

# **TOWN OF DAVIE**

## **2002 LEGISLATIVE REPORT**

### I. General Remarks - The Legislative Backdrop

It was a very difficult and long Legislative year. Because of the projected budget shortfalls for both the current Fiscal Year (FY 2001-2002) and the coming FY (2002-2003), the Legislature has been in Tallahassee off and on since October 1, 2001: several budget and security issues Special Sessions last fall, the Regular Session and two Special Sessions after that. There were several major factors that affected legislative decisions: September 11th (preoccupation with security measures), Budget shortfalls and Legislative Redistricting. These issues dominated Legislators' thought processes, time and energy. Needless to say it was difficult to focus attention on other issues.

### II. Major Legislation

#### A. Annexation

It was another difficult year for Broward County Annexation Local bills. The only annexation bills to pass were a couple of non-controversial ones that had died on the House and Senate Calendar during the 2001 Legislative Session. This included the Ranches/Town of Davie annexation/deannexation local bill (HB 965/SB 2540) that had died on last year's calendar.

The Legislative Delegation had made a decision to file all of this year's annexation bills in one "omnibus" annexation local bill (HB 1027/SB 2656). In addition, they also voted to file each of the annexation proposals as separate individual bill. The Delegation did this in case the omnibus bill, which contained several controversial annexations, ran into trouble during the Legislative Session. The Chairman of the House Local Government Committee refused to hear the omnibus bill because it contained a number of forced annexations that were opposed by the cities that would have been forced to take unincorporated areas that they did not want because of financial considerations. However, the Chairman of the Local Government Committee did assure me that the United Ranches annexation bill (HB 1007/SB 2610) would be placed on a committee agenda.

Prior to that several other Broward annexation local bills that were on the agenda of the House Local Government Committee agenda but they were blocked from consideration when Representative Chris Smith appeared before the committee and opposed them.

Towards the end of the Legislative Session Representative Ritter with the support of most of the Delegation Members and Representative Sorensen proposed a bill that would have given the Broward County Commission complete power to make all annexation decisions (HB 2025). I returned to Broward for an emergency meeting of the Broward League of Cities in advance of an emergency meeting of the Broward County Commission - to consider this bill. As I analyzed the bill it could have been interpreted to preclude the Town of Davie from being a choice for the residents of the United Ranches. This bill was opposed by the Broward League of Cities.

The bill passed the House, but ultimately died in the Senate. I was joined by other Broward County municipal lobbyists in opposing the bill in the Senate. The County Commission itself voted to oppose the bill and Senator Mandy Dawson also raised strenuous objections to the bill.

It is projected that next year the Delegation will attempt to redesign the so called County Commission Annexation bill and re-submit it to the Legislature. It remains to be seen whether the County Commission will accept this authority, whether the Delegation will vote to adopt it, and what form this legislation will take. It should be noted that although the Broward League of Cities opposed the bill as written, it did not come out against (or for) the concept.

#### B. CRA Legislation - HB 1341 (Presented to Governor 15/15)

Community Redevelopment Authorities have come under attack here in Broward County by the County Commission. The County Commission proposed a local bill that would have permitted them to take control of all CRA's in the county. This local bill was vigorously opposed by the various cities within Broward County and ultimately withdrawn by the county. However, the Florida Association of Counties (FAC) proposed this same Legislation as a general bill. Again, I worked with the other city lobbyists and the Florida League of Cities to oppose this bill. A comprise bill was proposed by Representative Dockery that still had many problems for existing CRA's. Members of the David Town Council along with other Broward County city commissioner came to Tallahassee to oppose this legislation and to promote a comprise. Ultimately legislation passed that did not impede existing CRA's to any great extent..

C. Citrus Canker - SB 1926 (Ch. 2002-11 LOF)

The Commissioner of Agriculture proposed legislation that would have permitted the Department to obtain a "county-wide blanket search warrant" to obtain access to property for the purpose of removing any citrus tree within 1900 feet of an infected tree - including healthy trees. This legislation was vigorously opposed by Broward County and the Broward municipalities. Attempts at compromise in the House Agriculture Committee failed and the bill passed the Legislature. This was expected as the agri-business community had lined up behind it. However, the legislation was constitutionally flawed as was pointed out to the committee members and ultimately found unconstitutional by a trial court just last week. I assume that the Department of Agriculture will appeal.

D. Windstorm Insurance Reform - SB 1418 (Ch. 2002-240 LOF)

Legislation was adopted that creates the Citizens Property Insurance Corporation. This legislation merges the Florida Windstorm Underwriting Association (FWUA) into the Florida Residential Property and Casualty Joint Underwriting Association (FRPCJUA). This legislation is designed to make home owners windstorm and property and casualty insurance both more available and more affordable. That is, it imposed a 10 percent premium cap on windstorm rate increased for the coming year. As you know many home owners in South Florida were facing increases of up to 40 percent. This bill authorizes the FRPCJUA to issue tax free bonds to help pay claims in the event that a major storm makes landfall.

E. Horse Boarding Tax Relief - SB 1360 (Ch. 2002-18 LOF)

Tax reform was a major issue during the 2002 Legislative Session. In fact it was the subject of a titanic struggle between the House and Senate leadership. Notwithstanding this battle, legislation passed that included an amendment that provides some relief to horse borders and trainers. This amendment guarantees that once a property owner gains an agriculture exemption, a county property appraiser may withdraw or remove that exemption as long as the property continues in that use. This amendment was a compromise that gained the support of the agriculture industry and is an advantage for horse borders in that the common practice in Broward County is for the Property Appraiser to deny applications for the exemption and then typically be overruled by the Value Adjustment Board. Then, notwithstanding being overruled, the Property Appraiser would typically deny the application for exemption the following year.

F. FRDAP Grant

The Town of Davie's FRDAP Grant of \$95,000 was funded in the Budget.

G. Arsenic Treated Wood - SB 210/HB 113

Legislation prohibiting the use of arsenic-treated wood in public playgrounds was introduced by Senator Wasserman Schultz (SB 210) and numerous House Members (HB 113), including Representatives Seiler, Meadows, Greenstein and Rich (from the Broward Delegation). The bills did not move this Session.

H. Affordable Housing - HB 547 (Ch. 2002-160 LOF)

This bill addresses several changes requested by the Florida Housing Finance Corporation (FHFC) which include: providing for expedited processing of surface water resource permits for affordable housing projects; authorizing the FHFC to serve homeless individuals and commercial fishing workers with no or low interest SAIL loans; authorizing the FHFC to establish and fund demonstration programs and projects; confirming the FHFC's power to evaluate, score and competitively rank all multifamily bond applications; revising the Redevelopment Loan Program and making program funds available on a first come, first served basis; revising monitoring requirements and the allowed average area purchase price under the SHIP Program.

I. Growth Management - CS/SB 1906 (Presented to Governor on 15/20)

This 156 page bill makes numerous changes to part II of chapter 163, F.S., (the Comprehensive Planning Act) and chapter 380, part I, F.S., (the DRI program). Much of the bill is designed to increase coordination between school districts and local governments in the planning of educational facilities.

Among other provisions, the bill: amends provisions relating density and intensity of use standards (in s. 163.3177(6), F.S.); requires local governments to amend their intergovernmental coordination, potable water and conservation elements to consider the appropriate water management district's regional water supply plan and to adopt by January 1, 2005 an Evaluation and Appraisal Report for construction of water supply facilities necessary to meet projected demand; provides local government certain flexibility to waive concurrency requirements for urban infill and redevelopment areas; broadens the

standing of abutting property owners under to Comp Planning Act; revises the local government comprehensive plan or plan amendment adoption process from two steps to one - decreasing state review timeframes, and; makes available to owner, developers, and applicants the same methods available to third parties to appeal and challenge the consistency of a development order with a local comprehensive plan.

The bill creates a Local Government Comprehensive Planning Certification Program, succeeding the sustainable Communities Program, to be administered by DCA. The program is designed to reward local governments who: 1) identify a geographic area for certification within which they commit to directing growth; 2) have a demonstrated record of effectively adopting, implementing, and enforcing their comprehensive plan; and 3) have a commitment to implement exemplary planning practices; with less state and regional oversight of the comprehensive plan amendment process. Certification areas must be compact, contiguous, appropriate for urban growth and development and include areas within which public infrastructure is existing or planned within a 10-year time frame. Upon certification, comprehensive plan amendments for lands within the boundaries of the certification area will be exempt from state and regional review.

This legislation makes several changes to the DRI program: revising the definition of what is not considered development under the DRI process; eliminating acreage standards for office and retail developments; exempting marinas, petroleum storage facilities and renovations or redevelopment within the same land parcel that does not change land use or increase density or intensity of use from the DRI review.

This bill authorizes counties and municipalities to create educational facilities benefit districts to finance school construction with the consent and through an interlocal agreement with the School Board and any general purpose government within the benefit district.

There are several provisions relating to water programs also included in the bill.

#### J. Mobile Homes/Condominium - CS/CS/SB 694 (Ch. 2002-27 LOF)

This bill provides for a meeting between the park owner and a committee of affected mobile home owners in regard to certain proposed lot rental amount increases. In addition it makes some revisions to the condominium law regarding: condominium declarations; appurtenances that pass with condominium unit, and; material alterations of common elements or association real property operated by multicondominium association.

House Bill 1619 was another mobile home bill but it did not pass. This bill would have authorized the Florida Housing Finance Corporation to establish a loan program for mobile home residents to purchase mobile home parks. This bill died in committee.

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Respectfully Submitted by,

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