



FROM MARCH 26, 2003

TAXATION

Yesterday, we advised you that the Senate Commerce, Economic Opportunities and Consumer Services Committee heard and passed SB 1162, sponsored by Senator Ken Pruitt (R-Port St. Lucie). Today, the House Finance and Tax Committee heard HB 333, sponsored by Representative Gayle Harrell (R-Port St. Lucie), which is identical to SB 1162. It also revives, re-enacts and re-adopts certain provisions relating to the tourist development tax and the Florida Taxpayer's Bill of Rights that are otherwise scheduled to be repealed on October 1, 2003. The committee passed HB 333 with a favorable vote of 22 to zero. The bill now moves on to House Appropriations.

Tourism is central to our state's economy. The local optional tourism tax is an important tool for local governments to promote tourist destinations in Florida. The Taxpayer's Bill of Rights assures minimum standards of fairness in the administration of revenue laws of this state. AIF supports HB 333 and SB 1162.

VIOLENCE IN THE WORKPLACE

Today the House Judiciary Committee heard HB 13 sponsored by Representative Mark Mahon (R-Jacksonville), which deals with arrests for assaults in the workplace. This bill will allow an officer to arrest a person without a warrant when there is probable cause to believe that a person has committed an assault upon another person in the workplace of the person assaulted. The bill defines the term "workplace" to mean a single physical location where business is conducted or services or operations are performed as well as the area within 100 feet of that location.

The Florida law specifies categories of offenses for which a law enforcement officer may make an arrest without a warrant. Generally, an officer may do so if the officer reasonably believes that a felony has been committed and that the suspect committed the felony. An arrest for the commission of a misdemeanor may be made if the offense is committed in the presence of the officer and is made immediately or as part of fresh pursuit. Florida law also allows an officer to arrest an offender for other specified offenses that, depending on the circumstances, could be classified as misdemeanors, even if the offense is committed outside of the presence of the officer, including:

- Domestic violence
- Child abuse
- Battery
- Criminal mischief or a graffiti-related offense
- Assault on a law enforcement officer, firefighter, emergency medical care provider, public transit employees, or other officers as specified by Florida law

HB 13 adds to this list the offense of assault upon another person, when the assault is committed in the “workplace” of the person assaulted. The committee passed this bill with an amendment on a favorable vote of 17 to zero.

AIF supports HB 13. This bill will aid law enforcement in the arrest and prosecution of persons who may have committed serious crimes in the workplace.

ENVIRONMENT

Today, CS/SB 956 SB 956, sponsored by Senator Dennis Jones (R-Seminole), passed out of the Senate Natural Resources Committee received a favorable vote from the Senate Committee on Comprehensive Planning today.

This proposed legislation protects persons, including property owners, who may be liable for dry-cleaning solvent contamination against liability for property damage claims of any kind from any person unless that person sells, transfers, or changes the land use of the contaminated property or demonstrates that actual economic damage has occurred as a result of the contamination. This will eliminate the "double dipping" that has taken place in the past when a property owner has used the funds from the Drycleaning Solvent Cleanup Program to restore the property and has also sued the person who contaminated the property.

AIF supports legislation that provides incentives for voluntary cleanup of polluted sites by property owners by offering them protection against wasteful litigation .

Last week, HB 1123, sponsored by Representative Donna Clarke (R-Sarasota) passed through the House Subcommittee on Environmental Protection. Today the bill received a favorable vote from the House Natural Resources Committee.

This bill will allow risk-based corrective action (RBCA) that is used for brownfields, dry cleaning, and underground petroleum storage tank cleanup standards to be used for all other contaminated sites. This will help expedite the cleanup of contaminated sites. Also, because the bill will allow certain contaminated sites to be cleaned to less-stringent levels, there will be a cost savings to site owners (which includes both private sector and local government owners) in terms of funds expended for site cleanup. These sites could be used for further development.

Setting unreasonably high standards for remediation contaminated sites delays the cleanup of those sites, which harms the environment and the state’s economy by leaving the property from being put to gainful use.

PUBLIC LANDS, WATER, AND NATURAL RESOURCES

Receiving a favorable vote from the House Subcommittee on Public Lands and Water Resources was HB 279, sponsored by Representative Larry Cretul (R-Ocala), which pertains to consumptive uses and water permitting.

A Consumptive Use Permit (CUP), also called a water use permit, allows a user to withdraw a specified amount of water, either from the groundwater or from a lake or river. The water can be used to irrigate crops, nursery plants or golf courses; manufacture various products, including citrus; operate industrial plants; and provide drinking water for domestic consumption. CUPs were created as the key mechanism by which the water management districts and the state can regulate the consumption of water for the most beneficial uses and in the best interest of the public.

This bill requires that no CUP can be issued unless the local government has been given due notice and the opportunity to object to the issuance of the proposed CUP. It also requires that the proposed use of water be consistent with the affected local government's comprehensive plan and that the permit applicant obtain necessary land use and zoning permits.

The subcommittee also heard HB 1069, a water resources bill sponsored by Representative David Russell (R-Brooksville). HB 1069 attempts to enhance the linkage between growth management and available water supplies while addressing the need for increased water conservation, the need for the development of additional alternative water supplies, and the need for increased use of reclaimed water.

In its original form the bill would have hindered development growth in Florida. Representative David Russell (R-Spring Hill) offered a "strike everything" amendment to alleviate some of the business community's concerns, but the bill still has a way to go. Once the bill was amended, it received a favorable vote.

AIF supports comprehensive changes that end unreasonable duplicative and unnecessary programs and reviews in the growth-management process. However, AIF opposes legislation, such as HB 279 and HB 1069 that imposes burdensome growth management restrictions on Florida business and industry under the guise of water or resource protection.

HB 1407, sponsored by Representative Joe Spratt (R-Sebring), also received a favorable vote from the subcommittee.

This bill requires the Department of Environmental Protection (DEP) to inventory all lands owned by the federal government, the state, the water management districts, and local governments on a county-by-county basis. In any county with 50 percent or more of its land owned by the public, DEP would then have to identify all lands in the county purchased using the various conservation trust funds.

The bill also provides conditions under which certain lands must be made available for surplus. It eliminates reversion of state funds for certain land acquisition purposes and requires state agencies and water management districts to prepare and submit to the Department of Revenue requests for certification of payment in lieu of taxes from requesting local governments. The bill also eliminates the 10-year limit on payment in lieu of taxes for each tax loss.

HB 1407 will result in a positive fiscal impact to local governments since many tracts of land will be returned to local ad valorem tax rolls. It will also result in a positive fiscal impact to the state since the proceeds from the sale of surplus lands will flow to the state for future land acquisitions. Some property that may be put back on the property rolls for the local governments will become available for Florida businesses to purchase and appropriately develop.

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.