



---

# **Policy and Budget Council**

## **Meeting Packet**

**February 5, 2008  
1:00 p.m.  
212 Knott Building**





# The Florida House of Representatives

## Policy & Budget Council

Marco Rubio  
Speaker

Ray Sansom  
Chair

**Meeting Agenda**  
**Tuesday, February 5, 2008**  
**212 Knott Building**  
**1:00 p.m.**

- I. Call to Order**
- II. Roll Call**
- III. Consideration of the following bills:**
  - HB 9 – Persons Injured by Crime by Representative Lorente and others
  - CS/HB 105 – Secondary Metals Recyclers by Safety & Security Council and Representative Troutman and others
  - HB 117 – Orders of No Contact by Representative Adams and others
- IV. Presentation of Governor's Recommended Budget for FY 2008-2009**
  - Jerry McDaniel, Director, Office of Policy & Budget, Governor's Office
- V. Adjournment**







HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 9 Persons Injured by Crime

SPONSOR(S): Llorente and others

TIED BILLS: IDEN./SIM. BILLS: SB 92

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security &amp; Public Safety</u>	<u>9 Y, 0 N</u>	<u>Cunningham</u>	<u>Kramer</u>
2) <u>Safety &amp; Security Council</u>	<u>11 Y, 0 N</u>	<u>Cunningham</u>	<u>Havlicak</u>
3) <u>Policy &amp; Budget Council</u>	<u></u>	<u>Leznoff</u> <i>JK</i>	<u>Hansen</u> <i>MPH</i>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

---

SUMMARY ANALYSIS

HB 9 creates s. 843.21, F.S., which provides that a person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity and deprives that person of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury commits:

- A third degree felony where the victim's medical condition worsens as a result of the deprivation of medical care.
- A second degree felony where the deprivation of medical care results in the victim's death.

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population. The bill takes effect for crimes committed on or after October 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Safeguard Individual Liberty – The bill makes it a crime for a person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity to deprive that person of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury.

#### B. EFFECT OF PROPOSED CHANGES:

In 2003, Frank Pacheco was assaulted by a group of men and sustained serious injuries. After the assault, the attackers allegedly put Pacheco in the back of a car and forced Pacheco's companion to drive around. The prosecutor in the case stated that "the wounds Pacheco suffered from the beating were not life-threatening, but they became so after he was shoved into the car and not taken directly to the hospital."<sup>1</sup>

HB 9 creates s. 843.21, F.S., which provides that a person who takes custody of or exercises control over a person he or she knows to be injured as a result of criminal activity and deprives that person of medical care with the intent to avoid, delay, hinder, or obstruct any investigation of the criminal activity contributing to the injury commits:

- A third degree felony<sup>2</sup> where the victim's medical condition worsens as a result of the deprivation of medical care.
- A second degree felony<sup>3</sup> where the deprivation of medical care results in the victim's death.

The bill has an effective date of October 1, 2008.

#### C. SECTION DIRECTORY:

**Section 1.** Cites the bill as the "Frank Pacheco Aid to Victims Act."

**Section 2.** Creates s. 843.21, F.S., relating to depriving crime victim of medical care.

**Section 3.** This bill takes effect October 1, 2008.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

##### 2. Expenditures:

---

<sup>1</sup> <http://www.miaminewtimes.com/2005-03-24/news/how-to-get-away-with-murder/5>

<sup>2</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082, 775.083, and 775.084, F.S.

<sup>3</sup> A second-degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. ss. 775.082, 775.083, and 775.084, F.S.



Insignificant. See "Fiscal Comments."

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population due to an anticipated low volume of this crime.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**D. STATEMENT OF THE SPONSOR**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**



1                                   A bill to be entitled  
 2           An act relating to persons injured by crime; providing a  
 3           short title; creating s. 843.21, F.S.; prohibiting the  
 4           depriving of a victim injured by a crime of medical  
 5           treatment with specified intent; providing penalties;  
 6           providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. This act may be cited as the "Frank Pacheco Aid  
 11 to Victims Act."

12           Section 2. Section 843.21, Florida Statutes, is created to  
 13 read:

14           843.21 Depriving crime victim of medical care.--A person  
 15 who takes custody of or exercises control over a person he or  
 16 she knows to be injured as a result of criminal activity and  
 17 deprives that person of medical care with the intent to avoid,  
 18 delay, hinder, or obstruct any investigation of the criminal  
 19 activity contributing to the injury commits:

20           (1) Where the victim's medical condition worsens as a  
 21 result of the deprivation of medical care, a felony of the third  
 22 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 23 775.084.

24           (2) Where deprivation of medical care contributes or  
 25 results in the death of the victim, a felony of the second  
 26 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
 27 775.084.

28           Section 3. This act shall take effect October 1, 2008.



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. **HB 9**

COUNCIL/COMMITTEE ACTION

ADOPTED                                   \_\_\_ (Y/N)  
ADOPTED AS AMENDED                   \_\_\_ (Y/N)  
ADOPTED W/O OBJECTION               \_\_\_ (Y/N)  
FAILED TO ADOPT                       \_\_\_ (Y/N)  
WITHDRAWN                               \_\_\_ (Y/N)  
OTHER                                     \_\_\_\_\_

---

1 Council/Committee hearing bill: Policy & Budget Council  
2 Representative(s) Llorente offered the following:

3  
4       **Amendment**

5       Remove line(s) 10-11 and insert:

6       Section 1. This act may be cited as the "Pastora Pacheco  
7 Aid to Victims Act."









## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 105 Secondary Metals Recyclers

**SPONSOR(S):** Troutman and others

**TIED BILLS:** IDEN./SIM. BILLS:

---

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Homeland Security &amp; Public Safety</u>	<u>9 Y, 0 N</u>	<u>Padgett</u>	<u>Kramer</u>
2) <u>Safety &amp; Security Council</u>	<u>13 Y, 0 N, As CS</u>	<u>Padgett</u>	<u>Havlicak</u>
3) <u>Policy &amp; Budget Council</u>	<u></u>	<u>Leznoff</u>	<u>Hansen</u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

---

### SUMMARY ANALYSIS

A secondary metals recycler is essentially a scrap metal dealer. Secondary metals recyclers purchase used metals typically salvaged from building demolition, remodeling, etc. and refine those metals into raw materials which can be used to make new products. Secondary metals recyclers are currently regulated under Ch. 538, Part II, F.S. All secondary metals recyclers in Florida must be registered with the Department of Revenue as provided in s. 538.25, F.S. CS/HB 105 amends and expands several aspects of the laws relating to secondary metals recyclers. Specifically the bill:

- Eliminates the requirement that transactions must be greater than \$10 in value to be regulated under these statutes.
- Expands the definition of regulated metals to include stainless steel beer kegs
- Requires secondary metals recyclers to gather more in depth information about the sellers of regulated metals.
- Enhances the penalties secondary metals recyclers face for repeated noncompliance with statutory requirements; increasing the penalty from a first degree misdemeanor to a third degree felony.
- Enhances the penalties sellers of regulated metals face for giving false information to secondary metals recyclers; increasing the penalties to second and third degree felonies (based on the dollar amount received by the seller).
- Requires the Department of Revenue to release the names of any registered secondary metals recycler to a law enforcement official upon request.
- Requires that all regulated metals be transported to a secondary metals recycler in a motor vehicle; eliminating current exceptions.
- Requires payments for all transactions in excess of \$1000 are made by check.

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population. The bill is effective October 1, 2008.

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Promote Personal Responsibility:** The bill increases sanctions on secondary metals recyclers who repeatedly fail to keep required transaction records and hold metals, pursuant to a request from a law enforcement officer, for a certain period of time. The bill also enhances the punishment if a seller provides false information to a secondary metals recycler.

### B. EFFECT OF PROPOSED CHANGES:

A secondary metals recycler is essentially a scrap metal dealer. Secondary metals recyclers purchase used metals typically salvaged from building demolition, remodeling, etc. and refine those metals into raw materials which can be used to make new products. Secondary metals recyclers are currently regulated under Ch. 538, Part II, F.S. All secondary metals recyclers in Florida must be registered with the Department of Revenue as provided in s. 538.25, F.S.

Recently, there has been an increase of reports of metal theft (specifically copper) from construction sites, citrus groves, air conditioner units, cell phone towers, and even a report of copper theft from an Amtrak locomotive. The reports state that thieves take the stolen metal to a secondary metals recycler and sell the metal for cash. Currently, scrap copper wire sells for \$2.59-\$2.74 per pound<sup>1</sup>.

#### Definitions

Currently, to qualify as a "purchase transaction"<sup>2</sup> regulated under Chapter 538, the transaction must involve an exchange of consideration greater than \$10. CS/HB 105 deletes the requirement that the transaction be greater than \$10. This has the effect of making all transactions involving the sale of regulated metals subject to the regulations set forth in Florida Statutes, Chapter 538, Part II.

In addition, the bill adds stainless steel beer kegs to the definition of regulated metals property. As a result, secondary metals recyclers would be required to use the same procedures when purchasing stainless steel beer kegs as they would for all regulated metals under Ch. 538, Part II, F.S.

#### Record Keeping

Currently s. 538.19, F.S. requires secondary metals recyclers<sup>3</sup> to gather information about each seller of regulated metals<sup>4</sup> and information about the regulated metals being sold. The current statute requires the secondary metals recycler to maintain a record of:

- The name of the secondary metals recycler
- The name of the seller

---

<sup>1</sup> [http://www.dallascontracting.com/scrap\\_copper\\_metal\\_prices.html](http://www.dallascontracting.com/scrap_copper_metal_prices.html) (as of December 4, 2007).

<sup>2</sup> A purchase transaction is formally defined as a transaction in which a secondary metals recycler gives consideration having a value in excess of \$10 in exchange for regulated metals property. Section 538.18(6), F.S.

<sup>3</sup> Section 538.18, F.S. defines a secondary metals recycler as "any person who (a) is engaged, from a fixed location or otherwise, in the business of gathering or obtaining ferrous or nonferrous metals that have served their original economic purpose or is in the business of performing the manufacturing process by which ferrous or nonferrous metals are converted into raw material products consisting of potential economic value, other than by the exclusive use of hand tools, by methods including, without limitation, processing, sorting, cutting, classifying, cleaning, baling, wrapping, shredding, shearing, or changing the physical form or chemical content thereof."

<sup>4</sup> Regulated metals are defined as "any item composed primarily of any nonferrous metals, but shall not include aluminum beverage containers, used beverage containers, or similar beverage containers." S. 538.18(7), F.S.

- The date and time of the transaction
- The weight, quantity, or volume, and a description of the regulated metals being sold
- A signed statement from the seller stating that the seller is entitled to sell the regulated metals
- The number of a seller's personal identification card
- A photograph of the seller

CS/HB 105 expands the list to require that secondary metals recyclers also gather the following additional information:

- The seller's full name, residential address, workplace, and home and work telephone number
- The seller's height, weight, date of birth, race, gender, hair color, eye color, and other physical identifying marks
- The seller's right thumbprint
- A description of the seller's vehicle including the make, model, and tag number
- Any other information required by FDLE
- A photograph of the regulated metals being sold

The secondary metals recycler is required to keep this information for 5 years from the date of the transaction. There is no requirement the form on which the seller's information is recorded be approved by any governmental department.

A "personal identification card" is currently defined as driver's license, identification card, passport, military identification card, or a work authorization card. CS/HB 105 deletes this specific language and amends the statute to include the broader definition of any government-issued photo identification card.

In addition to the requirements above, if the transaction involves a stainless steel beer keg, the seller of the beer keg must provide written documentation from the manufacturer of the keg that the seller is the owner of the keg or an agent of the manufacturer of the keg.

CS/HB 105 also amends s. 538.19, F.S. to require the form on which the above information is recorded be approved by FDLE.

#### Enhanced Penalties – Secondary Metals Recyclers

Currently, s. 538.23, F.S. provides that a secondary metals recycler is guilty of a first degree misdemeanor<sup>5</sup> if convicted for knowingly and intentionally:

- Failing to allow a law enforcement official access to inspect records of transactions
- Failing to allow a law enforcement official access to inspect regulated metals in the possession of the secondary metals recycler
- Failing to gather and maintain records of each transaction

---

<sup>5</sup> Punishable by up to a year in jail and a \$1,000 fine. Section 775.082(4)(a), F.S.; s. 775.083(1)(d), F.S.

- Failing, pursuant to a request from law enforcement, to hold regulated metals for a minimum period of time
- Purchasing regulated metals from a seller where the metals were not transported in a motor vehicle

CS/HB 105 expands s. 538.23(1)(a), F.S. to allow for enhanced penalties for third or subsequent offenses of s. 538.23, F.S. The bill makes third or subsequent offenses a third degree felony<sup>6</sup>.

#### Enhanced Penalties – Sellers of Regulated Metals

Subsection (3) of s. 538.23, F.S. provides that a seller of regulated metals who receives money for a transaction and knowingly gives false verification of ownership of the regulated metals or who gives altered identification to a secondary metals recycler is guilty of:

- A first degree misdemeanor if the seller received less than \$300
- A third degree felony if the seller received \$300 or more

CS/HB 105 amends s. 538.23, F.S. to enhance the penalties for violations of subsection (3). The bill provides that a seller convicted under s. 538.23(3) F.S. is guilty of:

- A third degree felony if the seller received less than \$300
- A second degree felony<sup>7</sup> if the seller received \$300 or more

#### Registration of Secondary Metals Recyclers

Currently, s. 538.25, F.S. provides that secondary metals recyclers must register with the Department of Revenue and lists minimum eligibility requirements to become a registered secondary metals recycler. The Department of Revenue is authorized by s. 213.053(11) F.S. to give law enforcement officials the name of a specified secondary metals dealer as well as information on whether a specified secondary metals dealer holds a valid certificate of registration.

CS/HB 105 adds subsection (6) to s. 538.25, which requires the Department of Revenue, upon the request of a law enforcement official, to release the names and addresses of any secondary metals recyclers who are registered to do business in the law enforcement official's jurisdiction.

#### Prohibited Transactions

Section 538.26(4) currently prohibits secondary metals recyclers from purchasing regulated metals from sellers if the regulated metals were not transported in a motor vehicle. There is an exception, however, if the seller can prove ownership of the regulated metals<sup>8</sup>.

---

<sup>6</sup> Punishable by up to 5 years in prison and a \$5,000 fine. Section 775.082(3)(d), F.S.; s. 775.083(1)(c), F.S.

<sup>7</sup> Punishable by up to 15 years in prison and a \$10,000 fine. Section 775.082(3)(c), F.S.; s. 775.083(1)(b) F.S.

<sup>8</sup> A violation of this section would subject the secondary metals recycler to punishment of a first degree misdemeanor. Section 538.23(1), F.S.

CS/HB 105 amends s. 538.26(4) to eliminate the exception which allows the purchase if the seller can prove ownership of the regulated metals. The bill would require sellers to transport all regulated metals to a secondary metals recycler in a motor vehicle.

### Payment

Currently, secondary metals recyclers are not required to make payment to sellers of regulated metals in any specific manner. The bill creates s. 538.235, F.S., which requires secondary metals recyclers to make payment by check in all transactions in excess of \$1,000. Additionally, the bill provides that a secondary metals recycler who violates this section commits a first degree misdemeanor.

#### C. SECTION DIRECTORY:

Section 1 Amends s. 538.18, F.S.; revising definitions.

Section 2 Amends s. 538.19, F.S.; relating to information the secondary metals recycler must obtain concerning each seller.

Section 3 Amends s. 538.23, F.S.; relating to violations and penalties.

Section 4 Creates s. 538.235, F.S., relating to method of payment for certain transactions.

Section 5 Amends s. 538.25, F.S.; relating to registration.

Section 6 Amends s. 538.26, F.S.; relating to certain prohibited practices involving secondary metals recyclers.

Section 7 Provides effective date of October 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Indeterminate – see fiscal comments section.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

CS/HB 105 requires secondary metals recyclers to gather additional information about sellers of regulated metals. Secondary metals recyclers are already obligated to collect some information about the sellers of regulated metals so there is already an existing framework for the information gathering process. This bill would increase the amount of information secondary metals recyclers are required to collect, but since the structure for gathering such information is already in place, the economic impact on the private sector is likely to be minimal.

**D. FISCAL COMMENTS:**

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

The bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**D. STATEMENT OF THE SPONSOR**

No comment submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

On December 12, 2007, the Committee on Homeland Security & Public Safety adopted three amendments and reported the bill favorably as a recommended council substitute. The recommended council substitute makes the following changes to the original bill:

- changes the term "secondhand dealers" to "secondary metals recyclers." This change maintains consistent language throughout Ch. 538, Part II which regulates only secondary metals recyclers. The recommended council substitute also deletes an exception regarding the purchase of aluminum cans. Aluminum cans are already excluded from the definition of regulated metals in s. 538.18(7), F.S.
- creates s. 538.235, F.S., which requires secondary metals recyclers to make payment to the seller by check if the transaction amount exceeds \$1,000. The recommended council substitute also adds s. 538.23(1)(a)4, F.S., which makes failure to comply with s. 538.235, F.S. a first degree misdemeanor.
- adds "stainless steel beer kegs" to the definition of regulated metals. The recommended council substitute also specifies that, for any transaction involving a stainless steel beer keg, the seller

must provide written documentation from the manufacturer of the keg that the seller is the owner of the keg or has the authority to sell the keg.

The Safety & Security Council made the bill a council substitute.





1                                   A bill to be entitled  
 2           An act relating to secondary metals recyclers; amending s.  
 3           538.18, F.S.; revising the definition of "personal  
 4           identification card"; deleting an exclusion of  
 5           transactions under a specified amount from the definition  
 6           of "purchase transaction" for specified purposes; revising  
 7           the definition of "regulated metals property"; amending s.  
 8           538.19, F.S.; revising recordkeeping requirements for  
 9           purchase transactions; providing for additional seller  
 10          information to be obtained; requiring an image of the  
 11          regulated metals being sold; amending s. 538.23, F.S.;  
 12          providing for enhanced penalties for third or subsequent  
 13          violations of a specified provision; providing enhanced  
 14          penalties for violations of specified provisions relating  
 15          to false verification of ownership or false or altered  
 16          identification of a seller of regulated metals; creating  
 17          s. 538.235, F.S.; prohibiting secondary metals recyclers  
 18          from entering into cash transactions in certain  
 19          circumstances; amending s. 538.25, F.S.; requiring the  
 20          Department of Revenue to provide a law enforcement  
 21          official, upon request, with specified information  
 22          regarding certain secondary metals recyclers; amending s.  
 23          538.26, F.S.; prohibiting the purchase of any regulated  
 24          metals property when presented at the property of a  
 25          secondary metals recycler and not transported in a motor  
 26          vehicle; providing an effective date.

27  
 28   Be It Enacted by the Legislature of the State of Florida:

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56

Section 1. Subsections (5), (6), and (7) of section 538.18, Florida Statutes, are amended to read:

538.18 Definitions.--As used in this part, the term:

(5) "Personal identification card" means any government-issued photographic identification card ~~a driver's license or identification card issued by the Department of Highway Safety and Motor Vehicles under s. 322.03 or s. 322.051, or a similar card issued by another state, a military identification card, a passport, or an appropriate work authorization issued by the United States Bureau of Citizenship and Immigration Services.~~

(6) "Purchase transaction" means a transaction in which a secondary metals recycler gives consideration ~~having a value in excess of \$10 in exchange~~ for regulated metals property.

(7) "Regulated metals property" means any item composed primarily of any nonferrous metals, but shall not include aluminum beverage containers, used beverage containers, or similar beverage containers. The term shall include stainless steel beer kegs.

Section 2. Subsection (2) of section 538.19, Florida Statutes, is amended to read:

538.19 Records required.--

(2) The following information must be maintained on a form approved by the Department of Law Enforcement for each purchase transaction:

- (a) The name and address of the secondary metals recycler.
- (b) The name, initials, or other identification of the individual entering the information on the ticket.

57 (c) The date and time of the transaction.

58 (d) The weight, quantity, or volume, and a description of  
59 the type of regulated metals property purchased in a purchase  
60 transaction.

61 (e) The amount of consideration given in a purchase  
62 transaction for the regulated metals property.

63 (f) A signed statement from the person delivering the  
64 regulated metals property stating that she or he is the rightful  
65 owner of, or is entitled to sell, the regulated metals property  
66 being sold. If the purchase involves a stainless steel beer keg,  
67 the seller must provide written documentation from the  
68 manufacturer that the seller is the owner of the stainless steel  
69 beer keg or is an employee or agent of the manufacturer.

70 (g) The distinctive number from the personal  
71 identification card of the person delivering the regulated  
72 metals property to the secondary metals recycler.

73 (h) A description of the person from whom the goods were  
74 acquired, including:

75 1. Full name, current residential address, workplace, and  
76 home and work phone numbers.

77 2. Height, weight, date of birth, race, gender, hair  
78 color, eye color, and any other identifying marks.

79 3. The right thumbprint, free of smudges and smears.

80 4. Vehicle description to include the make, model, and tag  
81 number of the vehicle and trailer of the person selling the  
82 regulated metals property.

83 5. Any other information required by the form approved by  
84 the Department of Law Enforcement.

85        (i) A photograph, videotape, or digital image of the  
 86 regulated metals being sold.

87        (j)~~(h)~~ A photograph, videotape, or similar likeness of the  
 88 person receiving consideration in which such person's facial  
 89 features are clearly visible.

90        Section 3. Subsections (1) and (3) of section 538.23,  
 91 Florida Statutes, are amended to read:

92        538.23 Violations and penalties.--

93        (1) (a) Except as provided in paragraph (b), a secondary  
 94 metals recycler who shall, upon conviction of knowingly and  
 95 intentionally:

96        1. (a) Violates ~~Violating~~ s. 538.20 or s. 538.21;  
 97        2. (b) Engages ~~Engaging~~ in a pattern of failing to keep  
 98 records as required by s. 538.19; ~~or~~

99        3. (e) Violates ~~Violating~~ s. 538.26(4); ~~or~~ or  
 100        4. Violates s. 538.235,

101

102 commits ~~be guilty of~~ a misdemeanor of the first degree,  
 103 punishable as provided in s. 775.082.

104        (b) A secondary metals recycler who commits a third or  
 105 subsequent violation of paragraph (a) commits a felony of the  
 106 third degree, punishable as provided in s. 775.082, s. 775.083,  
 107 or s. 775.084.

108        (3) Any person who knowingly gives false verification of  
 109 ownership or who gives a false or altered identification and who  
 110 receives money or other consideration from a secondary metals  
 111 recycler in return for regulated metals property commits ~~shall,~~  
 112 ~~upon conviction, be guilty of:~~

113 (a) A felony ~~misdemeanor~~ of the third ~~first~~ degree,  
 114 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
 115 775.084, if the value of the money or other consideration  
 116 received is less than \$300.

117 (b) A felony of the second ~~third~~ degree, punishable as  
 118 provided in s. 775.082, s. 775.083, or s. 775.084, if the value  
 119 of the money or other consideration received is \$300 or more.

120 Section 4. Section 538.235, Florida Statutes, is created  
 121 to read:

122 538.235 Method of payment.--A secondary metals recycler  
 123 shall not enter into any cash transaction in excess of \$1,000 in  
 124 payment for the purchase of regulated metals property. Payment  
 125 in excess of \$1,000 for the purchase of regulated metals  
 126 property shall be made by check issued to the seller of the  
 127 metal and payable to the seller.

128 Section 5. Subsection (6) is added to section 538.25,  
 129 Florida Statutes, to read:

130 538.25 Registration.--

131 (6) Upon the request of a law enforcement official, the  
 132 Department of Revenue shall release to the official the name and  
 133 address of any secondary metals recycler registered to do  
 134 business within the official's jurisdiction.

135 Section 6. Subsection (4) of section 538.26, Florida  
 136 Statutes, is amended to read:

137 538.26 Certain acts and practices prohibited.--It is  
 138 unlawful for a secondary metals recycler to do or allow any of  
 139 the following acts:

CS/HB 105

2008

140           (4) Purchase regulated metals property from any seller who  
141 presents such property for sale at the registered location of  
142 the secondary metals recycler when such property was not  
143 transported in a motor vehicle ~~unless the seller can prove~~  
144 ~~ownership of the regulated metals property.~~

145           Section 7. This act shall take effect October 1, 2008.







**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 117 Orders of No Contact

**SPONSOR(S):** Adams and others

**TIED BILLS:** IDEN./SIM. BILLS: SB 622

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Committee on Homeland Security & Public Safety	9 Y, 0 N	Cunningham	Kramer
2) Safety & Security Council	13 Y, 0 N	Cunningham	Havlicak
3) Policy & Budget Council		Leznoff <i>JS</i>	Hansen <i>M.H.</i>
4) _____	_____	_____	_____
5) _____	_____	_____	_____

**SUMMARY ANALYSIS**

Currently, courts must issue an order prohibiting an offender from having contact with the victim for the duration of the sentence imposed when sentencing offenders who have been convicted of:

- Sexual battery – s. 794.011, F.S.; or
- Lewd and lascivious offenses committed upon or in the presence of persons less than 16 – s. 800.04, F.S.

HB 117 adds to the above list of qualifying crimes by requiring courts to issue a no contact order when sentencing persons convicted of any of the offenses contained in s. 775.084(1)(b)1.a.-o., F.S. These crimes include arson, robbery, kidnapping, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, aggravated assault with a deadly weapon, murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, unlawful throwing, placing, or discharging of a destructive device or bomb, armed burglary, aggravated battery, and aggravated stalking.

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population. This bill takes effect for offenses committed on or after October 1, 2008.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

**Promote Personal Responsibility** – This bill requires courts to issue no contact orders when sentencing persons convicted of certain violent offenses.

#### B. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Currently, courts must issue an order prohibiting an offender from having contact with the victim for the duration of the sentence imposed when sentencing offenders who have been convicted of:

- Sexual battery – s. 794.011, F.S.; or
- Lewd and lascivious offenses committed upon or in the presence of persons less than 16 – s. 800.04, F.S.

The prohibition includes direct as well as indirect contact and remains in effect for the duration of the sentence imposed. Offenders who violate these orders, commonly referred to as “no contact orders,” commit a 3<sup>rd</sup> degree felony<sup>1</sup>, and any punishment imposed must run consecutive to any former sentence imposed.<sup>2</sup>

Courts may reconsider a no contact order upon the request of the victim if the request is made after the victim is 18 or older.<sup>3</sup> If such a request is made, the court must hold an evidentiary hearing to determine whether a change of circumstances has occurred which warrants a change in the order and whether it is in the best interests of the victim that the order be modified or rescinded.<sup>4</sup>

##### Effect of the Bill

HB 117 adds to the above list of qualifying crimes by requiring courts to issue a no contact order when sentencing persons convicted of any of the offenses contained in s. 775.084(1)(b)1.a.-o., F.S. These crimes include arson, robbery, kidnapping, aggravated child abuse, aggravated abuse of an elderly person or disabled adult, aggravated assault with a deadly weapon, murder, manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, unlawful throwing, placing, or discharging of a destructive device or bomb, armed burglary, aggravated battery, and aggravated stalking.

#### C. SECTION DIRECTORY:

---

<sup>1</sup> A third degree felony is punishable by up to five years imprisonment and a \$5,000 fine. ss. 775.082, 775.083, and s. 775.084, F.S.

<sup>2</sup> s. 921.244, F.S.

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

**Section 1.** Amends s. 921.244, F.S., relating to order of no contact; penalties.

**Section 2.** This bill takes effect October 1, 2008.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Insignificant. See "Fiscal Comments."

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

On January 17, 2008, the Criminal Justice Impact Conference determined the bill to have an insignificant impact on the prison population.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill appears to be exempt from the requirements of Article VII, Section 18 of the Florida Constitution because it is a criminal law.

2. Other:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**D. STATEMENT OF THE SPONSOR**

No statement submitted.

**IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to orders of no contact; amending s.  
 3           921.244, F.S.; requiring that offenders convicted of  
 4           specified violent offenses be prohibited from having any  
 5           contact with the victim; providing penalties; providing  
 6           that the penalty for violation of such an order run  
 7           consecutive to the sentence for the original violation;  
 8           providing an effective date.

9

10   Be It Enacted by the Legislature of the State of Florida:

11

12           Section 1.   Section 921.244, Florida Statutes, is amended  
 13   to read:

14           921.244   Order of no contact; penalties.--

15           (1)   At the time of sentencing an offender convicted of a  
 16   violation of s. 794.011 or s. 800.04 or any offense in s.  
 17   775.084(1)(b)1.a.-o., the court shall order that the offender be  
 18   prohibited from having any contact with the victim, directly or  
 19   indirectly, including through a third person, for the duration  
 20   of the sentence imposed. The court may reconsider the order upon  
 21   the request of the victim if the request is made at any time  
 22   after the victim has attained 18 years of age. In considering  
 23   the request, the court shall conduct an evidentiary hearing to  
 24   determine whether a change of circumstances has occurred which  
 25   warrants a change in the court order prohibiting contact and  
 26   whether it is in the best interest of the victim that the court  
 27   order be modified or rescinded.

HB 117

2008

28 (2) Any offender who violates a court order issued under  
29 this section commits a felony of the third degree, punishable as  
30 provided in s. 775.082, s. 775.083, or s. 775.084.

31 (3) The punishment imposed under this section shall run  
32 consecutive to any former sentence imposed for a conviction for  
33 any offense under s. 794.011 or s. 800.04 or any offense in s.  
34 775.084(1)(b)1.a.-o.

35 Section 2. This act shall take effect October 1, 2008.

**Governor's  
Recommended Budget  
for FY 2008-2009**





# **Governor Charlie Crist**

## **Lt. Governor Jeff Kottkamp**

**The People's Governor**

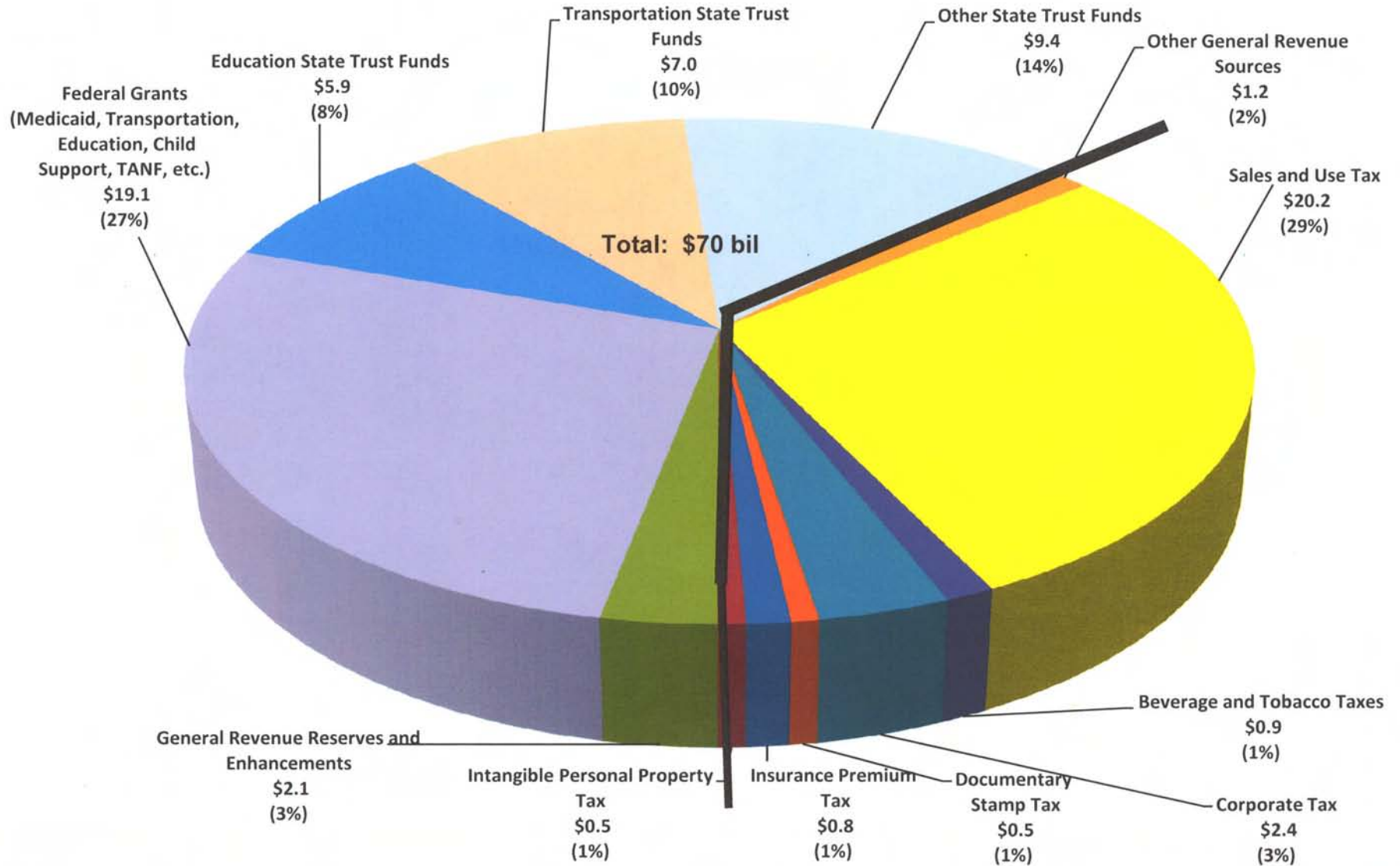


**The People's Budget**

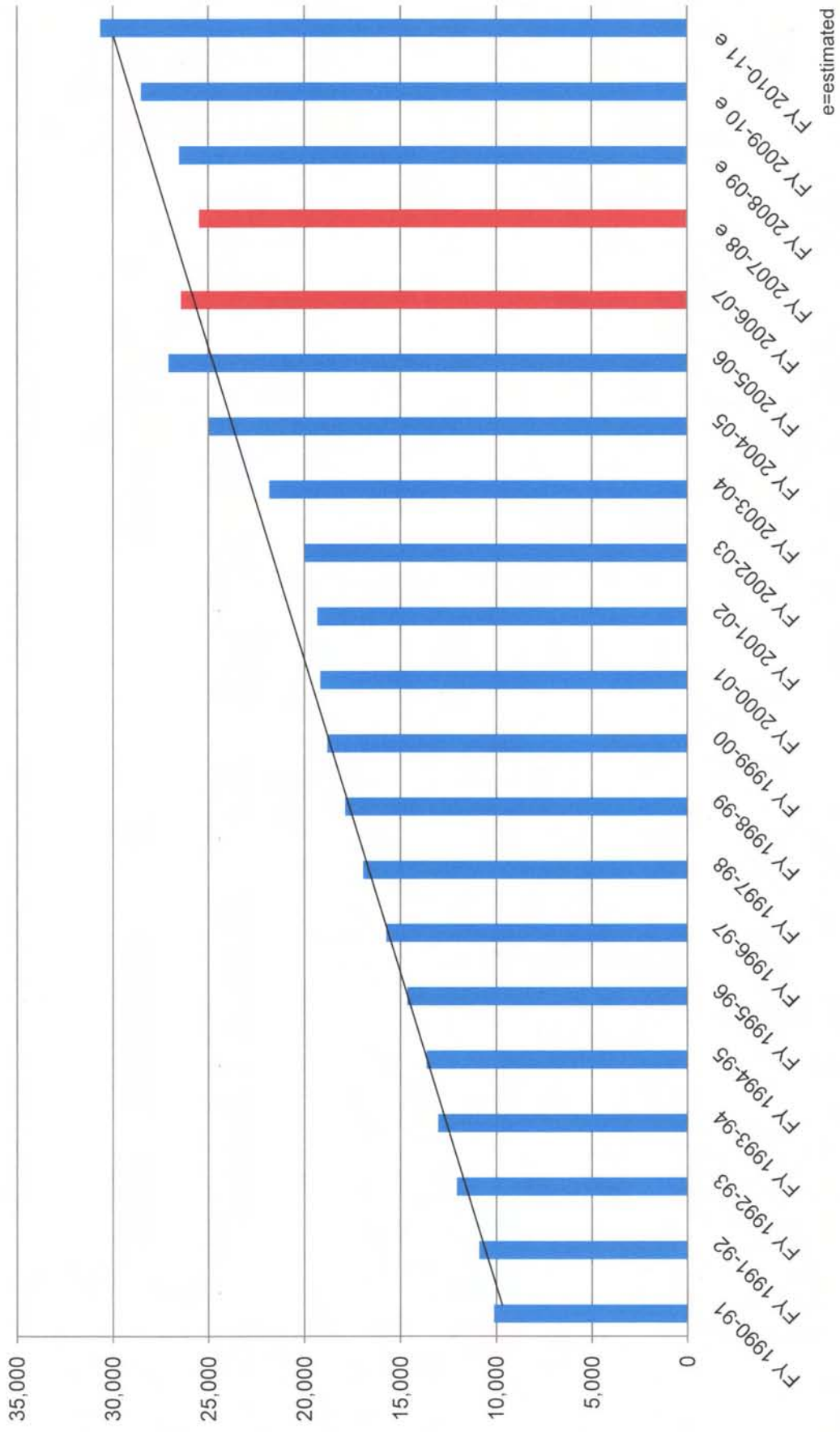
**Policy and Budget Recommendations**

**Fiscal Year 2008-09**

**Governor's Recommended Budget -- FY 2008-09 by General Revenue and Trust Fund Source (\$ in bil)**



# Total General Revenue History (1990 – 2010) (\$ in mil)



## The Governor's Approach: *Building a Bridge to Economic Normalcy*

- It's not a question of **'IF'** our economy will improve, but **'WHEN?'**
- The Governor's Recommended Budget reflects his desire to:
  - **Maintain the gains** Florida has achieved over the past 5 years in Education, Environment, Public Safety, Health & Human Services and Transportation Programs;
  - **Preserve critical programs** that protect and assist our most vulnerable – children, the elderly, and the disabled and;
  - **Continue and expand key economic development & stimulus programs** designed to diversify Florida's economy and increase our revenue base.
- The Governor believes we must **'Maintain our Momentum'** to Improve Education, Stimulate Economic Development, Preserve our Environment, and Ensure the Protection of Floridians.

# Reserves, Enhancements, & Efficiencies

## A Hybrid Method

- The Governor's Budget Recommendations are built on a Hybrid Method that relies on Reserves, Enhancements, & Efficiencies to fund critical needs and priorities:
  - Reserves = \$ 1.1 bil [Trust Fund balances]
  - Enhancements = \$ .6 bil [Lottery, Seminole Gaming Compact]
  - Efficiencies = \$ .2 bil [Base budget reductions]

Total: \$ 2.0 bil
  
- Florida's Reserves Continue to Remain Strong
  - \$4.3 bil balance following Governor's Recommendations

# Relying on Reserves - \$1.1 bil

## ■ Trust Funds:

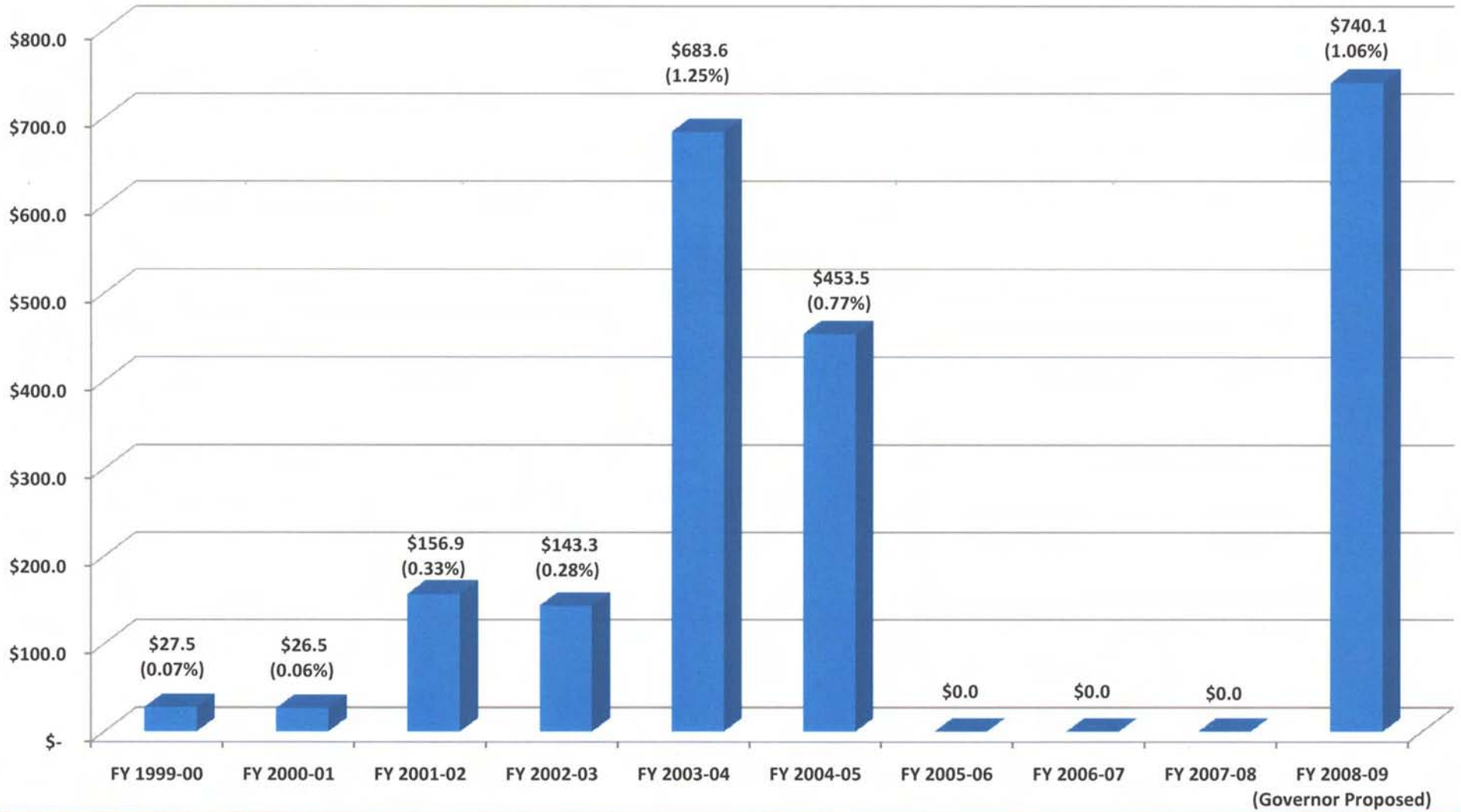
- \$740 mil of Trust Fund Reserves Redirected to General Revenue
  - \$2 bil - Current Trust Fund Reserve balance
  - \$904 mil - Balance After Proposed 'sweep' and Governor- Recommended Appropriations
  - Extensive consultation with agencies and a thorough Trust Fund cash-flow & expenditure analyses were performed

## ■ Lawton Chiles Endowment Fund:

- \$400 mil of Endowment Principal solely used to fund services to children, the elderly, and disabled
  - \$2.44 bil – Current Endowment balance
  - \$2.04 bil – Balance after proposed one-time endowment use as proposed in Governor's Budget Recommendations

## Ten Year History of Trust Fund Sweeps (Includes Sweeps as a Percent of Total Appropriations)

(\$ in mil)



## Enhancements & Efficiencies - \$.9 bil

### ■ Enhancements - \$ .6 bil

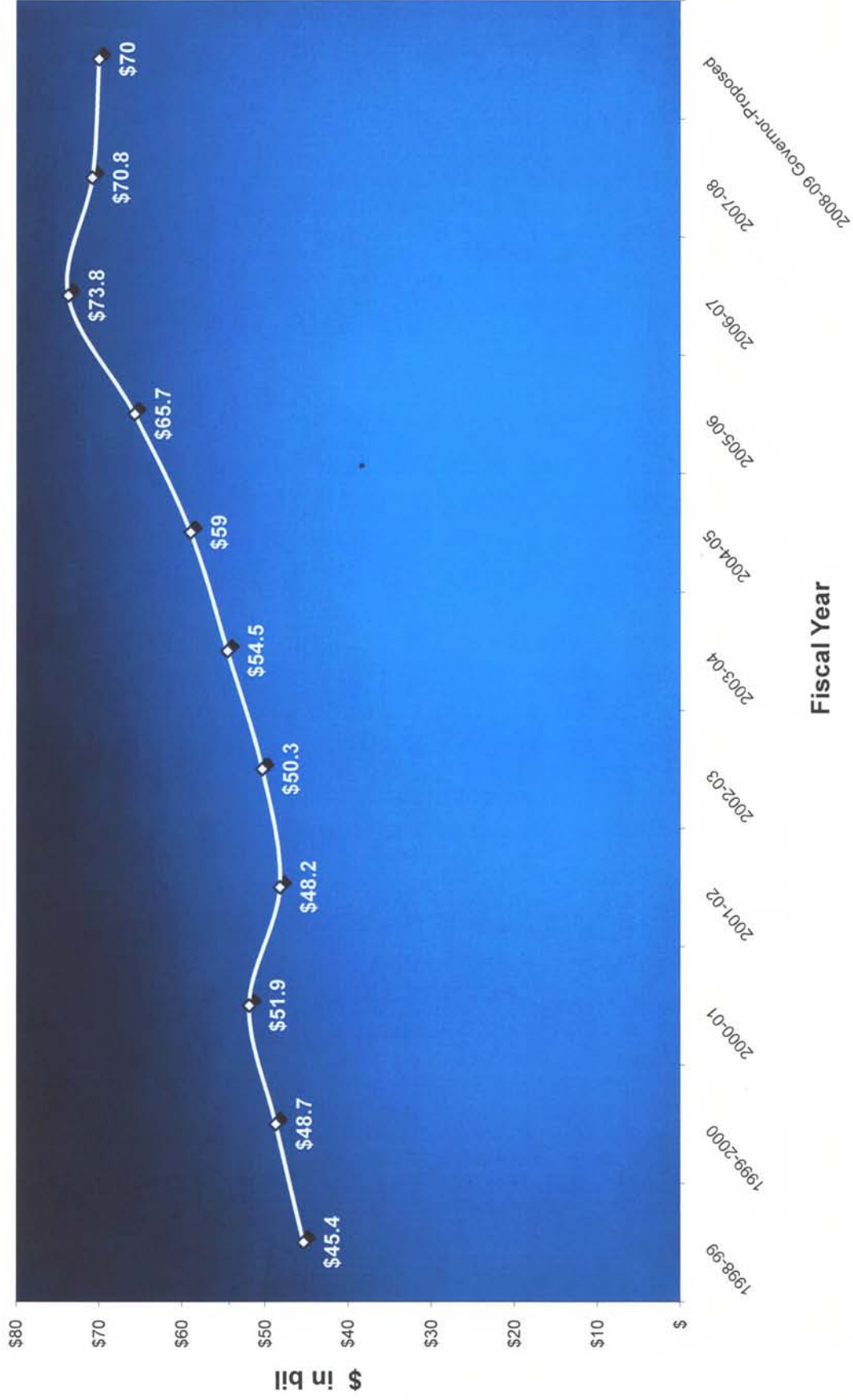
- Lottery Program Enhancements
- Indian Gaming Compact
- Corporate Tax Filing Due Date — [Return to 2004 accounting policy]

### ■ Efficiencies - \$ .2 bil

- Targeted Base Budget Reductions
- 4% Release Holdback Savings

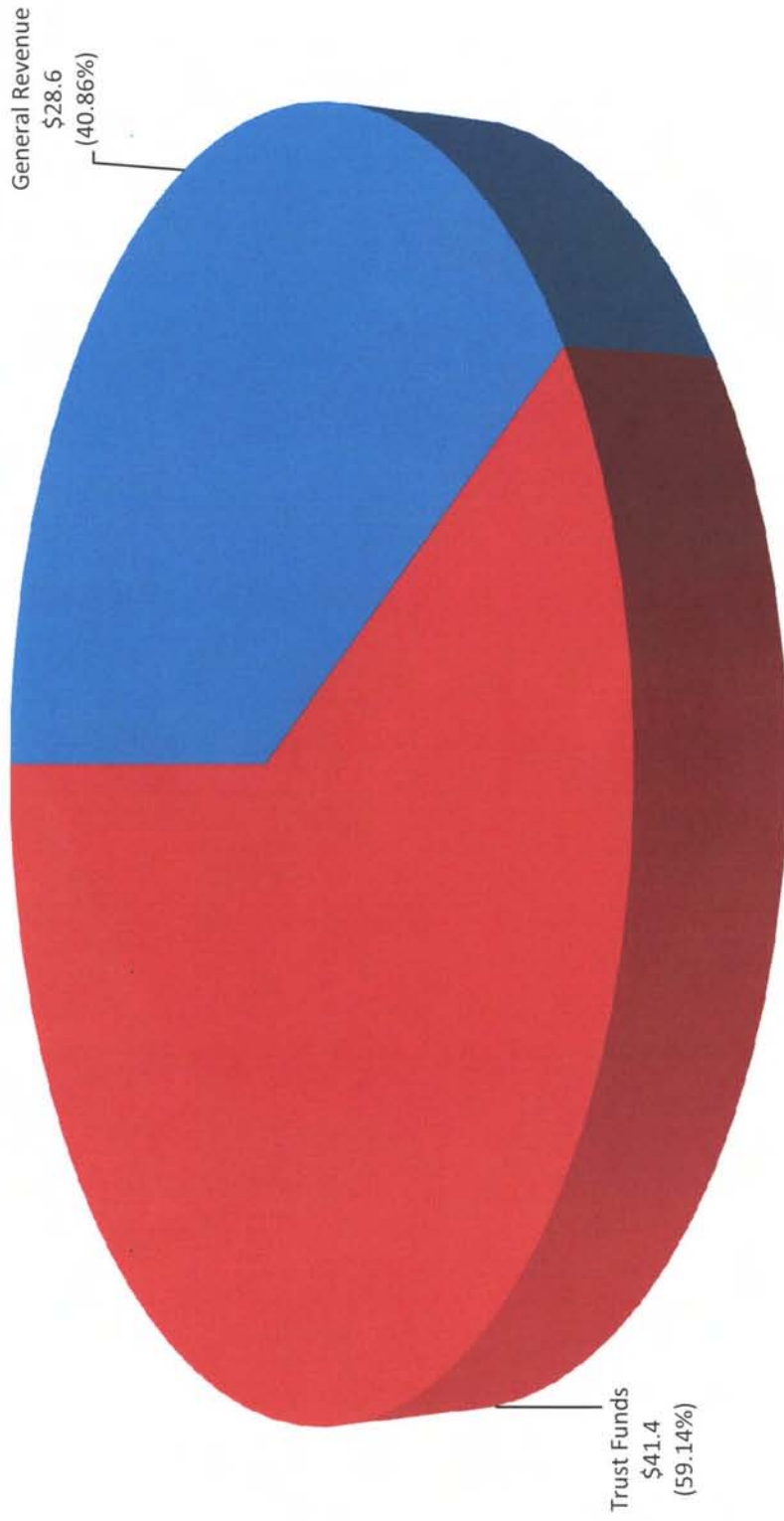


# 10 Year Appropriations History

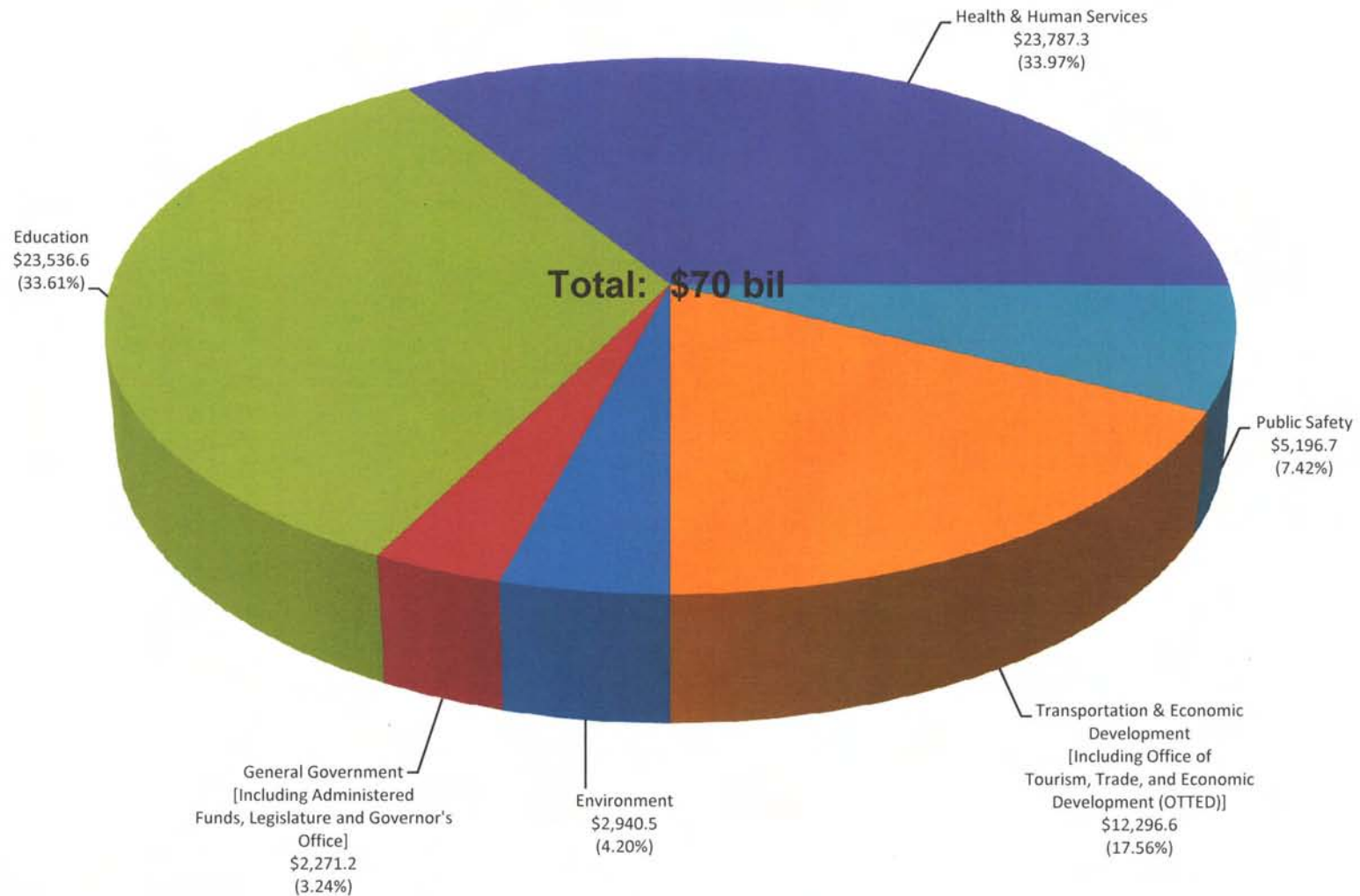


# Governor's Recommended Budget -- FY 2008-09

## Total Budget: \$70 bil



## Governor's Recommended Budget -- FY 2008-09 Allocation by Policy Area (\$ in bil)



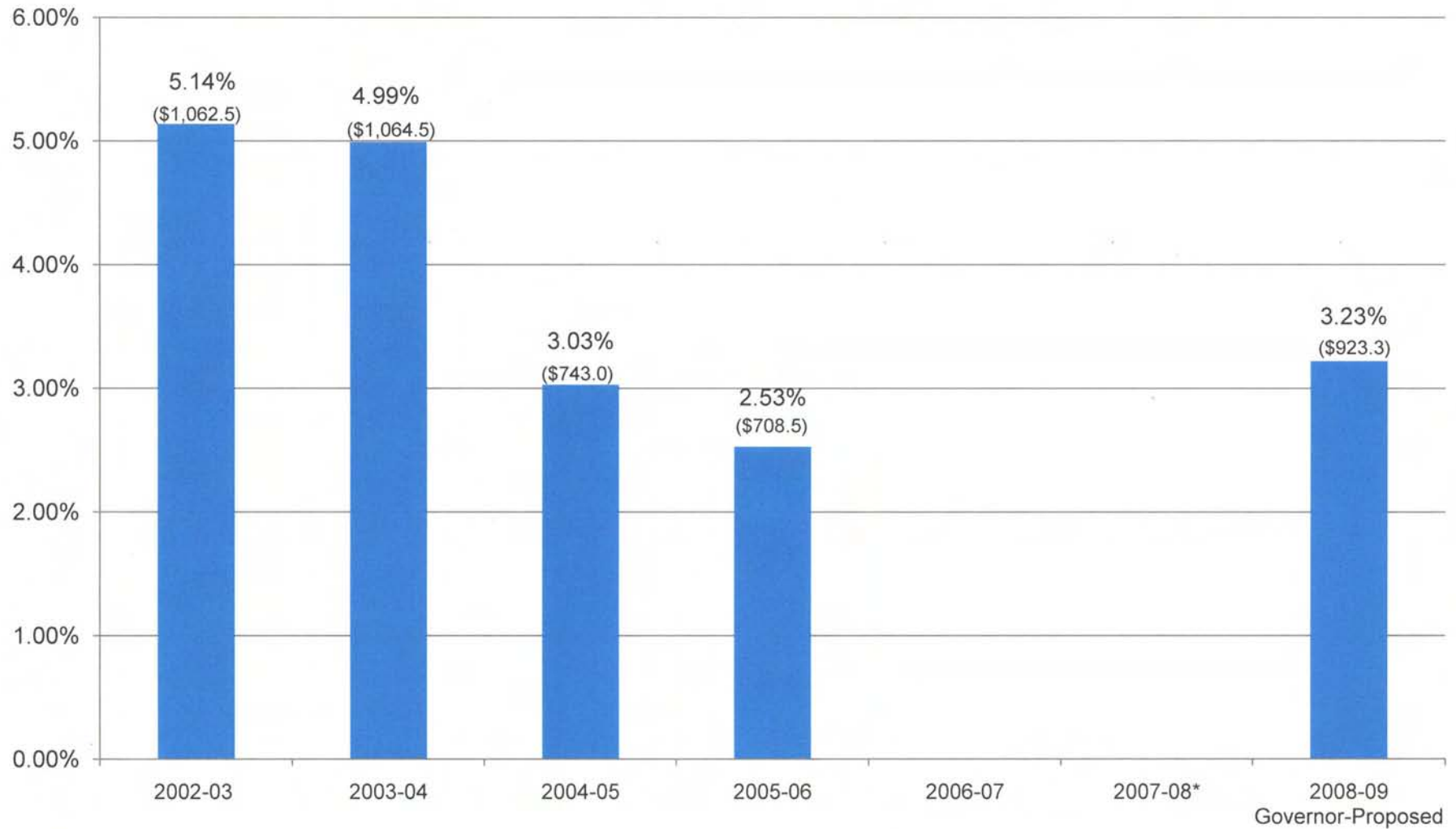
## Governor's Recommended Budget -- FY 2008-09

### General Revenue Balance Sheet (\$ in mil)

	Recurring	Non-recurring	Total
<b>1 Revenue Estimating Conference Sources of Funds</b>	<b>26,512.9</b>	<b>1,234.0</b>	<b>27,746.9</b>
<b>2 Uses of Funds (Agency Base Budgets &amp; Transfer to BSF)</b>	<b>26,615.0</b>	<b>(33.7)</b>	<b>26,581.3</b>
<b>3 Total Funds Available</b>	<b>(102.1)</b>	<b>1,267.7</b>	<b>1,165.6</b>
<b>4 Recommended Adjustments to Funds Available</b>			
5 Trust Fund Sweep to GR	0.0	740.1	740.1
6 Corporate Tax Filing Due Date	1.3	98.1	99.4
7 Overweight Truck Enforcement	34.8	0.0	34.8
8 1% County Clerk Collection Fee	12.2	0.0	12.2
9 DEP Revenue Redirects (Sales Tax and DOC Stamp)	20.0	24.0	44.0
10 Other Misc Revenue Adjustments	(88.1)	27.6	(60.5)
<b>11 Total Adjustments to Funds Available</b>	<b>(19.8)</b>	<b>889.8</b>	<b>870.0</b>
<b>12 New Money for Priorities</b>	<b>(121.9)</b>	<b>2,157.5</b>	<b>2,035.6</b>
<b>13 New Expenditures (Includes reductions of \$155 Mil)</b>			
14 Education	679.2	268.4	947.6
15 Environment	(17.2)	67.5	50.3
16 Health and Human Services*	(42.6)	*	(42.6)
17 Public Safety	135.5	372.4	507.9
18 Transportation and Economic Development	(32.3)	448.2	415.9
19 General Government including Administered Funds, Legislature and Governor's Office	78.8	24.0	102.8
<b>20 Total New Expenditures:</b>	<b>801.4</b>	<b>1,180.5</b>	<b>1,981.9</b>
<b>21 Ending Balance</b>	<b>(923.3)</b>	<b>977.0</b>	<b>53.7</b>
<b>22 Percent of Nonrecurring Revenues Spent on Recurring Programs:</b>	<b>3.23%</b>		

\*Health and Human Services Programs Funded from Tobacco Settlement Trust Fund

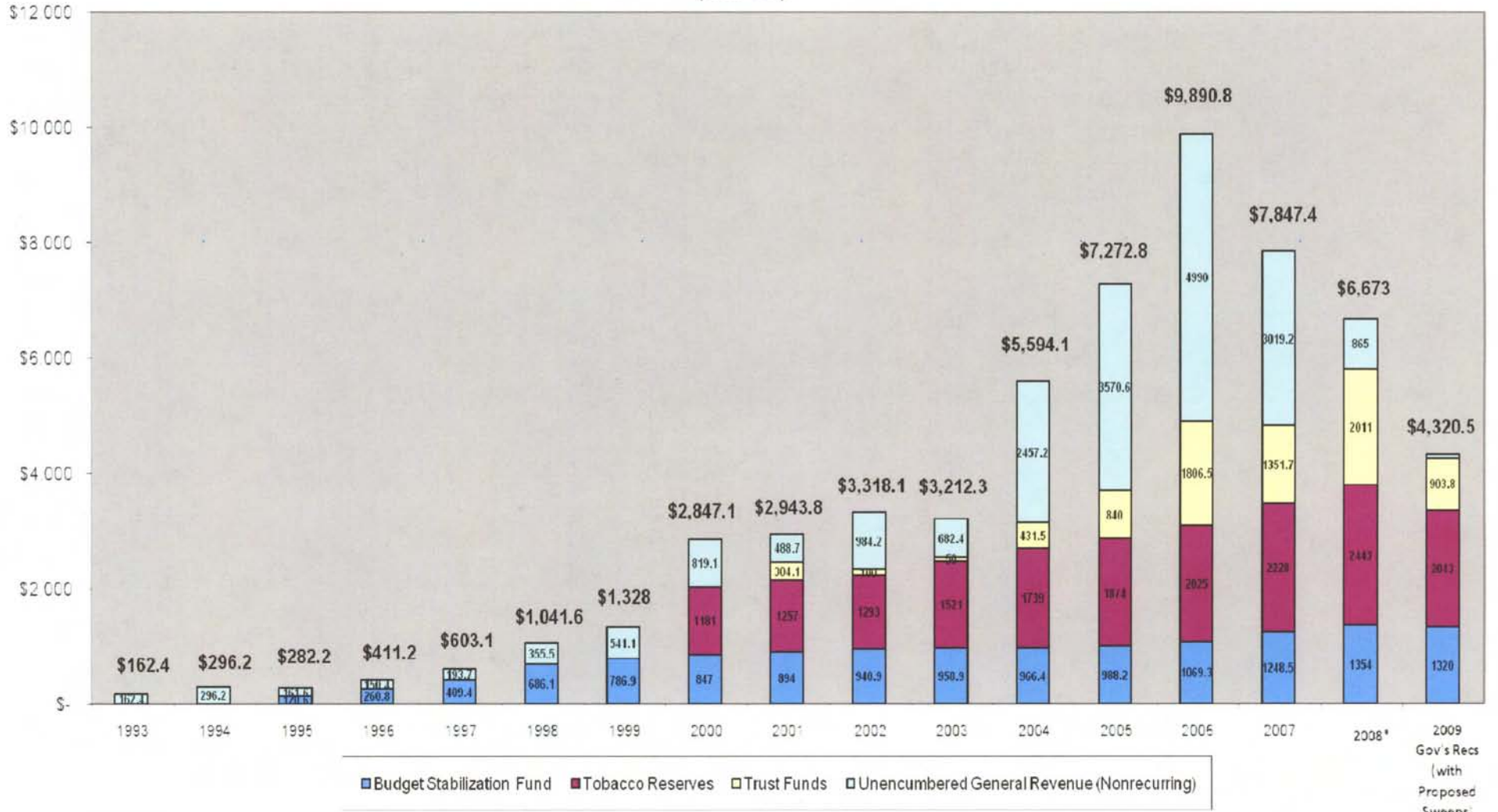
## Percentage (%) of Non-Recurring General Revenue Used for Recurring Appropriations (\$ in mil)



\*First Fiscal Year (following November 2006 vote) for which Amendment 1 to Article III of Section 19 of the Florida Constitution applies limiting the amount of nonrecurring General Revenue which may be appropriated for recurring purposes to 3% of the total General Revenues available unless otherwise approved by a three fifths vote of the Legislature.

# Florida Reserves

(\$ in bil)



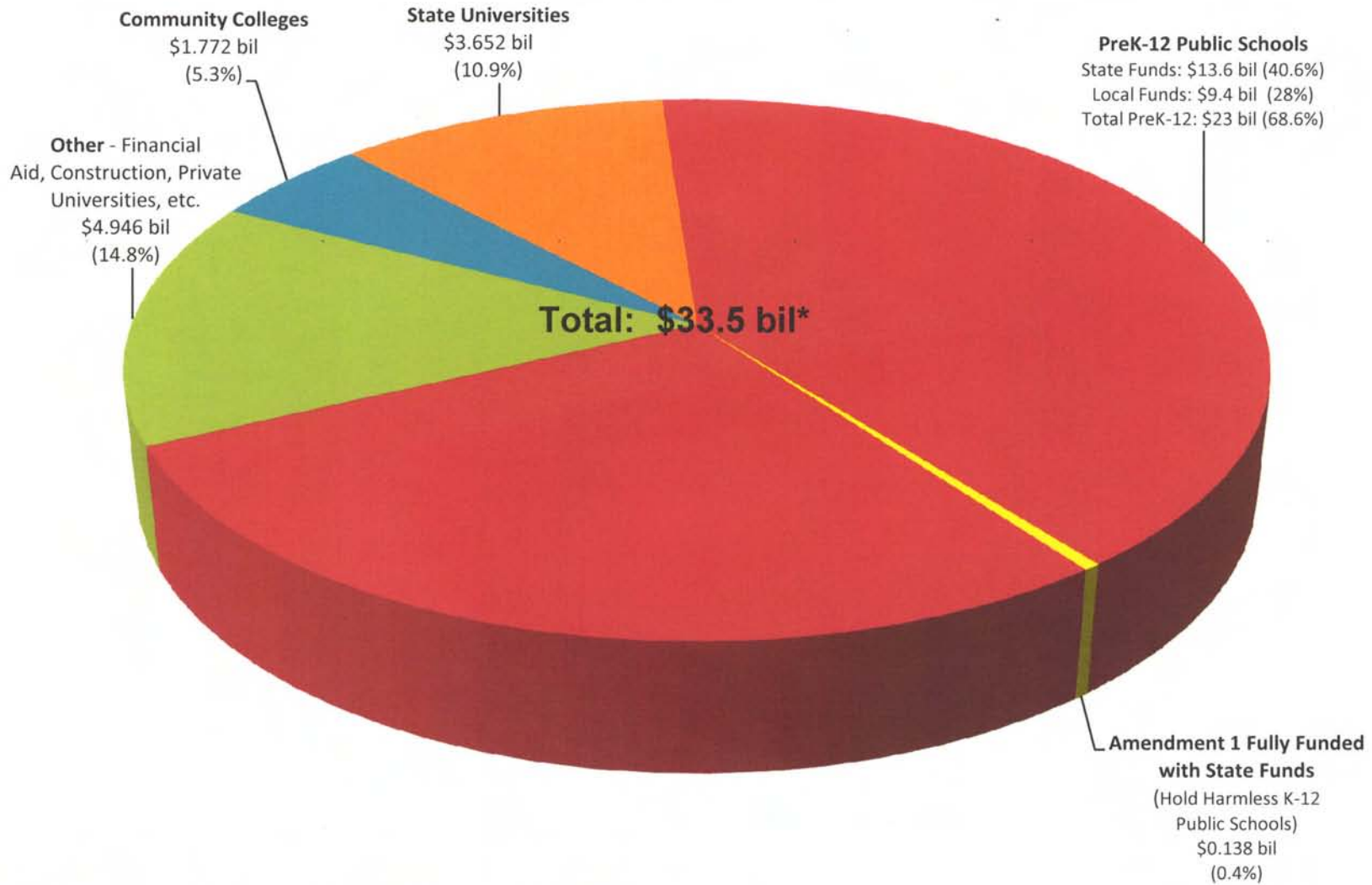
\*Change in Accounting Methodology for calculating Trust Fund Reserves. All Unencumbered Trust Fund balances are reflected in total.

## Priority Issues Funded by Policy Area 'Governor's Overall Policy Approach'

- Attempted to fund the top priority issues requested by each agency
- Maximized funding for economic development & programs that encourage economic stimulus
- Minimized reductions to programs serving the most vulnerable – children, elderly, and disabled
  - Many recommended reductions return program funding back to FY04/05 levels
- Maximized the use of trust fund resources to fund critical needs
  - In ALL instances, analyzed cash-flow history to ensure adequate Trust Fund balances to support agency expenditures
- No 'Across-the-Board' increases or decreases (including price level)

# Governor's Recommended Budget -- FY 2008-09 -- Allocation of ALL Education Funds\*

[PreK-12, State and Private Universities, and Community Colleges]



\*(Includes State, Local, Federal Funds, plus Tuition and Fees)



## Governor's Priority: K-12 Funding for the Classroom

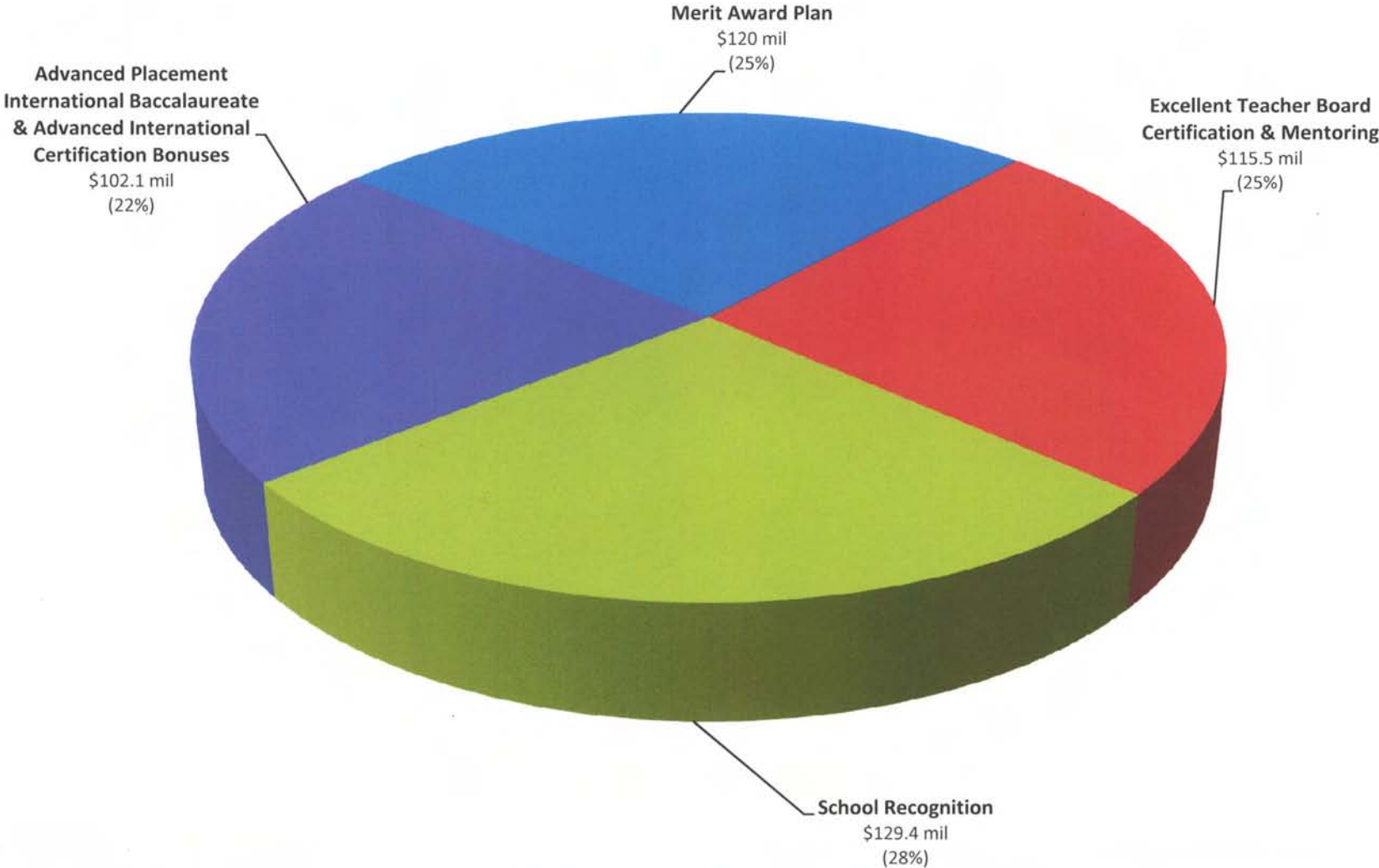
*Over \$20 bil for Florida K-12 Education —*  
**A \$1 bil Increase**

### Includes:

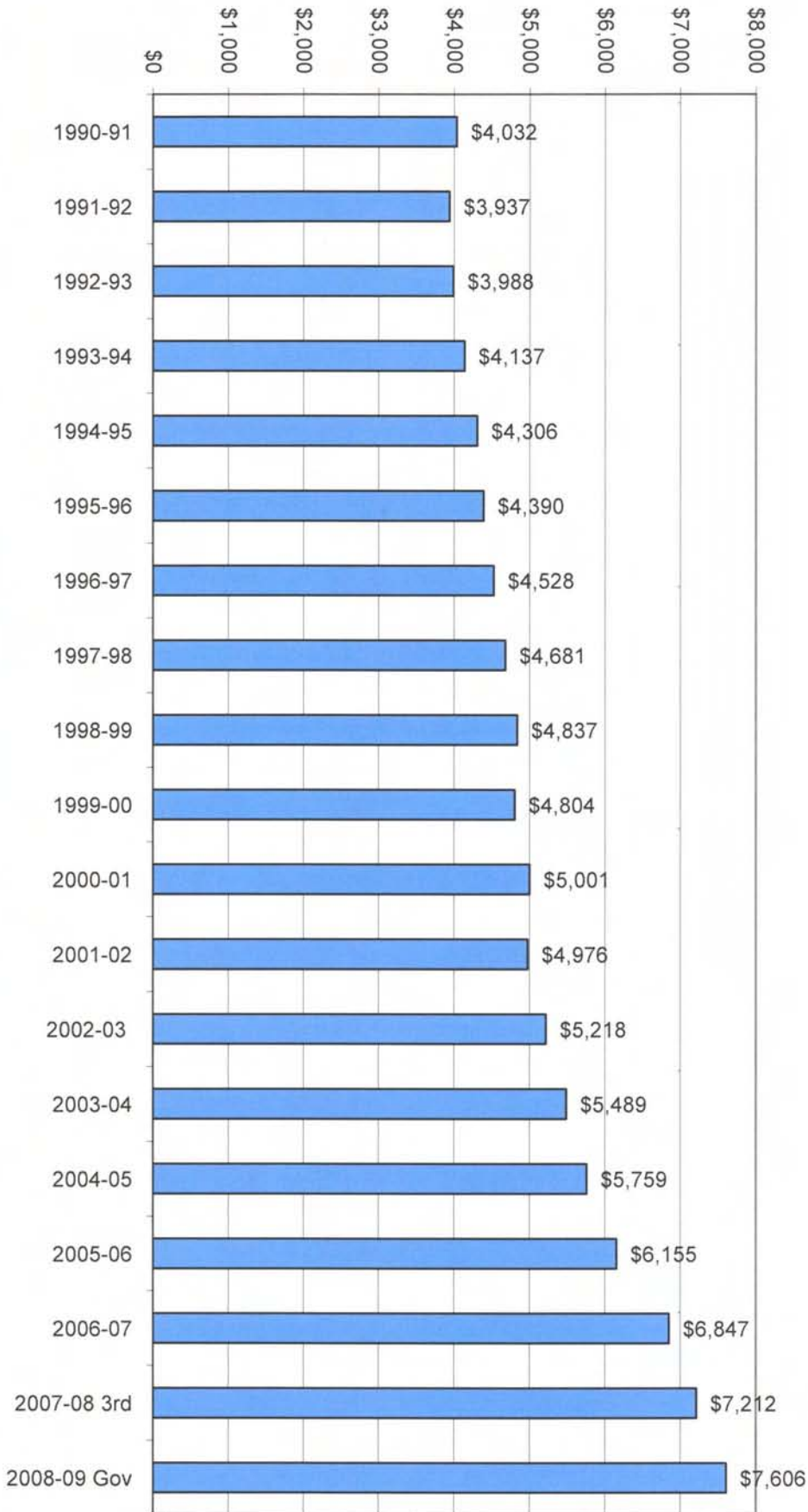
- \$138 mil to Fully Fund Amendment 1 – K-12 Education Held Harmless
- \$394 More Per Student, a 5.46% increase, for a Total of \$7,606 Per Student
- \$467 mil to Provide Opportunities for Educators to Earn More
- \$100 mil for Middle School Physical Education (Incentive Funds)
- \$202 mil for Reading Coaches, Virtual Tutors, and other Reading Programs
- \$847 mil for New Teachers & New Classrooms [Constitutional Amendment-Class Size Reduction]

# K-12 – Increasing Teacher Compensation

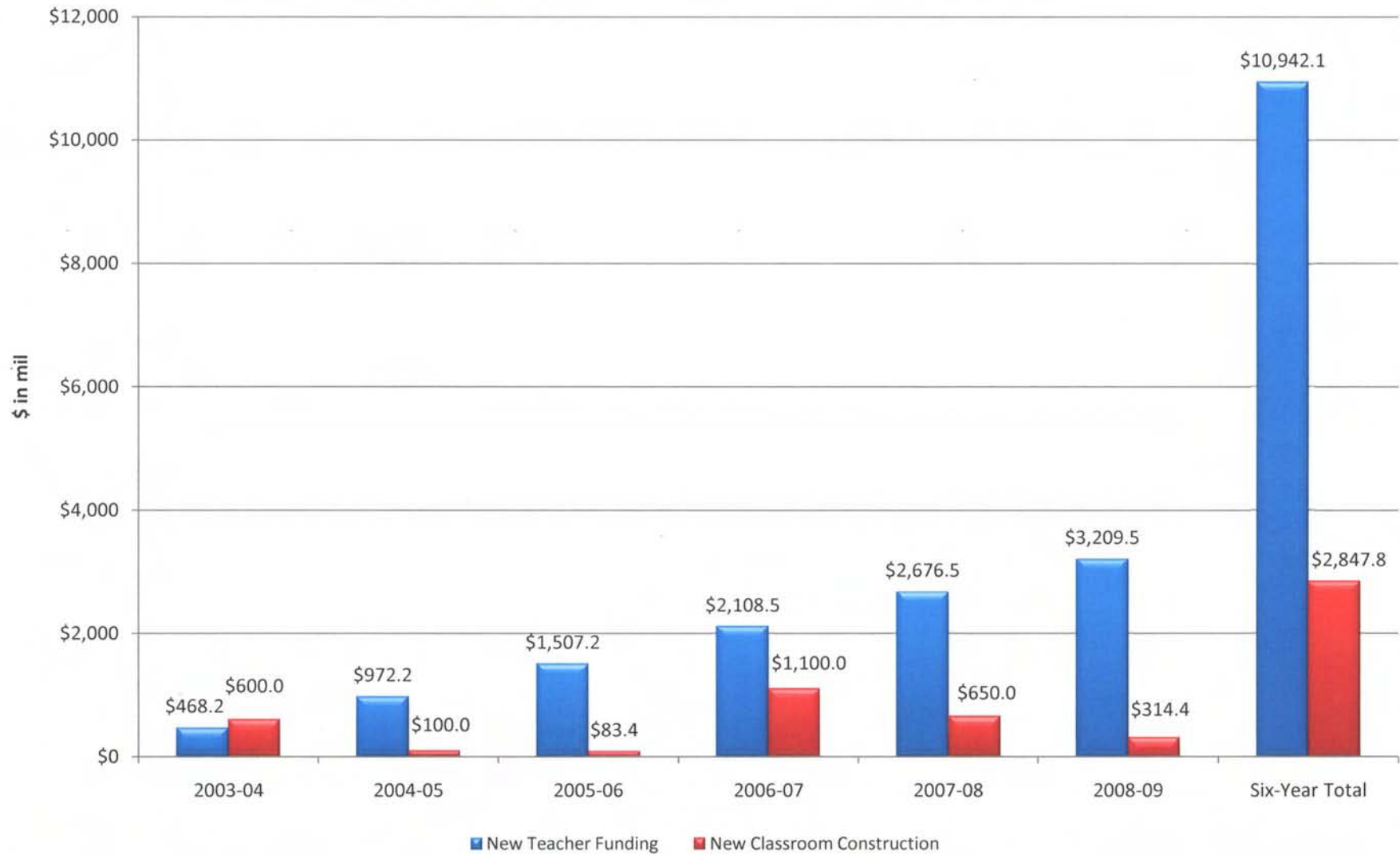
*\$467 mil to Provide Opportunities for Educators to Earn More!*



# K-12 Public Schools Operating Funds Per Student



## Implementing the Class Size Amendment *More Money for New Teachers & New Classrooms*



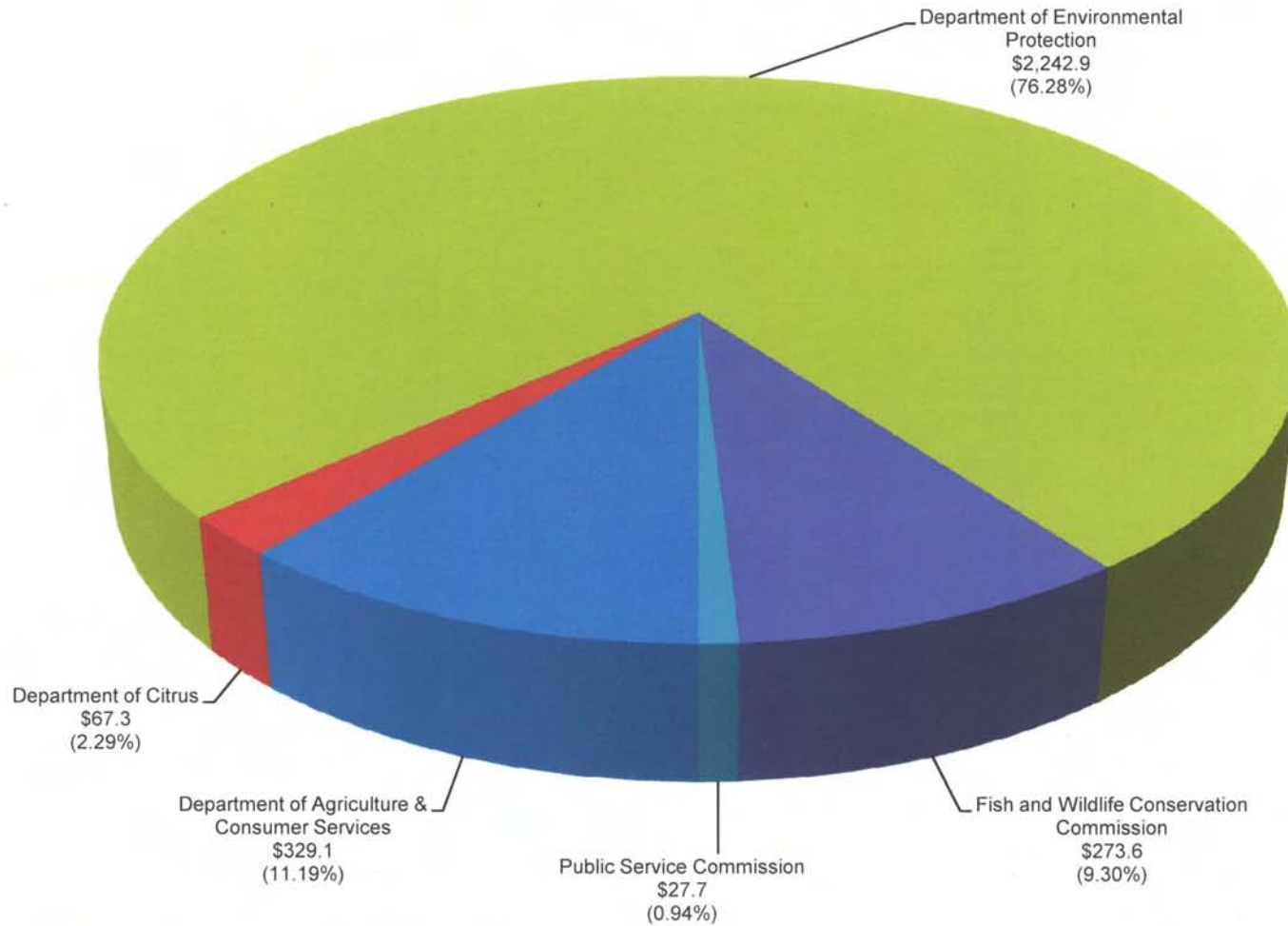
## **Governor's Priority: Higher Education - State Universities & Community Colleges**

*Over \$5.4 bil for Higher Education to Support Advanced Learning,  
World Class Talent, and Research & Development*

### Includes:

- \$52 mil for New Student Enrollment Growth - State Universities
- \$23 mil Increase for Medical Schools
  - Florida International University, University of Central Florida, Florida State University
- \$60 mil to Establish New (Additional) Centers of Excellence
- \$56 mil for Community College Enrollment Growth & Operating Costs
- \$101.5 mil for State University & Community College Challenge Grants [Matching Funds]
- No Tuition Increase for Fiscal Year 2008-09

## Governor's Recommended Budget -- FY 2008-09 Environmental Policy Area -- Total Budget: \$2.9 bil



# Governor's Priority: Environment *Energy Diversity/Climate Change*

Includes:

- **\$200 mil** – Energy Renewables, Biofuels, and Green Technology
  - **\$10 mil – Solar Energy Rebate Program**
    - Provides rebates to consumers who install products such as solar water heaters and solar pool heaters
  - **\$20 mil – Renewable Energy Technology Grant Program**
    - Encourages research and development and the commercialization of alternative energy
  - **\$10 mil – Wind Energy Installation**
    - Combination of corporate income tax credits and sales tax exemptions to install wind energy turbines
  - **\$10 mil – Ocean Energy Research**
    - Research, development, and technology demonstrations of electricity from ocean energy
  - **\$20 mil – Biofuels Grant Program**
    - Provides funding for ethanol, biodiesel, biomass, and the conversion of waste materials to energy
  - **\$22.5 mil – Alternative Transportation Fuels**
    - Expands corporate income tax credits and sales tax exemptions to install alternative fuel facilities
  - **\$100 mil – Green Tech Recruitment**
    - Innovation Incentive Program for businesses to research and develop green technology projects
  - **\$7.5 mil – Local Government “Lead by Example” Initiative**
    - Encourages local governments to initiate programs to reduce emissions and energy consumption

# **Governor's Priority: Environment**

## ***Protecting Florida's Natural Resources***

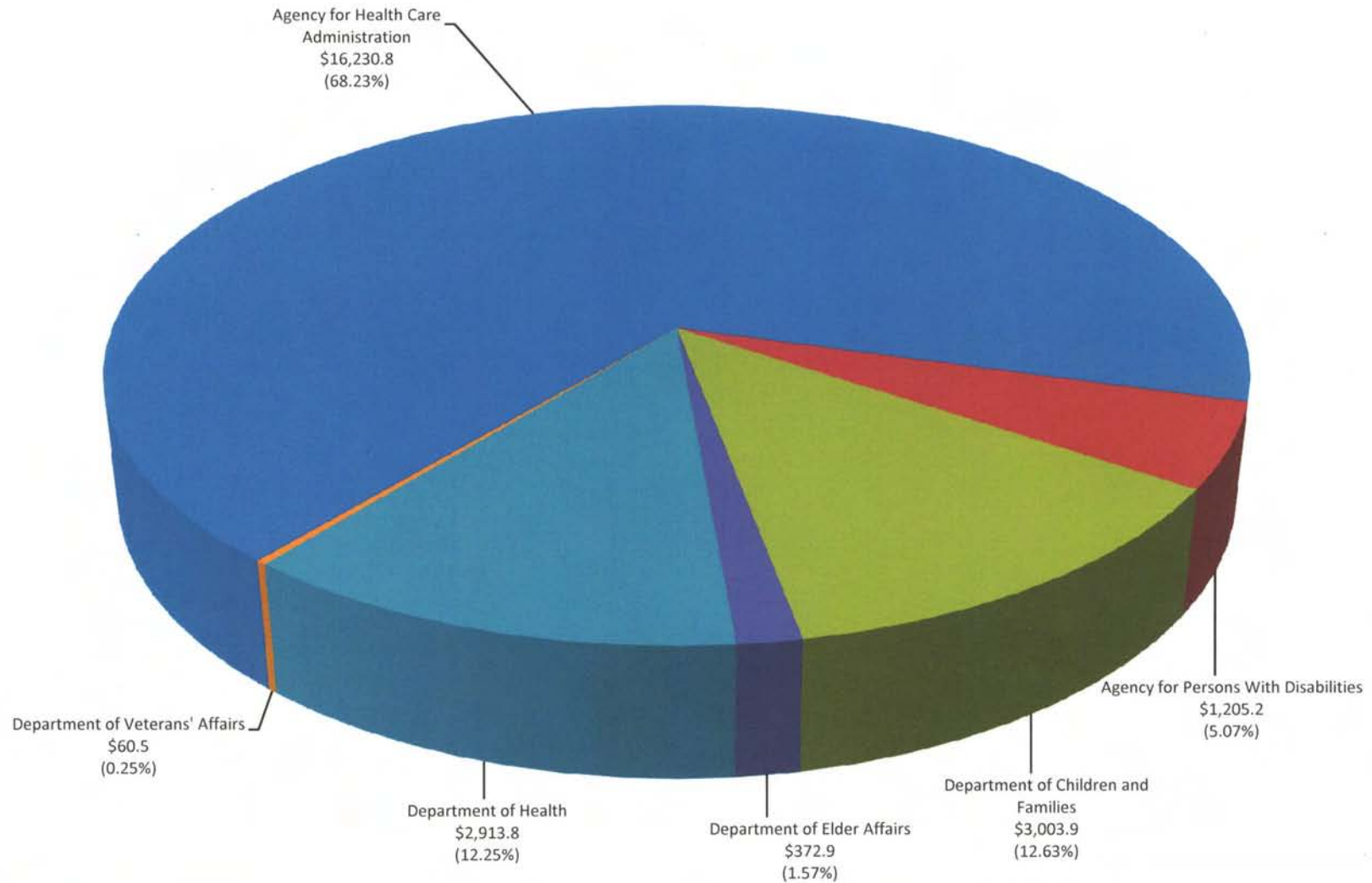
Includes:

- \$500 mil for Florida Forever & Everglades Restoration
  - \$50 mil for Lake Okeechobee Restoration
  - \$50 mil for Caloosahatchee & St. Lucie Rivers and Estuaries
  - \$100 mil for Comprehensive Everglades Restoration Plan (bonded)
  - \$300 mil for Florida Forever Program (bonded)
  
- \$121 mil for Alternative Water Supply/Water Cleanup Programs
  - \$8 mil to fully restore Special Session C reductions to the Alternative Water Supply Program back to \$60 mil
  - \$36 mil to continue Total Maximum Daily Load & Mulberry/Piney Point Cleanup
  - \$25 mil for Water Restoration Action Plan (WRAP)
  
- \$6.8 mil for Replacement of Wildfire Suppression Equipment



# Governor's Recommended Budget -- FY 2008-09

## Health & Human Services Policy Area -- Total Budget: \$23.8 bil



# Governor's Priority: Health & Human Services

## *Helping our Most Vulnerable – Children, Elders, & the Disabled*

- \$63.9 mil for the 'Cover Florida Health Care Access Program', a 3-year pilot providing preventive and primary health care services to the uninsured through hospital and county health department partnerships
- \$60.6 mil for KidCare to support a projected enrollment increase of 46,000 children (311,272 total projected enrollment)
- \$61 mil to significantly reduce the projected deficit in the Developmental Services Medicaid Waiver Program and to support additional crisis care services
- \$10 mil for New Technology to help Child & Adult Protective Investigators do a better job
- \$15 mil to support additional special needs adoptions and provide support to parents
- \$16.8 mil for independent living assistance for children aging-out of foster care

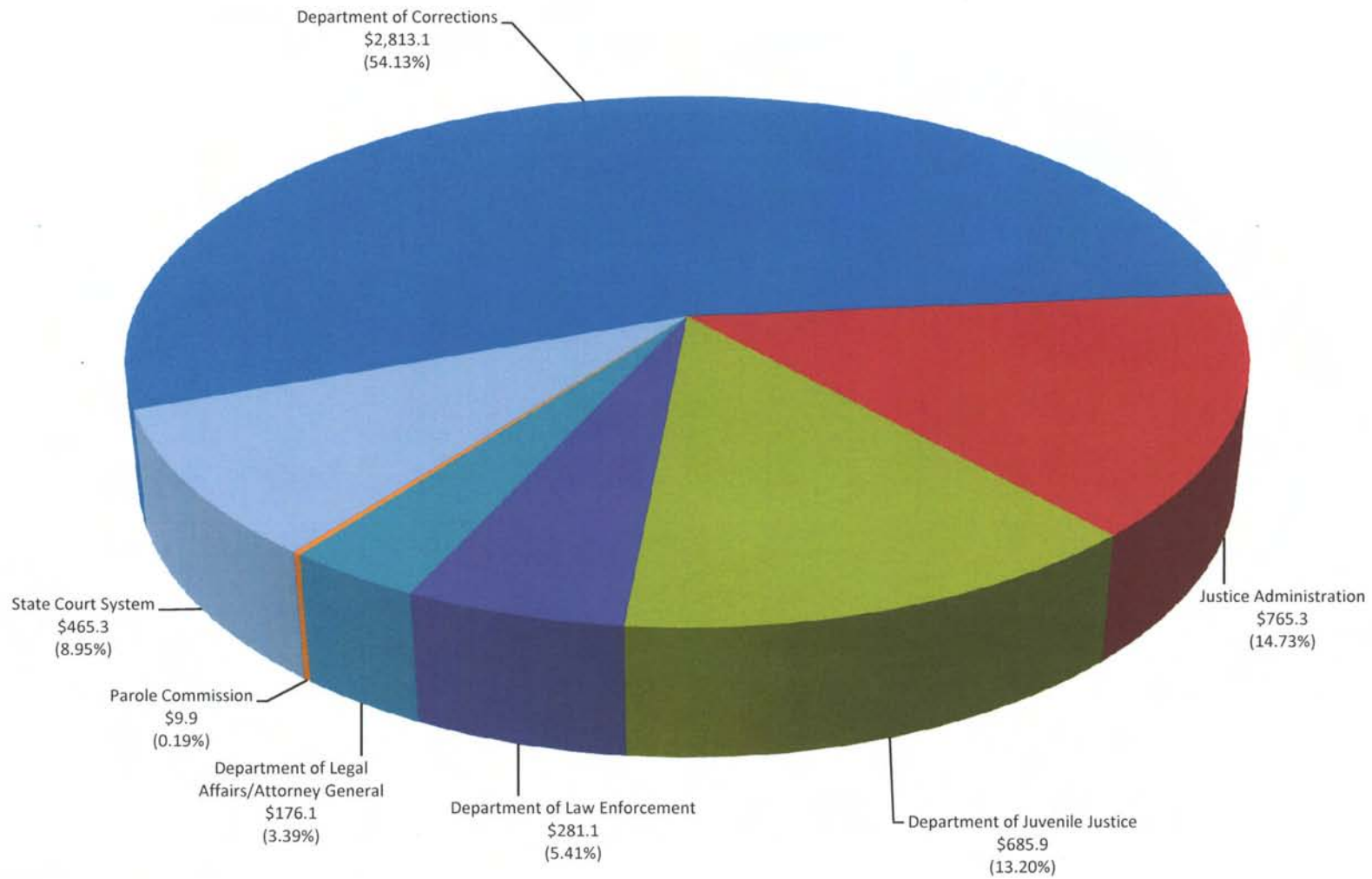
## **Governor's Priority: Health & Human Services**

*Helping our Most Vulnerable – Children, Elders, & the Disabled*

- \$6.6 mil to support Tobacco Prevention as required by the Florida Constitution
- \$1.8 mil to establish a Statewide County Public Health Department Pharmacy System
- \$6.3 mil to increase enrollment in the Aged and Disabled Medicaid Waiver Program
- \$.3 mil to support the opening of the St. Johns County Veterans' Nursing Home
- \$49.6 mil to increase fees paid to dermatologists, neurologists, orthopedic surgeons, dentists and home health providers serving persons assisted by Medicaid
  - Will ensure access for specialty care for Medicaid recipients

# Governor's Recommended Budget -- FY 2008-09

## Public Safety Policy Area -- Total Budget: \$5.2 bil



# **Governor's Priority: Public Safety**

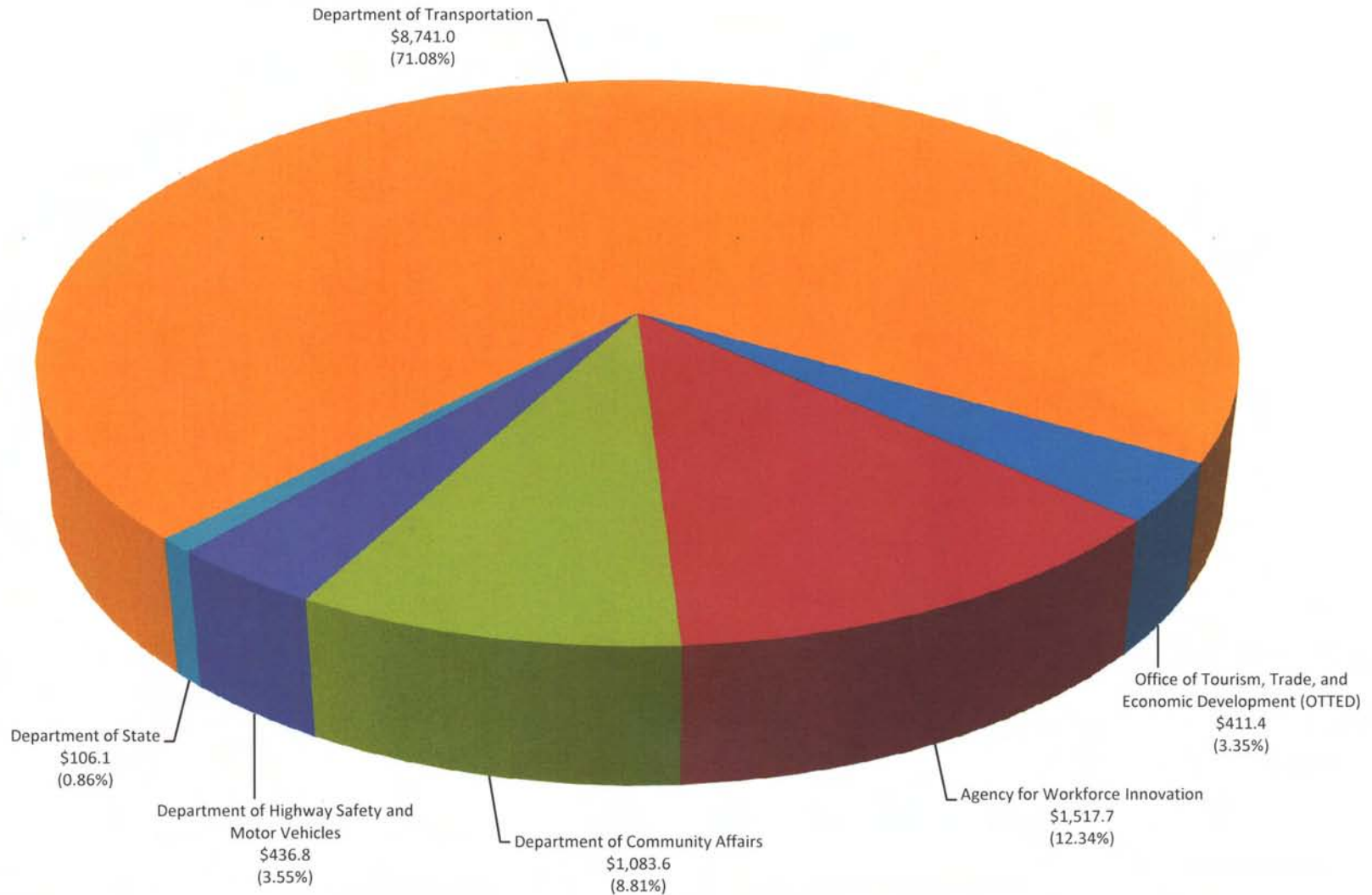
## ***Ensuring the Continued Safety of Floridians***

Includes:

- \$28.8 mil for substance abuse treatment
  - Major initiative to reduce offender recommitment rates and **save \$306 mil** in prison construction costs
- \$404.2 mil to build and operate new prison beds
- \$4.6 mil to support the Juvenile Justice Blueprint Commission Recommendations
  - Funding to support Gender-Specific Programs and Nurses in Detention Centers
- \$3 mil for grants to support local initiatives combating gang activity as recommended by the Statewide Grand Jury
- \$70 mil for projected Department of Corrections operating deficits
  - Deficits exist in health services including drug costs, additional inmate population, food services, expenses

# Governor's Recommended Budget -- FY 2008-09

## Transportation & Economic Development Policy Area -- Total Budget: \$12.3 bil



# **Governor's Priority: Transportation & Economic Development**

## ***Stimulating Florida's Economic Recovery***

Includes:

- \$7.68 bil for the Transportation Work Program
  - Continues the Work Program within available tax revenues
- \$318.2 mil for affordable housing programs
  - Includes \$75 mil increase for interest rate buy-down, down payment assistance, and closing cost assistance programs to help 7,500 families
- \$80.2 mil for home repairs, mitigation & community improvement
- \$41.4 mil for cultural, historical, library, and museum grants
- \$87.0 mil for workforce and early learning initiatives
- \$22.0 mil to shelter the most vulnerable during emergencies

## **Governor's Priority: Office of Tourism, Trade & Economic Development**

*Incentives help to foster a strong business environment*

Includes:

- \$200 mil – *Innovation Incentive Program*. Continue success in attracting high-value, high-impact businesses and research and development projects by earmarking up to \$100 mil for energy diversity and renewable energy innovations.
- \$45 mil – *Quick Action Closing Fund*. Continues incentives to recruit and retain industries providing high wage jobs.
- \$40 mil, (a \$15 mil increase) for *Film and Entertainment Incentives*. Increases incentives to attract, maintain, and grow Florida's film and entertainment industry.
- \$23.5 mil, (a \$5.7 mil increase) for *Qualified Target Industry and Qualified Defense Contractor Tax Refund Incentives* and the *High-Impact Performance Incentive*. Induces businesses to create high-wage, high-quality jobs within the state.



## **Governor's Priority: Office of Tourism, Trade & Economic Development**

*Strategic partnerships to strengthen Florida's economic future*

Includes:

- \$43.3 mil, (a \$10 mil increase) for *VISIT FLORIDA*. Promote the state as a premier tourist destination
- \$15.5 mil, (a \$3 mil increase) for *Enterprise Florida*. Assist in the retention and expansion of existing businesses and market the state as a pro-business location
- \$10.0 mil, (a \$3 mil increase) for *Space Florida*. Promote growth of the aerospace industry and develop innovative math and science programs and workforce development strategies
- \$ 3.0 mil - *Florida Sports Foundation*. Promote Florida's sports industry and support the Sunshine State Games

## **Governor's Priority: Office of Tourism, Trade & Economic Development**

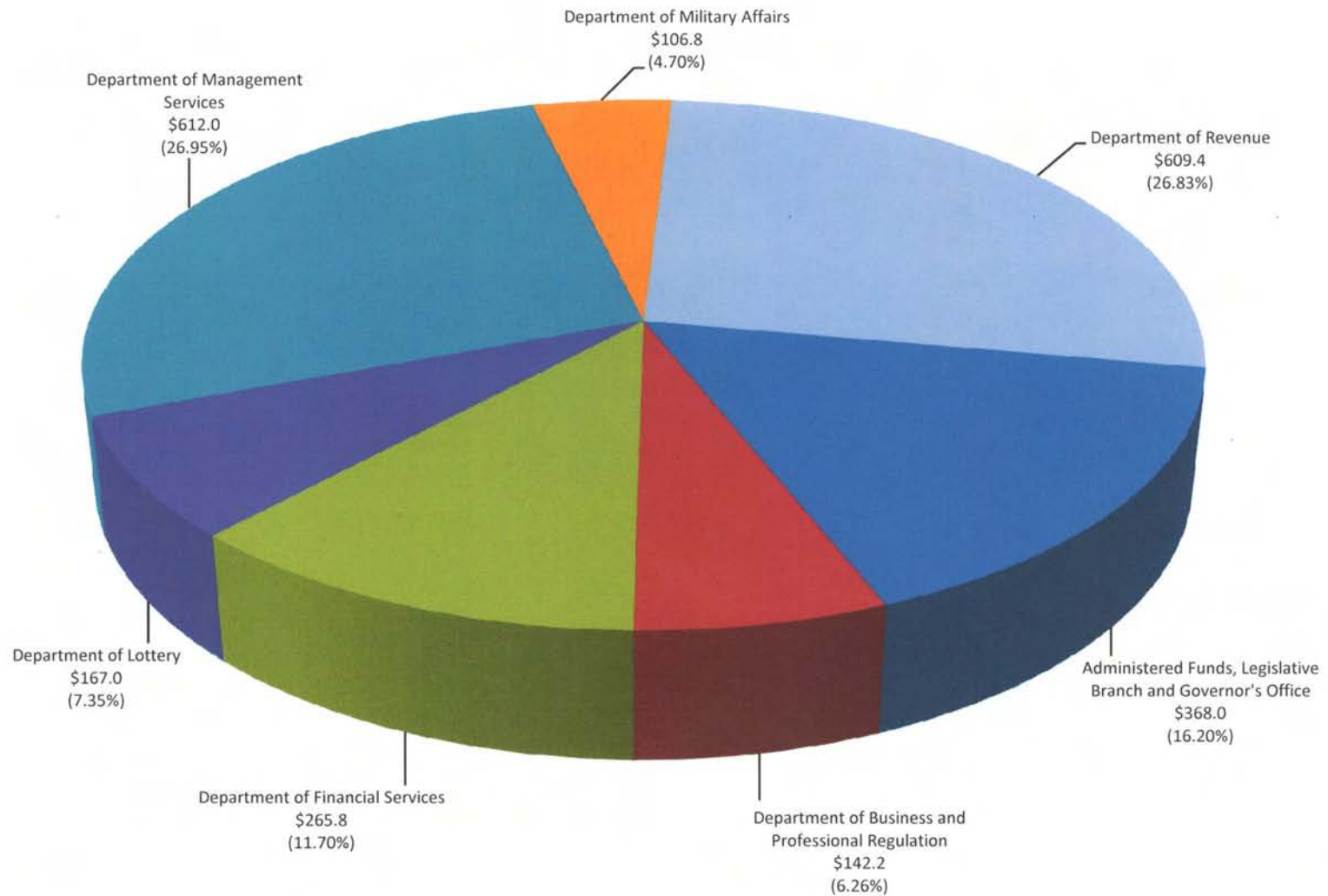
*Additional investment in Florida's economic growth*

Includes:

- \$14.2 mil – Support for military, rural development, and transportation capital outlay projects.
- \$2.9 mil, (a \$.4 mil increase) to Support international relationships and promote Florida's unique geographic and cultural characteristics.
- \$7.2 mil, (a \$1.7 mil increase) to Improve the development of rural communities and brownfield areas and protect Florida's valuable military bases
- \$3.1 mil, (a \$.1 mil increase) to Enhance the entrepreneurial climate for minority businesses through the Black Business Investment Board, the Black Business Loan Program, and the Hispanic Business Initiative Fund

# Governor's Recommended Budget -- FY 2008-09

## General Government Policy Area -- Total Budget: \$2.3 bil



# Governor's Priority: General Government

Includes:

- \$ 94 mil for State Employee Salary Compensation
  - Lump sum distributed to each agency, effective 1/1/09, calculated on 2% of each agency's salary budget
  - Allocated in lump sum to provide flexibility to agency management to address most critical employee compensation needs (turn-over, recruitment, compression, etc.)
- \$23 mil to Fund State Health Insurance Premium Increases
  - Employee premiums remain unchanged
- Agency Merger Study
  - Workgroup to review agency mergers and consolidations to improve operating efficiency, program effectiveness, and accountability

## Governor's Priority: Tax Relief

Includes:

- Back-to-School Sales Tax Holiday for one week
  - Estimated household tax savings: \$34 mil
- Hurricane Preparedness Sales Tax Holiday for one week
  - Estimated household tax savings: \$12 mil

