

## Florida Real Estate and Land Development Laws Effective Now: List from Florida Senate

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Today, hundreds of new laws are effective here in Florida having been signed into law by Florida Governor Rick Scott, demonstrating a controversial and concrete attempt by Florida lawmakers to resolve the state's current economic crisis and promote a turnaround.

This was done with the state bringing in \$3,800,000,000.00 less in revenue than it had the previous year (yes, that is \$3.8 billion); without raising taxes; and without closing hospitals, schools, or cutting back on health care.

[From the Florida Senate News Release of May 31, 2011:](#)

- State spending cut by over \$3 billion
- Not one penny of taxes or fees were increased
- Over \$300 million in tax reductions benefited property owners and small businesses. Medicaid, the biggest cost in the state budget, was reformed with a billion dollars in savings. Highly effective teachers will be paid more, chronically ineffective teachers will lose tenure
- Florida state workers, like those in 49 other states, will contribute to their own retirement, ending a practice of taxpayers subsidizing 100 percent of public pensions.
- Expanded educational benefits for children with disabilities
- Second Amendment rights protected against local government interference
- Public funds won't be used for elective abortions
- Golden parachutes and phony bonuses prohibited for public employees
- "Smart Cap" prohibiting state taxing and spending from rising faster than family income
- 1,100 regulations on small businesses eliminated

From the 2011 Legislative Session Report released by the Florida Senate on May 31, 2011, here are the laws passed from Florida Senate bills into law that impact Florida real estate and/or Florida land development. This, of course, does not include legislation originating in the Florida House that became law this week

[\(Go here for the complete Florida Senate press release and full list of Florida Senate bills that became law.\)](#)

## **Oil Spill Economic Recovery Act**

(passed as SB 2156)

This major legislation is designed to help coastal Northwest Florida recover from the economic consequences of the Deepwater Horizon Oil Spill. The bill provides that three fourths of all fine and settlement monies paid by B P or other responsible parties coming to the State of Florida would be used to benefit Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin and Wakulla counties.

The legislation also provides a preference for Northwest Florida in the use of state economic development programs and tax incentives for the next three years. The bill calls for a multi-state cooperative agreement among Gulf states to monitor industry safety practices and influence federal policies regarding offshore oil and gas exploration and includes a \$30 million appropriation to help expand and attract businesses, create jobs and diversify the region's economy.

## **Elimination of Government Agencies, More Jobs in the Private Sector**

(passed as SB 2156 and HB 143)

As Chairman of the Senate Appropriations Committee with jurisdiction over transportation, tourism, trade and economic development, Senator Gaetz championed legislation to eliminate the Florida Department of Community Affairs, eliminate the Agency for Workforce Innovation, and eliminate the Office of Tourism, Trade and Economic Development.

This bill achieves \$8.6 million in recurring savings by eliminating job-killing functions of the Department of Community Affairs and overlapping unnecessary functions of other state government agencies. The legislation turns over more authority and responsibility for planning to local governments and simplifies permitting for businesses and individuals.

A streamlined Department of Economic Opportunity will be a one-stop for businesses and local EDCs seeking state support for job creation activities. The current protracted and complicated approval process is vastly simplified with the Governor given more latitude to approve projects and attract new businesses.

Under this legislation, the state is doing more to encourage private sector job creation. To promote tourism, VISIT FLORIDA funding is increased from \$26,647,961 to \$34,899,209. The Quick Action Closing Fund, used to close deals to bring higher paying jobs to Florida, is increased from \$16 million to \$42 million. Commercialization of public research – or bringing university-level research to market with products that can be made in Florida – is funded at \$10 million, up from \$2 million. Funding in the amount of \$5 million is provided to promote our state's military bases and the hundreds of thousands of jobs linked to the bases. The state's ports will be improved with a \$117 million appropriation, including widening the Port of Miami to accept larger ships following the expansion of the Panama Canal. Overall, the economic development, trade, tourism and transportation budget is increased from \$6.1 billion to \$6.7 billion.

## Support for Military and Veterans

(passed as HB 1141, HB 95, and HB 227)

Florida-based military members deployed in war zones don't have to pay property taxes during the months they are deployed. Families of members of the military killed in action and families of law enforcement and firefighters who died in the line of duty are given free lifetime entrance passes to Florida parks. Uniformed military and overseas voters are permitted to use a federal write-in ballot to ensure that all military votes are counted in all elections.

## Constitutional Amendments

The only way the state constitution can be amended is if 60 percent of the voters agree. Constitutional amendments may be proposed either by petition or by a super majority vote of the Legislature, but in either case, voters at the next general election must approve any changes.

This session, among others, four proposed constitutional amendments will be on the November, 2012, general election ballot:

- 1. Cap on Taxing and Spending** (passed as SJR 958) Called "Smart Cap," this proposal would limit revenues collected by state government to only the amount collected the previous year, plus an annual adjustment based on a combination of population growth and inflation. This provision would stop legislators from using inflated revenues in good times to expand government and spend more.
- 2. Health Care Freedom** (passed as HJR 1) This provision protects Florida citizens from the "Obama-Care" federal mandate to purchase health coverage dictated by the federal government.
- 3. Cap on Non-Homestead Property Taxes, Elimination of "Recapture Rule"** (passed as HJR 381) This proposal would prohibit local governments from increasing property taxes by more than 5 percent per year on non-homestead property. Current law limits non-homestead tax increases to 10 percent per year. The constitutional provision also allows the Legislature to prohibit increases in the assessed value of homestead and non-homestead property if the just value of the property decreases. This would in effect repeal the controversial "recapture rule."
- 4. Disabled Veterans Property Tax Discount** (passed as SJR 592) SJR 592 would grant partially or totally disabled veterans an enhanced property tax exemption on their homesteads.

## Of note: Special Budget Provision/Septic Tanks

Provision placed within the new budget laws that protects December 2010 moratorium on the unpopular septic tank mandate objected by so many Florida property owners. During the regular session of the Legislature, Senator Evers, with Senator Gaetz's support, then sponsored SB 168, which would have permanently repealed the mandate. Unfortunately, Senator Evers was unable to pass his bill. Therefore, Senator Gaetz placed in SB 2002, the state budget, a provision which prohibits the Department of Health from implementing the mandate – in other words, the moratorium continues.