To:        Council Members  
From:      Staff  
Date:      February 21, 2014 Council Meeting  
Subject:   Legislative Matters  

Introduction  

At the January 17, 2014 Council meeting, Chairman O’Bryan requested that Council discuss a procedure for developing a regional legislative agenda and taking issues of regional importance to our legislative delegation intended to support local governments throughout the region. This information could then be used by the Gubernatorial Committee during the summer months when legislative policies for the next session are being formulated. The Committee could work with the Governor’s office to determine what their priorities are for the coming year and how Council can assist with achieving those goals. At the same time, this Committee could provide the Governor with Council’s legislative priorities for the region. The legislative policy will need to ensure that regional issues of importance are agreed upon and not in conflict with the priorities of the Florida League of Cities (FLC) and the Florida Association of Counties (FAC). It would be helpful to provide the list of important issues to the FLC and FAC to allow their staffs to review the list and determine if there is a way to combine it with their list of priorities. Legislative priorities developed this year by the Florida Regional Council’s Association (FRCA) are attached. FRCA also tracks legislation affecting regions and their local governments. Legislative highlights as of January 2014 are attached and the Council may want to discuss some of the bills recently filed that will have an impact on local governments should they become law.

Recommendation  

Council should discuss the formulation of a legislative agenda and other legislative matters at the meeting.

Attachments
FLORIDA REGIONAL COUNCILS ASSOCIATION

2014 LEGISLATIVE AGENDA

Approved January 9, 2014

Regional planning councils have been in existence in Florida since the early 1960s, created by the local governments they serve, to meet local government and regional needs, provide services, and collaborate on state and federal initiatives and programs. Florida Statutes recognize regional planning councils as "Florida’s only multipurpose regional entities that plan for and coordinate intergovernmental solutions on multi-jurisdictional issues, support regional economic development, and provide assistance to local governments."

The Florida Regional Councils Association, an alliance of Florida’s 11 regional planning councils, serves to strengthen the consistency and quality of regional planning council programs to ensure economic prosperity and add value to local, regional, and state initiatives. To that end, the Florida Regional Councils Association Policy Board adopted the following priorities for the 2014 Legislative Session:

Talent Supply & Education

The Florida Regional Councils Association supports enhanced economic competitiveness, which must include an emphasis on Science, Technology, Engineering, and Math (STEM) in public education and training programs that are aligned with existing and emerging job markets and industry clusters.

Innovation & Economic Development

The Florida Regional Councils Association supports full funding of regional planning councils to, at a minimum, leverage the role of regional planning councils as federally designated economic development districts; provide support to state and regional economic development initiatives and activities; provide assistance to local economic development organizations; and, cover the costs of statutory responsibilities.

Infrastructure & Growth Leadership

The Florida Regional Councils Association supports a continued state and regional role in helping local governments accommodate future growth while ensuring economic prosperity and preparing for and responding to emergencies and natural disasters.

The Florida Regional Councils Association supports future transportation corridors, a diverse and competitive statewide multi-modal transportation network, and sustainable sources of transportation funding that are consistent with and support regional visions and further the regional Comprehensive Economic Development Strategies of Florida’s 11 federally designated Economic Development Districts.
Business Climate & Competitiveness

The Florida Regional Councils Association supports a strong, but fair, development impact mitigation process to address extra-jurisdictional impacts and impacts to regional resources and facilities.

The Florida Regional Councils Association supports the unlimited ability of a regional planning council to provide planning and technical services for a fee, in furtherance of its mission.

The Florida Regional Councils Association supports streamlining state regulatory review processes while ensuring regional and local interests are taken into consideration.

Civic & Governance Systems

The Florida Regional Councils Association supports the positions and policies of organizations that share a common membership with regional planning councils including the Florida Association of Counties, Florida League of Cities, Small County Coalition, and the Metropolitan Planning Organization Advisory Council, and which are of mutual interest and concern.

The Florida Regional Councils Association supports efforts to improve efficiency and collaboration among agencies tasked with multi-jurisdictional planning throughout the state.

Quality of Life & Quality Places

The Florida Regional Councils Association supports regional visioning as a means to guide the future of Florida, build public/private coalitions to implement key regional and statewide initiatives, and serve as the basis for strategic statewide planning and budgeting initiatives.
The year began with two back-to-back legislative committee weeks, starting on January 6, 2014. While many of the committees focused solely on proposed legislation, several were still in an information gathering mode. Among the presentations heard over these two weeks were as follows:

- Senate Appropriations Subcommittee on Transportation, Tourism, and Economic Development received a presentation on January 9, 2014, from the Florida Department of Transportation, which addressed the Department’s role in multi-use trails, an overview of multi-use trails in Florida, the importance of investing in trails, and specifics on the Coast to Coast Connector. Upon completion, the Coast to Coast Connector will stretch from Volusia County on the east coast to Sarasota County on the west coast. The committee also received a presentation from Enterprise Florida on January 15, 2014, regarding the 2013 Annual Incentives Report, developed in conjunction with the Florida Department of Economic Opportunity (DEO). In a recent Enterprise Florida Legislative update, the following was noted: “Traditionally, this committee has been critical of Florida’s economic development programs – but with the publication of more independent reviews, increasing transparency from the DEO Incentive Portal, and a positive return to the state, Senators have become more supportive of these efforts.” The 2013 Annual Incentives Report will soon be posted to http://www.enterpriseflorida.com/newsroom/reports-resources/ and this link, http://www.floridajobs.org/office-directory/division-of-strategic-business-development/economic-development-incentives-portal, will take you to the DEO Incentives Portal.

- Senate Commerce and Tourism Committee heard presentations on January 13, 2014, from the Office of Economic and Demographic Research and Office of Program Policy Analysis and Government Accountability on their respective evaluations of Florida’s economic development and incentive programs, required by House Bill 7007 (2013). See the “Economy” policy note below for links to the published reports.

- Senate Community Affairs Committee heard from the Florida Housing Finance Corporation on January 8, 2014, regarding its new allocation system. In 2013, the Legislature provided the corporation with the ability to allocate rental funding through a competitive solicitation process, which resulted in a more flexible system compared to the previous Universal Application Cycle. Through a series of Requests for Applications, Florida Housing can now specifically allocate state and federal resources, which allows them to tailor each Request for Applications to the particular housing need of the intended residents.

- House Economic Development and Tourism Subcommittee held a workshop on January 8, 2014, regarding draft proposed committee bills pertaining to economic development and emergency management. For more information on these proposals, see House Bill 7023 and proposed EDTS2 in the FRCA bill tracking summary.

- House Transportation and Economic Development Appropriations Subcommittee heard from Space Florida on January 8, 2014, regarding expenditures associated with its current year

- House Transportation and Highway Safety Subcommittee received a presentation from the Florida Department of Transportation on January 9, 2014, pertaining to the Florida Freight Mobility and Trade Plan-Policy Element, similar to the presentation given to the Florida Regional Councils Association Executive Directors Advisory Committee. This Policy Element and related information are available through Florida’s freight and logistics portal at http://www.freightmovesflorida.com/.

Additional details regarding the presentations discussed above are available in committee meetings packets, which can be found via http://www.flsenate.gov/Committees/#com-list (for Senate Committees) or http://www.myfloridahouse.gov/Sections/Committees/committees.aspx (for House Committees).

Legislative committee meetings resume on February 3, 2014 and will be held that week as well as the weeks of February 10 and 17. The Legislature will then take a one week break and return to Tallahassee on Tuesday, March 4, 2014, for the start of the 2014 Legislative Session.

**GOVERNOR’S BUDGET HIGHLIGHTS**

Details on the Governor’s budget are available at http://flitsyourmoney.com/. Highlights are provided below:

- $95 million in flexible funding for economic development programs such as the Quick Action Closing Fund and Qualified Target Industry tax refund;
- $3.8 billion for major road projects;
- $192 million for bridge infrastructure improvements;
- $139 million in seaport improvements;
- $10 million for the Rural and Family Lands Protection Program;
- $30 million in new revenue for conservation land buying along with $40 million from the sale of nonconservation lands;
- $50 million for sewage treatment improvements in the Florida Keys;
- $25 million for beach renourishment; and,
- $125 million for petroleum tank cleanups.

**POLICY NOTES**

- **Economy:** According to *The Florida Current*, a report released by the Office of Economic and Demographic Research on January 1, 2014, shows mixed results for the state's economic incentive programs. The Qualified Target Industry program was the best performing incentive, returning $6.80 for every state dollar invested. Other programs, such as the Enterprise Zones program, lost state money. The report also questions the effectiveness of incentive programs, noting that academic studies are split on whether incentives influence businesses to move to a given area. A copy of the report is available at http://adr.stata.fl.us/Content/special-research-projects/economic/EDR%20ROI.pdf. A related report by the Office of Program Policy Analysis and Government Accountability found that incentives are important, but are not the only factor in a business’ decision to expand or locate in Florida, and that a majority of the recipients are existing, in-state businesses. That report is available at http://www.oppaga.state.fl.us/Summary.aspx?reportNum=14-01.
• **Environment and Transportation:** The Florida Water and Land Legacy Amendment political committee received word that its constitutional amendment, which would require one-third of the state’s Documentary Stamp revenue to be set aside for land conservation over 20 years, has qualified for placement on the 2014 ballot. At the last Metropolitan Planning Organization Advisory Council’s (MPOAC) Staff Directors and Governing Board meeting, the Florida Department of Transportation was asked to determine the possible impact of this amendment on transportation programs. In a February 4, 2014 email from Jim Wood, Director of the Office of Policy Planning, to Howard Glassman, Executive Director of the MPOAC, Mr. Wood wrote as follows:

> The amendment was analyzed by the Financial Impact Estimating Conference. If passed, the amendment would require that 33% of net revenues from documentary stamp taxes be deposited into the Land Acquisition Trust Fund for twenty years. The impact to the state was estimated to be $648 million in FY 2015-16, growing to $1.268 billion in FY 2034-35.

> Under current law, documentary stamp tax revenue is distributed into the General Revenue Fund and other trust funds such as the State Transportation Trust Fund (STTF), the Land Acquisition Trust Fund, the State Housing Trust Fund, and others. If the amendment were to pass, future Legislatures would need to determine which programs receiving documentary stamp revenues would be reduced or held harmless. Thus, the impact to the STTF which receives revenue from documentary stamp taxes is unknown at this time.

> The transportation programs that currently receive funding from documentary stamp taxes are: the Small County Outreach Program (SCOP), New Starts Transit, the Strategic Intermodal System (SIS), the Florida Rail Enterprise, and the Transportation Regional Incentive Program (TRIP).

• **Growth Management:** House Bill 703 is generating a great deal of concern. 1000 Friends of Florida has come out early in opposition, stating that this “egregious power grab by the state legislature would undermine the power of each local government in Florida to enact and enforce critical local comprehensive plans, policies, and implementing regulations,” adding that the bill does the following:

  ○ 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.

In addition, House Bill 7023, a wide-ranging economic development bill, would prohibit applying 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.
**Springs:** On Thursday, January 9, 2014, Senator Simmons released a revised draft of his Springs Protection Bill after considering the many comments received from numerous stakeholder groups. Some of the key points in the bill are as follows:

- Funds would be allocated from Documentary Stamp revenues, and placed into the Ecosystem Management and Restoration Trust fund for restoration and protection of Outstanding Florida Springs.
- Membership of the Acquisition and Restoration Council (ARC) would be increased by one to include a Florida Department of Environmental Protection (DEP) representative with expertise in water quality.
- The ARC would evaluate and rank projects eligible for springs funding, and develop rules for evaluating and ranking projects, and for pilot projects designed to test nutrient reduction technologies.
- "Outstanding Florida Springs" would be defined to include all first magnitude springs as well as DeLeon, Peacock, Rock, Wekiwa and Gemini Springs.
- By July 1, 2015, DEP would be required to delineate springs protection zones, and water management districts would be required to establish minimum flows and levels for each of these springs.
- By 2017, DEP would be required to develop Basin Management Action Plans for each of the Outstanding Florida Springs, identifying load allocations for fertilizer, animal waste, septic tanks, wastewater treatment facilities, and stormwater.
- Each local government located within a springs protection zone would be required to meet the minimum requirements of the Model Fertilizer Ordinance, including a requirement of 50% slow release nitrogen.
- In Basin Management Action Plan areas, septic tanks must be connected to central sewer systems "where available" or otherwise upgraded to meet certain criteria by 2019 at no cost to property owners, and all agriculture producers must implement Best Management Practices within two years.
- Local governments, water management districts, utilities, and agricultural producers must submit project proposals to the ARC for reimbursement up to 75%, with the exception of septic tank upgrades and connections, which are eligible for 100% funding.

Ongoing stakeholder meetings are expected. To obtain a copy of the revised draft, please contact Diane Suddes in Senator Simmons’ office at suddes.diane@flsenate.gov.

**LEGISLATIVE EVENTS**

- **February 3-7, 2014:** Interim Committee Week
- **February 10-12, 2014:** Florida Chamber of Commerce Capitol Days
- **February 10-14, 2014:** Interim Committee Week
- **February 17-21, 2014:** Interim Committee Week
- **March 4, 2014:** Regular Session Convenes
- **March 27, 2014:** Florida Association of Counties Legislative Action Day
- **April 1-2, 2014:** Florida League of Cities Legislative Action Days
- **April 22, 2014:** Last day for regularly scheduled committee meetings
- **May 2, 2014:** Last day of regular session

**BILL TRACKING REPORT**

Due to the length of the bill tracking report, it will no longer be appended to this document but will travel as a separate attachment to the email transmitting this legislative update.