

Dr. John M. DeGrove Community Steward Webinar Series

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2013 Florida Legislative Update

- Wednesday, March 13, 2013, 12:00-1:30
- Approved for 1.5 AICP CM Legal Credits – [#e.22605](#)
- Approved for CLE Credits by the Florida Bar -- [#1300520N](#).
- This PowerPoint is available for downloading at www.1000friendsofflorida.org. Look at “What’s New” scrolling panel on right of page, then click on “2013 Legislative Update”

About 1000 Friends of Florida

- Founded in 1986, 1000 Friends of Florida is a 501(c)(3) nonprofit membership organization.
- We work to save special places, fight sprawl and build better communities.
- We educate, advocate and negotiate to protect Florida's high quality of life.
- Our bipartisan board of directors includes advocates and experts from across the state.

Upcoming Webinars

- **Wednesday, April 10, Noon – 1:00 p.m. – Sustainable Community Calculator**
AICP CM and CLE Credits applied for
- **Wednesday, May 8, Noon – 1:30 p.m. – 2013 Legislative Wrap Up**
AICP CM and CLE Credits applied for
- To register and find out more, please visit:
<http://www.1000friendsofflorida.org/communications/webinars/>

Outreach

- Visit www.1000friendsofflorida.org/join-us/?alerts to sign up for email alerts!
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Presenters

About Charles Pattison, FAICP



- President of 1000 Friends of Florida since 1998.
- Director for the Division of Resource Planning and Management at the Department of Community Affairs from 1992 to 1998.
- Field Representative for The Nature Conservancy's Virginia Coast Reserve from 1989 to 1992.
- Opened and ran the DCA Keys Field Office in Key West between 1983 and 1989, serving as Monroe County Planning, Building and Zoning Director and first Executive Director of the Monroe County Land Authority.



About Lester Abberger



- Board Member Emeritus of 1000 Friends of Florida.
- Chairman of The Trust for Public Land (TPL) Florida Advisory Council, and serves on the TPL National Leadership Council.
- Chairs the Florida Conservation Campaign, and is a director and chair of the Finance Committee.
- Past Chair of Leadership Florida, The Seaside Institute, and the City of Tallahassee Urban Design Commission.
- A graduate of Davidson College, where he serves on the Board of Visitors.
- A Knight Fellow at the University of Miami School of Architecture.



About Vicki Tschinkel



- Past Chair of 1000 Friends of Florida.
- Founding member of the Florida Conservation Coalition.
- Past State Director of the Florida Chapter of The Nature Conservancy.
- Senior Consultant with the law firm of Landers and Parsons from 1988 to 2002, specializing in environmental matters.
- Secretary of the Florida Department of Environmental Protection from 1981 to 1987 and previously various positions at Florida's environmental agencies

About Jaimie Ross



- Affordable Housing Director with 1000 Friends since 1991.
- Position funded primarily from a grant from the Florida Bar Foundation.
- President of the Florida Housing Coalition.
- Director of the Florida Community Land Trust Institute.
- Director of the Florida Nonprofit Housing Advocates Network.
- Currently serves on national board of Innovative Housing Institute.
- Served as Chair of Affordable Housing Committee of the Florida Bar RPPTL Section.
- Served as Commissioner, Florida Affordable Housing Study Commission.
- Served as board member of National Low Income Housing Coalition.
- James A. Johnson Community Fellow, named in 2004 by the Fannie Mae Foundation.

Housekeeping

Focus of webinar

- Growth management and infrastructure
- The environment and water resources,
- Affordable housing
- Other related topics

This PowerPoint is posted at
www.1000friendsofflorida.org.

To find out more:

- 1000 Friends of Florida:
<http://www.1000friendsofflorida.org/connecting-people/florida-legislature/2013-florida-legislative-session/>
- Florida Conservation Coalition:
<http://floridaconservationcoalition.org/pages/alerts>
- Sadowski Coalition:
<http://sadowskicoalition.com/resources>
- Audubon Florida:
http://audubonofffloridanews.org/?page_id=12993
- Florida Wildlife Federation:
<http://www.fwfonline.org/>

Questions?

- The control panel for this webinar includes a “Questions” box.
- Please type any questions in this box.
- Please refer to the slide number when you post your question.
- Staff will monitor the questions which will be asked of the presenters at the end of the webinar, as time permits.

Session Overview

Major issues

- Budget and revenue
- Affordable Health Care Act and Medicaid expansion
- Federal budget sequestration
- Elections and ethics reform

Culture of the Legislature

- Leadership driven
- Tea Party
- New members

Growth Management/Infrastructure

Context

- Florida is emerging from the recession.
- Florida is expected to become the third most populous state by 2015. [Population growth likely to push Florida past New York, experts say](#), Laura C. Morel, Tampa Bay Times, January 5, 2013.
- Sea level is anticipated to rise a minimum of 6 inches by 2050 (SFWMD). [Rising sea comes at a cost for South Florida cities](#), Curtis Morgan, Miami Herald, September 1, 2012.
- New growth means more demands on infrastructure and the environment.

Priority growth management legislation

HB319 Ray

Restricts mobility plans and fees

- Restricts mobility plans and fees, which many local governments have adopted instead of transportation concurrency.
- Places restrictions regarding credits, proportionate share and prohibiting operating and maintenance costs.
- No retroactive provision yet.
- Currently no Senate companion.

SB972 Hukill

“Pay and go” for mobility planning

- Loose companion to HB319
- Does not include limitations on mobility plans/fees
- Instead makes provisions for:
 - Using development agreements to satisfy concurrency
 - Allowing local governments to accept multiple contributions for improvements if they have separate accounts

- Preventing local governments that have repealed transportation concurrency and adopted alternative(s) from denying applications when developer offers to pay for impacts
- Allowing TDAs to include projects both inside and outside identified deficiency areas, especially transit
- Allowing TDAs to include/recognize transit oriented developments of 25 acres or more.
- Effectively requires “pay & go” for the mobility planning process.

HB321 La Rosa/SB1716 Garcia Moratorium on impact fees/concurrency

- **Prohibit** any local government from applying school and transportation concurrency, including proportionate share contributions, through July 1, 2017, unless 2/3 of elected officials vote to do so.
- Same wording applies to existing impact fee ordinances.

SB786 Simpson

“Expedited” plan amendment reviews

- Creates “new” expedited pilot plan amendment review process for communities that were part of the original “expedited review process” prior to the passage of HB7207 in 2011.
- Includes Jacksonville, Miami, Tampa, Hialeah, Pinellas County and Broward County.
- Citizen challenges to amendments carry the more difficult “fairly debatable” legal test rather than the “preponderance of the evidence” standard used previously without any problems.

HB673 Perry/SB772 Brandes Modifies development exactions

- Modifies development exactions by local governments “rational nexus test” to “essential nexus”
- Prevents exactions where any required by a state or federal agency for the same impact have been covered.
- Says nothing prevents local governments from levying assessments that are “reasonably necessary” and are “roughly proportionate” to development impacts on public infrastructure.

Other growth management legislation

- **HB537 Moraitis** – **Expressly prohibits** any referendum process affecting five (5) or fewer parcels of land, unless such a procedure existed as of June 1, 2011.
- **SB528 Simpson** – Similar to HB537, but limitation is for six (6) or fewer parcels.

- **HB89 Pafford/SB348 Soto** –Re-establish urban infill grant program
- **SB1698 Latvala/HB4041 Raulerson** —Cleanup bill that eliminates a never used piece of DRI law that allows a local government to apply and be certified by the state land planning agency to handle DRI reviews itself. 1000 Friends supports as currently drafted.

- **SB50 Negron** -- Public to get reasonable opportunity to speak prior to elected board action. Does not have to be at meeting where decision is made.
- **SB84 Diaz de la Portilla** – Allows public-private agreements for construction/upgrades of “predominantly” public facilities if determined to be in the public interest.

Environment/Water Resources

Florida Conservation Coalition

The [Florida Conservation Coalition](#) is devoted to protecting and conserving Florida's land, fish and wildlife and water resources that are essential to the well-being and quality of life of the residents of this state, and for its long-term economic prosperity.



FCC issues

- Everglades Restoration
- Florida Forever
- Water Resources
 - Water Planning Issues
 - Privatization
 - Sovereign ownership

Context

Land acquisition and restoration – The Everglades

- In 2011, CERP Everglades funding included \$10 million from General Revenue and \$19,955,500 from Save Our Everglades Trust Fund, for a total of \$29,995,500.
- In 2012, Gov. Scott requested \$40 million for Everglades restoration. \$30 million was appropriated for CERP, plus additional funds (approximately \$5 million) were allocated for a pilot wetlands treatment program and agricultural best management practices.

Everglades 2013

- The pretty good – Governor Scott requests \$60 to fund first of 10 years’ “new” program.
- The awful – House Bill 7065 – Everglades Improvement and Management (!). Purports to implement the new plan. Limits contributions to cleanup by agriculture interests with financial specificity and by changing statutory requirements to abate pollution.
- The hopeful – SB 0768 Simpson Everglades Long Term Plan

Land acquisition and restoration – Florida Forever

- Florida Forever – sad recent history
- In 2011, Gov. Scott requested \$0 for Florida Forever which ultimately resulted in \$0 for Florida Forever.
- In 2012, Gov. Scott requested \$15 million for Florida Forever (both the House and Senate recommended \$0 funding) and the legislature appropriated \$8.37 million.
- In 2013, Gov. Scott is requesting \$75 million for Florida Forever. Florida Forever Coalition is supporting this, but some are quietly hoping that his request for \$50 of the \$75 million to be from surplussed lands be changed to GR.

Legacy Campaign Ongoing

- Conservation groups are also working for a long-term program called [Florida's Water and Land Legacy](#) for 2014.

Priority environmental legislation

Water resources in 2013

- Still more to lengthen life of Consumptive Use Permits
 - [HB109](#) Young/[SB364](#) Hays
 - Young accepted most important amendment wanted by environmental interests.
- Agricultural Water Supply Planning
 - [SB948](#) Grimsley and various House Bills
 - Intent to improve agricultural water needs estimates in Water Management Districts
 - Special interests have inserted their “needs” into the bill
 - Senator Grimsley working with all interests to get the bill back on track

HB7 Porter and Pilon/SB244 Dean Water management districts

- Senate companion now addresses water reservations and minimum flows and levels developed by water management districts
- Must provide DEP with methodology
- Allows areas affected by multiple water management districts to designate a single district for all regulatory activity
- So far, not gaining a lot of traction

HB789 Steward/SB978 Soto Springs Revival Act

- A good start on Springs Legislation, but so far only calls for identification of Springs in decline, and a five year plan to save them.

Bills to Watch, Carefully - Omnibus Bill HB0999 Patronis/SB1684 Altman

- This extremely long bill amends almost every environmental statute, addressing issues from marinas to seawalls.
- Appeared at beginning of session, and, unlike the last “train”, also with same House Sponsor, without coordination with the environmental community. Some hope that this is beginning to occur.
- Dangers: contains language that could be used to redefine sovereign lands, and is the sort of bill which could easily be amended with little sunshine at the end of a session.

....and don't forget
SB0584 Hays/HB0901 Stone

-or “no new conservation land, no how, nowhere”

HB33 Smith/SB466 Altman

State lands

- State owned lands exchanged for conservation easements on private lands
- Allows individuals to ask Trustees of the Internal Improvement Trust Fund to trade state owned land for a conservation easement on adjacent lands
- Easement does not have to be permanent

A Couple of “non-FCC” Bills

- Use of Coal Ash in building materials – [SB682](#)
Simpson/[HB659](#)
- Fracking Constituents – [HB743](#)/[SB1028](#) Clemons

Potential legislation or amendments

- Rumor – Sovereign Lands. MHW, OHW
- Rumor – another try at legislation to pre-empt local fertilizer ordinances failed last year and is likely to be reintroduced.

Affordable Housing

Context

- Florida's Comprehensive Planning Law includes a Housing Element that requires all jurisdictions to provide for housing its entire current and anticipated populations, including those with special housing needs. Section 163.3177, Florida Statutes.
- Without a revenue source, local governments perceived this as an “unfunded mandate”

Appropriations

Sadowski Housing Coalition

Housing = Jobs

- 1000 Friends of Florida initiated the Sadowski Coalition in 1991 to obtain a dedicated revenue source for Florida's affordable housing programs, and we continue to facilitate it today.
- A nonpartisan collection of 25 diverse statewide organizations.
- The Act which created that dedicated revenue is called the Sadowski Act, and monies dedicated from the Act to the state and local housing trust funds are called Sadowski funds.
- Link to [Sadowski Housing Coalition](#)

BUSINESS/ INDUSTRY GROUPS

- Associated Industries of Florida
- Coalition of Affordable Housing Providers
- Florida Realtors
- Florida Bankers Association
- Florida Chamber of Commerce
- Florida Home Builders Association
- Florida Manufactured Housing Association
- Florida Retail Federation
- Florida Green Building Coalition

GOVERNMENT

- Florida Association of Counties
- Florida Association of Local Housing Finance Authorities
- Florida League of Cities
- Florida Regional Councils Association

ADVOCATES FOR THE ELDERLY & VETERANS

- AARP of Florida
- Florida Association of Homes and Services for the Aging

SOCIAL SERVICES/LOW INCOME HOUSING ADVOCATES

- Florida Legal Services
- Florida Coalition for the Homeless
- Florida Housing Coalition
- Florida Supportive Housing Coalition
- United Way of Florida

PLANNING/GROWTH MANAGEMENT ORGANIZATIONS

- 1000 Friends of Florida
- Florida Chapter of American Planning Association

FAITH BASED ORGANIZATIONS

- Florida Catholic Conference
- Florida Impact
- Habitat for Humanity of Florida

How are Florida's Sadowski housing programs funded?

- Doc stamp tax paid on all real estate transactions was increased in 1992;
- Those monies were dedicated to the state and local housing trust funds;
- 70% of directed funds to local governments (all 67 counties) and Florida's entitlement cities to fund the SHIP program;
- 30% of funds used by the Florida Housing Finance Corporation for programs such as SAIL.

How can these programs help Florida's economy right now?

- SHIP is a program that can be used to meet local needs from housing the homeless to moderate income families
- SHIP funds can be used for rehabilitation/renovation of existing empty housing stock to ready it for families to move in;
- SHIP funds can be used to move the existing housing stock by providing down payment and closing cost assistance;
- SAIL funds can be used to rehabilitate existing apartments in dire need of repair; apartments that house Florida's most vulnerable populations, such as the frail elderly and persons with disabilities who might otherwise need to live in an institutional setting.

Why is this the best use of Sadowski Funds right now?

- The faster Florida's housing market recovers, the faster Florida's economy recovers.
- Housing dollars will put Florida's out-of-work housing industry back to work repairing homes and improving the real estate market.
- The appropriation of the estimated \$204.8 million in the state and local housing trust funds in Fiscal Year 2013-14 into Florida's housing programs will create over **15,770 jobs** and **\$1.5 BILLION in positive economic impact in Florida.**
- Using housing monies for housing will help Florida out of its continuing deficit problem.

What is our priority for the 2013 session?

- 1000 Friends of Florida, together with the rest of the Sadowski Coalition, urges the Florida Legislature to use Florida's housing trust fund monies solely for housing - **that means not sweeping it into general revenue.**

Affordable housing legislation filed

HB921 Renuart/SB928 Simpson Property tax exemptions

- Amendment or repeal of a portion of 196.1978 Florida Statutes, adopted in 2011, related to a property tax exemption for Limited Liability Companies, akin to the property tax exemption that has previously only been for nonprofits.
- These bills also include the extension of the Community Contribution Tax Credit to 2025.
- [Florida builders' rich tax loophole hurts local governments](#), Susan Taylor Martin, Tampa Bay Times, December 16, 2012.

Effective Public Participation

Contacting your legislator

Find your legislators:

- Visit www.flsenate.gov/Senators/Find and enter your mailing address or zip code
- This site will provide your State and U.S. Senators and Representatives as well as their contact information

Strategies (from most to least effective):

- Personal visits with your legislators.
- Personal calls and letters to your legislators.
- Emails.
- Form letters.

Effective communication

(from the [Florida Senate website](#))

- Contact your legislator about a particular issue before the Legislature takes action on it.
- Use a variety of communication methods -- telephone, write, email, fax, visit.
- Tell your legislator what effect you think a particular bill will have on you, your children, business, or community.
- Be concise, but specific.
- Be polite, even if you disagree strongly.
- Suggest a course of action and offer assistance.

Effective letters

- Try not to write more than one page.
- Identify your issue/opinion at beginning of letter.
- Cover only one issue per letter.
- Back up your opinions with supporting facts.
- Don't use technical jargon.
- Personalized letters have more impact.

Effective calls and visits

- Plan your call or visit carefully.
- Make notes to stay on track.
- Make an appointment in advance.
- Prepare a one-page fact sheet on your issue to give to your legislator.

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