

ASSOCIATED INDUSTRIES OF FLORIDA

# LEGISLATIVE DAILY BRIEF



P.O. Box 784 • Tallahassee, FL 32302 • Phone: (850) 224-7173 • Fax: (850) 224-6532 • Internet: <http://aif.com> • [fbnnet.com](http://fbnnet.com)

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With a unanimous vote by each Chamber, the House and Senate passed their versions of the state's budget. The Senate will spend \$68.9 billion and the House \$70.8 billion to run the State of Florida and provide education, criminal justice, health care, and other needed services to our citizens. This year, the Legislature had more than \$6 billion additional dollars to spend than originally anticipated. This increase can be attributed to tax revenues being higher than previously estimated by the state's economists. In fact, there is a strong possibility that this figure may even be higher. The major difference between the two budgets can be determined by analyzing how each chamber deals with tax cuts. The House budget has almost \$450 million in tax relief in the form of various tax holidays as well as the repeal of the intangibles tax. The Senate on the other hand is not as generous. The Speaker and Senate President will eventually appoint conference committees to reconcile the differences in the two budgets.

## **LEGAL REFORM**

Law enforcement agencies throughout the state achieved a major victory in the Senate today as a bill that would provide them sovereign immunity in cases involving high-speed pursuits passed the Senate. SB 124 by Senator Bill Posey (R-Rockledge) provides incentives for law enforcement agencies to adopt a standard policy for high speed chase events in order to have immunity from liability for potential injuries to third parties who may be hurt while not directly involved in the pursuit. SB 124 only applies to forcible felonies.

During the debate, Senator Gary Siplin (D-Orlando) offered a series of amendments which would have required every law enforcement agency in the state to provide annual reports to the Senate President, Speaker of the House, and Governor detailing the number of high-speed pursuits, number of injuries, as well as other data relating to these types of pursuits. In addition, Senator Siplin sponsored an amendment which would have required each law enforcement agency in the state to submit in writing their specific policies for high-speed pursuits. The bill's sponsor, Senator Posey, debated against the amendments stating that this would result in increased bureaucracy and high costs because there are over 1,000 law enforcement agencies in the state. He further suggested that if Senator Siplin felt this strongly about his proposals he could sponsor a bill that would implement these requirements. The amendments were ultimately defeated on the floor and the bill unanimously passed the Senate as originally presented.

SB 124's House counterpart, HB 199 by Representative Pat Patterson (R-DeLand), is now in the Judiciary Appropriations Committee.

**AIF strongly supports SB 124. Sovereign immunity for law enforcement agents is part of the overall debate on legal reform. As such, AIF supports changes to the current tort system that will bring about reasonableness, fairness, and predictability.**

### **PRIVATE PROPERTY RIGHTS**

Today, the House of Representatives considered HB 1567, HJR 1569 and HJR 1571 by Representative Marco Rubio (R-Miami) for final passage. Representative Dean Cannon (R-Winter Park) explained that the bills were the work product of the Select Committee to Protect Property Rights. Representative Cannon further explained that HB 1567 prohibits the transfer of property taken under the power of eminent domain unless it is transferred for use by a common carrier; for transportation purposes; for public utilities and infrastructure; or for the provision of services and goods to the public. HB 1567 allows taken property to be transferred to a private entity after the governmental entity has held the property for 5 years and public notice and competitive bidding has occurred. Under this bill, a Community Redevelopment Agency (CRA) can only take property to eradicate an existing threat to health or public safety if certain factors are present. There were no amendments offered today.

Representative Dick Kravitz (R-Orange Park); Representative Dwight Stansel (D-Live Oak); Representative Jack Seiler (D-Pompano Beach); Representative Jeff Kottkamp (R-Cape Coral); Representative Ralph Poppell (R-Titusville); and Representative Arthenia Joyner (D-Tampa), all members of the Select Committee, each spoke in favor of the bill.

HB 1567 received a unanimous vote, 116-0.

Representative Cannon also presented HJR 1569, a bill which essentially takes the substantive protections contained in HB 1567 and places them in a constitutional amendment for approval by the voters in the next general election. Representative Cannon explained that HJR 1569 recognizes that property rights are fundamental rights which should be protected.

Representative Seiler, Representative Joyner, Representative Tim Ryan (D-Dania Beach) and Representative Ron Greenstein (D-Coconut Creek) each spoke against HJR 1569, expressing concern that if certain measures contained in the Joint Resolution prove to be unworkable, the Legislature cannot readily amend the Constitution. Representative Bill Galvano (R-Bradenton), Representative Rich Glorioso (R-Plant City), Representative Everett Rice (R-Indian Shores), Representative Kottkamp, Representative Stansel and Representative Poppell each spoke in favor of the joint resolution describing it as a much needed protection for private property rights.

Representative Frank Attkisson (R-Kissimmee) noted that special interest groups have already had measures placed in the constitution and this proposed amendment merely gives Floridians the power to clarify the constitution with regard to the protection of private property rights.

HJR 1569 passed by a vote of 92-23.

HJR 1571 would allow for the portability of the Constitution's "Save Our Homes" property tax protections in cases where an individual's homestead property is taken by eminent domain. This proposed constitutional amendment also passed today by a unanimous vote of 116-0. These three proposals will now be sent to the Senate for consideration.

**AIF supports all three bills, which were the results of over six months of dialogue by the House Select Committee to Protect Property Rights. These bills ensure that when local government takes private property through eminent domain there are proper limitations and procedures in place to protect the rights of property owners.**

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.

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