



DAILY LEGISLATIVE BRIEF FROM APRIL 9, 2008

Today's headline was the passage of HB 503, otherwise known as the "Guns in the Workplace" bill by the Senate after very little debate. The bill was immediately certified and signed by the officers in both chambers and sent to the Governor for his signature. AIF and the majority of the business community have opposed this bill throughout this year's session, but legislative leadership was determined to deal with the issue once and for all. As passed, the bill only applies to employees who hold a valid concealed weapon permit.

In addition, both the House and Senate spent long hours debating the budget. All sorts of amendments were introduced on the floor of both chambers that would either take money from one area to fund another or propose wild ideas for generating revenue. For example, Senator Steve Geller (D-Hallandale Beach) sponsored several amendments that were the subject of a bill by Senator Ted Deutch (D-Delray Beach) which would bring back the unitary tax in Florida. Luckily, these very bad amendments were defeated. In the House, amendments were adopted which removed subsidies to all of Florida's major sport franchises totaling \$20 million dollars and reduced legislators' salaries by 2.5 percent. Both the House and Senate are now ready for a final vote on the budget.

Guns in the Workplace

The Senate passed HB 503, the "Guns in the Workplace" bill by Representative Greg Evers (R-Milton) by a 26-13 vote today. The bill prohibits employers from restricting employees, who hold a valid concealed weapon permit, from keeping their gun locked inside a car.

There were no amendments to the bill and very few questions were taken before the vote. Senator Ted Deutch (D-Delray Beach) reiterated to the Senate members that the bill lacked language covering daycares, nursing homes, and even restrictions concerning assault weapons. He also cited statistics that 60 percent of employers had experienced threats from disgruntled employees warning that they were going to harm members of management. Senator Arthenia Joyner (D-Tampa) also reminded the members of a similar bill that was voted down around this time last year, which she attributed to a tragic college shooting incident (Virginia Tech University).

Votes on HB 503 were divided mostly along party lines, with Senator Mandy Dawson (D-Ft. Lauderdale) as the lone Democrat voting for the bill. The bill was immediately signed by the officers and presented to Governor Crist for his consideration. The Governor must act on this bill by April 16th, 2008.

AIF opposes legislation that prohibits businesses from enforcing or maintaining policies that ban guns in the workplace. Employers should be allowed to establish these types of policies and exert their rights as property owners. Maintaining a safe work environment is paramount for the longevity of any employer in Florida.

Taxation

The House Government Efficiency and Accountability Council unanimously passed HB 909 Relating to Value Adjustment Boards (VAB) by Representative Peter Nehr (R-Tarpon Springs). Representative Nehr offered a strike-everything amendment to the bill that implemented the Auditor General's County Value Adjustment Boards performance audit that took place between July 2003 and June 2004 and was reported on in July 2005.

In addition to the changes from the audit, the substitute amendment also changes the composition of the VABs and allows for a refund of the filing fee if the taxpayer prevails. It also implements six of the audit recommendations, which will make the process much fairer for taxpayers. Based on 2006 reports by 45 of 67 county VABs, the denial rate is still very high at 87%. Representative Nehr further explained that these changes should aid in bringing that rate down. In addition, the substitute amendment expresses the legislative intent that a taxpayer shall never have the burden of proving that the property appraiser's assessment is not supported by any reasonable hypothesis.

Frank Meiners testified in support of the bill as amended on behalf of AIF.

HB 909 will now be considered on the House floor. HB 909's Senate companion, SB 2080 by Senator Mike Haridopolos (R-Melbourne), was scheduled to be heard during the Senate Community Affairs Committee, but was not considered due to time constraints.

AIF supports this bill because it contains improvements favorable to the taxpayer when contesting the property appraiser's value of the taxpayer's property. The changes to existing law will give AIF members a more level playing field when going before the VAB. The changes made at the last Council of legislative intent on "any reasonable hypothesis" are of tremendous value to taxpayers.

The Council then passed HJR 949 Relating to Maximum Ad Valorem Tax Limitation; Voter-Approved Exception by Representative Carlos Lopez-Cantera (R-Miami) on a 13-3 vote. The resolution is the same as a current citizen initiative that has collected approximately 100,000 signatures as of this date. The proposal caps the amount of property taxes at 1.35 percent of the highest taxable value of a property.

The three no votes on the resolution were from Representatives Joe Gibbons (D-Pembroke Park), Matt Meadows (D-Lauderhill) and Geraldine Thompson (D-Orlando). The debate was extensive with the above three participating along with Representatives Franklin Sands (D-Plantation), Darren Soto (D-Orlando), Greg Evers (R-Milton), Julio Robaina (R-Miami) and Ed Homan (R-Temple Terrace).

HB 949 will now be considered by the House Policy & Budget Council. HB 949's Senate Companion, SB 2190 by Senator Michael Bennett (R-Bradenton), passed the Senate Community Affairs Committee on a 7-3 vote and will now be considered by the Senate Finance & Tax Committee.

AIF has not taken an official position on this proposal. Although the property tax savings would be significant for employers, the unintended consequences on local government must be considered.

Finally, the Council considered proposed council bill GEAC 25, which Chairman Frank Attkisson (R-Kissimmee) explained establishes a cap on state and local revenues to population and inflation plus 1% with a base year of fiscal year 2007-2008. If approved by the voters, the amendment would take effect on January 6, 2009 and will first apply to the 2009-2010 fiscal year.

Representatives Adam Hasner (R-Delray Beach), Franklin Sands, Joe Gibbons, Matt Meadows and Carl Domino questioned and debated the issue. GEAC 25 ultimately passed with four no votes by Representatives Gibbons, Meadows, Sands and Thompson and will now be considered by the House Policy & Budget Council.

AIF has not taken an official position on this proposal as of this date.

Infrastructure

The Senate Environmental Preservation and Conservation Committee considered SB 2406 Relating to Aggregate Mining by Senator Mike Bennett (R-Bradenton). The bill contained a strike-everything amendment to make it identical to proposed committee bill ENRC 13. The bill was debated at length and then temporarily passed until next week, to allow the bill's sponsor to work with interested parties in an effort to implement language acceptable to all. The bill would prohibit local governments from duplicating regulatory requirements required by Department of Environmental Protection, while preserving a local governments right to apply all other regulations. Local government representatives expressed their opposition to this provision, and the committee members were split.

ENRC 13 was also temporarily passed, but is scheduled to be considered by the House Environment & Natural Resources Council on Friday, April 11th.

A similar proposal, SB 774 Relating to Transportation/Construction Aggregate Materials by Senator Carey Baker (R-Eustis), was passed by the Senate Community Affairs Committee. The bill's key feature is a requirement that a local government may deny a mining permit only on a super majority vote of the governing body.

SB 774 will now be considered by the Senate Transportation and Economic Development Appropriations Committee.

AIF supports efforts by the Legislature to develop new supplies of aggregate and to do whatever possible to expedite the availability of aggregate where available. Producing aggregate and constructing roads provides jobs and supports the development of a healthy and competitive construction industry.

The Community Affairs Committee also unanimously passed SB 474 Relating to Growth Management by Senator Rudy Garcia (R-Hialeah). The bill contains provisions regarding prohibitions on infrastructure spending in coastal areas, a new concurrency

provision for urban areas, as well as a host of "clean-up" provisions for the current Growth Management Act. The bill will require substantial work to make it like recent drafts of its House companion or what many Senators have said they expect out of the legislation; it has a long way to go and will require many amendments to appease both these tasks. During the meeting Department of Community Affairs (DCA) Secretary Tom Pelham testified that his agency would not be able to support the bill if any amendments were added to the bill. This caused great concerns for members of the Committee who begrudgingly withdrew a number of amendments. The bill's sponsor, Senator Garcia, even stated that he would "pull the bill" if he thought the provisions currently proposed by the DCA would hurt Florida's economy.

SB 474 will now be considered by the Senate Transportation and Economic Development Appropriations Committee.

AIF supports legislative proposals that would build on gains made last year in growth management legislation. The reform of growth management laws is important to employers because they have the potential to impact the construction of roads, schools, and water projects, which are essential to economic development.

Economic Development

The House Environment & Natural Resources Council unanimously passed HB 179 Relating to Placement of Vessels in State or Federal Waters Seaward of the State to Form Artificial Reefs by Representative Doug Holder (R-Sarasota). HB 179 would create the "Ships 2 Reefs" program, a matching grant program whereby, the state of Florida partners with local governments, the federal government and private entities in providing for funds needed to participate in the sinking of decommissioned naval vessels as a tourist attraction off the coasts of Florida. This great bill would utilize our state's largest natural resources, our oceans, for economic development. The grant program, estimated to cost approximately \$2 million to the state, would be administered by the Fish and Wildlife Conservation Commission and may be used for the reconditioning, towing and sinking of such vessels.

As reported earlier, the USS Oriskany was sunk off the coast of Pensacola in 2006 for the purpose of spurring economic development in the Gulf region. The sinking and subsequent use of this ship generated an estimated \$2 million in economic activity to Escambia County alone and a total of \$3.6 million for the region, creating almost 67 new jobs. As many as 34 of Florida's 35 coastal counties have participated in artificial reef programs. These important bills will provide a mechanism for local governments to apply for funds to continue this trend.

Several council members thanked Representative Holder for bringing the issue forward. HB 179 will now be considered by the House Policy & Budget Council.

HB 179's Senate companion, SB 432 by Senator Mike Bennett (R-Bradenton) was supposed to be heard today by the Senate Community Affairs Committee, but due to lengthy debate surrounding other bills the committee meeting ended before it was heard. We believe that the bill will be placed on the agenda for next week's Community Affairs Committee meeting.

AIF fully supports these two bills. As the committee process begins to wind down in the 2008 Session, we will encourage the Legislature to consider all pieces of legislation that will help create economic clusters of activity. We applaud Representative Holder and Senator Bennett for utilizing Florida's greatest natural resource in their efforts.

The Senate Governmental Operations Committee unanimously passed SB 1120 Relating to Research Commercialization Matching Grant Program by Senator Don Gaetz (R-Ft. Walton Beach). SB 1120 assists small or start up companies in their quest to realize economic viability in the commercial market. Senator Gaetz reduced the appropriations for the program in SB 1120 from \$5 million to \$4 million to match the amount designated in its companion bill. SB 1120's companion, HB 593 by Representative Steve Precourt (R-Winter Garden), unanimously passed the House Economic Expansion & Infrastructure Council yesterday.

AIF supports this legislation because it allows certain companies that are located within in Florida to receive state assistance and continue their plight to economic prosperity. AIF believes that these important pieces of legislation address the concerns of many economists who profess that many good concepts don't always become an economic reality because of the lack of capital in their infancy stages. In SB 1120, eligible companies must be legitimate and credible, and must already be in the process of applying or qualifying for federal funds under the Small Business Innovation Research Program or the Small Business Technology Transfer Program. The passage of these bills is important to AIF and we will continue to support them though the legislative process.

AIF strongly supports the Legislature's efforts to energize Florida's economy by way of tax incentives, business development credits and various other businesses incentives for existing Florida businesses and new research institutes looking to expand in Florida.

Legal & Judicial

The House Government Efficiency and Accountability Council unanimously passed proposed committee bill GEAC 08-13, which deals with the Administrative Procedures Act. Similar language was passed during the 2007 Session, but unfortunately was vetoed by Governor Charlie Crist. This bill implements the recommendations of the Joint Administrative and Procedures Committee (JAPC) arising from their review of state agency utilization of "unadopted" rules. It also provides additional incentives for state agencies to undergo rule adoption and implementation procedures when authority for such is granted by statute.

AIF has worked closely with the Governor's Office to make sure this year the bill will not be vetoed.

AIF supports this proposal since it provides additional incentives for agencies to adopt their policies using the required rulemaking process. Businesses use the APA on a daily basis when interacting with state government. Any improvements to the Act are welcomed by the business community.