



March 27, 2009

California Vehicle Emissions

A bill by Sen. Lee Constantine, R-Altamonte Springs, that would ratify a proposed rule to require motor vehicles delivered to Florida for sale, lease or rent to meet emission standards set by a California board was passed unanimously by the Senate Environmental Preservation Committee on Tuesday.

The Committee is chaired by Sen. Constantine. Also voting for the bill were Sens. Nancy Detert, Paula Dockery, Dennis Jones, Nan Rich, and Eleanor Sobel. SB 1994 is the latest effort to implement an executive order by Gov. Charlie Crist directing the Department of Environmental Protection to adopt by rule emissions standards as set by the California board.

In 2008's regular session, however, a bill was passed requiring that such a rule must be ratified by the legislature before taking effect. SB 1994 by Sen. Constantine and HB 1309 by Rep. Kevin Rader, D-Boynton Beach, are the proposed measures that must be approved by the entire legislature before the rule can go into effect.

The bills have substantive technical difficulties. The Legislature's Joint Administrative Procedures Committee recently issued a report outlining the bills' violations of the Administrative Procedures Act (APA) as well as the state Constitution.

SB 1994 was amended in committee in an effort to address some of those issues, but Farm Bureau continues to oppose these bills for several reasons.

First, we oppose the principle. Why would the leadership of Florida or its citizens delegate regulatory authority to another state?

Even with the recently added provision that any changes made by the California board to the emissions standard would have to be ratified by our legislature – a provision that seems to create as many questions as it answers - it makes no sense that we would willingly tie ourselves to decisions made by an unknown group that is not accountable to us and is located on the other side of the country.

It makes even less sense considering the fact that federal standards are now being developed. The federal rules are anticipated to be equally protective, if not more so, of the environment than the California standards.

Second, we oppose the added costs that our members will have to pay for vehicles as a result of this rule.

We also have related concerns on the possible effects it will have on the availability of vehicles with adequate towing capacity for agricultural operations.

SB 1994 now goes to the Senate Commerce Committee, chaired by Sen. Rudy Garcia, R- Hialeah. Other committee members include Sens. Victor Crist, Nancy Detert, Dan Gelber, Charlie Justice, Evelyn Lynn, Steve Oelrich, Durrell Peaden, Nan Rich, and Eleanor Sobel.

HB 1309 has not been heard in committee. Its first committee of reference is the House Governmental Affairs Policy Committee, chaired by Rep. Carlos Lopez-Cantera, R-Miami.

At this point, we are optimistic that the legislature will not move forward with the ratification process for this rule.

Parental Authority

The Florida Supreme Court recently ruled that parents do not have the authority to sign liability waivers for their children to participate in commercial activities.

In a bold move that some have questioned as a violation of the separation of powers provision of the constitution, the Court further declared: "...we find that public policy concerns cannot allow parents to execute pre-injury releases on behalf of minor children."

In response, Sen. Steve Oelrich, R-Gainesville, and Rep. Mike Horner, R-Kissimmee, are sponsoring bills that would overturn that ruling. HB 353 and SB 886 authorize parents and guardians to waive and release, in advance, any claim or cause of action that would accrue to any of their minor children to the same extent that any adult may do so on his or her own behalf.

HB 353 passed out of the House Civil Justice and Courts Policy Committee on Tuesday. It will next be heard in the General Government Policy Council. SB 886 is in the Senate Judiciary Committee.

Water Management District Boards

Currently, the boards of the water management districts are appointed by the governor.

Rep. Charles Van Zant, R-Palatka, and Sen. Steve Wise, R-Jacksonville, have bills (HB 1217 and SB 1070 respectively) that would make those board positions elected rather than appointed.

After speaking with Farm Bureau members and learning of our policy against the election of WMD board members, Rep. Van Zant agreed that he would not pursue passage of that legislation.

The House Governmental Accountability Act Council has released a new draft of a proposed committee bill (GAAC 09-03) that would restructure the process by which board members are appointed. In brief, it would create a nominating council that would submit lists of names from which the governor could choose his appointees.

The bill was scheduled for the Council Thursday's meeting but had not been addressed as of this printing.

Bill Actions This Week

Two of Farm Bureau's priority bills moved forward in the House this week.

HB 1133 by Rep. Ralph Poppell, R- Titusville, passed unanimously out of the House Military and Local Affairs Policy Committee on Wednesday.

The bill contains several provisions, including prohibitions against the duplication of regulations as well as stormwater fees on ag land, an exemption for nonresidential farm buildings and fences from permits and fees and the creation of an Agricultural Use Notice and Waiver.

It will next be heard in the General Government Policy Council, chaired by Rep. Baxter Troutman, R-Winter Haven.

HB 1241 by Rep. Troutman on Tuesday unanimously passed out of the General Government Policy Council.

This bill also contains multiple provisions, including an exemption for farmers and ranchers from a local business tax (formerly known as an occupational license), allows the burning of all plastics, including tubing, on farms and allows the Department of Agriculture and Consumer Services to adopt rules to establish comprehensive best management practices for ag production and food safety.

It will next be heard in the House Natural Resources Appropriations Committee, chaired by Rep. Poppell.

Bills limiting attorneys' fees on workers compensation cases progressed in both the House and Senate this week.

HB 903 by Rep. Anitere Flores, R-Miami, was heard on the House Floor Thursday. **SB 2072** by Sen. Garrett Richter, R-Naples, passed out of the Senate Banking and Finance Committee on Wednesday. It now goes to the Senate Judiciary Committee, chaired by Sen. Lee Constantine, R-Altamonte Springs.

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