



MEMORANDUM

AGENDA ITEM IV. B.2

DATE: FEBRUARY 4, 2013
 TO: COUNCIL MEMBERS
 FROM: STAFF
 SUBJECT: LEGISLATIVE UPDATE

Council staff contacted representatives of partner organizations, including the Florida Regional Planning Councils Association, Florida Association of Counties, Florida League of Cities, 1000 Friends of Florida, American Planning Association (Florida Chapter), Florida Community Developers Association, to develop a list of potential legislation affecting growth management and environmental protection that may be filed during the 2013 Session.

The following is list of Bills that have been filed and issues for which Bills may be filed.

BILL NUMBER	ISSUE AREA	SUMMARY
House Bill (HB) 7 Porter, Elizabeth W. (Baker, Columbia, Hamilton, Suwannee and part of Alachua)	Water Management Districts	(1) Changes the priority list and schedule for which minimum flows and levels are to be approved to include reservations proposed by a District and listed water bodies that could be affected by withdrawals in an adjacent district. (2) Requires Districts to provide technical information and staff resources to support development of reservations, minimum flow or level, or a recovery prevention strategy to be adopted by the Department of Environmental Protection by rule. (3) Allows a District to apply DEP's reservations, minimum flow or level, or a recovery prevention strategy rule without adoption of a District rule. (4) Allows for interagency agreements between Districts for a single District to conduct resource management responsibilities. (5) Requires that some of the benefits accrue to a District that provides funding for a multi-District activity. (6) Exempts cooperative funding programs from rulemaking. (7) Removes language that restricted to the Southwest Florida WMD joint development, by the water supply authority and WMD, water supply plans that affected public utilities.

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HB 23 Rodrigues, Ray Wesley (Part of Lee)	Public Meetings	Requires that member of public be given reasonable opportunity to be heard before board or commission takes official action on proposition before board or commission of state agency or authority or of agency or authority of county, municipal corporation, or political subdivision; provides that opportunity to be heard is subject to rules or policies adopted by board or commission; specifies certain exceptions; provides requirements for rules or policies governing opportunity to be heard; provides that compliance with requirements of act is presumed under certain circumstances; authorizes court to assess reasonable attorney fees in actions filed against board or commission; provides that any action taken by board or commission which is found in violation of act is not void; provides that circuit courts have jurisdiction to issue injunctions for purposes of act. Effective Date: July 1, 2013
HB 33 Smith, Jimmie T. (Citrus and part of Hernando) and Hutson, Travis (Flagler and parts of St. Johns, Volusia)	State Lands	Allows an individual or a private or public corporation 40 with privately held land contiguous to state-owned land to a request directly to exchange state-owned land for conservation easements over the privately held land.
HB 89 Pafford, Mark S. (Part of Palm Beach)	Urban Infill and Redevelopment	Creates the Urban Infill and Redevelopment Assistance Grant Program for communities that have designated areas in their comprehensive plan. Thirty percent of the allocation would be used for planning grants to local governments to develop an urban infill and redevelopment plan. Sixty percent would be available for implementation activities within infill and redevelopment areas at a 50/50 match basis. The remaining ten percent would be for grants for implementation projects less \$50,000. Outlines priorities for funding (jobs for Temporary Cash Assistance Program clients, community redevelopment areas, Main Street, Front Porch, sustainable community, enterprise zone, enterprise community, and neighborhood improvement district. Department of Economic Opportunity would adopt rules for grant review criteria.
HB 109 Young, Dana D. (Part of Hillsborough) and Pilon, Ray (Part of Sarasota)	Consumptive Use Permits	Changes the requirements for alternative water supply permits so that they are based on "sufficient data to provide reasonable assurance that the conditions of the permit issuance will be met for the duration of the permit." Allows permits issued after 01 July

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		<p>2013 to cover a 30 year period. Allows permittee who been issued a permit after 01 July 2013, issued bonds to finance a project, completed construction to request, within seven years, a permit extension to whichever occurs later: retirement of the bonds or 30 years after construction is complete, but no longer than seven years beyond the initial permit expiration. Restricts reducing the quantity of alternative water allocated under a permit if the permittee demonstrates there are outstanding bonds. Restricts permits from authorizing the use of nonbrackish groundwater or nonalternative water supplies.</p>
<p>HB 153 Cruz, Janet (Part of Hillsborough)</p>	<p>Economic Development</p>	<p>Provides tax credits for use by corporation against state corporate income tax in amount equal to specified percentage of corporation's payments to small business providing goods or services to corporation pursuant to contract. The contract must be for at least \$100,000.</p>
<p>HB 165 Gonzalez, Eduardo "Eddy" (Part of Miami-Dade) and Fresen, Erik (Part of Miami-Dade)</p>	<p>Professional Sports Franchise Facilities</p>	<p>Authorizes use of local option tourist development taxes to pay debt service on bonds & other specified costs relating to financing renovation of professional sports franchise facilities.</p>
<p>HB 277 Rehwinkel Vasilinda, Michelle (Part of Leon)</p>	<p>Assessment Of Residential & Nonhomestead Real Property</p>	<p>Excludes value of certain installations, changes, or improvements made after specified date from assessed value of residential real property; provides for application; requires filing of applications by specified times in order for installations, changes, or improvements to be excluded from assessed value of residential real property; provides procedural requirements & limitations; requires nonrefundable filing fee for petition to value adjustment board; specifies additional exceptions to assessment of homestead property at just value; specifies additional exceptions to assessment of nonhomestead property at just value; deletes definition of terms "renewable energy source device" & "device"; repeals provisions relating to property tax exemption for renewable energy source devices; provides for applicability. Transfers between statutes the definition of renewable energy source device, which is a list of equipment that collects, transmits, stores, or uses solar energy, wind energy, or energy derived from geothermal deposits.</p>

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HB 309 Rehwinkel Vasilinda, Michelle (Part of Leon)	Renewable Energy Producers	Revises definition of term "public utility" to exclude certain producers of renewable energy; requires public utilities to purchase electricity from renewable energy producers at certain rate.
HB 319 Ray, Lake (Part of Duval)	Community Transportation Projects	Revises provisions of Community Planning Act and provisions relating to transportation development authorities & community development districts; defines "mobility plan"; provides that certain development projects may not be delayed or denied if applicant has provided payment for transportation impacts, local government must calculate proportionate share contributions based only on certain capital improvements, projects to relieve transportation deficiencies may include projects outside designated deficiency area & mass transit improvements may extend beyond designated deficiency area; revises requirements for replacement by election of community development district board members for certain transit-oriented developments.
HB 415 Hutson, Travis (Flagler and Parts of St. Johns, Volusia)	Brownfields	Revises definition of "housing project" for purpose of tax exemptions relating to building materials used in redevelopment projects; authorizes tax exemptions for substantial rehabilitation of affordable housing in designated brownfield area; revises procedures for designation of brownfield areas by local governments; provides relief of liability for property damages for entities that execute & implement certain brownfield site rehabilitation agreements; provides for retroactive application of such liability relief to certain causes of action.
Senate Bill 50 Negron, Joe (Parts of Indian River, Martin, Palm Beach and St. Lucie)	Public Meetings	Requiring that a member of the public be given a reasonable opportunity to be heard before a board or commission takes official action on a proposition before a board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision; providing that the opportunity to be heard is subject to rules or policies adopted by the board or commission; providing that compliance with the requirements of the act is presumed under certain circumstances; authorizing a court to assess reasonable attorney fees in actions filed against a board or commission; providing that any action taken by a board or commission which is found in violation of the act is not

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		void; providing that circuit courts have jurisdiction to issue injunctions for purposes of the act, etc. Effective Date: July 1, 2013.
SB 84 Diaz de la Portilla, Miguel (Part of Miami-Dade)	Public-private Partnerships;	Provides legislative findings and intent relating to the construction or improvement by private entities of facilities used predominantly for a public purpose; providing for notice to affected local jurisdictions; providing for comprehensive agreements between a public and a private entity; providing for financing sources for certain projects by a private entity; providing for the applicability of sovereign immunity for public entities with respect to qualified projects, etc. Effective Date: July 1, 2013.
SB 192 Legg, John (Parts of Hillsborough and Pasco)	Economic Development	Authorizes the Department of Economic Opportunity to create economic development zones relating to science, technology, engineering, and mathematics (STEM). The STEM zones would be eligible for all incentives and benefits provided for enterprise zones pursuant to state law. A STEM zone must be created in a county that has a state university that is classified as having very high research activity in the analysis by the Carnegie Foundation for the Advancement of Teaching. Florida State University and Universities of Central Florida, Florida, Miami, and South Florida meet this definition.
SB 224 Deter, Nancy (Sarasota and part of Charlotte)	Economic Development	Amends §288.001, Fla. Stat., to add structure to Florida's Small Business Center Network, which is designated as is the principal business assistance organization for small businesses in the state. The Network's Director is hired by the State University Systems' Board of Governors. Provides direction for the composition of the Network's Advisory Board: (1) Three members appointed from the private sector by the President of the Senate; (2) three members appointed from the private sector by the Speaker of the House of Representatives; (3) three members appointed from the private sector by the Governor; (4) one member appointed by the statewide director from the private sector; (5) one member appointed by the host institution; (6) President of Enterprise Florida, Inc., or his or her designee; (7) Chief Financial Officer or his or her designee; (8) President of the Florida Chamber of Commerce or his or her designee; (9) Small Business Development Center Project Officer from the U.S. Small

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		Business Administration at the South Florida District Office or his or her designee; (10) President of the National Federation of Independent Businesses, Florida, or his or her designee; and (11) Executive Director of the Florida United Business Association or his or her designee. Four-year membership terms.
SB 406 Gardiner, Andy (Parts of Brevard and Orange)	Economic Development Programs Evaluation	Establishes a means for the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to evaluate economic development programs. Changes the requires for alternative and renewable energy projects to provide the state, at a minimum, a cumulative break-even economic benefit within a 20-year period; projects previously had to provide a break-even return on investment within 20 years.
No Bill Filed	Gaming	According to Subject Area Trends for Senate Committees (2012-2014), the Senate Gaming Committee is charged with the following areas: "1) Gambling; 2) Indian Gaming Compact; 3) Pari-mutuel wagering; 4) Amusement arcades; 5) State Lottery; and 6) Game Promotions. The Senate Gaming Committee met on 22 January 2013 and received presentations including an overview of gaming in South Florida. A copy of the presentations.
No Bill Filed	Local Planning or Land Development Referenda	The development community will seek clarification that general charter provisions relating to initiatives and referenda as applied to ordinances or resolutions are insufficient to permit challenges to development orders and comprehensive plan amendments, and that such challenges are prohibited by section 163.3167(8) unless expressly authorized prior to June 1, 2011.
No Bill Filed	Expedited Permitting	The development community will seek specific authorization for planning areas in which approval of manufacturing facilities and expansions is expedited.
No Bill Filed	Pilot Comprehensive Plan Amendment Review Process	The development community will seek a potential pilot project to allow a limited number of local governments to review all expedited comprehensive plan amendments, eliminating state review in those jurisdictions.
No Bill Filed	Developments of Regional Impact	The development community will seek minor revisions to development of regional impact statutes to make it easier to make

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		nonsubstantial changes to approved DRIs.
No Bill Filed	Fertilizer	Would allow preemption of local permitting regarding fertilizer.
No Bill Filed	Mean High Water Level	Would change the mean high water definition.
No Bill Filed	U.N. Agenda 21	Would mirror language from other states, such as Georgia, to regarding limiting implementation of sustainability programs.

Recommendation

Information Only

