



Capitol Report

League of Women Voters of Florida

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This was a more active week for many bills the League is following. But active does not always mean eventful. At the beginning of the week, many of the bills passed unanimously through their respective committees. This trend was likely due to the focus both the House and Senate had on this year's budget proposals. The Senate passed its \$65.9 billion budget on Thursday along party lines while the House remained in debate about its proposed \$65.1 billion budget until finally passing it on Friday. With such a low budget this year, the League may see many of its priority issues affected by the budget constraints. As the budgets passed the week became more exciting at the end when some of the more controversial bills were taken up in committees.

THIS WEEK AT A GLANCE:

- **SB 474** - growth management - passed out of Community Affairs (10 to 0)
- **SB 542** - Florida Forever Trust - passed out of General Government Appropriations (5 to 0)
- **SB 562** - Educational building standards – favorably by Environmental Preservation & Conservation (5 to 0)
- **SB 1208** - water pollution – CS/CS by Community Affairs (9 to 0)
- **SB 1488** – Health Care Consumer's Right to Information – CS/CS by Banking and Insurance (7 to 0)
- **SB 1544** – energy bill – passed by General Government Appropriations (5 to 0)
- **SB 1626** – Charter County Transit System Surtax – passed by Community Affairs (10 to 0)
- **SB 1634** – Wastewater management – favorable with amendment by Health Regulations (10 to 0)
- **SB 2406** – aggregate mining – TP'd by Environmental Preservation & Conservation
- **SB 2726** – Presidential Preference Primary Election – favorable by Ethics and Elections (5 to 1)
- **HB 31** – Springs Protection – passed by Environment & Natural Resources (14 to 0)
- **HB 747** – Charter County Transit System Surtax – Favorable by Government Efficiency & Accountability (14 to 0)
- **HB 991** – Voice of the People Act – CS by Government Efficiency & Accountability (14 to 0)
- **HB 1201** - election bill - CS by Economic Expansion & Infrastructure (10 to 4)
- **HB 1399** - Department of Transportation - CS by Economic Expansion & Infrastructure (13 to 1)
- **HB 1503** – Management of Wastewater – CS by Environment & Natural Resources (13 to 0)
- **PCB ENRC 08-09** – Florida Forever – passed by Environment & Natural Resources ()

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- **PCB EEIC 08-07 – Growth Management – passed by Economic Expansion & Infrastructure (xx to 2)**

Bills of League interest already showing on committee agendas for next week: **SB 560, SB 1094, SB 1488, SB 1626, SB 2422, HJR 421, HB 903**

During Session, the Capitol Report will come out every Friday with that week's update and issues likely to happen the next week. Because not all Capitol Report readers are equally as avid, we will maintain some of the basic bones of the Report each week. To make it easier for those of you who are avid Report readers to keep up – new information will be in blue typeface, but this way new or less frequent readers can understand the context of the week's happenings.

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2008 LEGISLATIVE SCHEDULE

Interim Committee Meetings have been held six weeks since October 2007. There was to be seven weeks of Interim Committee Meetings but the week of meetings scheduled in November 2007 was cancelled. The other weeks included meetings in October and December 2007 and the weeks of January 7th and 22nd and February 4th and 18th 2008.

The 2008 Regular Session began on Tuesday, March 4th. February 29th at 5:00 p.m. was the deadline for submitting draft bills and final bills must be filed by noon the first day of session. The last day for regularly scheduled committee meetings is April 22nd. The last day of the Regular

Session is May 2nd, and the Legislature has the prerogative of extending the Regular Session or later calling a Special Session if it does not complete its work on schedule or has an issue which it wants to address prior to the next regular session.

LEGISLATIVE INFORMATION

Updates on League legislative issues will be provided on a regular basis through the Capitol Report, which is published most weeks during the Session. This issue is a review of important activities to date. There will also be a wrap-up report at the close of session.

Important information may also be accessed through the Internet at www.leg.state.fl.us. League members are encouraged to consult this site for information like:

- **Committee Appointments:** The Senate President and House Speaker appointed Committee Chairs as part of the Organizational Session and their names as well as the members and staff of each Committee may be found here with contact information. Special consideration is often given to bills sponsored by members of the committee hearing the bill; this is particularly true of bills sponsored by the chair of the committee.
- **Bills:** Roughly 2000 bills have been filed for this Session. The deadline for filing bills for introduction was March 4, 2008 at noon. However there are ways to get around this. Copies of bills are available on the above mentioned state legislative website along with sponsor information, the Committees to which bills have been referred for consideration, any legislative staff analyses that have been done on the bill and any actions taken on the bill with dates and voting records.

➤ Committee Information: Depending on what issue you are tracking there are generally standard committees of reference based on issue, although this can vary. It is a good idea if you want to track an issue that you attempt to identify prior to session what are standard committees of reference to deal with that issue. For instance, last year most legislation dealing with elections went through the Senate Committee on Ethics and Elections and the House Committee on Ethics and Elections. Most major pieces of legislation of this issue not only went through these committees but originated with these committees. By identifying the committees generally identified with your issue/s you can 1) become familiar with the members of the committee and the committee staff and develop relationships with these folks ahead of time, 2) participate in pre session committee meetings of these committees where there may be a variety of workshops or special presentations on the issue/s you are concerned about and 3) track activities in these committees more closely for existing bill activities as well as efforts to waive rules and develop new bills or substantially alter existing bills to address these issues.

➤ Committee Projects: Committee staff is assigned projects to work on in between Sessions, involving research and recommendations on diverse policy issues. Their reports go on-line once approved for consideration and are then taken up by the assigned Committees for action. They often result in Proposed Committee Bills, bills offered by a committee as a whole as opposed to an individual legislator.

➤ Committee Packets: For each committee meeting a packet is prepared by the staff. These include an

agenda, any presentation materials being addressed at the committee meeting, any amendments being offered on bills on the agenda, staff analyses on bills on the agenda and more. They are generally available on line or at the document centers on the third floor of each chamber's building the day of and frequently the day before the scheduled committee meeting, depending on the filing deadline for the meeting. As a general rule it is always good to check the document center just before a committee begins for any updated packets or addendums. This becomes particularly important as session progresses and nears end.

➤ Calendars: Available for both the House and Senate are weekly and daily calendars of activities. These include activities for full Session as well as Committees. They are generally published on line in advance of the dates and then are updated closer to the time of the actual activity. It is a good idea to check the weekly calendar on Monday morning each week of Session and to check the daily calendars the evening before.

This information may be used to aid League members in being timely informed so as to play an even stronger role in grass roots advocacy.

LEAGUE PRIORITY ISSUES

The LWVF set three 2008 Legislative priorities: Government in Florida, Natural Resources & Sustainability and Civic Education. Under the first two there are priority subcategories as follows: under Government in Florida: Equitable Taxation, Redistricting, and Citizen Initiatives and under Natural Resources & Sustainability: Protection and Restoration of Water Supply, Coastal Management and Energy.

The League has decided to once again hire a professional lobbyist, Jeanne Zokovitch with WildLaw to represent us throughout the 2008 legislative session on some of the priority issues. Jeanne will also coordinate the Volunteer LWV of Tallahassee Lobbying Corps and Board and Off-Board Point Persons on Priority issues. We would like to thank all of the League members who volunteered to be point persons during this year's legislative session. Karen Burns (kburns1@tampabay.rr.com) will be our point person for Election Reform, Terry Coble (terryarose@bellsouth.net) will head up Fiscal Policy (Taxation); Caroline Emmons-Schramm (carolinees@cfl.rr.com) will focus on Transportation (Growth management & related fiscal issues), Susie Caplowe (susiecaplowe@comcast.net) will be the point person for Water; Clara Anne Graham (CAGRAMMY@comcast.net) will be the point person for Climate Change (Energy), Phyllis Brewer (phylbillbrew@earthlink.net) will be the one for Health; and Marilyn Wills (marilynwills@msn.com) will focus on Civic Education. Please contact a specific point person or Dianne Wheatley (wheatley@tampabay.rr.com) if you have any questions or are interested in helping. We could always use more help.

Additionally, during the interim, LWVF volunteers interviewed different members of the House and Senate to learn and understand each member's stance on key issues. An internal database of this information is compiled of these interviews in order to give the League a head start on evaluating legislators' positions on the different issues that will likely come up this Legislative Session. The League would like to thank all of the local Leagues and members that participated in the legislative interview process.

GOVERNMENT IN FLORIDA

Representative Dorothy Hukill's (R, 28) bill, **HB 991**, "Voice of the People Act." **HB 991** requires public input at all local meetings. Hukill believes citizen input in government official decisions produces better results. This bill has implications in Growth Management as well as the League's priority Government in Florida – look for updates on it in either section. **HB 991** has a companion bill, **SB 2276**, filed by Senator Lynn (R, 7). **HB 991** was removed from its referral to Urban and Local Affairs and placed on the Government Efficiency and Accountability agenda on April 3rd, but the meeting was cancelled. LWVF put out an action alert this past week for members to call the GE&A Council members and urge support. The bill was unanimously passed by the GE&A Council as a CS on April 8th. League Vice President Marilyn Wills was present and testified in support of the bill. As the League predicted an amendment was added to **HB 991** which waters down the bill some. The new language allows local governments to opt out of the bill's requirements by adopting a written policy addressing its public participation policies. **SB 2276** has yet to be agendaed.

EQUITABLE TAXATION

The League supports a state fiscal structure that is equitable in its distribution of the tax responsibility and responsive to public needs. There were two special sessions last year in 2007, one in June and one in October, addressing taxation issues.

The League's priorities suffered a set back early on this January, as the proposed constitutional amendment, "amendment 1" was passed by the majority of voters. Amendment 1, which expands the homestead exemption and slowly phases out the "Save Our Homes" program, was opposed by the League due to its burden on local government services and its failure

to consider ability to pay of taxpayers. The Florida Supreme Court rejected the initial proposed amendment as unconstitutional due to language problems existing in the bill. However, the amendment was revised during a special session. The League followed the progression of amendment 1 and continued to oppose the amendment.

Due to all the special attention taxation has received in between legislative sessions, Senate President Pruitt (R, 28) spoke out stating that "[i]f (senators) file a bill, I'm not going to stop anyone from filing a bill....If we share with them that there will be no leadership assistance with it, hopefully they'll know that there's no appetite over here." Thus, based on Senator Pruitt's statement it is likely there will be less activity on tax issues than some thought during this session.

House Speaker, Marco Rubio (R, 111), took an entirely different stance on tax issues this year. As session convened, Rubio aggressively asserted his desire for deeper property tax cuts. The contrast between the Senate and House's attitudes toward taxes should lead to some interesting results this session.

This divide has been seen with **HJR 421**, a bill designed to amend further the Save-our-Homes benefits. Filed by Representative Simmons (R, 37), it passed favorably as a committee substitute out of the Government Efficiency and Accountability Committee (12-0 vote) on March 19th. **HJR 421** is now in the House Policy and Budget Council and has been placed on its Monday, April 14th agenda at 3:15 pm. In contrast, **SJR 2758**, which is identical to **HJR 421**, has been referred to the Community Affairs, Finance and Tax, Education Pre-K – 12 Appropriations and Rules Committees but has not been agendaed yet.

Further **HB 1237** by Representative Gelber (D, 106) was heard on March 19th by the House Government & Accountability Council. The League supports this bill as it would close an existing tax loophole in Florida's system which allows companies in Florida to assign business profit gained in Florida to other states thereby avoiding Florida taxation. Chairman Attkisson devoted 1.5 hours of his Council's 2 hour meeting to present and debate **HB1237** before it was defeated. There was a prearranged agreement that there would be presentations for and against, with questions and debate by Council members, but no time for public testimony. Attkisson did read the names of organizations submitting speaker cards for or against.

Rep. Gelber presented for about 1/2 hour, inviting two speakers to present with him (Jim Taitt who worked on taxation in the leg. in the 1970s and TK Wetherell (Pres. of Florida State)). Gelber also had a PowerPoint, which can be obtained from his website or the House Democratic Office.

Speaking against **HB 1237** were the general counsel for COST and Fl. Tax Watch.

The vote was along party lines, which is consistent with leadership's stance that there will be NO MORE REVENUE collected.

Members of the public were not allowed to speak but could hand in speaker cards and the chair read the names and affiliations denoting their respective positions on the bill. League Lobby Corps member, Rebecca Sager, was there and put in a card for the League showing our support.

Here is an excerpt from a letter from LWVF written by League Board Member and

Fiscal Policy Point Person Terry Coble to the Council in support of Gelber's bill: "The League of Women Voters of Florida (LWVF) is of the opinion that there should be a tax on corporate income with uniform rates for all types of corporations. We also believe that taxation should be consistent with economic, environmental, social and other goals. Unfortunately, the effective rate of taxation on the income of corporations doing business in Florida is far from uniform, and many exemptions, credits and deductions have been enacted over the years. The League therefore urges the Council on Government Efficiency and Accountability to approve HB 1237, which is a step toward uniformity in Florida's corporate income tax system." A similar letter was sent to the Taxation & Budget Reform Commission earlier and it is posted at www.lwfla.org/pdf%20files/presmailmarch08.pdf

HB 1237's companion bill is **SB 2766** by Senator Ted Deutch (D, 30). **SB 2766** has been referred to these committees: Commerce; Finance and Tax; General Government Appropriations; Education Pre-K - 12 Appropriations. This many committee references are a sure sign that the Senate will not allow this bill to get any legs this session. Also, with Rep. Gelber's bill being voted down it becomes near impossible for it to be the subject of an amendment to any other bill.

On March 17th the Taxation & Budget Reform Commission met to consider and propose a number of constitutional amendments on these issues. If these amendments pass they will be placed on the next ballot and subject to a statewide vote. A modified version of former Senator John McKay's long-time plan was wrapped up in an amendment that also addresses several priorities of House Speaker Marco Rubio (R, 111). The plan is being called the "tax swap" plan.

Moreover, the Taxation and Budget Reform Commission is discussing constitutional proposal 45 (**CP 45** or TABOR). The League **STRONGLY OPPOSES** this proposal. **CP 45** restricts revenue growth at both the state and local levels to a formula based on population change and inflation. This limit can lead to deterioration in public services. Colorado implemented a similar tax system in 2001 and it saw its general funds revenue decrease by 17% by 2003.

The way it works – **CP 45** requires budget cuts in good economic times because revenues above the formula based limit could not be spent. But, budget cuts also occur in bad economic times because of insufficient funds. Thus, state services will constantly face budget cuts and those services will deteriorate in most years (good and bad years alike). For example, in Colorado while it had TABOR in place, the state saw its K-12 funding decline from 35th in the nation to 49th and its higher education funding drop by 31%. Florida has no other states to look to for information on TABOR because Colorado has been the only state to implement such a system. Based on the results in Colorado, Florida would be foolish to propose a system substantially similar to Colorado's like **CP 45** is.

The Taxation and Budget Commission was to vote on **CP 45** last Friday, April 4th. However, due to the controversy of the proposal and confusion by both the public and some Commission members, no resolution was made by the Commission after it spent 7 hours discussing the measure. The Commission meets again on Monday, April 14th, and it is likely the discussion on the proposal will continue and it is possible a resulting vote on **CP 45** will occur.

REDISTRICTING

The League supports single-member election districts that are equal in population, that provide access for minorities, are compact and, when possible, take local characteristics such as political and geographical boundaries into consideration.

A joint resolution, **SJR 1114**, has been filed by Senator Charlie Justice (D, 16), which would address many of the League's concerns pertaining to redistricting. The bill proposes amendments to the constitution pertaining to redistricting and reapportionment. The bill would create an independent commission to set up redistricting plans. By having an independent commission draw the lines for districts will ideally alleviate concerns of gerrymandering and other political influences affecting redistricting. **SJR 1114** has been referred to the Ethics and Elections Committee; Criminal and Civil Justice Appropriations, Transportation and Economic Development Appropriations, and Rules, but has yet to be placed on any agenda. There is no companion legislation in the House which significantly reduces the likelihood of this legislation going anywhere.

Additionally, the League is assisting with efforts to collect signatures for the revised version of the citizen amendment on redistricting.

CITIZEN INITIATIVES

In the past few sessions, the League has spoken out against proposed bills which further limit citizen access and elevate the role of the legislature in writing, rewriting and regulating the constitution. This increased role of the Legislature is troublesome to the League as it dramatically curtails checks and balances in the Florida government system. With the passage of HB 537 containing an amendment which creates a petition

revocation process and the veto of SB 900 the anti-citizen petition bill last year it is unclear what will be done on this issue this year. The League will oppose bills which limit citizens' right to constitutional initiatives and where appropriate advance the idea of a citizen statutory initiative.

HB 1201/SB 866 updates are below under Elections.

On March 20th the House Ethics & Elections Committee took up **HB 903** by Representative Dorworth (R, 34). This bill is another one of the Florida Chamber of Commerce's highest priorities again this year and attempts to further burden the citizen initiative process. The bill is aimed at only paid signature gatherers. While the League knows we do not pay signature gatherers, many of the initiatives we have supported have had to in order to even possibly be successful in the climate that has chilled citizen and volunteer involvement because of the many burdens effected in numerous bills aimed at this process in the last few years. League VP Marilyn Wills spoke against the bill with others but the bill was approved by all members present. **HB 903** next was on the EE&I Council's agenda for April 1st. League lobbyist, Jeanne Zokovitch, testified adamantly against the bill noting the ruse behind the bill that it was designed to penalize criminals who were gathering petition signatures by citing a simple analogy "this bill is akin to having your purse stolen, having the thief caught by law enforcement, but rather than returning your purse to you, law enforcement lets the thief go and throws your purse away without telling you". The bill does not penalize the petition gatherer who was improperly registered but instead throws out the perfectly valid petitions. The bill sponsor also had significant problems trying to explain the bill during intense questioning by representatives below who later voted against the bill. Nonetheless the bill was

passed as a CS by a 9 to 4 party-line vote. Representatives Bucher (D, 88), Bullard (D, 118), Cusack (D, 27), and Fitzgerald (D, 69) voted against this bill. [The bill has already been placed on the Policy and Budget Council's agenda for Monday, April 14th, at 3:15pm.](#)

Its Senate companion is **SB 2340** by Senator Posey (R, 24) which has been referred to Ethics and Elections; Judiciary; Transportation and Economic Development Appropriations. **SB 2340** was voted favorably by the Ethics and Elections committee on April 1st. The final vote was 5 to 2 with Senators Justice (D, 16) and Rich (D, 34) voting in opposition. **SB 2340** is now in the Judiciary but not currently on its agenda for the coming week.

ELECTION LAW

The League supports measures to advocate for fair methods of financing political campaigns.

The Senate Ethics and Elections committee discussed 4 election related bills at its February 20, 2008 meeting/workshop. The League's lobbyist, Jeanne Zokovitch, spoke on Senator Rich's (D, 34), Senator Charlie Justice's (D, 16), and Senator Steve Oelrich's (R, 14) bills at the workshop.

Senator Nan Rich's bill, **SB 880**, addresses mail in ballots. The bill revises the current law on mail in ballots and extends the option of mail in ballots to a board of county commissioners. **SB 880** has been referred to the Ethics and Elections Committee, Community Affairs, Judiciary, and Transportation and Economic Development Appropriations. The League supports this bill as it will improve access to the election process. Other states that have increased or instituted state-wide mail in options have dramatically increased voter turn-out. **SB 880** was on the Ethics &

Elections Committee agenda for April 1st and passed unanimously as a CS. The bill is now in Community Affairs.

HB 429 by Rep. Fitzgerald (D, 69) is the identical companion bill to **SB 880**. It has been referred to the House Ethics & Elections Committee and the Economic Expansion and Infrastructure Council, but has not been placed on any agenda.

Senator Justice's bill, **SB 532**, creates prohibitions on the use of public funds by a local government entity advocating for a specific position in an issue campaign and has been referred to Ethics and Elections, Community Affairs, and Judiciary. In recent years many local Leagues have been disappointed in these extravagant expenditures taking a position on an issue which is supposed to be being decided by the voters. While we support the issue of education, the use of public funds to try to sway the outcome of such a campaign violates many League principles. The bill has now been co-sponsored by Sen. Atwater (R, 25), Sen. Posey (R, 24) and Sen. Gaetz (R, 4). This bill was also the subject of one of the Talking Points given to Leaguers at Seminar.

HB 195 by Rep. Long (D, 51) and co-sponsored by Rep. Homan (R, 60) is a similar bill. It has been referred to the Ethics & Elections Committee, the Economic Expansion & Infrastructure Council and the Policy & Budget Council but has yet to be placed on any agenda.

Senator Oelrich's (R, 14) bill is actually a bill and a joint resolution, **SB 958/SJR956**, repeals the "Florida Election Campaign Financing Act" and would remove the requirement of public financing of campaigns of candidates for elective statewide office who agree to campaign spending limits. The joint resolution would go to the ballot for an ultimate vote by the voters to remove this provision from our

Constitution. The League strongly supports public financing as it levels the playing field to allow less-financed individuals to run for office and it is a successful campaign finance measure limiting overall spending in elections when used appropriately. In Florida in 2005 at the sunset of Session, reforms to Florida's public financing law were snuck through by majority leaders – these “reforms” astronomically raised the spending limits which would still allow a person to qualify for public financing. This has resulted in huge election price tags and a backlash against public financing. However, this could easily be addressed by returning to more modest spending limits that achieve the goals of public financing. Proponents of this legislation are using the events since 2005 as a ruse for why public financing should be eliminated but truly they just don't believe in public financing options or the goals it achieves. **SB 958/SJR 956** has been referred to Ethics and Elections, Judiciary, Transportation and Economic Development Appropriations. These pieces of legislation were passed by the Senate Ethics & Elections Committee on March 11th where Marilyn and League allies spoke again against the bill. The vote was reported as 5 to 1, despite the vote outcome both Senator Justice and Senator Margolis spoke strongly against the bills and several committee members were not in attendance. **SJR 956** shows a 4 to 2 vote. Talking Points showing why the League opposes these measures were also given out at Seminar. Both bills are now currently in the Judiciary but not showing on their tentative agenda.

In the House **HJR 281/HB 277** by Rep. Hays (R, 25) are the companions to the Oelrich legislation discussed above. On Feb, 21st, League lobbyist, Jeanne Zokovitch, addressed these measures at the House Ethics and Elections Committee educating the members that the system

while flawed needed to be fixed not eliminated. The vote of House E&E was along party lines with the measures passing 4 to 3. Rep. Ausley (D, 9), Fitzgerald (D, 69) and Schwartz (D, 99) voted against the bill while voting for the bill were Rep. Sandy Adams (R, 33), Rep. Peter Nehr (R, 48), Rep. Pat Patterson (R, 26), and David Simmons (R, 37). **HJR 281/HB 277** were passed out of the House Economic Expansion & Infrastructure Council on March 20th. Both bills passed by a 9 to 4 vote with Representatives, Bucher (D, 88), Cusack (D, 27), Fitzgerald (D, 69), and Reed (D, 59) opposed to the bills. **HJR 281/HB 277** bills were given a strong push by the Republicans and gained momentum as the idea of public campaign financing was given the tagline as “welfare for politicians.” The bills passed out of the Policy and Budget Council favorable along party lines. If the joint resolution passes by a 3/5s vote by each chamber, they will be placed on the ballot. Governor Crist, who has mixed emotions about repealing the Campaign Financing Act, does not have the ability to sign or veto a ballot measure passed by the Legislature. Both bills were debated and voted on by the House on April 2nd. The tagline “welfare for politicians” continued to resonate in the House as the bill was taken up. The House rejected **HJR 281** by an 82 to 34 vote (mainly along party lines). The League predicted the vote would be mainly along party lines because of the pressure most Republican representatives were feeling from the House leadership. On a side note, Republican Presidential nominee, John McCain, supports public financing which could have implications down the road as more learn of his stance.

While Democrats generally opposed the whole plan embodied in **HJR 281/HB 277**, they did reach middle ground on April 2nd with **HB 277**. Representative Ausley (D, 9) proposed an amendment to **HB 277** which

would lower the spending caps on the public campaign financing and return the caps to their pre-2005 caps. So, if **HJR 281** passes in the Senate but does not get the required 60% public approval in the November polls, then its companion bill **HB 277** will be in effect (assuming it passes the Senate as well) and thus spending caps would be lowered. Democrats support campaign public finance because it removes the influence of special-interest groups. Plus, 17 other states have some form of it. Rep. Ausley's amendment helped **HB 277** unanimously pass out of the House. The League will be watching to see the implications of the new added language to **HB 277** as it now no longer runs concurrent with **SB 958**.

This year's budget constraints could be a potential push for the repeal of Public Campaign Finance. In 2006, public campaign finance cost the state \$11 million. Proponents for both **HJR 281** and **HB 277** are using the fiscal impact of public campaign finance to support the bill. Rep. Ausley's amendment to **HB 277** will lower the fiscal impact of the bill due to the lowered caps. Thus, such an amendment would be beneficial in strained budget years. In contrast, supporters of **HJR 281** will point to lack of funds all together in the strained budget for campaign financing. As the House and Senate work out their budgets, it will be interesting to see the effects (if any) it will have on the movement of these bills. Both **HB 277/HJR 281** are in Senate Messages. This means that instead of picking up the Senate companions the Senate does have the option of picking up the House versions directly. We will be keeping an eye on this.

A big thanks goes out to all the League members who helped educate and discuss with their local Representatives the League's position on campaign public financing in the past few weeks!

Senator Mike Fasano (R, 11) also had a bill brought up during the Senate Ethics and Election workshop, **SB 118**. **SB 118** has been referred to Ethics and Elections, Governmental Operations, and Judiciary. There is no identified companion in the House for this bill, but it could be taken up as an amendment on other related issue bills.

Another issue among election reform this session focuses on the need to develop a better way to monitor election results. Florida's current audit provision is seen as problematic even by state officials, but recently Secretary of State Kurt Browning stated that he does not think this is the year to make these types of changes. Despite Browning's hesitation, many are pushing for these audit changes to be approved this legislative session. Different activist groups, including Florida Voters Coalition, have been working hard at getting bills filed and language add/changed to make sure that Florida's audit process is addressed this session. One bill, **SB 2544**, has been filed by Senator Justice (D, 16) and calls for tougher post-election audit requirements. Senator Justice seems hopeful that a reformed audit procedure will be a result of this year's legislative session but he said he "understands the reality of what we are proposing in an election year." Despite the unlikelihood of reform happening this year Senator Justice at least hopes this bill will both help push discussions among Florida lawmakers as well as continue to remind them of the need for an improved audit provisions. **SB 2544** has not been referred to the Senate Committees on Ethics and Elections, Judiciary, and Transportation and Economic Development Appropriations but has yet to be placed on any of the committees' agendas. The League has decided to support this legislation as it currently exists. Last year, the League was the lead organization that achieved some improvements in HB 537's

audit language and asked that additional audit issues be considered in the 2008 session.

HB 1521 by Rep. Sasso (D, 32) is the identical house companion for this bill. It has been referred to the Ethics & Elections Committee, the Economic Expansion & Infrastructure Council and the Policy & Budget Council. It is currently in the Ethics and Elections Committee but has yet to be placed on any agenda.

SB 2726 by Senator Paula Dockery (R, 15) is another bill the League is supporting this Session. This bill would allow voters registered in the State of Florida as “no party affiliation” to vote in the Presidential Primary. The bill would go into effect in 2009 and will not affect the current Presidential Race. The League supports this bill because it is consistent with the League’s principles of expanding access for voters. **SB 2726** was passed favorably by the Ethics and Elections committee on April 8th by a 5 to 1 vote. Senator Constantine (R, 22) was the only vote in opposition. Jeanne Zokovitch (LWVF) and Ben Wilcox (Common Cause) spoke in favor of the bill. There was some discussion as to whether the political parties would object to this type of primary. The bill is next slotted to go to the Judiciary Committee.

SB 2726’s companion bill is **HB 1189** by Rep. Rick Kriseman (D, 53) has been referred to Ethics & Elections and the Economic Expansion and Infrastructure Council but has not been agendaed as of yet. The League spoke in support of these measures at a press conference some weeks ago.

Also in the April 8th, Ethics and Election Committee, Rivers Buford from the Secretary of State’s office gave a report on progress in ridding the state of touch screen machines. He said that they are

working with the technical staffs of counties, and the process is going smoothly. He said that all counties would have the machines needed and certified in time for August voting. Some of the Sequoia machines are being kept for use by disabled voters. Senator Constantine asked about **SB 866**; Buford stated that LWVF and Common Cause had met with the Secretary of State and Division of Elections staff and discussed concerns the two groups have. They were also in contact with Attorney Mark Herron on some of these issues. Sen. Constantine stated that if there is an impasse on **SB 866**, a new bill will be presented, and that it is incumbent to work on **SB 866**. Jeanne has remained in contact with the Secretary’s office in the hopes that they will hope that he will consider some of our suggested changes.

HB 1201 was heard this week in the House Ethics and Elections bill. This bill, known as the Secretary of State’s election reform package, appears to largely be a tightening up of various election systems. Included in this bill is language which regards the petition and petition revocation processes. League volunteer legislative advocate and board member, Marilyn Wills, attended the meeting. However, because the lengthy bill was unveiled only the night before and it was clear that the League had little traction with this committee; the League decided it would wait and attempt to reform this bill at later stops and on the Senate side. The bill passed out of the Ethics and Elections Committee with 2 amendments by a unanimous vote on March 13th. The bill was on the Economic Expansion and Infrastructure Committee’s agenda for Friday, April 11th and passed as a CS by a 10 to 4 vote. League Legislative Advocate, Jeanne Zokovitch, spoke against the bill pointing out a list of 8 issues that need to be addressed to not negatively affect voters. The only other group who spoke against was the

association of Florida supervisors. Those Representatives voting against the bill were Bucher (D, 88), Cusack (D, 27), Fitzgerald (D, 69), and Reed (D, 59). The Secretary of State was present and spoke on the bill. The Secretary and his staff again spoke with Jeanne after the meeting indicating that they would be meeting over the next few days to review our suggested changes.

A Senate companion has not yet been identified but **SB 866** by Senator Constantine (R, 22) is a shell bill which has been identified as the likely vehicle for these issues. **SB 866** was on the Senate Ethics & Elections Committee agenda on Tuesday, March 11th but was temporarily passed without language or discussion. Marilyn was also present at this meeting. Further, we have been told that these bills will become the “kitchen sink” and that we should expect to see more negative amendments to it as it moves forward including significant restrictions on the petition process being again advocated by the Chamber of Commerce and Senator Posey (R, 24). **SB 866** was taken up in the April 1st E&E meeting and was passed as a CS by a 5 to 2 vote. Senators Justice (D, 16) and Rich (D, 34) voted against this bill. League lobbyist, Jeanne Zokovitch, spoke to the committee saying once again here we are with a strike everything amendment of 50+ pages being revealed only the day before the committee meeting and the bill being held out as a simple “clean up” bill by the Secretary of State includes provisions which would have significant effects on elections and petitions. The League expressed concerns as follows: voter id issues related to the same issues in last year’s HB 547, tweaks to the law regarding challenging voters that do not address voter caging – a system being used to challenge voters without knowledge by the voter making it difficult for the voters to address the issue, a provision that makes it easier for people to revoke the signature

from petitions, a provision that would make bundling of petitions even like petitions illegal and more. Within an hour of the testimony and statements by Chairman Constantine asking that the Secretary of State to reach out to groups like the League that have problems with the bill before the next stop, Jeanne was requested to meet with the Secretary and his staff the next day to discuss concerns. Jeanne went with LWVF VP Marilyn Wills and Ben Wilcox Tallahassee League Member and Director of Common Cause, Florida and laid out our concerns. After much discussion the League, Common Cause and the Secretary agreed to consider where and how we might meet on some of these issues and communication is continuing. The bill will next go to Judiciary but is not on their agenda for next Tuesday. [See new discussion about SB 866 above.](#)

Election reform received a powerful push this week due to US Senator Bill Nelson’s call for election reform. He told the Florida Senate on March 27th, that “our [Florida’s] election system is broken.” While the Senator discussed doing away with the Electoral College and amending the primary system, he also stated that he is planning on filing federal legislation to encourage secure internet and mail-in voting. The League believes Senator Nelson’s remarks may light a fire under current election legislation and hopefully align election reform with some of the League’s priorities.

NATURAL RESOURCES & SUSTAINABILITY

Energy and environmental issues have been hot topics for the proposed bills this session. As more bills are filed, the League suspects that there will be some bills concerning different League priorities addressing natural resources and sustainability.

The House and the Senate both unveiled bills this past week that would extend the Florida Forever program. **SB 542** by Sen. Saunders (R, 37) was introduced in the Senate Environmental Preservation and Conservation Committee on March 27th. The bill was amended but then TP'd. The primary reason for the temporarily passing of the bill was because the sponsor, Senator Saunders, was called out of the committee to introduce his energy bill **SB 1544** in Communications and Public Utilities and because of the length of debate and amendments never returned before EP&C was adjourned. **SB 542** was back in the EP&C and was passed unanimously as a Committee Substitute with some amendments. The League supported **SB 542** but new language was added to the bill through amendments this week that moves the Florida Forever Program away from the original intent of the program to preserve land and natural resources in Florida. The League believes the new language will move the primary focus away from the original intent of the program by widening the umbrella of uses of Florida Forever funds in ways not necessarily congruent with the original intent. League VP Marilyn Wills was present at the meeting but due to the late filed amendments and another conflict she had to leave before she had an opportunity to speak to the committee. League allies on this issue did speak against a number of the amendments and noted the move away from the Florida Forever goals. As the bill moves forward, the League will voice these concerns and take steps to try to preserve the sanctity of the program. **SB 542** was passed unanimously out of General Government Appropriations on April 10th. League Legislative Advocate, Jeanne Zokovitch spoke in favor of the bill and against a number of amendments which would weaken the Florida Forever program by permitting use of its dollars for things like alternative water supply projects and habitat for imperiled species –

although these may sound good on their face they are not: the habitat amendments are being pushed by the Florida Homebuilders Association as a way to essentially get the state to bail them out on mitigation costs when they are trying to develop in habitat of imperiled species and Florida Forever already has provisions that allow the purchase of land for both water resource and species habitat protection. The water supply amendments are trying to further extend the funds to pay for alternative water supply facilities – this is not the focus of the Florida Forever program and would result in competing agendas. Unfortunately one bad amendment did pass – this was an amendment that like the House bill moves the Florida Communities Trust program from DCA to DEP – something Secretary Pelham and the League opposes.

Senators Jones (R, 13) and Lawson (D, 6) voted against the amendment and should be thanked. Senators Aronberg (D, 27), Alexander (R, 17) and Baker (R, 20) voted for the amendment. Senator Bennett sponsored the amendment (R, 21). We believe that Sen. Aronberg may reverse his position on this issue later but cannot undo the amendment at this point.

TAKE ACTION!

Please contact Senator Aronberg, especially if you are in his district, and ask him to work with the League and others to figure out how to get that amendment out of the bill.

Aronberg.dave.web@flsenate.gov
850-487-5356

Also, Senator Saunders, the sponsor of the bill did great standing up against all other bad amendments except this one – we need to contact him and applaud his great efforts on this bill but to also ask him to

please see what he can do to get the amendment moving FCT out of the bill.

Saunders.burt.web@flsenate.gov
850-487-5124

Please be gracious with both of these Senators as we need their help and Sen Saunders overall has done a great job with this bill. Senator Saunders will be the key if we are going to get this back in the bill.

The League also has significant problems with its companion **PCB ENRC 08-09**. This bill was heard on Wednesday, March 26th in the Conservation & State Lands Committee. While the bill would extend both the time period and the amount of money in the Florida Forever Program it also contained provisions which would expand the types of properties and uses on those properties which could qualify for FF funding and it stripped DCA of its Florida Communities Trust program which is critical to the overall growth management scheme in Florida. For these reasons, League lobbyist, Jeanne Zokovitch, spoke telling the committee that we applaud the efforts to develop a successor program but do not feel that the need to retain this important legacy of Florida's should be held hostage by making us and others swallow a bill which is being used to accomplish others' agendas not compatible with this legacy. Our testimony and testimony by other allies led to the bill being passed unanimously but with strong statements by members on both sides of the aisle (Garcia (R, 110), Culp (R, 57), Sasso (D, 32) and Machek (D, 78)) indicating that they wanted to keep the bill moving but feel that our concerns particularly those about the Florida Communities Trust need to be addressed before the bill makes it to the floor. The League will continue to try to remove bad provisions from this bill and to secure the integrity of the Florida Forever program.

PCB ENRC 08-09 was considered by the Environment & Natural Resources Council on Friday, April 11th and passed unanimously with several amendments. League Legislative Advocate, Jeanne Zokovitch spoke in opposition to many of the amendments which further broadened the uses of Florida Forever funds including for working waterfronts. Note that the House bill already has all of the bad competing agendas discussed above on the Senate bill plus more. It also has FCT moved from DCA. Jeanne also spoke in opposition to the bill. League allies are torn on this issue because they don't want to lose the reauthorization of Florida Forever but are not okay with this expansion of the program to cover other issues, either. There is a sense that there will be no opportunity to do anything with the House bill and so focus is on the Senate bill at this point. There is little understanding however on why House Democrats are supporting this preservation program being expanded to promote economic and business interests.

Florida Forever faced another set back as the House revealed its proposed budget, which the House agreed on Friday, April 11th. The Florida Forever program (as well as the Everglades restoration program) will get zero funds this year according to the House budget. House Speaker Rubio stated that the House leadership had to make difficult budget choices but he stated that the programs will still be able to run on money accumulated over the past years. Luckily, the Senate's proposed budget, which was agreed on Thursday, April 10th, calls for an extra \$800 million more than the House's budget. As the chambers differ the actual funding will have to be determined through the budget conference.

WATER SUPPLY

The League supports public policies that promote conservation of freshwater and its availability for environmental, public

supply, agricultural, industrial and mining uses on a priority basis.

Currently an ongoing working group is periodically meeting to design and craft legislation to protect springs from pollution, development. There is a draft of legislation offered by Senator Saunders that is aimed at this purpose.

Once again water wars are amongst us, so watch for legislation that will tag waterways for water resources and find ways to sustain water supplies for current users; the tug of war continues between all users and consumers of water. The legislation will answer questions such as who will get theirs first and by what means?

Ocean outfall wastewater discharge from pipes is damaging our coral reefs and the legislature is paying attention. Senator Saunders, Chairman of the Senate Environmental Preservation and Conservation Committee, held a workshop during the December Interim Committee week and staff from DEP, Broward County and Miami-Dade County presented their case. According to Palm Beach County Reef Rescue, the National pollution permits for all of the south Florida outfall pipes have or are about to expire and this is a violation of Federal law. The sewer plants have not and cannot meet the level of proof required by the Clean Water Act and will continue to operate in violation until enforcement action is taken. The Florida Legislature needs to weigh in and no doubt they will.

Ocklawaha River restoration is a heartbeat away. DEP's application to remove the Rodman Dam is complete, but there is one issue still remaining, according to St. Johns River Water Management District, "the Silver River has significant nitrate and phosphorous loading in it and it dumps into the Rodman, which acts as kidneys,

cleaning the effluent that comes from Silver River, prior to the water making its way to the St. Johns River. So the District is trying to figure out how to clean up Silver River to avoid impacts." DEP's permit doesn't have an expiration date and when asked by Senator Saunders whether the River will be restored, the District replied: "Yes, but do we know timing and have the mechanisms in place to get it done? Don't know, have a lot of studies going on and we need that data to sustain a decision to remove the dam."

We fought the fight of aquifer storage and recovery a few years ago and won. We stopped Governor Bush and the legislature from dumping untreated water into our aquifers. So, because of the severe droughts, we need to "be on the lookout" for possible legislation similar to the ASR bills from 2000 or 2001 that would allow untreated groundwater to be injected into the aquifer. Commissioner of Agriculture Charles Bronson referenced this recently and the need "now more than ever" to pass this type of legislation so we can deal with the drought conditions. One piece of legislation this session that addresses Commissioner Bronson's concerns is **HB 547**. **HB 547** was filed by Representative Kreegle and was a proposed committee bill of the Environment & Natural Resources Council. It was on the Environment & Natural Resources Council's agenda on March 5th. The Council passed the bill favorably with a council substitute. **HB 547** was passed unanimously by the Policy & Budget Council on March 11th and has now been placed on the House calendar.

SB 1208 is the companion bill to **HB 547**, but is not identical. **SB 1208** was filed by Senator Gaetz (R, 4). It has been referred to the Environmental Preservation and Conservation Committee, the Community Affairs Committee, and the General Government Appropriations Committee. **SB 1208** was on the Environmental

Preservation and Conservation Committee's agenda on March 27th and favorably passed by a 5-0 vote. League member Peggy Ramsey was in attendance at the Environmental Preservation and Conservation meeting when **SB 1208** was passed. Senator Dockery praised Senator Gaetz and this bill by stating "you are new to this committee, but this is a great bill." As seen by the vote, other Senators likely feel the same way. The League has not taken a position on this bill but some of our traditional allies on this issue believe that it is a ruse to avoid implementation of parts of the Clean Water Act. The League is trying to evaluate this further but has not had time to engage on this bill. [The bill was in Community Affairs this week on April 9th and passed unanimously as a CS/CS.](#)

Other bills related to water issues that the League is following are:

SB 1634 filed by Senator Bennett and is identical to **HB 1503** (filed by Rep. Aubuchon). The bills amend Florida Statutes section 514.023 by adding provision which require DEP to identify source(s) of water pollution which contaminants the water and prohibits beach swimming. The League feels that this bill is a good start but needs strengthening. But as you will see below with **HB 1329** (Transportation section) this bill could face issues with regards to its financial impact in the face of this year's budget cuts. This has been referred to Health Regulation; Environmental Preservation and Conservation; General Government Appropriations. A good sign that **SB 1634** will be supported is that **HB 1503** its companion bill was passed unanimously with amendments by the House's Environmental Preservation Committee on March 19th. [Following the movement of **HB 1503**, **SB 1634** has in fact begun to move. The bill was passed unanimously with 1 amendment on April](#)

8th by the Health Regulations committee. **SB 1634** is now in the Environmental Preservation and Conservation committee but has yet to be placed on the agenda. Likewise, **HB 1503** moved along side **SB 1634** this week as the House's Environment and Natural Resources Council passed the bill unanimously as a CS on April 8th. **HB 1503** is now in Policy and Budget waiting to be agendaed.

The League also supports **HB 31**, which is identical to **SB 2078**. The bills create a governmental study of Florida's springs and provide goals for the study. The League supports these bills but do not feel like the bills in their current form provide much "legal bite." The bills will need to be strengthened and amended with stronger language to have a real impact. **HB 31** is co-sponsored by Reps. Boyd (D, 11) and Jenne (D, 100). It has been referred to the House Committee on Conservation & State Lands; Environment & Natural Resources Council; and the Policy and Budget Council. **HB 31** passed out of the Environment and Natural Resources on April 9th by a vote of 14 to 0. The bill is now in the Policy and Budget Council but has yet to be placed on the agenda. **SB 2078** was filed by Sen. Oelrich and referred to the Senate Committees on Environmental Preservation and Conservation; Community Affairs; General Government Appropriations. **SB 2078** unanimously passed out of the Environmental Preservation & Conservation Committee on March 27th.

The League is also following a number of bills which the League opposes. These bad bills negatively affect the direction the League follows pertaining to water issues. The League will review the bills further and look for ways to oppose them and speak against them in the coming weeks. The bills are: **HB 1267** and its companion bill **SB 2352**; **SB 2060**; **HB 761**; **HB 147**; and **SB 2406**.

HB 1267, Co-sponsored by Reps. Nelson and McKeel is designed to amend § 403.9335 by requiring at a minimum that every county and municipal adopt the “Florida Friendly Fertilizer Use on Urban Landscapes Model Ordinance.” The counties and municipalities may adopt additional provisions under certain circumstances. But, IF A LOCAL GOVERNMENT WANTS ANYTHING MORE PROTECTIVE OF LOCAL WATERS THEN it must adopt its own fertilizer use ordinance before July 1, 2008. **HB 1267** has passed out of the Agribusiness Committee (vote 7-0) and Environment & Natural Resource Council (vote 13-3). The bill is next headed for the Policy and Budget Council. **SB 2352** is identical to **HB 1267**. **SB 2352**, co-sponsored by Senators Aronberg and Baker, passed unanimously out of the Agriculture committee as a committee substitute on March 27th and is now in Community Affairs.

Another bill the League opposes is **SB 2060** and its similar bill **HB 761**. Primarily, this amendment limits regulation to the State for agricultural stormwater management. **SB 2060**, by the Agriculture Committee and Senator Dean, was passed unanimously out of Agriculture on March 19th and is now in Regulated Industries.

HB 147 nicknamed the “Mike McHugh Act,” requires DEP to expedite processing of permits for certain economic development projects. **HB 147** passed through its committees quickly and has now been placed on the Second Reading Calendar. **HB 147** is comparable to **SB 402**. **SB 402**, among other provision, allows DEP to expedite the processing of wetland resource and environmental resource permits for economic development projects that have been identified by a municipality or county as meeting the definition of a target industry business under § 288.106, Florida

Statutes. **SB 402** filed by Senator Fasano was referred to the Environmental Preservation and Conservation; Community Affairs; Commerce; and General Government Appropriations Committees.

SB 2406 will prohibit local governments from taking any actions that prohibit mining in certain lands zoned for mining. It provides an expedited permitting process for certain limerock environmental resource permitting and reclamation applications. This bill filed by Senator Bennett has been referred to the Environmental Preservation and Conservation; Community Affairs; and General Government Appropriations Committees. **SB 2406** was on the Environmental Preservation and Conservation’s agenda for April 9th but was TP’d. The League opposes this bill.

COASTAL MANAGEMENT

The League supports intergovernmental stewardship of and fiscal responsibility for the Florida coast.

Currently two bills address different aspects of the Florida coast. **HB 221** filed by Representative Garrett Ritcher (R, 76) is written to protect the Florida coastline from oil and gas drilling along Florida’s coast. **HB 221** was placed on the February 20th agenda of the Committee on Energy but was temporarily deferred. The bill has also been referred to the Environment and Natural Resources Council and the Rules and Calendar Council. **HB 221** is similar to **SB 426** filed by Senator Mike Bennett (R, 21) and has been referred to the Senate Committee on Environmental Preservation and Conservation.

Another bill, **SB 326**, filed by Constantine is entitled the Clean Ocean Act. It is aimed at involving the Department of Environmental Protection at the ports. This bill has been referred to Environmental

Preservation and Conservation, Military Affairs and Domestic Security, Regulated Industries, and General Government Appropriations. On March 27th, the Environmental Preservation & Conservation Committee combined this bill with **SB 1094** by a unanimous 5-0 vote. This bill is linked to **HB 897** by Rep. Mayfield (R, 80) which was passed unanimously by the Environmental Preservation Committee on March 12th. **HB 897** was also unanimously passed as a council substitute out of the Environmental and Natural Resources Council on March 19th. The bill is in the Policy and Budget Council for discussion. The bills are also linked to **SB 1094** by Senator Haridopolos (R, 26). **SB 1094** was removed from Health Regulations and instead referred to Regulated Industries. Regulated Industries immediately agendaed this bill and it will be heard on, Tuesday, April 15th at 9 am. **SB 1094** as stated above was combined with **SB 326**.

ENERGY

Energy is one of the most addressed issues of the 2008 legislative session thus far. Governor Crist is very progressive on energy issues. Last session he vetoed bills that did not go far enough in addressing the energy issues of the state. The Florida Energy Commission addressed both the Senate and House during the interim meetings of January 7th. The Florida Energy Commission has set 7 goals which it recommends the legislature should address. The goals are: restructure energy policy governance, increase energy efficiency and conservation efforts, maximize renewable energy resource development, enhance energy related education and research, strengthen energy supply and delivery infrastructure, respond to climate change, and out year issues. The House and Senate have seemed to be persuaded by the goals and recommendations since there are an abundant amount of bills that

have been filed thus far concerning energy issues.

On March 6th, in the Senate Environmental Preservation & Conservation Committee, DEP presented the Governor's plan for energy conservation. Governor Crist was in attendance at the meeting. The energy plan was workshopped at the meeting and the committee agreed to work on amendments and present the bill the next week. The goal was to pass the bill draft out of the committee. The bill is **SB1544**. **SB 1544** was again workshopped in the EP&C Committee and many amendments were offered; seven of these passed and eleven were temporarily passed. Those tp'd will likely be massaged and brought up again. At first blush (which is difficult because the language comes out so soon before the meetings and is always changing) the League is likely to support this bill generally but may work to get some tweaks and also to fight off bad amendments. League lobbyist, Jeanne Zokovitch, has been present at all of these meetings, is following it closely and working with allies to understand all of the nuances. **SB 1544** was on the Environmental Preservation and Conservation Committee's agenda on Wednesday, March 19th. The Committee unanimously passed the bill as a committee substitute with a handful of amendments. League lobbyist, Jeanne Zokovitch, spoke to the committee for information only taking one position on the whole bill. Her testimony focused on aspects of the bill that are of concerns to the League that are unclear or that we believe will be under threat as it moves forward due to language in the House. Specifically, these included citizen participation opportunities in power plant decision-making, governance issues by various state agencies, impacts on low income individuals, and the need to fully evaluate environmental, health and economic impacts on subsidizing

alternatives so that we move forward positively. **SB 1544** was taken up by the Communications and Public Utilities Committee on March 27th. It passed as a CS of a CS by a 7 to 1 vote. This bill remains a moving target and many amendments were added in this committee including some which weakened the bill to conform to provisions in the House PCB 08-01. The League largely supports the provisions in the Senate bill but continue to evaluate each version and to attempt to strengthen good provisions and ward off bad provisions. The bill has not received much opposition from utility companies even though it would require stricter standards and goals which the utility companies would have to meet. Dependent on amendments, the bill currently forces utilities to use more renewable energy. The added costs to using renewable energy will likely be passed on to the consumers. Thus, a result of this bill could be increases in utility rates. However, the exact increase is unknown, as of now, due to all the variables that would affect the rates. One such variable is found in new language of the bill. The new language provides many perks to the utility companies which comply with the stricter standards. Hopefully these perks will translate into keeping rates low. **SB 1544** was passed unanimously by the General Government Appropriations Committee on April 10th with amendments which did weaken some of the mandatory provisions of the bill. The League feels there are some good things in the bill but also some bad things and questions whether or not the bills are going far enough but in light of the economic issues this session we will not get more. Since this was its last committee, the bill is waiting to be taken up on the Special Order Calendar.

House Energy Committee workshopped PCB ENRC 08-01 in the beginning weeks of March. This workshop included

presentation by various agencies regarding proposed changes to the Public Service Commission, DEP and other agencies' roles in energy issues. The League is reviewing this language but does have concerns about areas where we believe public participation is being marginalized. Additional segments of the bill will be workshopped including the governance issues and energy efficiency. The bill was again workshopped in the Energy Committee on March 12th where presentations and some limited public comment were taken. League lobbyist, Jeanne Zokovitch, was again in attendance and following closely. This bill was again discussed in the Energy Committee on March 19th where League lobbyist, Jeanne Zokovitch was in attendance. There were more than a dozen amendments and the meeting packet was revised three times that day prior to the meeting. A handful of people spoke on nuanced issues but mostly people were struggling to keep up with the moving target as it was being amended. **HB 457** by Representative Dorothy Hukill (R, 28) was workshopped on March 19th by the committee; it is a smaller Energy bill which focuses on renewable technology; the bill's basic content was rolled into the PCB as best we can tell. **PCB ENRC 08-01** was again discussed in the ENR Council this week but was temporarily deferred until next week when it will be voted on. The League has definite concerns about this version of the bill. **PCB ENRC 08-01** was passed unanimously by the ENR Council on Friday, April 2nd, but no action packet was received prior to the publishing of the Capitol Report. A number of amendments were also added including those indentified as #24 on demand side renewable and 25 on renewable portfolio standards which League allies believe significantly strengthen the bill and are provisions we would like to see in the Senate bill. However, similar to the Senate bill the League believes a lot of the process

changes with DEP and the PSC will result in less citizen engagement on power plant sitings of any type. There are also other provisions in the bill we do not like but as said before this is basically what can pass this session. This bill may next go to Policy & Budget but don't be surprised if it goes straight to the floor.

Also, in the Senate various other energy bills were on committee agendas all filed by Senator Constantine (R, 22) including: **SB 310**, **SB 560** and **SB 316**. **SB 310** was unanimously passed by the Senate Agriculture committee on Thursday, March 6th. **SB 310** is now in Communications and Public Utilities. Likewise, **SB 560** was passed favorably out of the Community Affairs committee by a 9-0 vote. **SB 560** was next on the agenda at the March 18th Regulated Industries meeting. The bill passed unanimously as a committee substitute. **SB 560** was on the Environmental Preservation and Conservation Committee on April 3rd. The bill unanimously passed as a CS. Next week, **SB 560** will continue to move through Committees as it is on the Transportation and Economic Development Appropriations Committee agenda for Tuesday, April 15th at 2:15 pm.

SB 316 which was unanimously passed by the Governmental Operations Committee is now headed for the General Government Appropriations committee. The League is reviewing various parts of all of these energy bills which were being circulated behind the scenes. Other Energy bills identified are: **HB 23**, **HB 229**, **HB 1165**, **HB 1413**, **SB 308**, **SB 312**, **SB 314**, **SB 412**, **SB 562**, **SB 2422**, **SB 2250** and **SB 2850**. All of these bills have some type of energy provisions. Some of these will move alone and some will be combined into some of the major pieces of legislation.

GROWTH MANAGEMENT

The League supports governmental action that results in sustainability. Sustainability means that the results will meet the needs of the present generation without endangering the ability of future generation to meet their own needs.

One part of growth management concerns impact fees. Impact fees are fees imposed on a development to alleviate strain the development will place on the surrounding area, such as burdens the development will create on infrastructure issues. The League supports development that supports its own impacts. **SB 2050**, filed also by Senator Bennett (R, 21), relates to impact fees and has been referred to the Community Affairs Committee and the Finance and Tax Committee.

Secretary Tom Pelham (a long time League supporter), who was appointed by Governor Crist on January 8, 2007 as Secretary of the Florida Department of Committee Affairs, promotes citizen rights in growth management in his "Citizen's Planning Bill of Rights" which is up for discussion this legislative session. Some say that Sec. Pelham's ideas on growth management address concerns of many supporters of the ill-fated ballot measure Hometown Democracy. While the League did not endorse the amendment the failure to allow citizen input in growth management in Florida and the failure of the system as a whole to accurately plan for Florida's growth, its implications and costs, are great concerns of the League's which we believe may get addressed in Pelham's ideas. Hometown Democracy would require voters to approve any change in a county's growth plan. Sec. Pelham's bill does not require a public vote on all growth management changes but does restrict and add limitations to a local government's ability to make changes to its comprehensive plan as well as require community hearings on proposed changes.

We will continue to evaluate this as it moves forward.

Secretary Pelham presented to the Senate Community Affairs Committee on March 6th. League lobbyist Jeanne Zokovitch was present and asked the Secretary to include the League in further stakeholder discussions on his legislative agenda. Specifically, the Secretary spoke about his citizen participation provisions and transportation concurrency. It appears that there will be language that seeks to improve the citizen participation role in the comp plan process however transportation concurrency may only get addressed by provisions that would require a study of a new system that would address the deficiencies in the existing system which relies on impact fees, concurrency and proportionate share requirements. Growth management issues were workshopped in both the House Infrastructure and Economic Development Committees this week including some presentations by Secretary Pelham. Secretary Pelham was warmly received at the LWVF Seminar's dinner. He spoke at length about various DCA Legislative Priorities. Current versions of language he is attempting to get heard by committees can be found on the DCA's website at www.dca.state.fl.us. The League supports many of these and will be engaging and evaluating further as the language moves forward into bills.

The House Economic Expansion and Infrastructure Council workshopped a draft of this bill **PCB 08-07** at the very end of their agenda on April 1st. The League has many serious concerns about the draft unveiled there and League lobbyist, Jeanne Zokovitch put in a card to speak about those concerns but was not able to do so before the meeting ended. Chairman Cannon indicated that the bill will be back soon with additional language. It was discussed further at the Council's Tuesday, April 8th meeting but no vote was

taken on the bill. Then on Friday, April 11th, the bill was taken up with amendments and passed. (vote not available yet and not sure we recorded it right) League, Legislative Advocate, Jeanne Zokovitch attended both meetings attempted to speak at Tuesday but was not allowed, did speak on Friday in opposition to the bill but was thankful to Chairman Cannon and Vice Chairman Hukill who did make some of the changes the League desires including an amendment in Friday's Council meeting. In her testimony, Jeanne identified the other areas that need to be addressed before the League could support the bill. Look for this bill to either go to Policy and Budget or straight to the floor anytime. Behind the scenes, Jeanne had many conversations this week with the Chair, Vice Chair, committee staff, and other legislative allies to try to affect this bill. We will continue to try. Look for an alert in the days to come on this bill.

A bill that has a similar theme as Sec. Pelham's "citizen rights" portion of his growth management plan is Representative Dorothy Hukill's (R, 28) bill, **HB 991**, "Voice of the People Act." This bill was addressed earlier in Government in Florida.

Other issues related to growth management and sustainability in which the League has an interest relate to state wide planning and funding for transportation, including transit. In this year of budget constraints Trust Funds will be particularly vulnerable to raiding to meet current revenue needs. The League has consistently opposed accessing revenue from Trust Funds to meet for annually recurring expenses. The Florida Department of Transportation (FDOT) Plan of Work, which contains funding for current and projected transportation projects, including public transportation and commuter rail is an especially tempting target because it contains funding from the

Transportation Trust Fund for transit projects slated to begin in Central Florida and ongoing transit in South Florida. This could jeopardize, among other items, the Central Florida Commuter Rail project, developed by a regional partnership of the Federal Government, FDOT and Orange, Osceola, Seminole and Volusia counties, which is poised to connect the four Central Florida counties. Funding for transit is long-term, strategic, environmentally sound investment because Florida cannot build its way out of congestion with roads alone. Support and development of public transportation and transit promotes sound land and resource management, creates transportation options for the present and future which will improve mobility statewide, supports energy conservation and protection of water and air quality, all League priority concerns this Session. Funding for the FDOT Plan of Work will be included in one of several shell bills filed by Senator Baker, as Chairman of the Senate Transportation Committee. However, action to support passage of the Plan of Work without changes or withdrawal of funds for other purposes and protection of the Transportation Trust Fund would not be premature.

SB 474 filed by Senator Garcia expresses legislative intent to revise laws relating to growth management. The bill was on the Community Affairs agenda on March 27th but it was temporarily postponed for further discussion. League Lobby Corps Member Sue Gross reported that Secretary Pelham was present at the meeting and stated that a consensus still had not been met on this bill even though he had spoken to each committee member individually. Points of controversy in the bill were raised by Senators Geller and Haridopolos and pertained to transportation currency, "The Citizens Bill of Rights," and the impacts on insurance in coastal areas. The League likes a lot of this bill and will continue to work on it as it moves forward. **SB 474**

moved forward this week as it passed unanimously out of the Community Affairs committee as a CS on April 9th.

TRANSPORTATION PLANNING

In legislation which also touches on fiscal policy issues, **SB 1688**, filed by Senator Baker (R, 20), would establish a Florida Transportation Revenue Study Commission which would study state, regional and local transportation needs within the State of Florida and to develop recommendations for the Legislature to meet those needs. The commission would be required to report by January 1, 2010, and submit findings and recommendations on, the stability of existing revenue sources, funding needs of Florida's intermodal system, suggest changes to existing funding programs, new and innovative transportation funding options that can be used by the state and local governments, and support equitable distribution of transportation revenues. The bill has been referred to the Transportation Committee; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations. **SB 1688** was on the Transportation Committee agenda for March 18th and was passed by a 7 to 1 vote with 2 amendments. The bill is now in Community Affairs. **HB 1329** and **1399** are identified as linked to this bill, but not identical. These bills are linked to many other bills as well. This means that we will need to closely follow to see that good ideas are not combined with bad policy. **HB 1329**, filed by Glorioso (R, 62), is in the Economic Expansion and Infrastructure Committee. **HB 1399** passed favorably out of the Infrastructure Committee with amendments. The vote was 9 to 1 with only Representative Bucher voting against the bill. The bill faced recent changes prior to the vote. Representative Aubuchon had to scale back the impact of the bill because DEP at the last minute projected the original bill would cost around \$2 million.

Representative Aubuchon aware of the tight budget was forced to lessen the impact of the bill for it to have any chance at being enacted. The bill received support from Rep. Randolph, who during discussion of the bill questioned DEP's estimate and was confused as to "why there should be such a large cost for something many people think is already being done." **HB 1399** was on the Economic Expansion and Infrastructure Council's agenda Friday, April 11th and passed. The bill was probably the most controversial discussed. Primary areas of concern were identified by the trial attorneys and Rep. Keith Fitzgerald who indicate that the bill is extending the State's sovereign immunity protection to CSX and its contractors that would be involved with the project. Also, Polk County leaders oppose the bill because it will result in increased freight train use through their county including significant impact on Lakeland as the route goes right through there and potentially Plant City. Polk leaders say they were not included in the deal. As with the Growth Management bill the vote since the EE&IC Action Packet is not yet available an accurate vote cannot be ascertained.

COUNTY TRANSPORTATION TAXATION

SB 1626, filed by Senator Alexander (R, 17) would modify the Charter County Transit System Surtax. At present, the surtax may only be levied by counties which have adopted a charter prior to January 1, 1984, i.e. Broward, Duval, Hillsborough, Miami-Dade, Pinellas, Sarasota and Volusia. The surtax may only be levied upon approval of a majority of the county electorate. **SB 1626** would change the name of the surtax to the Charter County Transportation System Surtax, allow funds to be utilized by a transit authority as well as an expressway or transportation authority and expands eligibility for the tax to all counties with charters. The bill has been referred to

Transportation; Community Affairs; Finance and Tax; Transportation and Economic Development Appropriations. **SB 1626** was on the Transportation Committee's agenda for March 25th and passed unanimously. This week it was taken up by Community Affairs and passed favorably by a 10 to 0 vote. **SB 1626** has already been placed on the General Government Appropriations' agenda for Tuesday, April 15th at 2:15 pm.

An identical bill, **HB 747** has been filed in the House by Representative Ross (R, 64). **HB 747** has been referred to Government Efficiency & Accountability Council, and Policy & Budget Council. **HB 747** was passed on March 12th by the Committee on Urban and Local Affairs. **HB 747** was on the Government Efficiency & Accountability Council's agenda for April 3rd but the Council's meeting was cancelled. The Council did keep **HB 747** on its agenda this week and it was passed favorably by the Council on April 8th. The bill is now in Policy and Budget.

CIVICS EDUCATION

The League supports legislation which requires civic education in middle school as well as enhancing civic education in high school. The League believes that for our system of representative democracy to be healthy, we need citizens who understand what it means to participate in governing themselves, actually engage in that self-governance, have the knowledge to do it well and appreciate the complexities of the process and understand how it works.

After the League was successful in its attempt to introduce civics education into the middle school curriculum in Florida, we hoped to build on our victory in the last session. However, many of the bills relating to education never made it out of committee during the 2007 session. Senator Mike Fasano (R, 11) has introduced a bill (**SB112**) with companion

bill (**HB309**) co-sponsored by Representatives Dorothy Bendross-Mindingall (D, 109) and Ed Homan (R, 60) that encourages each district school board and county supervisor of elections to cooperate in providing voter education to high school students who are in grade 12. It is a voluntary program for public and nonpublic high schools. The voter education must include information concerning: (a) how to register to vote and preregister (b) the operation of voting machines (c) how, when, and where to vote (d) the importance of voting. The program is required to provide students with the opportunity, sufficient information, and the time to complete and hand in to the supervisor of elections applications for voter registration. **SB 112** has been referred to Education Pre-K - 12, Ethics and Elections, Education Pre-K - 12 Appropriations. **SB 112** was reported favorably out of Education Pre-K-12 on March 12th and is now in Ethics & Elections. And **HB 309** has been referred to the House's Committee on Ethics and Elections, Economic Expansion and Infrastructure Council, and the Policy and Budget Council. We continue to monitor these bills.

Representative Charles McBurney (R, 16) has introduced (**HB 393**); it has no companion bill in the Senate. It specifies student performance standards that must be used for civics education; establishes Florida Joint Center for Citizenship to promote civic learning & engagement; requires Commissioner of Education to include social studies as part of FCAT. In a session that is determined to cut the budget, this bill will have a hard time getting out of committee; it did not get out of committee during the 2007 session. **HB 393** has been referred to the Schools and Learning Council and the Policy and Budget Council.

On Thursday, January 31, Civics education received a huge boost from Governor Crist. Alongside Former US Senator Bob Graham and Former US Representative Lou Frey, Governor Crist proposed to allocate \$3.4 million in his education budget to strengthen civic education. This move could likely help push bills which address civics education through the committees during this year's session. The League is very excited about this recent development, but the League's primary priority is to get civic education curricula in the schools and will work to de-couple curricula from the Institution should funding matters against defeat the Institution concept.

Another bill which addresses civics education is **SB 2570**, filed by Senator Wise. The bill is comparable to **HB 393** and also aims to include social studies as part of the FCAT. **SB 2570** has not been referred to any committees as of yet.

HEALTH

This year the League expressed interest in following a health issue relating to patient information. **SB 1488** creates the "Health Care Consumer's Right to Information Act." It revises requirements for health care providers and facilities in notifying patients of charges for health care services. **SB 1488** was filed by Sen. Dean (R, 3) and referred to Health Regulation; Banking and Insurance; and Health and Human Services Appropriations Committees. On March 26th, the bill unanimously passed out of the Health Regulation committee as a committee substitute. It is now in Banking and Insurance. The newest version of the bill removes any fiscal impact the Act will have on the state and cleans up the bill language to remove possible inconsistencies. The League has learned that it is likely this bill will make it on to the Health Regulation agenda next week. The League will continue to monitor

the progress of this bill and will support the bill as more information to the consumer is never a bad thing as well as it will serve as a check and balance system to enforce honesty in the medical profession. **SB 1488** was passed unanimously as a CS/CS by the Banking and Insurance Committee on April 8th. It has immediately been placed on its next committee meeting. It will be heard by the Health and Human Services Appropriations on Tuesday, April 15th at 2:15 pm. For more information about this bill please visit the Health Check website at <http://www.ushealthchecknow.com/home.aspx>

SB 1488 is comparable to **HB 1435** filed by Rep. Zapata (R, 119) and has been referred to the Health Innovation Committee but has yet to be placed on the agenda.

EQUAL RIGHTS FOR MEN & WOMEN

While not a priority for the League this session because of the unlikelihood of anything significantly happening with this, ERA remains an overall League priority. Once again there is a resolution in the house (**HCR 8001**) and one in the Senate (**SCR 362**) to ratify the proposed amendment to the United States Constitution relating to equal rights for men and women. Senators Margolis and Joyner are sponsoring SCR 362 and in the House, Representatives Brandenburg, Cusack, Fitzgerald, A. Gibson, Jenne, Kiar, Kriseman, Long, Port, Robaina, Schwartz, Vana and Zapata are sponsoring H8001. League members can contact their legislators and ask them to sign on to

these two bills if they have not already done so. **SCR 362** finally saw in the Senate Judiciary. Chairman, Sen. Villalobos had his daughter sitting next to him during the meeting. The resolution passed by an 8 to 3 vote with only Senators Baker (R, 20), Diaz de la Portilla (R, 36), and Webster (R, 9) voting against it. Thank you so much to all the League members who worked so hard to get **SCR 362** heard and passed.

WATCH FOR YOUR *CAPITOL REPORT* EACH FRIDAY OF THE SESSION FOR NEWS ON PRIORITY ISSUES AND WHAT YOU CAN DO TO HELP.

FOR FURTHER INFO:

The newsletter is available at the LWVF's website: <http://www.lwvfla.org/>

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Jeanne is a Senior Staff Attorney with WildLaw in their Florida Office. She also Directs WildLaw's Assisting Communities with Environmental Solutions Program (ACES). WildLaw provides a variety of legal and professional services to communities and grassroots organizations working on environmental issues in the public interest. Jeanne will be representing the League this session on some of the priority issues and writing and publishing the Capitol Report, as disseminated by the LWVF Tallahassee office.

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