



DAILY BRIEF

From March 23, 2009

Week four is officially underway and a number of AIF's priority legislation is scheduled to see action this week. Two House committees held meetings today, while the Senate was off for a travel day. Tuesday will bring yet another long day of committee meetings in both chambers.

For a complete recap of last week and what to expect in the near future, please check out the latest version of **AIFTV**, Associated Industries of Florida's weekly internet video program.

Business Regulation

Today, the House Policy Council unanimously approved HB 73 Relating to Expedited Permitting Process for Economic Development Projects by Representative Robert Schenck (R-Springhill).

For the second straight year AIF has worked with Representative Schenck on this piece of legislation, which is crafted to curb the wait time for businesses to receive approval or denial from the Department of Environmental Protection (DEP) or regional Water Management Districts. Current law states that the reviewing body has up to 90 days to approve or deny certain environmental related applications. This legislation would cut that wait time in half (45 days) for economic development projects defined as a "Targeted Business" for the region, and implement a process by which a mandatory pre-application meeting to review the paperwork is completed prior to the 45 day clock beginning. Additionally, the bill requires local governments to grant approval for this expedited process by passing a resolution stating that the local government supported the expedited permitting process for the project.

This legislation is a compromise by the bill sponsor, DEP and the Water Management Districts, all of which have stood in committees and supported the measure this session. AIF has been out in front on this issue and has included it in our ***Economic Stimulus Package 2.0 (ESP 2.0)*** as a top priority in finding ways that the state can help stimulate the economy through reduced regulation.

Stephen Shiver, AIF's lead consultant on the issue, was in committee today and stood in support of the measure as well as the bill sponsor.

HB 73 next moves to the floor to be considered by all 120 members of the Florida House. HB 73's companion, SB 852 by Senator Mike Fasano (R- New Port Ritchey), will next be considered by the Senate Environmental Preservation and Conservation Committee tomorrow afternoon.

AIF SUPPORTS legislation aimed at improving the permitting process for existing businesses in Florida and for those companies looking to invest in our state.

Legal & Judicial

The House Policy Council passed HB 215 Relating to Contingency Fees for Attorneys Hired by the Attorney General by Representative Erik Eisnaugle (R-Orlando) by a 17 to 7 vote, which was mainly on party lines. The bill provides for great transparency and accountability in the hiring of outside attorneys by the Attorney General and the Department of Legal Affairs. The bill prohibits the Department of Legal Affairs from entering into a contingency fee contract with a private attorney unless the Attorney General (AG) makes a written determination before entering such contract that contingency fee representation is both cost-effective and in the public interest. This bill requires the AG to request proposals from private attorneys to represent the Department on a contingency fee basis and requires attorneys to keep time records in increments of no greater than one-tenth of an hour. This bill prohibits contingency fee contracts entered into by the Department to exceed an aggregate contingency fee in excess of specified amounts. This bill prohibits a total aggregate contingency fee in excess of \$50 million, except when the AG determines, upon consultation with the Cabinet, that there are exigent or unusual circumstances or special legal knowledge or experience is required, and provides written evidence of this. Lastly, this bill requires copies of executed contingency fee agreements, as well as payment of contingency fees, to be posted on the Department's website.

An amendment was adopted, which re-inserted language that was taken out at the previous committee stop dealing with the \$50 million cap on attorney fees. Democratic committee members argued that this bill was a "solution looking for a problem" and that currently nothing precluded the Attorney General from taking these policy positions. The bill's sponsor, Representative Eisnaugle, countered by arguing that it was good public policy for the provisions in this bill to be codified in statute.

The bill will now be considered on the Floor of the House of Representatives.

AIF SUPPORTS efforts to add transparency and accountability in the hiring of outside counsel by the Attorney General's office. This practice will ensure that tax dollars will be wisely spent and not wasted on costly attorney's fees.

Water

Today, the House Full Appropriations Council on General Government and Health Care unanimously approved HB 7059 Relating to Trust Funds/Re-creation/Water Protection Sustainability Program Trust Fund/DEP by Representative Ralph Poppell (R-Titusville). This measure aims to recreate the Water Protection and Sustainability Program Trust Fund (WPSTF). If not re-enacted, the trust fund would terminate on July 1, 2009. This trust fund receives its money from a portion of doc stamp revenues and was created to fund alternative water supply, the total maximum daily load program, and the Disadvantaged Small Community Wastewater Grant Program.

HB 7059 next moves to the floor to be considered by all 120 members of the Florida House.

AIF supports efforts to reinstate the annual state funding for alternative water supply development and water quality improvements funding. The recreation of the WPSTF is the first step and now we need to find the funding for it.