

April 8, 2011

## Week 5

As the session's midpoint arrived on Wednesday, April 6, the budget continued to capture the legislature's primary focus. The House and Senate each debated their individual budget proposals that day and then approved them on Thursday. Next week the two chambers will begin negotiations to resolve all the differences between their proposals.

With an approximate \$3.75 billion shortfall for the coming fiscal year, both proposals feature deep cuts. More than half a million state workers will have part of their earnings deducted to support their pension plan. In education, per-student spending will be reduced by more than \$400. Monies available for Medicaid programs will be decreased.

Departmental budgets will be slimmer, translating into personnel and program cuts. For example, the House's budget plan cuts the Florida Department of Agriculture and Consumer Services (FDACS) by \$13.9 million and reduces its workforce by 192 positions. It should be noted, however, that positions which are currently vacant are included in that total.

With such a large shortfall and with many differences between the two proposals, the budget can be expected to remain a primary focus for the rest of the session. Despite denials by both sides, rumors continue to float through the halls of the capitol that the legislative leadership wants to pass the budget early so that Gov. Rick Scott will have less time to work it over with his veto pen.

If accomplished soon enough, an early passage could also create a procedural option. The

Legislature might still be in session if the Governor issues any vetoes and could easily override them without having to come back for a special session.

## **Other issues of note to the agricultural industry are outlined below:**

### Immigration

HB 7089 by Rep. William Snyder, R-Stuart; SB 2040 by Sen. Anitere Flores, R-Miami. HB 7089 was passed out of its committee of origin early in the session but has seen no visible movement since. Among many other provisions, this bill requires mandatory use of E-Verify for employment purposes.

SB 2040 passed out of Senate Judiciary on Monday, April 4, after having been amended to offer employers a choice between using E-Verify or accepting scannable Real ID documents as proof of authorization.

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

HB 7089 – Awaiting referral to committees  
SB 2040 – Senate Budget Committee

### Numeric Nutrient Criteria

HB 239 by Rep. Trudi Williams, R-Ft. Myers; SB 1090 by Sen. Charlie Dean, R-Inverness; SB 1490 by Sen. Greg Evers, R-Milton. This legislation prohibits the implementation of rules regarding certain federal numeric nutrient water quality criteria by the Florida Department of Environmental Protection.

This week HB 239 was voted out by the House Federal Affairs Subcommittee. FFBF supports.

HB 239 – House State Affairs Committee  
SB 1090 – Senate Environmental Preservation and Conservation Committee  
SB 1490 - Senate Environmental Preservation and Conservation Committee

### **Wetlands/Ag Exemption**

HB 421 by Rep. Leonard Bembry, D-Madison; SB 1174 by Sen. Gary Siplin, D-Orlando. This legislation authorizes FDACS to determine whether an activity is a bona fide agricultural best management practice.

This week HB 421 passed out of the House Ag and Natural Resources Appropriations Subcommittee. FFBF supports.

HB 421 – House State Affairs Committee  
SB 1174 – Senate Budget Committee

### **Property Rights**

HB 701 by Rep. Eric Eisnaugle, R-Orlando; SB 998 by Sen. David Simmons, R-Altamonte Springs. This legislation amends 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 speci-

fying when the prerequisites for judicial review are met; and

- Waives sovereign immunity for purposes of the Act. This week HB 701 passed out of the House Economic Affairs Committee. FFBF supports.

HB 701 – House Floor  
SB 998 – Senate Budget Committee

### **Septic Tank Inspections**

HB 13 by Rep. Marti Coley, R-Marianna; SB 1698 by Sen. Charlie Dean, R-Inverness; and SB 168 by Rep. Greg Evers, R-Milton. This legislation eliminates the septic tank inspections and associated fees created by SB 550 last year. FFBF supports.

HB 13 – House Floor  
SB 1698 – Senate Community Affairs Committee  
SB 168 – Senate Environmental Preservation and Conservation Committee

### **Fertilizer**

HB 477 by Rep. Chip Ingram, R-Pensacola; SB 606 by Sen. Greg Evers, R-Milton. This legislation grants FDACS the exclusive authority to regulate fertilizer. It authorizes counties and municipalities to adopt and enforce the model ordinance in their jurisdictions.

HB 477 passed out of the House State Affairs Committee this week. FFBF supports.

HB 447 – House Floor  
SB 606 – Senate Community Affairs

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