



DAILY BRIEF

From April 20, 2011

Today marked the first day of business in week 7 of the 2011 Legislative Session. With the Senate adjourning in recognition of the Holidays this week, the House did meet in Session today to consider some of their priorities on the House Calendar. Without question, the most controversial issue discussed today was HB 7129 – a comprehensive growth management proposal that aims to overhaul current practices in Florida. By empowering local governments in their respective growth management efforts, HB 7129 will allow them to manage growth within their communities without state oversight. This measure is expected to be passed in the coming week(s)

In other happenings, AIF was privileged to host a meet and greet with **U.S. Representative Allen West (R-22)** at our headquarters in Tallahassee this week. Congressman West met with our members to discuss the prevailing issues at the Federal level, including his plans to foster a pro-business atmosphere that will create jobs and stimulate economic activity. AIF was proud to endorse Congressman West in the 2010 November election.



In addition, be sure to check out this week's episode of AIFTV. In this week's edition we bring you the latest on a number of AIF priority bills, including:

- HB 803 by Representative John Wood (R-Haines City) – the major property insurance reform bill of the 2011 Legislative Session, this legislation is vital for the restoration of the private residential insurance market in Florida;
 - HB 239 – This legislation will ensure that Florida has some say in the implementation of the costly federal water quality standards proposed by the Environmental Protection Agency (EPA);
 - As well as an **AIF Call to Action** regarding immigration legislation opposed by Florida's busing community.
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Growth Management

Today, the full House took up and passed SB 410 Relating to Impact Fees by Senator Mike Bennett (R-Bradenton).

In what has been a non-controversial issue this session, SB 410 would create the "preponderance of the evidence" standard of review for the government in cases challenging the imposition or amount of an impact fee. At the present, a local government wins if their action was "fairly debatable". Under SB 410, local governments must prove their case by the "preponderance" of the evidence, which is the standard in civil cases today. Essentially, the bill will take away the "upper hand" that local governments have in defending their ordinances in court.

Without discussion or debate, SB 410 was substituted for its House counterpart – HB 7021 by the House Community & Military Affairs Subcommittee – and passed by a vote of 92-24. SB 410 will now be sent to the Governor's desk for his consideration.

AIF SUPPORTS a thorough review and, where appropriate, a limitation on the use of impact fees. Through all of the Legislature's attempts to lower taxes, they have yet to place any mandates of fairness or limitation on the ever-growing local government funding source of "user fees".

Also on the House floor today, members took up and amended HB 7129 – the House’s version of comprehensive growth management reform by Representative Ritch Workman (R-Melbourne). Specifically, the bill provides for:

- Removing the requirement that the capital improvements element be financially feasible;
- Eliminating the state mandated requirements for parks and recreation, schools and transportation concurrency, while maintaining it for sanitary sewer, solid waste, drainage and potable water;
- Removal of the twice a year limitation for the adoption of plan amendments;
- Focusing state agency comments in the plan review to important state resources and facilities within their jurisdiction only; and
- Requiring that the amount of land designated for future land uses allow for the operation of real estate markets to provide adequate choices for both permanent and seasonal residents, and may not be limited solely by the projected population.

Amendments to this omnibus bill were scripted with Representative Workman’s amendments passing, and Democrat’s amendments failing, all along party lines. Amendments passing included re-authorizing the Century Commission for another 2 years, as well as other largely technical amendments. One point of clarification established that all Evaluation and Appraisal Report (EAR) amendments to existing comprehensive plans would be required to follow any changes in the law as of its effective date, no matter how long they had been in the process at the local level.

HB 7129 was read a second time and rolled to third reading where it will be subsequently voted on for final passage.

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.

Seaports

Today, the House of Representatives unanimously approved HB 399 Relating to Seaports by Representative Lake Ray (R-Jacksonville). Construction to widen and modernize the Panama Canal is nearing completion, and seaports on the entire U.S. coastline are considering their options on how to best position themselves to participate in what is expected to be an economic windfall in maritime transit of oil, foodstuffs, consumer goods, and other cargo. HB 399 requires the Department of Environmental Protection (DEP) to issue a notice of intent for a port conceptual permit within 30 days after receiving the application. Requiring DEP to issue a notice of intent for a port conceptual permit within 30 days will provide more certainty to port related businesses, thereby reducing their costs.

HB 399 will now advance to the full Senate for consideration. The Senate companion, SB 768 by Senator Jeremy Ring (D-Margate), has already passed its committees of reference and is on the Senate Calendar. It is expected that the House version will be substituted for SB 768 and passed this year.

AIF SUPPORTS efforts to include port incentives in any economic development proposals that are considered during the 2011 Session. Florida's 14 deepwater seaports are significant economic drivers for the state and must be provided with adequate funding to promote development and growth.

Economic Development

Representative Mike Horner (R-Kissimmee) presented HB 1231 Relating to Telecommunications Regulatory Reform on the House floor today. He briefly explained that the bill continues the Legislature's past reform of the regulation of communications services in Florida to recognize the rapidly changing competitive market. The bill repeals the final bastion of regulation on retail telecommunications service but maintains the Public Service Commission's (PSC) role in resolving intercompany disputes in the wholesale market. He then yielded to Representative Alan Williams (D-Tallahassee) and co-prime sponsor of the bill, to complete the examination of the measure.

Representative Williams said that this was a good bipartisan bill and encouraged his colleagues to support it as the measure would expand broad band deployment to all areas and increase competition.

During the question and answer portion, Representative Betty Reed (D-Tampa) asked what AARP's position on the bill was. Representative Horner explained that they opposed the bill due to concern that prices may go up; however, he added that based on the evidence before him, he thought their concern was not well founded. Representative Reed then followed up by asking about the PSC's involvement in the bill. Chairman Horner responded that he had accepted several recommended amendments and that the PSC would maintain its role in resolving wholesale disputes between service providers.

HB 1231 passed with overwhelming support by a vote of 110-4. The bill will now head to the Senate for consideration by its members. The companion bill, SB 1524 by Senator David Simmons (R-Altamonte Springs) has already been sent to the Senate Calendar.

AIF SUPPORTS legislation that modernizes Florida's communications laws and empowers consumers, not state regulation, to pick winners and losers. Further, AIF supports these much-needed reforms to keep and create jobs, and to spur investment, as Florida competes with states that have already created an attractive investment environment.

Health Care

The House overwhelmingly passed HB 935 by Representative Richard Corcoran (R-New Port Richey) on the floor today. This bill would require primary care physicians (including osteopathic physicians, and podiatrists) to publish a schedule of charges for the services they offer and to post the schedule in the reception area of their office. The schedule must include the fees that would be charged to an uninsured patient paying for medical services on their own.

The bill also provides that a primary care provider, upon request, must provide a reasonable estimate for non-emergency medical treatment to patients. Further, this estimate must be consistent with the posted schedule. Physicians in violation of this requirement would have a penalty assessed which would be determined by the physician's regulatory board.

Moving through the committee process, this bill was amended to add urgent care centers to the entities encouraged to post their prices. Also, the amended text provides that continuing medical education fees for one “two-year” cycle would be waived for physicians that choose to post their prices.

HB 935 will now advance to the Senate for further consideration. The Senate proposal, SB 1410 by Senator Joe Negron (R-Palm City), has been placed on the Senate Budget Committee agenda for Monday, April 25th at 1:15 pm.

AIF SUPPORTS legislation that provides accountability amongst Florida’s health care providers. Providing clarity in these types of services will bring private health care providers more in line with other private-sector industries by increasing efficiency and promoting accountability.