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Sean Ellis, Esq., LEED AP  
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Janie Hooker  
Steve Hurley

Vikki Luft  
Matt Rocco  
Shelton Weeks, PhD  
Steven C. Hartsell, Esq.

## BOARDROOM REPORT

### News from recent REIS board meetings

**Luncheon Programs:**

Land use authority Ron Weaver will be the featured speaker at the June luncheon meeting and will discuss the politics of concurrency. Meeting is sponsored by Tom James of Southwest Florida.

The July meeting will feature a presentation on real estate tax strategies by tax consultant Matt Lister. Meeting is sponsored by Compass Construction.

Sponsorship of future meetings is available. Contact Steve Hurley, 337-3330, for details.

**Scholarship Programs:**

Two scholars have been approved for scholarships to be awarded in the fall, however the REIS Scholarship Foundation lacks about \$1,000 to fund the awards. 100% of contributions to the Foundation are awarded as scholarships. Details at [www.reis-swfl.org](http://www.reis-swfl.org) or from Shelton Weeks, 590-7373.

**Education Seminar:**

Chairman Matt Rocco is developing a program that will focus on capital sources, valuation methods, legal issues, tax strategies, and financing techniques suited for current market conditions. The half-day program is tentatively slated for Sept. 3. Details will be forthcoming. Contact Matt, 947-5077, for sponsorship opportunities.

**Annual Social Event:**

The REIS annual social event will return to The Edison, at Fort Myers Country Club, on November 12. Exciting new themes, menus, and entertainment options are in the works. Contact Chairpersons Janie Hooker, 489-4066, and Vikki Luft, 542-7118, for sponsorship opportunities.

**REIS Web Site:**

One banner ad remains available on the home page of the REIS web site, which is generating outstanding traffic. Contact Bill Burdette, 936-1404, for details.

## LET'S MIX IT UP ONE MORE TIME!

Members of REIS will gather with members of other real estate development organizations for a social mixer at Royal Palm Yacht Club in Fort Myers on Wednesday, July 8. The mixer features complimentary appetizers and a cash bar from 5:30 to 7:30. No admission and no reservations required. REIS will be joined by AIA Florida Southwest, Commercial Contractors Council (CCC), and Construction Specifications Institute (CSI) Florida Southwest Chapter.

**Legislative / Regulatory Action:**

Lee County Land Development Code (LDC) amendments are scheduled for public hearings with Commissioners at 5:05 pm, June 9 and 23, in Commission Chambers of Courthouse. View proposed amendments at <http://www3.leegov.com/dcd/>

Lee County is increasing building permit fees, effective June 1. View new fees at <http://www3.leegov.com/dcd/>.

Lee County Comprehensive Plan amendments were approved by the state and became effective the end of May. On line at <http://www3.leegov.com/dcd/>

Lee County Local Planning Agency (LPA) to review proposed Comp Plan changes for the Density Reduction / Groundwater Recharge (DR/GR) area, 8:30 am June 22 in Commission Chambers of Courthouse.

South Lee County Watershed Study Update to be considered at Governing Board Workshop of South Florida Water Management District (SFWMD) at 10 am on June 11, at Edison State College Conference Center in Naples. More information at [www.sfwmd.gov](http://www.sfwmd.gov). (> Regional Service Centers > Lower West Coast > Local Government Newsletter).

**Sharon Heston seriously ill**

Sharon, long time manager of REIS event registrations, is at Mayo Clinic in Jacksonville. Cards may be sent to Sharon Heston, 7831Tory Place, Jacksonville, FL 32208.



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## KEY FLORIDA LEGISLATIVE ISSUES:

### Growth Management Reform - Adopted:

Senate Bill 360 expedites comp plan review, extends permits 2 years, and removes the current transportation concurrency requirements and encourages development in urban areas. Also eliminates the current system of funding transportation impacts, and exempt the DRI review process for large projects. Applies to specific high-density urban areas. See article on next page. Effective immediately.

### Impact Fee Reform - Adopted:

House Bill 0227, sponsored by Rep. Gary Aubuchon, and companion Senate Bill 0580 place a 2-year freeze on impact fee increases and hold local governments responsible for defending fees. Effective July 1.

### Expedited Permitting - Adopted:

House Bill 073 requires expedited permitting for economic development projects and provide time limits for permit approval or denial. Effective July 1.

### Property Tax Rate Cap - Approved:

Places a constitutional amendment on the 2010 ballot which would limit the annual increase in ad valorem taxes on commercial and non-homestead properties to 5%. If it passes, it would become effective Jan. 1, 2011 and apply to properties purchased after Jan. 1, 2010.

### Property Tax Challenges - Adopted:

House Bill 521 lowers the burden of proof required by owners to overcome a property appraiser's valuation. Effective immediately.

### Documentary Stamp Tax - Adopted:

Senate Bill 2430 closes the "Crescent Loophole" and imposes the documentary stamp tax on the transfer of an interest in a conduit entity which occurs within 3 years of the transfer of real property to that entity. The tax is calculated based on the consideration for the transfer, which includes money paid or agreed to be paid, the discharge of an obligation, and the amount of any mortgage or other encumbrance. Previously, under the "Crescent Loophole," certain transfers of interests in corporate entities which own real property were not subject to the documentary stamp tax.

## LEGISLATIVE UPDATE

State Legislators Garrett Richter, Gary Aubuchon, and Matt Hudson, will provide an overview of the recent legislative session, with a focus on issues affecting business and development. Presented by the American Institute of Architects (AIA) Southwest Florida Chapter. June 24, 8 - 11:30 am, at Florida Gulf Coast University, Student Union Ballroom A. General admission is \$25 if registered before June 17 and \$30 afterwards. Student rate is \$15. Admission is \$10 extra for professionals wishing to receive CE credits. [www.aiaflasw.org](http://www.aiaflasw.org)

## FLORIDA STIMULUS PROGRAM

The Florida Office of Economic Recovery will present an open public forum, "Energizing Florida's Economy: A Report On Florida Stimulus," in Fort Myers on June 16. The 1-hour program begins at 1:45 at Hodges University, Room 364, 4501 Colonial Blvd. Information on funding opportunities will be available.

An estimated \$14 billion in stimulus funds is expected to flow through state agencies and an additional \$1.2 billion channeled to local governments and other agencies over the next 2 years. Half of the state's \$1.4 billion investment in transportation infrastructure must be under contract by early July and the rest under contract a year later.

**Getting your share:** The first step is to register as a vendor with state and local offices. The Florida Office of Economic Recovery, <http://www.flarecovery.com>, provides guidelines, resources, links, and applications. You may register as a vendor at My Florida Marketplace, <http://www.dms.myflorida.com/mfmp>.

## COLLIER OFFICES ON 4-DAY WEEK

Collier County's Community Development and Environmental Services Division (CDES) plans to close the North Horseshoe Drive offices on Fridays, beginning June 12. This includes building, zoning, engineering, environmental, cashing, impact fees and other support activities. Comprehensive Planning, Code Enforcement, private utilities, and regulatory operations will continue on a 40-hour work week. Construction inspections may be ordered under a "time specified" basis at \$120 per inspection and minimum 2 hours service at \$50 per hour.

The REIS June Luncheon is sponsored by



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(239) 936-1404 or [bill@burdetteinc.com](mailto:bill@burdetteinc.com)

## COMMUNITY RENEWAL ACT

The Community Renewal Act (SB 360) was signed into law June 1. The Act provides some important incentives for development in urban areas and affordable housing.

### Two Year Extension of Permits

Applies to Water Management District, Florida Dept. of Environmental Protection (DEP), local development order and local building permits that expire between Sept. 1, 2008 and Jan. 1, 2012. Permit holder must provide written notification to the issuing agency by Dec. 31, 2009 of their intention to utilize the extension and apply for a time frame for action.

### Transportation Concurrency Exception Areas (TCEAs)

Applies to "Dense Urban Land Areas": municipalities with an average of 1,000+ people per square mile and minimal total population of 5,000; counties with an average of 1,000+ people per square mile; and counties with at least 1 million population. Counties or municipalities that do not qualify as Dense Urban Land Areas may also qualify by designating TCEAs in their comprehensive plans in their community redevelopment areas, downtown revitalization areas, urban infill and redevelopment areas, and urban service areas.

### Mobility Fee

Act recognizes the failings of the current transportation concurrency system and prefers a mobility fee based on the impact of the development. Dept. of Transportation and Dept. of Community Affairs will conduct joint study on replacing transportation concurrency with mobility fee. Joint report due to Legislature leaders Dec. 1, 2009.

### Impact Fees

Ninety day notice no longer required for decrease, suspension or elimination of impact fees.

### Development of Regional Impact (DRI) Exemption

Applies to Dense Urban Land Areas and similar designated areas. Developers with current DRI approvals may opt out of the process, with certain conditions.

## HOMETOWN DEMOCRACY LOOMS

The Hometown Democracy movement appears certain to achieve enough petition signatures to include the amendment on the 2010 ballot. If approved, it would amend the Florida constitution to require voter approval for changes to local land use plans.

The Hometown Democracy process has been experienced in St. Petersburg Beach since 2004, when Citizens for Responsible Growth succeeded in getting a number of local referenda on the ballot to derail the city's proposed comprehensive plan. The resulting legal battles have had devastating effects on the city's planning efforts and budgets. Information at [www.florida2010.org](http://www.florida2010.org)

## FORECLOSURE FILING FEES RAISED

Lee County's Clerk of the Courts instituted new filing fees for Circuit Court Civil Cases, effective June 1.

Foreclosures & other real property cases:

- under \$50,000 = \$400
- between \$50,000 and \$250,00 = \$905
- over \$250,000 = \$1,905

Cross claim, Counterclaim, Counterpetition or Third Party Complaints with Foreclosures & Real Property cases:

- under \$50,000 = \$395
- between \$50,000 and \$250,000 = \$900
- over \$250,000 = \$1,900

## PERMITS MAY BE REINSTATED

Lee County Community Development staff has recommended that Commissioners extend the special reinstatement provisions now in effect for expired residential and commercial permits beyond the current June 1 deadline. The new deadline would be June 1, 2010. In addition, staff recommends that the expiration period be extended to permits that expired between Jan. 1, 2006 to Dec. 31, 2009. The current expiration period ended Dec. 31, 2008.

Original ordinance allowed permits that expired before Dec. 31, 2008 to be reinstated to the status held when the permit was first issued and not be required to pay impact fee increases. Fee for this special reinstatement is \$100.

### NOTICE

**Upcoming Public Hearings and Meetings  
On Legislative and Regulatory Issues  
Of interest to the real estate investment and  
development community are posted on  
[www.reis-swfl.org](http://www.reis-swfl.org)**

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