

REAL ESTATE INVESTMENT SOCIETY

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BOARDROOM REPORT

News from recent REIS board meetings

Luncheon Programs:

Fort Myers Mayor Randy Henderson will explain the updated Cleveland Avenue Redevelopment Plan and related incentives for commercial development at the April 12 luncheon, sponsored by [HSA Engineers & Scientists](#).

Jeff Mielke, Director of Lee County Sports Commission, will be the guest speaker at the May 10 luncheon, sponsored by [Henderson Franklin, Attorneys at Law](#).

The Legislative Review is planned for the June 14 luncheon, sponsored by [Realtor® Association of Greater Fort Myers and the Beach](#).

REIS welcomes suggestions for programs from members. Please convey your ideas to [Kim Donnelly](#), (239) 768-4522. Sponsorships for future luncheons are available and [Jim Garinger](#) has all the details: (239) 418-0300.

Scholarship Programs:

The REIS Scholarship Foundation, a not-for-profit, registered 501(c)3 corporation is actively seeking contributions toward scholarships to be awarded in the fall. REIS manages the Foundation so 100% of donations are awarded as scholarships to students and area colleges and universities. Details at www.reis-swfl.org or Scholarship Chairman [Matt Simmons](#), (239) 333-1060.

Educational Workshop:

Education Chair Amanda Brock is developing a half-day workshop on strategies for redeveloping and repositioning commercial properties and development sites in today's market. The workshop is scheduled for September 22. Anyone interested in planning or participating in the workshop should contact [Amanda](#), (239) 344-1269.

Gala Social Event:

The REIS annual party will take place November 17 at The Edison restaurant in Fort Myers. Event Chair Robin Mixon welcomes your ideas to help plan a memorable event. Contact [Robin](#) at (239) 334-6870 or 872-3273.

LET'S MIX IT UP

The Annual Mixer of REIS, AIA, CCC, CSI, and USGBC members will be 5:30 - 7:30, July 13th, at Royal Palm Yacht Club in Fort Myers. \$25 for members of participating organizations. Details and registration available from Lee BIA, info@bia.net.

PROPERTY RIGHTS ON TRIAL

The Florida Supreme Court is expected to issue a ruling this spring in a case that questions how much government can require in mitigation from private landowners who wish to develop their properties. The case of St. Johns River Water Management District v. Coy A. Koontz, Jr. bears major implications for landowners and developers.

In 1994, Coy Koontz sought to develop 3.7 acres of his 14.9 acre commercial parcel in Orange County, preserving the remainder of the site as mitigation, since the parcel was largely wetlands. He applied to the District for a dredge and fill permit, which the District agreed to issue on the condition that he place a conservation easement over the remainder of his parcel plus perform additional offsite mitigation on remote properties owned by the District. Koontz refused to do the offsite mitigation, the permit was denied, and Koontz filed an inverse condemnation suit claiming the mitigation requirement constituted a "taking" since the cost of mitigation would exceed the economic return of the development. Circuit Court ruled in favor of Koontz and the verdict was upheld by the Court of Appeals. The case centers on the principle that a condition on a building permit must be proportionate to the negative impact of the project.

Membership:

A limited number of REIS memberships are now available. Members receive preferred rates on luncheons and workshops, invitations to member-only social events, special bulletins, and are listed in the membership directory with direct links to their websites. Annual membership is \$125 and an application is on the bottom of the home page at www.reis-swfl.org.



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GROWTH MANAGEMENT BILLS

The Florida Legislature has passed bills that reinstate components of the 2009 Growth Management Bill (SB 360). Several municipal governments argued that SB 360 violated single-subject rules for legislation and the courts agreed. This year, legislators divided the bill into three smaller bills and all have passed with the two-thirds margin needed to pass an unfunded mandate. If signed by the Governor, they become effective July 1, 2011.

The legislation will ease concurrency requirements for developers to provide roads and schools, exempt some larger developments from state review, and allow for extension of development approvals and permits.

House Bill 7129 and Senate Bill SB1122, which would reduce the state's role in comprehensive planning, are proceeding through committees on their way to a vote. The legislation would change requirements of local comprehensive plans, expand the expedited plan amendment process, and limit the scope of state review of local comprehensive plans. Certain areas of state required concurrency would be eliminated and local governments would have the choice to maintain or implement similar requirements at the local level. The bills would also prohibit referendum processes in regard to development orders or comprehensive plan amendments.

LEE PLAN UPDATE APPROVED

In March, Lee County Commissioners approved the Lee Plan Evaluation and Appraisal Report, implementing a new vision for growth in the County through 2035. Once the Report is approved by the Florida Dept. of Community Affairs the County will begin amending the county's comprehensive plan. The report is online at www.leegov.com/dcd/ComprehensivePlanning/EAR/EARReport.htm.

"HOMETOWN DEMOCRACY" ENDS

On March 8 St. Petersburg Beach voters repealed city amendments that required voter approval of any changes to land use plans. The local version of "Hometown Democracy" was adopted in 2006, resulting in costly lawsuits and impeding economic development in the city.

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LEGISLATIVE UPDATE

- 1. Septic Tank Inspection** - House Bill 13 and Senate Bill 1698 would repeal the mandatory septic tank inspection regulation passed last year (SB 550). Both bills have passed numerous committees and appear headed for a vote by both houses. Supported by Florida Homebuilders Association and other business groups.
- 2. Property Rights** - House and Senate Judiciary Committees have passed property rights bills (SB 998 and HB 701), which would strengthen property rights protections afforded by the Bert Harris Act and reduce unnecessary litigation by municipalities.
- 3. Property Assessments** - House Bills 368 and 1163 would prohibit increases in assessed value of homestead and specified nonhomestead property if the just value of the property decreases. Also reduces amount that valuation of nonhomestead residential property may exceed valuation of prior year.
- 4. Florida's One-Stop Business Connect Act** - House Bill 187 would streamline issuance of licenses, certifications, and registrations by state agencies by jointly conducting review of state's requirements. Would also examine feasibility of establishing a single online portal for accessing requirements for starting, licensing, and operating a business.
- 5. Residential Building Permits** - House Bill 407 would prohibit local governments from requiring certain types of inspections as a condition to issuing a residential building permit. Now in Economic Affairs Committee.
- 6. Water Management Requirements** - House Bill 421 establishes agricultural-related exemptions to water management requirements; provides Dept. of Agriculture & Consumer Services exclusive authority to determine whether activities qualify for exemption; and provides exemption for converted agricultural lands. Bill is proceeding through committee approvals. Related Senate Bill 1174 has passed 2 committees and is now in Budget Committee.

Action on these bills may be tracked at the websites for the Florida [Senate](#) and [House of Representatives](#).

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