



# DAILY BRIEF

**From April 21, 2011**

A very brief week seven of the 2011 Legislative session came to a close when the House of Representatives adjourned this evening. Only the House conducted any business this week as the Senate was off all week for the religious holidays. In the morning several House committees met to deliberate and during their afternoon session today the House passed a number of bills of importance to AIF.

With this being a short week, there will not be a AIF Weekly Report. AIF will be back with our *Daily Brief* on Monday, April 25th when both Chambers resume their action.

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## **Growth Management**

Today the House passed HB 7129, an omnibus growth management bill. The bill passed by a party-line vote of 86-31 that overhauls the state's 25-year-old growth management laws, giving Florida's cities and counties far greater control over the approval of new developments.

Under the bill, which still needs Senate approval, it is largely left up to counties and cities whether to require developers to pay for infrastructure improvements and there is no longer a state-mandated review of all changes to comprehensive plans.

There was considerable disagreement between Republicans and Democrats over whether the bill reduced the ability for local residents to challenge development decisions. Democrats say the bill lowers the standard developers must meet to succeed in legal disputes, stacking the odds against the person or organization challenging them, but Republicans say the bill still allows citizen input, and keeps the same legal standard that the state's land planning agency, the Department of Community Affairs, already uses.

**Governor Rick Scott** has pushed a legislative proposal to merge the Department of Community Affairs with other state agencies. Under the House bill, DCA would remain but its staff would be reduced due to less need for oversight.

**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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## Affordable Housing

The House Economic Affairs Committee passed HB 7227 Relating to Affordable Housing. The bill provides that not less than 50 percent of the funds in the SAIL Program Fund in each calendar year must be awarded for constructing new affordable rental housing developments, which the primary source of financing is an allocation of tax exempt private activity bonds issued by the FHFC or by a local or regional agency pursuant to Part VI of ch. 159, F.S.

HB 7227 is now ready to be considered on the floor of the House of Representatives.

**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.**

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## Environmental

The House of Representatives passed HB 239 Relating to Water Quality by Representative Trudi Williams (R-Ft. Myers) by a vote of 90-27. In December 2010, the EPA published rules establishing numeric nutrient criteria for Florida's lakes, streams, rivers, and springs. A portion of the final rule became effective on February 2011. The remainder of the final rule becomes effective on March 2012. HB 239 would prohibit the promulgation of these rules and directs the Florida Department of Environmental Protection to adopt its own water quality standards through the well established Total Maximum Daily Loads (TMDLs) program. The bill directs DEP to base these criteria on objective and credible data, and scientific studies and analysis.

The EPA's new rules, which are not scientifically based, would cost our state, counties and municipalities billions of dollars to implement. In fact, one recent study showed that customer's water utility bills could increase between \$500 to \$900 a year if the EPA's rules were adopted. This legislation sends a powerful message to the federal government that we in Florida know what's best for our own water quality.

**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 Trudi Williams for her leadership on this very important issue.**

The House Economic Affairs Committee unanimously approved HB 991 Relating to Environmental Permitting by Representative Jimmy Patronis (R-Panama City). This bill makes significant changes to the environmental permitting process in Florida. There was a strike everything amendment that was adopted by the committee. Representative Patronis felt as though a strike everything amendment was the best way to handle the changes instead of a series of minor amendments. The business community stood in support of the proposed legislation but the Florida League of Cities; Florida Association of Counties and environmental organizations told the committee that they were not comfortable with sections of the proposed bill dealing with third party challenges to permits and the delegation of permitting.

**Keyna Cory, Senior Lobbyist for AIF**, was attendance to support the bill. Time is money in the business world. It is not acceptable for state agencies to take several years to approve environmental permits. HB 991 makes significant changes in law so that duplication in the permitting process is prohibited and so that the time it takes to receive a permit is reduced without hurting the environment.



HB 991 will now be considered by the House Appropriations Committee.

**AIF SUPPORTS efforts to streamline the permitting process in Florida. Businesses must be relieved from unnecessary costs and extensive waiting periods when seeking development, construction, operating, and building permits. AIF applauds Representative Patronis for understanding the importance of modernizing Florida's environmental permitting system.**

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## **Economic Development**

Today the House Economic Affairs Committee passed HB 287 by Representative Eric Eisnaugle (R-Orlando) that would further expand a local government's ability to offer exemptions to targeted business from local taxes. In 1980, Florida voters approved a constitutional amendment that allows local governments to grant economic development ad valorem tax exemptions pursuant to voter referendums, to new or expanding businesses. These exemptions would be valid for ten years and could be renewed by another vote of the local voters. Exemptions are completely up to the local government and are issued by ordinance at the discretion of the board of county commissioners or a municipal governing authority.

The bill also provides parameters around the incentives by requiring any new jobs created by an eligible business or organization must pay a wage above the average wage of the locality. Further, eligibility is expanded to include Qualified Target Industry businesses.

AIF supports this legislation as another means for businesses to seek incentives grow and relocate to Florida's communities. AIF also applauds this legislation as it compels local governments to participate in the economic development incentive efforts across the state. HB 287 will now be reported to the House calendar for a floor vote.

**AIF SUPPORTS legislation that will stimulate economic activity by providing tax relief to new and expanding businesses in Florida.**

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## **Taxation**

The House Economic Affairs Committee took up House Joint Resolution (HJR) 381 Relating to Property Assessments by Representative Chris Dorworth (R-Heathrow). Chair Dorothy Hukill (R-Port Orange) asked Carolyn Johnson, Representative Dorworth's Legislative Assistant to explain the bill. She then asked Representative Brad Drake (R-DeFuniak Springs) to explain a strike all amendment that had been filed.

Representative Drake summarized the amendment as follows:

- **Non-Homestead Assessment Limitation:** The bill proposes to reduce the annual growth in assessment limitation on certain non homestead property from 10 percent to three percent upon voter approval of the amendment. It also proposes to allow the Legislature by general law to prohibit increases in the assessed value of homestead property and certain non-homestead property in any year where the market value of the property decreases.
- **New Homestead Exemption:** The HJR further proposes to allow individuals who are entitled to a homestead exemption and have not received a homestead exemption in the previous three years to receive an additional homestead exemption equal to 50 percent of the just value of the homestead property up to \$200,000.

Associated Industries of Florida and The Realtors Association all waived in support of the bill and the Building Owners and Managers Association waived in opposition. This proposed constitutional amendment will require voter approval of 60 percent of the electorate in the next general election.

The members chose not to debate and Carolyn Johnson closed briefly and HJR 381 passed with a unanimous vote. The bill is now ready to be considered on the floor of the House of Representatives. It will have to pass the House by a two-thirds vote since it is a proposed amendment to Florida's constitution. Its Senate companion, SJR 658 by Senator Mike Fasano (R-New Port Richey) is currently awaiting action in the Senate Budget committee.

**AIF SUPPORTS efforts to cap property tax increases for commercial properties as a way to address the current imbalances in our property tax system. AIF also supports providing additional homestead exemptions for new homebuyers as a way to spur our state's housing market.**

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## Education

On Wednesday, April 20th the House Education committee passed HB 7197 Relating to Digital Learning by Representative Kelli Stargel (R-Lakeland) by a 14-4 vote. The bill continues the movement towards digital education because it requires the online administration of all statewide assessments and requires that high school students enroll in at least one online course in order to graduate.

Representative Dwight Bullard (D-Miami) questioned representatives from the business community whether businesses were helping to pay for the technology. He also said it was an unfunded mandate to require students to take online classes. His views were definitely not shared by the committee or the bill sponsor.

In her closing, Representative Stargel discussed the wide use of online and hybrid learning in higher education and the need for high school students to be prepared for online learning. She also discussed the prevalence of technology in today's society and the global workplace as the biggest reason of all for students to be exposed to digital learning. AIF testified in support of the bill and supports the increased move to digital learning so students are prepared to compete in the global digital economy.

This was the bill's last committee stop meaning the bill is now ready to be considered by the full House of Representatives.

**AIF will continue to SUPPORT legislative changes that will increase digital learning.**

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## **Legal and Judicial**

The House Judiciary Committee unanimously passed HB 215 Relating to Emergency Management by Representative Joe Abruzzo (D-Wellington). 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. HB 215 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.

The bill passed without any questions or debate from members of the committee.

HB 215 is now ready to be considered on the floor of the House of Representatives. Its Senate companion, SB 450 sponsored by Senator Mike Bennett (R-Bradenton), is in the Senate Rules Committee awaiting consideration.

**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.**

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## **Hospitals**

The House Judiciary Committee passed HB 619 Relating to the Sale of Public Hospitals by Representative Ed Hooper (R-Clearwater) by a vote of 10-8. This bill would require any sale or lease of a hospital owned by a county, district, or municipality to go before a circuit court for oversight when agreements are entered into on behalf of the taxpayers. Further, the bill would require more transparency in the governing board's decision-making process when deciding to agree to the sale or lease and would allow for more public input into the proposed sale or lease.

The bill was brought up towards the end of the Committee's time slot and there was no time for public testimony, which angered opponents of the bill. The bill now heads to its last committee of reference, the House Health and Human Services Committee.

**AIF SUPPORTS legislation that will ensure that the taxpayer and the community are protected by ensuring that full and fair market value is received in exchange for the sale and/or lease of public hospitals.**