

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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FROM APRIL 10, 2003

## CONSTITUTIONAL AMENDMENTS

The House Procedures Committee heard HB 437, sponsored by Representatives Randy Johnson (R-Winter Garden) and Ken Littlefield (R-Zephyrhills). This proposed constitutional amendment is one of many that have been introduced this year to address perceived shortcomings in the initiative process for amending the state constitution.

HB 437 seeks to preclude the type of problem the Legislature is now facing with the implementation of the class-size mandate that voters approved last year. The bill will cost taxpayers billions of dollars, the source of which funding lawmakers are now trying to identify. HB 437 was substantially changed today and, in its current form, it would amend the state constitution to require that ballot language for citizen initiatives include a calculation of the cost of the amendment and a specific funding source for program being created.

The controversial nature of the bill is reflected in the 17 to 14 vote on which it passed.

**The people retain the ultimate right to alter or revise the state constitution in accordance with fundamental precepts of democratic rule. AIF supports legislation that strengthens the integrity of the constitutional amending procedures, especially with respect to citizen initiatives.**

## TAXATION

The Senate Appropriations Committee heard and unanimously passed SB 1776, the streamlined sales-and-use-tax bill, sponsored jointly by the committee and a number of different senators. Enactment of this language is a necessary first step to enable Florida to ensure compliance with the sales-and-use tax on purchases by Floridians from Internet retailers and telemarketers based out of state.

The streamlined sales tax project is an effort created by state governments, with input from municipalities and the private sector, to simplify and modernize sales-and-use-tax collection and administration. The project proposes that states change their tax laws to conform to a simplification method that would apply to all sellers.

To view testimony on this issue, please go to <http://www.aif.com/taxmedia.htm>.

**AIF believes that the State of Florida could equalize the treatment of all retail vendors regarding the assessment and collection of state sales tax if a uniform, national collection system is developed. Furthermore, the state treasury would benefit since the use tax, currently levied but not collected on catalog and Internet sales, would be remitted to the state treasury.**

## **PRIVATE PROPERTY RIGHTS**

The House Subcommittee on Local Affairs heard HB 113, sponsored by Representative Jeff Kottkamp (R-Cape Coral), which amends the Bert J. Harris Private Property Rights Protection Act. This bill is designed to correct a circuit court decision that undermined the original intent of the law dealing with certain issues relating to the statute of limitations and sovereign immunity.

Two weeks ago, the subcommittee adopted a controversial amendment that deleted a critical provision to waive sovereign immunity in Harris Act cases. Time expired before a final vote could be taken on the bill, however, which left it before the subcommittee. Today, the subcommittee heard testimony from former Representative Bert Harris about the original intent of this measure that finally passed in 1995 after five years of persistent legislative effort. Subcommittee members were obviously moved by the original sponsor's testimony, whereupon they reconsidered last week's vote on the crucial provision to waive sovereign immunity. The strengthened bill then passed unanimously.

The Senate companion bill, SB 1164, sponsored by Senator Ken Pruitt (R-Port St. Lucie) and Senator Steven Geller (D-Hallandale Beach), was read today a third time on the Senate floor and passed on a 38 to one vote.

It now appears certain that legislation to remedy unforeseen problems with the 1995 Bert Harris Private Property Rights Protection Act will be passed into law this year.

**AIF supports legislation that protects private property rights. The Harris Act provides an avenue for a property owner to take against government overreaching on property rights. Legislative action is necessary to ensure that the Harris Act continues to work to protect Florida citizens and businesses from government over-regulation.**

## **IDENTITY THEFT**

The House Public Safety and Crime Prevention Committee heard HB 1161, sponsored by Representative Leslie Waters (R-St. Petersburg), relating to identity theft and Internet fraud.

Today the committee amended the bill to mirror the Senate's version, SB 2596, sponsored by Senator David Aronberg (D-Fort Myers). This bill provides for penalties of first and second-degree felonies for crimes of identity theft committed under certain circumstances. It also enables Florida consumers to obtain two free credit reports a year.

**AIF supports legislation that will protect consumers and businesses by promoting prevention and prosecution of identity theft and Internet fraud. These crimes cost businesses in Florida hundreds of millions of dollars a year. AIF will also monitor these bills to ensure that they do not impose wasteful or punitive burdens on business.**

## **AIF'S BILL TRACKER**

Over the past several weeks we have provided you with reports on over 75 bills of interest to the business community that are winding their way through a maze of legislative committees. A number of these bills are now ready to be heard in the House and Senate chambers, necessary steps en route to final passage. Unless substantive floor amendments are added to the bills, we will henceforth only report pertinent results of floor action, such as whether the bills passed or failed.

### **SENATE**

SB 1162, by Senator Pruitt (R-Port St. Lucie), revives, re-enacts, and re-adopts provisions relating to the tourism development tax and the Florida Taxpayer's Bill of Rights, which are otherwise scheduled to be repealed on October 1, 2005. The bill passed on a 39 to zero vote.

**AIF supports SB 1162. Tourism is essential to our state's economy. The local-option 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.**

SB 1430, by Senator J.D. Alexander (R-Winter Haven), provides an exemption from the gross receipts tax for natural and manufactured gas under certain circumstances. Today a minor amendment was added on second reading. The bill was ordered engrossed.

**AIF supports legislation that removes taxes on manufacturing processes that act as tariffs and diminish the competitive ability of Florida-made goods.**

Please send your comments or suggestions to us at [aif@aif.com](mailto: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://fbnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.