



# Capitol Report

League of Women Voters of Florida

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**April 6, 2007**

After a slow week in both the House and Senate due to religious holidays, next week both chambers will be back in full force. Many of the bills the League has been watching will be discussed in their respective committees. There are a lot of new Action Alerts that League members are urged to participate in.

**Reminder:** Because new readers join us each week, a good portion of the Capitol Report will be redundant each week. To make it easy for loyal readers, all NEW information in the Capitol Reports will be in blue ink.

## IN THIS ISSUE:

- 2007 Legislative Schedule
- Legislative Information
- Legislative Tip of the Week
- League Priorities Generally
- Government in Florida
- Social Policy in Florida
- Natural Resources in Florida
- Education in Florida

## 2007 LEGISLATIVE SCHEDULE

Prior to the 2007 Legislative Schedule, a Special Session, 2007-A was held to focus primarily on Insurance and Hurricane Preparedness. After the Special Session,

Interim Committee Meetings were held during January of 2007 and were concluded by February 23<sup>rd</sup>.

The 2007 Regular Session began on Tuesday, March 6<sup>th</sup>. March 2<sup>nd</sup> at 5:00 p.m. was the deadline for submitting draft bills and final bills had to be filed by noon the first day of session. The last day for regularly scheduled committee meetings is April 24<sup>th</sup>. The last day of the Regular Session is May 4<sup>th</sup>, and the Legislature has the prerogative of extending the Regular Session or later calling a Special Session if it does not complete its work on schedule or has an issue which it wants to address prior to the next regular session.

## LEGISLATIVE INFORMATION

Updates on League legislative issues will be provided on a regular basis through the Capitol Report, which is published most weeks during the Session.

It has come to our attention that there is a tracking service provided on the legislative webpage at <http://www.myfloridahouse.gov/Sections/MyHouse/myHouse.aspx>. All you have to do is sign up on the website and you will receive email alerts on certain bills. This is a great way to stay timely informed and take action.

Important information may also be accessed through the Internet at [www.leg.state.fl.us](http://www.leg.state.fl.us). Other important websites include [www.flsenate.gov](http://www.flsenate.gov) and [www.myfloridahouse.gov](http://www.myfloridahouse.gov). League members

are encouraged to consult these sites for information like:

**Committee Appointments:** The Senate President and House Speaker appointed Committee Chairs as part of the Organizational Session and their names as well as the members and staff of each Committee may be found here with contact information. Special consideration is often given to bills sponsored by members of the committee hearing the bill; this is particularly true of bills sponsored by the chair of the committee.

**Bills:** Roughly 2000 bills have been filed for this Session. The deadline for filing bills for introduction was March 6<sup>th</sup> at noon. However there are ways to get around this and some new bills may show up past then. Copies of bills are available on the above mentioned state legislative website along with sponsor information, the Committees to which bills have been referred for consideration, any legislative staff analyses that have been done on the bill and any actions taken on the bill with dates and voting records.

**Committee Information:** Depending on what issues you are tracking there are generally standard committees of reference based on issue, although this can vary. It is a good idea if you want to track an issue that you attempt to identify prior to session what are standard committees of reference to deal with that issue. For instance, last year most legislation dealing with elections, good government and constitutional issues were filtered through the House and Senate Judiciary and/or Ethics and Elections Committees.

Most major pieces of legislation on these issues not only went through these committees but originated with these committees. By identifying the committees generally identified with your issue(s) you can 1) become familiar with the members of

the committee and the committee staff and develop relationships with these folks ahead of time, 2) participate in pre session committee meetings of these committees where there may be a variety of workshops or special presentations on the issue/s you are concerned about and 3) track activities in these committees more closely for existing bill activities as well as efforts to waive rules and develop new bills or substantially alter existing bills to address these issues.

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

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

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

morning each week of Session and to check the daily calendars the evening before.

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

## LEGISLATIVE TIP OF THE WEEK

### What is a **committee substitute**?

A **committee substitute** (signified by CS) occurs when a bill that is passing through a committee has gained very strong support within that committee. Often these bills are subject to numerous amendments or to amendments which change the original concept of the bill while being reviewed by the respective committee. When this is the case, either the sponsor will request to the committee that the bill become a **committee substitute** or the chair of the committee will ask the sponsor if he/she would like the bill to become a **committee substitute**. This same process can occur in multiple committees therefore creating a CS/CS or a **committee substitute** for a **committee substitute**.

## LEAGUE PRIORITIES IN GENERAL

The LWVF Board at its September 8-9 Board meeting, using suggestions from local leagues, set two primary 2007 Legislative priorities: Government in Florida and Natural Resources in Florida. Specific issues within these priorities include: Election Law, Reapportionment, Amendment Process, Fiscal Policy, Tax Reform, Campaign Finance, Environmental Protection, and Resource Management.

The League has decided to once again hire a professional lobbyist, Jeanne Zokovitch with WildLaw to represent us on Government in Florida - Election Reform Administration, specifically on constitutional initiatives, election reform and voters' rights issues.

Additionally, volunteer point persons on the board or otherwise have been identified to assist Jeanne with these League issues. To assist with these efforts the Tallahassee League is actively recruiting members to join the "Lobby Corps". For more information on the lobby corps contact Charlene Walker at [cawalker7@comcast.net](mailto:cawalker7@comcast.net). Point persons for some of these issues are: Marilyn Wills, Constitutional Initiatives, Election Reform and Growth Management, [marilynnwills@msn.com](mailto:marilynnwills@msn.com); Karen Burns, Election Reform, [kburns1@tampabay.rr.com](mailto:kburns1@tampabay.rr.com); Charlene Walker, Growth Management, Water Resources, and Constitutional Initiatives, [cawalker7@comcast.net](mailto:cawalker7@comcast.net) and Terry Coble, Tax and Finance, [terryarose@bellsouth.net](mailto:terryarose@bellsouth.net). If you are interested in being a point person for any priority legislative issues, please contact Dianne Wheatley Giliottii, League President at [wheatley@tampabay.rr.com](mailto:wheatley@tampabay.rr.com) or Marilyn Wills at the address above, or call the League office. LWVF also will work with like minded civic organizations to lobby the legislature.

Additionally, during the interim, LWVF volunteers interviewed different members of the House and Senate to learn and understand each member's stance on key issues. An internal database of this information is compiled in order to give the League a head start on evaluating legislators' positions on the different issues that will likely come up this Legislative Session. Thank you to all the League members who conducted interviews!

## GOVERNMENT IN FLORIDA

### ➤ ELECTION LAW

A number of issues in this area are being addressed in this year's Legislature. Both the Senate and House Judiciary and Ethics and Elections Committees are key areas where these issues are being addressed. Recently, Senator Lee Constantine (R, 22),

Chairman of the Senate Ethics & Elections Committee, filed over 14 proposed shell bills expressing legislative intent to reform the current election laws. All of the bills have been referred to that Committee, the Senate Committee on Judiciary, and the Senate Committee on Transportation and Economic Development Appropriations, yet only **SB 960** has thus far been placed on the Ethics and Elections committee agenda. But the bill was temporarily postponed.

One of Sen. Constantine's bills **SB 958** was passed unanimously with one amendment by the Senate Committee on Ethics and Elections meeting on Tuesday, March 27<sup>th</sup>. The League **opposed** the overall tenor of the bill as it decreases many time lines associated with voting process. These decreases could further restrict civic participation. The amendment that was accepted was presented by Sen. Rich (D, 34). The League supported and spoke in favor of the amendment at the meeting, since helps to make the bill less offensive although the League still does not support the bill in its totality, but will continue to work on it. **SB 958 is now in the Committee on Community Affairs.**

## Voting Process

One election issue at hand this Session is the voting process. There are proposed bills in both the House and the Senate urging for a system in every county that leaves a paper trail and even some bills calling for a statewide system to be put in place to create a unified voting system. Some bills to keep an eye on throughout the 2007 Session are **HB 43** sponsored by Rep. Porth (D, 96), which is identical to **SB 2242** by Sen. Ring (D, 32); **HB 213** sponsored by Rep. Hukill (R, 28), which is identical to **SB 1174** by Sen. Dockery (R, 15); and **HB 377** sponsored by Rep. Buchar (D, 88), **SB 342** sponsored by Sen. Wilson (D, 33) and **SB 462** sponsored by Sen. Siplin (D, 19), which

has no identical companion in the other chamber. All of these bills propose some form of a paper trail.

House bills **HB 43**, **HB 213**, and **HB 377** are referred to the House Economic Expansion and Infrastructure Council and the House Policy and Budget Council. [Rep. Hukill has stated that \*\*HB 213\*\* will likely be placed on the House Economic Expansion and Infrastructure Council this week or next. The Council meets Thursday, April 12th, but the agenda is not available yet.](#)

All of the Senate bills have been referred to the Ethics and Elections, the Judiciary, and the Transportation and Economic Development Appropriations Committees. **SB 1174** has also been referred to Criminal Justice. While these bills have yet to be heard, the Ethics & Elections Committee did hold a public meeting on elections issues during the final committee weeks pre-session and the League submitted both oral and written testimony during that hearing.

A rally was held Wednesday, March 21<sup>st</sup> in Tallahassee, in support of requiring voter verifiable paper ballots for all FL elections. The League had representatives at the rally who spoke in favor of the need for a paper trail and other League positions on the issue. Governor Crist has said he supports such efforts so the rally was a step toward trying to make the Governor follow through on this. No specific bills were backed at the rally but reforming the voting system has become a focus of many this session including the League.

[The goal of obtaining a paper trail for voting machines ran into an obstacle on March 30th when the House Policy and Budget Council rejected Governor Crist's idea to buy voting machines that leave a paper trail as well as rejecting amendments by the Democrats which called for placing paper trail voting machines at least 15 of the 67](#)

counties that currently do not have paper trial voting machines. The House Policy and Budget passed **HB 5001** which is a budget bill for this year. Both votes rejecting the paper trail money allocation were on straight party-lines. Unfortunately, the Senate's bill, **SB 2800**, also does not have any voting machine money either, but the bill does have a "bill pot" of unallocated dollars which then could be tapped into if there was separate legislation passed requiring a paper record. **SB 2800** has been placed on the Senate Special Order Calendar for Wednesday, April 11th. The way budgeting works is that unless money is appropriate in at least one budget bill lawmakers can include it in the final version when they confer to resolve differences, but if the money is not appropriated then it cannot be added during those negotiations. Governor Crist is remaining optimistic about making paper trail voting a reality by the end of this legislative session.

On Wednesday, April 4th, Governor Crist also supplied Senate and House bill sponsors with new language he would like to see in bills about paper trials for Elections and the Election process. The implications of the Governor's proposal has yet to be determined, but it continues to be obvious that election reform is a key issue that has gained tremendous attention this Session. The League will closely follow the Governor's proposal as well as the other election law bills within both Chambers.

The League also **supports** voting processes which give voters more access to the voting polls. **HB 391** allows supervisors of elections to make requests to the Division of Elections for additional early voting sites. More early voting sites means more citizen access to the voting polls. **HB 391**, sponsored by Rep. Richter (R, 76), passed unanimously out of the House Ethics and Elections Committee on Thursday, March 8<sup>th</sup>, and is now in the Economic Expansion

and Infrastructure Council but has yet to be placed on the agenda. **HB 391** is identical to **SB 2560**, which is sponsored by Sen. Posey (R, 24). **SB 2560** was introduced to the Senate on Tuesday, March 20<sup>th</sup>, and was referred to the Senate Ethics & Elections, and Transportation and Economic Development Appropriations Committees.

**SB 2300**, sponsored by Sen. Posey, is also considered similar and it has been referred to Senate Ethics & Elections, Government Operations, Judiciary and Transportation and Economic Development Appropriations Committees.

### **Voter Education**

Voter education is another initiative that has been receiving support. The negative campaigning that was seen throughout the elections last year distracted voters from focusing and learning the issues at hand. There have been mixed reviews by both Senators and Representatives during the League interviews over voter education legislation. Doubters of the ability to implement laws pertaining to voter education blame the potential costs as the main deterrent. While others see the necessity of voter education and support the cause but are not sure the best way to implement it.

Two bills, **HB 581**, sponsored by Rep. Bendross-Mindingall (D, 109), and **SB 302**, sponsored by Sen. Fasano (R, 11), relate to Student Voter Education. **HB 581** was referred to the House Committee on Ethics and Elections by the House Economic Expansion and Infrastructure Council. **SB 302** was passed favorably by the Senate Committee on Education Pre-K - 12 on February 2nd by a 6-0 vote. **SB 302** is now in the Senate Committee on Ethics and Elections. These bills will require voter education in the schools for high school seniors. The League **supports** both bills.

## Felony Rights Restoration

Through the League's participation with the Florida Rights Restoration Coalition, it is clear that there are bills being drafted that would restrict which felons can seek to have their voting rights restored as well as legislation aimed at restoring rights.

There are three bills within the Senate which relate to Felony Voting Rights Restoration. Two of the bills which are linked together, **SJR 202** and **SB 204**, are sponsored by Sen. Dawson (D, 29) and the other bill, **SB 466**, which is identical to **SB 204**, is sponsored by Sen. Siplin (D, 19). All three bills have been referred to the Senate Committee on Ethics and Elections, the Senate Committee on Criminal Justice, and the Senate Committee on Judiciary. **SB 204** and **SB 466** require automatic restoration of voting rights 1 year after completion and satisfaction of all sentences; where completion and satisfaction of all sentences includes completion of incarceration, completing all non-monetary terms; and completing all conditions of community supervision, unless the board of executive Clemency interferes.

There was a positive movement toward the restoration of felony rights on Thursday, April 5th. Governor Crist and his cabinet (the clemency board) voted to restore both the civil and voting rights of most felons who have fulfilled their sentences. The vote excluded automatically restoring the rights of sexual predators and violent murders. Most of those in the audience were Senators and Representatives who are sponsoring bills about restoration of rights and everyone in the audience applauded the move by the Governor and his cabinet. There are still some issues with the proposal that need to be ironed out, but this is definitely a move in the right direction for felony rights. The League will follow the affects of the Governor's leadership on this issue on the

felon rights bills within the two chambers.

## Campaign Finance

The 2006 Legislative Session approved a bill which increased the amount of campaign money that was permitted. This Legislative Session will see bills proposed to roll-back last year's increase. The criticism that resulted from the amount of campaign money used in Florida's 2006 Elections has brought about proposed bills addressing campaign finance issues. **SB 734**, sponsored by Sen. Justice (D, 16), is identical to **HB 749**, sponsored by Rep. Long (D, 51), and **SB 2808** sponsored by Sen. Deutch (D, 30), which is identical to **HB 393** sponsored by Rep. Randolph (D, 36) are bills pertaining to campaign funding and are bills the League will want to watch.

The League **supports SB 734** because one of the national positions of the LWV is to improve methods to curb undue influence for political campaigning. **SB 734** prohibits local governments from spending public funds in support or opposition to an issue, referendum or amendment that is before the voters. **SB 734** also prohibits local governments from expending public funds for political advertisements for the above purpose. **SB 734** was placed on the Senate Committee on Ethics and Elections on March 8th but was temporarily postponed. The bill was replaced on the committee agenda for Tuesday, March 20<sup>th</sup>. The League testified in **support** of the bill and **SB 734** was passed unanimously with one amendment.. The bill is now in the Committee on Community Affairs.

**SB 2808** proposes more requirements for tracking funds sent to political advertising, as well as places a cap on the amount allowed to be contributed toward political advertising. The League **supports** requirements on political campaigns to track expenses by categories. **SB 2808** has been referred to the Senate Committee on Ethics and

Elections, Committee on Judiciary, and the Committee on Transportation and Economic Development Appropriations but has yet to be placed on any committee agenda.

Both **HB 393** (which is identical to **SB 2808**) and **HB 749** (which is identical to **SB 734**) were referred to the House Committee on Ethics and Elections but have yet to be placed on the Committee's agenda.

Two bills which are very similar **SB 1990** (identical to **HB 1149** sponsored by Rep. Fitzgerald (D, 69)) and **SB 2522** (both Senate bills sponsored by Sen. Justice (D, 16)) prohibit the solicitation and acceptance of campaign contributions from any organization described under section 527 of the IRS code. The League **supports** efforts which place limitations on the amounts and types of contributions that can be given to political campaigns as well as regulations on independent expenditures. **SB 1990** has been referred to Senate Committees on Ethics and Elections, Criminal Justice, and Judiciary. **SB 2522** has been referred to Senate Committees on Ethics and Elections, and Judiciary. Neither have yet been placed on a Committee agenda. **HB 1149** is in the House Committee on Ethics and Elections.

Another bill, **SB 2264**, sponsored by Sen. Wilson (D, 33), proposes the "Florida Clean Elections Act". The Act will set up a "clean-money fund" for candidates to apply for. By becoming eligible for the fund, the fund provides a candidate with attractive benefits such as providing money to counter an opponent's campaign ads against the candidate. These benefits will be incentives for candidates to meet the requirements for the "clean-money fund" The League **supports** systems which create public funding for political campaigns for statewide candidates. **SB 2264** has been referred to the Senate Committees on Ethics and Elections, Judiciary, and Transportation and Economic Development Appropriations.

**SB 2648** sponsored by Sen. Deutch (D, 30) is a bill which provides for creation the of "Florida Campaign Sunshine" website; provides for separate deadline for advertisements published during final week of campaign; requires any person or organization responsible for creation or publication of political advertisement to submit certain materials & information to the division, etc. Sen. Deutch said his bill would require those who place negative campaign ads to back up their statements with facts. The bill has been referred to the Senate Committees on Ethics and Elections, Judiciary, and Transportation and Economic Development Appropriations.

### TAKE ACTION!

Urge the Senate Ethics and Elections Committee to have **SB 2648**, the "Florida Campaign Sunshine" bill, heard during this session. Citizens have the right to know about the accuracy of campaign literature content.

Chairman Sen. Lee Constantine (R, 22)  
(850) 487 - 5050  
[constantine.lee.web@flsenate.gov](mailto:constantine.lee.web@flsenate.gov)

Vice Chairman Sen. Charlie Justice (D, 16)  
(850) 487 - 5075  
[Justice.charlie.web@flsenate.gov](mailto:Justice.charlie.web@flsenate.gov)

## ➤ FLORIDA CONSTITUTION

### Reapportionment

The League **supports** reapportionment reform. A joint resolution **SJR 1352** sponsored by Sen. Steven Geller (D, 31) relates to legislative apportionment and proposes standards for reapportionment. The bill requires that a bi-partisan commission should be chosen to come up with a reapportionment plan with a new plan begin devised at least every ten years. **SJR 1352** lays out many different criterion that the commission's reapportionment plan must include in order for it to be valid. One such criterion would be that the districts should be as equal as in population as practically

possible. Once the commission creates a plan for reapportionment, it must submit the plan for judicial review. The League **supports** this joint resolution's efforts to create a fair and justice system for establishing voting districts. **SJR 1352** has been referred to the Senate Committee on Ethics and Elections, the Senate Committee on Judiciary, and the Senate Committee on Transportation and Economic Development Appropriations. There is currently no House companion for this joint resolution.

### **Constitutional Amendment Process**

A related issue getting much discussion this Legislative Session is the constitutional amendatory process. In Florida, citizens can bring ballot measures to amend the Florida constitution and have done so in an increasing number of instances in recent years. While the League believes that there should be limits to what can be in the constitution we recognize that there must be some other mechanism for direct access to make law when the legislature refuses or is unable to address the will of the people. Unfortunately, recent efforts to reform the constitutional amendatory process are not aimed at retaining the people's access via other means, but only at removing the existing access via constitutional amendments. The League **opposes** bills that would dramatically curb citizen access.

### **Initiative Petition Requirements**

Further, since 2005, the League and other organizations have grappled with more onerous requirements on citizens' petition initiatives and we expect additional attacks this year. Last year the League saw two bills the League opposed, SB 1244 introduced by Se. JD Alexander and SB 720 introduced by Sen. Bill Posey, die last year due to unfavorable votes.

SB 1244 created a high level of government

regulation on petition gathering groups and adversely impacted public interest initiative efforts. The bill would have been onerous and costly due to the low burden of proof it sets for those who wish to contest the validity of petition signatures. SB 720 was comparable to SB 1244 but included even more restrictions on the petitioning process, such as private property restrictions.

This year, a similar bill, **SB 900** proposed by Sen. Bill Posey (R, 24) is on the docket. **SB 900** is a little more restrictive than SB 1244 but not as restrictive as SB 720. **SB 900** does not have language like SB 720 discussing the ability of private property owners to prohibit any activity on that property that supports or opposes initiatives.

However, this issue is the subject to three stand alone bills this session, which may be why it is not included in **SB 900**. **SB 736**, sponsored by Sen. Oelrich (R, 14), **HB 559** and **HB 233**, both sponsored by Rep. Brown (R, 5) all give complete discretion to commercial and private property owners to disallow persons on their property for any reason at all. Like **SB 900**, the League **opposes** these bills.

The Senate Ethics and Elections Committee passed **SB 900** with only 3 members (Democrats Justice, Margolis and Rich) voting against it. There was extensive testimony against the bill including by League Legislative Advocate Jeanne Zokovitch. Sen. Margolis specifically referenced the League's testimony as she explained why she opposed this measure. **SB 900 is scheduled to be heard by the Senate Judiciary Committee on Tuesday April 10th. SB 900 places a ban on paid signature gathers. If organizations are unable to pay signature gathers directly or indirectly for their work, a built in accountability component is lost and groups no longer have an incentive to check for quality control. The bill is also troublesome**

because it creates a revocation process. Instead of creating a process where petition signers could contact the supervisor of elections to remove their signature from a petition, **SB 900** would create a “counter-campaign” process whereby groups could pay persons to distribute forms for citizens to revoke their signatures. This would create a new cottage industry in the petition initiative process. Further, **SB 900** also limits the amount of time to turn signatures in to a supervisor of elections to 30 days.

**TAKE ACTION! -- URGENT!**

Please contact the members of the Senate Judiciary Committee and ask them **not to vote for SB 900**. **SB 900** is very troublesome for the above reasons and the League **strongly opposes** the bill.

The members of the Senate Judiciary Committee are:

- Sen. Alex Villalobos (R, 38)  
(850) 487-5130  
villalobs.alex.web@flsenate.gov
- Sen. Arthenia L. Joyner (D, 18)  
(850) 487-5059  
joyner.athenia.web@flsenate.gov
- Sen. Carey Baker (R, 20)  
(850) 487-5014  
baker.carey.web@flsenate.gov
- Sen. Ted Deutch (D, 30)  
(850) 487-0591  
deutch.ted.web@flsenate.gov
- Sen. Alex Diaz de la Portilla (R, 36)  
(850) 487-5109  
Portilla.alex.web@flsenate.gov
- Sen. Mike Fasano (R, 11)  
(850) 487-5062  
fasano.mike.web@flsenate.gov
- Senator Don Gaetz (R, 4)  
(850) 487-5009  
gaetz.don.web@flsenate.gov
- Senator Steven Geller (D, 31)  
(850) 487-5097  
geller.steven.web@flsenate.gov
- Senator Jeremy Ring (D, 32)  
(850) 487-5094  
ring.jeremy.web@flsenate.gov

Senator Burt Saunders (R, 37)  
(850) 487-5124  
saunders.burt.web@flsenate.gov  
Senator Daniel Webster (R, 9)  
(850) 487-5047

Additionally, the House Ethics and Elections Committee held a workshop previously to discuss a draft proposed committee bill on this same subject. The first draft of this bill includes SB 720 from last year as well as some of the other private property provisions in other bills discussed above. During the workshop, concerns were raised about both the private property provisions and the petition revocation process within the bill.

The House Ethics and Elections Committee also took up a bill related to this issue, **HB 559** which would restrict petition gatherers from seeking signatures on private property. Some indicate that the bill was toned down from earlier versions, but the League and other civic groups still oppose this bill. The bill passed the Committee unanimously. After passing out of the House Ethics and Elections Committee, **HB 559** is now in the House Economic Expansion and Infrastructure Council. **HB 559** now has a bill similar to it within the Senate, **SB 1920** sponsored by Sen. Fasano (R, 11). It was unanimously passed with one amendment by the Senate Ethics & Elections Committee’s agenda on Tuesday March 27<sup>th</sup>. The League spoke in opposition to this bill and continues to work against it. **The League opposes SB 1920** because it bars citizens from engaging in activities related to petition initiatives outside of commercial property, strip malls, and shopping centers.

**HB 233**, which is identical to **SB 736** and would create much of the same restrictions as **HB 559**, was referred to the House Committee on Courts and the Safety and Security Council. **HB 233** was placed on the House Committee on Courts agenda for Wednesday, March 14<sup>th</sup> but was temporarily

postponed at the meeting. We understand that the sponsor TP'd the bill because he was informed that at least 4 members of the committee would be opposing it. Strong opposition to this bill aimed at those committee members took place in the days before the meeting.

### TAKE ACTION!

**Please contact** the chair persons of the House Safety & Security Council and ask that they do not place **HB 233** back on the agenda. The League **opposes** this bill because of its negative affect on petition initiatives. The bill would allow owners of commercial premises open to the public, to order persons off the property if the persons are engaged in activities the owner deems detrimental to the commercial purposes. This allows owners to discriminate based on whether the owner supports or opposes a certain initiative.

Rep. Charles Dean (R, 43); Chair  
(850) 488-0805,  
[charles.dean@myfloridahouse.gov](mailto:charles.dean@myfloridahouse.gov)

Rep. Dennis Ross (R, 64); Vice Chair  
(850) 488-2270,  
[dennis.ross@myfloridahouse.gov](mailto:dennis.ross@myfloridahouse.gov)

Rep. Yolly Roberson (D, 104);  
Democratic Ranking Member  
(850) 488-7088  
[yolly.roberson@myfloridahouse.gov](mailto:yolly.roberson@myfloridahouse.gov)

**SB 736** was referred to the Senate Committee on Commerce, Committee on Criminal Justice, and the Committee on Judiciary. **SB 736** is a bill that would curb citizens' access to civic processes. **SB 736** was on the Committee on Commerce's agenda for Tuesday, March 27<sup>th</sup>, but due to some behind the scene political maneuverings the sponsor TP'd the bill. The implications of this maneuver show that the League is not alone in **opposing** this bill. **SB 736** allows employers, owners, and their agents to discriminate against persons or groups engaging in any type of activity they deem detrimental to business. This will affect civil rights, such as free speech in

front of strip malls or shopping centers. Unfortunately though, **SB 736** is back on the Commerce Committee's agenda on Monday, April 9th.

### TAKE ACTION!

**Please contact** the members of the Senate Committee on Commerce and ask them to vote against **SB 736** due to their detrimental and discriminatory affects on petition gatherers.

Members to the Commerce Committee are:

Sen. Alex Diaz de la Portilla, Chair  
(850) 487-5109, (305) 643-7200,  
[portilla.alex.web@flsenate.gov](mailto:portilla.alex.web@flsenate.gov)

Sen. Charlie Justice, Vice Chair  
(850) 487-5075, (727) 217-7970,  
[justice.charlie.web@flsenate.gov](mailto:justice.charlie.web@flsenate.gov)

Sen. Victor Crist (R, 12)  
(850) 487 - 5068  
[crist.victor.web@flsenate.gov](mailto:crist.victor.web@flsenate.gov)

Sen. Rudy Garcia (R, 40)  
(850) 487 - 5106  
[garcia.rudy.web@flsenate.gov](mailto:garcia.rudy.web@flsenate.gov)

Sen. Evelyn Lynn (R, 7)  
(850) 487 - 5033  
[lynn.evelyn.web@flsenate.gov](mailto:lynn.evelyn.web@flsenate.gov)

Sen. Steve Oelrich (R, 14), **SB 736** sponsor  
(850) 487 - 5020  
[oelrich.steve.web@flsenate.gov](mailto:oelrich.steve.web@flsenate.gov)

Sen. Jeremy Ring (D, 32)  
(850) 487 - 5094  
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Sen. Burt Saunders (R, 37)  
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Sen. Gary Siplin (D, 19)  
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Also a few weeks ago, the House Economic Expansion and Infrastructure Council took up the PCB proposed in last week's House Ethics and Elections regarding petition gathering limitations. PCB EEIC07-01 passed with only Reps. Cusack (D, 27) and Bucher (D, 88) voting against the proposed committee bill. The bill was then filed and given the bill number **HB 7009**. **HB 7009** was referred to the House Policy and Budget

Council and has yet to be placed on the Council's agenda.

### **Citizens' Statutory Initiatives**

One alternative way is authorizing citizens to propose and adopt statutes. An issue in Florida has been that many issues that are being offered as constitutional initiatives could also be addressed as statutes. A statutory initiative process would allow voters, by collecting a sufficient number of signatures on a petition to propose and adopt statutes. The statutory initiative process is usually much like the constitutional initiative process but with lower thresholds for signatures. If a statutory initiative process is implemented, citizens would be given another outlet for influencing the laws of Florida.

During the 2007 interim, the Senate Judiciary Committee conducted an Interim Project (Project 2007-134) which addressed the "Options for Authorizing Citizens to Propose and Adopt Statutes." The recommendations from the project report reviews the main pros and cons with the issues: a possible reduction of the amount of legislative matter flowing into the FL Constitution but a possible overall increase in the number of initiatives proposed each year. The Committee suggested that if the Legislature decides to implement a statutory initiative process, the process should involve the Legislature in a manner that would minimize the negative aspects of the statutory initiative process.

A citizen statutory initiative process would likely allow more citizens to have the ability to propose laws by requiring a less onerous process than the constitutional amendatory process. While no bills have been filed there is some indication that this issue will be the subject of a bill or joint resolution or as an amendment to either of these, this Session. The League worked with Common Cause to

advance the discussion about the need for a citizen statutory initiative last year. It is likely that we will work to do the same this session. However, for a citizen statutory initiative to be effective it must include citizen safeguards and not be restricted by overly burdensome restrictions on the process. Several bills being presented this year on citizen petition initiatives (as discussed in the previous section) could greatly affect the citizen statutory initiative process by creating burdensome restrictions on gathering signatures, which although currently aimed at the constitutional amendment process could also be applied to a citizen statutory initiative process.

### **➤ Finance & Taxation**

Due to the increased prioritization by the Legislature this session on Fiscal Policy and Taxation issues, the League Board decided at Seminar to try to elevate our participation on this issue during the 2007 Session. Efforts are being made to address this in the most efficient and effective way possible. To guide those activities we have developed the following positions for the 2007 Legislative session:

#### League Canons of Sound Taxation

1. Equity of taxation according to ability to pay
2. Adequacy of revenue
3. Stability, flexibility, elasticity
4. Administration, compliance, efficiency
5. Consistency with economic, environmental, social and other goals

League Overall Position: **Support** a state fiscal structure that is equitable in its distribution of the tax responsibility and responsive to public needs.

The League believes that Florida has an infrastructure deficit and that state service levels and the quality of life are declining. We assert that sufficient state taxes should

be levied to begin the process of achieving these goals. We maintain that the state's primary reliance on sales taxes as a source of revenue is regressive in nature and that the state needs to re-examine its many sales tax exemptions, excluding food and medicine, legislated to date.

At the local level, the League believes that local governments should have available a variety of options for generating revenue to meet local needs; and that formulas for state revenue sharing should take into consideration population and local revenue bases.

The League's overall position on Florida's finance and taxation system is based on two overriding principles: (1) The state's taxation system should be equitable, i.e., it should not unfairly burden part of the population; and (2) The taxation system should result in sufficient revenues to adequately respond to the people's needs.

### **Fiscal Policy**

Two bills linked to each other sponsored by Sen. Hill (D, 1) in the Senate, **SB 476** and **SB 478**, lay out requirements for Financial Impact Statements. These bills would extend the requirement of supplying a financial impact statement to all amendments or revisions to the Florida Constitution, not just those amendments or revisions that are proposed as citizen initiatives.

**SB 476** and **SB 478** have been referred to the Senate Committee on Ethics and Elections, the Senate Committee on Finance and Tax, and the Senate Committee on General Government Appropriations. As of yet, neither bill has been placed on a Committee agenda.

There are 3 bills the League will want to watch and speak in opposition to this year which are all aimed at increasing the

Homestead Exemption. The League opposed the homestead exemption since its inception and has opposed any extensions thereto by legislation and proposed constitutional amendments. **SB 2206** sponsored by Sen. Villalobos (R, 38) and its identical bill **HB 571** sponsored by Rep. Llorente (R, 116) call for an increase in the Homestead amount from \$25,000 to \$50,000. **SB 2206** is currently in the Senate Committee on Community Affairs. **HB 571** is currently in the House Committee on State Affairs but has yet to be placed on the agenda. **SB 454** sponsored by Sen. Dawson (D, 29) is also proposing an increase to the Homestead exemption from \$25,000 to \$50,000. **SB 454** is currently within the Senate Committee on Community Affairs along with **SB 2206**.

**HB 333** sponsored by Rep. Lopez-Cantera (R, 113) has passed both houses and has been ordered enrolled. It allows counties to enact an additional homestead exemption of up to \$50,000 to homeowners who are 65 years of age or older if their annual household income is \$20,000 or less.

### **Tax Reform**

The League **supports** local governments having the ability to provide local funding sources to address infrastructure needs. One bill within the Senate, **SB 2056**, sponsored by Sen. Storms (R, 10) is aimed at providing conditions that limit non-ad valorem tax revenues which local governments must comply with in order to be eligible to share revenues. This bill has been referred to the Senate Committees on Community Affairs, Finance and Tax, and General Government Appropriations.

There is also a tax reform proposed committee bill (**PCB-PBC 07-01**) within the House Policy and Budget Council. **PCB-PBC 07-01** proposes radical revisions of Florida's constitutional provisions regarding state and local revenue systems. Under the

bill, these constitutional amendments would be presented to voters in November, and, if adopted, would take effect on January 1, 2008. The new provisions would require each county and school district to hold a referendum no later than November 2010 asking voters to approve (1) the complete exemption of all homestead properties from property taxes, and (2) the imposition of a local sales surtax of up to 1 cent, in the case of counties, and up to .5 cent in the case of school districts. If the voters approve this measure, the exemption and surtax will be permanent and cannot be repealed. The constitutional amendments proposed by **PCB-PBC 07-01** would also limit the millage rate that local governments could apply to non-homesteaded property by a formula tied to 1984 ad valorem revenues, unless the local governing body unanimously voted for a higher rate. In addition to providing for increased local sales surtaxes, the **PCB-PBC 07-01** amendments would also raise the state sales tax by 1 cent, beginning July 1, 2008.

It has been estimated that the net fiscal impact of **PCB-PBC 07-01** would be a decrease in revenue of \$5.8 billion in its first year, or 8 percent of this year's \$70 billion budget, requiring deep cuts in state and local services. In addition, the proposals contained in **PCB-PBC 07-01** are contrary to League taxation and finance principles gleaned from years of careful study. First, the bill would severely restrict the ability of local governments and school districts to raise the revenue they require to meet local needs. Secondly, the bill would substitute sales tax increases for a decrease in property taxes. Because sales taxes are the most regressive form of taxation, low-income people will pay an even greater proportion of their income in taxes, while the wealthy will enjoy large tax windfalls. Finally, by eliminating property taxes on homesteaded property, the bill would perpetuate the present inequity in taxation between homesteaded and non-homesteaded

property.

## **SOCIAL POLICY IN FLORIDA**

### ➤ **Equal Rights for Men and Women**

There is a concurrent resolution in both the House (**HCR 8003**) and the Senate (**SCR 272**) to ratify the proposed amendment to the Constitution of the United States relating to equal rights for men and women. Currently, 35 states have already ratified the Equal Rights Amendment and only 3 more states are needed to ratify the amendment. Without this amendment, women still will not have any indisputable constitutional right to self-determination other than the right to vote. Race, religion, and national origin have all received equal rights nods within the US Constitution, but gender has not. **HCR 8003** has yet to be referred to any House Committees or Councils, but **SCR 272** has been referred to both the Senate Committee on Judiciary. The League **supports** all efforts in advancing equality between men and women as well as **supports** the state of Florida taking a national stance for the equal rights of men and women. Other groups focused on Equal Rights are almost certain that there are enough votes in the Senate Judiciary to pass the resolution, **SCR 272**, but House Speaker Mark Rubio has yet to allow **HCR 8003** to be referred to a committee.

### **TAKE ACTION!**

Please call House Speaker Marco Rubio (R, 111) and tell him why there is no constitutional problem with the Florida Legislature ratifying the ERA!

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## NATURAL RESOURCES IN FLORIDA

### ➤ Resource Management

This year the League is **supporting** public policies that promote conservation of freshwater and its availability for environmental, public supply, agricultural, industrial and mining uses on a priority basis with the environment and public supply first. On February 20th the Senate's Environmental Preservation and Conservation Committee was given a presentation on the need for both Lake Okeechobee Protection and Everglades Restoration. Identical bills in both chambers, **HB 535**, sponsored by Rep. Williams (R, 75) and **SB 1474**, sponsored by Sen. Saunders (R, 37), are trying to expand the protection of Lake Okeechobee. Also **HB 197**, sponsored by Rep. Machek (D, 78) and **SB 392**, sponsored by Sen. Saunders (R, 37), are comparable bills aimed at expanding the Everglades restoration efforts.

Both **HB 535** and **HB 197** were referred to the House Environment and Natural Resource Council and the House Policy and Budget Council. The House Environment and Natural Resource Council referred both bills to the House Committee on Environmental Protection. **SB 1474** was referred to the Senate Committee on Environmental Preservation and Conservation, the Senate Committee on Agriculture, and the Senate Committee on General Government Appropriations. **SB 392**, was on the March 8th agenda of the Senate Committee on Environmental Preservation and Conservation and passed favorably by a 6-0 vote. **SB 392** was also referred to the Senate Committee on General Government Appropriations and was placed on this Committee's agenda for Thursday, March 15th where it was amended as a Committee Substitute and passed favorably, unanimously. **SB 392** was placed on the Special Order Calendar

on Wednesday, March 21<sup>st</sup>, was read a 2<sup>nd</sup> time, and the amendments were adopted by a Senate vote of 35-0. **SB 392** is now in the House messages awaiting House approval.

A bill recently brought to the League's attention is **HB 1031** sponsored by Rep. Schenck (R, 44). The League strongly **opposes** this bill as it would require agencies to expedite permitting for certain project, thus pressuring the agencies to rush approvals for a project even if the issue and impact at hand is complex. **HB 1031** runs counter to the importance of preserving Florida's natural resources by forcing agencies to take fast without sufficient time for reflection of the impact and affects of a project. **HB 1031** was passed as a committee substitute by the House Environment and Natural Resources Council on April 4th by a 12 to 3 vote. The only ones voting against **HB 1031** were Reps. Kriseman (D, 53), Machek (D, 78), and Randolph (D, 36).

### Growth Management

Also on April 4th, the House Economic Expansion and Infrastructure Council held a workshop to discuss **PCB EEIC 07-11** which proposes "An Act Relating to Growth Management". There is concern that this bill will take away much of the Department of Community Affairs's power to regulate growth. This proposed bill is backed by the developers and builders. The bill will alleviate larger counties and cities from having to get state review of zoning changes in urban areas, for the supposed purpose of allowing the Department to focus its growth management on the more rural and untouched where development poses the biggest threat. The League will watch the progress of **PCB EEIC 07-11**.

### ➤ Environmental Protection

The League **supports** efforts to promote the

management of natural resources as interrelated parts of life-supporting ecosystems. Two similar bills **HB 297**, sponsored by Rep. Boyd (D, 11), and **SB 738**, sponsored by Sen. Oelrich (R, 14), were filed which create “Florida’s Incentive-Based Permitting Act.” The League has opposed bills in the past which were similar or identical to these bills because although the title implies incentives for good actors the text of the bills generally allows more leeway for polluters, not incentives for actual good actors. The League will expect to oppose these measures this year unless they are dramatically amended. Past years have seen opposition to these bills from the Florida Department of Environmental Protection (DEP) itself, who is responsible for issuing and enforcing these permits.

**HB 297** was referred to the House Committee on Environmental Protection and the House Policy and Budget Council. **SB 738** was referred to the Senate Committee on Environmental Preservation and Conservation and the Senate Committee on General Government Appropriations. Neither bill has yet to be placed on any of their respective Committees’ agendas.

Additionally, the House Environmental Protection Subcommittee passed **PCB ENRC 07-04** on March 7th. This PCB is similar to the other two bills, but is less offensive to the League and the Environmental Community. The League and others still have concerns with this version of the bill, but for the first time think it may be in a form where it could be acceptable with some changes. Unfortunately, industry has come out on the exact opposite side and is shopping an amendment to the PCB that would eviscerate the intent of the program. The bill is expected to be heard at the Environmental and Natural Resource Council soon. There has been no further word yet pertaining to this PCB and whether it will become a bill for House consideration.

The League is teaming up with other environmental groups, such as the Sierra Club, in **opposing** two bills which will eliminate the ability of local governments to have any laws or ordinances stronger than the state law (which most local governments do have laws stronger than those of the state). These bills would also end up having direct adverse effect on other bills (which ironically the House thus far has been supporting) aimed at restoration of the Everglades and other waterways and wetlands. **SB 2082** is sponsored by Sen. Bennett (R, 21) and has been referred to the Senate Committees on Environmental Preservation and Conservation, Governmental Operations, and General Government Appropriations. **HB 957**, sponsored by Rep. Williams (R, 75) is now in the House Policy and Budget Council. An amendment was passed along with the bill by the House Environment and Natural Resources Council on March 28th. The League also **opposes** the amendment since it will eliminate local government’s ability to protect wetlands, the League fought against a similar bill last year and won.

**TAKE ACTION!**

**Please contact** the chair persons of the House Policy and Budget Council and ask them to not place **HB 957** on the agenda because it will adversely affect the on-going fight to protect Florida’s wetlands.

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## EDUCATION IN FLORIDA

### ➤ CIVIC EDUCATION

The League **supports** efforts and legislation which places standards and emphasizes the importance of civic and government education. The League believes an educational foundation in both civics and the government will result in more involved adults.

Two identical bills, **HB 451** and **SB 1214**, specify a uniform core curricula for education majors. A uniform core curricula will ensure will that teachers will have a solid foundational background in both civics and government to educate the students in. The bills require each education major to have 12 hours in social science which must include civics and government.

**HB 451**, sponsored by Rep. Proctor (R, 20), has been referred to the House Committee on Postsecondary Education and the Schools and Learning Council. **SB 1214**, sponsored by Sen. Wise (R, 5), has been referred to the Senate Committee on Higher Education, the Committee on Education Pre-K-12, and the Committee on Higher Education Appropriations. Neither bill has been placed on a committee agenda yet.

Former Governor Bob Graham and former Florida Congressman Lou Frey gave key testimony before the Senate Education Committee. Senate Education Committee Chair Don Gaetz has filed **SB 1234** which addresses a number of key recommendations from the white paper "Enlisting A New Generation of Florida Citizens" endorsed by both Congressman Frey and Sen. Graham. The bill was passed unanimously by the committee. **SB 1234** calls for the establishment of a Florida Strategic Center for Civic Education and inclusion of civics on FCAT. According to Sen. Graham, the Governor has committed to fully funding the measure, and the Florida

Council for the Social Studies stated that a similar bill is expected to be filed in the House in the near future. **SB 1234**, was passed unanimously as a CS by the Committee on Education Pre-K. The bill is now in the Committee of Higher Education Appropriations.

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

#### FOR FURTHER INFO:

For additional League issues and other League Information please visit our website: [www.lwvfla.org](http://www.lwvfla.org)

#### **Jeanne Zokovitch, Legislative Advocate**

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

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