

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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**FROM SPECIAL SESSION 'C'
FOR DECEMBER 3, 2001**

The Florida Legislature is in the sixth day of Special Session 'C'.

THE BUDGET

The compromise budget bill, hammered out by a conference committee of both House and Senate members was delivered today to all the legislators for their review. Having successfully gotten a compromise bill to the House and Senate members, it remains that the House and Senate must wait 72-hours before convening for a final vote on the budget bill, (Thursday, December 6).

PRORATION OF THE AVIATION FUEL TAX

AIF's proposed reinstatement of two tax statutes that, until recently, provided some relief to Florida-based major air carriers continues to make progress. The House bill version, to be sponsored by Representative Rob Wallace (R-Tampa), emerged from bill drafting earlier today. It probably will receive a bill number and committees of reference tonight.

AIF will be meeting with potential Senate sponsors tomorrow morning.

As we reported last Friday, until July 1, 2000, the *Florida Statutes* authorized certain air carriers that utilize mileage apportionment for corporate income tax purposes to prorate their aviation fuel taxes based on the ratio of Florida mileage to total mileage. Specifically, the proration was adopted to benefit airlines *based in Florida* that buy more fuel in Florida than they actually use over Florida air space. As of last year, there were 15 air carriers that prorated their aviation fuel taxes in accordance with this policy.

The Legislature allowed this policy and the governing statute to sunset (or expire) on July 1, 2000. Also, included in our proposed bill is another provision that sunset July 1, 2001. This provision allows a credit against the aviation fuel tax if an airline expands its workforce in Florida by over 250 employees. This provision was caught up in legislative jockeying at the end of the 2001 Regular Session and inadvertently expired.

It is absolutely essential to Florida's employers that the airlines maintain hubs in Florida and are given every consideration necessary to keep them flying. These expired statutory provisions should be reinstated immediately.

FLORIDA BUILDING CODE

As expected, the Senate passed SB 52-C by Senator Charlie Clary (R-Destin) which delays the implementation of the revised Florida Building Code. Under current law, the code is set for implementation and enforcement on January 1, 2002. The bill delays the implementation to March 1, 2002.

The House bill still has not received any committees of reference from the Speaker's Office. It is growing increasingly likely that the House bill may not receive a hearing this week.

SECURITY ISSUES

The Senate took up a long list of security bills and adopted them today. These bills will be taken up by the House Select Committee on Security tomorrow.

The bills addressed by the Senate, which deal with a host of issues suddenly propelled into prominence by the terrorist attacks on September 11, largely reflect the work of the *House during the last special session*. The Senate took up the House versions, which the House passed during the last special session, in an attempt to "pick up where they left off." The Senate amended several of these bills during consideration in committee and on the floor today, so the House will be reviewing tomorrow the Senate's changes to their original proposals. The typical "ping and pong" of the House and Senate has been made more complicated by these intermittent special sessions, but suffice to say, the House and Senate are working closely on these bills.

The five public records bills passed by the Senate are as follows:

- 16C: The bill maintains the secrecy of security system plans.
- 18C: The bill provides confidentiality for hospital emergency management plans related to terrorist acts.
- 20C: The bill maintains the secrecy of information regarding the amount, type and location of pharmaceutical supplies related to terrorist acts.
- 22C: The bill exempts record requests from law enforcement agencies to other agencies from the public records law, maintaining the exemption for the life of the active investigation.
- 28C: The bill allows the Florida Department of Law Enforcement to direct another agency to withhold a normally available public record for up to a week with court approval.

The other bills approved by the Senate include the following:

26C by Senator Brown-Waite (R-Brooksville) and Senator Victor Crist (R-Tampa): The bill creates a Florida Domestic Security and Counter-Terrorism Intelligence Center with the FDLE.

24C by Senators Brown-Waite and Senator Victor Crist (R-Tampa): The bill directs the Department of Law Enforcement to coordinate and direct the law enforcement, initial emergency, and other initial responses to acts of terrorism within or affecting this state.

14C by Senator Steve Geller (D-Hallandale Beach): The bill authorizes the Dept. of Agriculture and Consumer Services to establish, by rule, requirements for aircraft used in the aerial application of pesticides, fertilizers or seed.

12C by Senator Brown-Waite (R-Brooksville) and Senator Smith (D-Gainesville): The bill amends the statutes to provide that the Governor, Attorney General, the Statewide Prosecutor or any State Attorney may authorize an application to a judge for the interception of wire, oral or electronic communication for the FDLE related to threats of air piracy or other acts of terrorism.

10C by Senator Brown-Waite (R-Brooksville) and Senator Smith (D-Gainesville): Expands the current statute related to poisoning to include acts of poisoning related to terrorism.

6C & 8C by Senator Brown-Waite (R-Brooksville) and Senator Smith (D-Gainesville): The bills provide a statutory definition for “terrorism” and provide additional sentencing guidelines for said acts of terrorism.

Stay tuned to our daily brief and to our web site at www.fbnnet.com as the legislature makes some very important decisions on the state’s economy. These decisions will have a major impact on the business community and AIF will be reporting to you everything that happens.

This report was prepared by Curt Leonard, Manager – Governmental Affairs at Associated Industries of Florida (AIF). Please send your comments or suggestions to us at aif@aif.com or call the Governmental Affairs department at (850)224-7173.

- For more information on all of the important legislative information concerning the business community, go to our “members only” Florida Business Network web site at <http://fbnnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.