



# DAILY BRIEF

**From March 28, 2011**

As business-friendly bills continue moving through the Legislature, AIF is constantly keeping a watchful eye on proposed committee bills that may positively (or negatively) affect the business community. Although the deadline for individual “member-bills” has passed, committees are free to introduce and consider legislation as a whole throughout the legislative session. Some of the PCB’s that AIF has been closely monitoring in recent days are:

- **PCB 7082** Relating to Renewable Energy: Provides for the cost recovery of renewable energy costs for Investor Owned Utilities (IOU’s).
- **PCB KIN 11-04** Relating to Digital Learning: This bill authorizes charter schools to employ digital instructional materials for Florida’s students, keeping them competitive in a global market place.

Also, don’t forget to watch this week’s episode of AIFTV featuring an exclusive interview with Senator Garrett Richter (R-Naples), Chairman of the Senate Banking & Insurance Committee, on SB 408 – the major property insurance reform bill for 2011.

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## Energy

Today, the Senate Communications, Energy, and Public Utilities Committee introduced Proposed Committee Bill (PCB) 7082 Relating to the cost recovery of renewable energy costs for Investor Owned Utilities (IOU's). The bill would:

- Require each public utility to make a written offer to conduct a free energy audit of the business structures of each commercial customer within its service territory and provide the customer with a report of the energy savings options and of any available financial assistance prior to December of 2016.
- Require the Department of Management Services (DMS), in consultation with each state agency head, to develop a prioritized list of state owned or leased buildings over 5,000 square feet to have an energy audit performed and for the Department to perform energy savings retrofits in order of anticipated shortest payback period.
- Would allow an IOU to petition the Public Service Commission (PSC) for recovery of cost to produce or purchase renewable energy. Under this legislation an IOU would be allowed build a renewable energy facility, convert an existing fossil fuel facility, or purchase renewable energy. At least 25% of the renewable energy must be from a source other than solar. An IOU could not request cost recovery under this act until the facility is built, converted or a contract for purchase is in place. It would require the IOU's to expend for renewable energy, 2% of retail sales of their 2010 revenues over 5 years. This would amount to approximately \$357,000,000. The average cost to the customers would be from \$1.40/month to \$2.60/month.
- Establish a process for creating a state energy resources plan by the PSC.
- Abolishes the Florida Energy and Climate Commission and places all of its powers and duties to the Florida Energy Office within the Department of Environmental Protection (DEP); however, the Florida Energy Office would be considered a separate entity and exempt from control of the Department. The Director would be appointed by the Governor and confirmed by the Senate.

Senator Mike Fasano (R-New Port Richey) indicated that next week he will have an amendment to delete cost recovery for nuclear power plants. Many representatives from the renewable energy industry were on hand to support the bill, although some felt that the proposed bill did not go as far as they would like it to.

PCB 7082 will be taken up again next week by members of the Senate Communications, Energy, and Public Utilities Committee.

**AIF SUPPORTS energy policy that allows for the development and expansion of the renewable energy sector while maintaining reliability of services without any mandates by government or unreasonable prices. Furthermore, AIF SUPPORTS legislation that will enable those investor-owned utilities (that so desire) to develop renewable energy supply sources using the technology (solar, wind, biomass, other) and scale (large, medium, small) that makes the most sense for those investor-owned utilities and their customers.**

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## Growth Management

Today, the Senate Community Affairs Committee unanimously passed SB 1122 Relating to Growth Management by Senator Mike Bennett (R-Bradenton). The sponsor, who is also chairman of the committee, said that the bill would likely be the Senate's response to the House growth bill, and characterized them as very similar. SB 1122, which started out as 40 page bill, grew substantially as Senator Bennett added a 262 page amendment. The amended bill provides for the following:

- Abolishes Rule 9j-5, which is the Department of Community Affairs's (DCA) rule governing the content of comprehensive plans;
- Eliminates the "need test" for local plans, and establishes a floor for how many development lots a local government must have rather than a ceiling;
- Makes several key existing concurrency requirements optional, i.e. roads and schools;
- Prohibits local governments from creating new or increasing existing impact fees for non-residential development for a period of 2 years;
- Prohibits local referendums for comprehensive plans – which would have the effect of barring a "Hometown Democracy" at the local level.

SB 1122 will now advance to the Senate Environmental Preservation and Conservation Committee for further consideration. The House's growth management package, HB 7129 by the House Community & Military Affairs Subcommittee, is awaiting consideration in the House Economic Affairs Committee.

**AIF SUPPORTS efforts to eliminate or re-address the transportation concurrency requirements currently in statute. Furthermore, AIF SUPPORTS repeal of mandatory school concurrency and where it is voluntarily implemented, it should only be done on a district-wide basis.**

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## Seaports

Today, the House Justice Appropriation Subcommittee unanimously passed HB 283 by Representative Dana Young (R-Tampa) relating to seaport security. As we have previously reported, this bill is a high priority for AIF and our members of our Florida Maritime Council who regularly conduct business in Florida's seaports. The bill removes expensive and duplicative security background screening procedures and aligns Florida's security measures with the federal standards administered through the Department of Homeland Security. This matters to businesses because the bill will significantly lower the cost per employee working on each port by eliminating the state background checks which are unnecessary since federal background checks are already conducted. This will help Florida companies across all industries lower the transportation and shipping costs of the supplies they purchase and the goods they sell.

HB 283 will now proceed to its final stop in the House Economic Affairs Committee. The Senate companion, SB 524 by Senator Jack Latvala (R-St. Petersburg), awaits hearing in the Senate Budget Committee.

**AIF SUPPORTS legislation to reduce red tape and regulatory burdens, such as duplicative security credentialing, which encumber businesses in their daily work. AIF salutes Representative Young for her diligent efforts and leadership in bringing forth this meaningful legislation that will undoubtedly make Florida a more attractive place for doing business.**

## Legal & Judicial

Today, the Senate Judiciary Committee unanimously passed SB 450 Relating to Emergency Management by Senator Mike Bennett (R-Sarasota). This legislation provides civil immunity to any person who gratuitously provides housing, shelter, food or certain other provisions in the wake of a declared disaster to first responders. SB 450 is important to community recovery and business continuity following catastrophic events. When communities are able to provide for their own first responder communities they are able to restore services and return to a state of normalcy much more quickly.

SB 450 will now advance to the Senate Rules Committee, its final stop before proceeding to the floor. The House proposal, sponsored by Representative Joe Abruzzo (D-Wellington), awaits deliberation in the House Judiciary Committee.

**AIF SUPPORTS legislation that offers basic protection from unnecessary litigation to business owners who offer their services to first responders during natural disasters. Furthermore, AIF commends Senator Bennett for his vision and leadership in bringing forward this proposal.**

Additionally, the Senate Judiciary Committee unanimously passed SB 998 Relating to Property Rights by Senator David Simmons (R-Altamonte Springs).

This bill amends the “Bert Harris Act” to make the following changes to Florida’s statutory protections on real property rights. In 1995, the Bert Harris Act was enacted by the Legislature to provide a new cause of action for private property owners whose property has been “inordinately burdened” by state and local government action that may not rise to the level of a “taking” under the State or Federal Constitution. The inordinate burden applies either to an existing use of real property or a vested right to a specific use.

SB 998 specifies that a moratorium on a development that is in effect for longer than 1 year is not a temporary impact to real property and may constitute an “inordinate burden.” Further, the bill expands the options for private property owners to obtain compensation or another remedy for governmental action that inordinately burdens real property. Provisions within SB 998 make it clear that certain moratoria lasting more than one year are not necessarily “temporary”, so as to be excluded from the definition of inordinate burden.

SB 998 will now proceed to its final stop, the Senate Budget Committee. The identical measure in the House, HB 701 by Representative Eric Eisnaugle (R-Orlando), is now in the House Judiciary Committee.

**AIF SUPPORTS legislation that pre-empts state and local governments from infringing on private property rights. By providing more clarity in these types of cases, Florida will offer a far more stable atmosphere for conducting business and encouraging growth.**

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## Environmental

The House Federal Affairs Subcommittee unanimously approved House Memorial 1401 by Representative Greg Steube (R-Sarasota) today. This memorial urges the United States Congress to prevent the Environmental Protection Agency (EPA) from overextending its power and to direct the agency not to intrude into Florida's previously approved clean water program.

Representative John Wood (R-Haines City) presented the memorial on behalf of Representative Steube who could not attend today's meeting. Representative Wood explained that in 2008, a group of environmental groups sued EPA alleging failure on the part of the federal agency to comply with the Clean Water Act. In 2009, EPA entered into a consent decree to settle the lawsuit filed and committed to propose numeric nutrient standards for inland waters (lakes and flowing waters), as well as estuarine and coastal waters.

In January 2010, EPA Administrator Lisa Jackson signed EPA's rule proposing numeric nutrient criteria (NNC) for Florida's fresh water's. On November 14, 2010 Administrator Jackson signed the final rule adopting NNC and on December 6, 2010, EPA published the final administrative rule; however, a fifteen month delay in implementing was given.

Currently, there are several lawsuits against the proposed NNC, including one filed by Florida's **Attorney General Pam Bondi** and **Commissioner of Agriculture Adam Putnam**.

**Keyna Cory, Senior Lobbyist for AIF**, told the Subcommittee that AIF has been working on the numeric nutrient criteria issue for almost 2 years now. She thanked Representative Steube and Representative Wood for the memorial and asked the committee to support it; however, she explained to members of the subcommittee that more needed to be done. She said that AIF was working on this issue on three fronts; legally – by supporting the lawsuit by Attorney General Bondi and Commissioner Putnam; Congressionally – giving bi-partisan support to stop EPA from implementing the numeric criteria rule; and finally, legislatively.



House Memorial 1401 will now proceed to the House State Affairs Committee, its final stop heading to the floor.

**AIF encourages the Florida Legislature to engage and support our Congressional delegation in their efforts to stop the U.S. Environmental Protection Agency's (EPA) imposition of unreasonably restrictive water quality standards only on the State of Florida. These proposed federal standards are unscientific and costly for businesses and consumers. Furthermore, AIF commends Representative Steube for his leadership on this very important issue.**

Today, the Senate Health Regulations Committee unanimously supported SB 1698 Relating to Onsite Sewage Treatment and Disposal Systems by Senator Charlie Dean (R-Inverness). Three separate amendments were adopted today and make significant changes to the septic tank evaluation program that was in SB 550 from last session. The amendments were another step forward in a compromise that is being worked on by Associated Industries of Florida, Florida Home Builders Association, Florida Association of Realtors and the Florida Onsite Wastewater Association.

The bill as amended makes the septic tank evaluation program optional for local governments and provides a basic, simple, minimal regulatory and common sense approach towards an evaluation program. After the passage of SB 550 in 2010, there was an outcry from citizens across the state who did not want a mandatory inspection system for their septic tanks. The new language gives a local government the option of "opting out" of an evaluation program. It also takes the Department of Health (DOH) out of the rulemaking process by setting forth the requirements for an evaluation program in law.

SB 1698 also sets a statewide uniform model standard, a high priority for the business community should a local government choose to adopt an evaluation program.

The business community consistently states that statewide standards promote a predictable and stable business climate without having the potential for many different and potentially inconsistent local regulations.

Finally, the bill encourages the Florida Department of Protection's (FDEP) participation in assisting local governments with establishing low-interest loans programs for their residents who may need to repair a failing septic tank system.

SB 1698 is now scheduled for consideration by the Senate Environmental Preservation & Conservation Committee on Wednesday, March 30th at 1:30 pm.

**AIF SUPPORTS revising the legislation dealing with the septic tank inspection program passed last session. Further, AIF salutes Senator Dean for his efforts to bring all stakeholders together and produce a workable solution to the septic tank evaluation program.**

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## Education

In the House K-20 Innovation Subcommittee this afternoon, Chair Kelli Stargel (R-Lakeland) presented the **Proposed Committee Bill (PCB) KIN 11-04** Relating to Digital Learning. This PCB is cost-neutral, and it authorizes charter schools to employ instructional materials of both a traditional and digital nature; requires school districts to provide the necessary resources for public school students to participate in virtual instruction; establishes a minimum number of virtual options that the school districts must provide; mandates certain assessments be administered via an online format, including end-of-course examinations; and expands part-time virtual instruction programs. One clarifying amendment sponsored by Chair Stargel was adopted without contest, and there were no questions on the bill as amended.

During public testimony, **AIF lobbyist Stacy Webb** testified in support of the bill. **PCB KIN 11-04** was reported favorably by a unanimous vote.



**AIF SUPPORTS legislation to increase the use of technology and digital learning in public schools. This bold move toward e-Learning is important for Florida's future economic competitiveness.**