



# WEEKLY BRIEF

From the Week of February 27 – March 2, 2012

*SPECIAL NOTICE – In an unique move by Senate leadership, the upper chamber has called for a meeting of the Senate Budget Committee on **Saturday, March 3rd from 8-10 am** to vet a few remaining issues for 2012. AIF will be on hand to cover committee discussion as it is anticipated that some of the business community's top priorities will be brought forward for consideration, including [SB 1346](#) Relating to Citizens Property Insurance Corporation by Senator Steve Oelrich (R-Gainesville). Check back tomorrow for coverage on any and all legislation that is important to you and your bottom line!*

Week 8 of the 2012 Legislative Session can be characterized by an ebb and flow of activity in the Capitol halls. Earlier this week, stalled budget negotiations raised speculation that delayed adjournment was inevitable. Fortunately, many of the differences appear to have since been resolved between the House and Senate and a timely conclusion of this year's session seems plausible. Here's a look at the week in review:

- On Friday, the full Florida House of Representatives took up and passed one of AIF's top legislative priorities for 2012. HB 119 Relating to Motor Vehicle Insurance by Representative Jim Boyd (R-Bradenton) will provide a viable alternative to Florida's Personal Injury Protection (PIP) system that is currently riddled with fraud. The Senate passed their version of PIP reform – SB 1860 by Senator Joe Negrón (R-Palm City) – just a day earlier. Read more.
  - SB 668 Relating to Workers' Compensation Drug Re-Packaging by Senator Alan Hays (R-Umatilla) passed the Senate Budget Subcommittee on Health and Human Services Appropriations on Tuesday. AIF extends an extraordinary amount of thanks to Senator Gaetz for his heroic leadership on this issue. Read more about its passage.
  - The Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations passed SB 1416 by Senator Elyn Bogdanoff (R-Ft. Lauderdale) Relating to Unemployment Compensation. The bill was amended during consideration on Tuesday to include some much needed tax relief for Florida employers who are about to see some drastic increases in their unemployment compensation taxes.
  - HB 1323 by Representative Brad Drake (R-DeFuniak Springs) passed the full House this week with overwhelming support by members. This legislation increases the penalty for those secondary metal recyclers who knowingly and intentionally accept stolen materials from a misdemeanor of the first degree to a felony of the third degree.
  - HB 7087 by the House Finance & Tax Committee contains a number of AIF's top economic development priorities for 2012. HB 7087 comprises a number of tax breaks for businesses, including the agriculture and manufacturing industries. These provisions will likely be contained within budget confirming legislation and adopted with the budget's passage in Week 9.
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## **Workers' Compensation**

On Tuesday, February 28th, AIF's Workers' Compensation Drug Repack legislation - SB 668 by Senator Alan Hays (R-Umatilla) - passed the Senate Budget Subcommittee on Health and Human Services Appropriations.

SB 668 focuses on correcting a loophole in the workers' compensation system that allows physicians to dispense repackaged drugs and charge employers exorbitant prices that greatly exceed the statutory reimbursement for the same pharmaceuticals dispensed by pharmacies. The existing loophole allows repackaged or relabeled prescription drugs to be dispensed at rates up to 679% more than what a pharmacy would charge.

This is a top priority bill for AIF and its Workers' Compensation Coalition for the 2012 Legislative Session. During Thursday's hearing, there were a few Senators with questions about how the reimbursement and repackaging processes actually work. However, the bottom line savings of over \$62 million for Florida employers is an immediate outcome of this legislation that must be realized and cannot be ignored.

**AIF SUPPORTS legislation that will reduce Florida employers' workers' compensation costs while helping Florida restore its vibrant economic position.**

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## **Unemployment Compensation**

On Tuesday, February 28th, the Senate Budget Subcommittee on Transportation, Tourism, and Economic Development Appropriations passed SB 1416 by Senator Ellyn Bogdanoff (R-Ft. Lauderdale) Relating to Unemployment Compensation.

Most importantly, the committee adopted amendments that will provide significant tax relief to all Florida businesses on their unemployment compensation taxes this year. This package is a result of the hard work of both Senator Bogdanoff and Senator Don Gaetz (R-Destin) to make sure that businesses are not facing exponential tax increases this year, during this economic time when job creation and economic recovery must be the focus of our work. The amendments passed will lower the wage base on which taxes are calculated to \$8,000 per employee and will spread out the payments employers make to replenish the Unemployment Compensation Trust Fund for an additional 2 years.

Furthermore, the amended proposal does not require additional federal borrowing and still maintains our repayment to the federal government by the end of 2013 as scheduled. AIF salutes Senators Gaetz and Bogdanoff as well as the other members of the committee for voting in favor of this bill.

SB 1416 will now be heard by the full Senate Budget Committee and we encourage all Senators to support the measure at that time, and throughout the remainder of the legislation session.

**AIF SUPPORTS efforts to bring tax relief to all the Florida employers who are potentially facing a drastic increase in the amount of unemployment taxes they must pay.**

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## Insurance

On Thursday, March 1st, the Senate Budget Committee passed SB 1860 Relating to No-Fault Automobile Insurance by Senator Joe Negron (R-Palm City). This legislation sets out to reform Florida's broken automobile insurance system, which has been plagued by rampant fraud and has led to auto insurance rates in Florida being the highest among most states in the country. The legislation aims to address the many cost drivers in the system that have been allowed to get out of control including the over utilization of medical providers that provide massage therapy and other soft tissue services like acupuncture. Thursday was the second day of deliberations on this bill by the Committee as a number of conflicting amendments were filed on the bill which diminished the original intent of the legislation.

In the end, the Committee did pass the bill but not before the bill's sponsor Sen. Negron asked his fellow committee members to vote down his initial amendment which included a number of provisions supported by AIF and the rest of the business community. Although an unusual move by a bill sponsor, the request was necessary in order to avoid some of the bad amendments that were adopted to continue to be a part of the bill.

On Friday, March 2nd, the full House of Representatives took up their own version of PIP reform and passed it by a vote of 85-30. HB 119 by Representative Jim Boyd (R-Bradenton) changes Florida's mandatory Personal Injury Protection (PIP) insurance requirement to a new Emergency Medical Care Coverage requiring an individual injured in an automobile accident to go to a hospital or to their doctor within 7 days in order to receive reimbursement for the cost of treatment.

In addition, the bill caps claimant attorneys' fees and eliminates contingency fee multipliers to reduce litigation. The bill also contains several provisions to combat fraud. With these provisions, the bill will reduce the cost of this mandatory coverage while providing for meaningful coverage for medical treatment in the event of an accident.

An amendment by Representative Boyd was adopted on Friday that will pay up to \$2,500 for a person to see a personal physician – an increase from \$1,500 that was proposed in the bill as previously drafted. Rep. Boyd thanked members for their support and noted that "If we do nothing today, rates are going to go up 30 percent next year."

AIF is hopeful that an agreement between the House and Senate will be achieved before the end of session that will bring about meaningful reform to Florida's Personal Injury Protection (PIP) system. AIF would like to thank members of the House & Senate for their work on this critical issue for Florida's business community. We would also like to recognize the tireless work of Governor Rick Scott, who has made passage of PIP reform a top priority for his administration.

HB 119 is now ready for consideration by members of the Senate. SB 1860 is also ready for consideration by the full Senate.

**AIF SUPPORTS efforts to pass meaningful PIP reform this session in order to address the rampant fraud that is plaguing the system. Businesses and consumers pay almost 50 percent more for auto insurance than other states in the nation. This is due to the unscrupulous actions of shady medical providers, trial attorneys, and criminals who stage auto accidents in order to access the available PIP benefits.**

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## Economic Development

On Tuesday, February 28th, in a somewhat rare move in today's legislative process, the Senate Budget Subcommittee on Finance and Tax chaired by Senator Jim Norman (R-Tampa) took up the House's large economic development package - HB 7087. This legislation has a number of economic development issues important to AIF including the reauthorization of the New Markets Tax Credit program as well as an expansion of the state's corporate income tax exemption. Specifically, AIF has worked diligently to support the New Markets program, one that has proven very successful in providing economic development capital in some of the state's most needy areas.

While uncommon, it is not entirely unheard of for a standing Senate Committee to take up and consider a House bill. At the request of several senators last week, the Senate agreed to consider in committee any significant pieces of legislation from the House that didn't have a specific senate companion bill. HB 7087 is the culmination of several individual senate bills, including important exemptions from taxes for manufacturing and electricity use for manufacturers and packing houses, as well as the expansion of the corporate income tax exemption from \$25,000 to \$50,000 for Florida businesses. In passing the legislation, House members widely supported the measure albeit with one piece of partisan bickering. This disagreement surrounded the expansion of a corporate income tax that disallowed companies utilizing union employees from being afforded the broader exemption.

The Senate Committee removed the union language while adding a few other provisions, including preferences for Florida printers for providing printing services to state and local government, allowance for Florida distillers to ship their products out of state and a lowering the state tax rate for phosphate as to ensure some of the state's efforts for reclamation can remain affordable.

The Committee passed the bill unanimously and AIF stood in support of the bill during public testimony. The next stop for HB 7087 may be the Senate Floor. With budget negotiations having begun, many of the provisions in HB 7087 are likely to be part of budget discussions due to varying levels of fiscal impacts.

**AIF SUPPORTS this legislation because of the good incentives it includes for a number of target industries of Florida. The provisions in this bill will help attract and retain businesses in our state – a key goal for Governor Scott and members of AIF.**

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## Environmental

On Tuesday, Tuesday 28th, the Senate Budget Subcommittee on General Government Appropriations unanimously approved SB 716 by Senator Mike Bennett (R-Bradenton).

This legislation streamlines the state's environmental permitting process. It eliminates duplicative agency and local government reviews for environmental permits. Two amendments were adopted during consideration to make SB 716 identical to its House counterpart - HB 503 by Representative Jimmy Patronis (R-Panama City) - that passed out of the House last week.

This legislation will give businesses community much needed regulatory relief and reforms regulatory permitting processes with local governments, water management districts, and the Department of Environmental Protection.

SB 716 has one remaining stop in the Senate Budget Committee. HB 503 is now awaiting hearing in the full Senate.

**AIF SUPPORTS efforts to streamline permitting across all state agencies. AIF would like to thank Representative Patronis for his commitment to work with all stakeholders on a bill that will streamline the permitting process. Time is money and Florida businesses are spending too much time on a permitting process that includes duplications and burdensome regulations.**

Metal theft is plaguing our state and AIF has been working with the Floridians for Copper & Metal Crime Prevention Coalition since 2008 fighting this crime. Last week, the House bills addressing metal theft moved through committee, and this week, the Senate companion bill is moving through the process.

On Tuesday, February 28th, the Senate Budget Subcommittee on Criminal and Civil Justice Appropriations unanimously approved SB 1324 by Senator Jim Norman (R-Tampa). This bill increases the penalty for those secondary metal recyclers who knowingly and intentionally accept stolen materials from a misdemeanor of the first degree to a felony of the third degree. It also places the same penalty on a person who knowingly and intentionally removes, or assists with the removal of certain metals from an electrical substation without authorization of the utility. Finally, the bill sets a definition for an “electrical substation” in the statute.

The other priority bill for the Floridians for Copper & Metal Crime Prevention was unanimously approved by the Senate Budget Subcommittee on General Government Appropriations. SB 540 by Senator Chris Smith (D-Oakland Park) aims to prevent metal theft by clarifying permissible types of personal identification necessary for the legal sale of regulated metal; prohibits cash transactions on restricted regulated metal property and for those which require proof of ownership; prohibits checks for metal purchases to be sent to a PO Box; and implementing a statewide stand to keep metal thefts from “shopping” stolen properties to cities and counties with less onerous penalties.

SB 540 has one remaining stop in the full Senate Budget Committee. The House companion - HB 885 by Representative Clay Ford (R-Pensacola) - has been placed on the House Calendar.

On Wednesday, February 29th, the House approved HB 1323 by Representative Brad Drake (R-DeFuniak Springs) by a vote of 107-6.

This bill increases the penalty for those secondary metal recyclers who knowingly and intentionally accept stolen materials. As originally drafted, the bill increased the penalty from a misdemeanor of the first degree to a felony of the third degree. An amendment was adopted to lower the penalty to a felony of the second degree. HB 1323 also placed the same penalty on a person who knowingly and intentionally removes, or assists with the removal of certain metals from an electrical substation without the authorization of the utility. Finally, the bill sets a definition for an “electrical substation” in the statute.

AIF and the Floridians for Copper & Metal Crime Prevention Coalition would like to thank Rep. Drake for his leadership on this issue and thank the members of the Florida House who supported this important legislation.

HB 1323 will now proceed to the Senate for consideration by its members. A similar measure in the Senate – SB 1324 by Senator Jim Norman (R-Tampa) – is currently in the Senate Budget Committee.

**AIF and the Floridians for Copper & Metal Crime Prevention Coalition SUPPORT legislation that will enact precautionary methods to help deter the removal of metal from private property and government structures, causing economic loss for both the private and public sectors.**

Legislation concerning onsite sewage treatment and disposal systems made significant progress in both the House & Senate on Thursday, March 1st.

First, the full House approved HB 999 by Representative Chris Dorworth (R-Heathrow) with over two-thirds of the Chamber's approval. This proposed legislation repeals the statewide onsite sewage treatment and disposal system inspection program that was created in 2010. Under this bill, local governments will decide whether they want to have an inspection program for septic tanks. If a county has a first magnitude spring, they will have to pass an ordinance to "opt-out" of the program and all other local governments will have to "opt-in" to the program. In addition, local governments will decide who will conduct the inspections. There is a grandfather clause for those local governments with inspection programs already in place.

HB 999 will now proceed to the Senate for final consideration by its members.

In the Senate, SB 820 by Senator Charlie Dean (R-Inverness) was approved by the Senate Budget Committee. Previously identical to its House counterpart, SB 820 was amended during consideration on Thursday. The first amendment by Senator Don Gaetz (R-Destin) changed the requirement that a local government must either "opt-in" or "opt-out" with 60% of the vote of the elected commission. The second amendment also offered by Senator Gaetz will prohibit a local government from mandating a high performance septic system until the study on the impact of septic tanks is completed.

Similar to its counterpart in the House, SB 820 is also ready for consideration on the Senate Floor. The bill will likely be substituted for HB 999 and voted on for final passage before proceeding to the Governor to be signed into law.

**AIF SUPPORTS onsite sewage treatment and disposal legislation that is both workable and mindful of environmental sustainability. AIF has been working closely with the Florida Home Builders Association and the Florida Association of Realtors on this proposal.**

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## **Growth Management**

On Monday, February 27th, the Senate Community Affairs Committee passed SB 842 Relating to Growth Management by Senator Mike Bennett (R-Bradenton). Slated as this year's premier growth management legislation, this bill makes a number of non-substantive modifications and clarifications to ch. 2011-139, L.O.F, "The Community Planning Act" (the Act) that were compiled through various discussions and feedback received from stakeholders including the state land planning agency and local governments.

Modifications include fixing cross-references, updating outdated language, and removing provisions throughout the statutes that the Act made obsolete. Such references include the twice-a-year limitation on adopting plan amendments that no longer exists and references to the evaluation and appraisal report that are no longer required.

SB 842 also requires a regional planning council to determine before accepting a grant that the purpose of the grant is in furtherance of its functions, prohibiting a regional planning council from providing consulting services for a fee to any local government for a project for which the council will serve in a review capacity, prohibiting a regional planning council from providing consulting services to a private developer or landowner for a project for which the council may serve in a review capacity in the future.

The bill passed on a 15-0 vote and now will proceed to the Senate Budget Committee for further consideration.

**AIF SUPPORTS efforts to clarify "The Community Planning Act" so as to guarantee that those developers can proceed with certainty.**

On Wednesday, February 29th, the full House took up and overwhelmingly passed HB 979 Relating to Developments of Regional Impact by Representative Jose Felix Diaz (R-Miami).

This legislation contains several provisions, including direction stating that reviewing agencies may make only recommendations or comments regarding a proposed development which are consistent with the statutes, rules, or adopted local government ordinances that are applicable to developments in the jurisdiction where the proposed development is located.

In addition, the proposal includes a new exemption from the process which applies to any proposed development that is located in a local government jurisdiction that:

- Does not qualify for an exemption based on the population and density criteria in s. 257 380.06(29)(a)
- Is approved as a comprehensive plan amendment adopted pursuant to s. 163.3184(4),
- Qualifies for an incentive program pursuant to chapter 288; *and*
- That the developer, local government, and Department of Economic Opportunity agree in writing that the development-of-regional- impact review process does not apply.

With one dissenting vote by Representative William Snyder (R-Stuart), HB 979 will now advance to the Senate for final consideration.

**AIF SUPPORTS legislation that allows developers, local governments, and the newly created Department of Economic Opportunity DEO to elect to use the state coordinated review process for certain developments and thus provide significant cost and time savings for private developers.**

On Friday, March 2nd, the full Senate took up and unanimously passed SB 704 Relating to Building Construction and Inspection by Senator Mike Bennett (R-Bradenton).

This bill amends a number of provisions related to building construction and inspection in Florida. The bill modifies how local government code enforcement boards serve notices on property owners; authorizes building code administrators or building officials to accept electronically transmitted construction plans and related documents for permit approval purposes; *and* directs the Florida Building Commission to adopt a rule outlining an alternative method of screen enclosure design and establish a workgroup to assist the commission in developing a rule for implementing an alternative screen design.

SB 704 will now proceed to the House where an identical companion – HB 651 by Representative Daniel Davis (R-Jacksonville) – also awaits consideration by House members.

**AIF SUPPORTS legislation that will generate cost savings resulting from efficiencies associated with electronic filing.**

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## Transportation

On Tuesday, February 28th, the Senate Budget Committee passed SB 1866 by Senator Jack Latvala (R-St. Petersburg). There were numerous amendments filed, but due to lack of time many of the amendments were withdrawn and will be brought up later on the Senate floor. None of the withdrawn amendments would affect the port investments.

Currently, Florida statutes require that a minimum of \$8 million per year be made available from the State Transportation Trust Fund (STTF) to fund the Florida Seaport Transportation and Economic



Development (FSTED) Program. FSTED has been funded at a level of \$15 million since 2004 and in order to match current practice, SB 1866 increases the minimum FSTED funds available from \$8 million to \$15 million per year. SB 1866 also provides that the FSTED program may be used to finance port projects that retain or enhance the creation of jobs in all areas of the state. SB 1866 also removes the limit of a single port's distribution of funds to \$7 million during one calendar year or \$30 million during any five calendar year period.

Furthermore, SB 1866 will create the Strategic Port Investment Initiative within the Department of Transportation (DOT). Beginning in fiscal year 2012-13, a minimum of \$35 million will be available annually from the STTF for the initiative. DOT is required to work with the deepwater ports to develop and maintain a priority list of strategic projects that meet the state's economic development goal of becoming a hub for trade, logistics, and export oriented activities.

Finally, SB 1866 creates the Intermodal Logistics Center Infrastructure Support Program within DOT, to provide funds to local governments and seaports thereby enabling the state to respond to private sector market demands and meet the state's economic development goal of becoming a hub for trade, logistics, and export-oriented activities. Beginning in fiscal year 2012-2013, up to \$5 million per year shall be made available from the STTF for the program.

SB 1866 will now proceed to the Senate Floor for consideration by its members.

**AIF will continue to SUPPORT legislation that focuses on the development and expansion of Florida's 14 deepwater ports.**

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## **Taxation**

On Tuesday, February 28th, the Senate Budget Subcommittee on Finance and Tax unanimously passed SB 770 Relating to Exemptions from Local Business Taxes by Senator Alan Hays (R-Umatilla). His legislative assistant explained that the bill specifies that an individual licensed and operating as a real estate broker associate or sales associate is not required to apply for an exemption from a local business tax and does not have to pay the tax.

**AIF SUPPORTS legislation that provides that an individual who engages in or manages a business, profession, or occupation as an employee of another person is not required to pay a local business tax, obtain a local business tax receipt, or apply for an exemption from a local business tax.**

On Wednesday, February 29th, the Florida House of Representatives took up and passed HB 7125 Relating to Exemptions from Local Business Taxes by Representative Ken Roberson (R-Port Charlotte).

Rep. Roberson introduced the bill and explained that this measure specifies that an individual licensed and operating as a real estate broker associate or sales associate is not required to apply for an exemption from a local business tax and does not have to pay the tax.

HB 7125 will now proceed to the Senate for deliberation by its members. The Senate companion – SB 770 by Senator Alan Hays (R-Umatilla) – is currently in the Senate Budget Committee.

**AIF SUPPORTS legislation that provides that an individual who engages in or manages a business, profession, or occupation as an employee of another person is not required to pay a local business tax, obtain a local business tax receipt, or apply for an exemption from a local business tax.**



After reaching an agreement with Governor Rick Scott and representatives from local governments, Chairman Eric Eisnagle (R-Orlando) offered a compromise amendment on Thursday, March 1st to House Joint Resolution (HJR) 1003 Relating to Tangible Personal Property Tax Exemptions. The amendment was adopted and subsequently brought forward for final consideration by members on Friday, March 2nd.

HJR 1003 proposes an amendment to the Florida Constitution that would provide an additional exemption from ad valorem taxes on tangible personal property valued between twenty-five thousand and fifty thousand dollars. This proposal gives local municipalities and counties the option of providing additional tangible personal property exemptions by ordinance.

There were no questions or debate and the joint resolution passed overwhelmingly by a vote of 112 -2.

HJR 1003 will now proceed to the Senate for consideration by its members. The Senate companion – SJR 1064 by Senator Nancy Detert (R-Venice) – was withdrawn from the Senate Budget Committee and placed on the Senate calendar for final passage. It is slightly different from HJR 1003; however, it is believed that the Senate will accept the House proposal and pass the bill within the coming days.

**AIF SUPPORTS legislation that will aid small and medium-sized businesses by reducing the red tape associated with paper work as well as high property taxes.**

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## **Legal and Judicial**

The Senate Budget Committee passed SB 378 Relating to Expert Testimony by Senator Garrett Richter (R-Naples) on Wednesday, February 29th. This legislation conforms the standards for the admission of expert testimony in Florida courts to the Federal Rules of Evidence. The bill amends Florida law, to prohibit an expert witness from testifying in the form of an opinion or otherwise unless the testimony satisfies the following additional criteria:

- The testimony is based on sufficient facts or data;
- The testimony is the product of reliable principles and methods;
- The witness has applied the principles and methods reliably to the facts of the case.

The standard in Senator Richter's bill is the standard used in federal courts and in over 30 other states, which is vital to providing uniformity in Florida's judicial system.

During consideration a controversial amendment by Senator David Simmons (R-Altamonte Springs) was adopted after much debate. The unfriendly amendment weakened the language in the bill by still allowing some of the existing standards for expert witnesses to be used in our court system

SB 378 will now be considered on the Senate Floor. The House companion, HB 243 by Representative Larry Metz (R-Eustis), has already passed the full House and is in Senate Messages.

**AIF SUPPORTS legislation that will utilize highly regarded legal standards to ensure a level playing field during litigation.**

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## Business Regulation

On Wednesday, February 29th, the full House passed HB 609 Relating to Wage Protection for Employees by Representative Tom Goodson (R-Titusville) by a vote of 77-38.

This legislation provides that the regulation of wage theft is expressly preempted to the state. Therefore, local governments may not regulate over and above the existing state and federal laws. The bill also defines "wage theft" as an illegal or improper underpayment or nonpayment of an individual worker's wages, salaries, commissions, or other similar form of compensation.

This bill is in response to Miami-Dade County creating a local process for employees to file claims for unpaid wages outside of the processes available under state and federal law. There are currently numerous legal avenues already available for employees to recoup wages. The Miami-Dade ordinance can open employers up to false claims by disgruntled employees. As such, this forces employers to defend themselves from potentially fraudulent claims.

During consideration on the Floor, members voted down an amendment by Representative Cynthia Stafford (D-Miami) which would have shielded the Miami-Dade ordinance from being included in the bill by giving the county grandfather status.

HB 609 will now proceed to the Senate for consideration by its members. An identical measure in the Senate – SB 862 by Senator David Simmons (R-Altamonte Springs) – remains in the Senate Judiciary Committee.

**AIF SUPPORTS legislation that will clarify the state's authority to pre-empt local governments from regulating wage theft. A "patchwork" arrangement of local ordinances provides confusion and uncertainty to Florida's employers.**

On Friday, March 2nd, Senator Chris Smith (D-Oakland Park) introduced SB 678 Relating to State Contracts for final passage.

This legislation mandates that vendors with state contracts must have call centers staffed by employees located within the United States. Following very few questions or opposition, the bill passed with unanimous consent.

Despite unanimous passage, the House companion – HB 649 by Representative Betty Reed (D-Tampa) – has not yet been heard by a respective committee. This signifies that the bill will unlikely see passage this legislative session.

**AIF OPPOSES legislation that will create another layer of government regulation that interferes with a businesses' freedom to control costs and provide state services at the lowest possible price.**

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## Energy

On Thursday, March 1st, the full House passed HB 4001 by Representative Scott Plakon (R-Longwood) that would repeal the Florida Climate Protection Act, which passed in 2008. The 2008 law directed the Department of Environmental Protection to create a cap-and-trade program for the State; however, the Department never created a plan after a fiscal analysis showed that the cost to both the public and private sectors would be prohibitive.

HB 4001 passed by a vote of 82-34, falling largely along partisan basis with Democrats voting in opposition.

HB 4001 will now proceed to the Senate for consideration by its members. An identical measure in the Senate – SB 648 by Senator Alan Hays (R-Umatilla) – awaits hearing on the Senate calendar and will likely be substituted for final passage in the coming days.

**AIF SUPPORTS legislation that will repeal the establishment of a “cap-and-trade” program for the reduction of greenhouse gas emissions.**

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## Education

On Thursday, March 1st, the House took up a controversial education measure that passed largely along party lines by a vote of 80-34.

HB 1191 Relating to Parental Empowerment in Education by Representative Michael Bileca (R-Miami) enables parents, by petition, to request that the school district implement a parent-selected turnaround option if a school in the lowest performing category does not improve performance in the initial year of implementing a turnaround option selected by the school district. The turnaround option requested by parents must be considered for implementation by the district school board at a publicly noticed meeting if the petition is signed and dated by a majority of the parents of eligible students, i.e., students enrolled in the school or students who are scheduled for assignment to the school in the following school year.

Within 30 days of receiving notice from the Department of Education (DOE) that the school did not improve performance under the preceding turnaround option, each school district must notify parents that they may submit a petition requesting that a parent-selected turnaround option be implemented for the school in the following school year. Proponents, including Representative Marti Coley (R-Marianna) stated that the measure "gives parents that voice they need to make sure their children are receiving the best education possible."

HB 1191 will now proceed to the Senate Chamber for consideration by its members. The Senate companion – SB 1718 by Senator Lizbeth Benacquisto (R-Wellington) – is currently in the Senate Budget Committee.

**AIF will continue to SUPPORT legislative changes that will increase digital learning and improve foundational skills and readiness for college and careers.**

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## Health Care

On Friday, March 2nd, the full House of Representatives unanimously approved HB 711 Relating to Sale or Lease of a County, District, or Municipal Hospital by Representative Ed Hooper (R-Clearwater).

This legislation increases the requirements in statute associated with the sale or lease of a county, district or municipal hospital. Currently, the authority to negotiate and make the final decision on a sale or lease is with the hospital's governing board. HB 711 would require every county, district or municipal hospital, by December 31, 2012, to evaluate continued ownership of such a hospital. This is to occur regardless of whether the governing board intends to sell or lease the hospital.

The bill would also require that the governing board of a hospital, prior to completing the sale or lease, to receive approval from a circuit court, or, if provided for in a hospital's charter, by a referendum of voters. Other provisions would increase the public's participation in the process and sunset the hospital taxing authority upon sale, unless a lower rate is ratified by a majority of voters in the district.

HB 711 will now proceed to the Senate for consideration by its members. The Senate companion - SB 1568 by Senator Don Gaetz (R-Destin) - was approved earlier in the week in the Senate Budget Subcommittee on General Government Appropriations with an amendment that brought the bill language closer to the House. One of the main remaining differences in the House & Senate proposals is that the Senate version still gives the Chief Financial Officer the authority to approve the sale or lease of a public hospital.

**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.**