



# DAILY BRIEF

**From March 18, 2009**

Wednesday's *Daily Brief* includes updates on a number of AIF priorities including efforts to protect the **secret ballot process** for employees, increased **high school graduation standards**, **affordable housing**, **reforms to the petition gathering process**, and much more.

The appropriations committees in both the House and Senate will be back in action on Thursday as legislators continue to work on the budget. In addition, the Senate Ways and Means Committee will be considered SB 360 Relating to Growth Management by Senator Mike Bennett (R-Bradenton) tomorrow. This AIF priority bill makes some much needed changes to Florida's growth management laws and streamlines a number of government regulations in order to entice economic activity in Florida.

## **Card Check**

Legislation that would place a proposed constitutional amendment before voters in 2010 that would protect secret ballot elections for determining union representation progressed in both the House and Senate today. The Senate Ethics and Elections Committee passed Senate Joint Resolution 1908 Relating to Guaranteeing the Right to Vote by Secret Ballot by Senator Garret Richter (R-Naples) by a 6 to 3 vote. The bill proposes the creation of Section 28 of Article I of the Florida Constitution to provide that voting by secret ballot is a fundamental right of all individuals. The proposed constitutional amendment provides that the right of individuals to vote by secret ballot is guaranteed where local, state, or federal law requires elections for public office, requires public votes on initiatives or referenda, or requires designations or authorizations of employee representation. Currently, the U.S. Congress is debating.

Representatives from the business community including AIF were on hand to testify in support of the joint resolution. SJR 1908 will now be considered by the Senate Judiciary Committee. Its House companion, HJR 1013 by House Majority Leader Adam Hasner (R-Delray Beach) passed its final committee of reference – the House Policy Council – and is now ready to be considered on the floor of the House.

Both bills are a top priority for AIF as they provided Floridians the opportunity to vote in favor of protecting the right to a secret ballot. Without this legislation and with the potential passage of the federal Employer Free Choice Act or EFCA, employees in Florida will be subject to intense pressure and harassment from union bosses to sign pledge cards in support of union representation.

AIF supports these measures and their efforts to protect the secret ballot process in Florida. Passage of this proposed constitutional amendment will allow voters in Florida to decide whether they want to enshrine the use of secret ballots in elections in our state's top document.

## Education

Today, the House PreK-12 Committee passed HB 1293 Relating to High School Graduation by Representative Erik Fresen (R-Miami). The bill creates the 21<sup>st</sup> Century Diploma Initiative, which raises high school graduation standards to ensure Florida's students are prepared to enter the increasingly competitive global economy.

The initiative raises the bar on math and science requirements for high school graduation, requires students to achieve a grade-level score on the 10th grade FCAT, and aligns requirements for the Bright Futures Scholarship Program with new graduation requirements. AIF's top education priority this session is the passage of this bill.

HB 1293 will next be considered by the House Education Policy Council.

**AIF strongly supports increased standards for high school graduation so that students will graduate from high school ready for college and work. This bill increases the value of a Florida high school diploma – for businesses, for colleges, and most importantly, for the students of Florida.**

## Ethics & Elections

The House Governmental Affairs Policy Committee passed HB 497 Relating to Paid Petition Circulators by Representative Chris Dorworth (R-Heathrow) by a 9 to 3 vote. The bill addresses the process by which citizens may propose amendments to the state constitution, particularly the procedures involving signature-gathering by paid petition circulators and expressly prohibits:

- A paid petition circulator from collecting petitions in Florida without first registering with the Department.
- Anyone from paying or providing other valuable consideration to a petition circulator who is not registered with the Department.
- A paid petition circulator from continuing to perform any duties permitted under the bill if any of the requirements for registration can no longer be satisfied.
- Registrants from circulating petition forms until the forms have been registered with the Department.

In addition, the bill specifies that a person cannot engage in the activities as a paid petition circulator nor be registered with the Department as a paid petition circulator unless the person:

- Has registered with the Department as prescribed in law and rule, including completion of training;
- Is a legal resident of this state for purposes of s. 97.041(1)(a)3., F.S.;
- Certifies under penalty of perjury that he or she has not been convicted of a criminal offense in Florida or any other state or under federal law involving fraud, deceit, forgery, perjury, or identity theft within 5 years preceding the date of application; and
- Does not receive compensation based upon the number of initiative petition signatures obtained.

Democratic committee members expressed several concerns regarding the bill, mainly that the provisions in the bill were unconstitutional due to potential questions surrounding the right to free speech. Representative Dorworth argued that he was not concerned with the constitutionality of the bill.

John French, AIF's Special Counsel on Elections, testified in support of the bill based on his many years of experience in the ballot initiative arena. He argued in favor of the bill's registration requirements because of the rampant fraud and use of mercenary paid petition gatherers who will use any tactic to meet their signature quotas.

HB 497 will now be considered by the House Civil Justice & Courts Policy Committee.

**AIF supports legislation that would bring about increased accountability for paid petition signature gatherers.**

### **Affordable Housing**

Today, the House Military and Local Affairs Policy Committee unanimously approved HB 161 Relating to Affordable Housing by Representative Gary Aubuchon (R-Cape Coral). This bill has been proclaimed as the affordable housing package for the 2009 session. It is the companion to SB 1040, which passed the Senate Community Affairs Committee on Tuesday, March 17<sup>th</sup>. Some of the bills highlights include provisions:

- Defining "moderate rehabilitation" for the Florida Housing Finance Corporation (FHFC);
- Developing criterion of preference for Florida builders;
- Incorporating energy efficiency standards for SAIL funding; and
- Requiring certain entities to plan and implement strategies to address and increase housing opportunities for youth transitioning from the child welfare system.

A number of organizations were in support of the bill, including the Florida League of Cities, the Florida Homebuilders Association, Florida Housing Finance Corporation, and the Public Housing Agency.

The committee also unanimously approved HB 267 Relating to Affordable Housing by Representative Keith Fitzgerald (D-Sarasota). This bill seeks to clarify language regarding taxation of Community Land Trusts. Currently, land trusts are being taxed at full value. The bill would require that assessments be based on the land lease value.

There was no opposition and no amendments were proposed. The Florida Association of Realtors, Florida Housing Finance Corporation, and the Florida League of Cities each were in support of the bill.

**AIF supports this legislation because it creates sustainable affordable housing for Florida's workforce, while correctly addressing the issue created in assessing property taxes.**

## **Court Funding**

Today, the Senate Judiciary Committee unanimously passed SB 2108 Relating to Court Related Transfer/Fee Disposition by Senator Ken Pruitt (R-Port St. Lucie). This bill seeks to alter the responsibilities and funding arrangements between the court system and the clerks of court.

The committee adopted a strike all amendment, offered by Senator Pruitt, which removes many of the bill's controversial elements. The bill as passed does not transfer various clerk functions to the courts. It requires the Office of Program Policy and Government Analysis (OPPAGA) to determine if cost savings could be generated if some of the record keeping and other court-related duties currently performed by the clerks were transferred to the courts.

The bill also gives the Legislature the same budget oversight authority over the clerks' budgets regarding their court-related functions that it currently has over the courts, public defenders, state attorneys, and all other state agencies that receive substantial state funds. It also redirects certain traffic and criminal fines from the court system trust fund to general revenue. This will eliminate any appearance of "cash register justice" or judges benefiting directly from imposing fines.

SB 2108 will next be considered by the Senate Finance and Tax Committee.

**AIF strongly encourages the Florida Legislature to fund the court system adequately and swiftly at a level equivalent to the judiciary's status as the third equal branch of government.**

## **Health Care**

Today, the House Health Care Services Policy Committee unanimously approved HB 89 Relating to Autism by Representative Steve Precourt (R-Winter Garden). The bill would require physicians to refer any child that exhibits symptoms of Autism to a specialist.

The committee passed an amendment, offered by Representative Ronald "Doc" Renuart (R-Ponte Vedra Beach), which requires the primary care physician to do an examination before making a referral, as well as allow parents direct access to a specialist.

The Florida Association of Health Plans supported the original bill, but has concerns about the current version.

HB 89 will next be considered by the House Insurance, Business & Financial Affairs Policy Committee.

**AIF consistently opposes additional health insurance mandates because of their impact on the price of health care premiums for employers. We are carefully monitoring HB 89 and look forward to working with the bill sponsor on finding ways to achieve the intent of the bill without imposing another mandate for health plans to cover.**

## Information Technology

Today, the Senate Governmental Oversight and Accountability Committee unanimously approved SB 2694 Relating to State Financial Matters by Senator JD Alexander (R-Winter Haven). The bill was designed to strengthen the Legislature's authority over agencies contracting that effects state budgets. The bill's sponsor gave examples of contracts that various agencies had entered into, which ultimately cost the state substantial sums of money due to the provisions that the bill will prohibit.

The bill specifies that the Legislature must grant specific authority in General Appropriations Act before an agency may make transfers. It further provides that an agency may not enter into a contract that obligates the state to pay liquidated damages resulting from a breach or early termination by the agency unless the Legislature authorizes it; requires the state to pay interest to another party because the agency has insufficient budget to pay the underlying obligation; and binds the state to make future-year payments to offset payments not made in the current year unless the Legislature authorizes it.

Senator Alexander stated that the bill provides for agencies to report to the Governor, Senate President and Speaker of the House 30 days before entering into a contract for more than \$5 million in any fiscal year and for other specific type of contracts.

Senator Jim King (R-Jacksonville) asked if an agency entered into a contract with a vendor for a project that the agency later decided not to continue with, could the agency cancel that contract? Senator Alexander replied that unless the appropriations for the project were required by the Legislature, they could.

Senator Jeremy Ring (D-Margate) expressed concern for the effect these provisions may have on the state's ability to get vendors to contract with the state, unless they cover the possible risks by charging more. Senator Alexander responded that they had anticipated that, but it could not be more than the bad contracts have cost the state. He felt that this was a trade off.

Frank Meiners, on behalf of AIF, testified that while AIF understands the frustration the Legislature must have for controlling the budget; this bill would create contract instability, increase burdens on an already complex and over regulated process, and discourage most vendors from doing business with the state. He offered to work with Senator Alexander on making changes to mitigate these impacts.

Michael Briggs, with EMC Corporation, also testified as the legislative Chair of the AIF IT Council. He stated that vendors were being asked to help the state with the data consolidation system by providing services, at a low cost now for future adequate payments, in order to speed up the conversion so the state could experience the cost avoidance of the many data centers it currently has. This bill would prohibit that.

Senator Ring made a final comment that this bill was a hard bill to vote against, but it was also a hard bill to vote for. Overall, he said he would vote for the measure.

SB 2694 will next be considered by the Senate Policy & Steering Committee on Ways and Means.

**AIF opposes this bill because it severely restricts the private sector from doing business with the state by having such punitive provisions on contracting.**

### **Economic Development**

The House Economic Development Policy Committee unanimously passed House Memorial 1483 Relating to the United States-Colombia Free Trade Agreement by Representative Juan Zapata (R-Miami). House Memorial 1483 urges the United States Congress to support the establishment of a free trade agreement between the United States and Colombia and requires delivery of the Memorial to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the Florida delegation to the United States Congress.

The pending approval of this free-trade agreement is dependent upon prompt action by members of congress. The Florida legislature should send a strong message of support for this very important free trade agreement. In addition to helping our friends abroad, this agreement will significantly aid both national and Florida economies at a time an economic boost is greatly needed. Florida's 14 deep water ports would see an influx of commerce with our proximity to Colombia and this opportunity can not be overlooked. Colombia is one of Florida's top trade partners and thus legislators should do everything in their power to advocate for the approval of this agreement.

**AIF strongly supports HM 1483 and applauds Representative Zapata for his commitment to this issue. Exports out of Florida are one of the few bright spots in our state's economy and approval by the US Congress of this free trade agreement would be an instant boost for business in Florida.**