

ASSOCIATED INDUSTRIES OF FLORIDA
**LEGISLATIVE
DAILY BRIEF**



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CONSTITUTIONAL AMENDMENT REFORMS

Today the Senate Judiciary Committee passed Senate Joint Resolutions 2392, 2394 and 2396 by Senator Jeff Atwater (R - North Palm Beach) and Senator Rod Smith (D - Gainesville). These are the resolutions aimed at reforming the state's constitutional amendment citizen initiative process. SJR 2392 would raise the ratification threshold required to pass an initiative to 60 percent from 50% + 1 percent. SJR 2394 moves the deadline for the Secretary of State to receive certified initiative petition signatures from the supervisors of elections from 91 days before the general election to February 1 of each general election year. SJR 2396 limits the scope of constitutional amendments and revisions that can be placed on the ballot by citizen initiatives to those that are appropriate for inclusion in the Constitution as determined by the Florida Supreme Court.

One major development to surface during today's meeting was an amendment by Senator Jeff Atwater (R-North Palm beach) to SJR 2392. The amendment would provide that the increase to the ratification threshold for citizen initiatives would only apply to those initiatives that qualified after July 16, 2004 at 12:00 PM. Qualified initiatives are those that have passed Supreme Court scrutiny and the Secretary of State has certified the roughly 500,000 signature required to be on the ballot. The original language in the bill set a deadline of June 1st, 2004. The significance of this amendment is that it would allow petition sponsors an additional six weeks to qualify for the 2004 ballot at the 50% + 1 vote threshold. This deadline shift is just two weeks short of the current deadline which is August 31st of any general election year.

The amendment and all three SJRs passed easily through the committee.

Senate Bills 2398, 2400 and 2402 which would authorize a special election to be held concurrently with the August 31, 2004 primary election for the purpose of submitting the above-referenced joint resolutions, also passed through the Senate Judiciary Committee this morning. Support for the special election bills is less enthusiastic than the joint resolutions. Today Senator Lisa Carlton (R - Osprey) indicated her opposition to the special elections with a "no" vote on the bills. Senator Carlton indicated that election issues of this magnitude might best be left to November voters - citing low primary turnout as a major concern. These "special election" bills will ultimately require a 3/4ths "vote of the whole" in both the House and Senate. In practical terms the constitutional language "vote of the whole" means that 30 senators must vote affirmatively and 90 representatives must also vote affirmatively in order to put these constitutional reforms (SJR 2392, 2394, and 2396) on the August 31st primary election ballot.

AIF supports politically viable initiative reforms aimed at facilitating a more responsible process and at protecting the sanctity and supremacy of the state's constitution.

SUBSTITUTE COMMUNICATIONS TAX

The Senate Communications and Public Utilities Committee unanimously passed SB 2322 by Senator Mike Haridopolos (R-Melbourne). This proposed legislation repeals the substitute communications tax currently in law. According to Florida Statutes, a *substitute communications system* is a stand alone system providing its own exclusive communications service rather than having those services provided through a third party communications service dealer. Examples include: two-way radios, two or more computers networked together in an office or household environment, an intercom system, and PDAs if administered through a company rather than a third party service provider.

Less than \$1 million in revenue is currently collected from this tax and no other state in the country has such a tax. The bill now goes to the Senate Comprehensive Planning Committee.

AIF supports legislation to repeal this “new” tax which would harm the ability of businesses in Florida to compete.

OTHER BILLS OF INTEREST:

SB 1492

The Senate Committee on Natural Resources unanimously passed SB 1492 relating to Renewable Energy. This bill provides definitions for “biomass” and “renewable energy” for the first time. It requires all public utilities to continuously offer purchase contracts to producers of renewable energy such as waste-to-energy, landfill gas, solar and ocean energy, and hydroelectric energy to further decrease Florida’s dependency of foreign oil.

SB 482

The Senate Commerce, Economic Opportunities and Consumer Services Committee passed SB 482. Senator Dave Aronberg (D-Greenacres), the bill’s sponsor, described this bill as a “pro-privacy/anti-identity theft” bill. SB 482 provides criminal penalties to any person who deceptively obtains another person’s address, telephone number, or social security number and uses it to engage in commercial solicitation, or provides it to another to use for commercial solicitation. As amended, the bill provides that a person or an entity may not sell or otherwise transfer to a third party, personal customer information that is protected from disclosure by law or contract unless certain conditions are met. The bill also provides a civil penalty for anyone misrepresenting to another that the person is affiliated with a law enforcement agency, firefighting agency, or public utility. In addition, this bill provides that any violation of § 817.568, F.S., criminal use of personal information (identity theft), is also a violation of the Florida Deceptive and Unfair Trade Practices Act.

This bill was adopted as a committee substitute and was reported favorably by a unanimous vote. Its next committee of reference is Senate Judiciary Committee.

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.