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OUR FLORIDA Legislature

What the legislature does in Tallahassee affects our Seminole County businesses and homes.

BY KEVIN FRITZ

It may seem as if the 2009 Florida Legislative session just ended, but local leaders and lawmakers are already preparing agendas for 2010, with issues such as commuter rail, septic tanks and Hometown Democracy at the top of their lists.

FLORIDA HOMETOWN DEMOCRACY

John Ashworth, President and CEO of the Seminole County Regional Chamber of Commerce, says the most pressing issue for the county is defeating Florida

Hometown Democracy (Amendment 4), which would require public approval at the ballot for development. Says Ashton: "It's the last thing we want to do as we are trying to recover."

As it stands, Amendment 4 would "mandate referenda for comprehensive plan amendments approved by city and county commissions," according to the Florida Hometown Democracy Web site. After three failed attempts to reach the ballot box in 2004, 2006 and 2008, it is slated to be on the ballot in 2010.

The Seminole County Board of

County Commissioners has joined the Chamber and approximately 150 other organizations supporting the efforts of Floridians for Smarter Growth in an effort to defeat the amendment.

Although this particular battle is outside of the legislature's realm, Rep. Chris Dorworth, R-District 34, who attended this year's Annual Chamber Legislative Update with Rep. Scott Plakon, R-District 37, and Rep. Sandy Adams, R-District 33, will continue to fight for smart growth, believing that in addition to tourism, it is one of Florida's most

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“We are one of the densest counties in the state. All we can do is grow ‘up,’ and Sunrail can help us do that.”

(left to right) Rep. Chris Dorworth, R-District 34; Rep. Sandy Adams, R-Dist. 33; and Rep. Scott Plakon, R-Dist. 37

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vital industries. In the 2009 session, he says he ran into a tough fight for the passage of Senate Bill (SB) 360, which pushed for the end of transportation concurrency, noting it added millions to development costs, forced developers into rural settings in order to do business, and contributed to urban sprawl.

SUNRAIL

Ashworth says that the Chamber’s list of smart growth priorities also includes finding a solution to build the environmentally sensitive Wekiva Parkway, slated to run from the future north end of state Route 429 to Interstate 4, as well as seeing that commuter rail comes to fruition after two failed attempts in Tallahassee. He says four rail stations are already

planned along the proposed Sunrail line in Seminole County and each area has growth plans for those stops.

“We are one of the densest counties in the state,” he says. “All we can do is grow ‘up,’ and Sunrail can help us do that.”

Dorworth says we can expect Sunrail back on next year’s agenda. Supported by the Chamber, local municipalities, and flush with federal dollars, Dorworth believes “hope springs eternal” and surmises the third time will be the charm.

“I do feel we will have Sunrail,” he says, noting some of the dissenters will fall victim to term limit laws by 2010.

THE SEPTIC TANK MESS

At the Legislative Update, Rep. Sandy Adams (District 33) noted that the issue hanging over more than 55,000

homeowners in Northwest Orange County and Western Seminole County along the Wekiva River, requiring them to spend thousands of dollars each for new septic systems, continues to rear its ugly head.

This debate also affects the construction of the aforementioned Wekiva Parkway. The Wekiva Protection Act, which was signed in 2004, is designed to help build the parkway and to clean up the Wekiva River by reducing nitrogen in the basin. Somewhere along the way septic tanks were ruled the villain. In the end, homeowners have been told if they want to sell their homes, they must first replace standard septic tanks with ones that prevent nitrogen leaks.

“Hundreds will lose their homes if this goes into effect,” Adams says.




At issue is whether the nitrates from the tanks are causing pollution to the river, or could it be fertilizer? As stewards of preserving private property rights and homeownership, the Orlando Regional Realtor® Association (ORRA) has been following this debate for the past five years. Frankie Elliott, vice president of governmental affairs, says while the ORRA understands the need to protect the water, they are seeking specific scientific data that proves it is indeed the septic tanks causing the pollution.

Realtors also do not see the septic tank removal requirement as prudent during the recession. "During this current economic crisis, it is neither reasonable nor suitable for the state to consider any rule making that would impede the recovery of the housing market anywhere in Florida," the association posted on its Web site.

Lawmakers were able to postpone any decision until next year. This year's budget provides \$540,000 to continue to study the pollutants, and a completion date has been set for May 1, 2010.

EYE ON THE STATE

Unresolved state issues that will continue to be in the forefront next year include revisiting property insurance legislation, according to Rep. Plakon. He says House Bill 1171, which was favored to allow free market solutions for the insurance industry, also provided the best answers for consumers. However, Gov. Crist vetoed the bill, which many of us know as the law that may have convinced State Farm to reconsider leaving the state. Plakon says much of the problem still resides with the state-run Citizen's Property Insurance Corporation, which he calls "the largest expansion of gambling in the state of Florida." He adds that a bill offering a 10 percent tax credit for big businesses offering high-paying jobs will be back on the agenda after missing the cut in 2009.

Dorworth believes it will also be the job of lawmakers to put an end to "these economic doldrums by peeling back layers of state government and stop these punishing regulations." He says Florida continues to lose business and dollars to more aggressive states like Texas, North Carolina and Tennessee. Indeed, there were 317 bills and approximately 3,000 new rules created in the 2009 session alone. 

The Good News for Small Business

Bills passed last session have been focused on stimulating money, jobs, growth and value. Herewith are a few bills and a short description of what they mean for small business throughout the state and in Seminole County.

HB 7031: A compendium of measures to modernize the state industrial code and shorten time for developers to apply for economic incentives.

SB 360: Known as the Community Renewal Act. This bill is a wide-ranging growth management bill that will bring jobs and money to Florida.

HB 485: Known as the Fast Track Economic Stimulus for Small Business in Low-Income Communities.

Economic recovery is sped up with tax credits for companies that make investments in low-income communities. The program is aimed at making Florida more attractive to national investors under the federal New Markets Tax Credits program. It offers further state tax credits on the same investments. The program is expected to generate about \$174 million in state revenue over the next 10 years and to create more than 2,000 jobs a year.

HB 227: This bill shifts the burden of proof to local governments when determining if fees are appropriate, helping property owners, both residential and commercial, and developers invest in communities.



Hometown Democracy Heats Up

Amendment Four, the so-called Hometown Democracy issue is already proving to be a hot-button topic, and it's still more than a year away from being voted on.

According to the Orlando Sentinel, Leslie Blackner, president of Florida Hometown Democracy says there was a poll done in Orlando in which 800 voters were called in the Orange County area and 71 percent said they support it.

But Ryan Houck, a former campaign aide to U.S. Sen. Mel Martinez of

Orlando and executive director of Floridians for Smarter Growth, says the amendment will drive new business out of Florida at a time when the state needs new growth.

Houck also says St. Petersburg Beach tried a similar referendum requirement and found that businesses moved any expansion plans to other communities, due in part to the amendment. Seminole County representatives fear the same could happen in Seminole, and are ready to battle the amendment when the time comes.

