

THE 2007 LEGISLATIVE SESSION –  
WAS LEAGUE PLEASED OR DISAPPOINTED WITH THE RESULTS?

LEAGUE OF WOMEN VOTERS OF COLLIER COUNTY  
GOVERNMENT COMMITTEE HOT TOPICS  
MAY 23, 2007

**LWV-Florida Legislative Priorities**

Selected using input from local Leagues, the LWVF Board and other sources:

- 1) **Government in Florida:** Promote an open government that is responsive to the people of the state
  - a) **Florida Constitution:** Support basic law that assures a government responsive and accountable to the people of the state
  - b) **Election Law:** Support measures to protect, extend and encourage the use of the franchise and to advocate fair methods of financing political campaigns
- 2) **Natural Resources in Florida:** Promote an environment beneficial to life through the protection and wise management of natural resources in the public interest
  - a) **Growth Management:** Promote the management of natural resources as interrelated parts of life-supporting ecosystems
  - b) **Water Resources:** Support 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

For a full statement of LWVF positions, see *Study and Action 2005-2007*, a LWVF publication. Background statements regarding each of the LWVF priorities follow as an Appendix to this outline.

## LWVF LOBBYIST'S OVERVIEW OF THE SESSION

- B-/C+ rating
- “at best a mixed-bag for the League’s priorities and is receiving a failing grade from many of our allies with respect to important social issues” (LWV of Florida Capitol Report 5/16/07)

## GOVERNMENT IN FLORIDA – FLORIDA CONSTITUTION

### REAPPORTIONMENT –

- Disappointed – constitutional amendment for new redistricting standards, redistricting commission, etc, died in Senate Committee on Ethics and Elections
- League will be working with Floridians for Fair Elections to get petitions signed to place constitutional amendments on ballot in 2010

### INITIATIVE PETITION REQUIREMENTS - SB900 / HB7009 ("Beatrice T. Posey Truth in Petition Act")

- Disappointed; **veto being sought!!**
- Requires initiative petition forms to be signed by constitutionally-required distribution of electors;
- Prescribes time period (30 days) within which signed petition form must be submitted to supervisor of elections to be verified as valid;
- Provides procedures for revocation of signature on petition form within 120 days after verification;
- Requires Supervisors of Elections to provide petition-revocation forms at all main and branch offices

### INITIATIVE PETITION REQUIREMENTS -- Private Property Rights; Ballot Initiatives

- Disappointed – authorizes private property owners & others to prohibit or regulate activity on their property which opposes or supports ballot initiatives

### FISCAL POLICY – Financial Impact Statements

- Disappointed in failure to pass out of committee
- Would have proposed constitutional amendment to publicly provide probable financial impact of any proposed constitutional amendment/revision – not just those proposed by initiative

### FISCAL POLICY – Homestead Exemption/Increase

- All proposed legislation died in committee, but likely to be included in Property Tax Reform legislation (Special Session)
- Pleased (League opposes the Homestead Exemption and any increases to it)

### FISCAL POLICY – Ad Valorem Taxation

- Ad Valorem Tax Reform is subject of **Special Session** to be held June 12 – 22.
- For a review of the numerous bills that were filed during session and died, see May 16, 2007, issue of the Capitol Report.

## **GOVERNMENT IN FLORIDA – ELECTION LAW**

### ETHICS AND ELECTIONS –

- League is pleased with:
  - **Voter-verifiable paper ballot** with funding
  - **“Decent” audit requirements** – mandatory manual audit in 1-2% of randomly-selected precincts in which *all* ballots cast must be counted; results publicly reported
  - Deadline to have in place **ADA mark-sense ballots** (2012)
- League unhappy with:
  - **Voter identification provisions** – bill removes all but basically a passport, driver’s license, and military ID (employee badge/ID and buyer’s club ID no longer acceptable)
  - **Third-party voter registration provisions** -- fines for “late” delivery reduced and capped at total \$1000 (vs last year’s bill, which LWVF is challenging in court), but still problematic for LWV

- **Limits to the petition process** (signatures verified within 30 days of receipt; revocable within 150 days of signing)
- Failure to pass out of committees HB391/SB2560 (sponsored by Rep. Richter & Sen. Posey) – would have enabled Supervisor of Elections to designate additional **early voting sites**
- Failure to pass out of committee HB581/SB302 – would have required district school boards & county supervisors of elections to cooperate to provide program of **voter education** for high school seniors
- Other provisions:
  - Moved Presidential primary to last Tuesday in January

#### FELONY RIGHTS RESTORATION --

- Disappointed that legislative attempts to restore former felons' rights failed
- Pleased that some progress was made via action of the Executive Clemency Board
- At Convention, delegates directed the Board to write the Executive Clemency Board and encourage further action

#### CAMPAIGN FINANCE –

- The League is disappointed that none of the campaign finance laws its lobbyist followed passed out of Committee. No campaign finance legislation passed this session.
  - “Campaign Financing / Local Government” – prohibits local government from spending public funds to lobby an issue that will be subject to vote of electors; or for political advertisement
  - “Campaign Contributions” – prohibits elected officials & some candidates from soliciting or accepting contributions from tax-exempt organizations
  - “Florida Clean Elections Act” – provides eligibility requirements for clean-money campaign funding; disclosure of excess spending by nonparticipating candidates
  - “Political Advertisements” – requires targeted political ads or electioneering communications be submitted to Elections Division; creates Florida Campaign Sunshine Website

## **NATURAL RESOURCES IN FLORIDA – GROWTH MANAGEMENT**

### **NATURAL RESOURCES IN FLORIDA – WATER RESOURCES**

#### SURFACE WATER PROTECTION –

Provides for regulation of peat mines in certain wetlands; provides applicability of variance provisions for activities in surface waters & wetlands in Northwest Fla. WMD; provides exemption for certain water quality standards in said district; authorizes DEP & South Fla. WMD to adopt basin-specific criteria under Lake Okeechobee Watershed Phosphorus Control Program; repeals provision relating to permitting of peat mining, etc.

#### WATERSHED RESTORATION – (\$200 million appropriated for Everglades, with matching funds to come from SFWMD)

Provides for expanded uses of bonds issued for Everglades restoration; provides certain requirements before release of funds; creates Caloosahatchee & St. Lucie River Watershed Protection Program; creates St. Lucie River Watershed Protection Plan; expands authorized uses of funds deposited into Save Our Everglades TF; extends period of time in which funds may be deposited into trust fund, etc.

## **OTHER**

#### LOCAL GOVERNMENT –

Commissioner Coyle said, at the May 21, 2007 Legislative Workshop, that, rather than “fixing” the “glitches” in the prior year’s SB 360, “SB360 got worse” this year, “further eroding our ability to ensure transportation concurrency.”

#### AFFORDABLE HOUSING – Community Workforce Housing Initiative Program (CWHIP)

- Spearheaded by Rep. Mike Davis
- Pilot project providing incentives to local governments to provide affordable housing for critical state employees including teachers, law enforcement and emergency responders -- Pilot was so successful that lawmakers are rolling it out statewide
- Expanded from \$50 million this year to \$62.5 million next year

- To honor his efforts, lawmakers named the program after Davis

## APPENDIX

*Following are background statements regarding the LWVF 2007 legislative priorities as provided by LWVF at <http://www.lwvfla.org/president%20mailing%20aug2006.doc>.*

### **GOVERNMENT in FLORIDA**

The League of Women Voters of Florida supports an open government that is responsive to the people of the state. It has many positions relating to the Florida Constitution and Election Laws.

**Initiative Process:** In 1968 the League supported the constitutional citizen petition initiative procedure that the Constitution Revision Commission placed on the ballot. The amendment passed. The League's position is that Florida should have both constitutional and statutory initiatives, and that criteria should be developed to determine whether an initiative should be placed in the Constitution or in statutory law.

In the 2003 thru 2006 legislative sessions, the League worked with a coalition of groups opposing myriad efforts to restrict the citizens' ability to amend the Constitution through the initiative process with more successes than disappointments. In 2006, the League worked to defeat bills such as the subject filter bill, the fiscal impact bill, and a bill that would allow frivolous challenges to signatures on petitions. We will fight related bills in the 2007 session.

In 2006, the League also opposed a legislative attempt to "streamline" the Constitution by removing many of the citizen-initiated amendments already in the Constitution. The 2007 Legislature may defer writing more "streamlining" bills since a Constitution Revision Committee is scheduled for 2008.

**Re-Appportionment by an Independent Entity:** The Florida Legislature is responsible for dividing the state into voting districts that reflect changes in population after each census. This is a partisan process controlled by the party in power at the time. In the 2004 election, no incumbent was defeated. In the 2006 race, several district candidates have no opponents.

In 2005-06, the League worked with the nonpartisan Committee for Fair Elections (CFE), collecting signatures for redistricting by an independent commission. Although the CFE collected over 900,000 petitions, the Supreme Court rejected the amendment, ruling that it addressed more than one issue. The League is working with another nonpartisan coalition to craft a re-districting campaign for the 2008 election.

**Rights Restoration:** The League has worked with the Florida Rights Restoration Coalition (FRRC) to encourage legislators to write a constitutional amendment that would automatically restore a former felon's rights after completing a sentence. Most of the rights restoration bills died in the 2006 session. The FRRC will introduce more legislation during the 2007 session.

**Campaign Finance:** The League supports limitations on the amount and types of campaign contributions and disclosures about the source and expenditure of funds. In the 2006 session, a bill which would require elected officials to limit the monies obtained from special interest groups and to disclose same was stripped of the limit requirement but officials do have to disclose the dollar amounts obtained from the groups.

**Voter Education:** The League supports the Ballot Pamphlet Act which would require the State to provide information to all voters about statewide candidates, amendments and their fiscal impact; local supervisors would have to do the same for all local candidates and local initiatives.

## **NATURAL RESOURCES in FLORIDA**

The League supports strong growth management that recognizes the interrelationship of air quality, energy, land use, waste management and water resources. In 1985 the Growth Management Act was passed; it required “public facilities and services”, like schools and transportation infrastructure, availability be concurrent with development. It also mandated that Local governments’ comprehensive plans must include proportionate fair-share mitigation for schools, parks and recreation, and transportation. Local governments were encouraged to develop a community vision and to adopt an urban service boundary; the latter must be appropriate for compact, contiguous urban development within a 10-year planning timeframe. This boundary does not preclude development outside the boundary.

The League has opposed placing development of DRI (development of regional impact) under local government; the League has supported retaining Regional Planning Councils and funding of transportation concurrency.

In 2001 the governor and Department of Community Affairs (DCA) proposed sweeping changes to the growth management laws, claiming that current legislation was ineffective. The role of DCA was diminished, giving more authority to local officials to amend their comprehensive plans without state oversight. The League joined a Growth Management Coalition to review current laws and insure public participation at the local level.

In 2005, SB360 was passed; this bill requires a local government’s comprehensive plan to be financially feasible and the capital improvements element must include a schedule of improvements that ensure that adopted level-of-service standards are achieved and maintained. The capital improvements element must be reviewed annually to maintain a financially feasible 5-year schedule of capital improvements. The bill strengthens the link between development approval and water supply planning. There is a potable water element that must incorporate water supply projects identified by the local government from the regional water supply plan or proposed by the local government within 18 months after the update of the regional water supply plan. However, this bill focused on concurrency of public services and infrastructure demanded by growth; it did not protect natural areas.

After the 2005 session, the League sent a letter to Governor Bush asking that he veto HB759. Unfortunately, it was signed into law. It allowed the filling of many wetlands without a mitigation permit for at least 5 years in the Panhandle. During the 2006 session, the Pensacola League along with Leagues from Okaloosa County, Panama City, and Tallahassee, Clean Water Action, and the Sierra Club worked to get an Environmental Resources Permitting (ERP) bill passed. The bill will protect the wetlands in North Florida; however, it will not go into effect immediately and does not have recurring funding. It will certainly be seen again in the 2007 legislative session.

The League cannot work on Growth Management without focusing on wetlands and water in the state of Florida. Leaguers need to be aware of this type of legislation going forward in the 2007 session; it will affect each and every part of Florida