



DAILY LEGISLATIVE BRIEF FROM MARCH 5, 2008

The House of Representatives held their first marathon session of the year this afternoon as members considered amendments to HB 7009 - the state budget. Usually, the budget is debated during the final weeks of session, but legislators find themselves having to cut an additional half a billion dollars due to the slumping economy. House Democrats pounded members of the majority for the proposed cuts to education. Tempers flared as emotions got the best of some of the members. Speaker Marco Rubio (R-Miami) was forced to intervene and bring the level of discourse to a more collegial level. The bill was ultimately passed on a strict party line vote.

Tomorrow will be the Senate's turn to debate the budget, and then it will come down to a conference committee made up of a select number of House and Senate members to decide the final outcome.

Economic & Workforce Development

Today, the Senate Education Pre-K-12 committee unanimously passed SB 2308 by Senator Lisa Carlton (R-Osprey), which would reorganize education governance to:

- Restore the Commissioner of Education as an elected official accountable to the voters;
- Restore the elected Commissioner of Education as a member of the State Cabinet;
- Restore the State Board of Education as an elected body, comprised of the Governor and Cabinet, accountable to the voters;
- Revise the membership of the Board of Governors of the State University System from 14 members, serving 7-year terms, to 5 members, serving 4-year terms
- Revise the membership of the university boards of trustees to eliminate the role of the Board of Governors, an appointed body, in appointing members to the university boards of trustees and require the Governor, an elected official, to make the appointments;
- Revise the authority of the Board of Governors to administer the State University System, as provided by law;
- Revise the authority of the university boards of trustees to administer their state universities, as provided by law; and
- Provide a schedule for implementation of the amendment if adopted by the voters.

Regarding the change in governance for K-12 education, there were many education stakeholder groups that waived their time to speak in support of the bill. The Foundation for Florida's Future testified in opposition of the bill citing concerns over removing the educators with great expertise presently serving on the State Board of Education. The committee disagreed and commented that having a cabinet member with laser focus on education would be a better approach. The proposed changes to university governance drew more controversy with Chancellor Rosenberg testifying in opposition to the bill.

The bill will now be heard by the Senate Higher Education Appropriations committee.

AIF will continue to monitor this very important change in education policy. Education governance is an issue that has a direct impact on the quality of our students, their academic success, and the quality of our future workforce.

Infrastructure

The House Environment & Natural Resources Council unanimously approved HB 199 relating to desalination technology by Representative Kurt Kelly (R-Ocala), which would require a joint study to be made by the Secretary of the Department of Environmental Protection (DEP) and the five water management districts to review all current and available desalination technologies. The study must include an analysis of existing desalination projects in the state and make recommendations for a plan to implement desalination technologies that are environmentally and fiscally sound. This will help water management districts determine whether to use desalination projects in the future. The study and plan recommendations must be submitted by June 30, 2009.

Keyna Cory, Chief Lobbyist for AIF, spoke in support of the bill. AIF has placed alternative water supply funding and programs as a priority issue. Water planning and economic development should go hand in hand.

The bill now goes to the House Policy and Budget Council.

Also, the House Environmental and Natural Resources Council approved HB 547 relating to water pollution control by Representative Paige Kreegel (R-Punta Gorda). This legislation will set up a trial water quality credit trading program for the Lower St. Johns River Basin.

According to the staff analysis "Water quality credit trading is a voluntary, market-based approach to promote protection and restoration of Florida's rivers, lakes, streams and estuaries that enhance other voluntary, regulatory and financial assistance programs already in place."

AIF supports this legislation because trading could lead to reduce the costs of pollutant reduction activities to businesses, industries, agriculture, and all taxpayers.

HB 547 will now be considered by the House Policy & Budget Council.

AIF supports full funding of alternative water supply programs and will continue to work with the Florida Water Alliance and the Legislature to ensure that these vital programs are continued.

Energy

The House Energy Committee held a workshop today on this year's energy package. PCB ENRC 01 contains a number of provisions that include many of the recommendations from the Governor's Climate Action Team, the Florida Energy Commission and segments of the omnibus energy bill that passed both the House and Senate last year, but ultimately was vetoed by Governor Crist. At the beginning of the meeting Chairman Paige Kreegel (R-Punta Gorda) informed committee members and those in the audience that his plan was to continue to workshop the very complex bill next week. He expects committee members to propose amendments and finally vote on the bill during week 3 of session before sending the bill to the Environment and Natural Resources Council.

Some of the bill's provisions discussed during today's meeting of interest to the business community include:

- **Sales, Rental, Use, Consumption, Distribution and Storage Tax Exemption for Renewable Energy Technologies:** revises the definition of "ethanol" to mean those fuels produced by conversion of carbohydrates rather than produce by the fermentation of plant sugars; this new definition would allow the inclusion of "cellulosic ethanol." Cellulose is the structural material that comprises much of the mass of plants.
- **Renewable Energy Technologies Investment Tax Credit:** authorizes companies or entities that receive a tax credit for the purchase or installation of a renewable energy technology to sell this tax credit if they don't have a use for it.
- **Energy Conservation and Sustainable Buildings:** establishes intent language relating to the need to build energy-efficient, state-owned buildings that meet environmental standards using sustainable materials.
- **Climate Friendly Public Business:** requires the Department of Management Services to develop a "Florida Climate Friendly Preferred Products List" and provides that when procuring new vehicles, state entities shall select the vehicle with the highest fuel efficiency available.

AIF and its Florida Energy Council recognize the importance energy plays in keeping Florida's economy healthy and vibrant. Any recommendations considered in the formation of Florida's energy policy should allow for reasonable implementation, should support efficiencies and should ensure that undue mandates and costs are not placed on Florida's businesses and consumers, thereby creating a unilateral economic disparity. Florida should ensure that every effort is made to undertake a balanced approach that avoids unrealistic requirements on energy producers and suppliers.

Business Regulation

Today the House Council on Environmental and Natural Resources, Chaired by Representative Stan Mayfield (R-Vero Beach), heard a bill important to AIF and our efforts to help stimulate the economy.

HB 147 Relating to Expedited Permitting Process for Economic Development Projects by Representative Rob Schenck (R-Spring Hill) requires the state Department of Environmental Protection (DEP) and water management districts to create a thirty-day expedited permitting process for businesses that have been identified as a target industry business by the state Office of Tourism, Trade and Economic Development. HB 147 was filed to help assist businesses through the often frustrating task of getting wetland or storm water permits.

Several Democrats on the council expressed concern over various portions of the bill, mostly concerned with the 30 day requirement of DEP to approve or deny an application. Staff from the state's water management districts testified that in fact the 30 day deadline was probably too difficult to adhere to and rather a 45 day deadline was more appropriate. Chairman Mayfield temporarily postponed the measure and asked that Representative Schenck work out the issues with the various interested parties involved.

After huddling in the back of the committee room and agreeing to a compromise, Representative Schenck offered an amendment that was approved by the council establishing DEP and water management districts' timeline to a 45 day approval process. This amendment will allow DEP and the water management districts the ability to appropriately review and approve or deny permits, while maintaining a responsible response time to businesses looking to locate in an area and create jobs. The bill passed the council with only Representative Scott Randolph (D-Orlando) voting against the compromise measure. The bill now goes to the House Policy and Budget Committee before heading to the House floor.

AIF supports legislation aimed at improving the permitting process for existing businesses in Florida and for those companies looking to invest in our state. Any legislation that helps this process will have a dramatic effect on helping to stimulate our economy.

Secondary Metal Theft

Homeland Security and Public Safety committee Chair, Representative Sandy Adams (R-Oviedo), turned the Chair over to Vice Chair, Representative William Snyder (R-Stuart), and the Committee took up HB 799, which passed unanimously today.

Chairperson Adams explained that the bill provides that a person who knowingly and intentionally takes copper or other nonferrous metals from a utility or communications service provider commits a first degree felony if the theft damages, interrupts or interferes with the facilities or service of a utility or communications service provider.

Vice Chairman Snyder asked if the service was not interrupted because the company fixed it in time. Chairperson Adams said it had to interrupt damage or interfere to be the first degree felony.

Representative Jennifer Carroll (R-Jacksonville) and Representative Luis Garcia (D-Miami) commended Chairperson Adams on such an important and good bill.

HB 799 will now be considered by the House Safety & Security Council.

AIF supports this bill because the theft of copper has increased dramatically and affects the basic services that businesses use to conduct their commerce.