



LEAGUE OF WOMEN VOTERS®
OF FLORIDA

Capitol Report 2011

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Overview

There has now been final action taken on virtually all of the issues of concern to the League of Women Voters of Florida in the 2011 legislative session. It was not a good year for the League considering our top two priorities — defeating the elections overhaul and TABOR — both passed. Both bills were priorities for the legislative leadership, and the majority party and the leaders of both chambers were able to lock down their members to assure passage.

At the very end of the legislative session, there was dissension among the ranks of the majority party, and as a result some bad legislation failed to pass or was watered down. These bills included House Speaker Dean Cannon's plan to split the Florida Supreme Court into civil and criminal divisions and another proposal to let Governor Rick Scott appoint all new members to the state's 26 judicial nominating commissions.

The dissension manifested itself in the Senate during the final hours of the session, causing the Senate to adjourn at 3:30 a.m. on Saturday morning. The press has reported that in the final hours Senate President Haridopolos all but lost control of his chamber as members of the Senate reasserted the independence the upper chamber is known for. Although this dissension was evident throughout the session, it failed to coalesce until the final hours and did not come soon enough to help Florida's citizens.

State Budget

On the last day of session, the House and Senate passed a \$69 billion state budget for the next fiscal year. The budget contains \$1.35 billion in cuts to education, as well as cuts to health and human services. Hospitals will face a 12% cut in Medicaid reimbursements, and the Everglades restoration effort will barely have enough money to continue. The budget also eliminates 4,500 state jobs and requires the remaining state employees pay 3% of their wages into the Florida Retirement System, which until now was funded by taxpayers. There was no effort made this year to close tax loopholes or find new sources of revenue.

The budget includes some tax cuts and business incentives that total about \$308 million, one-eighth of the \$2.4 billion requested by Governor Scott. After initially balking at the Governor's proposed corporate tax cut, legislative leaders agreed to remove the tax from about 15,000 of the smallest businesses in the state at a cost to the budget of about \$37 million.

Last week, Governor Scott travelled to The Villages, a conservative retirement community in Central Florida, to sign the budget into law. The signing ceremony was described by Scott staffers as a “private event,” and protesters who were holding anti-Scott signs were asked to leave. Before signing the budget, Scott announced he was vetoing \$615 million in funding, more than any other Governor has vetoed. The vetoes include \$305 million targeted for environmental land buys, \$400,000 for a study of the Supreme Court wanted by House Speaker Cannon, \$4.7 million for public broadcasting, \$12 million for the National Veterans Homeless Support Group, \$1.7 million for the Florida Alliance of Boys and Girls Clubs and \$165 million in college and university construction projects.

Constitutional Amendments for the 2012 Ballot

The legislature placed at least seven constitutional amendments on the ballot in 2012 and one, I’m sorry to say, is Senate Joint Resolution 958, or TABOR. The League has strongly opposed TABOR since 2008 when it was before the Tax and Budget Reform Commission. TABOR would place a formula to limit revenue growth in the state constitution. The formula is based on the rate of inflation and population growth. In Colorado, the only state that has tried TABOR, the results were disastrous. It forced drastic cuts to education, health, public safety and infrastructure. TABOR was a priority of Senate President Mike Haridopolos, and in both the House and Senate there was enough support for the required three-fifths vote for passage.

The legislature also approved a proposed constitutional amendment that would reduce the annual growth in assessed value on commercial property and non-homesteaded property (second homes and rentals) from the current 10% limit to no more than 5%. It creates a new “first-time” homebuyer tax break for anyone who hasn’t owned a home in Florida for the last three years. This first-time buyer’s exemption will end after five years.

Other Bill Highlights

Also passed this year was a bill that requires teacher evaluations be based in part on student test scores and allows administrators to more easily fire teachers with weak evaluations. The legislation is similar to Senate Bill 6 that Governor Charlie Crist vetoed last year. The legislature also passed several bills that expand the use of school vouchers and online school courses.

The legislature enacted major reform of the way growth is managed in Florida, undoing the landmark Growth Management Act of 1985. The plan would virtually eliminate state growth management oversight for cities and counties, deregulate developers and make it harder for citizens to go to court to block local growth decisions. HB 1207 has yet to be signed by the Governor, but there is little doubt that he will eventually sign it.

Another bill opposed by environmentalists would reverse a fundamental concept that has guided Florida environmental law for the past 30 years. With little debate in the second-to-the-last-day of session, the House voted to approve HB 993, but only after adding a controversial “burden of proof” amendment. Currently developers have to prove housing developments, strip malls or other projects won’t cause harm to the environment. Under the new law, concerned neighbors, citizens groups and environmental activists will have the burden of proof to prove a project will cause harm.

In the area of health care, the legislature agreed on a major plan to overhaul Medicaid. The House and Senate compromise pushes the majority of the state's 2.9 million low-income and elderly recipients into a health maintenance organization or patient service network in an attempt to curtail the program's \$22 billion price tag. The plan divides the state into 11 regions, and Medicaid patients would be served by a managed-care organization in their assigned region. The compromise excludes about 30,000 Medicaid recipients who are developmentally disabled.

The legislature approved four bills dealing with women's reproductive rights. One measure would require that all women seeking an abortion have an ultrasound (HB 1127) and have the option to see and hear the results. Another bill (HB 1247) would make the state's parental notification of abortion law stricter, making it more difficult for a minor to get a judge's approval for the procedure. The bill requires a minor who seeks a waiver for an abortion to do so in a district court where she lives rather than anywhere in the appellate circuit. That's problematic for minors who live in rural areas where family members or neighbors may be on close terms with courthouse workers or observers.

The legislature approved HB 97, which prohibits health insurance plans created through the federal health care law from offering coverage of abortion. It also passed HJR 1179, which proposes a constitutional amendment to ban the use of taxpayer money for abortions.

Elections and Campaign Bills

The elections bill that I mentioned earlier has now been signed into law by Governor Scott. HB 1355 makes major changes to Florida's election laws. It contains burdensome provisions that would impact the League's ability to carry out one of our core missions: to register voters. The bill requires groups who register voters to sign up with the state and list its officers and the names and addresses of all members who will be registering voters. It requires anyone who is registering voters to swear an oath to uphold state election laws. It sets an unrealistic deadline of 48 hours for League members or other voter registration groups to turn in a completed voter registration form. Missing the deadline means you may be fined.

Other bad provisions contained in the bill include no longer allowing voters who have moved to a different county to change their address when they go to the polls, reducing the number of days allowed for early voting and shortening the time period that citizen initiative petitions are valid from 4 to 2 years.

The League worked hard to defeat this legislation. We participated in press events and prepped members of both the House and Senate with questions and talking points for debate. In the end, both chambers passed the bill in what was pretty much a party-line vote. The League was successful in helping mount a spirited debate in the House with an eye toward laying the groundwork for a future legal challenge to the third-party voter registration part of the law. The League successfully challenged similar legislation that was passed in 2005.

In addition to passing the bad election law, the legislature also overrode Governor Crist's veto last year of a bad campaign financing bill. The new law now allows legislative leaders to create new campaign finance accounts within the political parties where they can accept unlimited contributions year-round, even during the legislative session. These so-called "leadership funds" were previously banned in the state, but legislators leaders now have new and extremely powerful avenues to raise special interest campaign money. After the veto override, St. Pete Times columnist Howard Troxler commented, "They just legalized political bribery."

And finally, in the area of ethics reform, the legislature did nothing. Normally this would not be surprising, but this year there was more momentum for ethics reform than usual. After a rash of state and local public corruption cases, a statewide grand jury issued a report last December with 127 pages of recommended changes in state law. Several bills were filed this year based on those recommendations, including a measure to strengthen the state Ethics Commission and another bill requiring state legislators to abstain from voting on items that directly benefit themselves or their family. Despite the momentum for reform, none of these bills passed.

This is the final Capitol Report of the 2011 legislative session, and the League of Women Voters of Florida would like to thank you for supporting our lobbying efforts this year. It's been a difficult year, but I am confident it would have been much worse without the League's presence and voice. Thank you, thank you, thank you!

League Priority Issues

The LWVF has set four program areas for 2011, including Government, Education, Social Policy and Natural Resources.

Government: Promote an open government that is responsive to the people of the state.

- **Equitable Taxation**: The League supports tax legislation that does not jeopardize local service, addresses infrastructure deficits, and removes unfair tax exemptions that affect governments' ability to serve citizens.
- **Redistricting Reform**: The League supports single-member election districts that are equal in population, provide access for minorities, are compact and, when possible, take local characteristics such as political and geographical boundaries into consideration.
- **Citizen Initiatives**: For the past four sessions, the League has fought against passage of new restrictions on the citizens' initiative process. As bills addressing citizen initiatives arise; the League will oppose bills that increase the moneyed interests' strangle-hold on the initiative process and the legislative process and, where appropriate, advance the idea of a citizen statutory initiative.
- **Elections**: The League supports legislation that promotes stricter election audits and would give the Supervisors of Elections more flexibility in selecting early voting sites.

Education: Priorities are Funding, Accountability and Civic Education.

■ The League supports legislation that provides for a free public school system with high standards for student achievement and with equality of educational opportunity for all that is financed adequately by the state through an equitable funding formula.

Social Policy: Priority is Health Care.

■ The League supports measures to implement Florida health care in a manner consistent with the LWVUS position on health care reform.

Natural Resources: Priorities are resource management, land use, energy, freshwater resources, coastal management, environmental protection, public participation, and agriculture.

Get Involved

Ben Wilcox is the League's professional lobbyist for the 2011 legislative session. We are still looking for folks to participate in the Lobbying Corps, so please contact Marilyn Wills (marilynnwills@msn.com) or Rebecca Sager (rsager@music.org) if you are interested.

Updates on League legislative issues will be provided on a regular basis through Capitol Report, which is published every week during the Session. Important information may also be accessed at www.leg.state.fl.us.

Watch for your *Capitol Report* each Friday of the Session for news on priority issues and what you can do to help. For further information, check out the *Florida Voter* newsletter, available at www.TheFloridaVoter.org. For updates on or copies of proposed legislation, call legislative information at 1-800-342-1827, or visit the Florida Online Sunshine homepage at www.leg.state.fl.us.