

VOTING RECORDS **On Key Business Issues**

2006 Regular Session of the Florida Legislature

A publication of



A ssocialed Industries of Florida Service Corporation



Barney T. Bishop III President & Chief Executive Officer

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> Cover Photo: Mark Foley, House Photographer

Dear Employer:

It is my pleasure to provide you with this tabulation of the voting conduct of each member of the Florida Legislature during the 2006 Session. *Voting Records* reports on the votes made by every legislator on bills that were lobbied, advocated, promoted or opposed by Associated Industries of Florida. By reporting on 13,560 votes cast by legislators on 132 bills, this publication embodies the most exhaustive and complete record of the Legislature's approach to the concerns of Florida's employers.

We go to great lengths to ensure that legislators are aware of AIF's positions on issues of great importance to the business community. Every year before the session even begins, we produce *Issue Pages*, which looks at key issues and gives our reasoning on why we support or oppose that issue. In addition, during the session we provide each legislator with a *Daily Brief* on the activities of that day highlighting bills of interest to business and our positions on those issues. From time to time, when an issue of paramount importance is scheduled for debate, we will issue a *Special Notice* to each legislator and highlight our position on the bill in question. At the end of each week we produce a *Weekly Report* which is also sent to every legislator reviewing the actions of the Legislature. Our greatest asset, however, is our experienced and accomplished legislative team which has compiled a record of success second to none. What makes them so valuable? It is their collective vast experience and incredible insight into the nuances of the issues that allows AIF to be at the forefront of the debates on business issues and communicate AIF's positions directly to the legislators.

Voting Records is an important tool, but not the only tool, which AIF, our PAC and our members should use to decide which legislators we will support and which we will not. Because it is not entirely uncommon for an aberration to occur in one's voting record in just one session, we take the long view when deciding where our political support will go by looking at their voting record over several sessions.

Of course, that is impossible for freshmen legislators, which means that we have to consider other factors in evaluating whom to support. That's where the AIF Legislative Team plays such a vital role in helping us to understand the philosophy of the legislator and their willingness to listen to our arguments for or against a proposed bill.

Along with calculating votes, we also have the ability to document the contributions that a legislator or candidate receives, so that we can have a more complete picture of his or her candidacy. This time consuming work is invaluable to us when we make our own PAC decisions and when we make our recommendations to you. Notwithstanding that your own legislator may be a "friend," the real question is, are they a friend to the business community? All of our work and all of our efforts are geared to educating you on who is a friend and who is a foe to your efforts as an employer in this state. With this being an election year, this is the most important information that you can have, and naturally our goal is to help elect the most business-friendly legislature possible so that Florida will become a more "business-friendly" state.

Vote of Courage

IF's *Voting Records* provides you with each legislator's session-long performance on business issues. The statistics you find here will tell you whether a senator or representative is a consistent and loyal supporter of the state's employers. In most cases, the entire body of work is what matters. Concentrating on how a lawmaker cast a single vote on this issue or that can be misleading.

But sometimes there are exceptions to the rule.

This year, AIF and its members pursued the elimination of the doctrine of joint and several liability with everything we had.This was the last session when we would benefit from the leadership of three dedicated lawsuit reformers: Gov. Jeb Bush, House Speaker Allan Bense (R-Panama City), and Senate President Tom Lee (R-Brandon). It very likely could be the last chance to finally rid our legal system of this unjust and wasteful doctrine.

Before the session began, AIF political analysts made two predictions: 1) passage of the bill would come down to a single vote in the Senate; and 2) opponents would try to derail the reform effort by offering an unfriendly amendment that they would label a "compromise."

As the bill approached the Senate floor for a vote, both predictions seemed to be coming true. A so-called "compromise" amendment, which merely protected joint and several liability, was proposed. The future of lasting and meaningful lawsuit reform would hinge on whether AIF could find senators who were willing to cast a vote of courage by going against their leadership. In the end, we found two such heroes.

Both senators had to first pass through an ordeal of high-stakes pressure. Supporters of the anti-reform amendment, led by Democratic leaders, exerted all the force they could to compel their fellow party members to toe the line.

These opponents of reform did not count on the consciences of two Democratic senators from south Florida: Larcenia Bullard of Miami and Mandy Dawson of Fort Lauderdale. Both opposed the antireform amendment and both were subjected to tremendous pressure to vote against their beliefs.

Sen. Dawson and Sen. Bullard could easily have chosen the comfortable route.Instead, they chose to follow their principles, voting on the side of what was right for them and their constituents. In the glare of media attention and negative pressure from some of their peers, these two senators voted "no" on the amendment.

If you look at their body of work, perhaps some would not think of Sens. Bullard and Dawson as traditional pr o-business legislators. Because of one vote, however, both should be remembered by the business community for their courage and for keeping their word when it counted.

The business of lobbying and lawmaking often inspires cynicism, and sometimes with good reason. In the case of Sens. Bullard and Dawson, however, it is our pleasure to recognize their single vote of courage. In the glare of media attention and negative pressure from some of their peers, these two senators voted "no" on the amendment.



Voting Records is compiled using actual votes cast as reported in official state records. It does not include changed or paired votes. Some votes may be corrected by the Legislature at a later date, but those changes will not be reflected in *Voting Records*, which relies on the positions of members of the Legislature at the time the votes are recorded. Each vote cast is measured equally, with no added points to certain bills.

F	L O R		D A	S	E N	Α	Т	Ε
% w/AIF	Name/Party	For	Against	% w/AIF	Name/Party		For	Against
97%	Bennett (R)	74	2	92%	Argenziano (R)		56	5
97%	Carlton (R)	58	2	92%	Margolis (D)		92	8
97%	Clary (R)	86	3	91%	Jones (R)		59	6
97%	Diaz de la Portilla (R)	75	2	91%	Lynn (R)		72	7
97%	Peaden (R)	60	2	91%	Villalobos (R)		67	7
97%	Pruitt (R)	87	3	90%	Bullard (D)		54	6
97%	Sebesta (R)	71	2	90%	Crist (R)		76	8
97%	Webster (R)	69	2	90%	Dawson (D)		43	5
96%	Constantine (R)	71	3	89%	Garcia (R)		57	7
96%	Haridopolos (R)	90	4	88%	Hill (D)		68	9
96%	Lee (R)	49	2	88%	Lawson (D)		91	12
96%	Posey (R)	90	4	87%	Klein (D)		69	10
96%	Wise (R)	65	3	86%	Geller (D)		89	15
95%	Atwater (R)	88	5	86%	Rich (D)		50	8
95%	Dockery (R)	72	4	85%	Campbell (D)		78	14
95%	King (R)	86	5	85%	Smith (D)		67	12
95%	Saunders (R)	80	4	85%	Wilson (D)		45	8
94%	Alexander (R)	75	5	84%	Aronberg (D)		76	14
94%	Baker (R)	81	5	84%	Siplin (D)		59	11
94%	Fasano (R)	73	5	79%	Miller (D)		63	17

Total Votes With AIF/Business = 92%

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% w/AIF	Name/Party	For	Against	% w/AIF	Name/Party	For	Against	% w/AIF	Name/Party	For	Against
100%	Adams (R)	77	0	99%	Detert (R)	90	1	96%	Garcia (R)	78	3
100%	Altman (R)	78	0	99%	Domino (R)	110	1	96%	Kyle (R)	77	3
100%	Attkisson (R)	93	0	99%	Farkas (R)	85	1	95%	Johnson (R)	97	5
100%	Bense (R)	66	0	99%	Flores (R)	86	1	93%	Kottkamp (R)	81	6
100%	Bilirakis (R)	93	0	99%	Gibson, Hugh (R)	78	1	92%	Allen (R)	81	7
100%	Bogdanoff (R)	93	0	99%	Goodlette (R)	69	1	92%	Ambler (R)	73	6
100%	Bowen (R)	83	0	99%	Grant (R)	85	1	90%	Bullard (D)	66	7
100%	Brown (R)	112	0	99%	Grimsley (R)	84	1	90%	Fields (D)	95	10
100%	Carroll (R)	101	0	99%	Homan (R)	84	1	90%	Greenstein (D)	86	10
100%	Coley (R)	84	0	99%	Jordan (R)	83	1	90%	Roberson (D)	84	9
100%	Cretul (R)	91	0	99%	Kreegel (R)	72	1	89%	Holloway (D)	82	10
100%	Davis, Don (R)	97	0	99%	Legg (R)	76	1	89%	Meadows (D)	76	9
100%	Gardiner (R)	70	0	99%	Lopez-Cantera (R)	83	1	88%	Antone (D)	77	11
100%	Glorioso (R)	79	0	99%	Mahon (R)	86	1	88%	Brandenburg (D)	64	9
100%	Goldstein (R)	80	0	99%	Mayfield (R)	88	1	87%	Porth (D)	73	11
100%	Harrell (R)	74	0	99%	Quinones (R)	110	1	87%	Sands (D)	73	11
100%	Hasner (R)	91	0	99%	Reagan (R)	78	1	86%	Ausley (D)	81	13
100%	Hays (R)	93	0	99%	Robaina (R)	85	1	86%	Brutus (D)	54	9
100%	Hukill (R)	79	0	99%	Ross (R)	86	1	86%	Cusack (D)	83	14
100%	Littlefield (R)	95	0	99%	Russell (R)	84	1	86%	Jennings (D)	82	13
100%	Llorente (R)	95	0	99%	Simmons (R)	108	1	85%	Bendross-Mindinga	ll (D)73	13
100%	Mealor (R)	86	0	99%	Sorensen (R)	71	1	85%	Kendrick (D)	55	10
100%	Murzin (R)	81	0	99%	Traviesa (R)	91	1	85%	Peterman (D)	67	12
100%	Negron (R)	85	0	99%	Troutman (R)	81	1	85%	Seiler (D)	80	14
100%	Poppell (R)	91	0	99%	Zapata (R)	89	1	85%	Sobel (D)	69	12
100%	Proctor (R)	90	0	98%	Anderson (R)	83	2	84%	Henriquez (D)	70	13
100%	Rice (R)	77	0	98%	Arza (R)	84	2	84%	Justice (D)	73	14
100%	Rivera (R)	87	0	98%	Clarke (R)	89	2	84%	Machek (D)	70	13
100%	Rubio (R)	77	0	98%	Davis, Mike (R)	99	2	84%	Taylor (D)	59	11
100%	Sansom (R)	92	0	98%	Evers (R)	88	2	83%	Vana (D)	77	16
100%	Stargel (R)	91	0	98%	McInvale (R)	96	2	82%	Gannon (D)	68	15
100%	Waters (R)	88	0	98%	Needelman (R)	81	2	82%	Gelber (D)	65	14
100%	Williams (R)	90	0	98%	Patterson (R)	85	2	82%	Gibson, Audrey (D) 64	14
99%	Barreiro (R)	92	1	98%	Pickens (R)	90	2	82%	Smith (D)	59	13
99%	Baxley (R)	88	1	97%	Berfield (R)	92	3	81%	Slosberg (D)	76	18
99%	Bean (R)	91	1	97%	Culp (R)	84	3	79%	Joyner (D)	75	20
99%	Benson (R)	99	1	97%	Galvano (R)	73	2	79%	Richardson (D)	80	21
99%	Brummer (R)	110	1	97%	Kravitz (R)	102	3	79%	Ryan (D)	80	21
99%	Cannon (R)	79	1	97%	Planas (R)	86	3	73%	Gottlieb (D)	74	27
99%	Dean (R)	74	1	97%	Stansel (D)	94	3	61%	Bucher (D)	50	32

Total Votes With AIF/Business = 95%



2006 FLORIDA LEGISLATURE VOTING RECORDS On Key Business Issues – Alphabetically

Voting Records is compiled using actual votes cast as reported in official state records. It does not include changed or paired votes. Some votes may be corrected by the Legislature at a later date, but those changes will not be reflected in *Voting Records*, which relies on the positions of members of the Legislature at the time the votes are recorded. Each vote cast is measured equally, with no added points to certain bills.

F L O	R	I	D A	S E	Ν	ΑΤ	E
Name/Party	For	Against	% w/AIF	Name/Party	For	Against	% w/AIF
Alexander (R)	75	5	94%	Jones (R)	59	6	91%
Argenziano (R)	56	5	92%	King (R)	86	5	95%
Aronberg (D)	76	14	84%	Klein (D)	69	10	87%
Atwater (R)	88	5	95%	Lawson (D)	91	12	88%
Baker (R)	81	5	94%	Lee (R)	49	2	96%
Bennett (R)	74	2	97%	Lynn (R)	72	7	91%
Bullard (D)	54	6	90%	Margolis (D)	92	8	92%
Campbell (D)	78	14	85%	Miller (D)	63	17	79%
Carlton (R)	58	2	97%	Peaden (R)	60	2	97%
Clary (R)	86	3	97%	Posey (R)	90	4	96%
Constantine (R)	71	3	96%	Pruitt (R)	87	3	97%
Crist (R)	76	8	90%	Rich (D)	50	8	86%
Dawson (D)	43	5	90%	Saunders (R)	80	4	95%
Diaz de la Portilla (R)	75	2	97%	Sebesta (R)	71	2	97%
Dockery (R)	72	4	95%	Siplin (D)	59	11	84%
Fasano (R)	73	5	94%	Smith (D)	67	12	85%
Garcia (R)	57	7	89%	Villalobos (R)	67	7	91%
Geller (D)	89	15	86%	Webster (R)	69	2	97%
Haridopolos (R)	90	4	96%	Wilson (D)	45	8	85%
Hill (D)	68	9	88%	Wise (R)	65	3	96%

Total Votes With AIF/Business = 92%

ΗO	U	S E	OF	R E P	R	E S	E N	ТАТ		V E	S
Name/Party	For	Against	% w/AIF	Name/Party	For	Against	% w/AIF	Name/Party	For	Against	% w/AIF
Adams (R)	77	0	100%	Flores (R)	86	1	99%	Meadows (D)	76	9	89%
Allen (R)	81	7	92%	Galvano (R)	73	2	97%	Mealor (R)	86	0	100%
Altman (R)	78	0	100%	Gannon (D)	68	15	82%	Murzin (R)	81	0	100%
Ambler (R)	73	6	92%	Garcia (R)	78	3	96%	Needelman (R)	81	2	98%
Anderson (R)	83	2	98%	Gardiner (R)	70	0	100%	Negron (R)	85	0	100%
Antone (D)	77	11	88%	Gelber (D)	65	14	82%	Patterson (R)	85	2	98%
Arza (R)	84	2	98%	Gibson, Audrey (D)	64	14	82%	Peterman (D)	67	12	85%
Attkisson (R)	93	0	100%	Gibson, Hugh (R)	78	1	99%	Pickens (R)	90	2	98%
Ausley (D)	81	13	86%	Glorioso (R)	79	0	100%	Planas (R)	86	3	97%
Barreiro (R)	92	1	99%	Goldstein (R)	80	0	100%	Poppell (R)	91	0	100%
Baxley (R)	88	1	99%	Goodlette (R)	69	1	99%	Porth (D)	73	11	87%
Bean (R)	91	1	99%	Gottlieb (D)	74	27	73%	Proctor (R)	90	0	100%
Bendross-Mindingall ((D) 73	13	85%	Grant (R)	85	1	99%	Quinones (R)	110	1	99%
Bense (R)	66	0	100%	Greenstein (D)	86	10	90%	Reagan (R)	78	1	99%
Benson (R)	99	1	99%	Grimsley (R)	84	1	99%	Rice (R)	77	0	100%
Berfield (R)	92	3	97%	Harrell (R)	74	0	100%	Richardson (D)	80	21	79%
Bilirakis (R)	93	0	100%	Hasner (R)	91	0	100%	Rivera (R)	87	0	100%
Bogdanoff (R)	93	0	100%	Hays (R)	93	0	100%	Robaina (R)	85	1	99%
Bowen (R)	83	0	100%	Henriquez (D)	70	13	84%	Roberson (D)	84	9	90%
Brandenburg (D)	64	9	88%	Holloway (D)	82	10	89%	Ross (R)	86	1	99%
Brown (R)	112	0	100%	Homan (R)	84	1	99%	Rubio (R)	77	0	100%
Brummer (R)	110	1	99%	Hukill (R)	79	0	100%	Russell (R)	84	1	99%
Brutus (D)	54	9	86%	Jennings (D)	82	13	86%	Ryan (D)	80	21	79%
Bucher (D)	50	32	61%	Johnson (R)	97	5	95%	Sands (D)	73	11	87%
Bullard (D)	66	7	90%	Jordan (R)	83	1	99%	Sansom (R)	92	0	100%
Cannon (R)	79	1	99%	Joyner (D)	75	20	79%	Seiler (D)	80	14	85%
Carroll (R)	101	0	100%	Justice (D)	73	14	84%	Simmons (R)	108	1	99%
Clarke (R)	89	2	98%	Kendrick (D)	55	10	85%	Slosberg (D)	76	18	81%
Coley (R)	84	0	100%	Kottkamp (R)	81	6	93%	Smith (D)	59	13	82%
Cretul (R)	91	0	100%	Kravitz (R)	102	3	97%	Sobel (D)	69	12	85%
Culp (R)	84	3	97%	Kreegel (R)	72	1	99%	Sorensen (R)	71	1	99%
Cusack (D)	83	14	86%	Kyle (R)	77	3	96%	Stansel (D)	94	3	97%
Davis, Don (R)	97	0	100%	Legg (R)	76	1	99%	Stargel (R)	91	0	100%
Davis, Mike (R)	99	2	98%	Littlefield (R)	95	0	100%	Taylor (D)	59	11	84%
Dean (R)	74	1	99%	Llorente (R)	95	0	100%	Traviesa (R)	91	1	99%
Detert (R)	90	1	99%	Lopez-Cantera (R)	83	1	99%	Troutman (R)	81	1	99%
Domino (R)	110	1	99%	Machek (D)	70	13	84%	Vana (D)	77	16	83%
Evers (R)	88	2	98%	Mahon (R)	86	1	99%	Waters (R)	88	0	100%
Farkas (R)	85	1	99%	Mayfield (R)	88	1	99%	Williams (R)	90	0	100%
Fields (D)	95	10	90%	McInvale (R)	96	2	98%	Zapata (R)	89	1	99%
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Total Votes With AIF/Business = 95%



Barney T. Bishop III President & CEO of Associated Industries of Florida ... former aide to state Treasurer Bill Gunter ... former executive director of the Florida Democratic Party ... more than 27 years of experience in legislative and political affairs ... areas of expertise include appropriations, criminal justice, and behavioral health care issues ... B.S. in political & judicial communication from Emerson College in Boston.

> Unless otherwise noted, AIF took the same position on the bills listed in the summary at the end of each write-up as it did on the bill in the write-up.

The Bills | Voting Records was compiled floor votes cast on each of the

AFFORDABLE HOUSING

HB 821 – Community Contribution Tax Credit by Rep. Dudley Goodlette (R-Naples)

This program currently provides tax credits of up to \$200,000 (per donor) to corporations and insurance companies that collect and remit sales and use taxes. To qualify donors must make contributions to certain low-income housing and community development projects.

The bill increases the total amount of credits allocated to the Community Contribution Tax Credit Program from \$12 million to \$13 million annually and provides new allocations of the available \$13 million in tax credits. It also requires that \$10 million of the tax credits be reserved for donations made to projects that provide home ownership opportunities for low-income or very-low-income households.

AIF supports legislation that encourages the public sector to be active participants in their community and make contributions to causes such as affordable housing by providing valuable tax credits.

HB 821 passed both the House and Senate and was ordered Enrolled; Senate Companion SB 784 laid on the table.

HB 1363 by Rep. Mike Davis (R-Naples), HB 1309 by Rep. Ed Jennings (D-Gainesville), HB 1589 by Rep. Chris Smith (D-Ft. Lauderdale)

Affordable housing was a hot topic for the 2006 session. Several bills were filed addressing this critically important issue to the employees of this state. HB 1363 was the comprehensive affordable housing product that had been in the works for many months.

The bill is designed to stimulate workforce and affordable housing in high cost areas of the state, particularly for essential service personnel. This includes teachers, nurses, firefighters, emergency medical personnel, construction trades and areas of critical state concern. The bill includes provisions for moderate priced housing and rental units as well as increasing funding for the Florida Housing Finance Corporation. The bill also improves on workforce housing in the state by modifying DRI procedures to encourage developers to increase affordable housing units. This bill is designed to solve the critical need for workforce housing as the State of Florida develops its Innovation.

HB 1309 would have helped with workforce housing by providing home ownership down payment assistance to "essential service personnel" and "building trades personnel." The bill also provided \$960 million dollars in incentives for private and public sector development of affordable and workforce housing opportunities including William Sadowski Funds to increase family stability, self support, and management.

HB 1589 is designed to generate revenue for Homeownership For All, Inc. through a \$25.00 annual usage fee for a specialty license plate called "Homeownership for All." The corporation is a not-for-profit organization located in Orlando, Florida. The organization's specific purpose is to fund programs that promote, provide, or otherwise support affordable housing in Florida.

AIF supports all efforts to address affordable housing. The issue of affordable or "workforce" housing is a priority for our state. AIF applauds the bi-partisan efforts of the legislature to finding common sense approaches to this complex issue.

HB 1363 passed both the House and the Senate and was ordered Enrolled; Senate Companion SB 132 laid on the table. HB 1309 died in the House Local Government Council. HB 1589 passed both the House and the Senate and was ordered Enrolled; Senate companion SB 2238 laid on the table.

using committee and following bills.



BUSINESS REGULATION

CS/CS/SB 80 False or Misleading Electronic Mail by Sen. Dave Aronberg (D-Greenacres)

Originally, the bill amended the Electronic Mail Communications Act and created criminal penalties for sending unsolicited or misleading commercial electronic mail messages. The bill was amended to include language found in HB 7157 by the House Economic Development, Trade & Banking Committee, which creates the "Anti-Phishing Act." This act prohibits the acquisition and fraudulent use of a Florida resident's personal identifying information through the use of a website or email. Recently there has been a proliferation of fraudulent emails, which are designed to look like communications from official financial institutions. AIF supports this legislation and its important anti-fraud provisions. Unsolicited emails, better known as spam, cost businesses in our state thousands of dollars and valuable time. In addition, curbing the illegal act of "phishing" is vital to the protection of Floridian's personal information.

CS/CS/SB 80 passed both the House and Senate and has been ordered enrolled; House companion bill HB 45 CS was laid on the table.

HB 129 CS Firearms in Motor Vehicles by Rep. Dennis Baxley (R-Ocala)

This proposed legislation would prohibit a business from establishing, maintaining or enforcing a policy or rule that would not allow an employee or "invitee" to possess a firearm that is locked in or locked to a motor vehicle that is parked in the employers' parking lot. Currently, Oklahoma and Alaska have passed laws prohibiting companies and persons from banning lawfully possessed firearms in a locked vehicle in a parking lot. The National Rifle Association is also pushing the same legislation in Alabama, Georgia, Indiana, Kentucky, Mississippi and Virginia claiming that this legislation is supporting a person's Constitutional right to bear arms.

The original bill had felony penalties for business owners who had policies prohibiting the firearms locked in motor vehicles. It also gave immunity from civil liability for damages to the business owner if an incident with a firearm took place on their property. The bill was stalled in the House Judiciary Committee for weeks and was finally passed after a strike-everything amendment was adopted which allowed employers to prohibit "guns in the workplace" when reasonably necessary for the safety of their employees. This language created much concern among members of the business community because the term "reasonably necessary" was too difficult to define. In the end the bill passed the committee but was never heard again. Its Senate companion, CS/SB 206 by Sen. Durell Peaden (R-Crestview) passed its first two committees of reference but never reached the floor of the Senate.

AIF opposes legislation that prohibits businesses from enforcing or maintaining



Mary Ann Stiles, Esq. General Counsel Emeritus of Associated Industries of Florida ... managing partner in the law firm of Stiles, Taylor, & Grace, P.A. ... more than 33 years of legislative and lobbying expertise before the Legislature and other branches of government ... graduate of Hillsborough Community College, Florida State University, and Antioch Law School.

Issues: Workers' Compensation Reform



Tamela Ivey Perdue, Esq. General Counsel and Shareholder with the law firm of Stiles, Taylor & Grace, P.A. ... more than 14 years legislative and legal experience representing insurers and the business community on workers' compensation and other legal issues ... established legal practice specializing in workers' compensation defense ... formerly worked in the Florida Senate ... B.S. from Lee University and J.D. from Stetson University.

> Issues: Workers' Compensation Reform, Tort, Civil Justice

policies that ban guns in the workplace. Employers should be allowed to establish these types of policies and exert their rights as property owners. Maintaining a safe work environment is paramount for the longevity of any employer in Florida.

HB 129 CS died in the House Justice Council; its Senate companion CS/SB 206 died in the Senate Judiciary Committee

HB 161 Building Assessment and Remediation by Rep. Carl Domino (R-Palm Beach Gardens)

Currently, there are numerous companies in Florida that hold themselves out to be mold assessors or mold remediators or conduct mold-related services. There are no licensure or regulatory requirements to be a mold assessor or mold remediator.

This bill provides education guidelines and certification for those who engage in business as a mold assessor or mold remediator. By January 1, 2007, the bill requires an assessor "to maintain general liability and errors and omissions insurance coverage of not less than \$250,000." It requires a remediator "to maintain a general liability insurance policy of not less than \$500,000 with specific coverage for mold related claims." The bill does not require disclosure to the customer of compliance with the statutorily specified credentials to become a mold assessor or mold remediator.

The bill requires that a contract to perform mold assessment or mold remediation must be signed or otherwise authenticated by the parties. The bill provides various exemptions from the guidelines and operating requirements. Civil and criminal penalties are provided for violations. The bill has a "grandfather clause" to allow current operators to continue until July 1, 2008, without complying with the guidelines and operating requirements.

On Friday, April 28th an amendment by the bill's sponsor was adopted, which removed all provisions dealing with home inspectors and inspections. As amended the bill only deals with the mold industry. In the Senate two bills were filed that dealt with the issue of mold remediators and home inspectors. They were CS/SB 1046 by Sen. Mike Bennett (R-Bradenton) and CS/SB 2670 by Sen. Victor Crist (R-Tampa) which originally only dealt with home inspections but was amended to include language dealing with mold.

AIF supports this legislation because it would establish guidelines for businesses that practice in-the-field mold assessment and remediation as well as home inspectors. These guidelines would protect both consumers and businesses from those who practice fraudulently.

HB 161 passed the House but died in Senate messages; CS/SB 1046 died in the Senate Criminal Justice Committee; CS/SB 2670 also died in the Senate Criminal Justice Committee.

CS/CS/SB 1774 Florida Building Code by Sen. Lee Constantine (R-Apopka)

This legislation authorizes the Florida Building Commission to amend the wind design standards for buildings in the Panhandle Region of the state. The bill also provides that once construction has begun and a local building official is unable to provide inspection services in a timely manner, the building owner or his or her contractor may elect to use a private provider for building inspection services. The bill also makes changes with regards to the Florida Fire Prevention Code by addressing conflicts within the update of the Florida Building Code

AIF supports changes to the Florida Building Code with regards to the windborne design requirements for the Panhandle Region. Even though it may cost the consumer more in the beginning, any increased cost could be offset by a reduction in hurricane related property damage.

CS/CS/SB 1774 passed both the House and Senate and has been ordered enrolled; House companion HB 1187 CS was laid on the table; Senate companion CS/CS/SB 1336 died on the Senate Calendar.

CS/CS/CS/SB 2280 High Risk Offenders and School Background Screenings by Sen. Nancy Argenziano (R-Crystal River)

Senator Argenziano described her bill as part II of the Jessica Lunsford Act. This bill aims to address some of the unintended consequences that occurred as a result of the Act's



passage in 2005. Many contractors and business owners had a difficult time adhering to some of the provision in the 2005 bill. This was exacerbated by the fact that each school district interpreted the Act differently.

In general SB 2280 subjects certain school contractors to level II background screenings; caps background screening fees at 30% of the total state and Federal Bureau of Investigation (FBI) costs; requires districts to accept certain fingerprint-based background check results from other districts; and requires the Florida Department of Law Enforcement (FDLE) to implement a system for school districts to share the results of the background checks and provides FDLE with rulemaking authority. The bill also requires all driver's licenses or identification cards issued to sexual predators or sexual offenders to have on the front of the card the marking "775.21, F.S." for a person designated as a sexual predator and "943.0435, F.S." for a person designated as a sexual offender. The bill is a significant improvement to what is in current law as a result of the passage of the Jessica Lunsford Act in 2005. The bill also provides some immunity to schools that share background check information with other districts.

The bill's house companion, HB 7117 by the Criminal Justice Committee, sought to address many of the same concerns as CS/CS/CS/SB 2280 but the two bills differed slightly in their approach. During the final week of session both bills passed their respective chambers but a consensus was never reached between House and Senate sponsors as to the final product.

AIF supports legislation which helps make the implementation of the Jessica Lunsford Act workable for those companies that have working relationships with school districts, while upholding the integrity of the original law to protect our children from sexual predators.

CS/CS/CS/SB 2280 died in House messages; House companion HB 7117 died in Senate messages.

SB 2446 Mercury Switch Recovery Act by Sen. JD Alexander (R-Lake Wales)

There are two major uses of mercury switches in vehicles: convenience lighting tilt switches and anti-lock braking system control module switches. These switches become a problem when vehicles are retired from use. Mercury is released during the vehicle shredding and the steel/smelting process. As originally filed, SB 2446 would have placed a bounty on recovered mercury switches by requiring automobile manufacturers to provide compensation to the vehicle recyclers for removal, storage, recycling, or disposal of mercury switches. The bill was amended on a motion by Sen. Charlie Clary (R-Destin) during a meeting of the Senate Transportation Committee to require automobile manufacturers to work in conjunction with the Department of Environmental Protection (DEP) to implement the "End-of-life Vehicle Solutions Program" on or before September 1, 2006. The



Chris Verlander

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Issues: General Issues



Jose L. Gonzalez AIF's Director of Governmental Affairs ... Coordinates AIF's lobbying team and all research and advocacy efforts for the association ... Master's degree in Public Administration with a specialization in Public Policy and a Bachelor's degree in Political Science from the University of Florida.

Issues: Ethics & Elections

manufacturers will be required to provide scrap recycling facilities and vehicle recyclers with educational materials about the program such as guidance on which vehicles contain mercury switches and how to remove them.

American automobile manufacturers phased out mercury switches after the 2003 model year. The manufacturers are supporting the Florida Vehicle Mercury Switch Recovery Act so that they can collect and recycle the old switches. They will provide containers for collecting and storing the mercury switches and arrange and pay for the transportation of switches to approved recycling and disposal sites. The program will remain in effect until July 1, 2016, or until it is superseded by the effect of the federal National Vehicle Mercury Switch Recovery Program.

AIF supports SB 2446 as a responsible way of recycling and applauds Senator Alexander for accepting the Clary amendment. Instead of placing a bounty of \$5.00 per switch, the bill rovides for a coordinated effort between the private sector and DEP to recycle these switches.

SB 2446 died in the Senate Committee on General Government Appropriations; House companion HB 1307 died in the House Finance and Tax committee.

CIVIL JUSTICE

UHB 145 – Repeal of Joint and Several Liability by Rep. Don Brown (R-DeFuniak Springs)

This law repeals the remaining vestiges of joint and several liability in apportioning economic damages in negligence cases and replaces that system with a comparative fault approach. As a result, a party's degree of liability is limited to their degree of fault. In other words, a defendant who is found 10 percent at fault is only 10 percent liable for damages.

This law completes a trend begun by the legislature in 1986 and continued in further reforms in 1999. The bill took effect immediately upon the Governor's signing on April 29, 2006 and applies to those causes of action accruing on or after the effective date. AIF supports the repeal of the doctrine of Joint and Several. This important legal reform will go a long way in improving the already strong business climate in our state. Repealing this outdated doctrine will ensure fairness and predictability in our legal system.

HB 145 was approved by the Governor and assigned Chapter No. 2006-6; Senate companion SB 2006 died on the Senate calendar.

HB 7259 – Class Action Reform by the House Judiciary Committee

This bill significantly reforms the class certification process for class action lawsuits brought in Florida. To be part of the certified class the members must be residents of Florida in most cases and each class member must allege and prove actual damages. The bill applies to four areas of the law and will certainly curb costly and unnecessary litigation for Florida's businesses.

AIF supports legislation aimed at reforming the much-abused class action process in Florida. There are regions in south Florida that have been categorized as "judicial hellholes" because of class action abuse. The provisions in this bill will ensure that frivolous class action suits are done away with.

HB 7259 passed both the House and the Senate and was ordered enrolled; Senate companion CS/SB 2304 was laid on the table.

SB 124 – Sovereign Immunity for Law Enforcement by Sen. Bill Posey (R-Rockledge)

This bill places limits on liability for law enforcement agents and agencies for injuries incurred by a fleeing suspect during pursuit. In order for the immunity to apply, the officer must reasonably believe that the suspect committed a forcible felony and the officer must have had instructional training on the department's pursuit policy. Each department must also adopt standardized pursuit policies and properly train their officers in that regard to enjoy this protection.

AIF has supported this legislation as part of a broad tort reform package for the past two years. Providing sovereign immunity for law enforcement officers ensures that felons will be caught and that law enforcement



agencies will not be liable for unintended damages caused by fleeing felons.

SB 124 passed both the House and the Senate and was ordered enrolled; House companion HB 199 was laid on the table.

HB 1089 – Statute of Repose by Rep. Bill Galvano (R-Bradenton)

This bill reduces the statute of repose for legal actions founded on the design, planning, or construction of an improvement to real property from 15 years to 10 years. The 10year time period will now run from the latest of any of the following events: date of actual possession by the owners; the date of the issuance of a certificate of occupancy; the date of abandonment of construction if not complete; or the date of completion or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer. The bill will apply to any action commenced on or after July 1, 2006 regardless of when the cause of action accrued.

AIF supports this legislation because it will bring Florida in line with most other states and create a more inviting and competitive business environment which will enhance economic growth and success.

HB 1089 passed both the House and the Senate and was ordered enrolled; Senate companion CS/SB 1940 laid on the table.

CONSTITUTIONAL AMENDMENT REFORM

SJR 26 Constitutional Amendment/ Initiative by Sen. Jim King (R-Jacksonville)

This joint resolution would require that constitutional amendments proposed by citizen's initiative must: alter, amend, or repeal an existing article of the Constitution on the same subject and matter; address a basic or fundamental right of a citizen of Florida; or change the basic structure of state government as established in Articles II through V of the Constitution.

If passed by the Legislature this proposal would then be placed on the ballot for the voters of Florida to approve. It takes a 3/5 vote from each chamber to pass a joint resolution. This reform is one of the ideas originally proposed by the Legislature two years ago. It has come up during the previous two legislative sessions, but has not passed. The goal of this joint resolution is to address the ease by which Florida's Constitution is amended.

AIF supports reforms to the process for amending the state Constitution by citizen initiative. Florida's Constitution is too easily manipulated by special interests, subverting the deliberation of public policy decisions and threatening the business community with the enactment of economically destructive programs and mandates.

SJR 26 died in the Senate Committee on Judiciary.

AIF LOBBY TEAM



Keyna Cory

AIF's Chief Lobbyist ... President, Public Affairs Consultants, a public affairs and governmental relations consulting firm ... more than 21 years of experience representing a variety of clients, from small entrepreneurs to Fortune 500 companies, before the Florida Legislature ... majored in political science at the University of Florida.

Issues: Environment, Finance, General Business Natural Resources, Taxation



Robert P. Asztalos Partner with Buigas, Asztalos & Associates and the Director of Governmental Affairs for Delta Health Group ... directed the Nursing Home profession's litigation reform campaign in 2000-01 and served as the Director of the Heal Healthcare in Florida Coalition ... Master's degree in Legislative Affairs and a Bachelor's degree in Political Science from George Washington University.

Issues: Health Care, Medical Malpractice

HJR 7037 Tax and Fee Limitations by the House Judiciary Committee

This proposed Constitutional Amendment establishes a threshold of two-thirds of the voters voting in an election for approval of constitutional amendments that increase an existing state tax or fee or impose a "significant financial impact" on state government in an amount greater than one-tenth of one percent of the total state budget, as established in the general appropriations act approved by the governor (currently this sum would be approximately \$63 million).

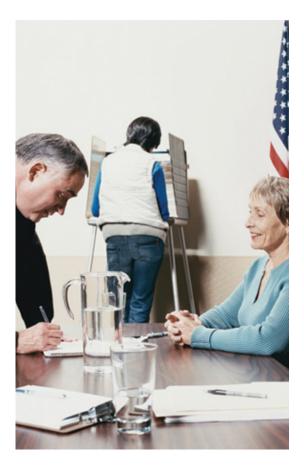
The House version differs from its Senate companion, CS/CS/SJR 1436 by Senator Jeff Atwater (R-North Palm Beach); in that the Senate version includes language which states that the higher voter threshold should also apply to any amendment which decreases or eliminates an existing state tax or fee. The House version only applies to amendments which increase or impose a state tax or fee.

AIF supports legislation which increases the threshold by which constitutional amendments with significant fiscal impacts are approved. Floridians and business owners are usually left with having to pay for these unfunded and many times ill-conceived mandates.

HJR 7037 died in House committee on Government Efficiency Appropriations; Senate companion CS/CS/SJR 1436 died on the Senate Calendar.

CS/SJR 1918 State Constitution Revision by Sen. Dan Webster (R-Winter Garden)

This proposed constitutional amendment corrects multiple spelling errors and punctuation errors, repeals obsolete language, and makes other technical changes to the State Constitution. Additionally, the joint resolution repeals language providing for term limits on federal officeholders which has been found to be unconstitutional. Lastly, the joint resolution provides for the transfer of the pregnant pig amendment into statute. When the bill was brought up for consideration during second reading on May 3, Senator Webster offered an amendment that would authorize the legislature to enact a statutory citizen initiative process as well as transfer a number of trial bar



and doctor amendments from the constitution into statute. This contr oversial amendment was ultimately removed during third reading and the bill was passed unanimously. According to Senator Webster, he did not want to create any more enemies that would campaign against the proposed amendment simply because it contained the statutory initiative language.

AIF supports legislation aimed at cleaning up our state's top document by removing obsolete provisions and grammatical errors.

CS/SJR 1918 died in House Messages; House companion HJR 7165 CS died on the House calendar.

ECONOMIC DEVELOPMENT

CS/CS/SB 624 – Economic Development Tax Credit by Sen. Burt Saunders (R-Naples)

The bill attempts to revise an existing economic development program known as the new "Urban High-Crime Area Job Tax Credit." This program has been in existence

for years, but has never been successful in attracting businesses to take advantage of the \$5 million annually allocated to this incentive. CS/CS/SB 624 attempts to make the pr ogram more attractive to businesses by renaming it the "Designated Urban Job Tax Credit Area Program." The new program is also redesigned to be more attractive to businesses in a number of substantive ways. It doubles the number of geographic areas that can be designated for use under the program from fifteen to thirty. It also specifies that businesses participating in the popular Florida program known as Qualified Target Industry, are among those businesses eligible for the tax credit program, which could provide more exposure and interest for the revised plan.

The Saunders bill provides for a tax credit of \$1,000 per job created. It also provides that businesses currently eligible for the tax credits will remain so through 2012.

AIF supports legislation that provides these type of incentives for businesses and corporations to move into areas needing new investment and job opportunities.

CS/CS/SB 624 died in the Senate committee on Transportation and Economic Development Appropriations.

HB 1489 – State's Aerospace Industry by Rep. Leslie Waters (R-St. Petersburg)

This bill will create a new Space Florida entity which will bring an increase in the space research and development taking place in Florida. The bill also defines that Space Florida will be located in the vicinity of the current location of Kennedy Space Center, requires Space Florida to create a business and marketing plan, and expands the exemption sales and use tax on certain machinery and equipment. It provides \$42 million for the transformation of the space industry in Florida, as the shuttle is retired and replaced by the CEV (Crew Exploration Vehicle). The money provides a start on building the new infrastructure necessary to make sure Florida remains the premier launch site for space flights. HB 1489 also created rhe Florida Center for Mathematics and Science Research to increase student achievement in math and science.

AIF supports legislation that will keep Florida in the forefront of space exploration for the country, which will add great economic growth to Florida through job growth and tourism.

HB 1489 passed both the House and the Senate and was ordered enrolled; Senate companion CS/CS/SB 2580 was laid on the table.

CS/CS/SB 2110 – Entertainment/Economic Development by Sen. Burt Saunders (R-Naples)

Productions of filmed entertainment qualified by the Office of Film and Entertainment and certified by the Governor's Office of Tourism, Trade, and Economic Development would be eligible for a tax credit on qualified expenditures in the state under this bill. The credit is in an amount equal to 15 percent of qualified expenditures. It may be applied as a refund of the sales and use tax paid on qualified expenditures, and it may be applied as a credit against the corporate income tax. Qualified productions may not receive more than \$2 million in tax credits per year. There is a total tax credit cap of \$25 million per fiscal year.

AIF supports legislation that attracts more production companies to film in Florida. The state will benefit not only by increasing the number of persons directly employed by the production, but the impact on ancillary businesses such as building supply companies, nurseries, restaurants, and hotels which generate revenue by serving these production companies.

CS/CS/SB 2110 died in the Senate committee on Transportation and Economic Development Appropriations; House companion HB 1321 died in Senate messages.

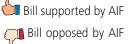
CS/CS/SB 2728 – Relating to Innovation Incentive Program by Sen. Mike Fasano (R-New Port Richey)

The bill appropriates \$45 million into the Quick Action Closing Fund and \$200 million for the Office of Tourism, Transportation and Economic Development (OTTED) to use for incentives programs. This bill creates within OTTED the Innovation Incentive Program for qualified innovation businesses, the purpose of which is to improve the state's ability to bring



Ronald L. Book, Esg. Principal shareholder of Ronald L. Book, P.A. ... former special counsel in Cabinet and legislative affairs for Gov. Bob Graham ... formerly worked for the Florida House of Representatives ... 34 years of experience in government and legislative activities ... areas of expertise include legislative & governmental affairs ... graduate of the University of Florida, Florida International University and Tulane Law School.

Issues: Business Regulation, Education, Growth Management





Mark Flynn

Vice president of J. Keith Arnold & Associates ... former economic development executive with extensive experience representing business on a broad range of issues including growth management and transportation ... has also worked for both a member of Congress and a member of the Florida House of Representatives ... graduate from the University of South Dakota with a B.S. in mass communications.

> Issues: Economic Development, Transportation

science-based research projects of a large scale and innovation business projects to the state.

The bill contains several accountability measures designed to make sure state taxpayers get a return for this large investment. For example, the Legislature has the power to veto any effort by the Governor. In addition, there is the ability to "callback" any funds if a project fails to meet expectations, and finally the bill establishes certain requirements and standards for corporate filings.

AIF supports legislation that allows Florida to compete with neighboring states for new businesses and investments in our state by creating incentives for these companies to relocate to our state.

CS/CS/SB 2728 passed both the House and the Senate and was ordered enrolled; House companion HB 1283 was laid on the table.

HB 7055 – Enterprise Zones by the Economic Development, Trade & Banking Committee

Those businesses interested or involved in enterprise zones should take note that while the measure prevents some double dipping tax exemption situations that were glitches in last year's substantive re-enactment of the Enterprise Zone Act, it also provides a couple of needed changes to help business. Most importantly is the notice of proposed zone boundary changes, which requires that a local government intending to seek an enterprise zone boundary change provide written notice to all property owners and businesses that may be excluded by that change. Currently, no notice is required.

The bill also provides a limited two-year grandfather period for projects involving the rehabilitation of real property that were excluded from an enterprise zone because of the 2005 revision to the law. That provision becomes applicable if the area in which the project was located fell short by five or fewer percentage points of the required poverty thresholds.

AIF supports legislation which strengthens Florida's enterprise zone laws. Enterprise zones help create jobs and enhance good economic growth for Florida, especially in areas of the state that historically have not attracted industry or economic activity, by providing incentives and tax breaks to businesses that relocate to these zones.

HB 7055 passed both the House and the Senate and was ordered enrolled.

ENERGY

CS/CS/CS/SB 888 – Florida Energy Plan by Sen. Lee Constantine (R-Altamonte Springs)

This comprehensive piece of legislation establishes an Energy Plan for the state of Florida and encompasses many of the recommendations of the Governor's recent energy initiative. The bill creates a Florida Energy Commission and establishes membership and duties. It also provides grants to promote renewable energy technologies and rebates for certain appliances and solar installations. CS/CS/CS/SB 888 also streamlines and shortens time frames for the siting of power plants, nuclear plants and transmission lines. Finally it creates the "Farm to Fuel" program to provide grants to promote use of Florida grown and produced biomass to produce energy. Much of the debate with this bill centered on the issue of nuclear power plants since the bill provides several incentives for the establishment of a new nuclear power plant in Florida. The last power plant was built in Florida 35 years ago.

AIF supports legislation that offers great incentives for the development of alternative energy sources. AIF believes that the best way to deal with the state's energy needs is through the use of incentives and the removal of regulatory barriers, rather than using new taxes and mandates.

CS/CS/CS/SB 888 passed both the House and the Senate and was ordered enrolled; House companion HB 1473 was laid on the table.

CS/CS/SB 980 – Energy Reliability by Sen. JD Alexander (R-Lake Wales)

This bill pertains to the siting of electrical substations. Currently, these substations are typically sited by the local government planning and zoning process. Originally a very controversial issue, there was a strike all



amendment that was a compromise between all of the parties involved. It will make the siting of new electrical substations an easier process and take less time to complete. It will also help with the process of vegetation management.

AIF supports this legislation as it may increase reliability of electric services by making siting for electrical substations more flexible by placing them closer to the areas they serve.

CS/CS/SB 980 passed both the House and the Senate and was ordered enrolled; House companion HB 431 was laid on the table.

HB 1471 CS – Florida Energy Diversity and Efficiency Act by Rep. Frank Attkisson (R-Kissimmee)

The bill creates the "Florida Energy Diversity and Efficiency Act" to govern the siting of new nuclear power plants. The Act is modeled after the existing Power Plant Siting Act, Chapter 403.509, *Florida Statutes*. The bill streamlines the siting process while ensuring public input. The legislation also allows the Governor and Cabinet, sitting as the Siting Board, to assess the need and approve/deny the plant. The bill consolidates all issues related to the certification of a new nuclear power plant into one hearing before an administrative law judge. The definitions for "associated facilities" and "associated transmission lines" are broadened to create a single forum for "one-stop" permitting of all transmission issues. The bill also defines the scope of intervention in transmission line siting procedures in an effort to eliminate unnecessary delays. Although HB 1471 did not pass, many of its provisions were included in SB 888, Florida's Energy Plan which did pass this Session.

AIF supports this legislation as it contains environmental and economic regulatory policies that create a stable investment climate so that electric utilities can build more fuel diverse generation to meet Florida's growing energy needs.

HB 1471 CS died in the House Commerce Council; Senate companion SB 2494 died in the Senate committee on Community Affairs.

ENVIRONMENT

HB 261 – Florida Incentive Based Permitting Act by Rep. Dwight Stansel (D-Live Oak)

This bill would provide the Department of Environmental Protection (DEP) the authority to consider a history of regulatory compliance by an applicant when considering whether to issue or reissue a permit to the applicant. The applicant would have to request incentives as part of the permit application. This would allow businesses in the state who are good stewards of Florida natural resources to have longer permits, expedited permitting, and less inspections, therefore saving time and money.

AIF supports this legislation because it takes into account a company's past performance in the DEP permitting process. AIF believes that regulated entities should receive some benefit for good behavior and should not be subject to arbitrary or uncertain punishment.

HB 261 died in Senate Messages; Senate companion CS/SB 2510 died in the Senate committee on General Government Appropriations.



Peter Harris, Esq.

President and CEO of ADG **Business & Governmental** Consultants ... more than 15 years of experience successfully designing and implementing substantive legislative, governmental and management programs for business and government ... effectively worked with key policy makers in all branches of government ... graduate of the University of Miami and Florida State University College of Law.

Issues: Economic Development, Governmental Outsourcing, Workforce Development



Nick larossi, Esq. Founding partner of Capital City Consulting, L.L.C. ... formerly worked in the Florida Senate, the Florida House of Representatives and the Office of Insurance Regulation ... expertise in banking and insurance, privacy and public records, health-care, procurement, pari mutuels, technology, and education ... graduate from the Florida State University College of Law.

> Issues: Insurance, Consumer Fraud, Privacy

HB 1039 – Miami Dade County Lake Belt Area by Rep. Rene Garcia (R-Miami)

The Miami-Dade Lake Belt Area comprises 77.5 square miles of environmentally sensitive land located in the western edge of the Miami-Dade County urban area.

This area consists of wetlands and lakes which act potentially as a buffer between the Everglades and the encroachment of urban development. The area is also used for mining limestone and sand, with rock mined from the area supplying about one-half of all the limestone used in Florida. About 50% of the land within the Lake Area is owned by the mining industry, 25% is owned by government agencies, and 25% is owned by non-mining private owners. A March 2006 court ruling could place mining activities in this area to be in jeopardy. Even a short-termed slow down of mining activities would be a disaster for the entire construction industry. Having to rely on foreign building materials could create a crisis for our state's booming economy.

HB 1039 increases the current mitigation fee used for protecting the environment surrounding the Lake Belt Area. The bill increases the mitigation fee that is imposed for each ton of lime rock and sand that is sold from the area from its current seven cents per ton to 12 cents per ton beginning January 1, 2007, 18 cents per ton beginning January 1, 2008, and 24 cents per ton beginning January 1, 2009.

AIF supports this legislation as a way to ensure that funds are available for protecting this vital area of Florida. We must ensure that the industries working in and around the Lake Belt Area are allowed to continue their projects.

HB 1039 passed both the House and the Senate and was ordered enrolled; Senate companion CS/CS/SB 1306 was laid on the table.

CS/SB 1528 – Environmental Protection by the Senate Environmental Preservation Committee

This bill would implement the recommendations of the Senate Environmental Preservation Committee's interim report no. 2006-121, Review of the Solid Waste Management Act. The bill makes a number of technical amendments to correct cross-references, delete certain obsolete provisions and dates from the solid waste management statutes, and address other issues which have arisen since the last major rewrite of the Solid Waste Management Act, which was in 1993. Since then amendments have been made piecemeal, but a true re-write has not been done until this session. Unfortunately, this bill became a train during the last days of session, meaning that it was amended significantly with language from other bills not moving in the process.

AIF supports legislation aimed at significantly overhauling the Solid Waste Management Act. Many of the bill's provisions would have removed outdated or obsolete provisions and clarified several provisions as they relate to local governments and the Department of Environmental Protection. These clarifications would have been welcomed by the business community.

CS/SB 1528 died in House Messages.

HB 1533 – Petroleum Contamination by Rep. Franklin Sands (D-Weston)

Since 1986, Florida has tried to address the problem of pollution from leaking underground petroleum storage systems through incentive programs. Problems exist with getting insurance for those companies going through the process. This bill establishes a presumption regarding the discovery of contamination at underground petroleum storage tanks. The contamination is presumed to be part of the original discharge that qualified the site for state cleanup funding. This will help alleviate the insurance crisis facing many underground storage system owners.

The legislation is intended to clarify that contamination found during any upgrade to an existing facility is presumed to be related to "old discharge" and therefore should not affect the coverage provided by the facility owner's insurance when upgrading the underground storage tank system to new safer standards. According to staff analysis, this legislation should remove any impediment for facility owners to upgrade early; and it allows facility owners to take advantage of the financial incentives provided by the 2005 Legislature. AIF supports legislation that would encourage private owners of underground petroleum storage facilities to clean up and upgrade their tanks. Providing incentives will presumably encourage owners to clean their sites in a timely manner.

HB 1533 passed both the House and the Senate and was ordered enrolled; Senate companion SB 2126 was laid on the table.

HB 7131 – Brownfields by the House Environmental Regulation Committee

This bill amends various provisions of the Florida Brownfield Redevelopment Act by: increasing the amount of credit from 35% to 50% that may be applied against intangible personal property tax and corporate income tax for the voluntary cleanup costs of a contaminated Brownfield or dry-cleaning site, and increases the amount of tax credit that may be granted to a tax credit applicant per year from \$250,000 to \$500,000; increasing the percentage and amount of tax credit that may be received by the taxpayer in the final year of the cleanup as an incentive to complete the cleanup from 10% to 25% and the amount increased from \$50,000 to \$500,000; and requiring Enterprise Florida, Inc. to aggressively market Brownfields

AIF supports this bill because it may encourage employment opportunities for environmental cleanup contractors and area residents. The bill contains opportunities for developers to realize profits on property investments, the possibility of an increase in surrounding property value, and most importantly, a reduction or elimination of the risk to public health and environment resulting from cleaning up contamination in the area.

HB 7131 passed both the House and the Senate and was ordered enrolled; Senate companion CS/SB 1092 was laid on the table.

ETHICS & ELECTIONS

HB 773 CS – Petition Process by Rep. Dudley Goodlette (R-Naples)

This bill seeks to regulate the gathering of petitions for proposed constitutional amend-

ments. As originally filed, the bill contained many over-reaching provisions that would establish strong criminal penalties for groups engaged in the gathering of petition signatures. The bill was amended, after encountering strong opposition from citizen groups and other non-profit organizations, to focus more on accountability than on criminal penalties to regulate the practice of petition gathering. Among some of the more important provisions in the bill: it requires paid petition gatherers to wear badges indicating that they are being paid; it extends the time period to turn in signatures to supervisors of elections from 10 to 35 days; it allows property owners to prohibit or permit activity which supports or opposes a particular initiative and allows



AIF LOBBY TEAM



H. Frank Meiners President, Frank Meiners Governmental Consultants, LLC ... formerly with BellSouth as their Executive Director in Tallahassee where he lobbied communications issues ... graduate of the University of South Florida in Mathematics and of the Fuqua School of Business at Duke University.

Issues: Technology



Jim Rathbun

President of Rathbun & Associates ... more than 17 years of experience representing individuals and entities before the Legislature, state agencies, and the governor and Cabinet ... formerly worked with the Florida House of Representatives and served as staff director of the House Republican Office ... B.S. from Florida State University.

> **Issues:** Agriculture, Business Regulation, General Government

property owners to select which petition gathers are allowed on their property; and it establishes a process for citizens to rescind their signature if they choose to do so.

The bill would still allow petition gathers to be paid per signature; in its previous form the bill would have outlawed this practice.

AIF supports the provisions in this legislation, especially those which give property owners the right to permit or prohibit the gathering of petitions on their property. The Legislature must address the need for regulation of the petition gathering process, but it must do so without overreaching requirements and criminal penalties

HB 773 CS died on the House calendar; Senate companion CS/SB 720 was laid on the table.

GENERAL GOVERNMENT

CS/CS/SB 262 Administrative Procedures by Sen. Mike Bennett (R-Bradenton)

The Administrative Procedures Act (APA) allows a person to challenge the decisions of a state agency. The APA also provides for legislative oversight of agency rules. The APA also created the Joint Administrative Procedures Committee (JAPC) to be a check on legislatively created authority, as interpreted by executive agencies. JAPC is a joint standing legislative committee consisting of three House members and three Senate members.

CS/CS/SB 262 will clarify the duties of JAPC making it clear that the committee shall maintain a continuous review of statutes that authorize agencies to adopt rules. The bill also makes changes to the Florida Equal Access to Justice Act. This act allows small business parties to receive attorney's fees and costs when they prevail in certain adjudicatory or administrative proceedings under the APA, and SB 262 expands the definition of "small business party" to an individual whose net worth did not exceed \$2 million at the time the action was initiated by the state agency. Currently, only businesses with less than 25 employees or a net worth of not more than \$2 million, including both personal and business investments

are covered by the Florida Equal Access to Justice Act.

Another provision of the bill will provide the public with greater access to the Florida Administrative Weekly (FAW), which publishes notices and other various materials filed by the state's administrative agencies. FAW will have advanced search capabilities, which should result in potential cost savings to users of the FAW.

AIF supports the changes to the Administrative Procedures Act. Sometimes what the Legislature intended for a law is lost in the translation by the state agency. Clarifying the role of the JAPC will make it harder for state agencies to incorrectly interpret legislation.

CS/CS/SB 262 passed both the House and Senate and has been ordered enrolled; House companion bill HB 7081 CS was laid on the table.

GOVERNMENTAL OUTSOURCING

HB 595 – Community Behavioral Health Agencies by Rep. Dean Cannon (R-Winter Park)

This bill limits the net economic liability for community behavioral health agencies (provider) in negligence actions to \$1M per claim and \$3M per incident and specifies that damages be offset by any collateral source. It also limits non-economic damages to \$200,000.00 per claim. These limitations are extended to any employee who acts in furtherance of the provider's responsibilities and not where the employee acts in a culpably negligent manner. This bill is very important to the members of AIF's newly created Governmental Outsourcing Council (GOC) as it limits their potential liability.

AIF supports legislation limiting the economic liability for these service providers. Setting liability limits will ensure that more funds are available for providing actual services and care for the patients being treated in these facilities.

HB 595 passed both the House and Senate and was ordered enrolled; Senate companion CS/SB 280 was laid on the table.

GROWTH MANAGEMENT

HB 683 by Rep. Trey Traviesa (R-Tampa), HB 7167 and HB 7253 by the House Growth Management Committee, CS/CS/SB 1858 by the Senate Community Affairs Committee

Growth management was again a topic of much discussion during the 2006 session. Several bills were filed dealing with different issues affecting growth management. Multiple "glitch" bills for last year's landmark growth management bill (SB 360) were debated but ultimately failed to be passed.

One piece of legislation that did pass was HB 683. The bill makes revisions to current statutory law relating to a binding letter determination made by the Department of Community Affairs (DCA); makes various revisions and additions to the existing statutory law pertaining to development orders and permits issued by local governments; revises the definition of an "essentially built-out development"; provides bonuses for a developer providing a certain level of affordable housing; expressly removes marina and port fa-



cilities from a Development of Regional Impact (DRI) review; revises how certain statewide guidelines and standards are applied to determine whether a development must undergo DRI review; and revises existing law pertaining to consistency challenges made to a DRI development order.

HB 7167 and HB 7253 were House versions of clean-up bills aimed at addressing some of the unintended consequences of last year's growth management legislation. If passed the bills would have: removed the requirement that the entire local comprehensive plan be financially feasible; provided for certain exemptions from transportation concurrency; provided for a waiver of the transportation facilities concurrency requirements for certain urban infill, redevelopment, and downtown revitalization areas; revised the organization reporting structure for the Century Commission for a Sustainable Florida and provided guidance for the development of its annual budget; provided for a partial exemption from development of regional impact review for urban service boundaries, infill and redevelopment areas, and rural land stewardship areas if the required binding agreement for the full exemption is not attained.

On the Senate side, CS/CS/SB 1858 would have corrected cross-references and revised appropriations glitches found in last year's landmark growth management bill (SB 360). It would have increased the membership of the Century Commission for a Sustainable Florida, provided additional criteria for appointing members, and extended the deadline for making the appointments. It also would have appropriated \$870,000 in recurring funding for the Century Commission.

AIF supports revisions to the state's growth management laws. This area of law is everchanging, and thus it is good for the Legislature to update the law. HB 683, for example, contains important growth management provisions and makes the DRI process more business friendly for developers by providing exemptions from the DRI review and increasing the thresholds that trigger the DRI review for newly proposed developments.

HB 683 passed both the House and the Senate and was ordered Enrolled; Senate



Guy Spearman, Esq. President, Spearman Management, Inc., government relations consulting firm ... 32 years of experience representing a variety of clients from small business owners to Fortune 500 companies ... graduate of Auburn University and Florida State University College of Law.

Issues: All Major Issues



John Thrasher, Esq. Florida's Speaker of the House from 1999-2000 ... While leading the House, helped to pass some of the landmark reforms advanced by Gov. Bush, including an overhaul of the state's entire system of education ... the new medical school at FSU, John's alma mater, honors his name... John was elected to his first term as a state representative and was re-elected without opposition in 1994, 1996, and 1998.

Issues: Tort Reform

Companion SB 1020 was laid on the table. CS/CS/SB 1858 died on the Senate Calendar. HB 7167 died on the House Calendar. HB 7253 died on the House Calendar.

CS/SB 1194 – Growth Management by Sen. Lee Constantine (R-Altamonte Springs)

The bill creates the "Interlocal Service Boundary Agreement Act" to provide an alternative process for annexation that allows counties and municipalities to negotiate in good faith to identify municipal service areas and unincorporated service areas, resolve which local government is responsible for providing services and facilities within the municipal service areas, and reduce the number of enclaves. The negotiating parties, however, are not required to reach an agreement.

Most importantly, this bill was amended during the last weeks of session to include language from CS/CS/SB 1196 relating to impact fees. As amended the bill also codifies certain provisions relating to the imposition of impact fees by local governments. In addition to providing legislative findings and intent relating to the adoption of a local ordinance levying an impact fee, the bill stipulates that such an ordinance must, at a minimum: require that the calculation of the impact fee be based on the most recent and localized data; significantly address affordable housing through waiver, exemption, or payment of impact fees, or the establishment of an affordable housing program; provide for accounting and reporting of impact fee collections and expenditures.

AIF supports legislation which is aimed at codifying the many confusing aspects of Florida's impact fee process. Currently, impact fees are governed by case law instead of in statute. Establishing one location for these regulations makes sense.

CS/SB 1194 passed both the House and the Senate and was ordered enrolled; House companion HB 1357 was laid on the table. CS/CS/SB 1196 died in the House State Infrastructure Council; House companion HB 1431 CS died in the House State Infrastructure Council.

HEALTH CARE

HB 805 – Health Care Services by Rep. Holly Benson (R-Pensacola)

The bill requires Medicaid ID cards and provides health care beneficiaries with greater access to health care information. The House adopted an amendment by Rep. John Legg (R-Port Richey) to establish a program that creates incentives for individuals to purchase private long-term care insurance policies. These policies will cover nursing home or homebased services when the Medicare nursing facility benefit is exhausted after 100 days of care.

Prior to passage by the full House, an amendment by Rep. Anne Gannon (D-Delray Beach) was rejected which would have mandated parity for mental health services by insurers. AIF was instrumental in blocking a similar proposal that surfaced earlier in the session.

AIF supports this legislation because it will provide greater transparency of health care information in the future, thereby potentially empowering consumers to make better decisions when it comes to their medical treatment.

HB 805 died in Senate messages.

HB 1265 CS – Small Business Health Care Insurance by Rep. Dorothy Hukill (R-Daytona Beach Shores)

The bill allows a small business (1 to 6 employees) to apply for a state subsidy of \$1,000 each to help pay annual health insurance premiums. In order for a business to be eligible for this program, employers would be required to pay at least 50 percent but less than 100 percent of the cost of coverage, and employees would be required to contribute the remaining cost. During one of the bill's committee stops, a strike-everything amendment was adopted to make this a two-year state-wide pilot program. The bill appropriates \$15 million for this pilot program.

AIF supports legislation that provides some incentive for small businesses to provide health insurance to their employees, as long as employees and employers display personal responsibility by paying a portion of health insurance costs.



HB 1265 CS died in the House Health and Families Council; Senate companion CS/SB 2428 died in the Senate committee on Health and Human Services Appropriations.

INFORMATION TECHNOLOGY

HB 1369 – Rejected Bids by Rep. Greg Evers (**R**-Milton)

The bill creates temporary exemption from public records requirements for rejected bids and proposals received by a state agency if the agency reissues an invitation to bid or request for proposals. It further creates a temporary exemption from the public records requirements for a competitive sealed reply in response to invitation to negotiate. It also creates an exemption from public meetings requirements for a meeting at which negotiation with a vendor is conducted.

AIF supports this legislation and the exemptions it provides because it brings Florida in line with best practices as recommended by most national procurement officers and Chief Information Officers. In addition, the bill protects vendor's information until the

procurement process is completed.

HB 1369 passed both the House and the Senate and was ordered enrolled; Senate companion CS/SB 2316 was laid on the table.

CS/CS/CS/SB 856 – Domestic Security by Sen. Alex Diaz de la Portilla (R-Miami)

The bill requires the Department of Management Services (DMS) to recommend minimum operating procedures for security of data and information technology resources and requires each agency to conduct procedures to assure security of data, information, and information technology resources. It further requires the department to establish the Office of Information Security and to designate a Chief Information Security Officer. It also requires that office to develop a strategic plan to protect information technology.

AIF supports this legislation because it establishes standard operating procedures for state agencies to deal with data security and information technology resources.

CS/CS/CS/SB 856 died in House messages

HB 7073 – Health Care Information Network by the Health Care Regulation Committee

The bill creates the Florida Health Information Network Act as a public/private partnership that will implement a statewide electronic medical records network. This network would collect and monitor data related to innovations in healthcare technology as well as integrate all health care data currently being collected by the various health care agencies. AIF tracked a similar bill, HB 1409 by Rep. Holly Benson (R-Pensacola), which had the same provisions that ended up in HB 7073, the committee bill which was eventually passed by the Legislature.

AIF supports this legislation, which uses the power of Information Technology to make healthcare data available for consumers, thereby empowering them to make better choices in the health care arena.

HB 7073 passed both the House and the Senate and was ordered Enrolled; Senate companion SB 1332 laid on the table. HB 1409 passed the House but died in the Senate committee on Health Care.

AIF LOBBY TEAM



Gerald Wester

Managing Partner, Capital City Consulting, LLC ... former chief deputy over Florida Department of Insurance's regulatory staff ... more than 30 years of lobbying experience ... expertise in insurance, banking, and health care issues ... Bachelor's and master's degrees from Florida State University.

Issues: Health Care, Health Maintenance Organizations, Insurance, Medical Malpractice



Mike Zagorac Former senior vice president, public affairs for Hill & Knowlton, Inc. ... former vice president of public affairs for the Jack

Eckerd Corporation and vice president of the National Association of Chain Drug Stores ... more than 37 years of experience in media and public relations, community affairs, and environmental issues ... Bachelor's degree from Purdue University and M.B.A. degree from American University.

Issues: All Major Issues

INSURANCE

HB 217 – Sinkhole Insurance by Rep. John Legg (R-Port Richey)

The issue of sinkhole claims continues to be a problem in the Tampa Bay area. Florida is one of few states that mandates propertyinsurance coverage of sinkhole losses. Aggressive solicitation by plaintiffs' attorneys and unscrupulous contractors has resulted in a litigation barrage over whether a crack in a home's foundation is a result of normal settling, poor construction, or a sinkhole.

HB 217 permits deductibles of 1, 2, 5, and 10 percent to be applied to residential property insurance policies. The bill permits an insurer, if approved in writing by the policyholder and any lien holders, to make direct payment to the persons selected by the policyholder to perform land and building stabilization and foundation repairs caused by a sinkhole. In addition, it provides for a "neutral evaluator" to preside over alternative dispute resolution proceedings. The bill prohibits a general contractor, subcontractor, or other business providing sinkhole remediation services from soliciting legal business for an attorney. Doing so would be a first degree misdemeanor.

AIF supports legislation aimed at addressing the problem of sinkhole insurance through the use of professional engineers and neutral evaluators to properly determine whether a claim is indeed meritorious.

HB 217 passed both the House and the Senate and was ordered enrolled; Senate companion SB 286 laid on the table.

SB 376 – Cystic Fibrosis Treatment by Sen. Gwen Margolis (D-Bay Harbor Island)

The bill requires group health insurance policies and group health maintenance organization (HMO) contracts to provide coverage for all medically necessary chest physiotherapy provided by a licensed respiratory therapist, home health care, equipment, supplies, and enteral formulas used to treat cystic fibrosis if the patient's treating physician or a physician authorized by the insurer or HMO who specializes in the treatment of cystic fibrosis certifies that such services are medi-



cally necessary. The insurer may require that the policyholder or subscriber is responsible for any deductible or co-payment that generally applies under the policy or contract.

AIF consistently opposes additional mandated coverages because the resultant cost increases could force some insurers out of the market and price health care insurance out of the reach of many employers and businesses.

SB 376 died in the Senate committee on Health Care.

CS/CS/SB 1980 – Property and Casualty Insurance by Sen. Rudy Garcia (R-Miami)

The bill appropriates \$250 million to help homeowners retrofit their homes in preparation for future hurricanes. CS/CS/SB 1980 includes a number of measures to provide

incentives for private capital to return to the Florida market and provides procedures for reforming Citizens Property Insurance so that less Floridians are served by this insurer of last resort. Finally, the bill appropriates nearly \$715 million to alleviate the more than \$1 billion dollar deficit currently carried by Citizens as a result of the previous two hurricane seasons (2004 and 2005). The House had its own version of a property and casualty insurance bill, HB 7225 by the Insurance Committee. The House bill had different amounts of money appropriated for retrofitting homes as well as different guidelines for Citizens. In the end, the two sides ended up agreeing to work off of the Senate bill and HB 7225 was abandoned.

AIF supports legislation that will encourage market-based efforts to revitalize the private property insurance market.

CS/CS/SB 1980 has been approved by the Governor and is awaiting assignment of Chapter Law Number. HB 7225 died in the Senate committee on Banking and Insurance.

LEGAL AND JUDICIAL

HB 841 – Supersedeas Bond by Rep. Frank Attkisson (R-Kissimmee)

This bill serves to preserve a person's right to appeal and assist in better access to the appellate court system. This legislation limits the amount of an appeal bond to no more than \$50 million. The bill also allows judicial discretion to impose a lower cap in certain situations, when the appellant makes an adequate showing that the \$50 million bond is too burdensome. It also allows discovery in the event of assets being dissipated and the right to impose a full bond above the \$50 million cap in such event.

AIF supports this legislation and salutes Representative Attkisson and Senator Webster for their leadership on this bill, which levels the playing field and provides businesses with greater access to the appellate courts.

HB 841 passed both the House the Senate and was ordered enrolled; Senate companion CS/SB 2250 was laid on the table.

PRIVATE PROPERTY RIGHTS

HB 1567 and HJR 1569 – Eminent Domain by Rep. Marco Rubio (R-Miami)

Following the 2005 session, House Speaker Allan Bense (R-Panama City) appointed a Select Committee to Protect Private Property Rights led by Representative Marco Rubio (R-Miami) to discuss and draft language aimed at addressing the recent *Kelo v. City of New London* US Supreme Court decision. In this decision the Supreme Court ruled that economic development is a "public purpose" that legitimizes the use of the government's power of eminent domain. As a result, virtually every state is evaluating its eminent domain laws in order to strike a balance between private property rights and economic development.

The 2006 Legislature passed two bills dealing with eminent domain during the last week of session. HB 1567 was the r esult of a compromise between the House and Senate which combines the strongest parts of both chamber's eminent domain bills. HB 1567 prohibits transfer to private parties and requires properties to be held for 10 years to ensure an extra layer of protection. If a pr operty is taken by eminent domain, it can be transferred back to original owner at the taking price, but only if there is notice and competitive bidding. The second distinction is that the provision addressing the preemption of the city and county authority has been removed but it still restricts power of local government from using slum or blight or to give property to another per-



Visit http://aif.com to access the complete Voting Records report son or private entity. The bill will not allow eliminating or abating a public nuisance as a reason for using eminent domain but will allow those reasons to handle such nuisances through a public referendum.

HJR 1569 essentially achieves the same purpose as HB 1567, but does so through a Constitutional amendment.V oters would be asked to add language to the state's Constitution, during the next election, which would prohibit eminent domain takings for economic development purposes. The proposed constitutional amendment states that transferring private property taken by eminent domain cannot be given to another private party except by 3/5 vote of Legislature.

AIF supports eminent domain legislation. While AIF strongly supports efforts to boost economic development throughout the state, these projects should not proceed through the sacrifice of existing businesses. AIF supports legislation to ensure that when local government takes private property through eminent domain, there are proper limitations and procedures in place to protect the rights of private property owners.

HB 1567 has been approved by the Governor and assigned Chapter Law Number 2006-11; Senate companion SB 2168 was laid on the table. HJR 1569 passed both the House and the Senate and was ordered enrolled; Senate companion SB 626 was laid on the table.

HJR 1571 – Homestead Property by Rep. Marco Rubio (R-Miami)

The Select Committee to Protect Private Property Rights filed one other proposal dealing with eminent domain. HB 1571 was a proposed Constitutional amendment, which would allow for the portability of the Constitution's "Save Our Homes" property tax protections in cases where an individual's homestead property is taken by eminent domain.

AIF supports legislation that provides a home owner protection from increased property taxes if their property is taken by eminent domain.

HJR 1571 died in Senate messages.

TAXATION

HB 47 – Hurricane Preparedness/Sales Tax by Rep. Ron Greenstein (D-Coconut Creek)

This bill give a sales tax holiday on a specific list of items used to prepare for hurricanes such as batteries, flashlights, portable radios, coolers and generators. The sales tax holiday will take place the week leading up to the first day of hurricane season.

AIF supports increasing business activity by allowing Floridians to purchase essential hurricane supplies without having to pay sales tax.





HB 47 has been approved by the Governor (Chapter No. 2006-7); companion bill CS/ CS/CS/CS/SB 24 was laid on the table.

HB 69 – Sales Tax Exemptions for Machinery and Equipment by Rep. Matt Meadows (D-Lauderhill)

Under current law a business must pay \$50,000 in sales tax on purchases of industrial machinery and equipment before it can claim an exemption. This bill provides a full, rather than partial, sales tax exemption when the business can demonstrate that the items will be used to increase productive output at the facility by at least 10 percent. Elimination of the \$50,000 threshold has long been a priority of AIF.

AIF supports eliminating the requirement that businesses pay the first \$50,000 in sales taxes per calendar year on manufacturing inputs. Eliminating this requirement would level the playing field for Florida manufacturers which must compete with states that do not tax manufacturing inputs, and would improve Florida's ability to compete for higher paying jobs, which would lead to an overall net increase in state revenues. HB 69 passed both the House and the Senate and has been ordered enrolled; Senate companion bill CS/SB 1206 was laid on the table.

HB 209 – Intangible Personal Property Tax by Rep. Fred Brummer (R-Apopka)

This bill repealed the last half mill of the intangible personal property tax imposed on stocks, bonds, notes, and other intangible property. In 1998 the Florida Legislature began dismantling this tax, in recognition of how it places Florida at an economic disadvantage. In 2005, lawmakers reduced that tax rate to .5 mills, while retaining a \$250,000 exemption for individuals, a \$500,000 exemption for married couples filing a joint return, and a \$250,000 exemption for businesses. Only three other states in the nation have a similar tax and Gov. Jeb Bush made its repeal one of his budget and economic development priorities.

AIF supported legislation to repeal the intangible tax. It is wrong to penalize businesses and individuals who save or invest their money, and we need to make Florida competitive with other states by removing this insidious tax.

HB 209 passed both the House and the Senate and has been ordered enrolled; Senate companion bill SB 714 was laid on the table.

HB 415 – Sales Tax/Research and Development by Rep. John Quinones (R-Kissimmee)

This bill exempts machinery and equipment used predominately for research and development activities from the state sales tax. The bill also increases the sales and use tax exemption for industrial machinery and equipment used for the production of space or defense technology products from 25 percent to 100 percent. Also, the bill expands this production exemption to include the design or assembly of space or defense technology products.

AIF supports this legislation. Removing taxes on machinery and equipment used for research and development is sensible tax policy and would improve Florida's chances of recruiting and retaining the most advanced research and space facilities in the country.

HB 415 passed both the House and the Senate and has been ordered enrolled; Senate companion SB 962 laid on the table.

HB 507 – Sales Tax/Agricultural Machinery by Rep. Paige Kreegel (R-Punta Gorda)

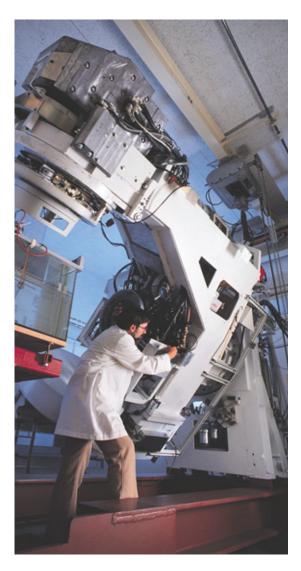
This bill provides a sales tax exemption for low-volume or micro-irrigation equipment or components used in agricultural production. Low-volume irrigation or micro-irrigation systems are designed to deliver water at a rate of 45 gallons per hour or less per exit point. This is a good bill for business as it gives an incentive for farmers to use less water, a very valuable resource in the state.

AIF supports this legislation since it provides a great incentive for our state's farmers to use smart watering technology. The agriculture industry is one of the strongest economic drivers in our state, second only to tourism. It is important that we protect this industry and the jobs it provides.

HB 507 died in Senate messages; Senate companion CS/SB 2410 died in the Senate committee on Ways and Means.

HB 691 CS – Sales Tax Exemption by Rep. Joe Negron (R-Stuart)

The bill provides that no sales tax will be collected on the first \$5,000 of the sales price of any item of tangible personal property or admission purchased by an individual for



personal consumption during the seven-day period of July 31, 2006 through August 6, 2006. If passed, this would be the largest tax break in Florida's history.

AIF supports this bill. The timing of the sales tax holiday would give parents a chance to purchase a computer for their child before they head back to school or allow them to purchase home improvement items such a refrigerator, washer or dryer. This type of sales tax holiday would provide a spark for Florida's economy.

HB 691 CS died on the House Calendar.

SB 692 – Sales Tax/School Supplies and Clothing by Sen. Dan Webster (Winter Garden)

This popular sales tax holiday for school supplies and clothing will take place during the last nine days of July 2006. Certain school



supplies with a price of \$10 or less and clothing, books, backpacks and other specified items with a price of \$50 or less would not be charged sales tax under this law. The sales tax holiday for school supplies began in 1998 and has been reenacted in some fashion since then; the only exceptions took place in 2002 and 2003.

AIF supports this legislation because it helps increase business activity by allowing Floridians to purchase essential school supplies without having to pay sales tax.

SB 692 passed both the House and the Senate and was ordered enrolled; House companion HB 29 CS was laid on the table.

HB 989 – Motor Fuel Taxes by Rep. Nancy Detert (R-Venice)

The bill adds vehicles and equipment used exclusively for commercial aviation purposes that are not used on public streets and highways to the list of vehicles eligible for motor fuel tax refunds. The type of vehicles and equipment eligible for the refund would be "tugs" that deliver luggage, concessions, and other products to airplanes as well as trucks that never leave the airport property, generators, landscaping equipment used exclusively on airport property, and safety and rescue equipment. AIF supports incentives designed to help private companies doing business on airport property such as airlines and independent security providers.

HB 989 died in Senate messages; Senate companion SB 1932 died in the Senate committee on Government Efficiency Appropriations.

SB 1198 – Corporate Income Tax by Sen. Jeff Atwater (R-North Palm Beach)

This legislation is also known as the "Corporate Piggyback" bill and updates the Florida Income Tax Code to reflect the changes made by the US Congress in 2004 to the US Internal Revenue Code of 1986.

Florida's Corporate Income Tax Code follows the Federal Internal Revenue Code by using federal rules and starting with federal income as the tax base for the Florida Income Tax. Passage of this bill ensures that corporations which are subject to Florida income tax can base their calculations on current IRS rules. If the legislature does not pass this legislation, corporations would have to keep two sets of records: one for Florida and one for the IRS.

AIF supports the passage of this bill so that Florida corporations do not have to endure the burdensome task of filing duplicate tax records

SB 1198 passed both the House and the Senate and was ordered enrolled; House companion HB 7179 was laid on the table.

SB 2332 – Gross Receipts Taxes/Manufacturing by Sen. Paula Dockery (R-Lakeland)

This legislation creates a limited or capped exemption from the gross receipts tax for mining or manufacturing businesses meeting energy conservation requirements. The company would pay the tax, but the amount of the exemption would be available for a refund. The exemption would apply retroactively to January 1, 2006, with regards to the taxes paid and expenditures for energy conservation measures made in the 2006 calendar year. The mining and manufacturing industry are energy intense users.

AIF supports this legislation. Florida has higher utility rates than bordering states making it harder for Florida companies to compete. This exemption from gross

receipts tax will go along way in helping those industries compete.

CS/SB 2332 died in the Senate committee on Government Efficiency Appropriations.

HB 7075 – Agriculture and Consumer Services Department by the Agriculture Committee

This bill is the yearly agriculture bill which contains multiple provisions dealing with farming and the agricultural industry. During the last days of session, this bill was amended to include language from other agriculturally related bills that did not make it out of the committee process. Of note to AIF members is that the bill contains language from SB 1074 by Sen. Rod Smith (D-Gainesville) that provides for agriculture equipment located on farming property, which is no longer used in agricultural production, to be considered obsolete and therefore assessed at salvage value for ad valorem tax purposes. In addition, the bill contains language from HB 743 by Rep. Marty Bowen (R-Winter Haven) which provides a sales tax exemption for electricity used directly and exclusively for the processing of agricultural products on a farm, as long as it is separately metered. It also expands the sales tax exemption for diesel fuel when the fuel is used in any tractor, vehicle, or other equipment that is used exclusively on a farm for processing farm products on the farm.

AIF supports the many good provisions in this legislation, especially the language which provides sales tax exemptions for obsolete farm equipment, diesel fuel, and electricity used in farming. The bill will help lower farmers' property taxes by reducing the taxable value of equipment no longer being used.

HB 7075 passed both the House and the Senate and was ordered enrolled; Senate companion SB 1388 was laid on the table. SB 1074 passed the Senate but died in the House committee on Agriculture and Environment Appropriations; House companion HB 357 also died in the House committee on Agriculture and Environment Appropriations. HB 743 died in Senate messages; Senate companion SB 1646 died on the calendar.



HB 7105 – Taxation/Alcoholic Beverages by House Finance & Tax Committee and Rep. Fred Brummer (R-Apopka)

This bill eliminates the surcharge on alcoholic beverages sold on a vendor's premises, which had its genesis as a "temporary" tax enacted in 1990 to cover a budget shortfall. The phase-out of the drink tax began in 1999 when lawmakers reduced it by a third, and then by one-half in 2000. An amendment was offered by the bill's sponsor that pushed back the effective date of the repeal from July 1, 2006 to July 1, 2007, thereby extending the tax for one more year before repealing it.

AIF supports the final repeal of this tax, which eliminates a cumbersome, expensive, and regressive burden on both Florida's hospitality establishments and Florida's consumers.

HB 7105 passed both the House and the Senate and was ordered enrolled; Senate companion CS/SB 1292 was laid on the table.



UTILITIES AND TELECOMMUNICATIONS

HB 1199 – Statewide Cable Television Franchises by Rep. Trey Traviesa (R-Tampa)

This bill establishes the authority to issue statewide cable franchises within the Department of State (DOS), and designates DOS as the state franchising authority. In 1984, Congress passed the Cable Communications Policy Act. This law established policies for franchise provisions and renewals as well as subscriber rates. The law prohibited cable operators from providing service without obtaining a franchise from local governments. HB 1199 would transfer the authority to grant cable franchises from local governments or municipalities to a unified statewide entity; in this case the DOS. The bill also establishes a number of provisions for the operating of statewide cable franchises such as customer service standards, build-out provisions, franchise fees, and right-of-way use.

A strike-everything amendment by the sponsor was passed during the final days of session that changed the bill and moved its provisions toward the position of local governments. As amended, the bill still requires the DOS to issue a certificate to provide cable TV service, but this certificate is subject to a local ordinance, which must be passed by January 1, 2007, and a local application process. The amended bill restores local government's role by allowing local government to enact an ordinance to establish procedures and standards for the franchises.

It also allows the incumbent cable companies to opt out of the local franchise agreement as soon as the new local ordinance is enacted. On handling complaints from customers, the bill as amended allows that function to continue with local government if they adopt a local ordinance and further allows local governments to adopt customer service standards under federal law. If a local government opts out of cable regulation, the Department of Agriculture Division of Consumer Services would handle customer service complaints.

AIF supports legislation to allow for statewide cable franchises because it opens up the cable market to the free market. Increased competition will only ensure better service, a better product, and more importantly lower prices for the citizens of our state.

HB 1199 died in the Senate committee on Communications and Public Utilities; Senate companion CS/SB 900 died on the Senate Calendar.

HB 1259 – Siting of Electric Transmission Lines by Rep. Marti Coley (R-Marianna)

This bill is better known as the "Florida Electric Transmission Line Siting Act." This legislation encompasses many of the recommendations made by the Florida Energy Forum to the Transmission Line Siting Act (TLSA). These changes include: simplifying and streamlining completeness and sufficiency procedures; reducing mandatory hearings; revising time limits; clarifying who may be an applicant; and clarifying comprehensive planning and zoning issues.

The purpose of these changes is to improve the efficiency of the TSLA and to clarify provisions that will expedite transmission line licensing, thereby ensuring faster development of more reliable electric transmission infrastructures. This bill is in many ways a very technical bill; however, these changes are necessary and if adopted will shorten the time period to site power lines by as much as 5 months! Although this bill died in committee, the language found its way onto SB 888, Florida's Energy Plan legislation which did pass this Session.

AIF supports this legislation as it is a part of the energy plan for the State of Florida.

Visit http://aif.com to access the complete Voting Records report The use of incentives and the removal of regulatory barriers is the best way to ensure that Florida takes the necessary steps to improve its energy infrastructure.

HB 1259 died in the House Environmental Regulation Committee.

CS/SB 1318 – Cellular Telephone Solicitation by Sen. Victor Crist (R-Tampa)

This bill prohibits a telephone solicitor from making an unsolicited sales call to any telephone number assigned to a cellular telephone service without the prior consent of the subscriber.

Some members of the business community including AIF are concerned with this legislation because of the indeterminate consequences it may have on the way some companies do their business. Currently, there exists a federal "do not call" list which consumers can use to list their home and cellular phone lines, so it is not entirely clear why this law is necessary. In addition, it is virtually impossible for a business to determine which telephone number corresponds to a cellular phone

AIF opposes this legislation because of the far reaching implications it may have on the way businesses currently function. Currently, there already exists a Federal Do Not Call List that consumers can register with. Additional restrictions are not necessary.

CS/SB 1318 died in the House Agriculture Committee.

WORKERS' COMPENSATION

SB 2118 – Workers' Compensation Joint Underwriting by the Banking and Insurance Committee

This bill wouldhavepr ovidedseveral significant changes to the current Joint Underwriting Association (JUA) board composition as well as give more oversight of the JUA to the Office of Insurance Regulation (OIR). From the business community standpoint,ther ewer e two primary problems with this bill as drafted. One is that it would require the volunteer board members to produce a full financial disclosure.

Thiswouldlikely cr eate a chilling effect on

board service. The other pr oblem is more directly connected to the workers' compensation market. The bill would require OIR to approve the rates charged to JUA policyholders before they are used by the JUA. This would significantly hamper the JUA's ability to conduct its business. The current deficits facing the JUA aredue torates that wer e arbitrarily set by the Legislature andwer enot actuarially sound. The OIR has never disapproved any rate that the JUA set itself. Accordingly, prior approval is not necessary and this portion of the bill should have been changed. This would be detrimental to the workers' compensation market because the JUA board is currently required to set actuarially sound rates in most plans. It is only when an arbi-





trary rate is set that the JUA has encountered deficits in any tier or subplan. Accordingly, the current rate structure of the JUA should not be altered.

Despite weeks of attempting to work out this issue at every committee stop,neither the Senate nor the House changed or addressed these problematic provisions. Additionally, although this bill did not pass, some major portions of it were included in proviso language of the budget. Fortunately for the business community, Governor Bush recently vetoed funding for the JUA making these provisions void.

AIF opposes this legislation. Any deficits in the JUAshouldbe addressed through other means to continue the savings that Florida's employers currently enjoy without disrupting the market's current stability.

CS/SB 2118 died in the House State Administration Council; House companion HB 7241 died in the House State Administration Council.

WORKFORCE DEVELOPMENT

HB 513 – Career and Professional Academies by Rep. Gus Bilirakis (R-North Palm Harbor)

This bill establishes a Career High Skill Occupational Initiative for Career Education (CHOICE) designation for school district participants that aid in workforce development. The bill provides an opportunity for students to graduate from high school with the skills necessary to enter the workplace immediately or further their education.

AIF supports this legislation and its programs and policies designed to equip young Floridians with the very best training and support. Achieving a better-prepared workforce will not only attract investment and growth, it will establish Florida as a leader in manufacturing and research development.

HB 513 died in the Senate committee on Education.

HB 765 – Discounted Computers for Students by Rep. Ed Jennings (D-Gainesville)

The bill creates a program in the Department of Education to offer computers and internet access at a discounted price to students enrolled in grades 5 through 12 in a public school, including a charter school or a home education program in the state.

AIF supports this legislation because it introduces computers to children who may not otherwise have the opportunity to experience technology on a first hand basis. An increase in access to technology for school children benefits the business community by laying the foundation for a workforce that is equipped to handle the latest technologies. In addition, it increases the market for computer hardware and software, which will strengthen the IT industry.

HB 765 passed both the House and the Senate and was ordered enrolled.

HB 801 – Ready to Work Certification Program by Rep. Pat Patterson (R-DeLand)

This bill focuses on the development of a skilled workforce in Florida by providing for certification of knowledge-based workers critical to Florida's economic development. This is particularly important to Florida's Innovation Economy. Florida Ready to Work Certification Programs may be conducted at public high schools, community colleges, technical centers, one-stop career centers, vocational rehabilitation centers and Department of Juvenile Justice educational facilities.

AIF supports this legislation as a way to meet the future workforce needs of Florida. Rapid technological change and increased international competition make training our workforce one of the top priorities for this state.

HB 801 died in the Senate committee on Education.

HB 1237 – Special Postsecondary Education Programs by Rep. David Mealor (R-Lake Mary)

This bill is the 21st Century Technology, Research, and Scholarship Enhancement Act announced by Governor Jeb Bush in January and is one of the cornerstones of Florida's Innovation Economy. The Act provides for the creation of the Florida Technology, Research, and Scholarship Board to guide the establishment of Centers of Excellence at state universities and the attraction of world class scholars through the 21st Century World Class Scholars Program. The bill provides \$50M to each of the programs.

The bill was amended during the last week of session to included language establishing medical schools at the University of Central Florida and Florida International University.

AIF supports this legislation as a tool for increasing technology-based businesses in Florida, which will in turn improve economic development in the tech sector.

HB 1237 passed both the House and the Senate and was ordered enrolled; Senate companion CS/CS/SB 2084 was laid on the table.

CS/SB 2326 – Postsecondary Education/ SUCCEED FLORIDA! by Sen. Carey Baker (R-Eustis)

The bill creates the **SUCCEED**, **FLORIDA Act.** This bill establishes a number of workforce education grant programs in order to facilitate efforts to meet existing and future needs of the state's workforce. The bill requires the State Board of Education to establish articulated career paths for specific professions. The bill also creates the GED Success Program to encourage students who complete a GED program and receive a high school diploma to attend a regionally or nationally accredited public or private technical center or community college program that trains for high-demand, high-skill or high-wage careers by granting those students scholarships.

AIF supports legislation which will help train Florida's future workforce to be the very best it can be. A well prepared workforce will ensure that Florida continues to attract high paying employers.

CS/SB 2326 died in the Senate committee on Governmental Oversight and Productivity; House companion HB 7097 died in Senate messages.

AIF Voting Records On-Line

The annual legislative voting records and rankings have been a mainstay of AIF's services for many years. Now, that service has reached a new level that will allow the business community not only to see how their legislators are voting on business issues in the current session, but how they have voted throughout their entire legislative career.

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