



WEEKLY BRIEF

From the Week of March 15 – 19, 2010

In this week's edition of AIF's *Weekly Report* we bring you up to speed on all the recent developments regarding the top business issues we are following this session. The budget process continues to move on as a number of appropriation committees met on Friday to consider budget proposals. Also meeting on Friday was the House Select Council on Strategic and Economic Planning. Council members are in the process of wrapping up their hearings on the potential of opening up Florida's territorial waters to oil and natural gas exploration – a proposal strongly endorsed by AIF.

Also of note this week, legislation that would dramatically alter the make-up of the Department of Management Service (DMS) was passed by the Senate Government. SB 1238 takes a different approach to the business of government and attempts to reorganize the DMS. The bill renames DMS as the Department of Personnel Management, and places it under the Governor and Cabinet. The Department would retain all functions related to Human Resource Management, Insurance Benefits Administration, and Retirement Benefits Administration. All other DMS duties and functions would be moved to several other agencies such as the Executive Office of the Governor, The Department of Environmental Protection, Department of Financial Services and the Department of Law Enforcement. The bill also transfers trust funds that were previously administered by the Department of Management Services. This legislation has garnered a lot of attention and talk around the halls and in the media. Associated Industries of Florida continues to monitor this overhaul of a very large and complex agency. AIF is very interested in the approach and the outcomes as it may portend a new way to do business in Tallahassee.

Legal & Judicial

On Thursday, March 18th the Florida House of Representatives overwhelmingly passed HB 689 Relating to Negligence by Representative Gary Aubuchon (R-Cape Coral) that addresses litigation procedures in slip and fall cases resulting from injuries at a Florida business establishment. The bill requires the plaintiff to prove that the employer had constructive knowledge of any alleged condition on its premises that caused the injury.

Representative Aubuchon explained how important this bill is to Florida businesses since our litigation costs over these types of cases have been over 60% greater than those borne by businesses in our neighboring (and competitive) states within the past decade. The bill passed by a vote of 110-2 with Representatives Adam Fetterman (D-Pt. St. Lucie) and Mark Pafford (D-West Palm Beach) voting against the bill. The Senate version of this important legislation, SB 1224 by Senator Andy Gardiner (R-Orlando) was also passed favorably by the Senate Judiciary Committee on Thursday, March 18th by a vote of 5-4.

HB 689 will be referred to the Senate to be heard by its members. Its senate counterpart, SB 1224, is slated to be heard by the Senate Policy and Steering Committee on Ways and Means, the bill's last stop before being considered on the Senate floor.

AIF SUPPORTS legislation which protects business owners from costly and frivolous litigation. As such, AIF commends Representative Eisnaugle and Senator Gardiner for bringing forward this important legislation.

During the House session held on Thursday, March 18th members passed yet another bill that creates legal reform in Florida by a vote of 71-40. HB 437 Relating to Contingency Fee Agreements Between the Department of Legal Affairs and Private Attorneys by Representative Eric Eisnaugle (R-Orlando) limits the amount of a contingency attorney fee that can be paid when the Florida Attorney General hires outside counsel. The bill sets this cap at \$50 million plus costs and filing fees. Nicknamed TPAC, otherwise known as Transparency in Private Attorney Contracting, this legislation will ensure tax dollars are wisely spent and not wasted on costly attorney's fees.

HB 437 will now be referred to the Senate to be heard by its members.

An identical bill has been filed in the Senate, SB 712 by Senator John Thrasher (R-Jacksonville), and is waiting to be heard in the Senate Policy and Steering Committee on Ways and Means.

AIF SUPPORTS efforts to add transparency and accountability to the hiring of outside counsel by the Attorney General's office. AIF salutes Representative Eisnaugle & Senator Thrasher for his efforts in reforming private attorney contracts with the state.

The Senate Judiciary committee met Thursday, March 18th and unanimously passed SB 2440 Relating to Liability Releases by Senator Mike Bennett (R-Bradenton). SB 2440, also known as the "kid waiver" bill, attempts to address a recent court decision in the case of *Kirton vs. Fields*, which held that parents do not have the right to release a recreation provider from liability for injury on behalf of a child. SB 2440 would allow parents to waive inherent risk but not gross negligence. While not as strong of a fix as the House version, HB 285 by Representative Mike Horner (R-Kissimmee), it does at least provide business owners with some protection from lawsuits.

SB 2440 will now be considered by the Senate Ways and Means Committee before heading to the floor. HB 285 is scheduled to be considered by the House Criminal & Civil Justice Policy Council on March, 22nd.

AIF SUPPORTS the right of parents to waive liability on behalf of their minor. Without liability protection from a waiver, many businesses, particularly in the recreation and sports industries, will not allow minors to participate. Since many of these businesses cater to families, tourism, or directly to minors, this could impact their ability to stay in business.

Economic Development

The House Transportation and Economic Development Appropriations Committee met on Tuesday, March 16th to discuss the proposed committee budget for 2010-11.

Before the budget discussion began, Representative Rob Schenck (R-Springhill) passed HB 1229 Relating to the New Markets Development Program. HB 1229 is a “glitch bill” dealing with last year’s New Markets Tax Credit Program, a top economic development priority for AIF last session. This bill will simply bring the New Markets Tax Credit, which is aimed at the state’s low income business community, in compliance with recent federal changes.

SB 2426 by Senator Mike Fasano (R-New Port Richey), the Senate companion to HB 1229, passed the Senate Commerce Committee on Wednesday, March 17th.

SB 2426 will move to the Senate Community Affairs Committee for consideration by its members. HB 1229 will now move to the Economic Development & Community Affairs Policy Council, its final committee of reference before consideration on the House floor.

AIF SUPPORTS HB 1229 and the “New Markets” Tax Credit program because of its potential to create jobs and stimulate economic activity in areas of the state that need it most.

As the committee moved to approve the budget recommendation on Tuesday, March 16th, the testimony focused on **TEDA9**, a proposed committee bill (PCB) to “sweep” \$426 million from the State Transportation Trust Fund. A number of representatives from the road building industry and the business community were present to speak in opposition to this raid of the transportation trust fund.



**Jose
Gonzalez**

TEDA 9 will remain in the House Transportation and Economic Development Appropriations Committee for further consideration by its committee members.

AIF SUPPORTS the use of Transportation Trust Fund dollars for the purposes of industry-related projects. AIF recognizes the importance of constructing new roads and bridges, funding needed infrastructure projects and perhaps most importantly, putting the road building industry back to work.

On Wednesday, March 17th the Senate Commerce Committee took up four pieces of legislation that AIF is supporting this session.

The Committee passed SB 2378 Relating to Florida's One-Stop Business Connect Act by Senator Thad Altman (R-Melbourne). This legislation is one of Governor Crist’s top priorities for this session. The bill creates a workgroup to develop a plan to establish an online connection that is easily accessible through the state’s official portal, “MyFlorida.com,” to provide an efficient and effective online, self-service method for individuals to access state requirements for starting and operating a business, by July 1, 2014. The workgroup will include the heads of several state agencies including the Departments of Revenue, State, Business and Professional Regulation, and others. *To learn more about Florida’s One-Stop Business Connect Act, please read Wednesday’s version of the Daily Brief.*

SB 2378 will now be considered by the Senate Governmental Oversight and Accountability Committee.

AIF SUPPORTS legislation that will enable current and future business owners to find all the information they need for starting and running a business in one convenient portal on the internet.

The committee also passed SB 1856 Relating to Qualified Target Industry (QTI) Tax Refund Program which makes a number of technical changes to the state's Qualified Targeted Industries Program. Created in 1994 and administered by OTTED and Enterprise Florida, this program offers encouragement for the recruitment or creation of higher paying, higher skilled jobs in return for tax breaks. The QTI program is scheduled to sunset in 2010. In addition to reenacting this program for another five years, SB 1856 codifies the state's return on investment process for after award assessments and makes changes to various provisions of the implementation of the program.

SB 1856 will move forward to the Senate Finance & Tax Committee for further consideration.

AIF has made job creation and economic development its top priority for the 2010 session. We fully embrace these initiatives and will continue to ask the legislature to support these as well. Florida, more than ever, must pay particular attention to our economic development policies and in doing so nurture our existing businesses.

Finally, the Senate Commerce Committee passed SB 1126 Relating to Expedited Permitting by Senator Thad Altman (R-Melbourne). The bill removes certain responsibilities for the review of expedited permitting applications from the Office of Tourism, Trade, and Economic Development (OTTED) and transfers those review powers to the Department of Environmental Protection (DEP). By streamlining this process it makes it easier for economic development projects to access our state's expedited permitting statutes. The bill also expands expedited permit review eligibility to biofuel production and power generation.

SB 1126 will now be considered by the Senate Policy and Steering Committee on Ways and Means.

AIF SUPPORTS legislation that removes unnecessary levels of government oversight from the expedited permitting process. Removing OTTED from the environmental aspects of the expedited permit review chain may lead to streamlining of expedited permit and comprehensive plan amendment reviews by the DEP. Businesses would then need to execute only one agreement with the DEP, not separate ones with each agency or governmental entity.

On Thursday, March 17th the Senate Committee on Ways and Means passed the wide ranging and somewhat controversial Jobs Package, also known as SB 1752 by Senator Don Gaetz (R-Destin). This \$70 million package, a combination of several different pieces of legislation, is one of the most comprehensive legislative approaches to stimulating the state's economy in recent years. SB 1752 takes giant steps forward through expanding tax breaks, implementing new incentive programs, and encouraging hiring practices that will take individuals off the unemployment rolls. Additionally, and maybe most importantly, the bill helps address the needs of the space industry in Florida.

The bill re-enacts the Qualified Target Industry (QTI) incentive and makes various tweaks to the program while increasing the cap for this incentive from \$35 million to \$100 million. Much of this good language is the substance of legislation provided by Senator Rudy Garcia (R-Miami) and strongly supported by AIF. Additionally, SB 1752 creates the Unemployment Tax Incentive program, a new incentives for companies that hire an unemployed individual who is eligible for unemployment compensation. *To read more about this expansive Jobs Package, including its effect on Florida's Space industry, please read Thursday's edition of the Daily Brief.*

The bill will be reported to the Rules Committee for further referencing or head straight to the Senate calendar.

AIF is encouraged by the fact that this jobs bill includes many of the recommendations provided in AIF's "[Florida Needs Jobs Now](#)" publication. AIF SUPPORTS comprehensive efforts that will put Floridians back to work while proactively keeping business doors open. Additionally, providing needed assistance to the space industry will keep Florida at the peak of aerospace research and technology.

On Wednesday, March 17th the House Economic Development Committee chaired by Representative Jennifer Carroll (R-Jacksonville) unanimously passed HB 1509 Relating to Economic Development by Representative Will Weatherford (R-Trinity). This bill could be poised to serve as the House's companion to the Senate's "Jobs for Florida" package in future weeks. This bill makes revisions to the Capital Investment Tax Credit program, expands the Qualified Target Industry program to manufacturing and quantifies various provisions of the Quick Action Closing fund. This bill is largely a housekeeping piece of legislation at this time meant to clean up various portions of standing statute and increasing the usefulness and functionality of these very important incentive packages.

HB 1509 will now progress to the House Finance and Tax Council for further consideration

AIF SUPPORTS efforts to simultaneously stimulate the economy while incentivizing growth among businesses in Florida. AIF will closely monitor this legislation for substantial changes that would benefit the economy.

Space

HB 1389 Relating to Space and Aerospace Infrastructure by Representative Steve Crisafulli (R-Merritt Island), a bill of great importance to AIF, was unanimously passed by the House Economic Development Policy Committee on Wednesday, March 17th.

HB 1389 creates the "Space Transition and Revitalization Act", also known as the STAR Act. This essentially modifies the Quick Action Closing Fund to emphasize the importance of the transition from the end of the space shuttle program, and provides tools to Space Florida to make plans for capital assistance and financing services for aerospace business expansion, economic development, and infrastructure financing in the state. Additionally, the bill revises a previous appropriation to Space Florida to provide Space Florida with some flexibility in the use of the funds originally targeted to Space Launch Complex.

The committee provided very little discussion or debate and the bill passed unanimously out of the committee.

HB 1389 will now move to the House Finance & Tax Council for further consideration.

AIF SUPPORTS giving Space Florida the flexibility to allocate any of the un-obligated Launch Complex (LC) 36 funds for any purpose determined to have the greatest benefit to the commercial space industry in Florida. AIF also SUPPORTS this legislation as it will establish a number of incentives for luring new commercial space projects to Florida.

On Thursday, March 18th, members of the House unanimously passed (111-0) HB 969 Relating to Space & Aerospace Infrastructure by Representative Steve Crisafulli (R-Merritt Island). This bill provides Space Florida with the needed flexibility to spend approximately \$10 million of funds allocated in 2008 to make improvements at the existing launch complexes in Florida. This legislation is vitally critical to keep Florida as the leader in space and will allow our state to leverage the existing infrastructure to lure commercial space projects to Florida.

HB 969 will now be referred to the Senate for consideration by its members.

AIF SUPPORTS giving Space Florida the flexibility to allocate any of the un-obligated Launch Complex (LC) 36 funds for any purpose determined to have the greatest benefit to the commercial space industry in Florida. Furthermore, we would like to thank all members of the House for their unilateral support on this bill.

Insurance

On Wednesday, March 17th the Insurance, Business & Financial Affairs Policy Committee approved CS/HB 447 Relating to Residential Property Insurance by Representative Bill Proctor (R-St. Augustine). This bill will provide homeowners with the option of purchasing their homeowners' insurance from a private insurance company using rates higher than their approved rates in lieu of the state's insurance company, Citizens. By encouraging private insurance companies and their private claims-paying capital to return or continue to do business in Florida, this bill will help to reduce the burden of "hidden hurricane taxes" on businesses insurance premiums to fund Citizens' claims paying deficits. Many businesses are shocked to learn that TODAY - in 2010 - they are STILL paying hidden hurricane taxes to cover Citizens insured losses from the 2004 and 2005 hurricanes. This bill will reduce this taxation risk on Florida's families and businesses which is a top priority for AIF.

HB 447 will now move on to the House General Government Policy Council for further consideration.

AIF SUPPORTS legislation which makes competition the primary determinant of insurance rates, including consumer choice for homeowners, flex rating for insurers and exemption from OIR prior approval of rates for certain commercial policies.

The Senate Banking and Insurance Committee met on Wednesday, March 17th and unanimously approved CS/SB 2264 Relating to Public Adjusters by Senator Mike Bennett (R-Bradenton). This bill places restrictions on abusive public adjusters' advertising, solicitation, and compensation practices. The bill also decreases the window of time to file a claim from 5 years to 3 years. Public Adjusters' abuses and reopened 2005 hurricane claims are cited as the primary reasons for the pending Cat Fund request before the Governor and Cabinet to approve additional hurricane taxes of \$710 million.

SB 2264 is scheduled to move forward for consideration by the Senate Judiciary Committee.

AIF SUPPORTS legislation that will reduce abusive practices performed by public adjusters and protect businesses from risk of excess taxation. AIF commends Senator Bennett for his legislation that affords insurers the opportunity to underwrite policies in Florida without facing burdensome assessments.

Health Care

On Tuesday, March 16th the House Health Care Regulation Committee approved HB 591 Relating to Health Insurance by Representative Yolly Roberson (D-North Miami Beach). This bill mandates that health insurers include antiretroviral (ARV) drugs on their drug formulary or preferred drug list. Further, it would prohibit insurers from using the important cost efficiency tool called “prior authorization” for any ARV drugs. The committee's staff analysis noted that this mandate would cost the state money if the mandate is included in the state's Medicaid Program. As a result, an amendment was offered to take out the provision to include Medicaid. The fact that the mandate would have had a cost impact on the State of Florida only served to make the argument for the employer organizations and health insurers. The bottom line, they argued, was that the mandate would increase the cost of health insurance.

After considerable concerns were raised by many members of the committee, the bill was approved on a 7-5 vote.

HB 591 will now move to the House Insurance, Business & Financial Affairs Policy Committee for further consideration.

AIF OPPOSES any health insurance mandate that makes healthcare coverage less affordable and accessible to Florida employers. Furthermore, AIF calls for the Legislature to acknowledge and use the current statutory requirement for any proposed mandate to have a cost study conducted prior to its approval.

Education

On Tuesday, March 16th the Senate Policy and Steering Committee on Ways and Means met and considered SB 4 Relating to Education Accountability by Senator Nancy Detert (R-Venice) which contains the increased high school graduation standards, a top priority of AIF. The bill increases standards for high school graduation to include Algebra 2 and specific science courses. The bill also replaces the high school FCAT with end-of-course exams in specific courses such as Algebra 2, Biology, and Chemistry. The bill passed with 17 affirmative votes, largely along party lines. As college and career readiness remain a top priority for AIF, SB 4 makes significant improvements to a student's ability to obtain the needed skills to compete in the global marketplace.

Having passed all assigned committees of reference, SB 4 will move to be heard on the Senate floor.

AIF SUPPORTS a continued emphasis on increasing the rigor of high school course offerings and graduation requirements.

HB 1287 Relating to Public K-12 Education by Representative Tom Grady (R-Naples) unanimously passed the PreK-12 Policy Committee on Wednesday, March 17th, its first committee stop in the House. As a priority for Governor Crist, HB 1287 removes the \$2000 cap on bonuses paid to teachers whose students pass rigorous courses and exams, including Advanced Placement, International Baccalaureate and Advanced International Certificate of Education courses. Instead of being capped, teachers have the potential to earn \$50 for every student who achieves a passing grade on the end-of-course exam. The bill also requires school districts to reinvest 100 percent of funds dedicated for these programs, without diverting them to cover unrelated expenses. The bill passed with support from AIF, the Foundation for Florida's Future and Governor Crist' office.

HB 1287 will now move forward to the PreK-12 Appropriations Committee for further consideration.

AIF SUPPORTS this bill under its priority for college and career readiness. Access to rigorous courses in high school has demonstrated that students will possess the necessary skills to progress and succeed throughout higher education.

Energy

On Wednesday, March 17th the House General Government Policy Council passed House Memorial 1535 Relating to American Clean Energy and Security Act by Representative Sandy Adams (R-Oviedo) by a vote of 12-3. The Memorial would urge the President, Congress and the Florida Congressional delegation to oppose the American Clean Energy and Security Act (HR 2454, also known as the Waxman-Markey bill) and any other proposals by federal agencies that will artificially raise energy prices for consumers and place an undue burden on the economy for little or no environmental benefit.

The council recognizes that any federal legislation or agency rules that would cause energy prices to increase, thereby inflating the cost of doing business is not warranted at this time. Not only are Floridians struggling in this difficult economy, but Florida's employers can not withstand what amounts to an additional tax on energy.

HB 1535 will now move to the House Rules & Calendar Council for further consideration.

AIF's Florida Energy Council voted overwhelmingly to SUPPORT this Memorial, as the federal legislation has the potential to impede the already fragile recovery of Florida's economy.

Environmental

The House Military and Local Affairs Policy Committee met on Wednesday, March 17th and approved HB 1109 Relating to Water Supply by Representative Trudi Williams (R-Ft. Meyers). The proposed legislation consolidates all water supply-related sections such as water supply policy, planning, production and funding currently spread throughout Chapter 373 into a new Part VII of that Chapter. It will centralize water supply provisions into one location and will lead to a more efficient management and administration of water law.

HB 1109 will move to the House Natural Resources Appropriations Committee for further consideration.

AIF SUPPORTS state funding for alternative water supply programs. We commend Representative Williams for putting forth legislation that will lead to a more efficient management of water supply policy.

SB 570 Relating to Solid Waste Recycling by Chairman Lee Constantine (R-Altamonte Springs) was unanimously passed by the Senate Environmental Preservation & Conservation Committee on Wednesday, March 17th. The bill has a goal to increase Florida's recycling rate to 75% by 2020. *To read the full report on Chairman Constantine's bill, please refer to Wednesday's version of the Daily Brief.*

SB 570 is scheduled to be heard in the Senate Community Affairs Committee next.

AIF believes that Florida can increase its recycling rate, but the management of waste is much more than recycling. Additionally, AIF SUPPORTS the creation of the Recycling Business Assistance Center as it has the potential of creating jobs; however, we will continue to oppose mandates. We want to thank Senator Constantine for his work on this important bill.

Chairman Lee Constantine (R-Altamonte Springs) also released a draft of his proposed legislation on Wednesday, March 17th to make significant changes to the state's water policy. The 136 page bill includes the consolidation of all water supply-related sections such as water supply policy, planning, production and funding currently spread throughout Chapter 373 into a new Part VII of that Chapter. This section is similar to the bill passed by the House Military & Local Affairs Policy Committee, HB 1109 by Representative Trudi Williams (R-Ft. Meyers).

To read more about the recommendation proposed by the Senate Select Committee on Florida's Inland Waters, please check out Wednesday's version of the Daily Brief.

The bill is expected to be considered by the Senate Environmental Preservation & Conservation Committee next week.

AIF SUPPORTS the funding of alternative water supply programs. Additionally, AIF supports efforts to protect Florida's springs with reasonable regulations that do not unfairly target or place undue burdens on citizens and businesses.

Growth Management

On Wednesday, March 17th the Senate Community Affairs Committee heard SB 2452 Relating to Growth Management by Senator Mike Bennett (R-Bradenton), otherwise known as the "bridge bill".

SB 2452 provides a safety net for developers who have relied on certain provisions of last year's landmark growth management bill (SB 360), which is currently being challenged in state courts. Known as the "Community Renewal Act," SB 360 offered larger developments the option of avoiding the Developments of Regional Impact (DRI) process in certain densely populated areas, as defined by legislation. Should the challenge be successful and the bill be declared unconstitutional, numerous developers would face a regulatory nightmare for having followed the provisions of the bill, particularly as it relates to Developments of Regional Impact (DRI).

The bill, which is a high priority for AIF this year, passed seamlessly without amendment or discussion. During the public testimony portion of the bill's consideration, AIF was present to voice support for the bill.

SB 2452 is now scheduled for consideration by the Senate Judiciary Committee.

In the event that 2009's SB 360 is found unconstitutional, AIF SUPPORTS the addition of language which clarifies that a developer still has the opportunity to re-enter the process without penalty.

Ports

On Wednesday, March 17th the House Economic Development Policy Committee unanimously voted to approve HB 1169 Relating to Investments in Florida Ports by Representative Lake Ray (R-Jacksonville). The bill creates a new section of law entitled the Florida Ports Investment Act. The bill identifies a new funding source for Florida port projects through incentivizing insurance companies to make investments in exchange of future insurance premium tax credits. Such investments are desperately needed to expand the role Florida ports play in moving goods into Florida directly, rather than utilizing other state's facilities and businesses to facilitate our state's commerce.

HB 1169 is scheduled to be heard by the House Transportation and Economic Development Appropriations Committee.

AIF SUPPORTS legislation that creates funding for the development of Florida's ports. AIF commends Representative Ray for his vision and leadership in developing this legislation to help Florida's port businesses expand Florida's position as an international commerce leader.

The Senate Judiciary Committee met Thursday, March 18th and unanimously passed an important bill for Florida's business community in adopting the model code for International Arbitration. SB 1114 Relating to International Commercial Arbitration by Senator Dan Gelber (D-Miami Beach) will allow Florida companies engaged in international commerce to conduct arbitrations on a more regular basis in Florida. By design, this will decrease their costs while simultaneously boosting Florida's reputation as an international leader in commercial arbitration.

SB 1114 will next be heard in the Senate Rules & Calendar committee before proceeding to the Senate floor.

AIF SUPPORTS this legislation because of its ability to make Florida a more attractive location for international business. Businesses look for the familiar, and the acceptance of the Model Law in so many jurisdictions around the world would prove to be a positive consideration in deciding where to locate international companies and conduct business transactions.

Transportation

The House Roads, Bridges and Ports Policy Committee met the morning of Wednesday, March 17th and passed a number of significant bills. The committee discussed and passed both the annual legislative packages for the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles.

The FDOT package (HB 1271), sponsored by Representative Mike Horner (R-Kissimmee), contains a number of “housekeeping” issues for the agency that failed to pass from last session, as well as a number of important amendments that would:

- Raise the scale tolerance for commercial vehicles using state roads from the current limit of 80,000 lbs to 88,000 lbs;
- Authorize an additional weight of an auxiliary power unit on a commercial motor vehicle;
- Change the policy for toll violation enforcement in the state; and
- Create the Osceola County Expressway Authority.

HB 1271 is scheduled to move to the House Transportation & Economic Development Appropriations Committee for further consideration.

AIF SUPPORTS raising the weight limit on commercial trucks using state and local roadways to weight limits that are equal to those of our surrounding states. Furthermore, we believe that increased truck weight limits will have a positive effect for the Florida business community by reducing the shipping costs for moving goods, and aligning Florida’s current weight limits with those of our surrounding southern states.

Business Regulation

HB 163 Relating to Prepaid Wireless Telecommunications Service was considered on Wednesday, March 17th by Representative Joe Gibbons (D-Pembroke Pines) in the Energy & Utilities Policy Committee.

Representative Gibbons introduced and explained the bill enthusiastically. He explained that it defines a collection method for an existing fee to fund public safety and 911 around the state. The 911 fee was originally created on landlines, added to wireless phones once that technology emerged to create a unified, statewide E911 system. Prepaid wireless is one of the newer technologies, but it is still a wireless phone. This bill creates the collection method for the fee to occur at the time when an actual transaction takes place. Representative Gibbons took many questions, most from Representative Jennifer Carroll (R-Jacksonville) mainly concerning the method of collecting the E911 fee on prepaid phones and cards. Representative Clay Ford (R-Pensacola) also had questions concerning the collection method in the bill.

A vote was taken to adopt a “strike-everything” amendment, which essentially replaces the original bill language. The amendment passed 13-3.

Following the vote on the amendment, the Chairman temporarily postponed the bill on a motion by Representative Ford. HB 163 is expected to be considered during the committee’s next meeting on Thursday, March 25th.

HB 163’s Senate companion, SB 1202 by Senator Mike Bennett (R-Bradenton), fared much better and passed the Senate Community Affairs Committee unanimously on Wednesday.

SB 1202’s next stop is the Senate Judiciary Committee.

AIF supports legislation that will help maximize the recovery of E911 fees which support public safety in Florida. .

Information Technology

On Wednesday, March 17th Senator JD Alexander (R-Lake Wales) introduced SB 2250 Relating to Florida Financial Management Information System in the Senate Committee for Governmental Oversight and Accountability. He explained that the bill would establish a new model for the financial infrastructure of the State. The bill is designed to streamline the accounting subsystems currently being used, and creates a workgroup to study the subsystems and advise on methods to improve them.

SB 2250 will now progress to the Senate Finance and Tax Committee for further consideration.

AIF’s IT Council will closely monitor this bill as the Financial Management System may help establish consistent accounting systems among the various agencies. Future systems for the many state business processes will interface with the Financial Management System.

Elections

During a House session meeting on Thursday, March 18th members considered and passed HB 1207 Relating to Campaign Financing by Representative Seth McKeel (R-Lakeland). This bill reenacts the regulation of electioneering communications organizations in a form consistent with a recent federal court decision that struck down the old regulatory scheme on constitutional grounds.

Additionally, HB 1207 establishes freestanding "leadership funds" that act as the arms of the political parties and will report their financial activities on a fund-by-fund basis to insure transparency and accountability. This bill is virtually identical to its Senate counterpart, CS/SB 880 that was passed by the Senate Ethics and Elections Committee yesterday.

HB 1207 has been referred to the Senate to be heard by its members.

AIF SUPPORTS the enactment of Electioneering Communications Organizations (ECO) legislation that follows the guidelines established by federal courts. However, AIF will OPPOSE any such legislation that goes beyond these guidelines and thus infringes on the right of free speech per the First Amendment of the United States Constitution.

Affordable Housing

On Thursday, March 18th the House Full Appropriations Council on Education & Economic Development unanimously approved CS/HB 665 Relating to Affordable Housing by Representative Gary Aubuchon (R-Cape Coral). This legislation includes a segment to remove the cap on the Housing Trust fund, also known as the Sadowski Trust Fund. A portion of documentary stamp taxes are placed in this fund to be used for affordable housing activities. Currently, there is a statutory cap on how much of the trust fund can be allocated toward affordable housing. HB 665 allows the cap to be lifted and all monies collected within the Sadowski Trust Fund can be used to fund affordable housing.

Many members of the Sadowski Affordable Housing Coalition, including Associated Industries, were in attendance to support the bill.

HB 665 will now move to its last committee of reference, the House Economic Development & Community Affairs Policy Council, before being considered on the House floor.

AIF SUPPORTS legislation that repeals the Housing Trust Fund cap and appropriates all doc stamp revenue toward affordable housing. AIF has worked closely with the Sadowski Coalition in effort to allocate these funds for which they were originally intended.