by all of the  
8 data.

9 So the Administration Commission then looks at  
10 the local governments's actions and whether their  
11 action was consistent, and they do that under the lens  
12 of great deference.

13 So the entire crux of our discussion today is on  
14 the one provision Jack talked about that's repeated in  
15 the coastal evacuation area provisions and coastal  
16 high hazard area provisions, and I'm going to read  
17 that to you because it's very important, I think, to  
18 understand this.

19 The provisions state: "...prohibit any amendment  
20 to the future land use map which would result in an  
21 increase in allowable density on sites within a  
22 coastal evacuation area," and it repeats again, "on  
23 sites within the coastal high hazard area."

24 So the administrative law judge found that the  
25 2013 amendment increased the residential density in

1 those two areas and therefore was inconsistent with  
2 the policy objectives, but what he failed to address  
3 was the entire presentation of Manatee County staff  
4 and the discussions that the Board of County  
5 Commission, because that plan amendment didn't just  
6 focus on that one site. It focused on over 1927  
7 acres. And I put that folder over there. That was  
8 all of the evidence and all of the documentation that  
9 was submitted as part of the record, that was the  
10 basis of determination by the Board of County  
11 Commission.

12 They looked at all of that information, all of  
13 the evidence, all of the documentation, all of the  
14 presentations by traffic engineers, by all of their  
15 staff, the review of everything, and they said, "This  
16 doesn't just -- this plan amendment doesn't just  
17 address 20 acres. It looks at over 1900 acres."

18 So therefore, the ALJ just literally ignored the  
19 entire record. He said one site; it was one site,  
20 increase density, and he failed to look at multiple  
21 sites that were on that area.

22 The County said, no, we reject that. We looked  
23 at all of the sites. We looked at all of the  
24 information. We looked at the strategic planning we  
25 have done in this area for the last few years. They

1 purchased land they put in a conservation state, and  
2 took those units, decreasing over 500 units in the  
3 coastal hazard area, high hazard area and the coastal  
4 evacuation area.

5 They showed -- all of the studies -- no impact  
6 from those additional 18 units. So based on all of  
7 this information together, we have found internal  
8 consistency, because we believe we're decreasing the  
9 densities on the site by over 480 units.

10 So at this point we'll look at the legal review,  
11 and that has been discussed quite well with how it's  
12 given. So the Statute sets forth the fairly debatable  
13 standards, and the standard says, "We must look at the  
14 County's decision, and it is presumed to be correct  
15 and must be sustained if the County's determination of  
16 compliance is fairly debatable."

17 So we look at the law, and what is fairly  
18 debatable, and I'm going to quote the Supreme Court  
19 which is the leading case on this issue, Martin County  
20 versus Yusem. And it states, "The fairly debatable  
21 standard is a highly deferential standard requiring  
22 approval of a planning action if reasonable persons  
23 could differ as to its propriety.

24 "In other words, an ordinance may be said to be  
25 fairly debatable, when for any reason that is open to

1 dispute or controversy on grounds that make sense or  
2 point to a logical deduction that in no way involves  
3 Constitutional validity."

4 In this case, we don't have any Constitutional  
5 validity issues, so the ALJ said, "We're just looking  
6 at that one site."

7 The County said, "No, we are looking at density  
8 on sites within the coastal evacuation area and the  
9 coastal high hazard area. And we have voted that it  
10 is consistent because of that reduction of over 480  
11 units." ALJ disregards all of the evidence and he  
12 gave no deference to the county's position. So, if  
13 you believe that the issue is fairly debatable and you  
14 agree with the Supreme Court and the Statute that say  
15 "deference must be given to the County Commission,"  
16 then we would request that you adopt the draft final  
17 order that goes through on the exceptions that Linda  
18 will go through now. And I would like to defer to  
19 her, and will be available for any question, and I  
20 really appreciate your time here today.

21 GOVERNOR SCOTT: Thank you.

22 Good morning.

23 MS. SHELLY: Good morning, Governor, and members  
24 of the Cabinet. Linda Shelly on behalf of Intervenor,  
25 Robinson Farms.

1 I would like to briefly talk about the  
2 exceptions. And as your staff noted, if I were here  
3 asking you to overturn a finding of fact that actually  
4 was a fact, I would be out of luck, because -- and  
5 most of your previous cases and in all of the cases  
6 that I've been involved in over the years involving  
7 comprehensive plans -- they're in view with the fact  
8 issues: Urban sprawls and other fact issues.

9 In this case, as your staff noted, there aren't  
10 many operative facts and they aren't in dispute.

11 And that is, this is a 20-acre parcel. It's in  
12 the coastal evacuation area. The location of the  
13 parcel is not in dispute. Its relation to the maps,  
14 coastal high hazard area and coastal evacuation area,  
15 are not in dispute but the six exceptions; a total of  
16 11 exceptions, 10 of which are on the same issue, and  
17 that is, six of those were designated findings of  
18 fact, but they were in fact conclusions of law.

19 The interpretation of a contract, like the  
20 interpretation of a comprehensive plan, is a legal  
21 issue, and that's what we have here. The ALJ, by  
22 designating something, a finding of fact, doesn't  
23 clothe it and protect it from review by you if it's  
24 actually a conclusion of law.

25 In this case, he found as a fact what was

1 actually an interpretation of the plan, that it  
2 prohibited absolutely not one increase of one unit in  
3 those two large geographic areas; we know from your  
4 staff and from logic and every other thing that tells  
5 you that interpretation of this plan is a legal  
6 conclusion.

7         So the first six exceptions, although designated  
8 findings of fact, are actually legal conclusions. The  
9 last four exceptions, 8, 9, 10 and 11, are also  
10 conclusions of law this time; they were in the  
11 conclusions of law section. They're all about the  
12 same issue, and that is, whether or not there is an  
13 absolute prohibition of an increase in density on any  
14 site within the coastal high hazard area or the  
15 coastal evacuation area, or whether as the plan itself  
16 says you consider "sites," and that's the wording of  
17 the plan.

18         The 11th exception, actually number 7, is  
19 slightly different. So if you walk through all of 11,  
20 I would say 7 is different than the other 10, and 7  
21 has to do with the previous case. You might recall  
22 four years ago that a different amendment proposed by  
23 Robinson Farms and approved by Manatee County, was  
24 litigated and brought before you, and that issue is in  
25 Exception 7, which relates to Finding of Fact 36. And

1 while it may be accurate as far as it goes in regard  
2 to that previous case, it's not relevant to this case,  
3 and the ALJ himself ruled in the same order that there  
4 is no estoppel by judgment. That was a different size  
5 parcel, it was a different density, and in fact, the  
6 argument in that case was about the maps.

7 Subsequent to that decision by the Governor and  
8 Cabinet, you deferred it; it went back to the County,  
9 and this amendment was brought forward as a compliance  
10 agreement.

11 I would like to briefly address the suggestion by  
12 the Petitioner that you don't have jurisdiction  
13 because there was a procedural flaw in the compliance  
14 process, and he tells you that in his most recent  
15 filing. There are three flaws in that argument. The  
16 first is, it seems a lot like an exception to the  
17 recommended order, which was issued last July. So if  
18 it is an exception, it's way untimely and should be  
19 stricken. If it is not an exception, it still raises  
20 a procedural irregularity as to how the amendment was  
21 adopted.

22 That is not a compliance issue under Chapter 163.  
23 If you don't like the way a local government did the  
24 adoption with the notice, whatever, you go to circuit  
25 court. You would do that within 30 days of the

1 action, of the local government, which was well over a  
2 year ago.

3 The third item is it's just wrong about it. This  
4 had an appropriate compliance agreement that resolved  
5 the issues between this applicant for a small plan  
6 amendment in Manatee County, and the County, and we  
7 are very hopeful you will apply the fairly debatable  
8 standard and rule in favor of the County and the  
9 Intervenor.

10 I would be glad to answer any specific questions  
11 about the exceptions.

12 And now, I'll call on Jim Minix from the county.

13 GOVERNOR SCOTT: Hi, Jim.

14 MR. MINIX: Good morning, Governor, General  
15 Bondi, Commissioners Atwater and Putnam. I get to be  
16 the follow-up type for this, so I want to go over a  
17 couple of things.

18 First of all, I want to introduce myself. Jim  
19 Minix, Assistant County Attorney for Manatee County.  
20 With me is Sarah Schenk, also an Assistant County  
21 Attorney for Manatee County.

22 We've been involved in this case for probably  
23 four years now. We've been in front of you now, this  
24 is our second time, so we're pretty familiar with the  
25 facts.

1           Quite frankly, everything you have heard today is  
2 important, but it's getting down into the weeds of the  
3 complexity of what's going on here, and I'm not going  
4 to do that. That's already been covered. What I'm  
5 going to do is tell you, number one, the exceptions we  
6 filed are very good, okay? I say that -- I say that,  
7 because I didn't draft all of it, okay? It was  
8 drafted by several other people who are probably  
9 smarter than I am. But at any rate, they're very good  
10 exceptions and I don't need to repeat those exceptions  
11 today.

12           I would say that both you and your staff look at  
13 that. And I think your general counsel did an  
14 excellent job in summarizing in great detail what was  
15 going on, so what I want to do is make a couple of  
16 important points that will help you resolve the  
17 general decision, which is, do we overturn the ALJ and  
18 go along with the Board of County Commissioners, or do  
19 we go along with the ALJ and overturn the Board of  
20 County Commissioners. That I think is it in a  
21 nutshell.

22           And I'm going to say, don't reverse the Board of  
23 County Commissioners, and I'm going to give you some  
24 reasons why you do not do that, notwithstanding the  
25 fact that the ALJ did a pretty good job when he did

1 his recommended order.

2 And let me tell you the first thing. This whole  
3 thing about fairly debatable standard. You've heard a  
4 lot about it, a bunch of definitions, Supreme Court  
5 review. I'll tell you how I look at it as a  
6 litigator: You've got guilt beyond a reasonable  
7 doubt, okay? You can't send anybody to jail without  
8 that; that's way up there;

9 You've got clear and convincing evidence. If  
10 you're going to get an injunction or you're going to  
11 get some sort of penalty to somebody, you'd better  
12 show clear and convincing evidence;

13 You have preponderance of the evidence, okay?  
14 Preponderance of the evidence is just a little bit one  
15 way or the other;

16 Then you've got substantial competent evidence.  
17 Substantial competent evidence means you have some  
18 evidence over here, they have some evidence over  
19 there; as long as your evidence meets a standards of  
20 being competent and substantial it wins even though  
21 there's other evidence;

22 And finally, you have fairly debatable, all the  
23 way down at the bottom. Fairly debatable basically  
24 says, "Is this side reasonable? Yes. Is that side  
25 reasonable? Yes. Is that side of the Board of County

1 Commissioners? Yes." They win, because they have got  
2 a reasonable argument.

3 The ALJ has a very tough standard, because he has  
4 to say that it was unreasonable; what the Board did  
5 was completely unreasonable. We disagree with that,  
6 and let me give you a couple more reasons.

7 Local government discretion. I think someone has  
8 mentioned that, but I want to talk about it. The  
9 Supreme Court has said, and this Cabinet and the  
10 Legislature have said that local governments have a  
11 considerable amount of discretion. In what? In  
12 everything? No, no, in criminal laws, absolutely not.  
13 They have discretion in interpreting their own  
14 comprehensive plans and land development code.

15 And why do we give them that? Well, it's there,  
16 for one thing; as long as they're in compliance with  
17 the state law on that. What we're saying is we were  
18 in compliance with the state law and we have the  
19 discretion to do what we did, and we think that's an  
20 important point because what we have here is two  
21 different ways of looking at the same thing.

22 But the ALJ looked at this like through a  
23 microscope. He said, "You've got this provision; you  
24 got that provision. They conflict because it says  
25 anything prohibited." Anything.

1           So I'm saying, that's it; it's over for me. I  
2 don't want to hear anymore. I was there at the  
3 hearing. I presented a whole bunch of stuff to the  
4 ALJ. We put on our planning director who talked a  
5 whole bunch of things about all of the things that  
6 went on and all of the things that the County  
7 Commission looked at. But when push came to shove, we  
8 got back an order that said, "I got back there and I  
9 looked through this microscope, and I looked at your  
10 two provisions and I thought they're in conflict.

11           It's over. I don't want to hear about anything  
12 else. Our side is not reasonable? We'll look at  
13 those exceptions.

14           This is what we did. We allowed the de minimis  
15 of 18 additional unit to this development. Now, it's  
16 a 20-acre parcel -- we're not talking about a DRI  
17 here, gentlemen and ladies. We're talking about a  
18 20-acre parcel -- was limited to 38 residential units,  
19 all right? I'm not sure the 38 residential units are  
20 going to cause a catastrophe in Manatee County in the  
21 event of a hurricane. Every unit is important, of  
22 course, but I think that's important to show that the  
23 comp. plan requires that we limit population in a  
24 hurricane evacuation area. And as I previously said,  
25 we did.

1           The overall view of it was we limited population  
2 in the hurricane evacuation zone. We didn't add; we  
3 actually limited by about 500 units total. The ALJ  
4 didn't want to look at all of that; he just wanted to  
5 look at those provisions.

6           By the way, it was a unanimous decision of a  
7 Board of County Commissioners, unanimous to enact  
8 Ordinance 13-10. All Board of County Commission  
9 members are acting unreasonably; all seven of them  
10 being unreasonable at the same time? I don't think so.  
11 In accordance with state law, we're directing  
12 population concentrations away from the CECHA, and  
13 since 2006 there's been a net reduction of 500 units.

14           Now, this thing has been in litigation for a long  
15 time. Guess what? We were against the developer in  
16 the beginning, and we were on the side of the  
17 petitioners now.

18           Okay, what happened? Well, we went up. The  
19 Governor and Cabinet put us in abeyance, so we went  
20 back and we talked, and the developer came back with a  
21 very reasonable proposal.

22           He said, "Let's limit the area and limit the  
23 units."

24           We said, "Fine. That's a good idea. That's what  
25 we want to do."

1           So the Board of County Commissioners, we entered  
2 into this compliance agreement. The Board unanimously  
3 agreed to the compliance agreement. We now are on the  
4 side of the developer saying this is a good and  
5 reasonable plan.

6           So, what is the old plan? The old plan would  
7 have increased the parcel to 28 acres, from 20 acres,  
8 and increased the dwelling units from 28 dwelling  
9 units to 105, adding 56 dwelling units to the CEHHA.

10          Now, here's the kicker here and here's why I  
11 think you should overrule the ALJ -- get a little dry  
12 mouth here from time to time. The ALJ's decision  
13 freezes the action by the County to ever increase  
14 residential density no matter what the circumstances  
15 are. And it doesn't just freeze it for this little  
16 development; it freezes for all developments, because  
17 it's binding on the County if this thing should become  
18 binding.

19          We would therefore ask that you follow the  
20 recommendation that we've asked and that you not adopt  
21 the recommendation of the ALJ, and in fact, you find  
22 Ordinance 13-10 to be in compliance.

23          Thank you.

24          GOVERNOR SCOTT: Are there any questions for Jim?  
25 All right.

1           Were there any questions for either Cynthia or  
2 Linda? Any questions? All right. There's no other  
3 witnesses, right?

4           All right. So let's do this. Let's go through  
5 each exception one at a time. So Exception 1, can you  
6 tell us what we're -- on Exception 1, what did we  
7 decide?

8           MR. HEEKIN: Yes, Governor.

9           GOVERNOR SCOTT: We can either grant or deny, and  
10 grant means that we agree with the County Commission;  
11 deny means we agree with the ALJ.

12          MR. HEEKIN: That's correct.

13          GOVERNOR SCOTT: Is there a motion on  
14 Exception 1?

15          COMMISSIONER PUTNAM: Governor, the heart of  
16 Exception 1, this notion of the plural of site, right,  
17 and whether there's a cumulative increase in density  
18 versus an increase on a particular parcel that may be  
19 offset by some mitigating policy in another part of  
20 the hurricane evacuation area?

21          MR. HEEKIN: That's correct. The foundation of  
22 the County/Intervenor's argument is that it's more  
23 appropriate for them to review the impact of this plan  
24 amount on all of the sites. They evaluated 1,927  
25 acres that comprised this coastal planning area, and

1 they established that based upon prior reductions in  
2 residential density that have taken place since 2006,  
3 they reduced density by about 500 units or more; that  
4 the current impact is de minimis at most and is not  
5 inconsistent with these Future Land Use Element  
6 policies and the coastal element.

7 The Exception 1 pertains to the coastal  
8 management element objective policies and to direct  
9 population concentrations away from the coastal  
10 evacuation area.

11 ATTORNEY GENERAL BONDI: Governor, if I may?

12 GOVERNOR SCOTT: Go ahead.

13 ATTORNEY GENERAL BONDI: I don't believe legally  
14 we have to go through each of these exceptions. I  
15 think if we just find that reasonable --

16 GOVERNOR SCOTT: Fairly debatable.

17 ATTORNEY GENERAL BONDI: Fairly debatable  
18 reasonable people could disagree, overall, I think  
19 that's sufficient.

20 And I feel, Jack, was I accurate that the two big  
21 points are the density issue and the evacuation issue?

22 MR. HEEKIN: That's correct.

23 ATTORNEY GENERAL BONDI: Which I believe  
24 Ms. Henderson addressed.

25 GOVERNOR SCOTT: So Jack, I just want to make

1 sure. So if we don't go through each one of them,  
2 okay, then what would be -- let me ask you this,  
3 Attorney General: So if we're not going to go through  
4 and make an exception, what's your motion then?

5 ATTORNEY GENERAL BONDI: That reasonable people  
6 could disagree; is that correct, Jack? Would that be  
7 a fair motion? Overall, after hearing everything,  
8 that reasonable people could disagree on this issue.  
9 We can do it as a whole; I don't think we have to  
10 break down each one of these issues.

11 MR. HEEKIN: I believe it might be more accurate,  
12 and I don't want to suggest a motion to make, but  
13 whether or not the County made a fairly debatable  
14 determination of consistency was really the key issue  
15 that was addressed by the ALJ in his recommended  
16 order.

17 COMMISSIONER PUTNAM: So you think we do have to  
18 go exception by exception?

19 MR. HEEKIN: Each exception must be explicitly  
20 ruled on in the final order, which I will draft based  
21 upon your direction and your decision today.

22 ATTORNEY GENERAL BONDI: So you do want us to go  
23 through each exception?

24 GOVERNOR SCOTT: He's going to have to draft it  
25 that way.

1 MR. HEEKIN: It will be drafted that way  
2 ultimately.

3 GOVERNOR SCOTT: All right. So let's just start  
4 with Exception 1. Is there a motion to either grant  
5 or deny on Exception 1?

6 COMMISSIONER PUTNAM: Before we get to the  
7 motion, I have questions for the County Administrator.

8 GOVERNOR SCOTT: Jim, you're the Assistant County  
9 Attorney, right?

10 MR. MINIX: I'm chief assistant, correct.

11 COMMISSIONER PUTNAM: So the developer was  
12 pursuing a change in zoning that could have allowed up  
13 to 60 units, but through negotiations with the County,  
14 as I understand it, an agreement was reached, and took  
15 them from, rather than from 20 units to 60 units, they  
16 could only go from 20 units to 38 units.

17 MR. MINIX: Yeah, 38 units, that's correct.

18 COMMISSIONER PUTNAM: And that was the result of  
19 some discussion and negotiation between the County and  
20 the Developer?

21 MR. MINIX: Yeah, and in the history of this, and  
22 I certainly don't want to belabor the history, but at  
23 one time, the Board granted the larger density, and  
24 that went before the ALJ and that was turned down.  
25 And then, we had a bunch of ancillary litigation which

1 judge -- Governor Scott probably remembers, where they  
2 went with a dec action because we rescinded the old  
3 ordinance, the County Commission rescinded it, and  
4 that became a challenge by the developer.

5 Well, that all got into this big kind of a  
6 litigation mess and we cut through it with the help of  
7 the developer and the reasonableness of the developer,  
8 reasonableness of the County. The County and  
9 developer came together and that's when they entered  
10 this compliance agreement and they reduced both the  
11 amount of the land that they were seeking the approval  
12 on and the number of density of units.

13 But what the ALJ totally missed, and we did tell  
14 them this at the meeting, that this was part of an  
15 overall plan to reduce density in other areas as well;  
16 this was just one plan of a bigger part, and he just  
17 totally ignored that.

18 COMMISSIONER PUTNAM: So the developer was  
19 seeking more than what you were willing to give?

20 MR. MINIX: Initially. But no, we did approve it  
21 and it got reversed.

22 COMMISSIONER PUTNAM: And then you arrived at a  
23 negotiated agreement that was only 18 additional  
24 units, rather than the 40 additional units that  
25 originally had contemplated.

1 MR. MINIX: Ms. Schenk would like to be able to  
2 answer this.

3 COMMISSIONER PUTNAM: So there's more. My point  
4 is, my question is, there was some negotiation at a  
5 point at which the County was comfortable with a  
6 modified additional density here as part of a larger  
7 plan for this low-lying area.

8 MS. SCHENK: Yes, good morning. Sarah Schenk,  
9 Assistant Attorney County for Manatee County.

10 Yes, Commissioner Putnam, you're correct. The  
11 initial plan amendment, 1002, involved 28 acres and  
12 would have allowed a maximum of 105 dwelling units.  
13 The modified coastal plan amendment which was reduced  
14 to 20 acres, would allow a maximum of 38 residential  
15 units. And even that max may or may not achieve the  
16 38. When it goes through the rezoning process to  
17 residential, it may be even narrowed further, because  
18 the designer can decide how many units can fit on the  
19 properties, parking and retention and so forth. And  
20 this condition is D516.

21 That condition on the density limitation is  
22 codified in the County's Comprehensive Plan. That's  
23 not uncommon. That means numbers 1 through 15 had  
24 other map amendments that limit specifically the  
25 density.

1           COMMISSIONER PUTNAM: So would the addition of 18  
2 units cause there to be inadequate shelter space in  
3 your county?

4           MS. SHANK: No. There's a legislative finding  
5 and ordinance 13-10, and I'll just read it for the  
6 record:

7           "The applicants have submitted data and analysis  
8 demonstrating the ability of existing infrastructure  
9 to support any necessary evacuation of residents from  
10 the plan amendment site, due to a storm event, in  
11 terms of roadway capacity to emergency shelters, as  
12 well as they are demonstrated there was an adequate  
13 shelter capacity existing at the shelters for these  
14 residents." And the data analysis for this plan  
15 amendment was upheld by this administrative law judge  
16 in the findings.

17           COMMISSIONER PUTNAM: And did the addition of 18  
18 units have anything greater than a de minimis impact  
19 on evacuation?

20           MS. SHANK: No. The legislative finding of the  
21 County Commission, once again in ordinance 13-10 says,  
22 "Whereas, the Board of County Commissioners hereby  
23 finds and determines that the impact of any of the  
24 Remedial Plan, amendment PA 1002R, would be de minimis  
25 to the evacuation time to shelter and the emergency

1 shelter capacity within the coastal hazard area and  
2 coastal evacuation area for an increase limited to a  
3 maximum of 18 residential dwelling units."

4 GOVERNOR SCOTT: All right. Any other questions?

5 CHIEF FINANCIAL OFFICER ATWATER: Thank you, sir.

6 So over the time this entire exercise has been  
7 underway, as in potential of development of a parcel  
8 owned by Robinson Farm, what has occurred in this  
9 experience is both the size of the parcel to be  
10 developed and the number of units has both strummed  
11 from the beginning of this conversation till today; is  
12 that correct?

13 MR. MINIX: That is correct, Commissioner  
14 Atwater.

15 CHIEF FINANCIAL OFFICER ATWATER: And at any  
16 point during this time, the Commission might have  
17 chosen to develop more land at the one per acre, which  
18 could have been far in excess of 28 parcels; would  
19 that be correct?

20 MR. MINIX: Are you saying the Board of County  
21 Commissioners?

22 CHIEF FINANCIAL OFFICER ATWATER: Yes.

23 MR. MINIX: The Board of County Commissioners  
24 could have, is looking through all of their policies  
25 and plans and being the ultimate, or at least the

1 decider of its own comprehensive plan, could have said  
2 yes; that we would put -- we would place greater  
3 density in other areas because we're taking density  
4 away. It's the whole object of the net density that's  
5 important.

6 CHIEF FINANCIAL OFFICER ATWATER: But even on the  
7 shrinking of the parcel that's in conversation today,  
8 anywhere along the line in this exercise, it could  
9 have been developing 100 acres at 100 units, but  
10 instead, this has come down to where it's at today.

11 MR. MINIX: Yeah. I'm not sure of the total  
12 amount of property that Robinson Farms has. I think,  
13 though, it has been shrunk down by at least eight  
14 acres.

15 CHIEF FINANCIAL OFFICER ATWATER: Okay. Very  
16 good.

17 GOVERNOR SCOTT: All right, any other questions  
18 for anybody that spoke?

19 Okay, Jack, would you come back up just for a  
20 second? All right, so let's go back on with what the  
21 Attorney General brought up. So we, I think what  
22 you're saying we don't have to vote on each exception,  
23 but we do have to vote on the exceptions; is that what  
24 you're saying?

25 MR. HEEKIN: That's correct. The overall vote is

1 whether you believe this comprehensive plan amendment  
2 is in compliance with Chapter 163. I will craft the  
3 final order consistent with whichever vote the  
4 Commission reaches.

5 GOVERNOR SCOTT: So is there a motion to decide  
6 how you want to do this, whether you want to go  
7 through each exception, or whether you would like to  
8 do them as a group?

9 ATTORNEY GENERAL BONDI: Well, Governor, if I  
10 may? We have the exceptions. And Jack, you wrote  
11 these out, correct?

12 MR. HEEKIN: That's correct.

13 ATTORNEY GENERAL BONDI: Jack has written these  
14 out with his legal analysis as our attorney. I would  
15 -- I have no problem voting on these as a whole, if  
16 you have them in front of you, gentlemen.

17 GOVERNOR SCOTT: Is there a motion?

18 COMMISSIONER PUTNAM: Which document do you have?

19 ATTORNEY GENERAL BONDI: And I didn't have it  
20 either until right now. I was just handed -- it's the  
21 11 Exceptions and Jack's analysis.

22 MR. HEEKIN: If I may, General Bondi? That's  
23 just a summary of the presented in the exception.  
24 There's not a recommendation in those 11 exceptions;  
25 that's just a summary.

1 ATTORNEY GENERAL BONDI: A summary.

2 GOVERNOR SCOTT: But I think we have a choice.

3 What you're saying is we have a choice: We can either  
4 vote on each exception, grant or deny, or we can vote  
5 on all 11, grant or deny. Okay?

6 And so, it doesn't -- the document, I don't think  
7 the document is relevant to that, all right? So are  
8 you -- is there a motion to do it one way or the  
9 other?

10 ATTORNEY GENERAL BONDI: Frankly, it doesn't  
11 matter to me. I assume we're going to go with the  
12 summary that our counsel has drafted for us, which  
13 again, is just a summary.

14 But I would move that we follow the summary of  
15 his exceptions, and we can do 1 through 11 at one  
16 time.

17 GOVERNOR SCOTT: So the motion is to -- so is  
18 your motion to grant or deny?

19 ATTORNEY GENERAL BONDI: To grant the exceptions.

20 GOVERNOR SCOTT: So the motion is to grant on all  
21 11 exceptions. All right?

22 Is there a second?

23 CHIEF FINANCIAL OFFICER ATWATER: Second.

24 GOVERNOR SCOTT: All in favor, say "aye."

25 (All Cabinet members answer affirmatively.)

1 GOVERNOR SCOTT: Any opposed? It carries.

2 Now, we have to -- so what is the next thing we  
3 have to do to make sure we do this right; is there  
4 anything else?

5 MR. HEEKIN: The next vote would be whether or  
6 not you find the plan to be in compliance with  
7 Chapter 163, just to close the loop. All 11  
8 exceptions have been granted by your vote, but now  
9 just to draw it all home.

10 GOVERNOR SCOTT: So --

11 CHIEF FINANCIAL OFFICER ATWATER: Governor, I  
12 might ask then, that is under the same standard that  
13 was laid out, correct?

14 MR. HEEKIN: That's correct. That would be based  
15 upon the foundation that the County did reach a fairly  
16 debatable determination of consistency with its  
17 comprehensive plan elements.

18 GOVERNOR SCOTT: So is there a motion to modify  
19 recommended order and find the plan amendment in  
20 compliance?

21 ATTORNEY GENERAL BONDI: So moved.

22 GOVERNOR SCOTT: Is there a second?

23 CHIEF FINANCIAL OFFICER ATWATER: Second.

24 GOVERNOR SCOTT: All in favor, say I?

25 (All Cabinet members answer affirmatively.)

1 Any opposed? So the motion carries.

2 All right, thanks everybody.

3 MR. HEEKIN: Thank you. That concludes the  
4 Administration Commission.

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2 DEPARTMENT OF VETERANS AFFAIRS

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5 GOVERNOR SCOTT: Next, we have Mike Prendergrast  
6 with the Department of Veterans Affairs.

7 Good morning, still.

8 MR. PRENDERGRAST: It is, Governor, barely.

9 Good morning, Governor Scott, General Bondi, CFO  
10 Atwater, Commissioner Putnam.

11 The Department of Veterans Affairs has three  
12 agenda items for your consideration today.

13 Agenda Item 1 is the Agency's January 13th  
14 Cabinet meeting. We respectfully request approval of  
15 this item.

16 GOVERNOR SCOTT: Is there a motion to approve?

17 CHIEF FINANCIAL OFFICER ATWATER: So moved.

18 GOVERNOR SCOTT: Is there a second?

19 ATTORNEY GENERAL BONDI: Second.

20 GOVERNOR SCOTT: Moved and seconded. Show the  
21 minute approved without objection.

22 MR. PRENDERGRAST: Thank you.

23 Agenda Item 2 is the Agency's February 5th  
24 Cabinet meeting minutes. We respectfully request  
25 approval for this item.

1 GOVERNOR SCOTT: Is there a motion to approve?

2 ATTORNEY GENERAL BONDI: So moved.

3 GOVERNOR SCOTT: Is there a second?

4 COMMISSIONER PUTNAM: Second.

5 GOVERNOR SCOTT: Moved and seconded. Show the  
6 minutes approved without objection.

7 MR. PRENDERGRAST: Thank you.

8 Agenda Item 3 is the Agency's recommendation for  
9 the Class of 2014 Florida Veterans Hall of Fame. The  
10 Florida Veterans Hall of Fame recognizes and honors  
11 those military veterans, who their works in life  
12 during and after military service, have made a  
13 significant contribution to the State of Florida  
14 through civic, business, public service, or other  
15 pursuits.

16 During the March 10 Cabinet meeting, the Attorney  
17 General stated her Office's review of applicable  
18 statutes and guidelines could not currently support  
19 inclusion of Florida pre-statehood veterans, where  
20 those veterans were in the service of the Confederate  
21 States of America.

22 As a result, our Agency was directed to forward  
23 to you for consideration the five hall of fame  
24 nominees initially presented by us at the February 5  
25 Cabinet meeting in Tampa.

1           Therefore, the Florida Department of Veterans  
2 Affairs is pleased to forward the following  
3 distinguished nominees for induction into the 2014  
4 Class of the Florida Veterans Hall of Fame:

5           The late Admiral Leroy Collins, Jr., United  
6 States Navy Reserve. The late Admiral was a  
7 submariner, business and community leader, and former  
8 Executive Director of the Florida Department of  
9 Veterans Affairs. He died tragically one morning in  
10 Tampa Bay while he was doing his morning PT routine  
11 prior to going to the office;

12           Major General James Lee Dozier, United States  
13 Army. The General is a recipient of the Silver Star  
14 for heroism and for Purple Heart for wounds that he  
15 sustained while in service in Southeast Asia. He's  
16 also a community leader, champion of Veterans causes,  
17 and a former member of the Florida Commission of  
18 Veterans Affairs;

19           Colonel Frank Farmer, United States Army, Florida  
20 Army National Guard and United States Air Force  
21 Reserve.

22           Colonel Farmer received the Bronze Star for his  
23 service in Vietnam. He then earned his medical  
24 degree, returned to military service as a doctor, and  
25 later served with distinction as the Surgeon General

1 and Secretary of the Department of Health of the Great  
2 State of Florida;

3 Chief Master Sergeant Eugene Cecil Johnson,  
4 United States Air Force. Chief Johnson is the first  
5 enlisted member and first African-American nominee to  
6 be recommended for inclusion in the Florida Veterans  
7 Hall of Fame. He is a distinguished civic, education,  
8 and veterans leader, who spent 20 years of service as  
9 the Veterans coordinator for the South Brevard NAACP;

10 Lieutenant General Lawrence F. Snowden, United  
11 States Marine Corps. General Snowden is the highest  
12 ranking survivor who fought in the battle of Iwo Jima  
13 during World War II.

14 Following his 37 years of distinguished service,  
15 he became an international civic and business leader.  
16 He also assisted with establishing Florida Department  
17 of Elder Affairs, and serves as Chairman Emeritus of  
18 the Iwo Jima Association of the United States of  
19 America.

20 Before I request approval of these five nominees,  
21 there are two speakers who wish to make brief  
22 statements regarding the Florida Veterans Hall of  
23 Fame.

24 First up is Mr. Graham Smith, representing the  
25 Sons of Confederate Veterans.

1 GOVERNOR SCOTT: Good afternoon.

2 MR. SMITH: Good afternoon, y'all. If I may  
3 approach y'all and give you a couple of handouts?

4 My name is Graham Fredrick Smith. I am an  
5 ancestor of both Confederate and Union soldiers who  
6 fought during the Civil War in the United States.

7 As a result of my Confederate ancestry, I am a  
8 member of the Sons of Confederate Veterans. Within  
9 the Florida division, I am the Chief of Heritage  
10 Operations.

11 In January, I retired from the Florida Department  
12 of Highway Safety and Motor Vehicles after 33 years'  
13 service.

14 For the first 27 years, I was with the internal  
15 audit section of the Office of the Inspector General.  
16 For the final six years, I was with Florida Highway  
17 Patrol, responsible for the staff inspection program.  
18 Throughout my professional career, I analyzed federal  
19 and state laws, Florida Administrative Code Rules,  
20 Department and Division policies and procedures.

21 I performed these analyses to determine  
22 compliance with the directives by the audited unit or  
23 FHP troop. It didn't take long to realize that most  
24 often established laws, rules, policies and procedures  
25 are black and white; there is no gray area. Seldom is

1 there.

2 With that knowledge and experience, I analyzed  
3 the statute pertaining to the Florida Veteran's Hall  
4 of Fame. In contrary to the advice and opinions you  
5 have received today, I determined that the laws  
6 established for the program are very clear and the  
7 legislative intent is unquestionable.

8 I will go through Florida Statute 265.003; that  
9 will be Exhibit 1, or EX that I've handed you, and  
10 explain the clarity of the law and legislative intent.

11 The first section 3A states, the Florida Veterans  
12 Hall of Fame is created within the Department of  
13 Veterans Affairs as an advisory council as defined in  
14 20.037; that's Exhibit 2.

15 The definition states, "The council or advisory  
16 council means an advisory body, created by specific  
17 statutory enactment and appointed to function on a  
18 continuing basis for the study of problems arising in  
19 a specified functional or program area of state  
20 government," and it also provides recommendations and  
21 policies -- policy alternatives for those problems.

22 The first part of the sentence establishes the  
23 longevity of the council. The sentence goes on to  
24 detail the duty of the council "as studying problems  
25 and providing recommendations and alternatives."

1           Therefore, since there have been no problems with  
2 or in the program, the Hall of Fame Council had no  
3 need to make recommendations or policy alternatives to  
4 resolve problems.

5           However, it can be said, but it hasn't yet, that  
6 a problem exists where pre-statehood and Confederate  
7 Veterans are excluded from the Florida Veterans Hall  
8 of Fame. By definition, this would have been a  
9 perfect problem to present to the Council so they  
10 could study it and make recommendations. Instead,  
11 y'all sitting as the Governor and Cabinet, want to  
12 return it to the Legislature for clarification without  
13 consulting the Council, consisting of members that  
14 each of you appointed.

15           Second, in light of the limited scope of duties  
16 of an advisory council, defined in 20.037, the  
17 Legislature delineated additional responsibilities of  
18 the Council, in stead, 265.003.

19           Section 4H states that the Council shall transmit  
20 a list of up to 20 nominees to the Department of  
21 Veterans Affairs for submission to the Governor and  
22 Cabinet, who will select the nominees to be inducted.

23           At the Cabinet meeting earlier this month, both  
24 you, Governor Scott and Commissioner Putnam, quieried  
25 the Veterans Affairs General Counsel on what statutory

1 authority was given to given to Director Prendergrast  
2 to exclude nominees prior to passing the list to you.

3 The general counsel responded that Statute 20.03,  
4 defining the advisory council, gave that authority.  
5 He said that the Council can only make recommendations  
6 to the director. That is the not the case and clearly  
7 the law has been misinterpreted.

8 However, if it was interpreted correctly, section  
9 365.03, paren 4, would state that the Council "shall  
10 transmit a list of up to 20 recommendations," not  
11 nominations, "to the FDVA for consideration." Also,  
12 State Statutes state that FDVA will submit the  
13 Council's nominee to the Governor and Cabinet to  
14 select the nominees to be inducted.

15 By scrubbing this list, the director of FDVA  
16 performed your jobs. Further, after withdrawal of a  
17 list of nominees provided by the FDVA in 2011,  
18 legislation was passed in 2012 amending the original  
19 statute; in doing so, it created Florida Veterans Hall  
20 of Fame Council.

21 Chapter 201.215(9) Laws of Florida, which is  
22 Exhibit 3 that I've given you, identifies the  
23 legislative intent by stating in part an act amending  
24 265.003, Florida Statutes, creating the Florida  
25 Veterans Hall of Fame Council, providing for the

1 Florida Veterans Hall of Fame Council rather than the  
2 Department of Veterans Affairs, and that is a quote,  
3 to select nominees for induction into the Florida  
4 Veterans Hall of Fame and to establish criteria for  
5 the selection.

6 Third, section 265.003(5) states in part, "The  
7 Florida Veterans Hall of Fame Council may establish  
8 criteria for the process of selection of nominees for  
9 membership. Therefore, the Council is given total  
10 authority to establish the criteria to be used in this  
11 selection of nominees.

12 For obvious reasons, one set of guidelines or  
13 criteria can't be rubber-stamped on each Veterans'  
14 application being considered. Each one is unique. As  
15 you just heard. For instance, should a veteran's  
16 service during a given time period, the MOS, military  
17 accomplishments, service medals, et cetera, be  
18 considered or not considered. We just heard where  
19 some of the veterans being presented have had their  
20 service records as well as the medals they received  
21 mentioned; that decision must be left to the Council  
22 as each application is reviewed.

23 The Statute further states that the applicant  
24 will have made a significant contribution to the state  
25 in civic, business, public service or other pursuits.

1 This is another situation where one set of criteria  
2 can't be used for all. The Council must be permitted,  
3 as the Legislature has authorized, to establish the  
4 guidelines as the need arises. Obviously, the Council  
5 amended their established guidelines so it could  
6 nominate three Florida Veterans of the Civil War.

7 Finally, regarding the definition of a Veteran.  
8 There is none in Chapter 265, nor is there a reference  
9 in that chapter to any other definition in another  
10 chapter.

11 The Florida Veterans Hall of Fame Council was  
12 created by the Florida Legislature in 2012. Its  
13 composition is seven honorably discharged Veterans;  
14 four of which are members of a Congressionally  
15 Chartered Veterans Service Organization. I'm certain  
16 this body of veterans has your, the State's, and all  
17 of Florida veterans' interest in mind.

18 The Council has performed its statutory  
19 obligation and each member has fulfilled his or her  
20 responsibility to their appointing authority -- that  
21 would be y'all. In something so, they forwarded eight  
22 nominees for your consideration of inclusion into the  
23 Florida Veterans Hall of Fame.

24 There is no need for legislative interpretation  
25 or clarification. The law is clear. All eight of the

1 nominees reported to you must be considered for  
2 induction at the same time. Now is the time to take  
3 action on the Class of 2014. It has been delayed long  
4 enough -- four months to be exact -- and action should  
5 be taken today on all eight.

6 Thank you.

7 GOVERNOR SCOTT: Thank you. Are there any  
8 questions?

9 ATTORNEY GENERAL BONDI: No.

10 GOVERNOR SCOTT: Thank you very much.

11 MR. LANG: May I come forward because I would  
12 like to present something on behalf of my  
13 great-grandfather?

14 GOVERNOR SCOTT: Absolutely.

15 MR. LANG: My name is David Lang. I'm the  
16 great-grandson of Major General David Lang who was  
17 Florida's first General, and I would like to speak on  
18 behalf of his nomination, which I had nothing to do  
19 with. And by the way, I only learned of this meeting  
20 last night, so I prepared a letter for you and I would  
21 like to present it to you at this time, if I might?  
22 And I will be brief.

23 GOVERNOR SCOTT: Okay.

24 MR. LANG: First of all, I want to congratulate  
25 the members that are about to be inducted into this

1 Hall of Fame. They are very justly due to this award  
2 and I congratulate them. I would also like to commend  
3 the Council who nominated my great-grandfather, and  
4 I'm certain that they took their time in doing it. If  
5 I might, I'll read my letter quickly and then I'll  
6 have my seat.

7 I have received a copy of your deputy -- this is  
8 addressed to Attorney General Bondi, because it's her  
9 staff that prepared the Attorney General's opinion  
10 that was presented to you.

11 I have received a copy of your Deputy Attorney  
12 General Kent J. Perez's opinion regarding  
13 qualifications of persons concerning including in the  
14 Florida Veterans Hall of Fame, noting that the nominee  
15 criteria expressed or created by the Florida Veterans  
16 Hall of Fame Council would not currently support  
17 inclusion of Florida pre-statehood or Veterans of the  
18 Service of the State, of Confederate States of  
19 America.

20 His opinion also states that the federal  
21 statutory language appears to be more restrictive than  
22 the state law, as it limits recognized military  
23 service to the United States Army, Navy, Marine Corps,  
24 Air Force and Coast Guard. I also recognize that each  
25 Cabinet officer, the President, and the Speaker of the

1 House appointed a fully-qualified military Veteran to  
2 represent and serve on the Florida Veterans Hall of  
3 Fame Council.

4 That Council nominated my great-great-  
5 grandfather, David Lang, to be your candidate for the  
6 Veterans Hall of Fame. He was placed in nomination  
7 because he was appointed Florida first Adjutant  
8 General of Florida troops in 1885 and remained such  
9 until 1894. This was a full-time position.

10 He also served as a close aide to Florida's next  
11 two governors. After learning that the Executive  
12 Director of the Florida Department of Veterans'  
13 Affairs have removed three names, nominees, from the  
14 list the Council recommended because they had  
15 Confederate Army service, I made an appointment to see  
16 Colonel Prendergrast the next morning.

17 In our discussion, he advised me he had removed  
18 Major General Lang's name, because he didn't have a  
19 copy of his honorable discharge, which was required by  
20 law, and I'm certain, however, that the records of the  
21 State of Florida can provide that list.

22 David Lang served honorably as Florida's first  
23 Adjutant General, wore the uniform and federal  
24 insignia that went with it. It was blue. It had the  
25 federal shield. I presented the uniform to the

1 Florida National Guard some years ago and I have full  
2 knowledge of it.

3 He was instrumental in obtaining changes in the  
4 militia law when the new Florida Constitution was  
5 adopted in 1885. Among key provisions were increased  
6 funding for training camps, United States Army, pay  
7 scales for military militant on active duty and  
8 tougher controls over militia units and summer  
9 encampment.

10 He was, as I said, a full-time Florida military  
11 officer. He was honored by Major General Ronald  
12 O'Harrison, Adjutant General in the State of Florida,  
13 at a Florida National Guard ceremony dedicating a  
14 historical monument at his grave site on 30 March,  
15 1999.

16 Yes, David Lang had been a Confederate officer,  
17 as had the other two nominees, and they all served  
18 honorable. All contributed substantially to the State  
19 following the Civil War in significant capacities. In  
20 my opinion, all three have been -- should have been  
21 included in this year's nominees, and apparently so  
22 did the members of Veterans Hall of Fame Council.

23 However, if Deputy General Perez's opinion holds  
24 true, then maybe General David Lang should still  
25 qualify as a nominee to you for the Florida Veterans

1 Hall of Fame. He served as a full-time Major General  
2 in Florida of troops in an active duty status, from  
3 1885 to 1894, in a federally recognized position and  
4 served as Florida's first Adjutant General, and is  
5 known as the Father of the Florida National Guard.

6 He was a Veteran of Florida's post-war military,  
7 serving honorably in that position, and he would still  
8 qualify as a Veteran under your Attorney General's  
9 opinion, despite the statement that nominee criteria  
10 would not currently support inclusion of Florida's  
11 pre-statehood Veterans or Veterans in the Confederate  
12 States of America.

13 Thank you very much, and I hope you'll take this  
14 into consideration.

15 GOVERNOR SCOTT: Thank you very much.

16 Any questions? All right.

17 Thank you very much.

18 MR. PRENDERGRAST: Thank you, Mr. Smith and  
19 Colonel Lang.

20 Our next speaker is Mr. Dale Landry, Regional  
21 Vice-President of Florida State Conference of NAACP  
22 branches.

23 Mr. Landry?

24 GOVERNOR SCOTT: Good afternoon.

25 MR. LANDRY: Good afternoon, Governor.

1 Thank you, Colonel.

2 Governor Scott, Attorney General Bondi, CFO  
3 Atwater, Commissioner Putnam, on behalf of President  
4 Adora Obi Nweze and the Florida State Conference of  
5 the National Association for the Advancement of  
6 Colored People, all of our units, members, and most  
7 important our veterans, greeting and thanks for this  
8 honor to address you on this most important issue.

9 Let me start off by saying that I agree that it  
10 is important to honor and remember those who have  
11 sacrificed and fought valiantly to defend and preserve  
12 the United States of America. The Florida Veterans  
13 Hall of Fame was designed to do this and has  
14 accomplished just that.

15 A recent proposal to induct three Civil War  
16 Veterans: David Lang, Samuel Pasco, and Edward Perry,  
17 has been a topic of many conversations and  
18 controversy; however, one key point that many  
19 seemingly fail to remember is the side these soldiers  
20 fought for, the Confederacy.

21 These three men fought against the Union and  
22 symbolized a dark time in America in our state's  
23 history, a period full of hatred and slavery. It is  
24 important to recognize and remember that these men who  
25 took up arms against the United States of America and

1 killed or wounded members of the United States Armed  
2 Forces; they absolutely should not be honored by  
3 placement in the Florida Veterans Hall Of Fame, along  
4 with those who have honorably served, wounded, and  
5 died, fighting against enemies of this United States,  
6 in Europe, in the Pacific, in Asia, in South America,  
7 in the Caribbean, the Mid East, and now again in our  
8 homeland, as depicted by those who have taken up arms  
9 in support of terrorist extremists and attacked US  
10 Armed Forces on military posts here in the United  
11 States of America. Again, all who like the  
12 Confederacy took up arms against our service members  
13 of the United States Armed Forces in defense of our  
14 great nation.

15 All three of these men went on to pursue admiral  
16 careers that reflected great service to our state and  
17 country's history: Lang was founder of the Florida  
18 National Guard, Pasco was a US Senator, and Perry was  
19 once Florida Governor.

20 In these capacities, they have already left their  
21 legacies, but by inducting these men into Florida  
22 Veterans Hall of Fame, is a bad message being sent; a  
23 message that the behaviors and belief they fought for  
24 are not only accepted, but honored, and that's just  
25 plain wrong.

1 More than 1.5 million qualified Veterans live in  
2 the state of Florida, the third largest population of  
3 Veterans in the country. These brave men and women  
4 have also put their lives on the line; the difference  
5 is, these veterans defended America's values for  
6 justice for all.

7 Furthermore, according to the criteria set forth  
8 for the induction into the Hall of Fame, these three  
9 men did not serve in the United States Armed Forces,  
10 and likewise, the United States military as depicted  
11 in the photos I provided you, making them ineligible  
12 for the Hall of Fame.

13 Sons of the Confederacy, a group comprised of  
14 those whose ancestors fought against the Union,  
15 disagree. They have a right to disagree, but they  
16 don't have a right to hijack this process that are  
17 their own interest. There should be no question as to  
18 what qualifies a Veteran for the Florida Veterans Hall  
19 of Fame.

20 The real question is what does the Hall of Fame  
21 represent. I believe that the Hall should celebrate  
22 the finest Floridians who served our great nation,  
23 these United States of America, with courage, skill  
24 and loyalty.

25 The Civil War ended 150 years ago, and we have

1 worked hard to rebuild our state and nation, but if  
2 you act to induct these three men into the Hall of  
3 Fame, you might as well also fly the Confederate flag  
4 over the State Capitol again.

5 In closing, I believe that both the law and  
6 common sense make it clear that Confederate soldiers  
7 and sailors should not be inducted into the Florida  
8 Veterans Hall of Fame. Taking such inappropriate  
9 action would be a kin to issuing a new declaration of  
10 Civil War. It would be an insult to our Veterans of  
11 Armed Forces and many Floridians, especially Native  
12 Americans, African-Americans, and Latinos, across our  
13 great state and great nation, who have served to  
14 defend these United States of America.

15 History has spoken, and members of the  
16 Confederate Forces, just as other forces that have  
17 fought against the United States of America and our  
18 Armed Forces, do not belong in a Hall of Fame honoring  
19 US Armed Forces service members.

20 That concludes my remarks, and thank you.

21 GOVERNOR SCOTT: Thank you. Any questions?

22 COMMISSIONER PUTNAM: I have a question.

23 GOVERNOR SCOTT: Hold on just a second, ma'am.  
24 We have one question.

25 COMMISSIONER PUTNAM: I have a quick question for

1 you about David Lang, who, in addition to serving in  
2 the Confederate States of America Army, also served US  
3 Army as Florida's first Adjutant General. So he's  
4 someone who helped bind up the wounds from that war  
5 and did serve the reunified United States of America.  
6 Does he fall in a different category than those who  
7 only served CSA?

8 MR. LANDRY: Commissioner Putnam, and I have to  
9 be honest with you. Again, as we in the NAACP, we  
10 support what's right. With that knowledge that came  
11 out about General Lang that he did serve in the United  
12 States -- he served in the Florida National Guard as a  
13 part of the United States Armed Forces -- I believe we  
14 would have to support that induction, because he did  
15 serve honorably under the blue uniform.

16 COMMISSIONER PUTNAM: I've always found you to be  
17 fair and admirable, and I appreciate that.

18 MR. LANDRY: Thank you.

19 COMMISSIONER PUTNAM: Thank you for your  
20 comments, and thank you.

21 MR. LANDRY: You're welcome, sir.

22 GOVERNOR SCOTT: Any other questions?

23 All right, ma'am. Did you have something?

24 UNIDENTIFIED FEMALE SPEAKER: Yes. Governor,  
25 Council, it is called Florida Veterans Hall of Fame,

1 and I just want to mention to you a couple of things.  
2 The State of Florida succeeded from the United States.  
3 The State of Florida joined the Confederate States of  
4 America. The State of Florida sent 15,000 citizens to  
5 the war; 5,000 of those men died in the service for  
6 the State of Florida during the Civil War. And from  
7 1880 to 1955, the State of Florida paid pensions to  
8 its Confederate Veterans and their widows.

9 GOVERNOR SCOTT: Thank you. We're going to hold  
10 for a second so Attorney General can come back.

11 I want to thank everybody that came. I think one  
12 great thing about our state is we're a state where  
13 people can express their views. And thank God, we  
14 have people that are willing to put the uniform on and  
15 defend the freedom to be able to do this, whether we  
16 all agree or disagree. I'm very appreciative of  
17 everyone that's served in the military and protected  
18 our freedom.

19 All right. So is there a motion to approve the  
20 Florida Veterans Hall of Fame class?

21 COMMISSIONER PUTNAM: Governor, I'll move that we  
22 approve the list with the addition of David Lang.

23 GOVERNOR SCOTT: All right. Is there a second?

24 CHIEF FINANCIAL OFFICER ATWATER: Second.

25 GOVERNOR SCOTT: All right. I'm going to vote

1 against it just because -- I have no issue with David  
2 Lang. I just haven't looked at his whole background,  
3 so I'm not going to vote for it.

4 I'm going to vote against it only for that  
5 reason, and I have no problem in bringing it back up.

6 ATTORNEY GENERAL BONDI: Can I just talk to my  
7 general counsel?

8 GOVERNOR SCOTT: Sure, sure.

9 ATTORNEY GENERAL BONDI: I have -- this is  
10 nothing to do with the people involved. This has to  
11 do with what's legal, based on the Council's rule and  
12 based on what the Legislature has placed into law, and  
13 that's my job as Attorney General. Just so -- can I  
14 have a moment?

15 Okay. My general counsel says because of the  
16 National Guard service, we have the ability to add  
17 him. It may be challenged, and we may have to revisit  
18 it. At this time, no -- I mean, I think we're  
19 familiar with his background, and I have no problem at  
20 this time admitting him.

21 But again, you gentleman have to realize, it may  
22 be challenged, because there is confusion in the way  
23 the Council is structured and the law, and I again, am  
24 advising you that they need to clarify that.

25 GOVERNOR SCOTT: So the motion on the table has

1 been seconded, is that it would be the five members  
2 that the Florida Veterans -- the five members of  
3 Florida team has brought forward, plus the David Lang.  
4 That's the motion on the table.

5 Did you have another?

6 MR. HERMAN: Governor, may we make one comment?  
7 My name is David Herman; I'm general counsel for the  
8 Florida Department of Veterans Affairs, and I  
9 apologize. Emotions run high, and again, it's not  
10 about the people and it's about the law, and I've been  
11 asked to weigh in on the law.

12 Those who served the National Guard are not  
13 considered to be Veterans under the law, unless they  
14 served during a period of active where they were --  
15 where the Guards were nationalized. Today, if  
16 National Guardsmen were to apply for service to be  
17 inducted into the Hall of Fame, they would not be  
18 eligible because they're not veterans, unless they  
19 served in active duty in the time of war.

20 So under that definition, regrettably, I don't  
21 believe that David Lang would qualify.

22 GOVERNOR SCOTT: All right. So what you're  
23 saying is that a member, today, a reserve member of  
24 the National Guard, would not be able to be in the  
25 Florida National Veterans Hall of Fame unless they

1 were called up for active duty, because they've never  
2 served active duty.

3 MR. HERMAN: Governor, it's active duty for  
4 purposes other than training.

5 GOVERNOR SCOTT: Active duty for purposes other  
6 than training.

7 MR. HERMAN: And that's for Guardsmen and for  
8 Reserves. Now, if they get activated in a  
9 humanitarian operation...

10 GOVERNOR SCOTT: Or go to Afghanistan or  
11 whatever.

12 MR. HERMAN: Yes, Governor, correct.

13 GOVERNOR SCOTT: All right. So the advice of  
14 counsel is that unless there's evidence that David  
15 Lang was called up on active duty, which we don't have  
16 that in the record today, then he would not be  
17 entitled to be inducted.

18 MR. HERMAN: That is correct, Governor.

19 MR. LANG: Would that include called up by the  
20 Governor of Florida?

21 MR. HERMAN: I don't believe so, sir. I'm sorry.

22 MR. LANG: You don't think so?

23 GOVERNOR SCOTT: So the motion, still the motion  
24 that we are on -- we heard all of the advice, but the  
25 motion on the table is that it would be five members

1 plus David Lang. That's the motion on the table. So  
2 everybody is fine with voting on that, so I'm going to  
3 vote opposed to it, based on the fact that I don't  
4 know enough about his background. But I'm okay with  
5 it.

6 ATTORNEY GENERAL BONDI: And Governor, I have to  
7 vote against it. And this is not a vote against your  
8 great-grandfather at all. This is a vote against the  
9 way the Council's structured, and the law, which I  
10 believe we need to fix.

11 MR. LANG: Ma'am, I have no problem.

12 ATTORNEY GENERAL BONDI: So my vote is no as  
13 well, sadly.

14 COMMISSIONER PUTNAM: Governor?

15 GOVERNOR SCOTT: Hold on just a second.

16 COMMISSIONER PUTNAM: Restate the motion.

17 GOVERNOR SCOTT: Hold on. So are you finished?

18 ATTORNEY GENERAL BONDI: I'm --

19 GOVERNOR SCOTT: Commissioner?

20 COMMISSIONER PUTNAM: Well, if we finish the  
21 vote, I don't need to restate the motion, if you've  
22 called to question, but I am prepared to --

23 GOVERNOR SCOTT: Do you want to make another  
24 motion?

25 COMMISSIONER PUTNAM: -- withdraw the motion and

1 move that we accept the original list, and that we  
2 continue this quest for clarity on who is and who is  
3 not eligible, and what that criteria is, and what role  
4 that DVA has in administering this process.

5 So my motion very simply is that we accept the  
6 slate of nominees that are before us.

7 GOVERNOR SCOTT: All right. So we'll just do  
8 that first. The first motion is just accept the five.  
9 Is there a second?

10 ATTORNEY GENERAL BONDI: Second.

11 GOVERNOR SCOTT: All right. Any comments or  
12 objections with that? Okay. Hearing none, that  
13 carries.

14 Now, let's figure out -- Commissioner has a good  
15 point. We need to go back now, and so probably the  
16 right way of doing this is probably, Attorney General,  
17 would you be comfortable coming back at the next  
18 Cabinet meeting and taking the David Lang's example  
19 and taking what the attorney for the Florida  
20 Department of Veteran Affairs said and give us your  
21 advice on the National Guard?

22 ATTORNEY GENERAL BONDI: Certainly. And again,  
23 as I said at the last meeting, I believe we all agreed  
24 we want the Council to get clarification from the  
25 Legislature or change the rules of the Council to

1 apply.

2 GOVERNOR SCOTT: All right. And then I would  
3 just like if, also, if you'll also give us the  
4 background again on David Lang. Because we -- I also  
5 -- we might want to bring that up.

6 MR. PRENDERGRAST: We'll bring that before the  
7 next Cabinet meeting.

8 GOVERNOR SCOTT: I would just like to get his  
9 background again.

10 MR. PRENDERGRAST: We'll get that to you.

11 GOVERNOR SCOTT: If you can do that for all of  
12 us.

13 MR. PRENDERGRAST: Sure. We'll deliver that to  
14 the staff.

15 GOVERNOR SCOTT: So I don't think we need to have  
16 a motion on that; you'll bring it up.

17 ATTORNEY GENERAL BONDI: That's fine.

18 COMMISSIONER PUTNAM: I'm sorry, go ahead.

19 CHIEF FINANCIAL OFFICER ATWATER: I just would --  
20 maybe all of this because now we've been back around  
21 it several times. It might be our own Florida  
22 National Guard. I just want to be sure, or when we  
23 all come back and settle up on where this is going to  
24 go or get Legislature -- or wherever this may go, I  
25 just want to be sure that I understand your last

1 comment, sir, Colonel.

2 If somebody were to dedicate their life to the  
3 preparation and training of Florida, being prepared  
4 and ready for whatever we may be called upon in  
5 service in the country or to service one another in  
6 crisis; that an individual that has dedicated their  
7 life to that work as a member of the Florida National  
8 Guard, is precluded, notwithstanding whether they've  
9 worn that uniform to prepare troops, and gave  
10 everything and they had given, and lost their life in  
11 a catastrophic event they were helping to save the  
12 lives of fellow Floridians; is that person excluded  
13 because they were never part of active duty?

14 GOVERNOR SCOTT: Why don't you let your counsel  
15 answer that. That's your understanding of the law,  
16 right?

17 MR. HERMAN: Yes, sir. It's a question of  
18 eligibility for Veterans Benefits, and that's set by  
19 federal law which the State of Florida follows; is  
20 that the National Guardsmen, unless they're activated  
21 nationally are not considered veterans for national  
22 services.

23 CHIEF FINANCIAL OFFICER ATWATER: Then maybe for  
24 anyone listening, we're trying to thread a needle  
25 here, what -- I know we're trying to do this as

1 thoughtfully and as carefully as we can, and how the  
2 Council may be able to with its wisdom provide  
3 nominees in the future. But I just would hope that we  
4 don't find ourselves, for very different reasons than  
5 we've been discussing here today, that we're cornered  
6 out of considering an application of someone or their  
7 nomination of someone who again may have done a  
8 tremendous service in the uniform of this country but  
9 technically didn't get through the eye of the needle  
10 that someone else created as, this is one of needles  
11 you need to get through. I just want to understand  
12 them all.

13 ATTORNEY GENERAL BONDI: And I believe that can  
14 be fixed.

15 CHIEF FINANCIAL OFFICER ATWATER: Okay.

16 GOVERNOR SCOTT: Do you have another point?

17 COMMISSIONER PUTNAM: I do. The minutes of the  
18 Veterans Hall of Fame Council where these selections  
19 were made indicate that FDVA's general council, Dave  
20 Herman was present, and the deputy executive director  
21 of the agency was present by teleconference.

22 Now, throughout that long meeting, when they made  
23 these selections and six of the seven council members  
24 voted for at least one of the Veterans that have now  
25 been excluded, and five of the seven members voted for

1 two of the three veterans in their top ten, why didn't  
2 either one of you say something in June of last year?

3 If you were so clear and so convinced that they  
4 were breaking the law in forwarding the name of  
5 Florida's first Adjutant General, who has his own  
6 memorial for his role in leading our National Guard  
7 and the namesake of a county, and a former governor,  
8 why didn't you say something when you had the Council  
9 together? Why did you waste their time if they were  
10 breaking the law?

11 MR. PRENDERGRAST: Commissioner, because I was  
12 here. The meeting was set during a Cabinet meeting.  
13 I was present here. I came at the very end of that  
14 meeting after the vote had been taken.

15 Additionally, the Florida Department of Veterans  
16 Affairs did not have a policy of reviewing the  
17 applications, going through them, screening them in  
18 any way before they went to the Council at that time.  
19 The Council, it was only after the Council had  
20 selected its list of nominees that the Department of  
21 Veterans Affairs became aware that it included  
22 nominees that were not eligible under the criteria in  
23 Florida law.

24 COMMISSIONER PUTNAM: So you pick and choose when  
25 you decide to engage in this process? I mean, you've

1 got a volunteer board that's dedicating their time to  
2 sort through all of these worthy Floridians, and then  
3 you didn't bring it to us until January of '15, after  
4 they had made their first round of selections in June  
5 of '14. Did you ever let them know that you had taken  
6 the position that three of their nominees were  
7 illegal?

8 MR. PRENDERGRAST: Yes, sir, we did.

9 COMMISSIONER PUTNAM: Prior to our Cabinet  
10 meeting?

11 MR. PRENDERGRAST: Commissioner Putnam, that's  
12 not a statement of fact. The Agency brought the list  
13 of eight nominees to each of the respective offices of  
14 the Cabinet members and the Governor's Office in  
15 August of 2014, and so informed them of the list of  
16 nominees, and so informed them of the list of nominees  
17 there was a problem with three nominees on the list.  
18 In fact, that the Hall of Fame Council had ignored its  
19 own published guidelines for the proper nomination of  
20 the individuals in the first place.

21 COMMISSIONER PUTNAM: That's my point. You had  
22 someone in the room when they allegedly ignored their  
23 own guidelines. Why didn't y'all speak up then?  
24 There's no reflection in the minutes that you spoke up  
25 in the meeting where the vote took place.

1 MR. PRENDERGRAST: I was also at a Cabinet  
2 meeting at the same time.

3 COMMISSIONER PUTNAM: Your deputy was there.  
4 Your general counsel attended the end of the meeting.

5 MR. PRENDERGRAST: I was not in the room,  
6 Commissioner Putnam, and I was here at the Cabinet  
7 meeting with all of you. My general counsel was here  
8 for most of the meeting, and the information was not  
9 provided to us until sometime in July.

10 GOVERNOR SCOTT: All right. Anything else?  
11 Anyone have any other questions? Thank you very much.

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BOARD OF TRUSTEES

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4 GOVERNOR SCOTT: Now I would like to welcome Jon  
5 Steverson with the Department of Environmental  
6 Protection.

7 MR. STEVERSON: Good afternoon, Governor, Cabinet  
8 members. I know the hour is late, so I'll be as brief  
9 as I possibly can. But there are three items on the  
10 Board of Trustees agenda.

11 Item Number 1 is submittal of the minutes from  
12 the January 13th Cabinet meeting.

13 GOVERNOR SCOTT: Is there a motion to approve  
14 this item?

15 CHIEF FINANCIAL OFFICER ATWATER: So moved.

16 GOVERNOR SCOTT: Is there a second?

17 ATTORNEY GENERAL BONDI: Second.

18 GOVERNOR SCOTT: Moved and seconded. Show the  
19 minutes approved without objection.

20 MR. STEVERSON: Item Number 2 is consideration of  
21 an option agreement to acquire 193 acres in Marion as  
22 an addition to the Cross Florida Greenway in the  
23 amount of \$594,000 from Sandy McBride.

24 The Greenway is a 110-mile corridor that crosses  
25 Central Florida and spans from the Gulf of Mexico on

1 the West Coast, to St. Johns River near the East  
2 Coast. In fiscal year '13-'14, approximately 927,000  
3 people visited the Greenway, generating an estimated  
4 \$74.3 million in direct economic impact, ranking the  
5 Greenway the third highest unit of 171 managed units  
6 in the Florida State Park system.

7 The majority of the McBride parcel is bordered by  
8 the Cross Florida Greenway and the Ocala National  
9 Forest and will eventually serve as a trail head and  
10 camping area because of its ideal and connectivity to  
11 the Greenway Forest and the respective trail systems.

12 The property will be managed by DEP's Division of  
13 Recreation and Parks, in addition to the Greenway.  
14 And the Department recommends approval.

15 GOVERNOR SCOTT: Is there a motion to approve?

16 CHIEF FINANCIAL OFFICER ATWATER: If I can ask a  
17 question first? Jon, at what point in the negotiation  
18 with a citizen of the state could do we tell them the  
19 guidelines by which we will make an offer?

20 MR. STEVERSON: Sure, Governor.

21 GOVERNOR SCOTT: Sure.

22 MR. STEVERSON: Sure. And CFO, I'm not sure. I  
23 haven't been involved in terribly too many  
24 negotiations since I've been here at the Department,  
25 so I can't tell you that we ever tell someone, "Here's

1 guidelines by how we're going to move this forward."

2 I can tell you we do negotiate and try to get the  
3 best deals for the parcels we bring to the Cabinet.

4 CHIEF FINANCIAL OFFICER ATWATER: How is this one  
5 decided?

6 MR. STEVERSON: Sure. This one was a federalized  
7 process, so it went through a review process. And I  
8 do know, CFO, this started back in 2007 with this  
9 particular parcel and was later tabled. Then  
10 apparently, negotiations, reinterest resumed in that  
11 parcel in January of last year. It went through the  
12 federalized process where an appraisal is shared with  
13 that particular parcel owner, and he was able to see  
14 what the property was valued at and we made an offer  
15 and later he accepted.

16 CHIEF FINANCIAL OFFICER ATWATER: Did he  
17 understand when he saw the appraisal that we wouldn't  
18 be offering appraised value or there really wouldn't  
19 be a negotiation.

20 MR. STEVERSON: Governor, I don't know that I can  
21 reach inside of the head of the person who we  
22 purchased that from, but I'm sure that it was evident  
23 to him that, "Here's the appraisal amount. Here's the  
24 amount they're offering me," and then he had to make  
25 the decision; what happens between a willing buyer and

1 willing seller, as to whether he's willing to sell the  
2 property for that amount.

3 CHIEF FINANCIAL OFFICER ATWATER: Well, here's  
4 what, you know -- I appreciate not being able to get  
5 in the head of anyone else that you're negotiating  
6 with, but I do think we as governors sit down with  
7 somebody and in good faith would like to talk about  
8 the value of this transaction, what the Florida  
9 citizen has at stake and what their government  
10 believes is at stake here. Is that -- if this is  
11 something that is going to go on for the number of  
12 years this went on, then out of fairness, we should  
13 make it clear to someone as early as possible  
14 opportunity. If we have guidelines we're operating  
15 under, these are the guidelines, and I don't think  
16 that's unreasonable.

17 GOVERNOR SCOTT: My guidelines is -- the way I  
18 look at it is I represent the taxpayer's estate, and  
19 my expectation is anyone buying any property or doing  
20 anything on behalf of the State is going to get the  
21 best deal we can. I would like if they just give to  
22 it the State if we want it.

23 CHIEF FINANCIAL OFFICER ATWATER: Well, Governor,  
24 I'm not opposed to getting the best deal, but when you  
25 sit with anyone for a protracted period of time and

1 say, There is really not a negotiation; this is our  
2 policy; why wouldn't we just share that government  
3 upfront? That seems like being fair and honest with  
4 folks.

5 MR. STEVERSON: And Governor, I can't tell you  
6 there's specific policy here driving that, and  
7 especially in this particular instance. I can be  
8 happy to have my office come contact your office and  
9 give you what we would normally run through when  
10 they're normally negotiating these parcels with  
11 individuals. I haven't been involved in the direct  
12 negotiations, myself.

13 I have been involved in parcels that are coming  
14 forward, and I feel the price is too terribly high,  
15 and we sit back and reevaluate those before we then  
16 bring them to the Governor and Cabinet.

17 CHIEF FINANCIAL OFFICER ATWATER: Well, I would  
18 just suggest this. If there really is a negotiation  
19 going on, I think that's a fair system of doing  
20 things. If there isn't, if the policy is going to be  
21 a take-it-or-leave-it number at some point, why don't  
22 we before going through the extended process let them  
23 know how that process is going to work. That I think  
24 is fair as again, as the government working with an  
25 individual system and wanting them to understand how

1 our process works.

2 MR. STEVERSON: Governor and CFO, we actually do  
3 that and reach a level of impasse where that is the  
4 take-it-or-leave-it number and we move forward with  
5 the property or we won't.

6 CHIEF FINANCIAL OFFICER ATWATER: But in this  
7 case, we always knew what our number was going to be  
8 the moment the appraisal come out.

9 MR. STEVERSON: Governor, CFO, I don't know if I  
10 could tell you that. We knew that we would not be  
11 going to the full amount of the appraisal on this  
12 particular parcel of property, but I can't tell you we  
13 knew what that was going to be. There was a  
14 negotiation. The seller was finally willing to take  
15 it at that amount. He made more than \$110,000 since  
16 he purchase property in 2005, so I feel he feels he  
17 got an adequate deal or he would not have sold the  
18 property.

19 CHIEF FINANCIAL OFFICER ATWATER: I'm just  
20 suggesting to you that it would seem to me, again, we  
21 can determine what value appreciation may have taken  
22 place, but why wouldn't we -- we had a number in mind  
23 that we were not going to move from. We had --  
24 apparently, we're operating under a policy that it's  
25 going to be "X" of this, and just having the decency

1 of sharing someone at the outset would allow someone  
2 to know they're not getting to the end and realizing  
3 there really is no negotiation going on here.

4 MR. STEVERSON: Governor and CFO, I can tell you  
5 --

6 GOVERNOR SCOTT: Excuse me just a second.

7 I don't know how you do that. I mean, I've done  
8 a lot of negotiations, and part of the negotiation is  
9 that it's a give and take. And I don't think, my  
10 experience in buying something, is you're finding out  
11 facts more as you do it; sometimes you're willing to  
12 pay less for something, you know, and sometimes you're  
13 willing to pay more. I don't see how you can tell  
14 someone in the beginning. I don't know how I could  
15 tell someone in the beginning, "By the way, if you  
16 always get to this number, I'll do it, but I'm going  
17 to try and get a lower price."

18 I don't know how you do that.

19 CHIEF FINANCIAL OFFICER ATWATER: Well, I don't  
20 think this was an negotiation. This was, "Here's an  
21 appraisal;" so, so much to that appraisal and says, "I  
22 think I know what we're talking about."

23 Is it possible we would have given 98 percent as  
24 an offer?

25 MR. STEVERSON: Governor, CFO, I don't know,

1 because I can tell you that I probably would never go  
2 there.

3 I wasn't directly involved in this negotiation  
4 until it already had occurred. And my job is to get  
5 the best deal for the citizens of the State; is that  
6 95; is that 98 percent; is that 75 percent; I would  
7 like to be bringing you something better. I would  
8 want to bring you the lowest possible price, and if I  
9 tell everyone, "This is what I'm going to give you"  
10 from the moment I walk in the door, there is no  
11 negotiation. It will never occur.

12 CHIEF FINANCIAL OFFICER ATWATER: Well, then,  
13 maybe you've just helped me, because I was operating  
14 under the assumption in this conversation that, in  
15 fact, there was a set amount we were going to give;  
16 there was not going in to be an exchange of  
17 negotiation; is that inaccurate?

18 MR. STEVERSON: Governor, CFO, I'm not sure. I  
19 can have the folks that negotiated that come visit  
20 with you and give you the details of how this  
21 particular parcel was acquired and what happened with  
22 that, but I can't tell you.

23 CHIEF FINANCIAL OFFICER ATWATER: Well, what you  
24 could tell me then is I would be mistaken in thinking  
25 there was a set percentage of appraised value that

1 you're operating under, under a certain value amount,  
2 and that we could again have the decency to tell  
3 somebody that upfront, "If we can reach a deal  
4 upfront, here's where we're at. Here's where your  
5 government would be willing to offer you for that  
6 piece of property; would you like to continue going  
7 through this process with us?"

8 MR. STEVERSON: Sure. Governor, CFO, we've  
9 addressed this before. There were performance metrics  
10 that were set back in September of 2010, that was set  
11 by Charlie Crist's Cabinet, and CFO Sink, actually  
12 pushing those proposals for the Division of State  
13 Lands to reach 90 percent when they went through the  
14 actual appraisal and purchase process.

15 I feel that certainly this body can do even  
16 better than that, and so that's what I'm striving for.

17 CHIEF FINANCIAL OFFICER ATWATER: Which would  
18 mean then, again, you're talking about actually  
19 negotiating with somebody versus this is just policy.

20 MR. STEVERSON: That's correct. I am talking  
21 about actual active negotiations to get the best deal  
22 for the taxpayers in the state of Florida.

23 CHIEF FINANCIAL OFFICER ATWATER: Then you and I  
24 would be on the same page there. But if later we take  
25 an extended long period of time, and they're looking

1 at a previous value, thinking at some point there's  
2 going to be negotiations with their Government, and  
3 someone else says, "No, sorry to misrepresent or  
4 mislead you over these number of years. This is where  
5 we are. That's the number." That person could have  
6 been helpful in making that decision a long time ago.

7 MR. STEVERSON: Governor, and CFO, my intent and  
8 my position in this role is to not have these things  
9 take years and years and years. And I'm sorry, this  
10 gentleman was involved from 2007 and on, but I want to  
11 move these things quicker. I want to move them  
12 faster.

13 It's funny. I was just quoted badly in an  
14 article here because I said that, but that's what I  
15 want to do. I want to be quicker, I want to move  
16 faster, I want to bring the right pieces of property  
17 to you and have the right environmental impact and get  
18 the best deal that I can when I'm doing it.

19 CHIEF FINANCIAL OFFICER ATWATER: Governor, then  
20 I will close on this.

21 Then we would be on the same page there. I would  
22 love for us to be able to move at the as quick as  
23 possible speed that all constituencies, those who  
24 would care deeply about the environmental impacts,  
25 requiring -- fairness to the seller. I would like to

1 move as efficiently as we can through that process.

2 And I would also like to think you get the best  
3 deal for the taxpayer in that. All I would ask is we  
4 represent government. If there's any way at the  
5 earliest possible dates, if someone can understand  
6 what is the outcome under present policy, we should  
7 let them understand that.

8 MR. STEVERSON: Governor, CFO, once again, my  
9 outcome is to go in there and negotiate and get the  
10 best deal, and that's what I promise you each and  
11 every time I will stand at this podium.

12 CHIEF FINANCIAL OFFICER ATWATER: There's a  
13 difference between negotiation and policy, and if  
14 we're negotiating, then I understand someone dealing  
15 with their Government is going to understand they're  
16 negotiating.

17 COMMISSIONER PUTNAM: So Governor, I'm confused.  
18 Is there some policy from the Crist Administration?  
19 What was that, that you were quoting?

20 MR. STEVERSON: Sure. Governor, Commissioner,  
21 back in September 14, 2010, there were performance  
22 metrics, much like these conversations you are  
23 engaging in right now, about, I would like to see  
24 certain performances out of certain agencies. This  
25 division of state lands started out with a goal of 97

1 percent; they were able to whittle it down the next  
2 year to 95 percent.

3 By the time the end of the Crist Administration,  
4 there was a goal of 95 percent of purchase -- excuse  
5 me, let me go back. For purchases of property, 90  
6 percent of the appraised value, and so I believe we  
7 should be able to at least meet, certainly beat that,  
8 as we move forward and acquire properties for the  
9 state.

10 GOVERNOR SCOTT: Anything else? All right.

11 COMMISSIONER PUTNAM: Just briefly?

12 We should negotiate the best deal possible on a  
13 parcel-by-parcel basis. There is a perception out  
14 there that the State will not pay more than 90 percent  
15 of the appraised value, and we're not going to find  
16 too many takers who want to accept 10 percent of the  
17 lowest appraisal for something they own.

18 So if you're telling me that's not the policy,  
19 and if you're telling this Cabinet that's the policy,  
20 I think that's important for potential sellers of  
21 environmentally sensitive lands to hear that the State  
22 is going to negotiate the best possible deal, but that  
23 there is no arbitrary figure that's been preset. Is  
24 that what you're saying?

25 MR. STEVERSON: Governor, Commissioner, I can

1 tell you in 2010, those performance metrics were set.  
2 My goal is to improve and be even better on the  
3 performance metrics. The only place I've ever heard  
4 the 90 percent was actually in an article related to  
5 the Cargulo property, which I then brought to this  
6 Cabinet as one of my first actions here, and we  
7 actually got it for less than 90 percent of the  
8 appraised value.

9       So if you as a Cabinet say, "Hey, we're going to  
10 have a ceiling," or, "We're not going to have a  
11 ceiling, or, "Jon, it's 95 percent," every time I go  
12 out there, I'm going to be at a disadvantage  
13 negotiating; I'm never going to get anyone below that  
14 certain amount because I can say, "You can always pay  
15 more." So what I would rather do is have that  
16 negotiation ability in each and every parcel I go to,  
17 and my goal is to bring you the best I can.

18       CHIEF FINANCIAL OFFICER ATWATER: Well, I'm  
19 wondering if we're all on the same page. There's  
20 going to be a parcel out there that may not be at 90  
21 percent that all constituencies believe are the right  
22 price. Are you going to be able to offer that?

23       MR. STEVERSON: Governor.

24       GOVERNOR SCOTT: Sure.

25       MR. STEVERSON: CFO, once again, we are

1 evaluating on these on their environmental benefits,  
2 all of the benefits that are listed in statute. And  
3 if there's a piece of property that is just so  
4 incredibly valuable, and I feel I've done everything I  
5 can to get the best deal I can, certainly I would be  
6 consulting with you to see about moving that parcel  
7 forward.

8 GOVERNOR SCOTT: Anything else? The next  
9 Department of Agriculture Consumer Services item will  
10 be presented by Jim Carls.

11 MR. CARLS: Good morning, Governor, General  
12 Bondi, CFO Atwater and Commissioner Putnam.

13 The third item on the Board of Trustees agenda is  
14 consideration of the quest to file amendments to the  
15 Florida Department of Agriculture and Consumer  
16 Services Rule 5-I7 for final adoption with the  
17 Department of State.

18 FDACS has identified the need to update sections  
19 of the Rule 5-I7 in order to refine the original rule  
20 approved by the Board of Trustees, September 16 of  
21 2008, which outlines a procedural rule in (inaudible)  
22 protection program.

23 FDACS believes the current amendments will make  
24 the rule more streamline, both for the applicants as  
25 well as for the Agency. The Rule was published in the

1 Florida Administrative Register in December of '14 and  
2 January of '15 for rule-making and proposed rule.  
3 There was no workshops or public hearings requested  
4 after those notifications.

5       The more substantive amendments are, a new  
6 subsection 3 was amended to outline the new  
7 application process. The new process will allow for  
8 land owners with projects currently on the approved  
9 list to be carried over with submission of the new  
10 applications, unless the land owner gives notification  
11 of the project to be withdrawn.

12       Additionally, these land owners will be required  
13 to report any changes to use or conditions of the  
14 property by the deadline of the submission of a new  
15 application process. All new and existing projects  
16 will then be ranked in accordance with the Rule 5-I7.

17       A new subsection 5 was added to address boundary  
18 modifications of the existing projects. For existing  
19 projects, land owners wishing to make additions or  
20 reductions to project boundaries with less than  
21 15 percent of the overall project will be allowed to  
22 submit a boundary modification to FDACS prior to the  
23 deadline of the application, in order to be considered  
24 by the selection committee.

25       For boundary additions or reductions, which are

1 greater than 15 percent of the total approved land  
2 owners, must submit a new application.

3 And the last new subsection, 6, was added to  
4 outline the requirements for land owners to specify  
5 any anticipated division of the property at the point  
6 of submitting the application to FDACS which would  
7 require approval by the selection committee. No  
8 division of the property will be allowed after the  
9 approval and the ranking of the project by the  
10 selection committee. Additionally, this subsection  
11 addresses allowable size of the divisions to be  
12 considered.

13 FDACS received comments from the Joint  
14 Administrative Procedures Committee on the proposed  
15 rule-making on February 18, '15, and published a  
16 notice of change in the Administrative Register to  
17 make recommended technical and clarifying changes from  
18 JAPC.

19 FDACS recommends approval of this rule amendment.

20 GOVERNOR SCOTT: Is there a motion to approve?

21 ATTORNEY GENERAL BONDI: So moved.

22 GOVERNOR SCOTT: Is there a second?

23 CHIEF FINANCIAL OFFICER ATWATER: Second.

24 GOVERNOR SCOTT: Any comments or objections?

25 Hearing none, the motion carries.

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Thank you, Jim.

Let's go back to Item 2. Is there a motion to approve Item 2?

ATTORNEY GENERAL BONDI: So moved.

GOVERNOR SCOTT: Is there a second?

CHIEF FINANCIAL OFFICER ATWATER: Second.

GOVERNOR SCOTT: Any comments or objections?

Hearing none, the motion carries.

MR. STEVERSON: That concludes the agenda.

Thank you.

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STATE BOARD OF ADMINISTRATION

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GOVERNOR SCOTT: Next is Ash Williams with the State Board of Administration.

Good afternoon, Ash.

MR. WILLIAMS: Afternoon, Governor, Cabinet members. For openers, update on the fiscal year. To date, the Florida Retirement System Trust Fund is up 3.2 percent. That's 98 basis points ahead of target; leaves us with a balance of \$154 billion. That's an all-time record high with the balance of Retirement System Trust Fund.

GOVERNOR SCOTT: Ash, to get back to that. So the time frame is what time frame?

MR. WILLIAMS: This is fiscal to date.

GOVERNOR SCOTT: This is as of July 1? And what is the percentage?

MR. WILLIAMS: 3.72.

GOVERNOR SCOTT: Okay.

MR. WILLIAMS: And that puts the fund up \$1.3 billion fiscal year-to-date, net of 4.8 approximately in distributions.

Item 1: Request approval of the quarterly report required by the protecting Florida's Investment Act.

1 This is, of course, the legislation we had that  
2 involves overseeing Sudan and Iran. And the summary  
3 of the actions for the period are that, with regard to  
4 Sudan, there's been one company added and two removed  
5 from the scrutinized list; none added and one removed  
6 from the continued observations list.

7 And with regard to Iran, same thing on the  
8 scrutinized side and one added and one taken away from  
9 the continued examination side. Request approval of  
10 the report.

11 GOVERNOR SCOTT: Is there a motion to approve  
12 Item 1?

13 ATTORNEY GENERAL BONDI: So moved.

14 GOVERNOR SCOTT: Is there a second?

15 CHIEF FINANCIAL OFFICER ATWATER: Second.

16 GOVERNOR SCOTT: Any comments or objections?  
17 Hearing none, the motion carries.

18 MR. WILLIAMS: Thank you.

19 Item 2: Request approval of a draft letter to  
20 the joint legislative auditing committee affirming  
21 that the SBA Trustees have reviewed and approved the  
22 monthly Florida Prime and Fund B Management reports  
23 and have taken actions to address any material  
24 impacts. There were no material impacts.

25 Request approval.

1 GOVERNOR SCOTT: Is there a motion to approve?

2 CHIEF FINANCIAL OFFICER ATWATER: So moved.

3 GOVERNOR SCOTT: Is there a second?

4 ATTORNEY GENERAL BONDI: Second.

5 GOVERNOR SCOTT: Any comments or objections?

6 Hearing none, the motion carries.

7 MR. WILLIAMS: Thank you.

8 Item 3: Request approval of a draft letter  
9 certifying that the Trustees have approved the Auditor  
10 General's financial report of the Local Government  
11 Surplus Funds Trust Fund, now known as Florida Prime.  
12 The Auditor General did not report any material  
13 deficiencies.

14 Request approval.

15 GOVERNOR SCOTT: Is there a motion to approve?

16 ATTORNEY GENERAL BONDI: So moved.

17 CHIEF FINANCIAL OFFICER ATWATER: Second.

18 GOVERNOR SCOTT: Any comments or objections?

19 Hearing none, the motion carries.

20 MR. WILLIAMS: Thank you.

21 Item 4: Request approval of the reappointment of  
22 Les Daniels and Michael Price to the Investment  
23 Advisory Council.

24 Mr. Daniels has served for the past year as the  
25 Chairman for the Investment Advisory Council and was

1 originally appointed back in 2011.

2 Likewise, Mr. Price was yesterday elected Vice  
3 Chair of the Council. He, too, was appointed in 2011.  
4 And I would also mention in passing that Mr. Chuck  
5 Newman, who served on the council and was vice-chair  
6 for a period of time, at his term expire, will not be  
7 coming back in February. So I would like to recognize  
8 and thank all of those individuals and request  
9 approval of those two reappointments.

10 GOVERNOR SCOTT: Is there a motion to approve?

11 ATTORNEY GENERAL BONDI: So moved.

12 GOVERNOR SCOTT: Is there a second?

13 CHIEF FINANCIAL OFFICER ATWATER: Second.

14 GOVERNOR SCOTT: Any comments or objections?

15 Hearing none, the motion carries.

16 MR. WILLIAMS: Thank you.

17 Item 5: We have the quarterly reports of the  
18 SBA. And what I would like to do in the interest of  
19 time is recognize Mr. Rolf Ingman, (phonetic) the  
20 chair of our Audit Committee who has served very, very  
21 professionally and is very helpful in that role. And  
22 he has a report for you that he would like to share.

23 GOVERNOR SCOTT: Thank you.

24 Thanks for doing this.

25 MR. INGMAN: Thank you. It's been a pleasure.

1 You have very detailed report, but the big picture is  
2 that we had a triennial review of governance, risk  
3 management, and compliance, against the standards we  
4 had established three years ago, which came about as a  
5 result of Crowe Horwath reviewing the work previously  
6 done by Deloitte Touche in 2007, 2009.

7 And I'm pleased to say we have provided three  
8 objectives, and just to summarize them, they are to  
9 measure how advanced the SBA was relative to  
10 governance, risk management and compliance (GRC)  
11 against the standards that were established in 2011.

12 At the time, in 2011, they considered us midway  
13 through the range of possibilities. They considered  
14 the SBA highly developed, and I'm pleased to announce  
15 at this point, three years later, we are considered  
16 advanced, which is the highest ranking you can have.

17 GOVERNOR SCOTT: Good job.

18 MR. INGMAN: Thank you. The second objective was  
19 to insure that the various lines of defense, which is  
20 described in the report as management, is the first  
21 line of defense. They have to embrace risk management  
22 practices to be part of the management protocol which  
23 is a separate effort.

24 There is a compliance function which becomes the  
25 second line of defense. The third line of defense is

1 the Internal Audit Department, the Office of Internal  
2 Audit. And they went through a series of evaluations  
3 to determine each one was carrying out the role as  
4 prescribed, and there was objectivity and independence  
5 in all of the roles, so the second objective was met  
6 without any exceptions.

7 Finally, they conducted a benchmark best  
8 practices review of the 10 largest US public pension  
9 plans, including the SBA of Florida and all but one.  
10 New Jersey participated, and as a result of that  
11 survey they used, the Forester model, that looks at  
12 how is GRC overseeing, and it actually evaluated the  
13 Board of Trustees, the various advisory councils, the  
14 Audit Committee, and other governing practices like  
15 risk committees in the SBA.

16 They sent out a survey. They got the surveys  
17 back, and as a result of that, they were able to  
18 conclude that in most parts we are either establishing  
19 best practices or we are with best practices. They  
20 gave the SBA eight items to consider more into the  
21 future. We're in good shape right now, but as the SBA  
22 continues to take on more challenges, they're kind of  
23 stretching the bar a little bit for us. This is not  
24 necessarily recommendations that we have to consider,  
25 but we'll -- the Audit Committee will work with the

1 SBA team to continually evaluate those eight points.

2 The eighth point has to do with seven specific  
3 ideas, considerations, relative to maintaining the  
4 high stature of the GRC program, and we'll work  
5 specifically to have that evaluated during the course  
6 of the next three to six months.

7 And other than that, everything has worked out  
8 well. The risk management function is highly  
9 functional. It is very much used in the management,  
10 day-to-day management. It's not an additional  
11 function, and I'm pleased to say the Office of  
12 Internal Audit also has access and there's good  
13 collaboration there.

14 So I'm pleased to announce the work done by SBA,  
15 the Risk and Compliance team, and the Office of  
16 Internal Audit, Advisory Council, you all, and the  
17 Audit Committee, we come up looking very, very well,  
18 and it's substantive; it's not just a report.

19 So if you have any questions?

20 GOVERNOR SCOTT: Any questions?

21 CHIEF FINANCIAL OFFICER ATWATER: Governor,  
22 Mr. Ingman, when is your last day as a volunteer of  
23 the Audit Committee?

24 MR. INGMAN: The end of next month.

25 CHIEF FINANCIAL OFFICER ATWATER: The end of next

1 month?

2 MR. INGMAN: Yeah.

3 CHIEF FINANCIAL OFFICER ATWATER: I know the  
4 Attorney General has a subcommittee that has the  
5 privilege of identifying people across the State of  
6 Florida. I just want to say thank you. I had the  
7 privilege of knowing Rolf for many years, and he had  
8 an extraordinary financial services background.

9 I think you've helped us significantly. I wish  
10 you would consider staying, but I understand.

11 GOVERNOR SCOTT: Doesn't take a lot of time, does  
12 it?

13 CHIEF FINANCIAL OFFICER ATWATER: Might I add, in  
14 the midst of adding an extraordinary husband, father,  
15 and business ventures that you've been a part of, I  
16 think it's December 5th you will be ordained as a  
17 Deacon in the Catholic church. So this is just an  
18 incredibly admired commitment you've had for all of  
19 us, a person of service, and thank you for what you've  
20 done for the State of Florida.

21 MR. INGMAN: It's been my pleasure. There's many  
22 great people here, so thank you.

23 ATTORNEY GENERAL BONDI: So you're trying to keep  
24 him with us instead of becoming a Deacon in a church?

25 Congratulations.

1 CHIEF FINANCIAL OFFICER ATWATER: We go so far  
2 back and he has photos, and I'm trying to keep him  
3 close.

4 MR. INGMAN: We won't go there.

5 GOVERNOR SCOTT: Thank you so much. Good luck.

6 MR. WILLIAMS: All right. So moving into our  
7 other --

8 GOVERNOR SCOTT: Wait, I don't think we did the  
9 motion on that one. Is there a motion to accept the  
10 reports?

11 ATTORNEY GENERAL BONDI: Motion.

12 CHIEF FINANCIAL OFFICER ATWATER: Second.

13 GOVERNOR SCOTT: Any comments or objections?

14 Hearing none, the motion carries.

15 Now we're at item six, right?

16 MR. WILLIAMS: Well, not exactly. Continuing  
17 with item five for a minute.

18 GOVERNOR SCOTT: You have more?

19 MR. WILLIAMS: Yes. I just want to draw to the  
20 trustees' attention that the normal reports that we  
21 have that are quarterly reports from our Inspector  
22 General, General Counsel, Chief Risk and Compliance  
23 Officer, PLGAC, et cetera, are all here for your  
24 review. We also have summary performance information  
25 on all of our major mandates, and we have Mr. Steve

1 Cummings, the Chief Executive of Aon Hewitt, if you  
2 would like a brief summary of major mandate  
3 performance.

4 GOVERNOR SCOTT: I'm fine. I'm fine without it.  
5 Does anybody else need it?

6 ATTORNEY GENERAL BONDI: No.

7 MR. WILLIAMS: Okay, good. In that case, moving  
8 onto Item 6. Request approval of an authority to file  
9 notice of proposed rules for Rules 19-8029 ensuring  
10 reporting requirements, and 19-8030 of insurer  
11 responsibilities. These are essentially the data  
12 capture rules for the Cat fund.

13 GOVERNOR SCOTT: Is there a motion to approve?

14 CHIEF FINANCIAL OFFICER ATWATER: So moved.

15 GOVERNOR SCOTT: Is there a second?

16 ATTORNEY GENERAL BONDI: Second.

17 GOVERNOR SCOTT: Any comments or objections?

18 Hearing none, the motion carries.

19 MR. WILLIAMS: Thank you.

20 Item 7: Request approval of resolution of the  
21 State Board of Administration, determining that the  
22 execution of risk transfer arrangements and the  
23 issuance of pre-event revenue bonds or notes in a  
24 combined amount, up to but not exceeding \$2.2 billion,  
25 would maximize the ability of the Florida Hurricane

1 Catastrophe Fund to meet future obligations, and  
2 delegating to the Executive Director the authority to  
3 consider, negotiate and execute risk transfer  
4 arrangements authorized by Section 215 Florida  
5 Statutes, and any aggregate of up to \$2.2 billion, and  
6 likewise, directioning the State Board of  
7 Administration Finance Corporation to issue pre-event  
8 revenue bonds or notes in a principal amount, up to  
9 but not exceeding \$2.2 billion.

10       Now, as we've discussed -- as I've discussed with  
11 each of your offices, the idea here is for us to be  
12 able to go into the market, take advantage --  
13 potentially take advantage of historically low  
14 reinsurance rates, together with the fact that the  
15 Hurricane Catastrophe Fund is in the strongest  
16 position it has ever been in, which means that the  
17 attachment point for any risk transfer product we  
18 might find attractive would be higher than it would  
19 otherwise be; meaning, the probability of it being  
20 attached is lower; meaning, that it's cost would be  
21 cheaper.

22       That's a lot to bite off, I know, but suffice it  
23 to say, we've never had the stars line up in this way,  
24 and it could be that we could get an extraordinarily  
25 good value on transferring risk to the private sector,

1 which ultimately could help protect Floridians from  
2 cost in the event of a major wind event. This would  
3 also give us the flexibility to potentially take  
4 advantage of the very low interest rate environment  
5 that we continue to be in to do additional pre-event  
6 issuance.

7 We are not reaching the conclusion that we would  
8 do either of these two things. What we would like to  
9 do is go into the market through reinsurance broker  
10 and really assess what we can accomplish, and what it  
11 would cost; whether we think there's value there, and  
12 keep your offices informed; come back to you report as  
13 appropriate in public meetings and go on from there.

14 GOVERNOR SCOTT: Sure.

15 ATTORNEY GENERAL BONDI: And Ash, that was my  
16 request, through the office, that you report back,  
17 because it is of course \$2.2 billion; would you report  
18 back to us at each Cabinet meeting as you progress in  
19 this?

20 MR. WILLIAMS: Yes.

21 ATTORNEY GENERAL BONDI: As well as or staff  
22 during the way?

23 MR. WILLIAMS: Sure.

24 GOVERNOR SCOTT: CFO?

25 CHIEF FINANCIAL OFFICER ATWATER: Thank you,

1 Governor.

2 To that end, let me ask about how cumbersome that  
3 would be, or how challenging it might be to get the  
4 best possible arrangement if the request was not just  
5 that you kept in touch, but that being we'll back  
6 together in two weeks. I take it final decisions  
7 won't be made as to the actual negotiation but far  
8 beyond or at least beyond that.

9 How much of a concern is it to the ability to  
10 negotiate if, in fact, that was brought back to us  
11 with a sense of, here are the rates, here would be the  
12 approximate cost that would be involved in either of  
13 these types of transactions before we move on?

14 MR. WILLIAMS: So that I'm sure I understand your  
15 question, CFO, it is the question of whether that  
16 process would in any way hinder our negotiating power?

17 CHIEF FINANCIAL OFFICER ATWATER: Yeah. What we  
18 -- at least what I don't want to do is for you to  
19 later say, "If I had the flexibility, I could have  
20 gone out there and slam-dunked something, Atwater, but  
21 you made me come back and get your approval."

22 MR. WILLIAMS: Right.

23 CHIEF FINANCIAL OFFICER ATWATER: So that's cut  
24 to the chase.

25 Or say, "Look, the time line, this is going to

1 play out, we can come back to you with a pretty good  
2 sense of rate and maybe a better sense of whether  
3 we're going to talk about half a billion on the bond  
4 side and half a billion -- and here's where we would  
5 see that cost, and I get a chance to size it up and be  
6 fully informed. That's what I'm asking.

7 MR. WILLIAMS: Right. And the short answer is I  
8 don't have a clear answer for you. I think what I  
9 would do is, obviously, we're going to your -- on the  
10 side of transparency, and making sure this whole  
11 process is conducted in a manner that there could be  
12 no doubt in anybody's mind as to its merit, or its  
13 objectivity, or accessibility, or visibility with  
14 documentation, or any of those other good things.

15 So, I guess what I would say is to the extent  
16 we're going through the exercise and felt we had any  
17 sort of time constraint, then I would obviously advise  
18 you and tell you right where we are, by way of some  
19 collective written notification that's a public  
20 document. And if the desire was that we wanted to  
21 come back and affirm a final decision in the public  
22 meeting of the body; and if the stars lined up so that  
23 the timing is relative to the start of hurricane  
24 season were challenging, then I would recommend a  
25 special meeting. I don't know that we would be at

1 that point, but I think we can negotiate pretty hard  
2 with people in whatever way we need to. So I'm not  
3 sure this would handicap us to come back.

4 GOVERNOR SCOTT: You realize, I think the notice  
5 requirements would require seven days notice.

6 MR. WILLIAMS: Right.

7 CHIEF FINANCIAL OFFICER ATWATER: I take it you  
8 don't anticipate this coming to conclusion before the  
9 first week of April Cabinet meeting?

10 MR. WILLIAMS: No, I don't see that. Because the  
11 process is we've got to select a reinsurance broker  
12 from our existing financial services team, put them in  
13 the field. They then need to go out and conduct  
14 whatever essential negotiations providers and provide  
15 recommendations to us, which we then need to sit down  
16 with them and analyze and understand. And to the  
17 extent tactically it makes sense to go back to the  
18 well at with all, I just don't know what the timing  
19 would be involved in that.

20 I'm told that two other factors that make this  
21 exercise appealing are: First, I've already mentioned  
22 costs are lower than they've already been. That is a  
23 function of the second factor, which is global  
24 reinsurance capacity is larger than it has ever been  
25 and as a consequence of those factors, reinsurers are

1 should we say hungry for new business and new business  
2 for double credits I think is particularly desirable.

3 So I think we're going to get a lot of interest  
4 and a lot of response from the industry, but until we  
5 see what the numbers look like and what the terms look  
6 like, I don't know whether I'll come back to you with  
7 a recommendation to go forward at all. I want to see  
8 what's in the card and whether we think its in the  
9 public interest, and we'll advise accordingly but I  
10 don't think it's going to more than 10 days. I think  
11 it's more of an exercise than that.

12 CHIEF FINANCIAL OFFICER ATWATER: So we would not  
13 be causing heartache to get the best rate for Florida  
14 if we were to ask that we could make this decision as  
15 to amount and go forward and do good work at a later  
16 meeting, in the next meeting, when you might have some  
17 actual numbers in front of us.

18 MR. WILLIAMS: At a minimum, I would say that at  
19 the next meeting, I will give you the most thorough  
20 report that I can based on what we were able to  
21 accomplish. And if that report includes -- by the  
22 way, now that we've really gotten into what the  
23 process is going to involve: Here is what requires,  
24 here is what the likely runway, and that will  
25 constrain us on time given when the next scheduled

1 meeting is, vis a vis, the start of hurricane season,  
2 I would advise you on that and we can collectively  
3 make a decision on how to resolve it in a constructive  
4 way.

5 CHIEF FINANCIAL OFFICER ATWATER: Then it's my  
6 sense I would rather defer on this action now  
7 knowing that. I'm okay with you going out, but I  
8 would like to know more of how the playing field looks  
9 before just saying let me know how the 2.2 billion  
10 comes out.

11 MR. WILLIAMS: So when you say you want to defer  
12 this item?

13 CHIEF FINANCIAL OFFICER ATWATER: Well, we can do  
14 it one of two ways.

15 Say, go forward, I'm going to vote on this item  
16 and I will before the ink is dry on --

17 ATTORNEY GENERAL BONDI: Before any final action.

18 CHIEF FINANCIAL OFFICER ATWATER: -- I would like  
19 to know. I'm saying to you -- I may be the only  
20 one -- I would like to know if we're going to go 600  
21 million in this direction and 300 in that direction.  
22 These are your price points; this is what will no put  
23 to reserve but we've put that reserve somewhere else.

24 MR. WILLIAMS: That's fine with me. I just  
25 wanted clear authority to go forward.

1           GOVERNOR SCOTT: Here's the way I think -- what I  
2 don't want to do is I don't want to handicap you.  
3 You've sort of given me an idea of where the market is  
4 and where we're going to be, and we're in a stronger  
5 position now than we've ever been in. And so, I'm  
6 okay with giving you the authority with your knowing  
7 that you're going to come back at each of these  
8 meetings, and let us know, and if there's something  
9 big that changes, based on what you already have told  
10 me, at least -- and I assume you have told the other  
11 members of this body -- that you'll come back and tell  
12 us there's something that dramatically changed.

13           MR. WILLIAMS: Correct. I'm sorry. Go ahead.

14           ATTORNEY GENERAL BONDI: We're in March now and  
15 hurricane season is June. And you feel -- you say  
16 with the hunger in the market right now, we should be  
17 fine.

18           MR. WILLIAMS: One would hope.

19           ATTORNEY GENERAL BONDI: And I believe he's  
20 communicating very well with my office; I would assume  
21 your offices as well. As long as you just keep us in  
22 the loop, I think we're all really saying the same  
23 thing. It's just a lot of money.

24           MR. WILLIAMS: I have absolutely no interest in  
25 working without a net. That's a career-shortening

1 habit.

2 CHIEF FINANCIAL OFFICER ATWATER: I'm not sure we  
3 are. I'm not sure we are. I'm suggesting that I  
4 would like to see numbers that you're telling me.  
5 This is before I say, "Cut loose and go."

6 But that may be different than the others have  
7 said to you. There's a comfort level: Just keep us  
8 informed. And I'm going to keep you informed, I would  
9 like to vote on that.

10 MR. WILLIAMS: Trust and verify maybe a phrase --

11 ATTORNEY GENERAL BONDI: Yeah, I would like to be  
12 kept informed if there's a final decision, unless it's  
13 going to handicap us ultimately, and you said it will  
14 not.

15 MR. WILLIAMS: I have no reason to believe at  
16 this point. And at such time that I develop that  
17 perception, I'll tell you immediately.

18 But again, going back to where I started, my view  
19 would be we will keep you informed with a high degree  
20 of specificity of exactly where we are and never seek  
21 to go forward without a clear understanding of what  
22 those numbers and scale and everything else are and go  
23 on that basis, and I'm happy to come back to you.

24 CHIEF FINANCIAL OFFICER ATWATER: But do you --  
25 this resolution provides you with the ability to not

1 only keep me informed but to close the deal without  
2 any other action by me?

3 MR. WILLIAMS: As is written it probably could,  
4 but it would not be my intention to do that.

5 CHIEF FINANCIAL OFFICER ATWATER: Okay. Maybe  
6 now we're on the same page.

7 MR. WILLIAMS: I hear you.

8 GOVERNOR SCOTT: All right. So there's a motion.  
9 So you made recommended a motion. Is anybody ready to  
10 do that one or do you want to change it?

11 ATTORNEY GENERAL BONDI: That's up to you, CFO.

12 CHIEF FINANCIAL OFFICER ATWATER: Well, I think  
13 we're all slightly in a slightly different place, and  
14 I think that's okay that we are. I think you have --  
15 I think you're right. I think there is time. I think  
16 there is a market place hungry to place capital out  
17 there. And you're right, if we have to be in a buying  
18 place, that's a good thing for the taxpayers of  
19 Florida. And consumers may ultimately get shifted the  
20 burden if risks or tragedy occurs here.

21 But at this stage, I would sure be more  
22 comfortable if you were to come back with something.  
23 Right now we're 2.2; it could be a mix of 2.2 -- it  
24 could be one billion down the middle -- what that cost  
25 is going to be before I would like to say, "Okay, I'm

1 I get that;" me buying reinsurance on top of burning  
2 through 11 billion before I get to it is worth me  
3 doing that. That's a place I want to be sure I  
4 understand the cost when doing that.

5 That does hamper you. I'm going to be honest.  
6 And I'm thinking between now and the first week of  
7 April or second week of April, before you would have  
8 taken the transaction to completion anyways, you'll  
9 have a better sense of that.

10 MR. WILLIAMS: I think that's correct. And as I  
11 said, I'll report to you as soon as we know anything  
12 worthy of reporting; keep you informed. I have no  
13 interest, whatsoever, in going forward with you blind  
14 in the transaction. This has to be transparent. I  
15 understand the chain of authority, and you have my  
16 commitment you're not going to have any surprises.

17 GOVERNOR SCOTT: So is there a motion?

18 CFO, do you have a motion you would like to make?

19 CHIEF FINANCIAL OFFICER ATWATER: I'm not sure  
20 it's one that the rest of the Cabinet may be  
21 comfortable with, but my motion would be that you  
22 would please go to begin a process of seeing about  
23 placing \$2.2 billion in the marketplace, but before  
24 pulling the trigger, before signing a deal as to where  
25 those would be placed at and the cost, that the

1 Cabinet would be informed with a chance to affirm that  
2 looks like the right kind of pricing and the right  
3 kind of number. That's where I'm at.

4 ATTORNEY GENERAL BONDI: I'm fine with that,  
5 Governor, unless you have a problem with that.

6 GOVERNOR SCOTT: No. Go ahead.

7 MR. WILLIAMS: One clarification, I believe, the  
8 way you said that, CFO, was go to the market for \$2.2  
9 billion of risk transfer.

10 CHIEF FINANCIAL OFFICER ATWATER: No, sorry.  
11 You're looking at different instruments here. I just  
12 would like a greater sense of just, at this point in  
13 March, saying 2.2 billion could be all in one place or  
14 split down the middle.

15 MR. WILLIAMS: Or could be less than that.

16 CHIEF FINANCIAL OFFICER ATWATER: Or it could be  
17 zero.

18 MR. WILLIAMS: It could be zero.

19 CHIEF FINANCIAL OFFICER ATWATER: It seems to me  
20 that I want you to know I think that's prudent. I  
21 think that's a prudent exercise to go forward. I  
22 would just like to see a more defined sense of what  
23 your recommendation would be. That next time I don't  
24 intend on saying, "At that rate for that specific  
25 dollar amount," but I would like to see what you're

1 finding and say, "This is kind of the ballpark and  
2 this is how we're narrowing down. This is a sense of  
3 where we would go;" I would like to see that before we  
4 vote on it. I may be, again, a little maybe --

5 MR. WILLIAMS: No issue. I understand you  
6 completely.

7 GOVERNOR SCOTT: Okay. So the motion, as far as  
8 I heard, you have no authority other than to go out  
9 and find out what the market is.

10 MR. WILLIAMS: We'll go find out.

11 GOVERNOR SCOTT: And you go find out. So if we  
12 go through with CFO's motion then you'll just go out  
13 and find whatever the market is, and you'll come back  
14 on April 14th with telling you us where you think the  
15 market is and a little better idea of how much risk  
16 transfer you think makes sense. And if something  
17 happens in the market before then, then, you know,  
18 knowing it takes seven day's notice to have a meeting,  
19 you will let us know.

20 Is that --

21 ATTORNEY GENERAL BONDI: If I may? And Ash, you  
22 don't feel seven days is going to hamper you where we  
23 can do this if there's going to be an emergency?  
24 Seven days is okay?

25 MR. WILLIAMS: No, no, I don't think so. What

1 I'm saying is that if the process is such that by the  
2 next meeting of the board we can't have this down to  
3 the level of detail that we need to say, "Here's a  
4 specific recommendation. Here's the product. Here's  
5 the size. Here's the price." We're talking about not  
6 far away at all, and we haven't even selected a  
7 reinsurance broker yet.

8 So if we're not at that point, what I'm saying is  
9 there's a possibility that the timing of getting to  
10 closure might be out of sync with the frequency of  
11 available trustees meetings; in which case, as soon as  
12 we have some idea of what that time frame looks like,  
13 I will advise you in a clear and visible way, and we  
14 can decide at that point it can be in a special  
15 meeting or what do you want to do, and we can go from  
16 there.

17 GOVERNOR SCOTT: Okay. So does everybody  
18 understand the motion? Is there a second?

19 ATTORNEY GENERAL BONDI: Second.

20 GOVERNOR SCOTT: Any comments or objections?  
21 Hearing none, the motion carries. Anything else?

22 MR. WILLIAMS: So that leaves us in an  
23 interesting spot. We normally had planned a follow-up  
24 meeting of the SBA Financing Corporation to authorize  
25 the debt side of this.

1 Now, given where we now are, is there a reason in  
2 proceeding with that?

3 GOVERNOR SCOTT: No.

4 MR. WILLIAMS: Okay, I guess we're good.

5 GOVERNOR SCOTT: Now, you're not going to do  
6 anything now and then.

7 MR. WILLIAMS: No.

8 GOVERNOR SCOTT: Between now and April 14th,  
9 unless you call and tell us you need to make a  
10 decision and knowing that whatever the market is  
11 doing, you're not going to be able to make a decision  
12 in less than seven days.

13 MR. WILLIAMS: That's fine. We have a clear  
14 signal.

15 ATTORNEY GENERAL BONDI: Thanks, Ash.

16 GOVERNOR SCOTT: Thank you. That concludes the  
17 meeting. The next meeting is Tuesday, April 14, at  
18 9 a.m.

19 Thanks everybody.

20 (Meeting concluded at 1:30 p.m.)

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CERTIFICATE OF REPORTER

STATE OF FLORIDA)  
COUNTY OF LEON)

I, Yvonne LaFlamme, Florida Professional Reporter and Notary Public, certify that I was authorized to and did stenographically report the foregoing proceeding; and that the transcript is a true and complete record of my stenographic notes.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the outcome of this case.

Dated this 9th day of APRIL 2015.

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Yvonne LaFlamme, FPR  
Court Reporter  
Notary Public  
State of Florida at Large

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# ERRATA SHEET

Meeting of the Governor and Cabinet

Meeting Date: March 24, 2015

Page	Line	Error or Change	Reason for Change
5	18	Change "of" to "on"	
5	20	Remove "in the"	
5	21	Change "to" to "who can"	
5	23	Insert "what" between "than" and "other"	
5	24	Insert "division of" between "what" and "risk"	
6	5	Change "manage" to "manager"	
6	6	Insert "the" between "on" and "fees"	
8	9	Remove "a"	
8	23	Change "wouldn't" to "went and"	
9	15	Insert "for us" between "unusual" and "to"	
11	17	Change "I feel" to "I have a feeling"	
12	9	Remove "This is what I know."	
12	13	Change "April 1?" to "April what?"	
13	18	Change "properly" to "improperly"	
14	14	Insert "a meeting" between "contemplating" and "a week"	
17	14	Change "it will" to "we can see how many names"	
17	15	Change "discussed" to "discuss"	
20	20	Change "plans" to "plaintiffs"	
21	10	Insert "we'll" between "also" and "know"	
22	13	Insert "as it comes in" between "so" and "again"	
23	8	Change "is the" to "as the fifth"	
23	17	Insert "if" between "think" and "we"	
23	17	Change "should" to "want to"	
26	9	Insert "with" between "back" and "is"	
27	4	Change "thank you" to "just to make sure"	
27	11	Insert "make a decision" between "we'll" and "all right"	
111	21	Insert "County" between "Marion" and "as"	
112	5	Insert "the" between "of" and "171"	
112	10	Remove "and"	
112	13	Change "in" to "as an"	
112	16	Change "If I can" to "Governor, might I"	
112	17	Remove "at"	

112	18	Remove "could"	
112	21	Change "Sure." to "Oh, sure."	
112	23	Insert "too" between "in" and "terribly"	
112	23	Remove "too" after "terribly"	
113	1	Insert "the" before "guidelines"	
113	3	Insert "that" between "parcels" and "we"	
113	8	Insert "that" between "CFO," and "this"	
113	9	Insert "it" between "and" and "was"	
113	11	Change "It" to "They"	
113	21	Remove "of" after "inside"	
113	22	Remove "that" after "sure"	
114	1	Insert "or not" between "whether" and "he's"	
114	6	Insert "when" between "think" and "we"	
114	6	Change "governors" to "government"	
114	10	Remove "this is"	
114	11	Remove "that"	
114	12	Change "then" to "that"	
114	13	Change "someone as early as" to "somebody at the earliest"	
114	16	Insert "Does that sound unreasonable?" after "unreasonable."	
114	19	Change "anyone" to "that anybody"	
114	21	Change "if they" to "them to"	
114	21	Insert "it" between "give" and "to"	
114	22	Remove "it" before "the"	
114	24	Insert "us" between "to" and "getting"	
114	25	Change "anyone" to "someone"	
114	25	Change "a" to "an extended"	
115	1	Insert "then" before "say,"	
115	2	Change "government" to "policy"	
115	10	Change "they're normally" to "we're"	
115	15	Insert "we" between "and" and "reevaluate"	
115	21	Change "don't" to "not"	
115	22	Change "we before going" to "before someone else goes"	
115	22	Insert "with us" between "process" and "let"	
115	23	Change "know" to "understand"	
115	24	Insert "as" between "is" and "fair"	
115	24	Remove "as the"	
115	25	Change "system" to "citizen"	
116	3	Insert "do" before "that and"	
116	3	Insert "then we finally" between "and" and "reach"	
116	4	Change "we" to "then we'll"	
116	8	Change "come" to "came"	

116	9	Change "if" to "that"	
116	10	Change "could" to "can"	
116	12	Change "parcel" to "piece"	
116	12	Insert "that" between "you" and "we"	
116	15	Change "it" to "the property"	
116	16	Change "purchase" to "purchased the"	
116	20	Remove "that"	
116	20	Insert "that" between "me," and "again,"	
117	1	Change "of sharing" to "to share that with"	
117	5	Insert "I don't have a particular" before "- -"	
117	6	Remove "just"	
117	12	Insert "than even" between "something" and " ,"	
117	14	Change "someone" to "somebody"	
117	14	Insert "ever" after "could"	
117	15	Change "someone" to "somebody"	
117	15	Remove "in the beginning"	
117	16	Change "I'll" to "I'm going to"	
117	16	Change "I'm going" to "I want"	
117	21	Change "so much to" to "someone looks at"	
117	22	Remove "about."	
118	5	Insert "and" between "State;" and "is"	
118	6	Change "95" to "98 percent"	
118	6	Change "98" to "93"	
118	6	Change " I would" to "I'd"	
118	15	Insert "in this property" between "give" and " ;"	
118	19	Change "folks that" to "folks who actually"	
118	24	Change "fell" to "tell"	
119	2	Change "could" to "couldn't"	
119	2	Insert "that to" after "tell"	
119	3	Remove "that"	
119	3	Insert "that" between "upfront" and " ,"	
119	4	Remove "upfront"	
119	10	Insert "14 <sup>th</sup> " between "September" and "of"	
119	11	Insert "a" between "by" and "Charlie"	
119	11	Change "Crist's" to "Crist"	
119	11	Change "and" to "with"	
119	24	Insert "someone through" after "take"	
120	1	Change "a previous" to "appraised"	
120	1	Change "thinking" to believing"	
120	6	Insert "part of" between "making" and "that"	
120	14	Insert "thing" between "that" and " ,"	
120	15	Change "be" to "move"	
120	18	Remove "that"	
120	18	Change "it" to "that"	

120	25	Change "requiring" to "whether acquiring the right piece"	
121	10	Insert "I will bring" between "you" and "each"	
121	11	Remove "will"	
121	19	Change "was" to "is"	
121	21	Change "14," to "14 <sup>th</sup> of"	
121	23	Change "would like" to "want"	
122	4	Change "95" to "90"	
122	14	Insert "there is a policy that" between "that" and "the"	
122	19	Insert "not" between "that's" and "the"	
123	2	Remove "be"	
123	2	Change "on the" to upon those"	
123	5	Change "Cargulo" to "Gargiulo"	
123	7	Change "the" to "that"	
123	12	Insert "in" after "disadvantage"	
123	14	Change ""You" to ""Well you"	
123	21	Change "are" to "is"	
124	6	Insert ", your offices," between "you" and "to"	
124	8	Change "The next" to "Alright, item 3."	
124	9	Insert "MR. STEVERSON: The next" before "Department"	
124	9	Insert "and" between "Agriculture" and "Consumer"	
124	10	Change "Carls" to "Karels"	
124	11	Change "CARLS:" to "KARELS:"	
124	11	Remove "Good" and capitalize "morning,"	
124	14	Change "quest" to "request"	
124	16	Change "5-17" to "51-7"	
124	19	Change "5-17" to "51-7"	
124	20	Change "16" to "16 <sup>th</sup> "	
124	21	Change "procedural rule in (inaudible)" to "procedure of the Rural and Family Lands"	
124	24	Change "streamline" to "streamlined"	
125	16	Change "5-17" to "51-7"	
126	1	Insert "area," between "approved" and "land"	
126	2	Remove " ,"	
126	14	Insert "(JAPC)" between "Committee" and "on"	
126	15	Insert "and" between "rule-making" and "on"	
126	15	Remove "and" after "'15,"	
127	10	Change "Thank you." to "GOVERNOR SCOTT: Thanks, Jon."	
127	11	Change "*****" to "MR. STEVERSON: Thank you."	
127	12	Insert "*****"	

