

# Dr. John M. DeGrove Community Steward Webinar Series

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# 2013 Florida Legislative Wrap-Up

- Wednesday, May 8, 2013, 12:00-1:30
- Approved for 1.5 AICP CM Legal Credits – [#e.23384](#)
- Approved for 2.0 General CLE Credits/1.0 State and Federal Government and Administrative Practice Credits by the Florida Bar -- [#1303027N](#)
- This PowerPoint is available for downloading at [www.1000friendsofflorida.org](http://www.1000friendsofflorida.org). Look at “What’s New” scrolling panel on right of page, then click on “2013 Legislative Wrap-Up”
- Also check on [www.1000friendsofflorida.org](http://www.1000friendsofflorida.org) for the “2013 Legislative Wrap Up” which details more legislation

# About 1000 Friends of Florida

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- 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.

# Dr. John M. DeGrove, 1924-2012

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# Upcoming Webinars

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- **Wednesday, June 12, Noon – 1:30 p.m.**  
**Florida Greenways and Trails “Close the Gap” Campaign**  
AICP CM and CLE Credits applied for
- To register and find out more, please visit:  
<http://www.1000friendsofflorida.org/communications/webinars/>

# Outreach

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# Presenters

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# 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.



# Janet Bowman



- Director of Legislative Policy & Strategies for the Florida Chapter of The Nature Conservancy, where she has worked since 2007.
- Legal Director of 1000 Friends of Florida from 2001-2006.
- Previously attorney for the Senate Community Affairs Committee and the Legislative Committee on Intergovernmental Relations, and Senior Attorney for the Department of Environmental Protection.
- Member of the Executive Council of the Environmental and Land Use Law Section of the Florida Bar.



# 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.



# Questions?

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- 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

Lester Abberger, Board Member Emeritus  
1000 Friends of Florida

# Conservation Budget

## **Florida Forever**

- \$10 million from General Revenue
- \$10 million from Land & Water Trust Fund for military buffers
- \$50 million from sales of surplus lands

## **Everglades Restoration**

- \$70 million from trust funds

## **Springs Protection**

- \$10 million

## **Conservation and Rural Lands**

- \$11.1 million from General Revenue

## **Greenways and Trails**

- \$10 million a year for 5 years from FDOT Trust Fund

# Other Major Issues

- Medicaid Expansion
- Citizens Property Insurance
- Ethics and Elections

# Growth Management/Infrastructure

Charles Pattison, FAICP, President  
1000 Friends of Florida



# Legislation That Passed

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# HB319 Ray/SB972

## Restricts mobility plans and fees

- 1000 Friends OPPOSED this bill.
- For local governments keeping transportation concurrency, requires acceptance of “good faith offers” to pay proportionate share of impacts AND not be subject to a possible project denial on transportation-related impacts – the “pay and go” provision.
- Retroactive provisions protect existing mobility plans in Pasco, Alachua and Jacksonville-Duval
- Local governments using alternatives to transportation concurrency are now bound by the same “pay and go” provisions noted above
- Identical Senate Bill, SB972, was not passed in favor of HB319

# HB537 Moraitis

## Prohibits certain referenda

- No development order referendum
- No plan or map amendment referendum UNLESS
  - (1) Affects more than 5 parcels
  - (2) Expressly authorized charter provision in effect as of 6/1/11
  - (3) General provision “not sufficient”
  - (4) Retroactive to 6/1/11
- Deletes 2012 Ag Enclave provisions (St. Johns County issue)

# SB50 Negron Citizen Participation

- Public to get reasonable opportunity to speak prior to elected board action.
- Does not have to be at meeting where decision is made.

# SB85

## Public-Private Partnerships (P3)

- Affects local government contracts with non-profits and youth groups for properties of at least 20 acres, seating for 5,000 and for education buildings, at least 90,000 square feet
- Many additions to P3 provisions for public purpose facilities, i.e., ferries, mass transit, parking, airports, seaports, rail, fuel supply, pipelines, medical, nursing, recreation, sports, cultural or education facilities – includes water, wastewater, surface water management projects
- Task force created to recommend guidelines to Legislature by 7/1/14
- Procedures for solicited and unsolicited bid proposals
- Notification to adjacent local governments
- Additional provisions for county roads using P3 procedures.

# HB7019

## Development Permits

- Cities/counties SHALL attach disclaimers to all permits noting that issuance does not waive any required state or federal permits
- Contains referenda prohibitions same as HB 537
- Defines high speed rail communications facilities
- Provides that the Florida Rail Enterprise (Chapter 341.8201) may issue permits in lieu of any local or state permit for construction within new or existing high speed rail rights-of-way for such communications facilities
- Local governments given 30 days to provide comments but permit approval **not subject to local planning or zoning authority**
- Permit action to occur within 60 days of complete application
- Counties authorized to lease “associated development” lined to professional sports franchises

- Modifies 12/15/13 ban in the Keys (unincorporated) for onsite sewage disposal systems IF:
  - (1) it meets nitrogen and phosphorous limits OR achieve a 70% nitrogen reduction
  - (2) is in an area not scheduled for sewer hookup by 2015 must meet the above standard
  - (3) is in an area scheduled for hookup by 12/15 can use a pump-out holding tank
  - (4) any onsite system installed after 7/1/10 meeting the standards in (1) above may wait until 12/1/20 before hookup to central sewer
  - (5) for areas to be hooked up to central sewer by 12/15, extends/renews all building permits, DEP and SFWMD permits that expire between 1/1/12 to 1/1/16 for 3 years

# SB1770

## Coastal Insurance

- No state insurance for new construction or substantial improvement SEAWARD of DEP's "Coastal Construction Control Line"
- No state insurance for new and substantial improvement to properties designated under the federal Coastal Barrier Resources Act.



# HB203

## Agriculture

- No government can charge fees on specific agricultural activity that is part of a bona fide (Chapter 193.461 F.S.) farm operation if covered by BMPs or rules from DEP, DACS, USACOE or EPA

# HB357 Manufacturing Competitiveness Act

- Addresses local government development order approvals relating to manufacturing
- Limits additional local government approvals
- Allows local government to adopt master development approval process for manufacturing operations
- Ordinances to be sent to DEO if adopted prior to 9/1/13
- DEO to prepare model ordinance by 12/1/13
- Requires coordination with agencies issuing state permits
- Puts limits on requests for additional information
- Final agency action (local) required within 60 days
- State permits deemed approved within 45 days if no action taken

# Legislation That Did Not Pass

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

- 1000 Friends OPPOSED this bill.
- Would have prohibited 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 applied to existing impact fee ordinances.

# SB786 Simpson

## “Expedited” plan amendment reviews

- Would have created “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.
- Included Jacksonville, Miami, Tampa, Hialeah, Pinellas County and Broward County.
- Citizen challenges to amendments would have carried the more difficult “fairly debatable” legal test rather than the “preponderance of the evidence” standard used previously without any problems.

# HB673 Perry/SB772 Brandes Modified development exactions

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

# HB89 Pafford/SB348 Soto Urban Infill Grants

- 1000 Friends SUPPORTED this bill.
- Would have re-established the urban infill grant program

# SB1698 Latvala/HB4041 Raulerson

- 1000 Friends SUPPORTED this bill.
- Cleanup bill that would have eliminated 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.



# Environmental Legislation

Janet Bowman

Director of Legislative Policy & Strategies  
The Nature Conservancy

# Water Resource Legislation

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# HB 7065 Everglades Improvement & Management

- Adjustment to Agricultural Privilege Tax-\$25 per acre until November 2026, step reductions until November 2036 when tax becomes \$10/acre.
- Legislative finding that payment of privilege tax and continued implementation of Best Management Practices fulfills polluter pay requirement of s. &(b) Art. II of State Constitution.
- Appropriation of \$12 in General Revenue and \$20 million in Water Management Lands Trust Fund for funding “Restoration Strategies Regional Water Quality Plan.”

# CS/SB 948—Water Supply

- Bill gives agriculture sector seat at the table in regional water supply planning.
- Agricultural water supply projections must be based on best available data and water management district must consider data provided by DACS.
- DACs is authorized to establish an agricultural water supply program based on 20-year planning period that gathers water supply demand data across crop types.

# SB 444-Domestic Wastewater Discharged through Ocean Outfalls

- Unlike last past three years, bill does not modify deadlines for achieving advanced wastewater treatment for effluent being discharged through ocean outfalls.
- Modifies how reuse requirement for outfall service areas is calculated to allow utilities to use their entire service area to meet reuse obligation.
- If facility that discharges through an ocean outfall contracts with another utility to install a reuse system, DEP must approve apportionment of the reuse.
- Some wet weather discharges through the outfall are allowed after deadline for outfall removal.

# HB 999-Environmental Regulation

Environmental Train of session that includes shopping list of regulatory relief measures including:

- 1) limitations on ability of local governments to ask for additional information for permit applications to no more than three requests;
- 2) exempts from wetland regulations evacuated farm ponds and wetlands created from unauthorized flooding from adjacent property;
- 3) expedites natural gas pipeline permit applications ;
- 4) includes favorable sovereign land lease/consent of use provisions for boat shows, marinas and multifamily residential docks; and
- 5) prohibits water management districts from reducing permitted water withdrawals where alternative water uses are available.

# HB 999 cont.

- Several problem provisions removed from bill on the Senate floor, including provisions that exempt chapter 298 districts from local wetlands permitting and preempt local enforcement of new fertilizer ordinances.
- The bill that passed does contain a provision ratifying several no-bid sugar leases that were approved by the Governor and Cabinet earlier this year and are under legal challenge.

# State Lands Bills

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# CS/CS/CS/HB 1145—State-Owned or State-Leased Space

- Changes several provisions related to state land inventories and procedures used by DEP to sell land determined to be surplus.
- DMS and DEP required to publish yearly report that includes list of surplus land candidates.
- DEP authorized to use techniques other than competitive bidding for parcels with a market value over \$500,000 if competitive bidding process unsuccessful or for parcels with a market value less than \$500,000.
- Sale methods include exclusive listings, negotiated direct sales, auction and other “reasonable means.”

# CS/HB 7087—Department of Agriculture & Consumer Services

- Transfers the management responsibility for Babcock Ranch from non-profit “Babcock Ranch, Inc.” to Florida Forest Service and Lee County.
- Authorizes DACS and FWCC to enter in a memorandum of agreement to develop best management practices for wildlife to be implemented by agriculture industry.
- Local governments are preempted from enforcing ordinances on agricultural lands that conflict with adopted wildlife management best management practices.

# Bills That Failed

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# SB 584/HB 901—Purchase of Land by a Governmental Entity

This bill would have severely restricted the ability of state and local governments to buy additional conservation land by: 1) requiring an equal amount of land to be returned to the tax rolls before additional land is purchased and 2) requiring governmental entities to demonstrate that adequate money is on hand to cover land management costs of existing portfolio as well as for new parcels prior to new acquisitions.

# HB 33/SB 466—State Lands

The bill would have allowed landowners to directly petition the Board of Trustees of the Internal Improvement Trust Fund to exchange state owned land to the landowner for private use in exchange for other lands. The bill would have bypassed the Acquisition and Restoration Council process for reviewing the net environmental benefit of exchanges.

# HB 789/SB 978—Springs Revival Act

- Required water management districts to identify all magnitude 1 or 2 springs in their jurisdiction that are in decline, and develop 5 year restoration plans.
- Required quarterly reports on progress by the water management districts to the Governor, Senate President and House Speaker.
- Although bill did not move, Legislature added \$10 million during budget conference for springs restoration and protection.

# Affordable Housing

Jaimie Ross, Affordable Housing Director  
1000 Friends of Florida

# Context

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- 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”

# 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](#)

# Appropriations – SB1852

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# SB1852

## Appropriation for Housing

- \$200,080,474, of which \$140 million is for affordable housing.

# SB1852

## Habitat for Humanity

\$20 million to Habitat for Humanity (through Department of Economic Opportunity)

- For the acquisition and rehabilitation of existing housing stock.
- Habitat for Humanity would administer an RFP to distribute the grant funds to its affiliates.

# SB1852

## SAIL

### \$50 million for SAIL

- This SAIL funding must be used to provide funding to reduce rents on new or existing rental units, with 50% for elderly units and 50% for units serving extremely low income residents.

### \$10 million for SAIL

- This SAIL funding must be used for the construction or rehabilitation of units of which at least 10%, but not more 25%, are designed, constructed, and targeted for persons with developmental disabilities as defined in s. 393.063, Florida Statutes.

# SB1852

## SHIP

\$40 million for SHIP, which is limited to:

- Rehab or modifying owner occupied homes
- Assisting purchases of existing homes
- Providing housing counseling services
- Providing lease-purchase assistance
- Implementing other strategies approved by FHFC which are related to assisting household and communities impacted by foreclosures, using existing housing stock
- Each local government must use at least 20% of their allocation from this appropriation to serve persons with special needs as defined in s. 420.0004, Florida Statutes. The first priority of these special needs funds must be to use them for persons with developmental disabilities as defined in s. 393.063, Florida Statutes, with an emphasis on home modifications, including technological enhancements and devices, which will allow homeowners to remain independent in their own homes and maintain their homeownership.
- Administrative costs limited to 3%.

# SB1852

## FHFC—Homeless Housing

\$10 million to FHFC

- To be used for a homeless housing competitive grant program.
- The FHFC shall award funds on a competitive basis to private nonprofit organizations to purchase and renovate existing houses and to construct small specialty housing of 15 units or fewer for homeless individuals or families, with priority given to extremely-low-income households



# SB1852

## FHFC—Developmental Disabilities

Another \$10 million to FHFC

- To fund a competitive grant program for housing developments designed, constructed, and targeted for persons with developmental disabilities as defined in s. 393.063, Florida Statutes.
- Private nonprofit organizations whose primary mission includes serving persons with developmental disabilities as defined in s. 393.063, Florida Statutes, shall be eligible for these grant funds.

# SB1852

## Other Distributions

- Additional \$20 million for Affordable Housing through legal services and Domestic Violence Centers Appropriation- makes total appropriation for housing \$160 million
- \$10 million to the Office of the Attorney General, who will contract directly with regional legal aid service providers that will provide legal aid services to low-income and moderate-income homeowners facing foreclosure.
- \$10 million for capital improvements to domestic violence centers

# Sadowski State and Local Housing Trust Funds

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- The Senate and House swept all \$204.13 million available in the Housing Trust Funds for appropriation into Florida's Reserves.

# HB437 -- “Non-Profit” Ad Valorem Property Tax Exemption

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- HB 437 repeals a portion of FS 196.1978 that provided ad valorem property tax exemption to developments that had a non-profit general partner, even though the ownership entity was a for-profit. This was promoted as a way for legitimate non-profits to retain the type of property tax exemption that they would have if they owned the property without the for-profit partnership required when using federal Housing Credits.
- This provision has not generally benefited traditional non-profits, but instead has been used as a vehicle wherein for-profit owners have converted ownership structures to have a “non-profit” general partner—taking existing properties off the tax rolls.

- Also allows FHFC to allocate SAIL funds by RFP.
- FHFC is making a shift to RFPs for disbursement of its housing funds.

# What's Next?

Lester Abberger, Board Member Emeritus  
1000 Friends of Florida



- Governor can veto bills
- Governor can line-item veto budget
- “Unpleasant” surprises

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