Southwest Florida Regional Planning Council  
Legislative Affairs Committee  
Legislative Priorities & Bills of Interest – 2014 Legislative Session  
Sean McCabe, Regional Counsel  
Last Updated: April 7, 2014

TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Overview</td>
<td>2</td>
</tr>
<tr>
<td>FY 2014-2015 State Budget</td>
<td>2</td>
</tr>
<tr>
<td>Legislative Calendar</td>
<td>3</td>
</tr>
<tr>
<td>Regional Legislative Priorities</td>
<td>4</td>
</tr>
<tr>
<td>I. Federal Priorities</td>
<td>4</td>
</tr>
<tr>
<td>A. Water Policy</td>
<td>4</td>
</tr>
<tr>
<td>1. Water Resources Development Act (WRDA)</td>
<td>4</td>
</tr>
<tr>
<td>B. Biggert-Waters Flood Insurance Reform Act of 2012</td>
<td>4</td>
</tr>
<tr>
<td>II. State Priorities</td>
<td>4</td>
</tr>
<tr>
<td>A. Water Policy</td>
<td>4</td>
</tr>
<tr>
<td>3. Increase distributed storage in Kissimmee, Lake Okeechobee, and Caloosahatchee basins</td>
<td>4</td>
</tr>
<tr>
<td>B. Southwest Florida Research and Education Center (SWFREC)</td>
<td>5</td>
</tr>
<tr>
<td>Legislation Opposed by Council</td>
<td>5</td>
</tr>
<tr>
<td>SB 372: Developments of Regional Impact</td>
<td>5</td>
</tr>
<tr>
<td>HB 395: Growth Management/Private Property Rights</td>
<td>5</td>
</tr>
<tr>
<td>HB 703: Environmental Regulation</td>
<td>5</td>
</tr>
<tr>
<td>HB 7023: Economic Development</td>
<td>5</td>
</tr>
<tr>
<td>Policy Updates</td>
<td>5</td>
</tr>
<tr>
<td>Water Policy</td>
<td>5</td>
</tr>
<tr>
<td>Environmental Appropriations</td>
<td>6</td>
</tr>
<tr>
<td>Governor Scott’s FY 2014-2015 Policy &amp; Budget Recommendations</td>
<td>6</td>
</tr>
<tr>
<td>Bills of Interest</td>
<td>6</td>
</tr>
<tr>
<td>HB 49: Springs Revival Act (Stewart)</td>
<td>6</td>
</tr>
<tr>
<td>HB 71: Fracturing Chemical Usage Disclosure Act (Rodrigues)</td>
<td>6</td>
</tr>
<tr>
<td>CS/SB 236: Renaming of Florida College System Institutions</td>
<td>7</td>
</tr>
<tr>
<td>HB 157: Public Records/Fracturing Chemical Usage Disclosure Act (Rodrigues)</td>
<td>8</td>
</tr>
<tr>
<td>HB 189: Growth Management (Boyd)</td>
<td>8</td>
</tr>
<tr>
<td>SB 246: Local Government Pensions Reform (Police and Fire Pensions) (Caldwell)</td>
<td>8</td>
</tr>
<tr>
<td>CS/SB 312: Agriculture/Water Storage (Simpson)</td>
<td>8</td>
</tr>
<tr>
<td>HB 315: Local Land Development Regulations (Stark)</td>
<td>9</td>
</tr>
<tr>
<td>SB 356: Vacation Rentals (Thrasher)</td>
<td>9</td>
</tr>
</tbody>
</table>
SB 372: Developments of Regional Impact (Galvano) .................................................................9
HB 395: Growth Management/Private Property Rights (Perry) ......................................................10
SB 510: Local Government Neighborhood Improvement Districts (Ring) ........................................11
CS/SB 542: Flood Insurance (Brandes) ..........................................................................................11
HB 581: Flood Insurance (Ahern & Fitzhenagen) ............................................................................11
CS/SB 586: Brownfields (Altman) ..................................................................................................12
SB 606: Ethics (Clemens) ..............................................................................................................12
HB 611: Rural Areas of Opportunity (Beshears) .............................................................................12
SB 644: Accessory Dwelling Units (Simpson) ....................................................................................12
HB 703/SB 1464: Environmental Regulation (Petronis) .................................................................13
SB 834: Legal Notices (Latvala) .....................................................................................................13
HB 1077: Development Exactions (Perry) .......................................................................................14
SB 1398: Land Conservation (Hays) ..............................................................................................14
SB 1576: Florida Springs and Aquifer Protection Act (Dean) ............................................................14
HB 7005: Department of Transportation (Red Light Camera Preemption Bill) (Artiles) ......................15
CS/HB 7015: Military and Veteran Support (Smith) aka “Florida GI Bill” ............................................15
HB 7023: Economic Development (Trujillo) .....................................................................................16
SPB 7064: Public Records and Meetings ..........................................................................................16
Legislative News & Supplemental Materials ..................................................................................18
Congressional Advisory on the Homeowner Flood Insurance Affordability Act issued by FEMA: ..........18
Southwest Florida Regional Planning Council 2014 Legislative Agenda ..............................................23
Florida Association of Counties 2014 Legislative Priorities ..............................................................25
2014 APA Florida Legislative Program, Position and Policy Statements ...........................................25
Selected Priorities of the 2014 Florida League of Cities Legislative Action Agenda .............................26

Note: The table of contents is hyperlinked. For additional research beyond the information in this document, the
Florida Association of Counties web site has an excellent legislative advocacy section, including a federal legislation section with resources on the Biggert-Waters Flood Insurance Reform Act and WRDA; see also the Florida League of Cities and the Florida Chapter of the American Planning Association legislative web pages.

GENERAL OVERVIEW

We are past the halfway point of the 2014 Legislative Session. The Senate meeting schedule can be found here; the
House meeting schedule can be found here. The 2014 session convened on March 4 and is scheduled to end on May
2.

FY 2014-2015 STATE BUDGET

The budgets are available at the Florida Fiscal Portal:

Both the Senate and House have released preliminary budgets, and the two chambers' budgets are closer than they have been in recent years, in part because there is a $1.2 billion projected surplus. The House proposed a $75.3 billion budget plan, the Senate proposed a $74.9 billion plan; the House budget, HB 5001, was approved 100-16,
and the Senate budget, SB 2500, was approved 38-2. The differences will be worked out in the remaining weeks of
the session.

On April 3, Senate President Don Gaetz announced the senators selected for the Appropriations Conference
Committee on General Government, which includes environmental appropriations; the committee members are Alan
Hays as chairman, and senators Jeff Brandes, Oscar Braynon, Charlie Dean, Wilton Simpson, Darren Soto and Kelli
Stargel.

Regional Planning Councils
The House budget includes $2,500,000 for regional planning councils; however, there is no placeholder in the
Senate budget for regional planning councils. The reference in PCB APC 14-09, the House budget bill:

2226A SPECIAL CATEGORIES
GRANTS AND AIDS - REGIONAL PLANNING COUNCILS
FROM SPECIAL EMPLOYMENT SECURITY ADMINISTRATION TRUST FUND . . . . . . 2,500,000
Funds in Specific Appropriation 2226A are provided to the Regional Planning Councils, 70 percent of which
must be divided equally among the councils, and 30 percent of which must be allocated according to
population. The funds shall be used to prepare and implement strategic regional policy plans, perform regional
review and comment functions, and assist local governments in addressing problems of greater-than-local
significance.

LEGISLATIVE CALENDAR
• March 4, 2014: Regular Session Convenes
• April 22, 2014: Last day for regularly scheduled committee meetings
• May 2, 2014: Last day of regular session
REGIONAL LEGISLATIVE PRIORITIES

There has been legislative activity at both the federal and state level concerning several of the items on Council’s 2014 Legislative Agenda:

I. FEDERAL PRIORITIES

A. WATER POLICY

1. WATER RESOURCES DEVELOPMENT ACT (WRDA)

   Fully support the next Water Resources Development Act (WRDA) bill, including authorization for the Caloosahatchee C-43 West Basin Reservoir Project, and appropriation of the necessary funds to implement the C-43 Reservoir Project. The reservoir will provide 170,000 acre-feet of storage within the Caloosahatchee basin and help address high and low flow issues.

   Update: The House-Senate conference committee began work Nov. 20 on resolving the differences between the Water Resources Reform and Development Act (H.R. 3080) and the Senate’s version of the water resources legislation, S. 601. Leaders from the House Transportation and Infrastructure Committee and Senate Environment and Public Works Committee have expressed optimism over the prospects of adopting a conference bill that can be sent to the President's desk for final passage.

B. BIGGERT-WATERS FLOOD INSURANCE REFORM ACT OF 2012

   Support efforts to suspend implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 federal flood insurance rate hikes until an affordability study is completed, and to amend the time frame for premium adjustments to allow responsible changes that accomplish the objective of a solvent National Flood Insurance Program based on the findings of the study.

   Update: The Homeowner Flood Insurance Affordability Act was signed into law by President Obama on March 21, 2014; FEMA issued a Congressional advisory on the Act on April 3, which is included in this document in the Legislative News & Supplemental Materials section.

II. STATE PRIORITIES

A. WATER POLICY

1. Interim storage on C-43 West Reservoir site.

   Project would significantly increase the amount of water that can be stored on the C-43 West Reservoir (Berry Groves) property until the full project is completed. It would require additional infrastructure including building berms and installing larger pumps to put more water on the site. This would be considered phase 1 of the larger C-43 West Reservoir CERP project and could be included in the state cost share for the federal project. Estimated cost of the interim storage project is $10 million. In addition, the 1,500 acres of land purchased as part of the Berry Groves acquisition should be used to construct a stormwater treatment area (STA) adjacent to the reservoir to treat water before it is discharged into the Caloosahatchee.

   Update: No news on this project.

3. INCREASE DISTRIBUTED STORAGE IN KISSIMMEE, LAKE OKEECHOBEE, AND CALOOSAHATCHEE BASINS.

   Additional funds are needed for the state to partner with large land owners in the Kissimmee, Lake Okeechobee and Caloosahatchee basins to store more water on the land so that it is not discharged to Lake Okeechobee or to

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1 Council’s 2014 Legislative Agenda was created the latter part of 2013 to present at local government legislative delegation meetings; it was intended to be a fluid rather than a static document, to be updated as the session progresses.
the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.

**Update:** On March 3, 2014, the five mayors of Lee County municipalities signed a joint letter to the SFWMD petitioning for reassessment of the Adaptive Protocols for Lake Okeechobee, to identify additional operational flexibility that can be exercised to provide supplemental freshwater flows to the Caloosahatchee when a violation of the Caloosahatchee Minimum Flow and Level (MFL) rule is occurring or is imminent and no other water users are being cutback.

**B. SOUTHWEST FLORIDA RESEARCH AND EDUCATION CENTER (SWFREC)**

Support the continuation of the Southwest Florida Research and Education Center (SWFREC) in Immokalee as part of the Florida Agricultural Experiment Station system, and the continued operation of the University of Florida’s Institute of Food and Agricultural Sciences (IFAS) Extension Service offices in each of the six counties in southwest Florida.

**Update:** There has been a concerted effort to rally legislative support for restoring funding to the Center to prior levels. Council’s resolution supporting funding for the SWFREC was sent to the legislative delegation, and a model resolution was forwarded to council members to facilitate creation of additional resolutions supporting funding for the Center. Over the past month, numerous groups have advocated for the SWFREC funding request in Tallahassee, including the Florida Cattlemen’s Association, the Farm Bureau, and FFVA members. In the preliminary legislative budgets, there was a placeholder in the Senate budget for the SWFREC, but not in the House budget. The Southwest Florida Agricultural community will continue to seek approval of the SWFREC appropriation as the session progresses.

**LEGISLATION OPPOSED BY COUNCIL**

**SB 372: DEVELOPMENTS OF REGIONAL IMPACT**

Abbreviated rationale for opposition: The bill promotes urban sprawl, fails to advance sound growth management principles, fails to provide a mechanism for addressing the impact of proposed development on nearby local governments or regional resources, and conflicts with the SWFRPC’s mission and strategic regional policy plan.

**HB 395: GROWTH MANAGEMENT/PRIVATE PROPERTY RIGHTS**

Abbreviated rationale for opposition: violates local government Home Rule principles.

**HB 703: ENVIRONMENTAL REGULATION**

Abbreviated rationale for opposition: violates local government Home Rule principles.

**HB 7023: ECONOMIC DEVELOPMENT**

Abbreviated rationale for opposition: violates local government Home Rule principles.

**POLICY UPDATES**

**WATER POLICY**

**SB 1576. Springs and Aquifer Protection Act**

On 3/31/14, the Senate Committee on Agriculture approved SB 1576, the Springs and Aquifer Protection Act. The latest version of the bill includes many important protections for 38 Outstanding Florida Springs. As the bill currently reads it shows the result of more than six months of collaborative work by environmental groups and other stakeholders under the guidance and leadership of Senators Dean, Simmons, Simpson, Montford, and Hays.
While optimistic that this bill will see final passage in the Senate, the fight for our springs and water is far from over. The House companion, HB 1313, by Representatives Brodeur, Stewart and Clovis Watson has not been heard in any committees in the Florida House of Representatives.

**ENVIRONMENTAL APPROPRIATIONS**

**GOVERNOR SCOTT'S FY 2014-2015 POLICY & BUDGET RECOMMENDATIONS**

Gov. Scott is proposing $130 million for Everglades projects, a significant increase over the $70 million in the current fiscal year, and includes projects recommended by the Senate Select Committee on Indian River Lagoon and the Lake Okeechobee Basin, which recommended projects that would cost $220 million.

Gov. Scott is proposing to spend $55 million on springs protection, including $5 million for agricultural BMPs, $25 million for alternative water supplies in Central Florida, and $25 million for springs projects across the state.

<table>
<thead>
<tr>
<th>Major Issues</th>
<th>Funded Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Everglades Restoration</td>
<td>$130 million</td>
</tr>
<tr>
<td>Florida Forever/Land Management</td>
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</tr>
<tr>
<td>Springs Restoration</td>
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</tr>
<tr>
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</tr>
<tr>
<td>Beach Projects</td>
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</tr>
<tr>
<td>Drinking Water/Waste Water Facility Construction</td>
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</tr>
<tr>
<td>State Park Facilities Improvements</td>
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</tr>
<tr>
<td>Citrus Research, Management and Production</td>
<td>$12 million</td>
</tr>
</tbody>
</table>

**BILLS OF INTEREST**

*Note: bills are listed in numerical order.*

**HB 49: SPRINGS REVIVAL ACT (STEWART)**

(Similar - SB 76, Soto)

Official description: Springs Revival Act; Requires water management districts to identify certain springs, develop certain plans, & submit certain reports; authorizes districts to adopt rules & issue orders.

Analysis: By October 1 of each year, requires each WMD, with appropriate technical support, to identify first and second magnitude springs that are in decline based upon historic average water quality and flow levels, and which are not identified in DEP’s rule for impaired water bodies. By July 1, 2015, each WMD must develop a five-year plan to restore historic average water quality flow levels to the springs that are identified as described above and in the rule for impaired water bodies. Also beginning July 1, 2015, quarterly progress reports are required. The authority to adopt rules pursuant to this legislation is provided.

Status: Referred to Agriculture and Natural Resources Subcommittee, Rulemaking Oversight and Repeal Subcommittee, State Affairs Committee 10/7/13; Introduced 3/4/14

**HB 71: FRACTURING CHEMICAL USAGE DISCLOSURE ACT (RODRIGUES)**

(Similar - HB 157, Rodrigues)

Official description: Fracturing Chemical Usage Disclosure Act; Creates "Fracturing Chemical Usage Disclosure Act"; directs DEP to designate or establish online hydraulic fracturing chemical registry; requires service providers, vendors, & owners or operators of wells on which hydraulic fracturing treatments are performed to disclose certain information; provides exceptions; authorizes DEP to adopt rules.

Analysis: Hydraulic fracturing is the use of fluid and material to create fractures in a formation to stimulate production from new and existing oil and gas wells. The composition of hydraulic fracturing fluid varies with the
nature of the formation, but typically contains mostly water, a proppant that keeps the fractures open such as sand, and a small percentage of chemical additives. The number of chemical additives used in a typical hydraulic fracture treatment varies depending on the conditions of the specific well.

Currently, there is no federal law or regulation that requires the disclosure of the chemicals added to the fluid used in hydraulic fracturing. Of the states that produce oil, natural gas, or both, at least 15 require some disclosure of information about the chemicals added to the hydraulic fracturing fluid used to stimulate a particular well. Currently in Florida, there is no hydraulic fracturing taking place; however, fracturing is not prohibited under Florida law.

The bill establishes the “Fracturing Chemical Usage Disclosure Act” (Act). The bill directs the Department of Environmental Protection (DEP) to designate or establish an online hydraulic fracturing chemical registry for all wells on which hydraulic fracturing treatments are performed. DEP may designate the Chemical Disclosure Registry, known as FracFocus.org, as the state’s official registry. If DEP designates FracFocus.org as the state’s official registry, DEP must provide a link to the FracFocus.org website on the department’s website. Any registry established by DEP pursuant to the Act must include, at a minimum, the total volume of water used in the hydraulic fracturing treatment and specific chemical ingredients for each well on which hydraulic fracturing treatments are performed, by a service provider or vendor, or by the well owner or operator if the owner or operator provides such chemical ingredients. Solely for the purpose of this Act, DEP may not require chemical ingredients to be identified by concentration or based on the additive in which they are found. If the chemical disclosure registry is unable to accept and make publicly available any information, the service provider, vendor, or well owner or operator must submit the information to DEP.

The bill also specifies that the service provider, vendor, or owner or operator of a well on which hydraulic fracturing treatment is performed must report information within 60 days after the initiation of hydraulic fracturing operations for each well on which hydraulic fracturing treatment is performed; must update the Chemical Disclosure Registry; and must notify DEP of any chemical ingredients not previously reported that are intentionally included and used for the purpose of hydraulically fracturing a well.

The reporting and disclosure requirements in the bill do not apply to certain ingredients that were not purposefully added or occur incidentally.

The bill authorizes DEP to adopt rules to administer the registry.

The bill appears to have a minimal fiscal impact on DEP for establishing a registry and rulemaking; no fiscal impact on local government; and an indeterminate, insignificant negative fiscal impact to the private sector for reporting certain information.

Status: CS by Agriculture and Natural Resources Subcommittee 1/14/14; Introduced 3/4/14

CS/SB 236: RENAMING OF FLORIDA COLLEGE SYSTEM INSTITUTIONS

Official description: Renaming of Florida College System Institutions; Renaming Edison State College and Pasco-Hernando Community College as “Florida SouthWestern State College” and “Pasco-Hernando State College,” respectively, etc.

Analysis: Current law permits an institution in the Florida College System to change its name and use the designation “college” or “state college” if the name change has been approved by the institution’s district board of trustees, the institution has been authorized to grant baccalaureate degrees, and the institution has been accredited as a baccalaureate-degree-granting institution by the Commission on Colleges of the Southern Association of Colleges and Schools. A district board of trustees that approves such a name change must seek statutory codification of the name change during the next regular legislative session. Edison College was renamed Edison State College in the 2009 legislative session, Chapter 2009-228, pursuant to this authority. This bill changes the name of “Edison State College” to “Florida SouthWestern State College” to avoid a possible violation of trademark rights of two other “Edison” institutions in the country.

Status: 4/1/2014 Senate - Ordered enrolled.
HB 157: PUBLIC RECORDS/FRACTURING CHEMICAL USAGE DISCLOSURE ACT (RODRIGUES)

(Related: HB 71, Rodrigues)

Official description: Pub. Rec./Fracturing Chemical Usage Disclosure Act; Provides exemption from public records requirements for trade secrets contained within information relating to hydraulic fracturing treatments obtained by DEP's Division of Resource Management in connection with the division's online hydraulic fracturing chemical registry; provides procedures & requirements with respect to the granting of confidential and exempt status; provides for disclosure under specified circumstances; provides for future review & repeal of the exemption; provides statement of public necessity; provides for contingent effect.

Status: Favorable by Agriculture and Natural Resources Subcommittee 1/14/14; Now in Government Operations Subcommittee; Introduced 3/4/14

HB 189: GROWTH MANAGEMENT (BOYD)

(Similar/companion: SB 374, Detert)

Official description: Growth Management; Revising restrictions on initiative or referendum process in regard to local comprehensive plan amendments & map amendments.

House Analysis: HB 189 revises the prohibition on initiative and referendum processes for local comprehensive plan amendments or map amendments by removing a provision that allows such initiatives or referendum processes for any local comprehensive plan amendment or map amendment that affects more than five parcels of land under certain conditions. The bill prohibits initiative or referendum processes for any local comprehensive plan amendment or map amendment, unless the initiative or referendum process is expressly authorized by specific language in a local government charter which was lawful and in effect on June 1, 2011.

Status: Favorable by Economic Development and Tourism Subcommittee 2/4/14; Introduced 3/4/14; Favorable by Local and Federal Affairs Committee 3/12/14; Favorable by Economic Affairs Committee 3/21/14

SB 246: LOCAL GOVERNMENT PENSIONS REFORM (POLICE AND FIRE PENSIONS)

(CALDWELL)

(Identical: HB 509)

Senate Community Affairs Committee summary: Local Government Pension Reform; Revising the legislative declaration to require that all firefighter pension plans meet the requirements of ch. 175, F.S., in order to receive insurance premium tax revenues; revising existing payment provisions and providing for an additional mandatory payment by the municipality or special fire control district to the firefighters’ pension trust fund; revising the legislative declaration to require that all police officer pension plans meet the requirements of ch. 185, F.S., in order to receive insurance premium tax revenues, etc.

Status: Favorable by Governmental Oversight and Accountability 12/11/13; Favorable by Community Affairs 1/14/14; Introduced 3/4/14; Now in Appropriations

CS/SB 312: AGRICULTURE/WATER STORAGE (SIMPSON)

(Companion bill HB 575 – Albritton)

Senate Community Affairs Committee summary: Agriculture; Providing that participation in a water retention program may be considered a nonincome-producing use under certain circumstances; providing that certain items in agricultural use, certain nets, gas or electricity used for agricultural purposes, and growth enhancers or performance enhancers used by a qualified agricultural producer for cattle are exempt from the sales and use tax imposed under ch. 212, F.S.; requiring a qualified agricultural producer to apply for an agricultural sales and use tax exemption certificate from the Department of Revenue, etc.

Analysis: Under current law, water management districts have the ability to enter into agreements with owners of agricultural land, which could include making payments to that owner under certain circumstances. Such payments are typically classified as revenue and therefore, taxable. SB 312 (and House Bills 207 arid 121 by Representative Jake Raburn) state that participation in a water retention program sponsored by a water management district which requires flooding of land that is assessed at a de minimis value pursuant to § 193.461(7)(a), Fla.Stat., is considered a nonincome-producing use if payments to the owner under the program do not exceed the reasonable expenses associated with program participation. In other words, it reduces the tax liability that exists today as it enables
participants to maintain their greenbelt agricultural classification, which typically results in a significant ad valorem tax savings. The bill also provides an expiration date for this provision of December 31, 2020.  

**Status:** Favorable by Agriculture 12/9/13; CS by Community Affairs 1/8/14; Introduced 3/4/14; CS/CS by Appropriations Subcommittee on Finance and Tax 4/2/14

**HB 315: LOCAL LAND DEVELOPMENT REGULATIONS (STARK)**

(Companion bill: **SB 376**, Soto)  
**Official description:** Local Land Development Regulations; Requires local land development regulations to include sinkhole testing.  
**Status:** Referred to Economic Development and Tourism Subcommittee; Local and Federal Affairs Committee; Economic Affairs Committee 12/13/13; Introduced 3/4/14

**SB 356: VACATION RENTALS (THRASHER)**

(Companion bill: **HB 307**, Hutson)  
The Senate Regulated Industries Committee unanimously passed SB 356 (Thrasher) relating to vacation rentals. SB 356 removes the preemption language that was enacted in 2011, allowing local governments to regulate vacation rental properties to protect the health and welfare of their residents, visitors and businesses.  

**Analysis.** In 2011, the Legislature adopted CS/HB 883, codified at Ch. 2011-119, F.S. The law combined resort condominiums and resort dwellings into a new classification of public lodging establishment, “vacation rentals” and prohibits local governments from treating vacation rentals differently than residential property. The law permits single family homes to be occupied by large numbers of people for time periods as short as one day, impacting permanent residents due to parking issues, noise, garbage collection, and other community concerns.  

**Status:** Favorable by Regulated Industries 1/9/14; Favorable by Community Affairs 2/4/14; Introduced 3/4/14; Placed on Special Order Calendar 3/13/14; Amendment(s) adopted, ordered engrossed 3/20/14; passed as amended 3/26/14

**SB 372: DEVELOPMENTS OF REGIONAL IMPACT (GALVANO)**

(Similar: **HB 241**, Gaetz)  
**Official description:** Developments of Regional Impact; Deleting certain exemptions for dense urban land areas; revising the exemption for any proposed development within a county that has a population of at least 300,000 and an average population of at least 400 people per square mile, etc. Effective Date: 7/1/2014  
**Status:** Favorable by Community Affairs 2/4/14; CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development 2/19/14; Introduced 3/4/14; CS by Appropriations 3/27/14. SB 372 has one more committee stop. The House companion bill, HB 241, has not been heard in its first of three committee stops.  

**Link to analysis prepared by Senate Committee on Community Affairs**  
**Link to analysis prepared by Appropriations Subcommittee on Transportation, Tourism, and Economic Development**  
**Analysis:** SB 372 would amend s. 380.06(29), F.S., by expanding upon the DRI exemptions for Dense Urban Land Areas (DULAs) created by SB 360 in 2009.  

Under current law the following are exempt from DRI review as DULAs:  
- Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;  
- Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan;  
- Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or
• Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164, F.S., which has been adopted into the comprehensive plan.

If SB 372 is enacted:

• The DULA exemption for counties will be amended to include any county with “an average population of at least 400 people per square mile and a population of at least 300,000.”
• The requirement that a proposed development be within an urban service area will be eliminated.
• Local governments like Sarasota County who are certified under § 380.065, Fla. Stat., to conduct their own DRIs would lose their legal basis for requiring developments to go through their DRI process, since the projects would no longer be subject to DRI review.

§ 380.06(24)(u), Fla. Stat. (statutory exemptions to DRI process):
“Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government’s comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.”

• A development that qualifies as a DULA for exemption from DRI review is also exempt from the DRI aggregation rule:
“Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one another. ...”


The effect would be that 14 additional cities and 6 additional counties would be exempt from the DRI process throughout the state, including Lee, Sarasota, Manatee, Brevard, Pasco, and Volusia.

Under the current law, eight counties and 242 municipalities are designated (exempted) as DULAs in Florida. In the SWFRPC region, no counties are currently designated as DULAs, but almost all of our municipalities are: Bonita Springs, Cape Coral, Clewiston, Fort Myers, Fort Myers Beach, Longboat Key, Marco Island, Naples, Punta Gorda, Sarasota, and Venice - the only incorporated municipalities not designated as DULAs are Everglades City, LaBelle, Moore Haven, North Port, and Sanibel.

At the Senate Committee on Appropriations hearing on 3/27/14, the bill was amended to restrict the application of the law change to those designated urban service areas in Dade County, which was one of the eight original exempted counties; the committee passed the bill with 11 yes and 5 no votes. Questions from senators focused on requirements in state law for coordination between state agencies and local governments; groups opposing the legislation claim that current coordination requirements are weak. When questioned by Sen. Lee, Sen. Galvano said that he would consider strengthening coordination requirements in state law.

HB 395: GROWTH MANAGEMENT/PRIVATE PROPERTY RIGHTS (PERRY)
(Related: SB 1314, Evers)

Official description: Growth Management: Requires local governments to address protection of private property rights in their comprehensive plans; requires comprehensive plans to include property rights element that addresses certain objectives; requires counties & municipalities to adopt land development regulations consistent with property rights element. Effective Date: 7/1/2014

Analysis: HB 395 would amend s. 163.3167, F.S., which contains required elements of comprehensive plans, by adding the requirement for a “property rights element”; within a year of adopting the element, each county and municipality would be required to adopt land development regulations consistent with the requirements listed in the law.

Status: Referred to Economic Development and Tourism Subcommittee; Local and Federal Affairs Committee; Economic Affairs Committee 1/8/14; Introduced 3/4/14
SB 510: LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICTS (RING)
(Similar: HB 351)
Local Government Neighborhood Improvement Districts; Providing that an ordinance that creates a local
government neighborhood improvement district may authorize the district to incur certain debts and pledge the
funds, credit, property, and special assessment power of the district to pay such debts for the purpose of financing
certain projects; providing conditions on the exercise of such power, etc.
Status: Favorable by Community Affairs 1/14/14; Introduced 3/4/14; CS by Appropriations Subcommittee on
Finance and Tax, 3/19/14; now in Appropriations

CS/SB 542: FLOOD INSURANCE (BRANDES)
(Companion: HB 581, Ahern)
Official description: This bill was amended and passed by the Senate Banking and Insurance Committee. The bill
creates laws governing the sale of private flood insurance policies, contracts and endorsements by authorized
insurers. The bill also requires insurers that write flood coverage to provide coverage for “flood” as currently
defined by the National Flood Insurance Program (NFIP) and permits insurers to expand flood coverage to include
water intrusion originating from outside the structure.
Analysis: Bill would require insurers that write flood coverage to provide coverage for “flood” as currently defined
by the National Flood Insurance Program (NFIP). It would also permit insurers to expand flood coverage to include
water intrusion originating from outside the structure. For flood rate filings made before July 1, 2024, an insurer
would be allowed to use the following three additional options for developing rates:
• A rate filing that is exempt from the filing and review requirements of sections 627.062(2)(a) and (f), Florida Statutes;
• Individual risk rating; and
• If the insurer obtains the written, signed consent of the policyholder, it may use a flood coverage rate that
  has not been approved by the Office of Insurance Regulation (OIR).
The bill would also:
• Allow flood policies to be offered which adjust flood claims on a replacement cost basis or actual cash
  value;
• Allow policy limits for coverage to be any agreed upon amount;
• Make the following coverages optional: (1) additional living expense coverage, (2) personal property or
  contents, and (3) law and ordinance coverage;
• Require a declarations page of a policy to disclose clearly all limitations on coverage or policy limits;
• Require the insurer to give 45 days prior written notice of cancellation or nonrenewal to the insured and
  any regulated lending institution or federal agency that is a mortgagee; and
• Allow an insurer or insured to cancel during the term of the policy or upon renewal if the cancellation is for
  a valid reason under the NFIP.
Status: CS passed by Banking and Insurance 1/8/14, CS/CS passed by Appropriations Subcommittee on General
Government 2/6/14, Appropriations on 2/20/14; Introduced 3/4/14; CS/CS/CS Banking and Insurance 3/11/14;
Placed on Special Order Calendar, 03/20/14; CS passed as amended 3/26/14

HB 581: FLOOD INSURANCE (AHERN & FITZENHAGEN)
Official description: Flood Insurance; Adds projected flood losses to factors that must be considered by OIR in
reviewing certain rate filings; increases membership of Florida Commission on Hurricane Loss Projection
Methodology; requires commission to adopt standards & guidelines relating to flood loss by certain date; authorizes
insurers to offer flood insurance in this state; establishes minimum coverage requirements for such policies; provides
coverage limitations that an insurer may include in such policies; requires that certain limitations be noted on policy
declarations or face page; provides insurer with rate options; requires insurer to provide notice that flood insurance
is available from National Flood Insurance Program; allows insurer to export contract or endorsement of certain amount to surplus lines insurer without meeting certain requirements; provides prior notice requirements for cancellation or nonrenewal of policy; requires insurer to notify office before writing flood insurance & to file plan of operation with office; provides preemption for any conflicts with other provisions of Florida Insurance Code; requires Commissioner of OIR to provide certification that condition qualifies for flood insurance or disaster assistance.

Status: Referred to Insurance and Banking Subcommittee; Government Operations Appropriations Subcommittee; Regulatory Affairs Committee 1/27/2014; Introduced 3/4/14

**CS/SB 586: BROWNFIELDS (ALTMAN)**

Official description: Brownfields; Revising legislative intent with regard to community revitalization in certain areas; revising procedures for designation of brownfield areas by local governments; providing procedures for adoption of a resolution; providing requirements for notice and public hearings; authorizing local governments to use a term other than “brownfield area” when naming such areas; providing an exemption from liability for property damages for entities that execute and implement certain brownfield site rehabilitation agreements, etc.

Status: CS by Environmental Preservation and Conservation 2/5/14; Introduced 3/4/14; Favorable by Community Affairs 3/5/14; CS/CS by Judiciary 4/1/14

**SB 606: ETHICS (CLEMENS)**

(Related: HB 655, Hood; SB 846, Latvala)

Official description: Governmental Ethics; Requiring elected municipal officials to participate in annual ethics training; deleting the requirement that each reporting individual or procurement employee file a quarterly statement disclosing certain gifts with the Commission on Ethics; authorizing a reporting individual or procurement employee to request an advisory opinion regarding application of the section; requiring the commission to impose a civil penalty on a person who has filed a complaint with malicious intent under certain circumstances, etc.

Analysis: The bill addresses a number of governmental ethics issues including providing a balanced manner by which public officials may identify, disclose and resolve (or otherwise avoid) conflicts between public duty and private interests.

Status: In Committee on Ethics and Elections; Introduced 3/4/14

**HB 611: RURAL AREAS OF OPPORTUNITY (BESHEARS)**

Similar: HB 7023 (Trujillo)

Official description: Rural Areas of Opportunity; Increases value of tax credits for certain eligible businesses; provides additional tax credit for certain businesses located within rural area of opportunity; authorizes certain eligible businesses to apply for ad valorem tax reimbursement in specified amount; provides for sales tax refund for certain eligible businesses; increases maximum amount of grant funds that regionally based economic development organizations may receive from DEO; deletes provision that caps tax refund amount for certain qualified target industry business tax refund applicants; exempts certain businesses from requirement that tax refunds be reduced in absence of specified amount of local financial support; revises definition of term "rural enterprise zone" to include rural areas of opportunity; specifies that rural area of opportunity shall be designated as rural enterprise zone; renames "rural areas of critical economic concern" as "rural areas of opportunity."

Summary: The bill would rename "Rural Areas of Critical Economic Concern" under state law to "Rural Areas of Opportunity."

Status: Referred to Economic Development and Tourism Subcommittee; Finance and Tax Subcommittee; Economic Affairs Committee 1/27/14; Introduced 3/4/14

**SB 644: ACCESSORY DWELLING UNITS (SIMPSON)**

Official description: Accessory Dwelling Units; Authorizing certain property owners to construct accessory dwelling units for exclusive occupancy by specified seniors, disabled persons, or the caregivers of such persons under certain circumstances; requiring such property owners to submit an application and affidavit to local
government authorities to construct an accessory dwelling unit; providing that accessory dwelling units must comply with specified local government regulations and are subject to local government fees and charges, etc.

Status: Referred to Children, Families, and Elder Affairs; Community Affairs; Commerce and Tourism 1/22/14; Introduced 3/4/14

**HB 703/SB 1464: ENVIRONMENTAL REGULATION (PETRONIS)**

(Companion: SB 1464, Simpson)

**Official description:** Environmental Regulation; Specifies authority of counties to enforce certain wetlands, springs protection, & stormwater ordinances, regulations, & rules; provides vote requirements for adoption of certain elements of local government comprehensive plans & plan amendments; prohibits local governments from rescinding certain comprehensive plan amendments; authorizes durations & multiple commencement dates for certain consumptive use permits; requires delegated local governments to follow certain criteria & standards for well construction; provides that proof of insurance meets certain mitigation bank permit requirements; requires certain criteria to be incorporated into regional water supply plans; provides conditions under which DEP is required to establish certain greenhouse gas performance standards & repeal & revise certain rules; establishes solid waste landfill closure account within Solid Waste Management Trust Fund.

**Analysis:**

1000 Friends of Florida claims that HB 703 would undermine the power of each local governments to enact and enforce critical local comprehensive plans, policies, and implementing regulations, and that the bill:

- Retroactively preempts local government authority to protect wetlands and springs and regulate stormwater runoff. It would, in effect, repeal comprehensive plan policies, implementing regulations and other land use controls related to these issues that have been adopted since 2003;
- Retroactively preempts local government authority to require a supermajority vote on comprehensive plans and amendments, again impacting plans and amendments enacted from 2003 on; and,
- Prevents any local government from rescinding a plan amendment where development has been approved on bona fide agricultural lands.

**SB 1464**

SB 1464 is the companion to HB 703 by Rep. Jimmy Patronis, R-Panama City. Patronis has removed several controversial sections from the bill; however, the bill is still opposed by environmental advocacy groups.

Sections that were removed include section 1 of the bill, which would have prevented counties from enforcing against farms those springs or wetland regulations that were modified or readopted since 2003, and the section that excluded certain drainage districts from regulation by local government.

Status: Referred to Agriculture and Natural Resources Subcommittee, Local and Federal Affairs Committee, Agriculture and Natural Resources Appropriations Subcommittee, State Affairs Committee 2/3/2014; Introduced 3/4/14; CS by Agriculture and Natural Resources Subcommittee 3/4/14; CS referred to Agriculture and Natural Resources Appropriations Subcommittee, State Affairs Committee; Now in Agriculture and Natural Resources Appropriations Subcommittee 3/13/14; Favorable by Agriculture and Natural Resources Appropriations Subcommittee 3/31/14.

**SB 834: LEGAL NOTICES (LATVALA)**

(Companion: HB 781, Powell)

**Official description:** Legal Notices; Authorizing clerks of court to provide links to legal notices web pages; prohibiting charging a fee or requiring registration for viewing online legal notices; establishing the period for which legal notices are required to be published on the statewide website; requiring that legal notices be archived on the statewide website for a specified period; providing that the printed version of a legal notice prevails if there is a conflict; providing applicability, etc.

Status: Referred to Governmental Oversight and Accountability; Judiciary; Appropriations 2/6/14; Introduced 3/4/14; CS by Governmental Oversight and Accountability 3/13/14; Favorable by Judiciary 4/1/14
HB 1077: DEVELOPMENT EXACTIONS (PERRY)

(Related: SB 1310, Evers)

Official description: Development Exactions; Prohibits local governments from imposing or requiring certain exactions on or against private property; provides exceptions.

Analysis: HB 1077 and its companion bill, SB 1310, would prohibit local governments from placing permit requirements on development projects that are more stringent than those issued by state and federal agencies. The bills are supported by property rights groups, and are related to a controversial case decided by the U.S. Supreme Court last year, Koontz v. St. Johns River Water Management District, 133 S.Ct. 2586 (2013). Text of proposed bill:

Section 1. Section 70.45, Florida Statutes, is created to read:

70.45 Local government development exactions.—

(1) The Legislature finds that in the land use planning and permitting process, a landowner or applicant may be especially vulnerable to excessive demands for relinquishment of property or money in exchange for planning and permitting approvals. The Legislature further finds that exaction demands beyond the direct impact of a proposed development are against public policy and are therefore prohibited.

(2) A county, municipality, or other local governmental entity may not impose on or against any private property a tax, fee, charge, or condition or require any other development exaction, either directly or indirectly, that:

(a) Requires building, maintaining, or improving a public, private, or public-private infrastructure or facility that is unrelated to the direct impact of a proposed development, improvement project, or the subject of an application for a development order or administrative approval.

(b) Is more stringent than an exaction imposed by a state or federal agency on or against the same property concerning the same impact.

(3) This section does not prohibit a county, municipality, or other local governmental entity, upon demonstration, from:

(a) Imposing a tax, fee, charge, or condition or requiring any other development exaction that serves to mitigate the direct impact of the proposed development and that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public-private infrastructure or facility that is maintained, owned, or controlled by the county, municipality, or other local governmental entity.

(b) Accepting the voluntary dedication of land or an easement that has an essential nexus to, and is roughly proportionate to, the impacts of the proposed development upon the public, private, or public-private infrastructure or facility that is maintained, owned, or controlled by the county, municipality, or other local governmental entity and the development or proposed development is situated on the specific property to which the dedication of land or easement applies.

Status: Introduced 3/4/14; Referred to Local and Federal Affairs Committee; Finance and Tax Subcommittee; Economic Affairs Committee 3/5/14

SB 1398: LAND CONSERVATION (HAYS)

Official description: Land Conservation; Limiting the ability of the state, a county, or a municipality to purchase land outside an area of critical concern for conservation purposes; providing criteria; exempting purchases of land if they are approved by referendum or if the land is purchased for active public use, etc.

Status: Filed 2/27/14; Referred to Environmental Preservation and Conservation; Community Affairs; Appropriations 3/4/14; Introduced 3/4/14

SB 1576: FLORIDA SPRINGS AND AQUIFER PROTECTION ACT (DEAN)

(Similar: HB 1313, Brodeur)

Official description: Springs; Specifying distributions to the Ecosystem Management and Restoration Trust Fund; requiring the Department of Environmental Protection or the governing board of a water management district to
establish the minimum flow and water level for an Outstanding Florida Spring; creating the “Florida Springs and Aquifer Act”; specifying prohibited activities within a spring protection and management zone of an Outstanding Florida Spring; repealing provisions relating to periodic evaluation and assessment of onsite sewage treatment and disposal systems, etc.

**Analysis:** Bills were filed in both chambers that would reduce pollution of springs, while easing requirements in draft legislation for upgraded sewage treatment plants and septic tanks in spring areas. The bills would allocate money from documentary stamp taxes to fund springs projects. Rather than requiring the properties with septic tanks to connect to central sewers or advanced septic systems, the bill requires compliance with state “basin management action plans”; the bills also require water management districts to establish minimum flows for springs by July 1, 2015.

**Status:** Referred to Environmental Preservation and Conservation; Agriculture; Appropriations 3/5/14; CS by Environmental Preservation and Conservation 03/20/14; CS/CS by Agriculture 03/31/14; CS/CS by Agriculture read 1st time, 4/3/2014.

**HB 7005: DEPARTMENT OF TRANSPORTATION (RED LIGHT CAMERA PREEMPTION BILL)**

(ARTILES)

(Formerly PCB 14-01) General Bill by Transportation and Highway Safety Subcommittee; Department of Transportation; Revises provisions relating to Mid-Bay Bridge Authority, traffic infraction detectors, acquisition & disposition of property, lease of property, transportation facilities that are interoperable with department's systems, mitigation of project environmental impact, & Pinellas Bayway & repeals provisions for Florida Statewide Passenger Rail Commission.

**Analysis:** The Transportation and Highway Safety Subcommittee passed proposed committee bill THSS 14-01 (PCB 14-01), which contains several provisions relating to transportation: After July 1, 2014, cities would be prohibited from installing red light cameras or relocating existing red light cameras. The fine for a red light camera violation would be reduced from $158 to $83. Cities would no longer receive any of the revenue generated by a red light camera violation. A surcharge could be imposed by cities for the sole purpose of funding administrative costs and to satisfy contractual agreements with vendors.

The bill also makes changes to the Florida Department of Transportation (FDOT) process for conveying surplus property; it would eliminate the requirement that FDOT offer cities a right of first refusal to purchase surplus property located within city limits. The would also prohibit cities from charging for public parking, such as installing parking meters, within the right-of-way of a state road.

**Links:** PCB 14-01, Committee Bill Analysis

**Status:** Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee 1/27/14; Introduced 3/4/14; CS by Transportation and Economic Development Appropriations Subcommittee 3/24/14; Now in Economic Affairs Committee 3/28/14

**CS/HB 7015: MILITARY AND VETERAN SUPPORT (SMITH) AKA “FLORIDA GI BILL”**

**Related:** HB 873/SB 970, Employment of Veterans; SB 860, Military and Veterans Affairs; SB 418, Fee Waivers for Military Veterans; CS/CS/SB 140, Driver Licenses; CS/CS/SB 84, Waivers of Out-of-state Fees for Veterans

**Official description:** Military and Veteran Support; Revises & creates provisions to benefit veterans & service members with regard to Educational Dollars for Duty program; Florida Veterans' Walk of Honor & Florida Veterans' Memorial Garden; governmental employment preference; residency in Florida State Veterans' Domiciliary Home & admittance to state veterans' nursing home; drivers license & learner's permit exemptions & extensions; physician certificate for practice in areas of critical need; & waiver of certain state university & Florida College System institution fees; provides appropriations for specified installations under Military Base Protection Program & state readiness centers. APPROPRIATION: $26,500,000.00

**Analysis by House Economic Affairs Committee**

The bill creates the Congressman C. W. Bill Young Veteran Tuition Waiver Program, which requires a state university or college to waive out-of-state charges for honorably discharged veterans returning to or resettling in
Florida. Young, the longest-serving Republican member of Congress when he died last year, represented Pinellas County and was a staunch supporter of the military.

Veterans going back to school have been paying out-of-state tuition; universities generally require 12 months of residency for in-state tuition. The bill just requires veterans to be Florida residents when they apply.

The savings are significant. For example, the University of South Florida’s out-of-state full-time undergraduate cost is $19,664 per academic year, compared with a cost of about $6,409 for in-state students, records show.

Florida is home to more than 1.5 million veterans, the third-largest population behind California and Texas, according to the U.S. Department of Veterans Affairs.

Among other highlights, the state GI Bill would:

- Fund scholarships for Florida National Guard members.
- Pay for exams to get a license and for licensing fees.
- Pay for training to get industry certifications — such as welder, nursing assistant or database administrator — or pay for continuing education classes needed to maintain those certifications.
- Allow some courses to be taken online, including those offered by Florida State University and the University of Florida, the state’s designated “pre-eminent research universities.”
- Allow for stipends to pay for books, based on funding availability.

**Status:** CS by Appropriations Committee 2/4/14; CS/CS by- Economic Affairs Committee 02/20/14; CS passed, certified 3/4/14; Senate, Substituted for CS/SB 860, CS passed, certified 3/11/14; House, ordered enrolled, 3/11/14 (final passage); signed by governor.

**HB 7023: ECONOMIC DEVELOPMENT (TRUJILLO)**

**Official description:** Economic Development; Revises provisions relating to transportation concurrency, impact fees, loan programs, urban redevelopment, Space Florida, Unemployment Compensation Trust Fund contributions, & rural areas of critical economic concern. Effective Date: 7/1/2014

**Analysis:** HB 7023 would prohibit the application of impact fees or transportation concurrency on new business developments of less than 6,000 square feet; a city or county commission could opt out of the requirement, and this change to the law would expire after three years. Opposition is expected from 1000 Friends of Florida, the Florida League of Cities, and Florida Association of Counties, who opposed similar language last year; the Florida Chamber of Commerce has expressed support for the bill.

**Status:** Referred to Transportation and Economic Development Appropriations Subcommittee; Economic Affairs Committee 2/5/2014; Favorable by Transportation and Economic Development Appropriations Subcommittee 3/5/14; CS by Economic Affairs Committee 4/4/14

**SPB 7064: PUBLIC RECORDS AND MEETINGS**

(Companion: HB 1151)

**Official description:** Bill proposed by Governmental Oversight and Accountability. Public Records and Meetings; Revising the general state policy on public records; authorizing a person to make a request to inspect or copy a public record at certain agency offices; providing that public records requests need not be in writing unless otherwise required by law; providing that a party filing an action against certain agencies is not required to serve a copy of a pleading claiming attorney fees on the Department of Financial Services, etc.

**Analysis:** SPB 7064 substantially amends the public records and public meetings laws. This bill clarifies how the public may access records and how agencies should respond. This bill also outlines what an agency may charge as a service fee and incorporates the cost of litigating attorney fees if an agency loses an enforcement action. This bill places additional requirements on organizations that accept membership fees from the government and on businesses contracted with the government. Provisions of possible concern to SWFRPC: amends § 119.01, Fla. Stat., stipulating:

- that requests to inspect or copy public records can be made at any agency location which provides or receives government services; and
• prohibiting an agency from paying dues to any foundation or association unless certain records of the foundation or association are open for inspection and copying, including all financial, business, and membership records pertaining to the agency paying dues, and all other records that the foundation or association shares publicly or with its members.

Creates § 119.0702, F.S., requiring public records law training of all agency employees who deal with public record requests.

Status: Passed Governmental Oversight and Accountability Committee 03/06/14; Submit as committee bill by Governmental Oversight and Accountability (SB 1648), 3/7/14.

This law repeals and modifies certain provisions of the Biggert-Waters Flood Insurance Reform Act, which was enacted in 2012, and makes additional program changes to other aspects of the program not covered by that Act. Many provisions of the Biggert-Waters Flood Insurance Reform Act remain and are still being implemented.

While FEMA actively works to implement the new law, we encourage policyholders to maintain and keep current flood insurance policies. FEMA does NOT recommend cancelling a flood insurance policy. Cancelling flood insurance policies now will leave policyholders unprotected during spring flooding and may cause policyholders to lose important discounts on their rate if they reinstate the future.

- The new law lowers the recent rate increases on some policies, prevents some future rate increases, and implements a surcharge on all policyholders. The Act also repeals certain rate increases that have already gone into effect and provides for refunds to those policyholders. The Act also authorizes additional resources for the National Academy of Sciences (NAS) to complete the affordability study.

- FEMA looks forward to working with Congress, the private Write Your Own insurance companies, and other stakeholders to implement these Congressionally mandated reforms and to working toward our shared goals of helping families maintain affordable flood insurance, ensuring the financial stability of the NFIP, and reducing the risks and consequences of flooding nationwide. FEMA will also continue to identify and publish special flood hazards and flood risk zones as authorized and required by Congress.

- FEMA has actively begun analyzing and prioritizing implementation of the new law. We will be working with the private Write Your Own insurance companies in the next few weeks to seek their input and expertise prior to issuing business practice bulletins.

- It is not possible for changes to happen immediately. While the new law does require some changes to be made retroactively, applying to certain policies written after July 6, 2012, other changes require establishment of new programs, processes and procedures.

- FEMA’s initial priority is assessing potential changes to the NFIP’s business processes to stop policy increases for certain subsidized policyholders as outlined in the Act.

- FEMA also plans to issue guidance in the months ahead for the Write Your Own insurance companies to begin issuing refunds as outlined in the law for some policyholders who were previously impacted by subsidy phase outs.

- More information on the new law and its impacts on the NFIP will be forthcoming.
REFUNDS

- For certain flood insurance policies affected by the Pre-Flood Insurance Rate Map (Pre-FIRM) subsidy elimination required by BW-12, the new law mandates refunds of the excess premiums that those policyholders were charged pursuant to the requirements of BW-12. Refunds will not affect all subsidized policyholders who received rate increases as directed by Congress in BW-12, only policyholders for whom the rate increases under BW-12 were revoked by the new law. Refunds will affect only a small percentage of the overall NFIP policy base.
  - Prior to restoring and refunding premiums, FEMA is required by the Homeowner Flood Insurance Affordability Act to consult with its partner insurers (Write-Your-Own insurance companies or WYOs) to develop guidance and rate tables.
  - In accordance with the new law, FEMA will work to develop and finalize its guidance and rate tables within eight months.
  - The law provides WYO insurance companies between six and eight months to implement the changes and update systems to implement the guidance.
- FEMA is working closely with the WYO insurance companies to develop a timetable for processing refunds expeditiously.

REFUNDS APPLY TO:
  - Policyholders in high-risk areas who were required to pay their full-risk rate after purchasing a new flood insurance policy on or after July 6, 2012.

REFUNDS MAY APPLY TO:
  - Policyholders who renewed their policy after the Homeowner Flood Insurance Affordability Act was enacted on March 21, 2014 and whose premium increased more than 18 percent.

REFUNDS DO NOT APPLY TO:
  - Policyholders paying the 25 percent annual rate increases, as required by Congress in BW-12, for a Pre-FIRM subsidized non-primary residence, business, Severe Repetitive Loss property, or building that was substantially damaged or improved.
  - Policyholders whose full-risk premium is less than the Pre-FIRM subsidized premium, or who were not overcharged according to any retroactive revisions to the Pre-FIRM subsidized rates required by the new law.
  - Policyholders who saw usual, annual rate increases in 2013 or 2014, or policyholders who paid the 5 percent fee, as required by BW-12, for the NFIP Reserve Fund, will only see a refund if their premium renewal was after March 21, 2014 and their total premium, including the reserve fund, exceeded 18 percent.

PREMIUM RATES FOR SUBSIDIZED POLICIES

- The new law requires gradual rate increases to properties now receiving artificially low (or subsidized) rates instead of immediate increases to full-risk rates required in certain cases under BW-12.
- FEMA is required to increase premiums for most subsidized properties by no less than 5 percent annually until the class premium reaches its full-risk rate. It is important to note that close to 80 percent of NFIP policyholders paid a full-risk rate prior to either BW-12 or HDFIAA, and are minimally impacted by either law.
- With limited exceptions flood insurance premiums cannot increase more than 18 percent annually.
  - There are some exceptions to these general rules and limitations. The most important of these exceptions is that policies for the following properties will continue to see up to a 25 percent increase.
annual increases as required by BW-12 until they reach their full-risk rate: Older business properties insured with subsidized rates;
- Older non-primary residences insured with subsidized rates;
- Severe Repetitive Loss Properties insured with subsidized rates;
- and buildings that have been substantially damaged or improved built before the local adoption of a Flood Insurance Rate Map (known as Pre-FIRM properties).

- In order to enable new purchasers of property to retain Pre-FIRM rates while FEMA is developing its guidelines, a new purchaser will be allowed to assume the prior owner’s flood insurance policy and retain the same rates until the guidance is finalized. Also, lapsed policies receiving Pre-FIRM subsidized rates may be reinstated with Pre-FIRM subsidized rates pending FEMA’s implementation of the rate increases required by the Homeowner Flood Insurance Affordability Act.

NEW SURCHARGE ON ALL POLICIES

- A new surcharge will be added to all policies to offset the subsidized policies and achieve the financial sustainability goals of BW-12. A policy for a primary residence will include a $25 surcharge. All other policies will include a $250 surcharge. The fee will be included on all policies, including full-risk rated policies, until all Pre-FIRM subsidies are eliminated.

GRANDFATHERING

- The new law repeals a provision of BW-12 that required FEMA, upon the effective date of a new or updated Flood Insurance Rate Map, to phase in premium increases over five years by 20 percent a year to reflect the current risk of flood to a property, effectively eliminating FEMA’s ability to grandfather properties into lower risk classes.
- Also for newly mapped in properties, the new law sets first year premiums at the same rate offered to properties located outside the Special Flood Hazard Area (preferred risk policy rates).
- With limited exceptions, flood insurance premiums cannot increase more than 18 percent annually.

FLOOD INSURANCE ADVOCATE

- The new law requires FEMA to designate a Flood Insurance Advocate to advocate for the fair treatment of NFIP policy holders.
- The Advocate will:
  - Educate property owners and policyholders on individual flood risks; flood mitigation; measures to reduce flood insurance rates through effective mitigation; the flood insurance rate map review and amendment process; and any changes in the flood insurance program as a result of any newly enacted laws;
  - Assist policy holders and property owners to understand the procedural requirements related to appealing preliminary flood insurance rate maps and implementing measures to mitigate evolving flood risks;
  - Assist in the development of regional capacity to respond to individual constituent concerns about flood insurance rate map amendments and revisions;
  - Coordinate outreach and education with local officials and community leaders in areas impacted by proposed flood insurance rate map amendments and revisions; and
Federal Emergency Management Agency

- Aid potential policy holders in obtaining and verifying accurate and reliable flood insurance rate information when purchasing or renewing a flood insurance policy.

OTHER PROVISIONS

- The new law permits FEMA to account for property specific flood mitigation that is not part of the insured structure in determining a full-risk rate.
- The law requires that residential basement floodproofing be considered when developing full-risk rates after a map changes increasing the Base Flood Elevation in an area where residential basement floodproofing is permitted.
- The law mandates that FEMA develop an installment plan for non-escrowed flood insurance premiums, which will require changes to regulations and the Standard Flood Insurance Policy contract.
- The law increases maximum deductibles.
- The law encourages FEMA to minimize the number of policies where premiums exceed 1-percent of the coverage amount, and requires FEMA to report such premiums to Congress.

DRAFT AFFORDABILITY FRAMEWORK

- The new law requires FEMA to prepare a draft affordability framework, which is due to Congress 18 months after completion of the affordability study required by BW-12. The Affordability Study required by BW-12 is underway and is being conducted by the National Academies of Sciences, as specified in the BW-12 law.
- In developing the affordability framework, FEMA must consider:
  - accurate communication to customers of the flood risk,
  - targeted assistance based on financial ability to pay,
  - individual and community actions to mitigate flood risk or lower cost of flood insurance,
  - the impact of increases in premium rates on participation in NFIP,
  - and the impact of mapping update on affordability of flood insurance.
- The affordability framework will include proposals and proposed regulations for ensuring flood insurance affordability among low-income populations.

MAPPING

- The Homeowner Flood Insurance Affordability Act requires the Technical Mapping Advisory Council (TMAC) to review the new national flood mapping program authorized under the 2012 and 2014 flood insurance reform laws. The law requires the Administrator to certify in writing to Congress that FEMA is utilizing “technically credible” data and mapping approaches. The law also requires FEMA to submit the TMAC review report to Congress.
- FEMA will be looking to the TMAC for recommendations on how best to meet the legislatively mandated mapping requirements for the new mapping program including the identification of residual risk areas, coastal flooding information, land subsidence, erosion, expected changes in flood hazards with time, and others.

4  4/3/14
Federal Emergency Management Agency

- As the new national flood mapping program is being established, FEMA expects there will be opportunities to make incremental improvements to current procedures as it provides flood hazard data and information under the National Flood Insurance Program (NFIP). FEMA will make those improvements where necessary to ensure all ongoing changes to flood hazards continue to be effectively communicated, mitigated, and properly insured against.

- The law lifts the $250,000 limit on the amount that FEMA can spend to reimburse homeowners for successful map appeals based on a scientific or technical error. Federal rulemaking is required in order to implement this provision.

- FEMA is authorized to account for reconstruction or improvements of flood protection, not just new construction. It authorizes FEMA to consider the existing present value of a levee when assessing adequate progress for the reconstruction of an existing flood protection system. The law extends certain provisions related to NFIP requirements in areas restoring discredited flood protection systems to coastal levees and clarifies that the levee needs to be considered without regard to the level of federal funding for the original construction or the restoration.

- The law exempts mapping fees for flood map changes due to habitat restoration projects, dam removal, culvert re-design or installation, or the installation of fish passages.

- The law requires FEMA to consider the effects of non-structural flood control features, such as dunes, and beach and wetland restoration when it maps the special flood hazard area.

- The law requires FEMA to enhance coordination with communities before and during mapping activities and requires FEMA to report certain information to members of Congress for each State and congressional district affected by preliminary maps.

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Mission: to work together across neighboring communities to consistently protect and improve the unique and relatively unspoiled character of the physical, economic and social worlds we share for the benefit of our future generations.

The Southwest Florida Regional Planning Council (SWFRPC) is a multi-purpose regional entity created in 1973 pursuant to an interlocal agreement between Charlotte, Collier, Glades, Hendry, Lee and Sarasota counties. The SWFRPC supports legislative actions consistent with its mission.

I. Federal Priorities

A. Water Policy

1. Fully support the next Water Resources Development Act (WRDA) bill\(^2\), including authorization for the Caloosahatchee C-43 West Basin Reservoir Project, and appropriation of the necessary funds to implement the C-43 Reservoir Project. (Reservoir will provide 170,000 acre-feet of storage within the Caloosahatchee basin and help address high and low flow issues.)

2. Fast track the Central Everglades Planning Project (CEPP) and get congressional support and funding for the project. (The project will move approximately 210,000 acre-feet of water south of Lake Okeechobee and will reduce some of the damaging flows to the St. Lucie and Caloosahatchee estuaries.)

3. The Federal Government needs to fund their share of the Comprehensive Everglades Restoration Plan (CERP) and implement the projects agreed to in the plan. (A majority of the lands needed for the projects have been purchased by the State and need Federal funding to move forward with the projects.)

4. Continue to keep pressure on the U.S. Army Corps of Engineers to move as quickly as possible to rehabilitate the Herbert Hoover Dike. (The project will protect the communities around Lake Okeechobee and provide more freeboard and temporary storage in the lake to reduce peak flows to the estuaries.)

B. Support efforts to suspend implementation of the Biggert-Waters Flood Insurance Reform Act of 2012 federal flood insurance rate hikes until an affordability study is completed, and to amend the time frame for premium adjustments to allow responsible changes that accomplish the objective of a solvent National Flood Insurance Program based on the findings of the study.\(^3\)

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\(^2\) Two water resource bills were passed by Congress in 2013: H.R. 3080, Water Resources Reform & Development Act of 2013 (passed the House on 10/23/2013), and S. 601, Water Resources Development Act of 2013 (passed the Senate on 05/15/2013); bills now in conference.

\(^3\) Both the Senate and House versions of the Homeowner Flood Insurance Affordability Act, S. 1846 and H.R. 3370, have been passed. The most recent was the House version, which passed on 3/4/14; it will now go to the Senate for final approval, and then to the President for his signature.
II. State Priorities

A. Water Policy

1. **Interim storage on C-43 West Reservoir site** – Project would significantly increase the amount of water that can be stored on the C-43 West Reservoir (Berry Groves) property until the full project is completed. It would require additional infrastructure including building berms and installing larger pumps to put more water on the site. This would be considered phase I of the larger C-43 West Reservoir CERP project and could be included in the state cost share for the federal project. Estimated cost of the interim storage project is $10 million. In addition, the 1,500 acres of land purchased as part of the Berry Groves acquisition should be used to construct a stormwater treatment area (STA) adjacent to the reservoir to treat water before it is discharged into the Caloosahatchee.

2. **Lake Hicpochee Restoration Project** – Funds needed to complete planning and construction on north and south sides of Lake Hicpochee to increase storage and treatment. Estimated cost for planning and construction is $20-30 million. Project will result in increased water storage and treatment within the Caloosahatchee basin.

3. **Increase distributed storage in Kissimmee, Lake Okeechobee, and Caloosahatchee basins.** Additional funds are needed for the state to partner with large land owners in the Kissimmee, Lake Okeechobee and Caloosahatchee basins to store more water on the land so that it is not discharged to Lake Okeechobee or to the Caloosahatchee River. No cost estimate available, but new partners could be brought on as funds become available.

4. **Southwest Florida Comprehensive Watershed Plan (SWFCWP)** – Support funding for projects furthering the goals and objectives of the SWFCWP.

B. **Support the continuation of the Southwest Florida Research and Education Center (SWFREC) in Immokalee as part of the Florida Agricultural Experiment Station system, and the continued operation of the University of Florida’s Institute of Food and Agricultural Sciences (IFAS) Extension Service offices in each of the six counties in southwest Florida.**

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4 The SWFCWP (originally the Southwest Florida Feasibility Study) was recommended in the 1999 Comprehensive Everglades Restoration Plan. The SWFCWP study area covers approximately 4,300 square miles including all of Lee County, most of Collier and Hendry Counties, and portions of Charlotte, Glades, and Monroe Counties; the project boundary corresponds to that of the South Florida Water Management District Lower West Coast Water Supply Plan Planning Area. The SWFCWP is a regional restoration plan that addresses water resources issues within all watersheds in southwest Florida. Issues addressed by the study include loss of natural ecosystems, fragmentation of natural areas, degradation of wildlife habitat, alteration of natural freshwater flows to wetlands and estuaries, and water quality degradation in surface waters. The Draft Final Plan is currently under review by the U.S. Army Corps of Engineers.
FLORIDA ASSOCIATION OF COUNTIES 2014 LEGISLATIVE PRIORITIES

As always, preserving local government's ability to make decisions on behalf of their communities remains our paramount guiding principle. With that in mind, Florida's counties have identified the following as major issues for resolution in 2014:

- **Maintaining Revenues for Florida’s Communities:** Support for tax reform measures that simplify administration and provide an economic boost to Florida’s taxpayers while at the same time considering and minimizing the collective and cumulative negative impact on local revenues, including state shared and local discretionary revenue sources that are critical to local governments in providing community services. Proposals of interest to FAC and its members include those effecting the Communications Services Tax, Sales Tax Exemption on Commercial Leases, Local Business Taxes, E-911 Fees and Local Discretionary Revenue Sources.

- **Enhancing Juvenile Justice:** Support initiatives that reduce juvenile detention through prevention, treatment, and rehabilitation services. In addition, support state funding for the operation of juvenile detention facilities, as upheld by Florida’s courts and support allowing counties to pay actual costs on a monthly reimbursement basis.

- **Protecting Florida’s Waters:** Support sustained commitment of state resources for the development of alternative water supplies, water quality improvement projects and comprehensive water infrastructure needs. Support legislation that enhances regional and local financial capacity to address water supply development and water infrastructure.

- **Ending Homelessness in Florida:** Support developing a dedicated state funding source for homeless programs and tax credits for businesses that employ the homeless.

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**2014 APA FLORIDA LEGISLATIVE PROGRAM, POSITION AND POLICY STATEMENTS**

(Partial Excerpt)

**GENERAL OBJECTIVES:**

- APA Florida is committed to an integrated planning system in Florida with clearly delineated state, regional and local planning responsibilities.

- APA believes meaningful state oversight functions should be performed by a single state land planning agency.

- APA Florida is committed to promoting, protecting and preserving well-planned neighborhoods, communities, cities and rural areas, high quality natural areas and resilient and sustainable economies throughout Florida.

- APA Florida supports visioning at the state, regional and local levels, in order to foster economic development, create jobs, and promote a healthy statewide economy. The state’s vision should set the framework for future growth, economic opportunity, patterns of development and preservation of a high quality of life for all Floridians.

- APA Florida believes that local government should have maximum funding flexibility in order to fully fund existing and future infrastructure needs.

- APA Florida is committed to promoting sustainable communities through sound planning principles that promote alternative energy usage and production, efficient resource utilization, and sustainable resource management practices.

- APA Florida believes that truly outstanding Florida communities and regions offer safe, dynamic, equitable, convenient, attractive and healthful environments with employment and economic opportunities, friendly neighborhoods, and equal access to a high quality of life, including education, recreation, and personal growth opportunities for all generations.

**APA FLORIDA SUPPORTS:**

- Communities are planned and guided by the talents of planning professionals who strive to bring vibrancy and permanency to the built environment, while preserving the natural environment. APA Florida is committed to
the advancement of the following goals, throughout the State, by utilizing trained and qualified planning professionals, and with the support of elected officials and community leaders.

- Legislative revisions that strengthen, improve and integrate current planning processes consistent with Florida’s long-standing commitment to growth management, sustainable economic development, and healthy communities.
- A balance approach among public and private sector perspectives in state, regional and local planning, policy development and decision-making that does not preempt local government authority.
- Long-range land and resource management that conserves, protects, and enhances the state’s natural resources.
- Planning policy that better integrates the siting and planning of significant land uses and includes greater public/private cooperation and accountability.
- An open and collaborative planning process that includes meaningful and responsible citizen participation.

**SELECTED PRIORITIES OF THE 2014 FLORIDA LEAGUE OF CITIES LEGISLATIVE ACTION AGENDA**

**WATER QUALITY & QUANTITY**

**LEGISLATIVE PRIORITY**

The Florida League of Cities SUPPORTS legislation addressing water quality and quantity issues that affect the economies of local communities. Specifically, the League supports efforts to revitalize and protect Florida’s springs, aquifers, surface waters and estuaries.

**BACKGROUND**

Florida’s water policy has evolved significantly as science and technical data have dramatically improved the ability to study groundwaters, surface waters and the sources of pollution in these water bodies. With the evolution of science also inevitably comes revision to the decades old regulatory framework that has evolved into Florida water law. The Florida Water Resources Act of 1972, Chapter 373, Florida Statutes, established a form of administrative water law that brought all waters of the state under regulatory control. The act included provisions for (1) the establishment of a state water regulatory agency and five water management districts (WMDs) that, taken together, encompass the entire state; (2) water planning requirements and (3) a permit system administered by the WMDs regulating water use, well construction, and the storage and management of surface water.

Currently, Florida faces a number of water quality and quantity conundrums. In North Florida, the continued and projected excessive water uses by the State of Georgia threaten entire fishing communities that have built their way of life around the flows of the Apalachicola River. In South Florida, an extraordinary rainy season has highlighted the polluted condition of the waters in Lake Okeechobee and the impact of releasing that impaired water from the lake. Releases of that impaired water to the Caloosahatchee River, the St. Lucie River and the Indian River Lagoon contribute to reduced tourism and have a negative impact on the economies of those cities in close proximity to them.

The state faces a growing water quantity problem due to the withdrawals from the Floridan aquifer and the lack of investment in storage and stormwater infrastructure investment. The Floridan aquifer is one of the largest and most productive aquifer systems in the world. Due to a population surge in the Central Florida region, recent studies show the current amount of water pumped each day from the aquifer can be increased only by approximately 6 percent. Consumptive uses throughout the state have left the aquifer depleted and unable to recharge.

Local governments play an important role in the planning of future water resources by working in cooperation with each of the five WMDs during the regional water supply planning process. Local governments also establish stormwater utilities that manage activities such as flood control, pollution control, permitting, maintenance, inspection and capital construction. Furthermore, cities across the state have adopted a host of ordinances designed to prevent pollution and increase alternative water supplies. While cities have many “tools in their toolbox” to ensure a clean and sustainable water resource for their communities, the Legislature continues to pass laws that chip away at local government authority.
CURRENT STATUS

On July 10, 2013, Senate President Don Gaetz announced the creation of the Select Committee on Indian River Lagoon and Lake Okeechobee. The committee, chaired by Sen. Joe Negron, is investigating public policy, funding and other governmental activities affecting the water management of Lake Okeechobee. The committee has held a number of well-attended public meetings to date. Sen. Negron has tasked the South Florida and Southwest Florida Water Management Districts, as well as the general public, to come up with short-term projects that will improve water quality coming from the lake and ensure that the water released will flow through the Everglades as originally intended. Unfortunately, the State of Florida is at the mercy of the federal government and U.S. Army Corps of Engineers in some regard. The Army Corps of Engineers has federal oversight of the water releases from Lake Okeechobee and the dam that surrounds it.

In 2013, the State of Florida committed $10 million for springs protection programs. Local government matching funds have increased the amount available for springs protection initiatives to $37 million. The Florida Department of Environmental Protection (DEP) is using these funds to mitigate the damage from point source pollution from wastewater treatment facilities, to remove wastewater spray fields that are close to spring sheds, and for other strategies that will reduce phosphorus and nitrogen in impaired water bodies. Recently, the DEP requested a budget allocation of $15 million for springs protection for fiscal year 2014-15.

The Florida League of Cities supports legislation that protects Florida’s water bodies through increased funding for the Total Maximum Daily Load program, as well as the Basin Management Action Plan program. The League will continue to fight to protect the home rule authority of cities to adopt local fertilizer ordinances and other regulatory measures to protect the water quality of local waterways. 2014 is likely to be a busy year with multiple pieces of legislation filed that deal with water quality, water quantity and springs protection.