

ASSOCIATED INDUSTRIES OF FLORIDA  
**LEGISLATIVE  
DAILY BRIEF**



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**MARCH 28, 2005**

It is with deep sorrow that we announce the passing of Representative David Coley (R-Marianna), a good friend to AIF and the entire business community in Florida. Our thoughts go out to his family and friends during this difficult time. The House canceled most meetings today in order to honor the memory of Representative Coley. On Tuesday, March 29<sup>th</sup> the House Session will open with a memorial service for Representative Coley in the House Chambers.

For more information on the passing of Representative Coley please go to:  
<http://www.myfloridahouse.gov/pressReleasePreview.aspx?id=59>

### **GROWTH MANAGEMENT**

The Senate Community Affairs Committee unanimously passed SB 2302 related to Local Government Land Development Requirements by Senator Mike Bennett (R-Bradenton). This bill codifies case law as it relates to local government assessments and the collection of impact fees. This bill establishes a uniform standard for the collection of impact fees in an effort to rein in the excessive assessments by local governments which drive up the cost of new development in Florida. The bill requires local governments to assess impact fees based on the most recent accurate and relevant data available; the lack of consistent criteria to determine the collection of fees results in unfair and inappropriate fees.

Currently, most local governments collect impact fees to pay for capital improvements based on the impacts of the new development and, then tax these same homeowners via ad valorem taxes to pay twice for the same capital improvements. The bill corrects this disparity by providing for a credit against impact fees paid by the fee payer or property owner, to the local government or other service provider by providing financial relief by means of impact fee credits to homeowners who are also paying local government taxes for the same improvements or services provided by the local government.

The bill also requires that the fees collected be spent to address the impacts the local government incurs or to benefit the new development or fee payor, not in some other jurisdiction of a county which is not remotely impacted by the new development. Currently, some local governments are assessing impact fees based on deficient infrastructure needs within their community which drives up the costs of new homes and unfairly assesses these homeowners to pay for local government backlogs. While AIF supports funding backlog infrastructure, it should not be on the backs of new development.

The Committee adopted several amendments to satisfy municipalities concerns with this legislation and the committee passed the measure unanimously. SB 2302 will be heard next by the Senate Regulated Industries Committee. Representative Donna Clarke (R-Sarasota) is sponsoring the companion measure, HB 1173 which passed the House Growth Management Committee last week.

**AIF supports many of the concepts in SB 2302. As Florida continues to grow by nearly 1000 people per day, we must ensure affordable housing is available for all residents. The wide disparity and inconsistency of collecting impact fees has lead to exorbitant increases in the cost of housing in several areas throughout the state; this bill begins to address these disparities.**

## **OTHER BILLS OF INTEREST:**

### **ETHICS AND ELECTIONS**

The Senate Ethics and Elections committee passed several bills dealing with the electoral process in Florida. The first bill to be passed was Senate Joint Resolution 286 Relating to Open Primary Elections by Senator Dave Aronberg (D-Greenacres). This bill seeks to amend the Florida Constitution to permit all eligible electors, regardless of party affiliation, to cast a ballot in the primary elections if the winner of the primary will be opposed in the general election by a write-in candidate only. Currently in Florida, once a write-in candidate has filed it serves to “close” the primary to all but those members of a party whose candidates are facing a primary. The argument in favor of this Constitutional amendment is that the current system disenfranchises thousands of voters who would like to participate in the electoral process. In addition, many of the write-in candidates are “sham” candidates put solely for the purpose of closing a primary election. Under the current system these write-in candidates are not required to pay a registration fee or collect signatures to be placed on the ballot.

Research by committee staff has shown that average margin of victory by a partisan candidate who comes out victorious in during a primary over a write-in candidate is 99.8 percent. This proposal still allows individuals to run as write-in candidates it just stops the process of closing primaries to only those voters who are registered with the party having the primary. Senator Jim Sebesta (R-St. Petersburg) has an identical bill SB 1934 which also passed during today’s committee meeting. It is expected that both bills will be merged into one during one of the next committee stops.

SJR 286 and SB 1934 will now be heard by the Senate Judiciary Committee.

The committee also passed SB 1268 by Senator Charlie Clary (R-Destin) and SB 1956 by Senator Bill Posey (R-Rockledge) which were combined into one committee bill (SB/CS 1268). These bills seek to permanently repeal the second primary elections. Currently, only 10 states (most of them in the South) hold a second primary or “runoff” election. Florida law requires the holding of three elections in a nine-week period. For the past two election cycles (2002 and 2004), the Legislature temporarily implemented a moratorium on the holding of the second primary. Barring any legislative action, the second primary will return on January 1, 2006. The bill’s sponsor outlined three major problems with having a second primary: 1. the cost associated with organizing and running a second primary, 2. not having enough time in between the first primary and the general election, and 3. low voter turnout.

There was very little debate on the bills and they were quickly passed by a unanimous vote. CS/SB 1268 will now be heard by the Senate Judiciary Committee.

**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://fbnnet.com>
- Send us your E-mail address and we will begin to send this report to you automatically via E-mail.