

April 1, 2011

Week 4

As the session approaches its midpoint, the budget remains a key element. House and Senate budget proposals currently differ by more than \$3 billion. Major components of the gap include water management district and court budgets, transportation issues, and trust fund sweeps.

The Senate's total proposed budget is \$69.8 billion; the House's proposal is \$66.5 billion. As a reference point, the budget for FY 2010-2011 was \$70 billion, including \$2.5 billion in federal stimulus dollars that are no longer available.

Below are highlights of some of the major legislation FFBF continues to work with:

Immigration

Although immigration started out as a notable hot-button issue making the press regularly in the beginning of session, it has bowed out of the spotlight of late. Until today, its last visible action was when Sen. Anitere Flores, R-Miami, chair of the Senate Judiciary Committee, amended the Committee's bill on unauthorized immigrants (now SB 2040) to make e-verify optional rather than mandatory and passed it out of her committee on March 14.

It was included in the Senate Judiciary Committee's agenda for its next meeting on Monday, April 4.

On the House side, House Judiciary Committee Chair William Snyder, R-Stuart, passed a committee bill (now HB 7089) relating to the enforcement of immigration laws out of his commit-

tee on March 10. E-verify remains mandatory in that bill.

Despite the lack of public visibility, the immigration issue remains very much in play behind the scenes. FFBF President John Hoblick continues to work with other agricultural industry leaders as well as general business organizations such as the Florida Chamber of Commerce, Associated Industries of Florida, and others to make sure that agriculture is fairly represented in the ongoing negotiations.

FFBF's position continues to be that immigration is a federal issue and should be dealt with on the federal level.

Numeric Nutrient Criteria

HB 239 by Rep. Trudi Williams, R-Ft. Myers, and SB 1090 by Sen. Charlie Dean, R-Inverness, prohibit the implementation of certain federal numeric nutrient water quality criteria rules by the Florida Department of Environmental Protection, water management districts and local governmental entities.

This legislation was filed in response to the U.S. Environmental Protection Agency's action establishing specific limits for phosphorus and nitrogen in Florida's flowing waters and lakes.

On March 15, HB 239 cleared its first hurdle when it passed out of the House Agriculture and Natural Resources Subcommittee. This bill has not moved since that time, and Governor Scott is currently reviewing HB 239. FFBF believes Florida needs to present a unified stand against EPA's numeric nutrient criteria rule.

Our hope is that under the governor's leadership, interested parties will be able to reach an agreement that benefits all Floridians, and that this much-needed legislation will move forward. FFBF supports.

Energy

This week the House Energy & Utilities Subcommittee voted out PCB ENU1-Relating to Energy Incentives and Initiatives. This bill would allow Investor Owned Utilities to recover costs from customers for the construction or conversion of renewable energy facilities and/or the purchase of renewable energy.

This is completely a voluntary program and very heavily favors utilities. As the bill currently stands, there would be very limited opportunities for agriculture producers to participate in a renewable energy market.

Additionally, ENU1 would transfer the Governor's Energy Office to the Department of Agriculture and Consumer Services.

A very good amendment was offered by Rep. Ben Albritton, R-Bartow, that would have created a competitive bid auction for the procurement of renewable energy. This would help protect rate payers while also creating opportunities for the agriculture community to compete in the production of renewable electricity. Reps. Greg Steube, Jeff Clemens, Daniel Davis, Alan Williams and Michelle Rehwinkel-Vasilinda all spoke positively about the amendment and the concept.

At the request of the chair, the amendment was withdrawn. A big thanks goes to Rep. Albritton for standing up for the agriculture community.

Wetlands–Ag Exemption

SB 1174 by Sen. Gary Siplin, D-Orlando, and HB 421 by Rep. Leonard Bembry, D-Madison, clarify aspects of the agricultural exemption from wetland regulation contained in Chapter 373, Florida Statutes. This legislation authorizes the Florida Department of Agriculture and Consumer

Services (FDACS) to determine whether an activity is a bona fide agricultural best management practice.

SB 1174 passed out of the Senate Environmental Preservation and Conservation Committee on Wednesday, March 30. It will now go to the Senate Budget Committee. HB 421 is in the House Agriculture and Natural Resources Appropriations Subcommittee. FFBF supports.

Fertilizer

HB 457 by Rep. Clay Ingram, R-Pensacola, and SB 606 by Sen. Greg Evers, R-Milton, grant FDACS the exclusive authority to regulate fertilizer, including its sale, composition, formulation, packaging, use, application and distribution.

It also authorizes counties and municipalities to adopt and enforce the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes or an equivalent requirement as a mechanism for protecting local surface and groundwater quality.

It should be noted that this legislation does not limit the authority of the Florida Department of Environmental Protection or water management districts to require practices needed to comply with water quality standards or to implement federal programs.

This legislation has run into strong opposition from both local governments and the environmental community. Negotiations continue as stakeholders strive to find a workable compromise. HB 457 is in the House State Affairs Committee. SB 606 is in Senate Community Affairs. FFBF supports.

Septic Tank Inspections

At the end of last year's legislative session, a controversial bill was passed that included language mandating statewide septic tank evaluation programs and fees. This year, legislation has been filed to eliminate that language.

HB 13 by Marti Coley, R-Marianna, has easily passed out of all its committees of reference and is now ready to be heard on the House Floor. A similar bill by Sen. Greg Evers, R-Milton, SB 168, has passed one committee and is currently in Senate Environmental Preservation and Conservation.

SB 1698 by Sen. Charlie Dean, R-Inverness, which includes language eliminating the programs and fees as well as several other provisions relating to septic tanks, passed unanimously out of the Senate Environmental Preservation and Conservation Committee on Wednesday, March 30. FFBF supports.

Property Rights

HB 701 by Rep. Eric Eisnagle, R-Orlando, and SB 998 by Sen. David Simmons, R-Altamonte Springs, amend the Bert Harris, Jr., Private Property Rights Act. Provisions of the bills would have the following effects:

- Allows landowners to bring a claim against

a government entity based on when the law was applied, not when it was enacted;

- Provides that a moratorium on a development that is in effect for longer than one year is not a temporary impact to real property and may constitute an inordinate burden;

- Changes the notification period from 180 days to 120 days;

- Replaces the term “ripeness” with language specifying when the prerequisites for judicial review are met; and

- Waives sovereign immunity for purposes of the act.

SB 998 passed unanimously out of the Senate Judiciary Committee on Monday, March 28. It now goes to the Senate Budget Committee. HB 701 passed out of the House Judiciary Committee on Thursday, March 31. It now goes to the House Economic Affairs Committee.

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